New York State Host Community Investment Framework for Data Center Development

This **Community Investment Framework** (Framework), dated as of October 1, 2026, is made by and between:

- **The Municipality or Governmental Entity:** Town of Empire, New York (Municipality)
- **The Operator:** DataMaximize Inc. (Operator / Owner)
- **The Developer:** Data Center Developers Incorporated d.b.a DCD Inc (Developer)

Municipality, Operator/Owner and Developer may each be referred to herein as a Party and, collectively, as the Parties. The Operator/Owner and Developer may be referred to herein collectively as the Data Center Parties.

I. PURPOSE

The purpose of this Community Investment Framework is to set forth commitments by Data Center Parties to share the economic benefits of the Project with the community as described herein, and to foster ongoing collaboration amongst the Parties to realize such commitments.

II. PROJECT SPECIFICATIONS

The Data Center Parties intend to develop the project known as "DataLand NY" (the Project) located at 123 Elizabeth Road, Empire, NY 19999.

Project Description. The Project is expected to consist of two purpose-built, single-story buildings—each totaling approximately 60,000 square feet—situated on roughly 20 acres spanning four adjoining parcels and together comprising a campus. The facilities will contain server racks and associated infrastructure, including on-site emergency backup generators designed to maintain uninterrupted data processing for artificial intelligence and consumer-facing information applications.

Project Size. The Project will include the following characteristics:

Peak Utility Demand:	100 Megawatts (MW)
Facility Square Footage:	120,000 Square Feet (combined)

Construction Employment:	Approx. 900 construction workers
Employment (full-time, on-site):	Approx. 75 full-time employees (excluding remote and temporary workers)

Project Timeline. The development of the Project will follow the below timeline:

Project Phase	Anticipated Start
Phase 1 — Design, Permitting, Site Preparation, Pre-Construction	1/2027
Phase 2 — Construction	5/2028
Phase 3 — Operation	4/2029

III. COMMUNITY INVESTMENT COMMITMENTS

The Locality and Data Center Parties agree to the following terms to ensure the community shares in the economic success of the Project and to mitigate the potential negative impacts that construction and operation of the Project may have on the community.

A. Investment Benchmark.

Hosting a data center represents a significant land use and infrastructure commitment. Relative to alternative industrial development, data centers typically generate fewer permanent jobs per megawatt of electric demand. This Framework, pursuant to Governor Hochul's Executive Order 62, establishes a recommended community investment benchmark of **$1 million-per-megawatt** of utility demand to help host communities share equitably in the long-term economic value created by these projects.

The Investment Benchmark for this Project is $ 100 million.

B. Good Neighbor Commitments. The Project shall be designed, constructed, operated, and maintained in a manner which minimizes impacts upon the host community, specifically to nearby properties and the general public with respect to noise, lighting, visual impacts, water consumption, and physical building and landscaping design.

Noise: The Data Center Parties shall ensure that routine operations, and necessary regular testing (excluding emergency events) do not reasonably disrupt members of the host community or surrounding areas, or local wildlife, and that activities associated with higher levels of noise pollution will be targeted for weekday and daytime hours. To effectuate this commitment, the Data Center Parties will:

Schedule routine testing and other high-noise activities to only occur between 9am to 5pm whenever practicable; comply with applicable noise standards; and establish a public process for promptly investigating and addressing community complaints related to noise. During normal operations, including routine equipment testing, facility-generated sound shall not exceed 45 dBA over a one-hour period.

Lighting: The Data Center Parties shall ensure that light emissions do not reasonably disrupt members of the host community, specifically during the evening hours. To effectuate this commitment, the Data Center Parties will:

Install and maintain shielded, downward-facing lighting; limit illumination to the minimum necessary for safe and secure operations; use timers, motion sensors, or other controls where practicable; and promptly investigate and address community complaints related to light emissions.

Building Design and Landscaping: The Data Center Parties shall ensure that the building design and surrounding landscaping are reasonably consistent with the character of the community. To effectuate this commitment, the Data Center Parties will:

Utilize setbacks, native trees, landscaped berms, and other screening to reduce the facility's visual impact, and will keep the building and grounds well maintained throughout the life of the project.

C. Labor Commitments. To ensure that the Project is both constructed by and becomes an employer of residents of the host community or the larger region, the Data Center Parties commit to prioritizing fair labor standards and local hiring across all phases of the project's construction and operation.

Prevailing Wage: The Data Center Parties commit to providing all construction workers with the applicable prevailing wage rate throughout the duration of the construction phase.

Hire Local: The Data Center Parties commit to hiring at least 75 percent of construction workers from New York State. Additionally, the Operator commits to hiring at least 50 percent of permanent full-time on-site staff from the host community or the larger region.

Project Labor Agreements: The Data Center Parties are committed to promoting labor fairness and equity and will engage with a bona fide building and construction trade labor organization to establish terms which promote high-quality employment opportunities, benefits, and establish transparent labor engagement processes throughout all phases of the project.

D. Community Investments.

Community Investment Fund. The Data Center Parties will, within 180 days of commencing Phase 1 work, provide $100M direct financial contributions, which may be held and administered by the Locality, and which shall support the long-term vitality and economic stability of the host community. Potential investments include, but need not be limited to:

Public Infrastructure Improvements: The Data Center Parties will contribute a total of $10M to support public infrastructure improvements. Inclusive of:

Public Infrastructure – Project List		
Location	**Investment Level**	**Project Detail**
Empire Water Authority	$5M	Upgrading town's water treatment facility that services the entire community.
Elizabeth Road Upgrades	$3M	Repaving, water and sewer upgrades, and installation of new street lighting along the full length of Elizabeth Road, positioning this major county road for additional investment.
Empire's Local Energy Upgrades	$2M	Upgrading substation and/or local distribution equipment necessary to facilitate new business or housing development.

Community Anchor Institutions: The Data Center Parties will contribute a total of $5M to support investments into community anchor institutions. Inclusive of:

Community Anchor Institutions – Project List		
Location	**Investment Level**	**Project Detail**
Empire Town Library	$2M	Construction costs for a new 1,500 square foot Children's Center wing, including a new solarium family reading room.
Local Advocacy Nonprofit Organization (LANO)	$3M	LANO will incorporate the funding into their existing community service programs, including their annual coat drive, meals for veterans, child care and after school programs.

Housing Initiatives: The Data Center Parties will contribute a total of $37M to support investments into housing. Inclusive of:

Housing Initiatives – Project List		
Location	**Investment Level**	**Project Detail**
Affordable Housing Project	$27M	Construction of new apartment complex with at least 50% of units offered at affordable rate.
Down Payment Assistance	$10M	Down payment assistance program for employees who help construct or operate the data center.

Workforce Development: The Data Center Parties will contribute a total of $5M to support investments into workforce development. Inclusive of:

Workforce Development – Project List		
Location	**Investment Level**	**Project Detail**
Empire Valley Community College	$3M	Renovation costs and updated equipment for the nursing and health care simulation training center.
Empire Valley BOCES	$2M	Purchase of new advanced mechatronics equipment for the manufacturing training lab, and expansion of the facility to train more local job seekers.

Child Care Access: The Data Center Parties will contribute a total of $27M to support investments into child care access. Inclusive of:

Child Care Access – Project List		
Location	**Investment Level**	**Project Detail**
Affordable Child Care	$27M	Construction of a new child care facility to service members of the community.

Public Safety Initiatives: The Data Center Parties will contribute a total of $10M to support investments into public safety. Inclusive of:

Public Safety Initiatives – Project List		
Location	**Investment Level**	**Project Detail**
Town of Empire Fire Station	$6M	Costs for a new fire truck, and funding to launch a new recruitment campaign aimed at increasing volunteer firefighter participation and training.
Town of Empire Cybersecurity Initiative	$4M	Costs for a cybersecurity consultant to assess the Town's existing IT infrastructure and cybersecurity controls. Any remaining funding will be reserved for recommended system enhancements.

School Facility and Educational Enhancements: The Data Center Parties will contribute a total of $6M to support investments into education. Inclusive of:

School Facility and Educational Enhancements – Project List		
Location	**Investment Level**	**Project Detail**
Empire High School STEM Program	$6M	Creating and implementing a new high school STEM/AI education curriculum to promote digital literacy.

IV. TRANSPARENCY

The Data Center Parties also commit to ongoing public reporting and transparency, intended to inform the community of key project elements. A report shall be provided to the Municipality each year while the data center is fully operational, and include the following metrics:

The number and average compensation of full-time, on-site employees; the facility's annual water consumption and energy usage; wattage for peak utility demand and the number of days that reached such peak with during the 12-month reporting period; annual and cumulative tax revenue generated by the project; and the facility's cumulative use of local fire, emergency medical and public safety services, a summary of the number of noise and light pollution complaints received and a summary of the remedies enacted, an accounting of funding contributed to-date per investment area.

Notwithstanding anything to the contrary, the Data Center Parties agree to pay for all out-of-pocket costs and expenses incurred by the Municipality in connection with the preparation, negotiation, and execution of this Community Investment Framework and any related agreements including but not limited to the cost of counsel of the Municipality's choice.

The Parties hereto have executed this Community Investment Framework as of November 1, 2026.

MUNICIPALITY/LOCALITY	**OPERATOR/OWNER**
By: _____ NAME: Noah David TITLE: Mayor MUNICIPALITY/ GOVERNMENTAL ENTITY NAME: Town of Empire DATE: November 1, 2026	By: _____ NAME: Susan Benson TITLE: Chief Executive Officer OPERATOR/OWNER NAME: DataMaximize Incorporated DATE: November 1, 2026
DEVELOPER By:	

_____ NAME: Joshua Thomas TITLE: President DEVELOPER NAME: Data Center Developers Incorporated DATE: November 1, 2026	