

**ALLEGANY COUNTY
INDUSTRIAL DEVELOPMENT AGENCY**

Crossroads Commerce Center
April 14, 2022
10:00 a.m.

https://www.youtube.com/channel/UCXJ1KZ_F90Z77-JQxeHzDXQ?

AGENDA

Approval of Minutes

Board Minutes March 10, 2022

Treasurer's Report

- Abstract Report – Expenses April
- Banking & Financial Summary April

Building Maintenance Report

Executive Session- discussion of contractual/legal issue

Action Items

- Resolution Authorizing Release of Certain Acreage OYA Independence East LLC Project
- Resolution Authorizing Release of Certain Acreage OYA Independence Road LLC Project
- Resolution Authorizing Release of Certain Acreage Swain Recreation Center, L.L.C Project
- Resolution to set public hearing – ARVOS Ljungstrom Project
- Resolution to set public hearing – OYA Chenunda Creek LLC
- Resolution Notice of Intent to act as Lead Agency under SEQRA – OYA Chenunda Creek LLC

Old Business

- Review of Hume Solar project
- Other Solar project updates
- Microenterprise Grant – next phase
- Update Crossroads engineering study
- Status small business grant CBDG CARES act program

New Business

Good of the Order

**Next Meeting / Adjournment
OPEN ACUC MEETING**

2022 April IDA Account Balances - As of 4/18/2022

| Account | 4/18/2022 Balance |
|---------------------------------|----------------------|
| Bank Accounts | |
| Community Checking IDA | 149,906.05 |
| First Citizens-IDA | 333,867.42 |
| TOTAL Bank Accounts | 483,773.47 |
| Liability Accounts | |
| Crossroads Mortgage | -191,338.48 |
| OFA Mortgage | -426,316.71 |
| TOTAL Liability Accounts | -617,655.19 |
| OVERALL TOTAL | -133,881.72 |

2022- APRIL IDA Banking Summary

1/1/2022 through 4/18/2022

| Category | 1/1/2022- 4/18/2022 |
|----------|------------------------|
|----------|------------------------|

INCOME

| | |
|--------------------------------------|-------------------|
| Crossroads-Income | |
| Conference Room Fees | 1,575.00 |
| Rental Income | |
| AC Area Foundation | 1,575.00 |
| AC DEV-PLN-TOURISM | 11,184.00 |
| AC EMS-EMT's | 18,030.00 |
| Audio Care | 1,350.00 |
| Venture Forthe | 1,200.00 |
| TOTAL Rental Income | 33,339.00 |
| TOTAL Crossroads-Income | 34,914.00 |
| IDA Income | |
| Microenterprise Grant Award | 38,147.24 |
| Park N Ride Parking Lot | 10.00 |
| PIL OT Application fee payment | 1,500.00 |
| Refunds | 21.68 |
| Rental Income - PM Research Building | 50,000.00 |
| TOTAL IDA Income | 89,678.92 |
| IDA PIL OT Fees | 1,000.00 |
| OFA - Income | |
| Rental Income | 34,800.00 |
| TOTAL OFA - Income | 34,800.00 |
| TOTAL INCOME | 160,392.92 |

EXPENSES

| | |
|----------------------------|-----------|
| ACUC - Expense | |
| Professional fees- Permits | 110.00 |
| Water Line Contractor Fees | 1,609.60 |
| Waterline Fees | |
| Utilities-Electric | 1,190.99 |
| Waterline Supplies | 10,896.71 |
| Waterline Water Usage | 7,668.00 |
| TOTAL Waterline Fees | 19,755.70 |
| TOTAL ACUC - Expense | 21,475.30 |
| Crossroads-Expense | |
| Annual Inspection | 243.00 |

2022- APRIL IDA Banking Summary

1/1/2022 through 4/18/2022

| Category | 1/1/2022- 4/18/2022 |
|-------------------------------------|------------------------|
| Cleaning | 2,687.54 |
| Supplies | 595.76 |
| TOTAL Cleaning | 3,283.30 |
| Insurance | |
| Property | 1,824.36 |
| TOTAL Insurance | 1,824.36 |
| Interest Expense | |
| Mortgage | 2,594.37 |
| TOTAL Interest Expense | 2,594.37 |
| Maintenance | 3,400.00 |
| Other | 1,035.75 |
| TOTAL Maintenance | 4,435.75 |
| Refuse | 396.40 |
| Utilities | |
| Electric | 8,127.13 |
| Heat | 6,225.12 |
| Water Machine | 225.00 |
| Water Maintenance Chlorine-Salt | 1,172.50 |
| Water Yr Equipment Maintenance | |
| Water Service Equipment replac... | 74.75 |
| TOTAL Water Yr Equipment Mai... | 74.75 |
| TOTAL Utilities | 15,824.50 |
| TOTAL Crossroads-Expense | 28,601.68 |
| IDA-Expense | |
| Advertising | 532.41 |
| Awards-Grants | 3,134.74 |
| Microenterprise Grant Draw #6 | 2,600.00 |
| Microenterprise Grant Draw #8 | 17,912.50 |
| TOTAL Awards-Grants | 23,647.24 |
| Insurance | |
| Directors & Officers | 2,881.00 |
| Truck Stop; Parking Lot; Friendship | 5,312.57 |
| TOTAL Insurance | 8,193.57 |
| Interest Expense | |
| Equity Loan #6 | 3,269.20 |
| TOTAL Interest Expense | 3,269.20 |
| Office Supplies | 61.94 |

2022- APRIL IDA Banking Summary

1/1/2022 through 4/18/2022

| Category | 11/1/2022- 4/18/2022 |
|-----------------------------------|-------------------------|
| Professional fees | |
| Accounting | 15,621.68 |
| Consulting | 1,375.00 |
| Legal | 83,515.30 |
| Permits | 110.00 |
| TOTAL Professional fees | 100,621.98 |
| Tax | |
| County & Town Taxes | 33.74 |
| Fire Protection Tax | 496.62 |
| TOTAL Tax | 530.36 |
| TOTAL IDA-Expense | 136,856.70 |
| OFA - Expense | |
| Annual Inspection | 243.00 |
| Cleaning | 2,673.42 |
| Supplies | 628.12 |
| TOTAL Cleaning | 3,301.54 |
| Insurance | 907.50 |
| Property | 916.86 |
| TOTAL Insurance | 1,824.36 |
| interest | |
| mortgage | 5,229.93 |
| TOTAL interest | 5,229.93 |
| Maintenance | 1,650.00 |
| Other | 210.54 |
| TOTAL Maintenance | 1,860.54 |
| Refuse | 396.40 |
| supplies | 290.00 |
| Utilities | |
| Heat | 4,804.77 |
| Late charges | 0.00 |
| Water Machine | 225.00 |
| Water Maintenance-Chlorine & Salt | 1,172.50 |
| TOTAL Utilities | 6,202.27 |
| TOTAL OFA - Expense | 19,348.04 |
| TOTAL EXPENSES | 206,281.72 |

TRANSFERS

4/8/2022

2022- APRIL IDA Banking Summary

1/1/2022 through 4/18/2022

Page 4

| Category | 1/1/2022- 4/18/2022 |
|------------------------|------------------------|
| TO Crossroads Mortgage | -6,776.16 |
| TO OFA Mortgage | -6,710.99 |
| TOTAL TRANSFERS | -13,487.15 |
| OVERALL TOTAL | -59,375.95 |

4/8/2022

2022-April IDA Checking Abstract(Register)

3/17/2022 through 4/18/2022 (Accrual Basis)

Date Account Num Category

Memo

Page 1
Amount**INCOME****Allegany County Treasurer**

4/13/2022 Comm...ACH OFA - Income:Rental Income

OFA-VETS Lease - April 2022

50,413.50
14,501.00

4/13/2022 Comm...ACH Crossroads-Income:Rental Income:AC DEV-PLN-TO... PLN/DEV/TOURISM Crossroads Lease - April 2022

8,700.00

4/13/2022 Comm...ACH Crossroads-Income:Rental Income:AC EMS-EMT's EMS.OES ACIDA Crossrds Lease April 2022

2,796.00

Arvos Ljungstrom, LLC

3/18/2022 Comm...DEP IDA Income:PILOT Application fee payment

PILOT application fee ck#84127

500.00

Microenterprise Assistance Grant

3/31/2022 Comm...ACH IDA Income:Microenterprise Grant Award

#8-Microenterprise Grant Bigfoot Tree Care, LLC

35,012.50

Venture Forthe

3/18/2022 Comm...DEP Crossroads-Income:Rental Income:Venture Forthe

Lease: Mar 2022

35,012...

EXPENSES**Argentieri Brothers**

4/14/2022 Comm...1948 Crossroads-Expense:Cleaning

Linens / Rugs March 2022

-61,928.50
-46.80**Belmont Lumber & Hardware**

4/14/2022 Comm...1963 ----Split--

A297710/A298059/B298144/A297431/B298120 Maint Spls

-338.78

Buffamante Whipple Butafaro, PC

4/14/2022 Comm...1973 IDA-Expense:Professional fees:Accounting

Inv#919036 Client#40459/2021 IDA Audit charges

-10,000.00

Community Bank #1

4/1/2022 Comm...EFT ----Split--

Crossroads Mortgage-Acct #9300005901 Feb '22

-3,123.51

Community Bank #3

3/21/2022 Comm...EFT ----Split--

OFAVETS Mtg #1012104218 Mar'22-due 03-21-2022

-5,070.04

CPL ARCHITECTURE ENGINEERING PLANNING

4/14/2022 Comm...1966 IDA-Expense:Professional fees:Consulting

Inv#81318-Belmont Travel Center Traffic Study

-5,070...

Evans Agency

4/14/2022 Comm...1951 IDA-Expense:Insurance:Truck Stop; Parking Lot; Fire... Policy#MP0031003010628-Inv. 272377 3/17/22-3/17/23

-1,375.00

4/14/2022 Comm...1952 IDA-Expense:Insurance:Directors & Officers #POL0951309 Public Officials bal due Jan 21,2022 to Jan 21,20...

-1,375...

H. Sichertman

3/31/2022 Comm...1946 IDA-Expense:Awards-Grants:Microenterprise Grant ... Microenterprise Grant Administration Draw#8 Admin/program ch... -5,012...

-5,012.50

Hodgson Russ LLP

4/14/2022 Comm...1953 IDA-Expense:Professional fees:Legal

Inv1144177/IDA General Business matters

-822.60

Justin Hilly

3/31/2022 Comm...1947 IDA-Expense:Awards-Grants:Microenterprise Grant ... Microenterprise Draw #8

-822.60

LaForge Disposal

4/14/2022 Comm...1967 ----Split--

Acct#951-Disposal Service-Apr 2022

-1,900...

Pertech, KNW Sales, LLC-209.42
-5,383.66

4/8/2022

2022-April IDA Checking Abstract(Register) 3/17/2022 through 4/18/2022 (Accrual Basis)

Page 2

| Date | Account Num | Category | Memo | Amount |
|--------------------------------------|--------------|---|--|-------------------|
| 4/14/2022 | Comm... 1965 | ACUC - Expense:Waterline Fees:Waterline Supplies | Inv#9755/9756/9757/9758/9763 Waterline Supplies | -5,383... |
| Philip Barr | | | | -420.00 |
| 3/31/2022 | Comm... 1945 | IDA-Expense:Awards-Grants:Microenterprise Grant ... | Microenterprise Grant award #8 | -420.00 |
| Pro Clean Solutions | | | | -1,683.83 |
| 4/14/2022 | Comm... 1968 | Split-- | Inv#INV52260-Cleaning & Spis Mar '21 | -1,683... |
| RG&E | | | | -5,232.23 |
| 4/4/2022 | Comm... EFT | ACUC - Expense:Waterline Fees:Utilities-Electric | Acct# 200315254110-(1/27-3/24/22)Waterline Electric | -278.82 |
| 4/4/2022 | Comm... EFT | Crossroads-Expense:Utilities-Electric | Acct#2002-2506-867/2/22to 3/23/22-Crossrds Electric | -4,741... |
| 4/14/2022 | Comm... 1969 | ACUC - Expense:Waterline Fees:Utilities-Electric | Acct#2002-9438-684/2/26/22-3/24/22 ACUC Electric | -211.45 |
| Rinker Oil | | | | -1,419.34 |
| 4/14/2022 | Comm... 1957 | Crossroads-Expense:Utilities-Heat | Inv#409772/410470/Acct#6869-Mar'22 | -1,419... |
| Root Water Well Specialists | | | | -74.75 |
| 4/14/2022 | Comm... 1958 | Crossroads-Expense:Utilities-Water Yr Equipment Ma... | Inv #5536 - Chlorine& delivery fee | -74.75 |
| Scott Heating Services | | | | -723.85 |
| 4/14/2022 | Comm... 1959 | Crossroads-Expense:Maintenance:Other | Crossrds Heater Air Handler repair & labor | -723.85 |
| Shorts Oil & Propane | | | | -973.58 |
| 4/14/2022 | Comm... 1971 | Split-- | #1037435/128993/1037435 OFA propane- Feb & Mar '22 | -973.58 |
| Slack Chemical Co | | | | -69.30 |
| 4/14/2022 | Comm... 1961 | ACUC - Expense:Waterline Fees:Waterline Supplies | Inv435016 Tamper evident cap/Superchlor waterline sps | -69.30 |
| Smouse Trucks & Vans, Inc | | | | -10,580.00 |
| 3/31/2022 | Comm... 1943 | IDA-Expense:Awards-Grants:Microenterprise Grant ... | Microenterprise Grant award #8 | -10,58... |
| Stephen Thorpe | | | | -1,500.00 |
| 4/14/2022 | Comm... 1962 | Split-- | Contractual Bldg Main/Repairs:March 2022 | -1,500... |
| Town of Armit | | | | -33.74 |
| 4/14/2022 | Comm... 1970 | IDA-Expense:Tax:County & Town Taxes | 022889;158.-1-3.2 2022-Town/County Tax | -33.74 |
| Wilkins Ultra Pure, LLC | | | | -90.00 |
| 4/7/2022 | Comm... 1972 | Split-- | Acct#951-Inv#26532-Mo Water Filtration system May'22 Mainte... | -90.00 |

OVERALL TOTAL -11,515.00

2022-April CRC Account Balance - As of 4/18/2022

| Account | | 4/18/2022 Balance |
|-----------------------------|--|----------------------|
| Bank Accounts | | |
| CRC (Capital Resource Corp) | | 114,276.42 |
| TOTAL Bank Accounts | | 114,276.42 |
| OVERALL TOTAL | | 114,276.42 |

2022-April CRC Banking Summary

1/1/2022 through 4/18/2022

| Category | 1/1/2022- 4/18/2022 |
|----------|------------------------|
|----------|------------------------|

INCOME

| | |
|--------------------|------------|
| CRC - Income | |
| Bond Fees | 113,425.00 |
| TOTAL CRC - Income | 113,425.00 |
| TOTAL INCOME | 113,425.00 |

EXPENSES

| | |
|-------------------|------------|
| CRC-Expense | |
| Bank Fees | 40.00 |
| TOTAL CRC-Expense | 40.00 |
| TOTAL EXPENSES | 40.00 |
| OVERALL TOTAL | 113,385.00 |

4/8/2022

2022-CRC Check Register

1/1/2022 through 4/18/2022 (Accrual Basis)

Page 1

| Date | Account | Num | Category | Memo | Amount |
|----------------------|--------------------|---|----------|------|-------------------|
| INCOME | | | | | 113,425.00 |
| Houghton College | | | | | 113,425.00 |
| 3/16/2022 | CRC (... Wire Tran | CRC - Income: Bond Fees 2022- Bond project wire transfer pymt | | | 2,175.00 |
| 3/16/2022 | CRC (... Wire Tran | CRC - Income: Bond Fees 2022- Bond project wire transfer pymt | | | 111,250.00 |
| EXPENSES | | | | | -40.00 |
| Community Bank | | | | | -40.00 |
| 3/16/2022 | CRC (... Bank fee | CRC-Expense: Bank Fees 2022- Bond project wire transfer fee | | | -20.00 |
| 3/16/2022 | CRC (... Bank fee | CRC-Expense: Bank Fees 2022- Bond project wire transfer fee | | | -20.00 |
| OVERALL TOTAL | | | | | 113,385.00 |

**RESOLUTION AUTHORIZING RELEASE OF CERTAIN ACREAGE
OYA INDEPENDENCE EAST LLC PROJECT**

A regular meeting of Allegany County Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at Crossroads Commerce & Conference Center located at 6087 State Route 19 North in the Village of Belmont, Allegany County, New York on April 14, 2022 at 10:00 o'clock a.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

| | |
|--------------------|------------------|
| Richard Ewell | Chairman |
| Judy Hopkins | Vice Chairperson |
| Randy Shayler | Secretary |
| Douglas Frank | Treasurer |
| John Ricci | Member |
| Ward "Skip" Wilday | Member |

Each of the members present participated in the meeting either in person or remotely pursuant to the signing into law on September 2, 2021 of Chapter 417 of the Laws of 2021, as amended by Chapter 1 of the Laws of 2022 signed into law on January 14, 2022.

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

| | |
|-----------------------------|---------------------|
| Craig R. Clark, P.E., Ph.D. | Executive Director |
| Pam Common | Recording Secretary |
| Daniel A. Spitzer, Esq. | Agency Counsel |

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. 0422-01

RESOLUTION CONSENTING TO AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS WITH RESPECT TO THE RELEASE OF A CERTAIN ACREAGE OF LAND LOCATED IN THE TOWN OF INDEPENDENCE, ALLEGANY COUNTY, NEW YORK FROM THE LEASE AGREEMENT AND OTHER DOCUMENTS IN CONNECTION WITH THE OYA INDEPENDENCE EAST LLC PROJECT.

WHEREAS, Allegany County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of

Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 99 of the 1973 Laws of New York, as amended, constituting Section 906-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, on March 31, 2021 (the "Closing"), the Agency granted certain financial assistance to OYA Independence East LLC (the "Company") in connection with a project (the "Project"), said Project consisting of the following: (A) (1) the acquisition of an interest in two (2) parcels of land containing in the aggregate approximately 152 acres located at 1669 County Road 22 (tax map numbers 268.-1-15.21 and 268.-1-15.11) in the Town of Independence, Allegany County, New York (collectively, the "Land"), (2) the construction on the Land of a 5MWAC/7.5MWDC solar energy generating facility, including panels, racking, inverters, electrical cables, battery storage, access roads, site preparation, grid interconnection, and other required improvements (collectively, the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the "Equipment"), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease of the Project Facility to the Company pursuant to the terms of a lease agreement dated as of March 1, 2021 (the "Lease Agreement") by and between the Agency and the Company; and

WHEREAS, simultaneously with the execution and delivery of the Lease Agreement, (A) the Company executed and delivered to the Agency a certain lease to agency dated as of March 1, 2021 (the "Lease to Agency") by and between the Company, as landlord, and the Agency, as tenant, pursuant to which the Company leased to the Agency a portion of the Land and all improvements now or hereafter located on said portion of the Land (collectively, the "Leased Premises"); (B) the Company and the Agency executed and delivered (1) a certain payment in lieu of tax agreement dated as of March 1, 2021 (the "Payment in Lieu of Tax Agreement") by and between the Agency and the Company, pursuant to which the Company agreed to pay certain payments in lieu of taxes with respect to the Project Facility and (2) a certain recapture agreement (the "Section 875 GML Recapture Agreement") by and between the Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes; (C) the Agency and the Company executed and delivered the uniform agency project agreement dated as of March 1, 2021 (the "Uniform Agency Project Agreement") by and between the Agency and the Company relating to the terms of the granting by the Agency of the Financial Assistance to the Company; (D) the Agency filed with the assessor and mailed to the chief executive officer of each "affected tax jurisdiction" (within the meaning of such quoted term in Section 854(16) of the Act) a copy of a New York State Board of Real Property Services Form 412-a (the form required to be filed by the Agency in order for the Agency to obtain a real property tax exemption with respect to the Project Facility

under Section 412-a of the Real Property Tax Law) (the "Real Property Tax Exemption Form") relating to the Project Facility and the Payment in Lieu of Tax Agreement; (E) the Agency executed and delivered to the Company a sales tax exemption letter (the "Sales Tax Exemption Letter") to ensure the granting of the sales tax exemption which forms a part of the Financial Assistance and (F) the Agency filed with the New York State Department of Taxation and Finance the form entitled "IDA Appointment of Project Operator or Agent for Sales Tax Purposes" (the form required to be filed pursuant to Section 874(9) of the Act) (the "Thirty-Day Sales Tax Report") (the Lease Agreement and all the foregoing documents collectively referred to as the "Basic Documents"); and

WHEREAS, by request dated March 17, 2022 (the "Request"), which Request is attached hereto to Exhibit A, the Agency was notified by the Company that as the Project is near the construction phase, the acreage of Leased Premises is being decreased from approximately 55 acres to 33.59 acres and therefore the Company would like to amend the Basic Documents to reflect this decrease; and

WHEREAS, pursuant to Section 9.3 of the Lease Agreement, the consent of the Agency is required prior to the release of the approximately 20 acres from the Project Facility (the "Release"); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act"), and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations", and collectively with the SEQR Act, "SEQRA"), it appears that the Release is not an "Action" under SEQRA and therefore is not subject to a SEQRA review by the Agency;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Pursuant to SEQRA, the Release is not an "Action" under SEQRA and therefore is not subject to SEQRA review by the Agency.

Section 2. At the request of the Company, the Agency hereby consents to the Release and the execution of any documents necessary to effectuate the Release and the modification of the Basic Documents in connection therewith (collectively, the "Release Documents"); provided, however, that such consent is contingent upon (A) approval by Agency Counsel to the forms of the Release Documents, (B) compliance with the terms and conditions contained in the Basic Documents (as defined in the Lease Agreement), (C) evidence satisfactory to the Agency that all taxes and other local fees and assessments relating to the Parcel, if any, have been paid by the Company, and (D) the payment by the Company of the administrative fee of the Agency, if any, and all other fees and expenses of the Agency in connection with the delivery of the Release Documents, including the fees of Agency Counsel.

Section 3. Subject to the satisfaction of the conditions described in Section 2 hereof, the Chairman (or Vice Chairperson) of the Agency is hereby authorized to execute and deliver the Release Documents and the modified Basic Documents to reflect the Release, and, where appropriate, the Secretary of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chairman (or Vice Chairperson) shall approve, the execution thereof by the Chairman (or Vice Chairperson) to constitute conclusive evidence of such approval.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for

by the provisions of the Release, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Release.

Section 5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|--------------------|--------|-------|
| Richard Ewell | VOTING | _____ |
| Judy Hopkins | VOTING | _____ |
| Randy Shayler | VOTING | _____ |
| Douglas Frank | VOTING | _____ |
| John Ricci | VOTING | _____ |
| Ward "Skip" Wilday | VOTING | _____ |

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
)SS.:
COUNTY OF ALLEGANY)

I, the undersigned Secretary of Allegany County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on April 14, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) (A) all members of the Issuer had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Chapter 417 of the Laws of 2021, as amended (the "2022 Laws"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given; and (D) there was a quorum of the members of the Issuer, either in person or attending remotely in accordance with the 2022 Laws, throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 14th day of April, 2022.

Secretary

(S E A L)

EXHIBIT A

REQUEST

- SEE ATTACHED -

Zeigler, Nadene E.

From: Spitzer, Daniel A.
Sent: Thursday, March 17, 2022 10:09 AM
To: Zeigler, Nadene E.
Subject: FW: Independence East - Request for approval to amend solar ground lease
Attachments: First Amendment to Solar Ground Lease - Independence East (March 15, 2022).docx; INDEPENDENCE EAST ALTA_Fence area.pdf

Any issues with this?

From: Bernadette Corpuz <bernadette.corpuz@oyaventures.com>
Sent: Thursday, March 17, 2022 12:59 AM
To: Spitzer, Daniel A. <DSpitzer@hodgsonruss.com>
Subject: Independence East - Request for approval to amend solar ground lease

External Email - Use Caution

Hi Dan,

Further to our recent text strings, this confirms that OYA Solar would like to request approval from the Allegany County IDA to amend certain of the PILOT agreement documents for the OYA Independence East LLC project (the Independence East Project). The Independence East Project is nearing the start of construction, and consequently, we have been able to narrow the leased premises required from approximately 55 acres to 33.59 acres. The ground lease amendment provides for (a) an amended legal description for the leased premises that are being narrowed to the project boundary, and (b) set out legal descriptions for necessary access and utility easements.

To this end, please find attached the following documents:

- (1) Draft First Amendment to Solar Ground Lease; and
- (2) An updated survey.

We will also need to make a similar request for the Independence Road project, and I expect to have the same documents for this project in the next day or so.

Will this require a submission to the IDA board? I am also wondering about the required lead time.

Regards,
Bernadette



Bernadette Corpuz
General Counsel
OYA Solar

Phone: 416-840-3358 ext.122
Email: bernadette.corpuz@oyaventures.com
Website: www.oyasolar.com
Address: 144 Front St. West, Suite 310, Toronto, ON M5J 2L7

**RESOLUTION AUTHORIZING RELEASE OF CERTAIN ACREAGE
OYA INDEPENDENCE ROAD LLC PROJECT**

A regular meeting of Allegany County Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at Crossroads Commerce & Conference Center located at 6087 State Route 19 North in the Village of Belmont, Allegany County, New York on April 14, 2022 at 10:00 o'clock a.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

| | |
|--------------------|------------------|
| Richard Ewell | Chairman |
| Judy Hopkins | Vice Chairperson |
| Randy Shayler | Secretary |
| Douglas Frank | Treasurer |
| John Ricci | Member |
| Ward "Skip" Wilday | Member |

Each of the members present participated in the meeting either in person or remotely pursuant to the signing into law on September 2, 2021 of Chapter 417 of the Laws of 2021, as amended by Chapter 1 of the Laws of 2022 signed into law on January 14, 2022.

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

| | |
|-----------------------------|---------------------|
| Craig R. Clark, P.E., Ph.D. | Executive Director |
| Pam Common | Recording Secretary |
| Daniel A. Spitzer, Esq. | Agency Counsel |

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. 0422-02

RESOLUTION CONSENTING TO AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS WITH RESPECT TO THE RELEASE OF A CERTAIN ACREAGE OF LAND LOCATED IN THE TOWN OF INDEPENDENCE, ALLEGANY COUNTY, NEW YORK FROM THE LEASE AGREEMENT AND OTHER DOCUMENTS IN CONNECTION WITH THE OYA INDEPENDENCE ROAD LLC PROJECT.

WHEREAS, Allegany County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of

Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 99 of the 1973 Laws of New York, as amended, constituting Section 906-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, on March 31, 2021 (the "Closing"), the Agency granted certain financial assistance to OYA Independence Road LLC (the "Company") in connection with a project (the "Project"), said Project consisting of the following: (A) (1) the acquisition of an interest in two parcels of land (tax map numbers 254.-3-23 & 254.-3-16.1) located at 1644 Hallsport-Independence Road in the Town of Independence, Allegany County, New York (the "Land"), (2) the construction of an approximately 5 MW AC solar energy generating facility with a 15 mWh of battery storage energy storage facility, including panels, racking, inverters, electrical cables, battery storage, grid interconnection, site preparation, access roads and any other required improvements (all said improvements being collectively referred to as the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the "Equipment"), all of the foregoing to constitute a solar energy generating facility and energy storage facility to be owned and operated by the Original Company (the Land, Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease of the Project Facility to the Company pursuant to the terms of a lease agreement dated as of March 1, 2021 (the "Lease Agreement") by and between the Agency and the Company; and

WHEREAS, simultaneously with the execution and delivery of the Lease Agreement (A) the Company executed and delivered to the Agency a certain lease to agency dated as of March 1, 2021 (the "Lease to Agency") by and between the Company, as landlord, and the Agency, as tenant, pursuant to which the Company leased to the Agency a portion of the Land and all improvements now or hereafter located on said portion of the Land (collectively, the "Leased Premises"); (B) the Company and the Agency executed and delivered (1) a certain payment in lieu of tax agreement dated as of March 1, 2021 (the "Payment in Lieu of Tax Agreement") by and between the Agency and the Company, pursuant to which the Company agreed to pay certain payments in lieu of taxes with respect to the Project Facility and (2) a certain recapture agreement (the "Section 875 GML Recapture Agreement") by and between the Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes; (C) the Agency and the Company executed and delivered the uniform agency project agreement dated as of March 1, 2021 (the "Uniform Agency Project Agreement") by and between the Agency and the Company relating to the terms of the granting by the Agency of the Financial Assistance to the Company; (D) the Agency filed with the assessor and mailed to the chief executive officer of each "affected tax jurisdiction" (within the meaning of such quoted term in Section 854(16) of the Act) a copy of a New York State Board of Real Property Services Form 412-a (the form required to be filed by the Agency in order for the Agency to obtain a real property tax exemption with respect to the Project Facility

under Section 412-a of the Real Property Tax Law) (the "Real Property Tax Exemption Form") relating to the Project Facility and the Payment in Lieu of Tax Agreement; (E) the Agency executed and delivered to the Company a sales tax exemption letter (the "Sales Tax Exemption Letter") to ensure the granting of the sales tax exemption which forms a part of the Financial Assistance and (F) the Agency filed with the New York State Department of Taxation and Finance the form entitled "IDA Appointment of Project Operator or Agent for Sales Tax Purposes" (the form required to be filed pursuant to Section 874(9) of the Act) (the "Thirty-Day Sales Tax Report") (the Lease Agreement and all the foregoing documents collectively referred to as the "Basic Documents"); and

WHEREAS, by request dated April 8, 2022 (the "Request"), which Request is attached hereto to Exhibit A, the Agency was notified by the Company that as the Project is in the construction hearing phase, the acreage of Leased Premises is being decreased to the boundary of the Project and therefore the Company would like to amend the Basic Documents to reflect this decrease; and

WHEREAS, pursuant to Section 9.3 of the Lease Agreement, the consent of the Agency is required prior to the release of that certain acreage from the Project Facility (the "Release"); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act"), and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations", and collectively with the SEQR Act, "SEQRA"), it appears that the Release is not an "Action" under SEQRA and therefore is not subject to a SEQRA review by the Agency;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Pursuant to SEQRA, the Release is not an "Action" under SEQRA and therefore is not subject to SEQRA review by the Agency.

Section 2. At the request of the Company, the Agency hereby consents to the Release and the execution of any documents necessary to effectuate the Release and the modification of the Basic Documents in connection therewith (collectively, the "Release Documents"); provided, however, that such consent is contingent upon (A) approval by Agency Counsel to the forms of the Release Documents, (B) compliance with the terms and conditions contained in the Basic Documents (as defined in the Lease Agreement), (C) evidence satisfactory to the Agency that all taxes and other local fees and assessments relating to the Parcel, if any, have been paid by the Company, and (D) the payment by the Company of the administrative fee of the Agency, if any, and all other fees and expenses of the Agency in connection with the delivery of the Release Documents, including the fees of Agency Counsel.

Section 3. Subject to the satisfaction of the conditions described in Section 2 hereof, the Chairman (or Vice Chairperson) of the Agency is hereby authorized to execute and deliver the Release Documents and the modified Basic Documents to reflect the Release, and, where appropriate, the Secretary of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chairman (or Vice Chairperson) shall approve, the execution thereof by the Chairman (or Vice Chairperson) to constitute conclusive evidence of such approval.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for

by the provisions of the Release, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Release.

Section 5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|--------------------|--------|-------|
| Richard Ewell | VOTING | _____ |
| Judy Hopkins | VOTING | _____ |
| Randy Shayler | VOTING | _____ |
| Douglas Frank | VOTING | _____ |
| John Ricci | VOTING | _____ |
| Ward "Skip" Wilday | VOTING | _____ |

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
)SS.:
COUNTY OF ALLEGANY)

I, the undersigned Secretary of Allegany County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on April 14, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) (A) all members of the Issuer had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Chapter 417 of the Laws of 2021, as amended (the "2022 Laws"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given; and (D) there was a quorum of the members of the Issuer, either in person or attending remotely in accordance with the 2022 Laws, throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 14th day of April, 2022.

Secretary

(S E A L)

EXHIBIT A

REQUEST

- SEE ATTACHED -

Zeigler, Nadene E.

From: Spitzer, Daniel A.
Sent: Friday, April 8, 2022 12:49 AM
To: Zeigler, Nadene E.
Subject: FW: April 14th meeting - Allegany County IDA approval sought w/r/t Independence Road - First Lease Amendment and ALTA
Attachments: First Amendment to Solar Ground Lease - Independence Road.docx; INDEPENDENCE ALTA SURVEY (3-22-22).pdf

From: Bernadette Corpuz <bernadette.corpuz@oyaventures.com>
Sent: Friday, April 8, 2022 12:42 AM
To: Spitzer, Daniel A. <DSpitzer@hodgsonruss.com>
Cc: Danielle Parry <danielle.parry@oyaventures.com>; Glenn Frank <glenn.frank@oyasolar.com>; Yogesh Kumar <yogesh.kumar@oyasolar.com>; John McDonough <john.mcdonough@oyasolar.com>
Subject: April 14th meeting - Allegany County IDA approval sought w/r/t Independence Road - First Lease Amendment and ALTA

External Email - Use Caution

Dan,

This relates to the amendment requested for OYA Independence Road – the leased premises are being narrowed to the project boundary, meaning certain lands will be returned to the tax rolls. The attached is the amendment agreed to and executed in escrow, subject to the approval of the IDA.

Please let us know if there is anything additional information required. Glenn will have carriage over IDA matters generally, but on this file, please copy Danielle as well as she is very close to this project in particular.

Regards,
Bernadette



Bernadette Corpuz
General Counsel
OYA Solar

Phone: 416-840-3358 ext.122
Email: bernadette.corpuz@oyaventures.com
Website: www.oyasolar.com
Address: 144 Front St. West, Suite 700, Toronto, ON M5J 2L7

**RESOLUTION AUTHORIZING RELEASE OF CERTAIN PARCELS
SWAIN RECREATION CENTER, L.L.C. PROJECT**

A regular meeting of Allegany County Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at Crossroads Commerce & Conference Center located at 6087 State Route 19 North in the Village of Belmont, Allegany County, New York on April 14, 2022 at 10:00 o'clock a.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

| | |
|--------------------|------------------|
| Richard Ewell | Chairman |
| Judy Hopkins | Vice Chairperson |
| Randy Shayler | Secretary |
| Douglas Frank | Treasurer |
| John Ricci | Member |
| Ward "Skip" Wilday | Member |

Each of the members present participated in the meeting either in person or remotely pursuant to the signing into law on September 2, 2021 of Chapter 417 of the Laws of 2021, as amended by Chapter 1 of the Laws of 2022 signed into law on January 14, 2022.

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

| | |
|-----------------------------|---------------------|
| Craig R. Clark, P.E., Ph.D. | Executive Director |
| Pam Common | Recording Secretary |
| Daniel A. Spitzer, Esq. | Agency Counsel |

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. 0422-03

**RESOLUTION CONSENTING TO AND AUTHORIZING THE EXECUTION AND
DELIVERY OF CERTAIN DOCUMENTS WITH RESPECT TO THE RELEASE OF A
CERTAIN PARCELS OF LAND LOCATED IN THE TOWN OF GROVE,
ALLEGANY COUNTY, NEW YORK FROM THE LEASE AGREEMENT AND
OTHER DOCUMENTS IN CONNECTION WITH THE SWAIN RECREATION
CENTER, L.L.C. PROJECT**

WHEREAS, Allegany County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as

amended (the "Enabling Act") and Chapter 99 of the 1973 Laws of New York, as amended, constituting Section 906-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, on December 28, 2011 (the "Closing"), the Agency granted certain financial assistance to Swain Recreation Center, L.L.C. (the "Company") in connection with a project (the "Project"), said Project consisting of the following: (A) (1) the acquisition of an interest in parcels of land having an address of 2275 Main Street, County Road 24, in the Hamlet of Swain, Town of Grove, Allegany County, New York, tax parcel identification numbers: 33.-1-43.11, 32.-1-17, and 32.-1-16.1 (the "Land"), together with existing buildings (the "Existing Facilities") located thereon, (2) the renovation and reconstruction of the Existing Facilities; and (3) the acquisition and installation therein and thereon of certain machinery, equipment, and infrastructure (the "Equipment," and together with the Land and the Existing Facilities, being collectively referred to as the "Project Facility"), all of the foregoing to be owned by the Company and operated as a ski resort; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease of the Project Facility to the Company pursuant to the terms of a lease agreement dated as of December 1, 2011 (the "Lease Agreement") by and between the Agency and the Company; and

WHEREAS, simultaneously with the execution and delivery of the Lease Agreement (A) the Company executed and delivered to the Agency a certain lease to agency dated as of December 1, 2011 (the "Lease to Agency") by and between the Company, as landlord, and the Agency, as tenant, pursuant to which the Company leased to the Agency a portion of the Land and all improvements now or hereafter located on said portion of the Land (collectively, the "Leased Premises"); (B) the Company and the Agency executed and delivered a certain payment in lieu of tax agreement dated as of December 1, 2011 (the "Payment in Lieu of Tax Agreement") by and between the Agency and the Company, pursuant to which the Company agreed to pay certain payments in lieu of taxes with respect to the Project Facility; (C) the Agency filed with the assessor and mailed to the chief executive officer of each "affected tax jurisdiction" (within the meaning of such quoted term in Section 854(16) of the Act) a copy of a New York State Board of Real Property Services Form 412-a (the form required to be filed by the Agency in order for the Agency to obtain a real property tax exemption with respect to the Project Facility under Section 412-a of the Real Property Tax Law) (the "Real Property Tax Exemption Form") relating to the Project Facility and the Payment in Lieu of Tax Agreement; (D) the Agency executed and delivered to the Company a sales tax exemption letter (the "Sales Tax Exemption Letter") to ensure the granting of the sales tax exemption which forms a part of the Financial Assistance and (E) the Agency filed with the New York State Department of Taxation and Finance the form entitled "IDA Appointment of Project Operator or Agent for Sales Tax Purposes" (the form required to be filed pursuant to Section 874(9) of the Act) (the "Thirty-Day Sales Tax Report") (the Lease Agreement and all the foregoing documents collectively referred to as the "Basic Documents"); and

WHEREAS, in order to finance a portion of the costs of the Project, the Company obtained a loan in the principal sum of up to \$1,700,000 (the "Loan") from First Citizens National Bank (the "Lender"), which Loan was secured by a mortgage and security agreement dated as of December 1, 2011 (the "Mortgage") from the Agency and the Company to the Lender; and

WHEREAS, by request dated April 6, 2022 (the "Request"), which Request is attached hereto to Exhibit A, the Agency was notified by the Company that the Company is selling various parcels of Leased Premises and therefore the Company would like to amend the Basic Documents to reflect the release of these parcels (collectively, the "Parcels"); and

WHEREAS, pursuant to Section 9.3 of the Lease Agreement, the consent of the Agency is required prior to the release of the Parcels from the Project Facility (the "Release"); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act"), and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations", and collectively with the SEQR Act, "SEQRA"), it appears that the Release is not an "Action" under SEQRA and therefore is not subject to a SEQRA review by the Agency;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Pursuant to SEQRA, the Release is not an "Action" under SEQRA and therefore is not subject to SEQRA review by the Agency.

Section 2. At the request of the Company, the Agency hereby consents to the Release and the execution of any documents necessary to effectuate the Release and the modification of the Basic Documents in connection therewith (collectively, the "Release Documents"); provided, however, that such consent is contingent upon (A) approval by Agency Counsel to the forms of the Release Documents, (B) consent of the Lender, if needed, (C) compliance with the terms and conditions contained in the Basic Documents (as defined in the Lease Agreement), (D) evidence satisfactory to the Agency that all taxes and other local fees and assessments relating to the Parcel, if any, have been paid by the Company, and (E) the payment by the Company of the administrative fee of the Agency, if any, and all other fees and expenses of the Agency in connection with the delivery of the Release Documents, including the fees of Agency Counsel.

Section 3. Subject to the satisfaction of the conditions described in Section 2 hereof, the Chairman (or Vice Chairperson) of the Agency is hereby authorized to execute and deliver the Release Documents and the modified Basic Documents to reflect the Release, and, where appropriate, the Secretary of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chairman (or Vice Chairperson) shall approve, the execution thereof by the Chairman (or Vice Chairperson) to constitute conclusive evidence of such approval.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Release, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect

the purposes of the foregoing Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Release.

Section 5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|--------------------|--------|-------|
| Richard Ewell | VOTING | _____ |
| Judy Hopkins | VOTING | _____ |
| Randy Shayler | VOTING | _____ |
| Douglas Frank | VOTING | _____ |
| John Ricci | VOTING | _____ |
| Ward "Skip" Wilday | VOTING | _____ |

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
)SS.:
COUNTY OF ALLEGANY)

I, the undersigned Secretary of Allegany County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on April 14, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) (A) all members of the Issuer had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Chapter 417 of the Laws of 2021, as amended (the "2022 Laws"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given; and (D) there was a quorum of the members of the Issuer, either in person or attending remotely in accordance with the 2022 Laws, throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 14th day of April, 2022.

Secretary

(S E A L)

EXHIBIT A

REQUEST

- SEE ATTACHED -

The Guaranty Building | 140 Pearl Street, Suite 100 | Buffalo, NY 14202
Tel: 716.856.4000 | [map](#)

605 Third Ave, Suite 2300 | New York, NY 10158
Tel: 212.751.4300 | [map](#)

<image002.png>

<image003.png>

From: Clark, Craig R <Craig.Clark@alleganyco.gov>

Sent: Thursday, April 7, 2022 9:08 AM

To: Spitzer, Daniel A. <DSpitzer@hodgsonruss.com>

Subject: Fwd: Swain Recreation Center LLC

| |
|------------------------------|
| External Email - Use Caution |
|------------------------------|

What do we need to do?

Craig Clark
Vice President Economic Development
607 968 0214

Sent from my iPhone

Begin forwarded message:

From: Real Estate <RealEstate@mlinsner.com>

Date: April 6, 2022 at 4:50:45 PM EDT

To: "Clark, Craig R" <Craig.Clark@alleganyco.gov>

Subject: FW: Swain Recreation Center LLC

We represent Celeste Schoonover and Swain Recreation Center LLC in the sale of 4 parcels in the Town of Grove, County of Allegany.

Attached please find copies of the contracts for 4 Lots under contract to be sold.

I have also attached a copy of the title report showing the 2 Lease Agreements with Allegany County Industrial Development Agency which affect these Lots.

Please advise if you would be able to assist in obtaining releases for the 4 lots from the Lease Agreements.

Thank you,

Geri Primeaux, Paralegal

Margaret Graf Linsner, Esquire

33 Main St., PO Box 550

Livonia, NY 14487

585-346-0510

585-346-0531 facsimile

This message is for the confidential use of the designated recipient. If you are not the designated recipient, you have received this message in error and we request that you do not review or distribute this message. If you have received this message in error, please notify me by return message. Thank you.

WIRING INSTRUCTIONS - To prevent attempts of fraudulent online banking, all wiring instructions from this office will only be sent via fax transmission. If you receive instructions via e-mail changing or updating our prior wiring instructions, please contact our office immediately before transmitting any funds. ALWAYS confirm any wire request by telephone contact with this office. DO NOT use any phone numbers or e-mail addresses contained in any suspicious e-mail or phone call.

This message may contain confidential information that is protected by the attorney-client privilege or otherwise. If you are not the intended recipient, you are notified that any disclosure, copying, or use of the contents of this message is strictly prohibited. If this message has been received by you in error, please notify the sender immediately by e-mail and delete the original message. Thank you.

This message may contain confidential information that is protected by the attorney-client privilege or otherwise. If you are not the intended recipient, you are notified that any disclosure, copying, or use of the contents of this message is strictly prohibited. If this message has been received by you in error, please notify the sender immediately by e-mail and delete the original message. Thank you.

**PUBLIC HEARING RESOLUTION
ARVOS LJUNGSTROM LLC PROJECT**

A regular meeting of Allegany County Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at Crossroads Commerce & Conference Center located at 6087 State Route 19 North in the Village of Belmont, Allegany County, New York on April 14, 2022 at 10:00 o'clock a.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

| | |
|--------------------|------------------|
| Richard Ewell | Chairman |
| Judy Hopkins | Vice Chairperson |
| Randy Shayler | Secretary |
| Douglas Frank | Treasurer |
| John Ricci | Member |
| Ward "Skip" Wilday | Member |

Each of the members present participated in the meeting either in person or remotely pursuant to the signing into law on September 2, 2021 of Chapter 417 of the Laws of 2021, as amended by Chapter 1 of the Laws of 2022 signed into law on January 14, 2022.

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

| | |
|-----------------------------|---------------------|
| Craig R. Clark, P.E., Ph.D. | Executive Director |
| Pam Common | Recording Secretary |
| Daniel A. Spitzer, Esq. | Agency Counsel |

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. 0422-04

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO HOLD A PUBLIC HEARING REGARDING A PROPOSED PROJECT TO BE UNDERTAKEN FOR THE BENEFIT OF ARVOS LJUNGSTROM LLC.

WHEREAS, Allegany County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 99 of the 1973 Laws of New York, as amended, constituting Section 906-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing,

improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Arvos Ljungstrom LLC, a Delaware State limited liability company (the "Company"), submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately 1.37 acre portion of an approximately 36.30 acre parcel of land located at 3020 Truax Road (tax map number 226.-1-28) in the Town of Wellsville, Allegany County, New York (the "Land"), together with an existing approximately 253,400 square foot building located thereon (the "Existing Facility"), (2) the modification of approximately 20,000 square feet of the Existing Facility to temperature and humidity-controlled environment, incorporating a shed extension of the Existing Facility to protect the various booths and auxiliary equipment from the elements and other required improvements (the Existing Facility and all said improvements being collectively referred to as the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the "Equipment"), all of the foregoing to constitute a manufacturing facility to be owned and operated by the Company (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, pursuant to Section 859-a of the Act, prior to the Agency providing any "financial assistance" (as defined in the Act) of more than \$100,000 to any project, the Agency, among other things, must hold a public hearing pursuant to Section 859-a of the Act with respect to said project; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 859-a of the Act with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby authorizes the Executive Director of the Agency, after consultation with the members of the Agency and Agency Counsel, (A) to establish the time, date and place for a public hearing of the Agency to hear all persons interested in the Project (the "Public Hearing"); (B) to cause the Public Hearing to be held in a city, town or village where the Project Facility is or is to be located, and to cause notice of such Public Hearing to be given to the public by publishing a notice or notices of such Public Hearing in a newspaper of general circulation available to the residents of the governmental units where the Project Facility is or is to be located, such notice or notices to comply with the requirements of Section 859-a of the Act; (C) to cause notice of the Public Hearing to be given to the chief executive officer of the county and of each city, town, village and school district in which the Project Facility is or is to be located to comply with the requirements of Section 859-a of the Act; (D) to conduct such Public

STATE OF NEW YORK)
) SS.:
COUNTY OF ALLEGANY)

I, the undersigned Secretary of Allegany County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on April 14, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) (A) all members of the Issuer had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Chapter 417 of the Laws of 2021, as amended (the "2022 Laws"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given; and (D) there was a quorum of the members of the Issuer, either in person or attending remotely in accordance with the 2022 Laws, throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 14th day of April, 2022.

Secretary

(SEAL)

Hearing; (E) to cause a report of the Public Hearing fairly summarizing the views presented at such Public Hearing (the "Report") to be prepared; and (F) to cause a copy of the Report to be made available to the members of the Agency.

Section 2. The Chairman, Vice Chairperson and/or Executive Director of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 3. All action taken by the Executive Director of the Agency in connection with the Public Hearing with respect to the Project prior to the date of this Resolution is hereby ratified and confirmed.

Section 4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|--------------------|--------|-------|
| Richard Ewell | VOTING | _____ |
| Judy Hopkins | VOTING | _____ |
| Randy Shayler | VOTING | _____ |
| Douglas Frank | VOTING | _____ |
| John Ricci | VOTING | _____ |
| Ward "Skip" Wilday | VOTING | _____ |

The foregoing Resolution was thereupon declared duly adopted.

**PUBLIC HEARING RESOLUTION
OYA CHENUNDA CREEK LLC PROJECT**

A regular meeting of Allegany County Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at Crossroads Commerce & Conference Center located at 6087 State Route 19 North in the Village of Belmont, Allegany County, New York on April 14, 2022 at 10:00 o'clock a.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

| | |
|--------------------|------------------|
| Richard Ewell | Chairman |
| Judy Hopkins | Vice Chairperson |
| Randy Shayler | Secretary |
| Douglas Frank | Treasurer |
| John Ricci | Member |
| Ward "Skip" Wilday | Member |

Each of the members present participated in the meeting either in person or remotely pursuant to the signing into law on September 2, 2021 of Chapter 417 of the Laws of 2021, as amended by Chapter 1 of the Laws of 2022 signed into law on January 14, 2022.

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

| | |
|-----------------------------|---------------------|
| Craig R. Clark, P.E., Ph.D. | Executive Director |
| Pam Common | Recording Secretary |
| Daniel A. Spitzer, Esq. | Agency Counsel |

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. 0422-05

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO HOLD A PUBLIC HEARING REGARDING A PROPOSED PROJECT TO BE UNDERTAKEN FOR THE BENEFIT OF OYA CHENUNDA CREEK LLC.

WHEREAS, Allegany County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 99 of the 1973 Laws of New York, as amended, constituting Section 906-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing,

improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, OYA Chenunda Creek LLC, a Delaware State limited liability company (the "Company"), submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in a portion of an approximately 138.10 acre parcel of land (tax map number 254.-3-24.1) located at 1542 Hallsport-Independence Road in the Town of Independence, Allegany County, New York (the "Land"), (2) the construction on the Land of an approximately 2.4 MW AC solar energy generating facility including panels, racking, inverters, electrical cables, battery storage, grid interconnection, site preparation, access roads and any other required improvements (all said improvements being collectively referred to as the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the "Equipment"), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, pursuant to Section 859-a of the Act, prior to the Agency providing any "financial assistance" (as defined in the Act) of more than \$100,000 to any project, the Agency, among other things, must hold a public hearing pursuant to Section 859-a of the Act with respect to said project; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 859-a of the Act with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby authorizes the Executive Director of the Agency, after consultation with the members of the Agency and Agency Counsel, (A) to establish the time, date and place for a public hearing of the Agency to hear all persons interested in the Project (the "Public Hearing"); (B) to cause the Public Hearing to be held in a city, town or village where the Project Facility is or is to be located, and to cause notice of such Public Hearing to be given to the public by publishing a notice or notices of such Public Hearing in a newspaper of general circulation available to the residents of the governmental units where the Project Facility is or is to be located, such notice or notices to comply with the requirements of Section 859-a of the Act; (C) to cause notice of the Public Hearing to be given to the chief executive officer of the county and of each city, town, village and school district in which the Project Facility is or is to be located to comply with the requirements of Section 859-a of the Act; (D) to conduct such Public Hearing; (E) to cause a report of the Public Hearing fairly summarizing the views presented at such Public

Hearing (the "Report") to be prepared; and (F) to cause a copy of the Report to be made available to the members of the Agency.

Section 2. The Chairman, Vice Chairperson and/or Executive Director of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 3. All action taken by the Executive Director of the Agency in connection with the Public Hearing with respect to the Project prior to the date of this Resolution is hereby ratified and confirmed.

Section 4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|--------------------|--------|-------|
| Richard Ewell | VOTING | _____ |
| Judy Hopkins | VOTING | _____ |
| Randy Shayler | VOTING | _____ |
| Douglas Frank | VOTING | _____ |
| John Ricci | VOTING | _____ |
| Ward "Skip" Wilday | VOTING | _____ |

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) SS.:
COUNTY OF ALLEGANY)

I, the undersigned Secretary of Allegany County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on April 14, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) (A) all members of the Issuer had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Chapter 417 of the Laws of 2021, as amended (the "2022 Laws"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given; and (D) there was a quorum of the members of the Issuer, either in person or attending remotely in accordance with the 2022 Laws, throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 14th day of April, 2022.

Secretary

(SEAL)

ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY
RESOLUTION DECLARING ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT
AGENCY'S INTENT TO BE LEAD AGENCY FOR SEQRA REVIEW OF THE OYA
CHENUNDA CREEK LLC SOLAR ENERGY SYSTEM PROJECT IN THE TOWN OF
INDEPENDENCE, ALLEGANY COUNTY

WHEREAS, the Allegany County Industrial Development Agency (the "Agency") is considering applications for financial assistance from OYA CHENUNDA CREEK LLC (the "Project Company") solar energy system project in the Town of Independence, Allegany County under which the Agency is considering undertaking a project (the "Project"), said Project consisting of the following: (A) (1) the acquisition of an interest in a portion of an approximately 138.10 acre parcel of land (tax map number 254.-3-24.1) located at 1542 Hallsport-Independence Road in the Town of Independence, Allegany County, New York (the "Land"), (2) the construction on the Land of an approximately 2.4 MW AC solar energy generating facility including panels, racking, inverters, electrical cables, battery storage, grid interconnection, site preparation, access roads and any other required improvements (all said improvements being collectively referred to as the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the "Equipment"), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Project Company (the Land, Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes and mortgage recording taxes; and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Project Company or such

other person as may be designated by the Project Company and agreed upon by the Agency;
and;

WHEREAS, the Agency has determined that the proposed Project is subject to the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law) and its implementing regulations (6 NYCRR Part 617) (collectively, "SEQRA"); and

WHEREAS, the Agency determines that the proposed Project is a Type I Action under SEQRA; and

WHEREAS, pursuant to SEQRA, the Agency desires to act as the Lead Agency for the proposed Project and to conduct a coordinated review of the action with all Involved and Interested Agencies; and

WHEREAS, SEQRA requires the Agency to distribute Part 1 of the EAF related to the proposed action to all Involved and Interested Agencies and notify them of the Agency's intent to act as lead agency.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Agency declares its intent to be Lead Agency for the SEQRA review for this Type I action.
2. The applicant and Agency Counsel shall coordinate the issuing of the Notice of Intent to all Involved and Interested Agencies, accompanied by the EAF Part I, requesting that all involved and interested agencies agree to the Agency serving as Lead Agency.
3. This resolution is to take effect immediately.

PASSED AND ADOPTED BY THE ALLEGANY COUNTY INDUSTRIAL
DEVELOPMENT AGENCY on the 14th of April, 2022.