

Trustees of the Freeholders and Commonality of the Town of East Hampton

Resolution Approving (1) the Host Community Agreement between the Trustees of the Freeholders and Commonality of the Town of East Hampton, the Town of East Hampton, and South Fork Wind, LLC, (2) the Lease Agreement between the Trustees of the Freeholders and Commonality of the Town of East Hampton, and South Fork Wind, LLC, (3) the Revenue Sharing Agreement between the Trustees of the Freeholders and Commonality of the Town of East Hampton and the Town of East Hampton and the (4) Georgica Pond Dredging Agreement between Trustees of the Freeholders and Commonality of the Town of East Hampton, and South Fork Wind, LLC

WHEREAS, South Fork Wind, LLC (“SFW”) has proposed a wind farm to be constructed over 30 miles east of Montauk Point, New York (the “Project”), to be connected into the Long Island Power Authority electric grid through a single 138 kV cable (the “Cable”); and

WHEREAS, SFW has requested a lease (the “Lease”) with the Trustees of the Freeholders and Commonality of the Town of East Hampton (the “Trustees”) in order to allow Wainscott Beach at the terminus of Beach Lane are to be utilized by the interconnection cable for the Project; and

WHEREAS, the Trustees and SFW wish to enter into a Host Community Agreement (“HCA”) with the Town of East Hampton to provide benefits to the community during the construction and first 25 years of the life of the Project, including specific benefits for the Wainscott area of the Town; and

WHEREAS, the Trustees and SFW also wish to enter into an agreement to protect the Trustees revenue source from the dredging of Georgica Pond during the construction of the Project; and

WHEREAS, the Trustees and the wish to enter into a revenue sharing agreement detailing the split of funds to be received from SFW under the HCA, which agreement designates the Wainscott Benefit Fund; and

WHEREAS, the Trustees have participated in the full review of the Project by both the state and federal governments, have successfully insisted on numerous conditions being added to the proposed permit for the Cable, and have included in the HCA and the proposed Lease restrictions on the Cable and decommissioning requirements separately enforceable from any permit issued by the state or federal government; and

WHEREAS, the Trustees have received comments from the public on the proposed agreements, including oral and written comments at and following a duly noticed public hearing, as well as comments submitted at regular meetings of the Trustees.

NOW THEREFORE BE IT RESOLVED BY the Trustees of the Freeholders and Commonality of the Town of East Hampton as follows:

1. The Trustees find it is in the best interest of the Freeholders and Commonality of the Town of East Hampton and do hereby approve the following agreements:

a. The Host Community Agreement between the Trustees of the Freeholders and Commonality of the Town of East Hampton, the Town of East Hampton, and South Fork Wind, LLC.

b. The Lease Agreement between the Trustees of the Freeholders and Commonality of the Town of East Hampton, and South Fork Wind, LLC.

c. The Revenue Sharing Agreement between the Trustees of the Freeholders and Commonality of the Town of East Hampton and the Town of East Hampton.

d. The Georgica Pond Dredging Agreement between Trustees of the Freeholders and Commonality of the Town of East Hampton, and South Fork Wind, LLC.

2. The Clerk of the Trustees is hereby authorized to execute each of these agreements and take all such other steps as necessary, including filing of a Memorandum of Lease or any other instruments necessary.

3. This Resolution shall be effective immediately.

Passed and adopted by the Trustees of the Freeholders and Commonality of the Town of East Hampton on 25 January, 2021.