

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Yates County Industrial Development Agency (the "Agency") Tuesday, November 14, 2023, at 3:30 p.m., local time, at Benton Town Hall, 1000 NY-14A, Penn Yan, New York 14527, in connection with the following matter:

**HORNING SOLAR LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (collectively, the "Company"), has submitted an application (the "Application"), a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project"), consisting of: (i) the acquisition by the Agency of a leasehold interest in approximately 24 acres of real property located at 848 SR 14A, Town of Benton, New York and all other lands where by license or easement or other agreement the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly identified as a portion of tax parcel number 17.03-1-12.11, as may be subdivided); (ii) the planning, design, construction and operation of a 5MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); and (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility").

The Agency will acquire title to, or a leasehold interest in, the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions, a partial real property tax abatement structured through a payment-in-lieu-of-tax agreement and a partial mortgage recording tax exemption as authorized pursuant to the laws of the State of New York, consistent with the policies of the Agency.

At the public hearing referenced above, the Agency will consider the Project and the Financial Assistance, including the payment-in-lieu-of-tax agreement, the terms of which are proposed to contain a deviation from the Agency's Uniform Tax Exemption Policy (the "Policy"). The Agency is contemplating a deviation from the Policy as follows: the Agency contemplates providing the Company with payments-in-lieu-of-taxes of \$5,000/MWac with a two percent (2%) increase per year for a period of twenty (20) years.

The Agency will broadcast the public hearing live at: <https://www.fingerlakesedc.com/new-events/horningsolarpublichearing>.

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

Dated: November 3, 2023

YATES COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY