

**FINAL SEQR RESOLUTION
AUGUSTUS SOLAR WELLSVILLE LLC PROJECT**

A special 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 September 14, 2023 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:

Judy Hopkins	Chairperson
Randy Shayler	Vice Chairperson
Douglas Frank	Treasurer
John Ricci	Member

Each of the members present participated in the meeting either in person or remotely pursuant to New York Assembly Bill A09006C/Senate Bill S08006-C, Part WW, as signed into law on April 9, 2022.

ABSENT: Rich Ewell Secretary

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Craig R. Clark, P.E., Ph.D. Executive Director

The following resolution was offered by John Ricci, seconded by Douglas Frank, to wit:

Resolution No. 09231

RESOLUTION DECLARING THE AGENCY AS LEAD AGENCY AND DETERMINING THAT ACTION TO UNDERTAKE A PROPOSED PROJECT FOR THE BENEFIT OF AUGUSTUS SOLAR WELLSVILLE LLC WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

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 536 of the 1971 Laws of New York, as amended, constituting Section 890-b 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 commercial, manufacturing 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, Augustus Solar Wellsville LLC, a State of 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, which Application requested 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 14.9 acre portion of an approximately 46.20 acre parcel of land located on Voorhees Hill Road (Tax Map No. 240.-1-19.5) in the Town of Wellsville, Allegany County, New York (the “Land”), (2) the construction on the Land of a ground mounted photovoltaic 2.4-MW solar energy 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 electric 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 the Executive Director of the Agency conducted a Public Hearing on August 8, 2023 at at 7:00 o’clock p.m., local time, at the David Howe Library located at 155 Main Street in the Town of Wellsville, Allegany County, New York; and thereafter 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; 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 resolution adopted by the members of the Agency on April 14, 2022 (the “Resolution Declaring Lead Agency”), the Agency (A) determined (1) that the Project is subject to SEQRA, (2) that the Project is a Type I Action under SEQRA requiring a coordinated review of the Project will all Involved and Interested Agencies, and (3) declared its intent to act as Lead Agency for the SEQRA Review and (B) authorized the Company and Agency Counsel to coordinate issuing a Notice of Intent, with the Environmental Assessment Form Part I (the “EAF”), to all other “involved agencies” for the purpose of ascertaining whether such “involved agencies” were interested in undertaking the coordinated review of the Project and notifying them of the Agency’s intent to act as Lead Agency; and

WHEREAS, the Executive Director has reported to the Agency that all other state and local governmental agencies which constitute “involved agencies” with respect to the Project have either agreed or did not respond to the Agency acting as Lead Agency with respect to the Project; and

WHEREAS, pursuant to SEQRA, to aid the Agency in determining whether the Project may have a significant effect upon the environment, the Company prepared and submitted the Full EAF Part I with

respect to the Project, a copy of which was presented to and reviewed by the Agency and a copy of which is on file at the office of the Agency; and

WHEREAS, pursuant to SEQRA, the Agency has reviewed the Full EAF Part I and the Application with respect to the Project (collectively, the “Reviewed Documents”); and

WHEREAS, pursuant to SEQRA, the Agency now desires to determine whether the Project may have a significant effect on the environment and whether an environmental impact statement (“EIS”) must be prepared with respect to the Project;

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

Section 1. Based upon an examination of the Reviewed Documents, and based further upon the Agency's knowledge of the area surrounding the Project Facility and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Project:

A. There being no objection from any Involved or Interested Agency, The Board hereby declares itself to be the Lead Agency

B/ The Project (the “Project”) consists of the following: (A) (1) the acquisition of an interest in a 14.9 acre portion of an approximately 46.20 acre parcel of land located on Voorhees Hill Road (Tax Map No. 240.-1-19.5) in the Town of Wellsville, Allegany County, New York (the “Land”), (2) the construction on the Land of a ground mounted photovoltaic 2.4-MW solar energy 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 electric 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

C. The only potential impacts on the environment noted in the Reviewed Materials or otherwise known to the Agency, and the Agency's evaluation of the potential significance of same, are more fully outlined in the attached Negative Declaration of Environmental Significance (the “Negative Declaration”).

D. No other potentially significant impacts on the environment are noted in the Reviewed Materials, and none are known to the Agency.

Section 2. Based upon the foregoing investigation of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact therein indicated, the Agency makes the following findings and determinations with respect to the Project:

(A) The Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment. Therefore, the Agency hereby determines that the Project will not have a significant effect on the environment, and accordingly the Agency will not require the preparation of an EIS with respect to the Project; and

Section 3. Pursuant to the requirements of 6 NYCRR 617.12(b)(1), the Agency hereby adopts and issues the attached Negative Declaration with respect to the Project, and hereby directs said Negative Declaration to be circulated and filed as follows:

(A) A copy of said Negative Declaration shall be filed in the main office of the Agency.

(B) A copy of said Negative Declaration shall be mailed to the Company.

(C) A copy of said Negative Declaration shall be mailed to the chief executive officer of the political subdivision in which the Project is located.

(D) A copy of said Negative Declaration shall be mailed to all “involved agencies.”

(E) A copy of said Negative Declaration shall be mailed to any person requesting same.

(F) A copy of said Negative Declaration shall be mailed to the Environmental Notice Bulletin accompanied by a request that same be published.

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	Absent
Judy Hopkins	VOTING	Aye
Randy Shayler	VOTING	Aye
Douglas Frank	VOTING	Aye
John Ricci	VOTING	Aye

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 September 14, 2023 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) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), except as modified by New York Assembly Bill A09006C/Senate Bill S08006-C, Part WW, as signed into law on April 9, 2022 (the "2022 Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present, either in-person or by conference call or similar service in accordance with the 2022 Law, 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.

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this
day of September, 2023.



Secretary

(SEAL)