

**THIRD AMENDATORY RESOLUTION OF THE WYOMING  
COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
RELATING TO THE ALLE-CATT WIND ENERGY PROJECT.**

**WHEREAS**, the Wyoming County Industrial Development Agency (the “Agency”) is authorized under the laws of the State of New York, and in particular the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended, and Section 901-b of the General Municipal Law, as amended (collectively, the “Act”), to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial and research facilities and thereby advance the job opportunities, general prosperity and economic welfare of the people of the State of New York and to improve their prosperity and standard of living; and

**WHEREAS**, on September 10, 2020, the Agency adopted an inducement resolution (the “Inducement Resolution”) with respect to a project (the “Project”) consisting of the construction of a 76+/- megawatt (MW) AC wind turbine electric generating facility comprised of up to thirteen (13) wind turbines, electrical substation improvements and associated appurtenances, equipment and improvements, and conveyance of the Project pursuant to a lease of the Project to Alle-Catt Wind Energy, LLC (the “Company”), such Project to be located at up to twenty-eight (28) parcels of real property in the Town of Arcade, New York; and

**WHEREAS**, on October 10, 2024, the Agency adopted an amendatory resolution (the “Amendatory Resolution”) with respect to the Project, which modified the financial assistance for the Project to include: (i) an exemption from sales and use taxes for building materials and machinery, equipment, fixtures and furnishings purchased for incorporation into or use at the Project location having a total cost not to exceed \$16,432,913.54; (ii) an exemption from mortgage recording taxes for one or more mortgages having a principal amount not to exceed \$159,069,832.00; and (iii) real property tax abatement pursuant to a customized, non-standard payment in lieu of tax agreement, the annual payments under which will be calculated with reference to the per megawatt (MW) AC capacity of the Project (collectively, the “Financial Assistance”); and

**WHEREAS**, On November 14, 2024, the Agency adopted a second amendatory resolution (the “Second Amendatory Resolution”) with respect to the Project, which extended the time for the Company to execute and deliver the Project Agreement and pay the requisite fees of the Agency and Agency’s counsel to November 22, 2024; and

**WHEREAS**, by letter dated February 11, 2025, the Company: (A) informed the Agency of the following modifications to the Project: (i) a decrease in the number of wind turbines located in Wyoming County to nine (9) turbines; and (ii) an updated list of project parcels which identifies a total of twenty-one (21) parcels as part of the Project (the “Project Parcels”); and (B) requested that the Company have the ability to pay the Agency’s administrative fee in multiple installments; and

**WHEREAS**, pursuant to applicable General Municipal Law requirements and the Agency’s

Uniform Tax Exemption Policy, the Agency duly prepared and delivered a second amended notice of deviation on February 3, 2025 to each of the affected taxing jurisdictions.

**NOW, THEREFORE, THE WYOMING COUNTY INDUSTRIAL DEVELOPMENT AGENCY HEREBY RESOLVES AS FOLLOWS:**

1. The Agency hereby amends the Amendatory Resolution, as amended, to: (i) reflect the decrease in the number of wind turbines located in Wyoming County to nine (9) turbines; (ii) reflect that the Project is to be located on the Project Parcels, a copy of which is attached as Exhibit A; and (iii) approve the payment of the Agency's administrative fee in multiple installments.
2. Except as amended by this Third Amendatory Resolution, the terms of the Inducement Resolution and Amendatory Resolution are unchanged and remain in full force and effect.
3. This Third Amendatory Resolution shall take effect immediately.

DATED: February 13, 2025

**Exhibit A**

**Updated Project Parcels**

See attached.

Landowner Name	SBL No.	Property Address	Site Control	Estoppel Received	Site Control Documents	Survey	Title Commitment	Title Rundown Report
EDELWEISS LAND LLC	184.-1-24	V/L BRAY RD, ARCADE, NY 14009	Participating - Wind Agreement	YES	YES	YES	YES	YES
ROBERT BRASS	184.-1-3	1451 ROUTE 39, ARCADE NY 14009-0000	Participating - Wind Agreement	YES	YES	YES	YES	YES
SCOTT N HILTS	185.-1-1.3	V/L HIRAM RD, ARCADE NY 14009-0000	Participating - Wind Agreement	YES	YES	YES	YES	YES
DANIEL ZIELENIESKI	185.-1-2.1	7722 HIRAM RD, ARCADE NY 14009-9612	Participating - Wind Agreement	N/A	YES	YES	YES	YES
MICHAEL ELHAGE	185.-1-18	V/L BRAY RD, ARCADE NY 14009-0000	Participating - Wind Agreement	YES	YES	YES	YES	YES
SUZETTE M DUMAIS	195.-1-1.1	V/L BRAY RD, ARCADE NY 14009-0000	Participating - Wind Agreement	YES	YES	YES	YES	YES
PATRICK M HULTON	184.-1-6.11	1574 ROUTE 39, ARCADE NY 14009-9629	Participating - Wind Agreement	N/A	YES	YES	YES	YES
EDELWEISS LAND LLC	184.-1-1	V/L ROUTE 39, ARCADE NY 14009-0000	Participating - Wind Agreement	YES	YES	YES	YES	YES
HOWARD A HURLBURT	185.-1-8.1	2426 ROUTE 39, ARCADE NY 14009-9613	Participating - Wind Agreement	N/A	YES	YES	YES	YES
CHARLES A MERCER	184.-1-23.111	V/L BRAY RD, ARCADE NY 14009-0000	Participating - Wind Agreement	YES	YES	YES	YES	YES
VICTOR F PERKINS	185.-1-16	2582 ROUTE 39, ARCADE NY 14009-9613	Participating - Wind Agreement	YES	YES	YES	YES	YES
SUSAN BOVE	185.-1-19	2473 BRAY RD, ARCADE NY 14009-9639	Participating - Wind Agreement	N/A	YES	YES	YES	YES
ZIELENIESKI FARMS INC	185.-1-1.211	V/L ROUTE 39, ARCADE NY 14009-0000	Participating - Wind Agreement	YES	YES	YES	YES	YES
HOWARD A HURLBURT	185.-1-15.11	2490 ROUTE 39, ARCADE NY 14009-9613	Participating - Wind Agreement	N/A	YES	YES	YES	YES
ELDON M KING JR	195.-1-2.2	V/L HIRAM RD, ARCADE NY 14009-0000	Participating - Wind Agreement	N/A	YES	YES	YES	YES
EDELWEISS LAND LLC	194.-1-18	V/L BRAY RD, ARCADE NY 14009-0000	Participating - Wind Agreement	N/A	YES	YES	YES	YES
EDELWEISS LAND LLC	193.-2-22.1	V/L ROUTE 98, ARCADE NY 14009-0000	Participating - Wind Agreement	N/A	YES	YES	YES	YES
CHARLES A MERCER	194.-1-14	V/L BRAY RD, ARCADE NY 14009-0000	Participating - Wind Agreement	N/A	YES	YES	YES	YES
GARY BRAY	194.-1-2	1597 BRAY RD, ARCADE, NY 14009	Participating - Wind Agreement	N/A	YES	PENDING	YES	N/A - new search work
GARY BRAY	194.-1-19	1607 BRAY RD, ARCADE NY 14009-9625	Participating - Wind Agreement	N/A	YES	YES	YES	YES
Rodney Lons	185.-1-24.1	2261 BRAY RD, ARCADE NY 14009-9635	Participating - Wind Agreement	N/A	YES	YES	YES	YES
				With respect to those parcels marked N/A, per Invenergy's term sheet with its lender, Invenergy is only collecting estoppels for properties housing turbines.				