TOWN OF PENDLETON
6570 Campbell Boulevard
Lockport, NY 14094

Supervisor Joel Maerten
Councilman Wolfgang Buechler
Councilman David Kantor
Councilman Timothy Lukasik
Councilman Dylan Rumbold

At the meeting of the Town Board of the Town of Pendleton, Niagara County, New York, held in the Board Room at the Town of Pendleton Town Hall, 6570 Campbell Boulevard, Lockport, New York, 14094 at 7:00 p.m. on November 9, 2026.

RESOLUTION APPROVING THE HOST COMMUNITY BENEFIT AGREEMENT WITH DONNER ROAD STORAGE, LLC

WHEREAS, Donner Road Storage, LLC (the "Company") proposes to develop a 4.895 MWAC battery energy storage system on property identified as Tax Parcel No. 137.00-2-21 on Donner Road in the Town of Pendleton, Niagara County, New York (the "Project"); and

WHEREAS, a coordinated environmental review of the Project was conducted pursuant to the State Environmental Quality Review Act ("SEQRA"), with the Town of Pendleton Planning Board serving as lead agency; and

WHEREAS, the Planning Board completed the SEQRA review of the Project and issued a negative declaration determining that the Project will not result in significant adverse environmental impacts and that an environmental impact statement need not be prepared; and

WHEREAS, the Town of Pendleton (the "Town") and the Company have negotiated a Host Community Benefit Agreement, dated as of November 9, 2026 (the "Agreement"), to memorialize the Company's payment obligations to the Town in consideration of the Project's potential impacts on the community; and

WHEREAS, the Agreement provides for a Construction Commencement Payment of $150,000 and an additional IDA Benefit Payment of $100,000 if the Project obtains financial assistance from the County of Niagara Industrial Development Agency, each payable in accordance with the terms of the Agreement; and

WHEREAS, the Agreement provides that the Host Community Benefit Fee payments may be used for lawful public purposes at the Town's discretion; and

WHEREAS, the Town Board has reviewed the execution version of the Agreement presented to it and determines that approval of the Agreement is in the best interests of the Town and its residents;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Pendleton as follows:

1. **SEQRA.** The Town Board acknowledges that a coordinated review of the Project was conducted, that the Planning Board acted as lead agency, and that SEQRA review of the Project was completed through the Planning Board's issuance of a negative declaration. The Town Board relies upon that completed coordinated review and negative declaration in taking the action authorized by this resolution.

2. **Approval of Agreement.** The Host Community Benefit Agreement between the Town and Donner Road Storage, LLC, dated as of November 9, 2026, in the execution version presented to the Town Board and to be maintained on file with the Town Clerk, is hereby approved.

3. **Execution and Delivery.** The Town Supervisor is hereby authorized and directed to execute and deliver the Agreement on behalf of the Town, with such nonmaterial changes as may be approved by the Town Attorney. Any material amendment to the Agreement shall require further approval of the Town Board.

4. **Implementation and Records.** The Town Supervisor, Town Clerk, and other appropriate Town officers are hereby authorized to take the administrative actions necessary to implement this resolution and the Agreement, consistent with their respective duties. The Town Clerk shall retain the fully executed Agreement with the Town's official records and provide certified copies of this resolution as needed.

5. **Scope of Approval.** This resolution approves the Agreement only and does not itself grant or modify any special use permit, site plan approval, building permit, decommissioning security approval, tax exemption, PILOT agreement, or other approval for the Project, or waive any applicable Project condition or requirement.

6. **Effective Date.** This resolution shall take effect immediately upon adoption.