



STAFF

JOHN J. PISECK, JR.
Chief Executive Officer

VICTORIA L. ADAMS
Operations Manager

JENNIFER L. YOUNG
Administrative Office
Assistant

ERIN E. SPINA
Marketing & Communications
Specialist

BOARD OF DIRECTORS

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CORY ALBRECHT
Vice Chairman

JOHN SCARANO
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ANN GAWORECKI
Director

TIM DAY
Director

ALANA BASLOE
Director

COUNSEL

ANTHONY G. HALLAK, Esq.
Felt Evans, LLP

MINUTES

October 29, 2024

Herkimer County Industrial Development Agency Board of Directors Meeting

The Herkimer County Industrial Development Agency held a regular meeting of the Board of Directors, on Tuesday, October 29, 2024 at 8:00 AM. The meeting was held electronically via zoom conference as well as a public meeting open for the public to attend in person. Members of the public were invited to join the meeting virtually by going to www.zoom.com or by dialing (929) 205-6099 and entering meeting ID: 875-6466-4800 and passcode: 402411. Members of the public were invited to attend the meeting in person in the Herkimer County Chamber of Commerce conference room at 420 E. German Street, Herkimer, NY 13350.

After the Pledge of Allegiance, Chairman Bono called the meeting to order at 8:00 AM.

The following members were present in person and answered the roll call: Vincent (Jim) Bono, Tim Day, Ann Gaworecki, Michael Werenczak and John Scarano. (5) **Quorum present.**

Staff Present: John Piseck, Victoria Adams, and Jennifer Young.

Also Present in Person: Greg Malta, Herkimer County Legislator; Mark Gaworecki, Herkimer County Legislator; Garett Livermore, Cornell Cooperative Extension; and Anthony Hallak, Felt Evans LLP.

Also Present Virtually: Elaine Sperbeck, City of Little Falls Resident; and Shannon Wagner, Hodgson Russ, LLP.

Mission Statement: Chairman Bono read the Agency's mission statement.

Minutes:

September 24, 2024 - Regular Board Meeting: The minutes of the September 24, 2024 regular meeting were offered for review. **John Scarano moved, seconded by Tim Day to approve the minutes as presented. The motion carried with 5 ayes and 0 naves.**

Financial Reports:

September Financial Reports: The following financial reports were offered for review and approval: September 2024 Financial Report, Balance Sheet, Check Register, RLF/Lease Balance

420 E. German Street, Box 1 Suite 101A, Herkimer, NY 13350 315-866-3000

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status, SBP Mortgage and the PILOT Report. Mr. Piseck stated that all payments have been made on time. The Agency continues to move various projects forward and the Agency is in a good financial standing. **Mike Werenczak moved, seconded by Tim Day to approve all financial reports as presented. The motion carried with 5 ayes and 0 nays.**

Herkimer County Microenterprise Grant:

Update: Jennifer Young provided the board with an update on the microenterprise grant.

6-Year ABO Budget: Board members were provided the proposed ABO Budget and Financial Plan through 2028. The ABO requires the plan to be submitted on an annual basis. Following review, **Mike Werenczak moved, seconded by John Scarano to approve the 6-year ABO Budget & Financial Plan through 2028. The motion carried with 5 ayes and 0 nays.**

Resolution: 102924-01

Attorney Update: Mr. Hallak provided updates on the projects listed below;

SunEast Watkins Road (Watkins Road Solar, NY,LLC):

Final Authorizing Resolution: The board was presented with the Final Authorizing Resolution for SunEast Watkins Road. Following review and discussion, **Mike Werenczak made the following motion:**

RESOLUTION AUTHORIZING THE AGENCY TO EXECUTE ALL RELEVANT CLOSING DOCUMENTS WITH RESPECT TO THE ACQUISITION OF AN INTEREST IN THE REAL PROPERTY SITUATE IN THE TOWNS OF SCHUYLER AND HERKIMER, COUNTY OF HERKIMER AND STATE OF NEW YORK AND THE PERSONAL PROPERTY TO BE ACQUIRED AND LOCATED THEREAT (the “Facility”) THROUGH A LEASE AGREEMENT, LEASING SAID FACILITY BACK TO THE COMPANY; GRANTING SALES AND MORTGAGE TAX EXEMPTIONS; TO ADDRESS ENVIRONMENTAL ISSUES AND TO PROVIDE FOR INDEMNIFICATION OF THE AGENCY ON SUCH ISSUES RELATING TO THE PROJECT THROUGH THE EXECUTION OF AN ENVIRONMENTAL COMPLIANCE AND INDEMNIFICATION AGREEMENT WITH THE COMPANY (the “ECIA”); TO ENTER INTO A PAYMENT IN LIEU OF TAX AGREEMENT; AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE PROJECT.

Seconded by Tim Day, the motion carried with 5 ayes and 0 nays. The official resolution is attached to the original minutes.

Resolution: 102924-02

ST60 Extension Request: The board was presented with a request for an extension of the ST60's for the SunEast Watkins Road(Watkins Road Solar, NY,LLC.), SunEast Hills(Hills Solar, NY, LLC.), SunEast Grassy Knoll (Grassy Knoll Solar, NY, LLC.), and SunEast Flat Hill (Flat Hill Solar, NY, LLC.)projects. Following discussion, **Tim day moved, seconded by John Scarano to approve to extend the ST60's until October 2025 for the following projects; SunEast Watkins Road (Watkins Road Solar, NY,LLC.), SunEast Hills**

(Hills Solar, NY, LLC.), SunEast Grassy Knoll(Grassy Knoll Solar, NY, LLC.), and SunEast Flat Hill (Flat Hills Solar, NY, LLC.). The motion carried with 5 ayes and 0 naves.

Resolution: 102924-03

Small Projects PILOT:

Uniform Tax Exempt Policy: The board was presented with an amendment to the Agency's Uniform Tax Exempt Policy to add verbiage to include small projects, projects valued at \$2,500,000.00 or less, by offering assistance in the form of Sales Tax Abatement and Mortgage Recording Tax Abatement. Benefits to small projects will exclude Real Property Tax Abatement. Following review and discussion, **Mike Werenczak moved, seconded by Tim Day. The motion carried with 5 ayes and 0 naves.**

Resolution: 102924-04

Fee Schedule: The board was presented with a proposed amendment for the Agency's Fee Schedule to include a fee for small projects in the amount of ½%. Following discussion, **Tim Day moved, seconded by Tim Day to approve the amended fee schedule as presented. The motion carried with 5 ayes and 0 naves.**

Resolution: 102924-05

Public Hearing: The board was presented with a request to move forward with a public hearing for the amended Uniform Tax Exempt Policy. Following discussion, **Mike Werenczak moved, seconded by John Scarano to move forward with scheduling the public hearing. The motion carried with 5 ayes and 0 naves.**

Resolution: 102924-06

EPR Water – Inducement & Project Agreement: The board was presented with the red-lined Inducement & Project Agreement with EPR Water to review the requested changes made by EPR Water. Following review and discussion, **Mike Werenczak moved, seconded by John Scarano to approve the changes as presented. The motion carried with 5 ayes and 0 naves.**

Resolution: 102924-07

JBF Stainless: This item was moved to executive session.

Project Due Diligence: The board was presented with an invoice from Utilities Service Group for services performed to assist with the marketing of the former RemArms property in the amount of \$5,695.50. Following discussion, **Tim Day moved, seconded by John Scarano to authorize payment to Utilities Service Group in the amount not to exceed \$5,695.50. The motion carried with 5 ayes and 0 naves.**

Resolution: 102924-08

Chips EPA RLF Grant – Matching Funds: The board previously authorized the submission of the EPA RLF Grant with Mohawk Valley EDGE for the costs of demolition of the former Chips Service Station. Following submission and approval of the application, it was identified that there is a 20% funding match required for the grant. The Agency requested authorization of the required 20% funding match not to exceed \$15,000. Following discussion, **Mike Werenczak moved, seconded by John Scarano to authorize the 20% funding match for the EPA RLF Grant for the demolition of the former Chips Service Station project not to exceed \$15,000.00. The motion carried with 5 ayes and 0 naves.**

Resolution: 102924-09

Schuyler Business Park:

Verde Associates Extension Request: The board was presented with a request from counsel to amend the current contract with Verde Associates to extend the due diligence timeline to May 30th, 2025. Due to the relationship with the counterpart, Agency staff and counsel recommend to approve the amendment as requested. Following discussion, **Tim Day moved, seconded by Mike Werenczak to amend the contract with Verde Associates to extend the due diligence period to May 30th, 2025 as requested. The motion carried with 5 ayes and 0 nays.**

Resolution: 102924-10

Stark Development – Purchase & Sale Agreement: The board was presented with a purchase offer from Stark Development for the 4.1-acre lot available in the Schuyler Business Park. Following discussion, **Mike Werenczak moved, seconded by Tim Day to accept the purchase price of \$15,000 per acre from Stark Development for the 4.1-acre lot in the Schuyler Business Park. The motion carried with 5 ayes and 0 nays.**

Resolution: 102924-11

Four Corners Business Park: Mr. Piseck updated the board on a conversation with Scannell Properties for the marketing of the Four Corners Business Park. This item was for discussion only.

Masonic Project: Mr. Piseck updated the board on the Masonic Building Project including the remaining funds of the current budget of \$175,000 for renovations to the property and various expenses to prepare the property for redevelopment. Mr. Piseck requested to increase the budget an additional \$100,000.00 due to an unexpected increase in costs preparing the building for redevelopment. Following discussion, **Mike Werenczak moved, seconded by John Scarano, to authorize increasing the Agency's \$175,000 budget for the Masonic Building by \$100,000.00 with the total budget not to exceed \$275,000. The motion carried with 5 ayes and 0 nays.**

Resolution: 102924-12

EPA Coalition Grant: Mr. Piseck discussed with the board the creation of a coalition between Lewis County and Herkimer County in order to apply for an EPA Brownfield Grant in the amount of \$1.2 million. Due to the Agency having previous experience with 2 EPA Brownfield Grants, the Agency would be able to assist Lewis County with administering the grant. The Agency would receive the administration funds, if awarded. Following discussion, **Mike Werenczak moved, seconded by John Scarano to authorize the Agency to move forward with the creation of the coalition as well as the application for the EPA Brownfield grant. The motion carried with 5 ayes and 0 nays.**

Resolution: 102924-13

Comments welcomed from elected officials. No comments were made.

Project Updates:

- Chips Service Station
- Bills School
- USDA Meeting with Brian Murray – November 1st @ 11:30am
- December Board Meeting – Thursday, December 19th @ 8:00am
- Village of Herkimer BOA – October 29th, 5-7PM

➤ County Wide Housing Assessment

Tim Day moved, seconded by John Scarano to enter into executive session at 9:11 AM to discuss matters of negotiation and litigation. The motion carried with 5 ayes and 0 nays. All board members, John Piseck, Victoria Adams, Jennifer Young, Anthony Hallak, Shannon Wagner, Greg Malta, and Mark Gaworecki were invited to stay.

Tim Day moved, seconded by John Scarano to end executive session at 9:34 AM. The motion carried with 5 ayes and 0 nays.

Being no other business, Tim Day moved, seconded by John Scarano to adjourn at 9:35 AM. The motion carried with 5 ayes and 0 nays.

Respectfully Submitted,



Jennifer Young
Administrative Assistant

AUTHORIZING RESOLUTION

Resolution #: 102924-02

At a meeting of the Herkimer County Industrial Development Agency, Herkimer County, New York (the "Agency"), held at 420 E. German Street, Herkimer, New York on the 29th day of October, 2024 at 8:00 a.m., the following members of the Agency were:

Present: Vincent J. Bono, Ann Gaworecki, John Scarano,
Michael Werenczak, Timothy Day

Absent: Cory Albrecht, Alana Basloe

Also Present: John J. Piseck, Victoria Adams, Jennifer Young, Anthony G. Hallak

After the meeting had been duly called to order, the Chairman announced that the purpose of the meeting was to consider and take action on certain matters pertaining Watkins Road Solar NY LLC (the "Company").

The following resolution was duly moved, seconded, discussed and adopted with the following members voting:

AYE	NAY	ABSTAINED
*ALL	*NONE	*NONE

RESOLUTION AUTHORIZING THE AGENCY TO EXECUTE ALL RELEVANT CLOSING DOCUMENTS WITH RESPECT TO THE ACQUISITION OF AN INTEREST IN THE REAL PROPERTY SITUATE IN THE TOWNS OF SCHUYLER AND HERKIMER, COUNTY OF HERKIMER AND STATE OF NEW YORK AND THE PERSONAL PROPERTY TO BE ACQUIRED AND LOCATED THEREAT (the "Facility") THROUGH A LEASE AGREEMENT, LEASING SAID FACILITY BACK TO THE COMPANY; GRANTING SALES AND MORTGAGE TAX EXEMPTIONS; TO ADDRESS ENVIRONMENTAL ISSUES AND TO PROVIDE FOR INDEMNIFICATION OF THE AGENCY ON SUCH ISSUES RELATING TO THE PROJECT THROUGH THE EXECUTION OF AN ENVIRONMENTAL COMPLIANCE AND INDEMNIFICATION AGREEMENT WITH THE COMPANY (the "ECIA"); TO ENTER INTO A PAYMENT IN LIEU OF TAX AGREEMENT; AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE PROJECT.

WHEREAS Watkins Road Solar NY LLC, a Delaware 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 approximately 172 acres of land located along Watkins and Sokol Roads, in the Towns of Schuyler and Herkimer, Herkimer County, New York (the “Land”), (2) the construction on the Land of an approximately 20 MWAC 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, 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 the authorization contained in a resolution adopted by the members of the Agency on July 30, 2024 (the “Third Amended Inducement Resolution”), the Chief Executive Officer of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on April 1, 2023 to the chief executive officers of the county and of each town, village and school district in which the Project Facility is to be located, (B) caused notice of Public Hearing to be posted on April 1, 2023 on a public bulletin board located at the Herkimer County Industrial Development Agency located at 420 East German Street in the Town of Herkimer, Herkimer County, New York and on the Agency’s website, (C) caused notice of the Public Hearing to be posted on April 1, 2023 on a public bulletin board located at the Town of Schuyler Hall located at 2090 State Route 5 in the Town of Schuyler, Herkimer County, New York and on the Agency’s website (D) caused a copy of the Notice of Public Hearing to be sent via certified mail, return receipt requested on April 1, 2023 to the chief executive officer of the County and of each city, town, village, and school district in which the Project Facility is to be located, (D) caused notices of the Public Hearing to be published on March 31, 2023 in the Times Telegram, a newspaper of general circulation available to the residents of the Towns of Herkimer and Schuyler, Herkimer County, New York, (E) conducted the Public Hearing on the 12th day of April, 2023 at 9:30 o’clock am., local time, at the office of the Agency located at 420 E German Street, Suite 101a in the Village and Town of Herkimer, Herkimer County, New York, (F) conducted the Public Hearing on the 12th day of April, 2023 at 10:30 o’clock am., local time, at the Town of Schuyler Hall located at 2090 State Route 5 in the Town of Schuyler, Herkimer County, New York, and (F) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency.

WHEREAS, the Company will lease the Facility to the Agency, pursuant to Article 18-A of the General Municipal Law of the State of New York, and Chapter 372 of the Laws on 1970 of the State of New York, as may be amended from time to time (collectively the "Act") and the Agency will lease the Facility back to the Company pursuant to a Leaseback Agreement (the "Leaseback Agreement"); and

WHEREAS, the Company will construct, renovate and equip the Project; and

WHEREAS, the Company will construct, renovate and equip a 20 MW AC $\pm$ kilowatt (kw) solar array under the Act; and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, the Agency is authorized under its Uniform Tax Exemption Policy to provide for financial assistance to the Project; and

WHEREAS, representations made by the Company in its Application for Financial Assistance support the finding that the Project will promote employment opportunities and prevent economic deterioration in the area served by the Agency; and

WHEREAS, based upon recommendation made by the Company in its Application, the value of financial assistance is described as follows:

Sales and Use Tax exemptions estimated at \$2,096,809.00 but shall not exceed \$2,096,809.00 in aggregate

Real Property Tax Abatement is estimated at \$417,392.67

Mortgage Recording Tax savings is estimated at \$275,312.00

WHEREAS, prior to the closing of a lease-leaseback transaction, and the granting of any tax benefits, a public hearing (the "Hearing") was held so that all persons with views in favor of or opposed to either the financial assistance contemplated by the Agency, or the location or nature of the Facility, can be heard; and

WHEREAS, notices of the Hearing were given prior to the closing of a lease-leaseback transaction, and the granting of any tax benefits, and such notices (together with proof of publication) were in the form annexed hereto as Exhibit A; and

WHEREAS, the minutes of the Hearing are or will be annexed hereto as Exhibit B; and

WHEREAS, the Agency has given due consideration to the operation of a solar facility and the economic conditions of the area in which the Project is situated; and

WHEREAS, the Agency has given due consideration to the application of the Company and to representations by the Company that the proposed lease-leaseback transaction is either and inducement to the Company to maintain and expand the Facility in the County or is necessary to maintain the competitive position of the Company in its industry; 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 (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), by resolutions adopted by the Schuylerville Town Board on February 19, 2019 and the Herkimer Town Board February 18, 2020 (the "Town Boards") (the "SEQR Resolutions"), which SEQR Resolutions are hereby renewed and ratified by the Agency, the Town Boards determined (A) to act as "lead agency" with respect to SEQRA with respect to the acquisition, construction and installation of the Project Facility, (B) that the acquisition, construction and installation of the Project Facility was determined to be a Type 1 action with regard to SEQRA, and (C) that the Project would not have "any significant adverse environmental impact" and, therefore, that an "Environmental Impact Statement" is not required to be prepared with respect to the acquisition, construction and installation of the Project Facility; and

WHEREAS, to aid the Agency in determining whether the Facility may have a significant effect upon the environment, the Company by virtue of its activities in renovating, reconstructing and equipping the Project shall submit, as a condition to closing, that SEQR review is not required, or in the alternative, the Environmental Assessment Form and related documents (Questionnaire) with respect to the Facility, a copy of which will be placed on file as the office of the Agency; and

WHEREAS, prior to the granting of any tax benefits, the Agency will complete its environmental review (if applicable) and make determinations for purposes of SEQRA; and

WHEREAS, in order to consummate the Project and the granting of the Financial Assistance described in the notice of the Public Hearing, the Agency proposes to enter into the following documents (hereinafter collectively referred to as the "Agency Documents"): (A) a certain lease to agency (the "Lease to Agency" or the "Underlying Lease") by and between the Company, as landlord, and the Agency, as tenant, pursuant to which the Company will lease 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) a lease agreement (and a memorandum thereof) (the "Lease Agreement") by and between the Agency and the Company, pursuant to which, among other things, the Company agrees to undertake the Project as agent of the Agency and the Company further agrees to lease the Project Facility from the Agency and, as rental thereunder, to pay the Agency's administrative fee relating to the Project and to pay all expenses incurred by the Agency with respect to the Project; (C) a payment in lieu of tax agreement (the "Payment in Lieu of Tax Agreement") by and between the Agency and the Company, pursuant to which the Company will agree to pay certain payments in lieu of taxes with respect to the Project Facility; (D) a uniform agency project agreement (the "Uniform Agency Project Agreement") by and between the Agency and the Company regarding the granting of the financial assistance and the potential recapture of such assistance; (E) 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; (F) 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; (G) a New York State Department of Taxation and Finance form entitled “IDA Appointment of Project Operator or Agency for Sales Tax Purposes” (the form required to be filed pursuant to Section 874(9) of the Act) (the “Thirty-Day Sales Tax Report”) and any additional report to the Commissioner of the State Department of Taxation and Finance concerning the amount of sales tax exemption benefit for the Project (the “Additional Thirty-Day Project Report”); (H) if the Company intends to finance the Project with borrowed money, a mortgage and any other security documents and related documents (collectively, the “Mortgage”) from the Agency and the Company to the Company’s lender with respect to the Project (the “Lender”), which Mortgage will grant a lien on and security interest in the Project Facility to secure a loan from the Lender to the Company with respect to the Project (the “Loan”); (I) if the Company requests the Agency to appoint a contractor or contractors, as agent(s) of the Agency (each, a “Contractor”) (1) a certain agency indemnification agreement (the “Contractor Agency and Indemnification Agreement”) by and between the Agency and the Contractor, (2) a certain recapture agreement (the “Contractor Section 875 GML Recapture Agreement”) by and between the Agency and the Contractor, (3) a sales tax exemption letter (the “Contractor Sales Tax Exemption Letter”), and (4) a Thirty-Day Sales Tax Report (the “Contractor Thirty-Day Sales Tax Report”) and any additional report to the Commissioner of the State Department of Taxation and Finance concerning the amount of sales tax exemption benefit for the Project (the “Additional Thirty-Day Project Report”) (collectively, the “Contractor Documents”); (J) if the Company intends to request the Agency to appoint (1) the Company, as agent of the Agency and (2) a Contractor, as agent(s) of the Agency prior to closing on the Project and the Lease Agreement, interim agency and indemnification agreements, interim Section 875 GML recapture agreements, interim sales tax exemption letters and interim thirty-day sales tax reports (collectively, the “Interim Documents”) and (K) various certificates relating to the Project (collectively, the “Closing Documents”).

Section 1. The Agency hereby finds and determines:

- (a) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes of the Act and to exercise all powers granted to it under the Act; and
- (b) The Facility constitutes a “project,” such as that term is defined in the Act; and
- (c) The acquisition, construction, equipping and financing of the Facility, and the leasing of the Facility to the Company will promote and maintain the job opportunities, health, general prosperity and economic welfare of the citizens of Herkimer County and the State of New York and improve their standard of living and thereby serve the public purposes of the Act; and
- (d) The acquisition, construction and equipping of the Facility is reasonably necessary to induce the Company to invest in community solar and promote renewable energy initiatives in the State of New York; and

- (e) Based upon representations of the Company, the Facility conforms with the local zoning laws and planning regulations of Herkimer County and all regional and local use plans for the area in which the Facility is located; and
- (f) It is desirable and in the public interest for the Agency to acquire a leasehold interest in the Facility and lease the Facility back to the Company; and
- (g) The Lease is an effective instrument whereby the Company conveys a leasehold interest to the Agency; and
- (h) The Leaseback Agreement is an effective instrument whereby the Company leases the Facility from the Agency; and

Section 2. The law firm of Felt Evans, LLP is hereby appointed Counsel with respect to all matters in connection with the Project. Agency Counsel is hereby authorized, at the expense of the Company, to work with the Company, counsel to the Company, counsel to the Agency and others to prepare, for submission to the Agency, all documents necessary to effect the transactions contemplated by this resolution.

Section 3. In consequence of the foregoing, and subject to the receipt and approval by the Agency of pre-closing documents deemed reasonably necessary by counsel to the Agency, the Agency hereby determines to acquire a leasehold interest in the Facility from the Company and to lease the Facility back to the Company and to execute and deliver the Lease Agreement, the Leaseback Agreement and memoranda thereof, the Environmental Compliance and Indemnification Agreement, the PILOT Agreement, the Decommissioning Agreement and all related documents (collectively the Closing Documents).

Section 4. The form and substance of the Closing Documents (each in substantially the forms presented to the Agency and which, prior to the execution and delivery thereof, may be redated) are hereby approved.

Section 5.

- (a) The Chairman, Vice Chairman, Secretary or any member of the Agency and the Chief Executive Officer, John J. Piseck, are hereby authorized, on behalf of the Agency, to execute and deliver the Closing Documents, all in substantially the forms thereof presented to this meeting with such changes, variations, omissions and insertions as the Chairman, Vice Chairman, Secretary, Chief Executive Officer or any member of the Agency shall approve, and such other related documents as may be, in the judgment of the Chairman and Agency Counsel, necessary or appropriate to effect the transactions contemplated by this resolution. The execution thereof by the Chairman, Vice Chairman, Chief Executive Officer or any member of the Agency shall constitute conclusive evidence of such approval.

- (b) The Chairman, Vice Chairman, Secretary or member of the Agency and the Chief Executive Officer, John J. Piseck, are further hereby authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency (as defined in and pursuant to the Lease Agreement).

Section 6. 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 Closing Documents, and to execute and deliver all such additional certificates, instruments and documents, 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 Closing Documents binding upon the Agency.

STATE OF NEW YORK)
) ss.:
COUNTY OF HERKIMER)

I, Victoria Adams, the undersigned Assistant Secretary of the Herkimer County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Herkimer County Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on the 29th day of October, 2024 with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

That the Closing Documents contained in this transcript of proceedings are each in substantially the substance presented to the Agency and/or approved by said meeting.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of said meeting, (ii) pursuant to Sections 103a and 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public and public notice of the time and place of said meeting was duly given in accordance with such Sections, (iii) the meeting in all respects was duly held, and (iv) there was a quorum present throughout.

IN WITNESS WHEREOF, I have hereunto set my hand as of this 29th day of October, 2024.



HERKIMER COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

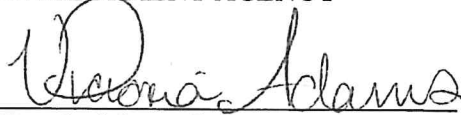

Victoria Adams, Secretary

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York State General Municipal Law, will be held by the Herkimer County Industrial Development Agency (the "Agency") on the 12th day of April, 2023, at 9:30 AM, local time at the Herkimer County Industrial Development office, 420 E. German Street, Suite 101A, Herkimer, NY 13350, Town of Herkimer, in connection with the following matter:

SUNEAST WATKINS ROAD SOLAR, LLC, the Company presented an application (the "Application") to the Agency October 24, 2019, which application was amended on July 16, 2021 and subsequently amended on March 23, 2023, copies of which were presented at this meeting and copies of which are on file at the office of the Agency, requesting that the Agency consider undertaking; (i) to provide assistance through sales tax and mortgage tax incentives for the constructing, equipping, and financing of the above described project Facility and real property tax relief in the form of a Payment in Lieu of Tax Agreement (the "Assistance"), (ii) to acquire, construct, equip, and finance the Facility or to cause the Facility to be constructed, equipped, and financed; and (iii) to lease and/or sublease (with an obligation to leaseback) or sell the Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, the Facility will consist of the acquisition, construction, and equipping of a ground-mounted utility scale solar energy generation system on leased property totaling 282 acres located along Watkins and Sokol Roads in the Towns of Schuyler and Herkimer with an estimated capacity of 20 MWac $\pm$ kilowatts. The Project has an estimated cost of Fifty-Five Million Sixty Two Thousand and Four Hundred Ninety Two and 00/100 Dollars (\$55,062,492.00) (the "Project Costs"); and

WHEREAS, the project proposes to generate electricity that will allow residential and commercial subscribers to benefit from renewable energy that will offset traditional power sources.

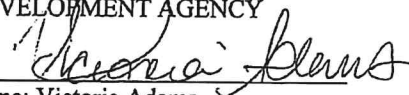
A representative of the Agency will be present at the above-stated time to review the project application, and hear comments and accept written statements from any persons with views in favor of or opposed to either the proposed Assistance to the Company or the location or nature of the Facility.

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Additional information can be obtained from, and written comments may be addressed to John J. Piseck, Jr., Chief Executive Officer, Herkimer County Industrial Development Agency, 420 E. German Street, Suite 101A, Herkimer, New York 13350; Telephone 315-866-3000.

HERKIMER COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

Date: April 1, 2023

By 

Name: Victoria Adams

Title: Assistant Secretary

LOCALiQ

Observer-Dispatch | Daily Messenger
Times Telegram | New Jersey Herald
Times Herald-Record

PO Box 631202 Cincinnati, OH 45263-1202

PROOF OF PUBLICATION

Stacey Holleran
Herkimer Co Ind. Development/H
420 E. GERMAN ST. STE#101A
HERKIMER NY 13350-1049

STATE OF NEW YORK, COUNTY OF HERKIMER

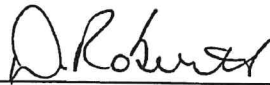
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The text of the notice as published in said newspaper is as set
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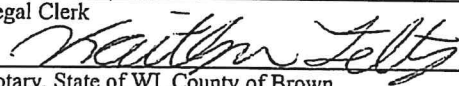
03/31/2023

and that the fees charged are legal.

Sworn to and subscribed before on 03/31/2023



Legal Clerk



Notary, State of WI, County of Brown

3/7/27

My commission expires

Publication Cost: \$103.48

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State of Wisconsin

NOTICE OF PUBLIC
HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York State General Municipal Law, will be held by the Herkimer County Industrial Development Agency (the "Agency") on the 12th day of April, 2023, at 9:30 AM, local time at the Herkimer County Industrial Development office, 420 E. German Street, Suite 101A, Herkimer, NY 13350, Town of Herkimer, in connection with the following matter:

SUNEAST WATKINS ROAD SOLAR, LLC, the Company presented an application (the "Application") to the Agency October 24, 2019, which application was amended on July 16, 2021 and subsequently amended on March 23, 2023, copies of which were presented at this meeting and copies of which are on file at the office of the Agency, requesting that the Agency consider undertaking; (i) to provide assistance through sales tax and mortgage tax incentives for the constructing, equipping, and financing of the above described project Facility and real property tax relief in the form of a Payment in Lieu of Tax Agreement (the "Assistance"); (ii) to acquire, construct, equip, and finance the Facility or to cause the Facility to be constructed, equipped, and financed; and (iii) to lease and/or sublease (with an obligation to lease-back) or sell the Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

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HERKIMER COUNTY
INDUSTRIAL
DEVELOPMENT AGENCY

Date: April 1, 2023

By: Victoria Adams
Name: Victoria Adams

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York State General Municipal Law, will be held by the Herkimer County Industrial Development Agency (the "Agency") on the 12th day of April, 2023, at 10:30 AM, local time at the Town of Schuyler Hall, 2090 State Route 5, Utica, New York 13502, Town of Schuyler, in connection with the following matter:

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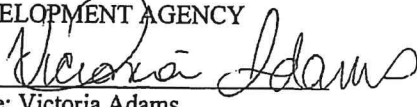
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HERKIMER COUNTY INDUSTRIAL
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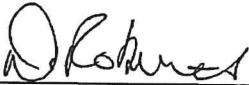
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Piseck, Jr., Chief Executive Officer, Herkimer County Industrial Development Agency, 420 E. German Street, Suite 101 A, Herkimer, New York 13350; Telephone 315-866-3000.

HERKIMER COUNTY
INDUSTRIAL
DEVELOPMENT AGENCY

Date: April 1, 2023

By: Victoria Adams
Name: Victoria Adams
Title: Assistant Secretary

EXHIBIT B



Herkimer County Industrial Development Agency
April 12, 2023 @ 9:30 AM
SunEast Watkins Road, LLC
Town of Herkimer, Herkimer County IDA Office
420 E. German Street, Town of Herkimer, NY 13350

STAFF

JOHN J. PISECK, JR.
Chief Executive Officer

VICTORIA L. ADAMS
Operations Manager

JENNIFER L. YOUNG
Administrative Office
Assistant

ERIN E. SPINA
Marketing & Communications
Specialist

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Treasurer

ANN GAWORECKI
Director

TIM DAY
Director

ALANA BASLOE
Director

COUNSEL

ANTHONY G. HALLAK, Esq.
Felt Evans, LLP

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Mr. Piseck appointed Victoria Adams to record the minutes of the hearing.

Mr. Piseck also introduced Jenn Young of the Herkimer County IDA.

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420 E. German Street, Box 1 Suite 101A, Herkimer, NY 13350 315-866-3000

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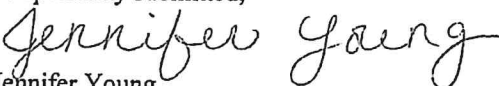
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Mr. Piseck invited public comments.

Being no further public comment, the public hearing was closed at 9:45 AM.

Respectfully submitted,


Jennifer Young
Administrative Assistant

Attachment: Sign in sheet



Sign-In Sheet

Herkimer County Industrial Development Agency
SunEast Watkins Road Solar, LLC – Public Hearing
Wednesday, April 12, 2023 @9:30 AM
Office of the Herkimer County Industrial Development Agency
420 E. German Street, Suite 101A, Herkimer, NY

Name:

Organization:

John Piseck

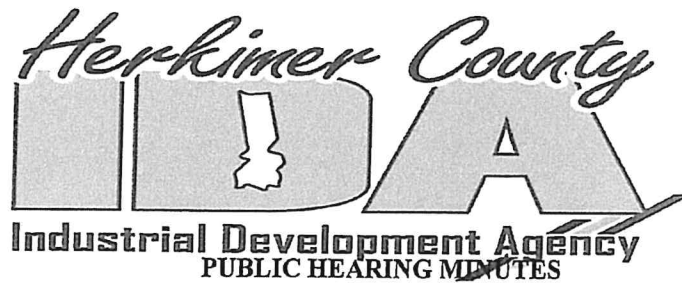
HCIDA

Victoria Adams

HCIDA

Jennifer Young

HCIDA



Herkimer County Industrial Development Agency

April 12, 2023 @ 10:30 AM

SunEast Watkins Road, LLC (Schuyler)

Schuyler Town Hall

2090 State Route 5, Utica, New York

STAFF

JOHN J. PISECK, JR.
Chief Executive Officer

VICTORIA L. ADAMS
Operations Manager

JENNIFER L. YOUNG
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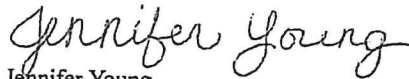
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Administrative Assistant

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2090 State Route 5, Utica, NY

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Organization:

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HCIDA

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Rodney Dodge

Schuyler Town Board