

TOWN OF BEACON FALLS

BOARD OF SELECTMEN

**RESOLUTION AUTHORIZING THE EXECUTION OF
QUALIFIED DATA CENTER HOST MUNICIPALITY FEE
AGREEMENT MEMORANDUM OF UNDERSTANDING**

WHEREAS, Number 21-1 of the 2021 Public Acts (“Public Act 21-1”) encourages the development of large-scale data centers in the State of Connecticut; and

WHEREAS, Public Act 21-1 applies to Qualified Data Centers, defined as a facility that is developed, acquired, constructed, rehabilitated, renovated, repaired or operated, to house a group of networked computer servers in one physical location or multiple contiguous locations to centralize the storage, management and dissemination of data and information pertaining to a particular business or classification or body of knowledge, that creates a minimum qualified investment on or before the fifth anniversary of the commencement of construction or renovation of the data center facility of at least two hundred million dollars (\$200,000,000); and

WHEREAS, Public Act 21-1 provides that any person that anticipates it will own, operate or be a colocation tenant in a Qualified Data Center in Connecticut may apply to the State Department of Economic and Community Development to enter into an agreement for exemption from the taxes imposed under chapters 203 and 219 of the general statutes subject to satisfying certain requirements required by Public Act 21-1, including the obligation to enter into and satisfy the requirements of a written host municipality fee agreement with the municipality in which such Qualified Data Center is located; and

WHEREAS, the Town of Beacon Falls (the “Town”) has an interest in encouraging and enabling substantial economic development within the Town and the corresponding benefits of increased job creation and tax revenues through the development of a Qualified Data Center; and

WHEREAS, the Town expects to receive substantial benefits from hosting the Qualified Data Center which is the subject of the memorandum of understanding presented for approval at this meeting.

RESOLVED, that the Board of Selectmen (the “Board”) of the Town hereby adopts the following:

(1) That the Town enter into that certain Qualified Data Center Host Municipality Fee Agreement Memorandum of Understanding (the “MOU”) with CT Data Center, LLC, a Connecticut limited liability company, with respect to the development of a data center facility (the “Data Center”) on 47.6 acres of land located on Lopus Road, in form substantially similar to the document attached hereto as Exhibit A.

(2) That the MOU is hereby approved and the First Selectman is hereby authorized and empowered to execute and deliver the MOU on behalf of the Town.

(3) That the First Selectman is hereby authorized and empowered, on behalf of the Town, to execute and deliver any other agreements, documents and instruments necessary or in furtherance of the development of the Data Center, including a final, definitive Qualified Data Center Host Municipality Fee Agreement.

(4) That the First Selectman is hereby authorized and empowered, on behalf of the Town, to execute and file any grant application or enter into any grant agreement or other obligations prescribed by such granting authority, including the State of Connecticut, in furtherance of the foregoing.

(5) That the First Selectman and any other proper officers of the Town are hereby authorized to take all other actions which are necessary or desirable to develop the Data Center or for carrying out the purposes of the foregoing resolutions.

FURTHER RESOLVED, that the Board hereby calls a Special Town Meeting of the Town to be held on Thursday, April 21, 2022 at the Beacon Falls Senior Center, located at 57 N. Main Street, Beacon Falls, Connecticut at 7:00 p.m., and submits the following resolution to the electors and citizens eligible to vote at town meetings of the Town for their approval or disapproval, at said town meeting, the notice of such meeting to be published as required by the Connecticut General Statutes:

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QUALIFIED DATA CENTER HOST MUNICIPALITY FEE
AGREEMENT MEMORANDUM OF UNDERSTANDING**

At a meeting of the Board of Selectmen held on April 11, 2022, on a Motion duly made by Board Member Michael Krenesky and seconded by Board Member Peter Betkowski, the foregoing Resolution was adopted by the following roll call vote:

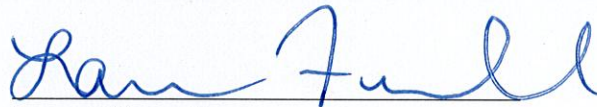
In Favor:

All in favor

Opposed:

I, Lauren Fennell, duly qualified Clerk of the Board of Selectmen, hereby certify that the foregoing is a true copy of the Resolution adopted at the meeting of the Board of Selectmen held on April 11, 2022 authorizing the execution of a Qualified Data Center Host Municipality Fee Agreement Memorandum of Understanding; that said Board consists of three members; a quorum consists of two members; 3 members were present at said meeting; a roll call vote was taken and 3 members voted in favor of said Resolution, 0 members voted against the adoption of said Resolution, and 0 members abstained from voting on said Resolution.

Dated at Beacon Falls, Connecticut, this 11 day of April, 2022.



Lauren Fennell
Clerk
Board of Selectmen
Beacon Falls, Connecticut

EXHIBIT A

MOU