

**CICERO ENERGY STORAGE II, LLC PROJECT  
SEQRA RESOLUTION**

**(3101-20-06A)**

A regular meeting of the Onondaga County Industrial Development Agency (the "Agency") was convened in public session on May 12, 2020, at 8:00 a.m. at 333 West Washington Street, Syracuse, New York.

The meeting was called to order by the (Vice) Chairman of the Agency and, upon roll being called, the following members of the Agency were:

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

**ABSENT:** Fanny Villarreal

**ALSO PRESENT:** Robert M. Petrovich, Executive Director  
Jeffrey W. Davis, Esq., Agency Counsel  
Amanda M. Mirabito, Esq., Agency Counsel

The following resolution was offered by Janice Herzog, seconded by Victor Ianno, to wit:

**RESOLUTION PURSUANT TO THE STATE  
ENVIRONMENTAL QUALITY REVIEW ACT  
DETERMINING THAT ACTION TO UNDERTAKE A  
PROJECT FOR CICERO ENERGY STORAGE II, LLC  
WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON  
THE ENVIRONMENT.**

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, 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, Cicero Energy Storage II, LLC, a Delaware limited liability company (the “Company”), has submitted an application (the “Application”), on behalf of itself and entities formed or to be formed on its behalf, to the Agency, a copy of a copy of which Application is on file at the office of the Agency, which Application requests that the Agency consider undertaking a project (the “Project”) for the benefit of the Company and/or entities formed or to be formed on its behalf, said Project consisting of the following: (A)(1) acquisition or retention of an interest in approximately 42 acres of land located at located at 6256 Island Road in the Town of Cicero, Onondaga County, New York (the “Land”); (2) construction on the Land of a 5-megawatt (MW) photovoltaic solar power facility and battery energy storage system, including solar panels, power conversion unit, transformers, inverters and other appurtenances (the “Facility”); and (3) acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (the “Equipment”) (the Land, the Facility and the Equipment being collectively referred to as the “Project Facility”); and (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, and mortgage recording taxes (subject to the limitations imposed by the Act) (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 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 adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the “Regulations” and, collectively with the SEQR Act, “SEQRA”), the Agency is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Agency and the approval of the Project and grant of Financial Assistance constitute such an action; and

WHEREAS, to aid the Agency in determining whether the Project may have a significant effect upon the environment, the Company has prepared and submitted to the Agency an Environmental Assessment Form (the “EAF”), a copy of which is on file in the office of the Agency and is readily accessible to the public; and

WHEREAS, the Town of Cicero (the “Town”) Planning Board (“Planning Board”) has determined that the construction and installation of the Project Facility will not result in any significant adverse environmental impacts and the Planning Board issued a negative declaration on January 7, 2020, a copy of which is attached hereto; and

WHEREAS, the Agency has considered the Project and the EAF, together with the Planning Board's knowledge of the area surrounding the Project, and such further investigation of the Project and its potential environmental effects as the Planning Board has deemed appropriate.

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

Section 1. Based upon an examination of the EAF prepared by the Company and the representations made by the Company in connection with the Project, and the determination by the Town Planning Board that the Project will not result in any significant adverse environmental impacts, the Agency makes the following findings and determinations with respect to the Project pursuant to SEQRA:

(A) The Project consists of the components described above in the third WHEREAS clause of this resolution;

(B) The Agency hereby accepts and adopts the determination by the Planning Board that the Project will not result in a significant adverse environmental impact.

Section 2. A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

Section 3. This Resolution shall take effect immediately.

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

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</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.

**Exhibit A**

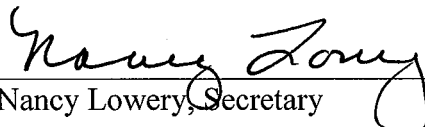
STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF ONONDAGA        )

I, the undersigned Executive Director 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 May 12, 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") as modified by N.Y Governor Andrew Cuomo's Executive Order 202.1 in response to the COVID-19 pandemic, 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 as modified by Executive Order 202.1, 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 <sup>15</sup> day of May, 2020.

  
\_\_\_\_\_  
Nancy Lowery, Secretary

(SEAL)