

**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**, the Inducement Resolution approved by the Agency authorized an exemption from New York State and local sales and use taxes for purchases of sales-taxable tangible personal property and services in connection with the Project which do not exceed a total cost of \$11,667,456.00, a partial exemption from mortgage recording tax for one or more mortgages aggregating an amount not to exceed \$36,500,000.00, and an abatement from real property taxes; and

**WHEREAS**, the Agency has not provided any of the tax exemptions or abatements authorized by the Inducement Resolution to date, and the Agency and the Company have not entered into a project agreement (the “Project Agreement”) or other agreements relating to the Agency’s provision of financial assistance to the Company for the Project; and

**WHEREAS**, by letter dated September 11, 2024, the Company informed the Agency of several changes to the Project, specifically that: (i) the Project would now consist of the construction of a 45+/- megawatt (MW) AC wind turbine electric generating facility comprised of up to ten (10) wind turbines, electrical substation improvements and associated appurtenances, equipment and improvements located at up to twenty-seven (27) parcels of real property in the Town of Arcade; and (ii) that the overall cost of the Project had increased from \$72,921,000 to \$162,736,170.81; and

**WHEREAS**, as a result of these changes to the Project, the Company has requested from the Agency an increase in the sales and use tax exemption benefit and an increase in the mortgage recording tax benefit; and

**WHEREAS**, the Agency determined that the proposed increase in financial assistance

required the Agency to conduct a public hearing; and

**WHEREAS**, pursuant to applicable General Municipal Law requirements and the Agency's Uniform Tax Exemption Policy, the Agency duly prepared and delivered an amended notice of deviation on September 26, 2024 to each of the affected taxing jurisdictions; and

**WHEREAS**, after giving all required notices (including published notice), the Agency conducted an additional public hearing on the Project on October 3, 2024, and has considered all oral and written presentations made at or in connection with the public hearing.

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

1. The Project is described in the recitals to this Resolution. The financial assistance to be provided in connection therewith includes: (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 \$16,432,913.54.00; (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").
2. The modifications to the Project as described in this resolution are expressly conditioned upon the Company executing and delivering the Agency's standard Project Agreement no later than thirty (30) days following the adoption of this resolution, which Project Agreement shall also require, in accordance with the Agency Fee Policy, that the Company pay 20% of the Agency's administrative fee and 20% of the Agency's legal counsel fee upon execution of the Project Agreement. In the event the Company does not enter into a Project Agreement within thirty (30) days, this resolution shall be deemed automatically null and void without any further action of the Board.
3. Except as amended by this Amendatory Resolution, the terms of the Inducement Resolution are unchanged and remain in full force and effect.
4. This Amendatory Resolution shall take effect immediately.

DATED: October 10, 2024