

BOOKS 52 PAGE 862
ORDERS—Mason County Commission, W. Va.

TERMS

MAY 29 2025

CASTO & HARRIS, INC., SPENCER, WV RE-ORDER NO. 7393D-99

THE COUNTY COMMISSION OF MASON COUNTY met in the Commission room of the courthouse on Thursday, May 29, 2025, at 2:00 p.m. in regular session. Present were Rick Handley, President; Sam Nibert, Commissioner; Chris Johnson, Commissioner; and Jason Bechtle, Administrator.

Rick Handley called the meeting to order and gave the opening prayer. Mason County CEOS President Teresa Keefer led the pledge of allegiance.

CEOS members, Teresa Keefer, Darlene Haer, Eleanor Hoffman and Catherine Yauger, appeared in support of CEOS Week Proclamation. Upon motion by Nibert and unanimous agreement, the Commission approved a Proclamation designating the week of May 29, 2025 as Community Educational Outreach Service Week in Mason County, a copy of which Proclamation is attached.

Haer provided an overview of the roles and history of the CEOS and updated the Commission on recent club activities. She also requested permission to use the Armory for CEOS uses. The Commission will check with Fidelis to determine their needs for use of the building.

Clinedda Austin and Lorrie Wright requested that the Commission assist with purchasing a pie case for Fair purposes. The Commission asked Austin and Wright to obtain price quotes and report back.

Dwayne Williamson discussed fencing modifications to the Mason County Fair Board's fence project. He presented his ideas to allow for fence expansion without interference with residential traffic flow. The Commission will meet with the Fair Board to discuss the project.

John Stump with Steptoe & Johnson appeared before the Commission with Armory financing documents for Handley's signature.

Susie Azevedo with the Attorney General's Office appeared before the Commission to seek an update on the Henderson TIF. She advised of her plans to attend upcoming meetings.

Upon motion by Nibert and unanimous agreement, the Commission approved Estate Appointments, Affidavits for Small Estates, Orders Appointing Fiduciary Commissioners, Waivers of Final Settlement, Reports of Receipts and Disbursements, Commissioner's Reports of Claims and Final Settlement, and Applications for Corrections of Erroneous Assessments. Copies of which are attached hereto.

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Upon motion by Johnson and unanimous agreement, the Commission minutes from the previous meeting were approved with no omissions or corrections thereto.

The Commission executed the Bills and Purchase Orders as required.

Upon motion by Johnson and unanimous agreement, the Commission approved a Resolution for a Payment in Lieu of Tax Agreement with New Haven PV 1, LLC, a copy of which is attached. Bill Keeney expressed his gratitude for our work on the PILOT agreement.

Upon motion by Johnson and unanimous agreement, the Commission approved the hire of Harley Hall as a part-time grant employee with the Mason County Clerk's Office effective May 1, 2025.

Upon motion by Johnson and unanimous agreement, the Commission approved the hires of Ashley Legg and Reece Oliver as summer workers with the Extension Office beginning June 1, 2025.

The Commission directed Bechtle to check into a WV Courthouse Facilities Improvement Act grant application for a back-up generator.

Bechtle updated the Commission on Henderson Cemetery matters, including the perpetual care process. Nibert will work on finding five people to form a new Board of Trustees. Rex Patterson will be attending the June 5, 2025 meeting to discuss the cemetery.

The Commission discussed the lease with the Department of Highways for the Veterans Memorial site in Mason and determined to keep the lease the same as it was between the DOH and the Town of Mason without extending the boundary to the railroad.

Bechtle presented an email to the Commission notifying them of Hope Gas's intent to apply a 40% annual reserve increase. The Commission decided to draft a letter in opposition to the increase.

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PROCLAMATION

WHEREAS,

The West Virginia Community Educational Outreach Service (CEOS) and

Mason County CEOS

are volunteers with a Mission to broaden SERVICE in our
COMMUNITY, continue lifelong EDUCATION to strengthen
individuals and families, and provide an OUTREACH for leadership.

WHEREAS,

In partnership with West Virginia University Extension Service,
the CEOS pledges that its purpose of Education will assist us
in meeting the needs of a changing and diverse society.

WHEREAS,

For their significant service and contribution
to the well-being of family and community.

BE IT KNOWN, that

Mason County Commissioners

hereby proclaims May 29, 2025 as

COMMUNITY EDUCATIONAL OUTREACH SERVICE WEEK

IN WITNESS WHEREOF, given under our hand and seal.

Richard Amalloy, President
Mayor and/or Commissioner

Extension Service
West Virginia University



BEFORE THE COUNTY COMMISSION OF
MASON COUNTY

A RESOLUTION AND ORDER APPROVING THE FORM AND TERMS OF A PAYMENT IN LIEU OF TAX AGREEMENT BY AND AMONG THE COUNTY COMMISSION OF MASON COUNTY, THE BOARD OF EDUCATION OF THE COUNTY OF MASON, THE ASSESSOR OF MASON COUNTY, THE SHERIFF OF MASON COUNTY, AND NEW HAVEN PV I, LLC, AUTHORIZING THE PRESIDENT OF THE BOARD OF EDUCATION OF THE COUNTY OF MASON TO EXECUTE THE AFOREMENTIONED PAYMENT IN LIEU OF TAX AGREEMENT ON BEHALF OF THE BOARD OF EDUCATION OF THE COUNTY OF MASON

WHEREAS, New Haven PV I, LLC a corporation which is duly authorized to conduct business in the State of West Virginia (the "Corporation"), has identified an approximately 304 acre site in Mason County near the community of Letart at which to permit, design, acquire, construct, install, commission, improve and equip, and subsequently operate, a new 100MWac solar energy facility as an exempt wholesale power generator (the "Facility"); and

WHEREAS, the Corporation has determined that the location of the Facility in Mason County, West Virginia, is in the best interests of the Corporation, and the Corporation is in the process of acquiring and/or leasing certain parcels of real property situate in Mason County (initially, and as may be expanded in the future, collectively the "Site") on which the Corporation intends to permit, design, acquire, construct, install, commission, improve and equip, and subsequently operate, the Facility and acquire and/or install at the Facility certain equipment, machinery and personal property reasonably necessary or desirable for the operation and maintenance of such Facility, as determined by the Corporation (collectively, the "Personal Property" and, collectively with the Facility and the Site, the "Project"); and

WHEREAS, a significant number of jobs will be created during the permitting, designing, acquisition, construction, installation, commissioning, improving, and equipping of the Project; and

WHEREAS, The County Commission of Mason County (the "County Commission") has agreed to facilitate real and personal *ad valorem* property tax incentives to the Corporation to locate and operate the Facility in Mason County, West Virginia; and

WHEREAS, to facilitate the provision of the aforementioned incentives to the Corporation, the County Commission is anticipated to lease from the Corporation and subsequently lease back to the Corporation the Site, the Facility and the Personal Property upon completion of construction of the Facility pursuant to the terms of the PILOT Agreement (as

hereinafter defined), and a Lease Agreement between the Corporation and the County Commission (the "Lease Agreement"); and

WHEREAS, during the period that the Site, the Facility and the Personal Property are leased to the County Commission and subsequently leased to the Corporation, the Parties believe (i) neither the Site, the Facility nor the Personal Property shall be subject to *ad valorem* real or personal property taxes levied by any governmental Authority of the State, or the County Commission or the Board (together, the "Taxing Jurisdictions"); and (ii) the leasehold interest of the Corporation in the Site, the Facility and the Personal Property shall not create a taxable leasehold interest; and

WHEREAS, the County Commission, the Board, the Assessor of Mason County, the Sheriff of Mason County, and the Corporation (collectively, the "Parties") determine it necessary and proper that, so long as the Site, the Facility and the Personal Property, and the Corporation's leasehold interest, are exempt from such *ad valorem* taxes during the period that it is leased by the Corporation, the Corporation shall make certain payments in lieu of taxes to the County Commission, pursuant to the terms of a Payment in Lieu of Tax Agreement by and among the Parties, in substantially the form attached hereto as "Exhibit A – Payment in Lieu of Tax Agreement" and incorporated herein by reference (the "PILOT Agreement"); and

WHEREAS, the County Commission has reviewed the PILOT Agreement, and believes that the transactions between the Corporation and the County Commission contemplated in the PILOT Agreement will result in the Site, the Facility and the Personal Property, and the Corporation's leasehold interest therein, being exempt from *ad valorem* real or personal property taxes levied by any Taxing Jurisdiction, and (i) is necessary consideration for the Corporation's decision to locate and operate the Facility in Mason County; and (ii) will promote the health, safety, educational opportunities, gainful employment, business opportunities and general welfare of the inhabitants of Mason County; and

WHEREAS, the County Commission desires to authorize the President and the Clerk of the County Commission of Mason County, West Virginia (the "County Clerk") to execute the PILOT Agreement, with such modifications and amendments the President and County Clerk may approve, and to execute any and all other documents and take any and all other actions necessary to effectuate the intent of, and the transactions contemplated in, the PILOT Agreement.

NOW, THEREFORE, BE IT, AND IT IS, RESOLVED AND ORDERED by THE COUNTY COMMISSION OF MASON COUNTY as follows:

- 1) The County Commission hereby affirms and ratifies its agreement with the terms in and form of the PILOT Agreement by and among New Haven PV I, LLC, The Board of Education of the County of Mason, The County Commission of Mason County, the Assessor of Mason County, and the Sheriff of Mason County substantially in the form attached hereto as "Exhibit A – PILOT Agreement" and incorporated herein by reference with such changes as recommended by Counsel for the County Commission.

- 2) The County Commission hereby affirms and ratifies its agreement with the transactions required or desired by and between the County Commission and the Corporation to effectuate the intent and purpose of the PILOT Agreement.
- 3) The President and County Clerk are hereby authorized and directed to execute the PILOT Agreement, with such modifications and amendments as the President and County Clerk may approve, on behalf of the County.
- 4) The President and the County Clerk are hereby authorized and directed to execute any and all other documents and to take any and all other actions necessary to effectuate the intent and purpose of, and the transactions contemplated in, the PILOT Agreement.
- 5) That this Resolution and Order shall be effective immediately upon adoption hereof.

[SIGNATURE PAGE FOLLOWS]

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Adopted and entered of record this 29th day of May 2025

THE COUNTY COMMISSION OF MASON COOUNTY



PRESIDENT

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CERTIFICATION

The undersigned, being the duly elected and serving Clerk of the County Commission of Mason County, West Virginia, does hereby certify that the foregoing is a true, correct and complete copy of a Resolution duly enacted by The County Commission of Mason County at a regular meeting, duly held on May 29, 2025, pursuant to proper notice, at which a quorum was present and acting throughout, and which Resolution has not been amended, modified, rescinded, repealed, annulled, revoked or otherwise altered as witness my hand this 29th day of May, 2025.

[SEAL]



Clerk of the County Commission of Mason
County, West Virginia

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Commission Meeting May 29, 2025

ESTATE APPOINTMENTS

WILBUR RAY HUTZEL
MARY ALICE LAMBERT
FRANCIS LEE MCCULLOCH
IVA BLANCHE MCCULLOCH
MINNIE CASEY MOORE
GILBERT FRANCIS ROGERS III
MARY ELLEN THOMAS
TIMOTHY WILLIAM TARBETT
JOSEPHINE MAE TAYLOR
OZZIE N FINLEY.

SMALL ESTATE AFFIDAVIT

DEBORAH LEE MCHENRY

AFFIDAVIT AND WAIVER OF FINAL SETTLEMENT

BARBARA ANN CARR.
WONDELL R WRIGHT
ELIJAH OWEN SMITH JR
ZELMA JEAN NEAL

FINAL SETTLEMENT

DANIEL CALVIN SLAYTON
WILLIAM HENRY WOODS JR

APPLICATION FOR CORRECTION OF ERRONEOUS ASSESSMENT

ARELLANO PEDRO	ACCT: 00121841
ARELLANO PEDRO	ACCT: 00121841
ARELLANO PEDRO	ACCT: 00121841
ARELLANO PEDRO	ACCT: 00121841
ARELLANO PEDRO	ACCT: 00121841
MCGUIRE SARAH & SAMUEL GAUL	ACCT: 22002627
MCGUIRE SARAH & SAMUEL GAUL	ACCT: 904640
SMITH CAROLYN A	ACCT: 00111441
SMITH CAROLYN A	ACCT: 00111441
SMITH CAROLYN A	ACCT: 00111441
SMITH CAROLYN A	ACCT: 00111441
THOMAS DEBORAH A	ACCT: 00132821
PECK REBECCA	ACCT: 00110958

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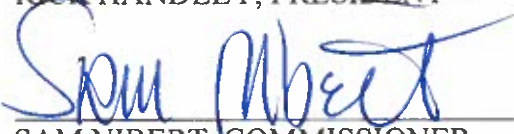
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Upon motion by Handley and unanimous agreement, this meeting was adjourned.




RICK HANDLEY, PRESIDENT



SAM NIBERT, COMMISSIONER



CHRIS JOHNSON, COMMISSIONER



DIANA N. CROMLEY, CLERK