

**NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO
PERMISSIVE REFERENDUM**

NOTICE IS HEREBY GIVEN that at a regular meeting held on the 13th day of December 2022, the Town Board of the Town of Arcadia, New York (the "Town") duly adopted a Resolution, an abstract of which follows, which Resolution is subject to a Permissive Referendum pursuant to Town Law Article 7.

The Resolution authorized the execution of a forty (40) year Lease Agreement with Arcadia Community Solar LLC for the development and operation of a +/- 3.73 MW photovoltaic solar generation facility on approximately 28 acres within the Town of Arcadia Landfill Site on State Route 88 North.

Dated: December 13, 2022

By Order of the Arcadia Town Board,

Diane Allerton, Town Clerk

At a Regular meeting of the Town Board of the Town of Arcadia, Wayne County, New York, held at the Town Hall at No. 201 Frey Street in the Village of Newark, Wayne County, New York, in said Town, on the 13th day of December 2022 at 7:00 P.M., Prevailing Time.

PRESENT: Richard D. VanLaeken Supervisor
Michael J. Diamond, Councilman
David Greco, Councilman
Dawn L. Piscioti, Councilwoman
Joseph W. Gerbig, Councilman

The following Resolution was offered by Councilman Diamond, who moved its adoption, seconded by Councilwoman Piscioti, to wit:

RESOLUTION DATED DECEMBER 13, 2022.

A RESOLUTION AUTHORIZING THE EXECUTION OF A LAND LEASE WITH ARCADIA COMMUNITY SOLAR LLC FOR A PORTION OF REAL PROPERTY LOCATED WITHIN THE ARCADIA LANDFILL SITE ON STATE ROUTE 88 NORTH, FOR THE CONSTRUCTION AND OPERATION OF A +/- 3.73 MW PHOTOVOLTAIC SOLAR ENERGY GENERATION FACILITY.

WHEREAS, the Town of Arcadia is the owner of real property known as the Arcadia Landfill Site on State Route 88 North; and

WHEREAS, Arcadia Community Solar LLC ("Arcadia Solar") desires to develop and operate a +/- 3.73 MW photovoltaic solar generation facility ("Solar Facility") on an approximately 28-acre parcel of land located within said Landfill Site (the "Premises");

WHEREAS, the Town has determined that the Premises would be an acceptable location for the proposed Solar Facility; and

WHEREAS, the Town and Arcadia Solar have negotiated a proposed land lease agreement (the "Lease") pursuant to which the Town would receive rent and other payments from Arcadia Solar in consideration for a lease for the Premises for the term not to exceed forty (40) years;

WHEREAS, the proposed lease is a Type II action pursuant to the New York State Environmental Quality Review Act (SEQRA) which requires no further environmental review; and

WHEREAS, a draft of the proposed Lease has been submitted to the Town Board for review and is on file with the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Arcadia, Wayne County, New York hereby authorizes the Supervisor to execute the proposed Lease, in a form substantially similar to the proposed Lease attached hereto, and subject to final review and approval by

Town Counsel, together with any other documents reasonably necessary to effectuate the same; and be it further

RESOLVED, that this Resolution is adopted subject to a Permissive Referendum, as provided by New York Town Law Section 64 and Article 7; and be it further

RESOLVED, that within ten (10) days after the adoption of this Resolution by the Town Board, the Town Clerk shall, as set forth in Town Law § 90, post and publish a Public Notice which shall set forth the date of the adoption of this Resolution and contain an abstract of this Resolution, concisely stating the purpose and effect thereof. Such Public Notice shall specify that such Resolution was adopted subject to the Permissive Referendum requirement of the Town Law; and be it further

RESOLVED, that this Resolution shall take effect immediately, unless a referendum is requested, in which event it shall take effect, if approved at such referendum, upon such approval.

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

Richard D. VanLaeken	VOTING	<u>Aye</u>
Michael J. Diamond	VOTING	<u>Aye</u>
David Greco	VOTING	Aye
Dawn L. Piscioti	VOTING	<u>Aye</u>
Joseph W. Gerbig	VOTING	<u>Aye</u>

The Resolution was thereupon declared duly adopted on December 13, 2022.