

**RESOLUTION**

A special meeting of the County of Sullivan Industrial Development Agency (“Agency”) was convened via teleconference on July 31, 2020, at 6:00 p.m.

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

|                  | <u>PRESENT</u> | <u>ABSENT</u> |
|------------------|----------------|---------------|
| Ira Steingart    | [ √ ]          | [   ]         |
| Suzanne Loughlin | [ √ ]          | [   ]         |
| Edward T. Sykes  | [ √ ]          | [   ]         |
| Howard Siegel    | [ √ ]          | [   ]         |
| Scott Smith      | [ √ ]          | [   ]         |
| Paul Guenther    | [ √ ]          | [   ]         |
| Joseph Perrello  | [   ]          | [ √ ]         |
| Carol Roig       | [ √ ]          | [   ]         |

The following persons were also present:

Jennifer M. Flad, Executive Director  
Julio Garaicoechea, Project Manager  
Deborah Nola, Accounting and Financial Analyst  
Walter F. Garigliano, Agency General Counsel

The following resolution was duly offered by Carol Roig, and seconded by Howard Siegel, to wit:

Resolution No. 35 - 20

***RESOLUTION TO CONSIDER AMENDMENT OF THE COMMUNITY  
DISTRIBUTED GENERATION UNIFORM TAX EXEMPTION POLICY***

*WHEREAS*, by Title 1 of Article 18-A of the General Municipal Law of the State of New York ("State"), as amended, and Chapter 560 of the Laws of 1970 of the State, as amended and codified as Section 960 of the General Municipal Law (collectively, the “Act”), the Agency was created with the authority and power to own, lease and sell property as authorized by the Act; and

*WHEREAS*, on December 12, 2016, the Agency adopted the Community Distributed Generation Uniform Tax Exemption Policy (“Solar UTEP”); and

*WHEREAS*, the Solar UTEP contemplated a project pay the greater of a fixed PILOT amount or a variable formula amount based on the project’s revenue; and

*WHEREAS*, changes in the New York State Energy and Research Development Authority (“NYSERDA”) programs providing financial incentives to Community Solar developers have materially changed, making the variable formula-based computation potentially unfair and difficult to compute.

*NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE AGENCY AS FOLLOWS:*

Section 1. The Agency consider the amendment of the Solar UTEP (1) to allow for the fixed PILOT payment obligation to be modified as project economics are impacted by the changing NYSERDA regulatory scheme and incentive structure and (ii) to eliminate the variable formula-based alternate PILOT Payment calculation method.

Section 2. The Executive Director of the Agency is hereby directed to (i) prepare a summary outlining the proposed amendment; (ii) mail the summary to the County’s taxing jurisdictions and (iii) take such other actions as are necessary for the Agency to consider the amendment of the Solar UTEP.

Section 3. This resolution shall take effect immediately.

THE MEMBERS VOTED ON THE FOREGOING RESOLUTION AS FOLLOWS:

|                  |   |                             |  |                                  |
|------------------|---|-----------------------------|--|----------------------------------|
| Ira Steingart    | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Absent            | <input type="checkbox"/> Abstain |
| Suzanne Loughlin | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Absent            | <input type="checkbox"/> Abstain |
| Edward T. Sykes  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Absent            | <input type="checkbox"/> Abstain |
| Howard Siegel    | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Absent            | <input type="checkbox"/> Abstain |
| Scott Smith      | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Absent            | <input type="checkbox"/> Abstain |
| Paul Guenther    | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Absent            | <input type="checkbox"/> Abstain |
| Joseph Perrello  | <input type="checkbox"/> Yes            | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Absent | <input type="checkbox"/> Abstain |
| Carol Roig       | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Absent            | <input type="checkbox"/> Abstain |

and therefore, the resolution was declared duly adopted.

STATE OF NEW YORK :  
:SS.:  
COUNTY OF SULLIVAN :

I, the undersigned Secretary (or Assistant) of the Agency DO HEREBY CERTIFY THAT:

- I have compared the foregoing copy of a resolution of the Agency with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of such resolution and of the proceedings of the Agency in connection with such matter.
- Such resolution was passed at a meeting of the Agency duly convened via teleconference on July 31, 2020 at 6:00 p.m. at which the following members were present:

|                  | <u>PRESENT</u>                          | <u>ABSENT</u>                           |
|------------------|---|---|
| Ira Steingart    | [ <input checked="" type="checkbox"/> ] | [       ]                               |
| Suzanne Loughlin | [ <input checked="" type="checkbox"/> ] | [       ]                               |
| Edward T. Sykes  | [ <input checked="" type="checkbox"/> ] | [       ]                               |
| Howard Siegel    | [ <input checked="" type="checkbox"/> ] | [       ]                               |
| Scott Smith      | [ <input checked="" type="checkbox"/> ] | [       ]                               |
| Paul Guenther    | [ <input checked="" type="checkbox"/> ] | [       ]                               |
| Joseph Perrello  | [       ]                               | [ <input checked="" type="checkbox"/> ] |
| Carol Roig       | [ <input checked="" type="checkbox"/> ] | [       ]                               |

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

|                  |   |          |  |               |
|------------------|---|----------|--|---------------|
| Ira Steingart    | [ <input checked="" type="checkbox"/> ] Yes | [   ] No | [   ] Absent                                   | [   ] Abstain |
| Suzanne Loughlin | [ <input checked="" type="checkbox"/> ] Yes | [   ] No | [   ] Absent                                   | [   ] Abstain |
| Edward T. Sykes  | [ <input checked="" type="checkbox"/> ] Yes | [   ] No | [   ] Absent                                   | [   ] Abstain |
| Howard Siegel    | [ <input checked="" type="checkbox"/> ] Yes | [   ] No | [   ] Absent                                   | [   ] Abstain |
| Scott Smith      | [ <input checked="" type="checkbox"/> ] Yes | [   ] No | [   ] Absent                                   | [   ] Abstain |
| Paul Guenther    | [ <input checked="" type="checkbox"/> ] Yes | [   ] No | [   ] Absent                                   | [   ] Abstain |
| Joseph Perrello  | [   ] Yes                                   | [   ] No | [ <input checked="" type="checkbox"/> ] Absent | [   ] Abstain |
| Carol Roig       | [ <input checked="" type="checkbox"/> ] Yes | [   ] No | [   ] Absent                                   | [   ] Abstain |

and therefore, the resolution was declared duly adopted.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of said meeting, (ii) pursuant to Sections 103a and 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public and public notice of the time and place of said meeting was duly given in accordance with such Sections 103a and 104, (iii) the meeting in all respects was duly held, and (iv) there was a quorum present throughout.

*IN WITNESS WHEREOF*, I have hereunto set my hand and seal on the 31<sup>st</sup> day of July, 2020.

  
\_\_\_\_\_  
Secretary