

## SEQRA RESOLUTION

A regular meeting of the County of Oswego Industrial Development Agency (the “*Agency*”) was convened in public session on October 23, 2024 at 8:30 a.m. local time, at 44 West Bridge Street, Oswego, New York.

The meeting was called to order by the chair and, upon the roll being duly called, the following members were:

**PRESENT:** Nick Canale, Mary Ellen Chesbro, Marc Greco, Tricia Peter-Clark, Tim Stahl, and Garry Stanard

**ABSENT:** Patrick Carroll

**ALSO PRESENT:** Austin Wheelock CEO, Kevin LaMontagne CFO, Nate Emmons, Kevin Caraccioli (legal counsel), Terry Rasmussen

The following resolution was duly offered and seconded:

### **RESOLUTION DETERMINING THAT A CERTAIN PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT**

**WHEREAS**, the Agency is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the “*State*”), as amended, together with Chapter 234 of the Laws of 1973 of the State of New York, as amended from time to time (collectively, the “*Act*”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, including industrial pollution control facilities, railroad facilities and certain horse racing facilities, for the purpose of promoting, attracting, encouraging and developing recreation and economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State, to improve their recreation opportunities, 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 grant “financial assistance” (as defined in the Act) in connection with the acquisition, construction, reconstruction, renovation, installation and equipping of one or more “projects” (as defined in the Act); and

**WHEREAS**, ASD Baldwin NY Solar LLC, a Delaware limited liability company, or an entity formed or to be formed by it or on its behalf (the “*Company*”) submitted an application to the Agency on or about April 14, 2023, as amended (the “*Application*”), a copy of which is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “*Project*”) consisting of: (A) (i) the acquisition of a leasehold interest (or sub-leasehold interest)

in all or a portion of an approximately 93.77 acre parcel of real property located at 1495 County Route 6 (tax map no. 220.00-02-29.03) in the Town of Volney, County of Oswego, State of New York (the “**Land**”); (ii) the construction on the Land of an approximately 35 acre solar power electric generating photo-voltaic system, including, but not limited to, solar panels, inverters, transformers, combiner boxes, switchgear, single-axis trackers, racking systems, switchboards, modules, a battery energy storage system, steel beams, wiring, electric poles and other electrical and mechanical components and access roads (the “**Facility**”); and (iii) the acquisition and installation in and around the Facility and/or for use in connection with the Project of various machinery, equipment, furnishings and other items of tangible personal property (collectively the “**Equipment**”) (the Land, the Facility and Equipment are hereinafter collectively referred to as the “**Project Facility**”); (B) the granting of certain financial assistance in the form of exemptions from real property taxes, real estate transfer taxes, mortgage recording taxes (except as limited by Section 874 of the Act) and State and local sales and use taxes (collectively, the “**Financial Assistance**”); and (C) the lease (or sub-lease) of the Land and the Facility by the Company (and/or the owner of the Land) to the Agency pursuant to a lease agreement; the acquisition by the Agency of an interest in the Equipment pursuant to a bill of sale from the Company; and the sublease of the Project Facility back to the Company (and/or the owner of the Land) pursuant to a sublease agreement; and

**WHEREAS**, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “**SEQRA**”), the Agency is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Agency and the approval of the Project and grant of Financial Assistance constitute such an action; and

**WHEREAS**, to aid in the determination of whether the Project may have a significant effect upon the environment, the Company prepared an Environmental Assessment Form (the “**EAF**”); and

**WHEREAS**, the Town of Volney Planning Board (the “**Planning Board**”) previously classified the Project as a Type I action under SEQRA and acted as lead agency for the purpose of conducting an environmental review of the Project; and

**WHEREAS**, after conducting a thorough review of the Project and its potential effects, the Planning Board determined that the Project would not result in any significant adverse environmental impacts and issued a negative declaration (“**Negative Declaration**”) for the Project on February 7, 2023; and

**WHEREAS**, the Agency consented to the Planning Board’s role as lead agency and was an involved agency in the Planning Board’s coordinated environmental review of the Project; and

**WHEREAS**, the Project has not changed since the issuance of the Negative Declaration.

**NOW, THEREFORE**, be it resolved by the members of the County of Oswego Industrial Development Agency, as follows:



**Section 1.** Based upon an examination of the EAF prepared by the Company, the criteria contained in 6 NYCRR §617.7(c), and based further upon the Agency's knowledge of the area surrounding the Project Facility, all the representations made by the Company in connection with the Project, and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Project pursuant to SEQRA:

(a) The Project consists of the components described above in the third whereas clause of this resolution;

(b) The Project constitutes a "Type I" action (as said quoted term is defined in SEQRA) as determined by the Planning Board;

(c) As an involved agency under SEQRA, the Agency is bound by the Planning Board's SEQRA determination and hereby reaffirms, accepts and adopts the Negative Declaration that was issued by the Planning Board for the Project, attached hereto as **Exhibit "A"**, which shall be filed in the office of the Agency in a file that is readily accessible to the public.

**Section 2.** A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

**Section 3.** This Resolution shall take effect immediately.

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

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>	<u>Recuse</u>
Nick Canale, Jr.	X				
Pat Carroll				X	
Mary Ellen Chesbro	X				
Marc Greco	X				
Tricia Peter-Clark	X				
Garry Stanard	X				
Tim Stahl	X				

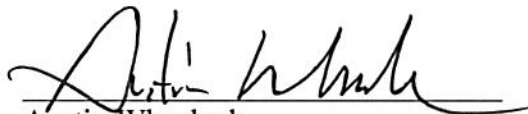
The resolution was thereupon declared duly adopted.

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

I, the undersigned Chief Executive Officer of the County of Oswego Industrial Development Agency, **DO HEREBY CERTIFY** that (i) I have compared the annexed extract of the minutes of the meeting of the County of Oswego Industrial Development Agency (the “*Agency*”) held on October 23, 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 the whole of such original insofar as the same relates to the subject matters referred to therein.

**I FURTHER CERTIFY** that (i) all members of the Agency had due notice of such meeting, (ii) pursuant to Article 7 of the Public Officers Law (the “*Open Meetings Law*”), such meeting was open to the general public and public notice of the time and place of such meeting was duly given in accordance with such Open Meetings Law, (iii) the meeting was in all respects duly held, and (iv) there was a quorum present throughout.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Agency on October 23, 2024.

  
Austin Wheelock  
Chief Executive Officer

(SEAL)

**EXHIBIT A**  
**NEGATIVE DECLARATION**