

ABUNDANT SOLAR POWER (SK1) LLC

**AMENDED APPROVING RESOLUTION
(3101-19-12A)**

At a regular meeting of the Onondaga County Industrial Development Agency (the "Agency") convened in public session on January 14, 2020, at 8:00 a.m. at 333 W. Washington Street, Syracuse, New York, the following members were:

PRESENT: Patrick Hogan
Janice Herzog
Susan Stanczyk
Steve Morgan
Kevin Ryan

ABSENT: Victor Ianno
Fanny Villarreal

ALSO PRESENT: Robert M. Petrovich, Executive Director
Anthony P. Rivizzigno, Esq. Agency Counsel
Amanda M. Mirabito, Esq., Agency Counsel

The following resolution was offered by Janice Herzog, seconded by Susan Stanczyk, to wit:

RESOLUTION AMENDING A RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT FOR ABUNDANT SOLAR POWER (SK1) LLC (THE "COMPANY").

WHEREAS, Onondaga 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 435 of the Laws of 1970 of the State of New York and Chapter 676 of the Laws of 1975, as amended, constituting Section 895 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 manufacturing, warehousing, research, commercial 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 (the "State"), 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, on or about November 8, 2019, the Agency received an application (the "Application") from Abundant Solar Power (SK1) LLC, a New York limited liability company (the "Company"), to undertake a project (the "Project") on behalf of itself and entities formed or to be formed on its behalf, said Project consisting of the following: (A)(1) the acquisition of a leasehold interest in a portion of an approximately 72 acre parcel of land located at 1676 Old Seneca Turnpike (tax map no. 030-02-04.0) in the Town of Skaneateles, Onondaga County, New York (the "Land"); (2) the construction on the Land of an approximately 7 acre solar power electric generating photo-voltaic plant; (the "Facility"); and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the "Equipment") (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 (subject to certain statutory limitations) (collectively, the "Original 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, in the Application the Company requested a sales and use tax exemption benefit of \$117,844.00 (the "Requested Amount"); and

WHEREAS, on or about November 8, 2019, the Agency completed a cost-benefit analysis regarding the Project (the "Cost Benefit Analysis") using a sales tax and use exemption benefit of \$76,366; and

WHEREAS, the members of the Agency adopted a resolution on November 19, 2019 (the "Public Hearing Resolution") authorizing a public hearing with respect to the Project in compliance with the provisions of Section 859-a of the Act; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing (the "Original Public Hearing Notice") of the Agency (the "Original Public Hearing") pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the Original Financial Assistance being contemplated by the Agency with respect to the Project, to be mailed on November 21, 2019 to the chief executive officers of the county and of each city, town, village and school district (collectively the "Affected Tax Jurisdictions") in which the Project Facility is or is to be located, (B) caused notice of the Public Hearing to be published on November 21, 2019 in The Post-Standard, a newspaper of general circulation available to the residents of the Town of Skaneateles, Onondaga County, New York, (C) conducted the Public Hearing on December 3, 2019 at 9:00 a.m., local time at the Town Hall, Town of Skaneateles, located at 24 Jordan Street, in the Town of Skaneateles, New York, and (D) prepared a report of the Public Hearing (the "Original Public Hearing Report") fairly summarizing the views presented at such Public Hearing and caused copies of said Original Public Hearing Report to be made available to the members of the Agency; and

WHEREAS, on or about December 9, 2019, the Agency discovered a scrivener's error in the amount of sales and use tax exemption benefit included in the Cost Benefit Analysis and the Original Public Hearing Notice; and

WHEREAS, on December 10, 2019, the Agency adopted an Approving Resolution authorizing the Project and the Original Financial Assistance, including a sales and use tax exemption benefit of \$76,366; and

WHEREAS, in order to provide the Company with a sales and use tax exemption benefit equal to the difference between the Requested Amount and the Original Financial Assistance (the "Additional Sales and Use Tax Exemption"), pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the "Second Public Hearing") pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the Financial Assistance being contemplated by the Agency with respect to the Project, to be mailed on December 13, 2019 to the chief executive officers of the Affected Tax Jurisdictions in, (B) caused notice of the Second Public Hearing to be published on December 15, 2019 in The Post-Standard, a newspaper of general circulation available to the residents of the Town of Skaneateles, (C) conducted the Second Public Hearing on January 6, 2020 at 9:00 a.m., local time at the Town of Skaneateles Hall located at 24 Jordan Street in the Town of Skaneateles, New York, and (D) prepared a report of the Second Public Hearing (the "Second Public Hearing Report") fairly summarizing the views presented at such Second Public Hearing and caused copies of said Second Public Hearing Report to be made available to the members of the Agency; 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 Project had been subject to an environmental review resulting in the issuance of a Negative Declaration by the Agency by resolution dated December 10, 2019; and

WHEREAS, pursuant to the Act, the Agency desires to amend the Approving Resolution to approve additional Financial Assistance in the form of a sales and use tax exemption benefit in an amount equal to the Additional Sales and Use Tax Exemption.

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

Section 1. Section 2 of the Approving Resolution is hereby amended to read as follows:

The amount of State and local sales and use tax exemption benefits comprising the Financial Assistance approved herein shall not exceed \$117,844.00. The Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 2. This Resolution shall take effect immediately upon adoption.

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

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Patrick Hogan	X		
Janice Herzog	X		
Victor Ianno			X
Steve Morgan	X		
Susan Stanczyk	X		
Kevin Ryan	X		
Fanny Villarreal			X

The Resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) ss.:
COUNTY OF ONONDAGA)

I, the undersigned Secretary of the Onondaga County Industrial Development Agency, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on January 14, 2020, with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matter 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"), 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 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.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of January, 2020.

(SEAL)



Nancy, Lowery, Secretary