

WHEREAS, in carrying out its responsibilities under the Act, the Agency is authorized and empowered to, and has adopted a local labor policy requiring a percentage of employees working on any project to be hired from the local counties, or else receive a waiver from the Agency; and

WHEREAS, Hume–Wischoy Solar I and II, LLCs, two State of Delaware limited liability companies (the “Companies”) signed a Local Labor Workforce Certification on April 22, 2020 as part of an Application for Financial Assistance to the Agency, as part of applying for and receiving financial incentives from the Agency for two solar energy generating facilities in the Town of Hume (the “Projects”); and

WHEREAS, the Companies have reported to the Agency that it has not fulfilled the requirements of the local labor policy and therefore has requested a waiver from the policy; and

WHEREAS, the members of the Agency have considered the waiver, the goals of the policy, the efforts made to comply with the policy, the reasons for the failure to comply with the policy, and the impacts on the host community of the Town of Hume as a result of the failure to follow the policy.

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

Section 1. The Agency approves the waiver on the following conditions:

(A) Because the loss of the benefits of the local labor policy are most significantly felt within the Town of Hume, the Companies are to provide the Town of Hume additional upfront and annual Host Community Payments in a total amount of not less than \$571,000. Specifically, the Host Community Benefit Agreement (“HCBA”) between the Companies and the Town of Hume provides an additional \$571,000 in value, by means of an annual payment of \$3,500 per MWac escalating at 1% that shall be paid out in accordance with the HCBA.

(B) The Companies shall make a payment to the Agency of \$5000 to be used to further the goals of the Agency, in addition to any other fees due to and legal costs incurred by the Agency related to the Projects.

(C) If the conditions are not met, the Agency reserves the right to revoke the financial incentives granted to the Projects.

Section 2. 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	AYE
Judy Hopkins	VOTING	ABSTAIN
Randy Shayler	VOTING	ABSENT
Douglas Frank	VOTING	AYE
John Ricci	VOTING	AYE
Ward “Skip” Wilday	VOTING	AYE

The foregoing resolution was thereupon declared duly adopted.

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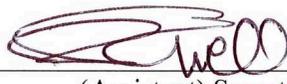
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STATE OF NEW YORK)
) SS.:
COUNTY OF ALLEGANY)

I, the undersigned (Assistant) 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 June 9, 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) 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 9th day of June, 2022.



(Assistant) Secretary *Channon*