STORMWATER CONTROL
FACILITY MAINTENANCE AGREEMENT

FOR THE FULTON COMMUNITY SOLAR PROJECT

Whereas, the Municipality of the **Town of New Haven** ("Municipality") and **NY USLE County Rd 6 I LLC** hereinafter "facility owner", want to enter into an agreement to provide for the long-term maintenance and continuation of stormwater control measures approved by the Municipality; and

Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components.

Now therefore, the Municipality and the facility owner agree as follows:

1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.

2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include but shall not be limited to the following: drainage ditches, swales, detention basins, drop inlets, pipes and pipe outlets, culverts, and maintenance paths.

3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.

4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five-year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a PE or RLA licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.

5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.

6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.

7. This agreement shall be recorded in the Office of the County Clerk, County of Oswego together with the deed for the common property and site plan and shall be included in the offering plan and/or prospectus approved pursuant to the conditions of the project's final approval.

8. If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.

9. If the project is abandoned and/or decommissioned, the landowner shall default to the "facility owner", as defined in this agreement, and shall be responsible for this agreement.

10. This agreement is effective as of the latest date below.

Dated: 11/02/26

Developer/Facility Owner Authorized Signature

Ryan Bennett

(Print Name)

Dated:

Town of New Haven Authorized Signature

(Print Name)

Dated: 10/31/26

Cathy & Gary Hotaling

Cathy & Gary Hotaling (Oct 31, 2026 09:51:25 EDT)

Landowner Authorized Signature

Cathy & Gary Hotaling

(Print Name)