

**PAGE #**

- 1.0 Call to Order 4:15pm**  
 Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 202.1 issued on March 12, 2020 suspending the Open Meetings Law, this Board Meeting is being held electronically via conference call / video conference instead of a public meeting open for the public to attend in person.
- 1.1 **Enter Executive Session 4:15pm**  
 Motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 for the following reasons:  
 1. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
- 1.2 **Enter Public Session 4:40pm**
- 2.0 Chairperson's Report & Activities 4:40pm**
- 2.1 Upcoming Meetings:  
**Next Scheduled Board Meeting: Thursday, June 3<sup>rd</sup> at 4:00 p.m.**  
 Audit & Finance Committee Meeting: Tuesday, June 1<sup>st</sup> at 8:30 a.m.  
 STAMP Committee Meeting: Tuesday, June 1<sup>st</sup> at 10:30 a.m.  
 Governance & Nominating Committee Meeting: Thursday, June 3<sup>rd</sup> at 3 p.m.
- 2.2 Agenda Additions / Deletions / Other Business **\*\*Vote**
- 2.3 Minutes: March 25, 2021 **\*\*Vote**
- 3.0 Report of Management – 4:45pm**
- 3.1 Fore Front Power – Final Resolution **\*\*Vote** – C. Suozzi  
 3.2 Batavia Special Needs Apartments – Final Resolution **\*\*Vote** – C. Suozzi  
 3.3 NY CDG Genesee 1 – Initial Resolution **\*\*Vote** – C. Suozzi  
 3.4 Overview of GLS Recommendations and Presentation – J. Krencik  
 3.5 Overview of State & Federal Legislation & State Budget – J. Krencik
- 4.0 Audit & Finance Committee – M. Gray 5:05pm**
- 4.1 1<sup>st</sup> Quarter Financial Statements **\*\*Vote**  
 4.2 Mowing Bids **\*\*Vote**  
 4.3 Apple Tree Acres Construction Work **\*\*Vote**
- 5.0 Governance & Nominating Committee – C. Yunker 5:15pm**
- 5.1 GGLDC Board Member Appointments **\*\*Vote**  
 5.2 Officer Appointments **\*\*Vote**  
 5.3 Authorized to Request Information Regarding Bank Accounts **\*\*Vote**  
 5.4 Authorized Signers of Agreements, Contracts, etc. **\*\*Vote**
- 6.0 STAMP Committee – P. Zeliff 5:20pm**
- 6.1 CC Environment 2021 Contract **\*\*Vote**  
 6.2 Contract B Award Recommendation for Force Main **\*\*Vote**  
 6.3 KTA contract for TCP Assistance **\*\*Vote**  
 6.4 Change Order #2 Pembroke Line **\*\*Vote**
- 7.0 Employment & Compensation Committee – T. Bender 5:30pm**
- 7.1 Nothing at this time.
- 8.0 Housing Committee – P. Battaglia 5:30pm**
- 8.1 Nothing at this time.
- 9.0 Other Business 5:30pm**
- 9.1 Nothing at this time.
- 10.0 Adjournment 5:30pm**

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**GCEDC Board Meeting  
Thursday, March 25, 2021  
Location: Electronically  
4:00 PM**

**GCEDC MINUTES**

**Attendance**

Board Members: C. Yunker, T. Bender, M. Clattenburg, P. Battaglia, P. Zelif, A. Vanderhoof, M. Gray  
Staff: L. Farrell, M. Masse, L. Casey, J. Krencik, S. Hyde, C. Suozzi, P. Kennett  
Guests: D. Cunningham (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), M. Wiater (GGLDC Board Member), R. Gaenzle (Harris Beach), T. Felton (GGLDC Board Member), G. Torrey (GGLDC Board Member), M. Landers (County Manager), Keddy Chandran (Excelsior Solar), Sam Laniado (Legal Council-Excelsior Solar), Genevieve Trigg (Barclay Damon, LLP)

Absent:

**1.0 Call to Order**

P. Zelif called the meeting to order at 4:04 p.m. via conference call / video conference.

Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo’s Executive Order 202.1 issued on March 12, 2020 suspending the Open Meetings Law, this Meeting is being held electronically via conference call / video conference instead of a public meeting open for the public to attend in person.

C. Yunker stated that he is a partner of CY Properties. CY Properties is under contract with Excelsior Solar. He stated that there is no direct conflict as a result of his relationship with Excelsior Solar, but to avoid the appearance of conflict he will recuse himself from potential discussions regarding the project. C. Yunker left the meeting at 4:05 p.m.

**Presentation – Excelsior Solar –** Keddy Chandran provided an overview of NEXtera ENERGY and the Excelsior Solar Energy Center Project. Highlights of local benefits included:

- 1. 290 FTE construction jobs including laborers, electricians, equipment operators, construction managers and foremen
- 2. 3 FTE permanent Operations and Maintenance jobs
- 3. Support of four major farms through income and risk diversification
- 4. PILOT and Host Payments in year 1 totaling \$1.8M
- 5. Reduction in CO<sub>2</sub> emissions by over 205,000 tons in year 1

**1.1 Enter Executive Session**

M. Gray made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:23 p.m. for the following reasons:

1. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

The motion was seconded by A. Vanderhoof and approved by all members present.

- C. Yunker rejoined the meeting at 4:23 p.m.
- J. Krencik left the meeting at 4:23 p.m.
- M. Landers joined the meeting at 4:33 p.m.

**1.2 Enter Public Session**

C. Yunker made a motion to enter back into public session at 4:46 p.m., seconded by P. Battaglia and approved by all members present.

**2.0 Chairman’s Report & Activities**

**2.1 Upcoming Meetings:**

**Next Scheduled Board Meeting: Thursday, May 6<sup>th</sup> at 4:00 p.m.**

GLS State of Site Selection & the STAMP Mega Site Webinar: Wednesday, April 7<sup>th</sup> at 11:30 a.m.

Audit & Finance Committee Meeting: Tuesday, May 4<sup>th</sup> at 8:30 a.m.

STAMP Committee Meeting: Tuesday, May 4<sup>th</sup> at 10:30 a.m.

Governance & Nominating Committee Meeting: Thursday, May 6<sup>th</sup> at 3 p.m.

**2.2 Agenda Additions / Deletions / Other Business-** Nothing at this time.

**2.3 Minutes: March 4, 2021**

**P. Battaglia made a motion to approve the March 4, 2021 minutes as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

**The item was approved as presented.**

**3.0 Report of Management**

C. Yunker stated that he is a partner of CY Properties. CY Properties is under contract with Excelsior Solar. He stated that there is no direct conflict but to avoid the appearance of a conflict he will recuse himself from potential discussions regarding Excelsior Solar. C. Yunker left the meeting at 4:49 p.m.

**3.1 Excelsior Solar – Initial Resolution** – We have received the initial application for IDA incentives from the Excelsior Energy Center LLC, a wholly owned, indirect subsidiary of NextEra Energy Inc. for IDA benefits as it relates to the 280MW Utility Scale Solar Excelsior Energy Center project to be constructed and located on some 1,616 acres (fenced area) in the Town of Byron, Genesee County.

This significant scale renewable energy (solar generation/storage) project, with a total capital investment noted of approximately \$345.55M, is seeking to implement a series of tax agreements utilizing an IDA PILOT and Host benefit agreement structure as suggested by NYSERDA guidance with a negotiated tax payment rate of \$6,500/MW with a 2% annual escalator.

Further information as it relates to the project including details as it relates to the estimated \$32,786,600 in incentives offered over the 20-year project horizon along with the economic impact analysis will be shared in advance of the board's final consideration to induce benefits to the project including a PILOT, Sales and potentially a Mortgage Tax Exemption. Final inducement will occur once the Article 10 process affirmatively issues a certificate of environmental compatibility and public need from the New York State Board on electric Generation Siting and the Environment in lieu of negative declaration required via the SEQRA process.

Resolution No. 03/2021 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION WITH RESPECT TO A CERTAIN PROJECT, (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT AND (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT.

**A. Vanderhoof made a motion to accept initial resolution #03/2021-01, accepting the application from Excelsior Solar and authorizing the scheduling of a public hearing; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Abstain
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

**The item was approved as presented.**

C. Yunker rejoined the meeting at 4:55 p.m.

**3.2 SL Pembroke, LLC #1 - Final Resolution** - The company is planning a community solar farm project in the town of Pembroke. The project is a 4MW AC solar generation system that will be interconnected with National Grid.

The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project. The project will contribute \$5,500/MWAC + a 2% annual escalator, with the 4 MW AC solar farm generating in excess of \$380,000 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.



The project is aligned with New York's aggressive goals for renewable energy, energy efficiency and greenhouse gas reductions, and offer customers a 10% discount vs average market rates for the generated power.

In addition to these benefits, the project is supporting the continued viability of the agricultural economy in Genesee County.

A virtual public hearing regarding the proposed incentives for the project was held on Monday, March 22, 2021. No written or oral comments were received.

See the Statement of Compliance of Project Criteria Listed in the Uniform Tax Exemption Policy (UTEP), attached to the minutes for additional Project details.

Resolution No. 03/2021 -02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MARCH 22, 2021, WITH RESPECT TO THE SL PEMBROKE, LLC (THE "COMPANY") PROJECT – SOLAR ARRAY 1 (THE "PROJECT"); (ii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iii) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT AND (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT; (iv) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

**P. Battaglia made a motion to accept final resolution #03/2021-02, authorizing incentives as presented; the motion was seconded by T. Bender. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

**The item was approved as presented.**

**3.3 SL Pembroke, LLC #2 - Final Resolution** - The company is planning a community solar farm project in the town of Pembroke. The project is a 5MW AC solar generation system that will be interconnected with National Grid.

The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project. The project will contribute \$5,500/MWAC + a 2% annual escalator, with the 5 MW AC solar farm generating in excess of \$475,000 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

The project is aligned with New York's aggressive goals for renewable energy, energy efficiency and greenhouse gas reductions, and offer customers a 10% discount vs average market rates for the generated power.

In addition to these benefits, the project is supporting the continued viability of the agricultural economy in Genesee County.

A virtual public hearing regarding the proposed incentives for the project was held on Monday, March 22, 2021. No written or oral comments were received.

See the Statement of Compliance of Project Criteria Listed in the Uniform Tax Exemption Policy (UTEP), attached to the minutes for additional Project details.

Resolution No. 03/2021 - 03

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MARCH 22, 2021, WITH RESPECT TO THE SL PEMBROKE, LLC (THE "COMPANY") PROJECT – SOLAR ARRAY 2 (THE "PROJECT"); (ii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iii) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT AND (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT; (iv) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

**T. Bender made a motion to accept final resolution #03/2021-03, authorizing incentives as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

**The item was approved as presented.**

**3.4 Plug Power Inc. – Final Resolution** - The company is proposing a \$232 million project at the Western New York Science & Technology Advanced Manufacturing Park in the town of Alabama.

The operation will produce green hydrogen using an electrolysis process of water utilizing clean hydropower. The production facility will produce approximately 45 metric tons of liquid hydrogen that produces no pollution and creates essentially no waste. The hydrogen is sold to customers to replace fossil fuels in on-road applications such as heavy-duty freight and forklifts.

In addition, the company is investing \$55,000,000 for the electric 345/115 KV substation in partnership with NYPA/National Grid, which will enable future tenants' access to this 100% renewable energy power source.

The project anticipates adding 68 full-time jobs at an average salary of around \$70,000 plus benefits.

A public hearing regarding the proposed incentives for the project was held on Monday, March 22, 2021. Concerns cited by Dave Bencic at the public hearing included: 1) the financial stability of Plug Power 2) the project's use of state/federal/county tax money and 3) the Town's exposure should Plug Power fail. John Volpe, Vice President of Save Our Environment Limited, in a letter dated March 25, 2021 stated opposition to the project due to safety and environmental issues created by hydrogen plants.

See the Statement of Compliance of Project Criteria Listed in the Uniform Tax Exemption Policy (UTEP), attached to the minutes for additional Project details.

Resolution No. 03/2021 - 04

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MARCH 22, 2021, WITH RESPECT TO THE PLUG POWER INC. (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT AND (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT; (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

**T. Bender made a motion to accept final resolution #03/2021-04, authorizing incentives as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

**The item was approved as presented.**

**3.5 Batavia Special Needs Apartments – Initial Resolution** - Batavia Special Needs Apartments, L.P., is proposing a \$3.75 million expansion project in the City of Batavia. The applicant currently owns and operates a 42 unit building of special needs housing, and will construct an additional 20 units for a total of 62 units. The addition will be comprised of two floors with a central elevator, which the existing building lacks, and laundry services and computer lounges will be available on each floor.

The company received assistance through the GCEDC for its original construction in the form of a 30-year PILOT approved March 1, 2009. DePaul seeks to amend the existing PILOT to account for the additional 20 units at the existing per unit PILOT rate. The additional units would be added to the existing PILOT schedule when they are placed in service, which is estimated to commence as of the due date for the April 1, 2023 City PILOT payment. The total annual PILOT payments would increase by

approximately \$6,000 for the additional 20 units over the remainder of the additional PILOT. In addition, a sales tax exemption has been requested for the construction of the expansion.

Resolution No. 03/2021 - 05

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION WITH RESPECT TO A CERTAIN PROJECT, (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT AND (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT.

**T. Bender made a motion to accept initial resolution #03/2021-05, authorizing the scheduling of a public hearing; the motion was seconded by M. Gray. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

**The item was approved as presented.**

**4.0 Audit & Finance Committee**

**4.1 12/31/20 Audit** - David Brownell of Mostert, Manzanero & Scott, LLP reviewed the audit with the Audit and Finance Committee. The management letter states that no material weaknesses in internal controls were identified during the audit. It is their opinion that the audited financial statements present fairly, in all material respects, the financial position of the GCEDC as of December 31, 2020 in accordance with accounting principles generally accepted in the United States of America.

This was recommended for approval by the Committee.

**M. Gray made a motion to approve the 12/31/2020 Audit; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

**The item was approved as presented.**

**5.0 Governance & Nominating Committee – C. Yunker**

**5.1 Nothing at this time.**

**6.0 STAMP Committee – P. Zelif**



**6.1 Award of Contract for Force Main Part A & Part B** – A total of two (2) bids were received for Contract A: Central Area, which consists of installing 15,500 LF of 20-inch force main via directional drilling method, along NYS Route 63 through the U.S. Fish and Wildlife Service Refuge. Due to regulatory agency requirements, this contract has very restrictive timelines. The work must be substantially complete within 70 days. No work may take place within the Refuge between April 1 and July 15. Work may only take place between Oak Orchard Creek and Fletcher Chapel Road (5,900 LF in Contract A) between August 15 and October 31.

The low bid for Contract A: Central Area was submitted by G. DeVincentis & Son Construction Co., Inc. of Binghamton, New York in the amount of \$9,777,000. We have reviewed their qualifications and have discussed their bid in detail. We feel the bid received is a true representation of the costs to complete this project and that the contractor is qualified to complete the contract.

A total of six (6) bids were received for Contract B: North Area, which consists of installing 18,300 LF of 18-inch and 20-inch force main via open cut (14,400 LF) and directional drilling (3,900 LF) methods, along NYS Route 63, from the northern Refuge boundary to the Oak Orchard discharge location north of Shelby Center. Due to regulatory agency requirements, this contract has restrictive timelines. The work must be substantially complete within 180 days. Work may only take place between Oak Orchard Creek and Fletcher Chapel Road (1,800 LF in Contract B) between August 15 and October 31.

The low bid for Contract B: North Area was submitted by Highlander Construction, Inc. of Memphis, New York in the amount of \$5,193,445.00. We have reviewed their qualifications and have discussed their bid in detail. We feel the bid received is a true representation of the costs to complete this project and that the contractor is qualified to complete the contract.

Fund commitment: Not to exceed \$9,777,000 covered under the \$33 million.

This was recommended for approval by the Committee.

**P. Zeliff made a motion to table Contract B until the May meeting and accept the bid received from G. DeVincentis & Son Construction Co., Inc not to exceed \$9,777,000 for Contract A, contingent upon 1) contract approval from NYS Empire State Development, and 2) engineering approval of the subcontractor for Contract A; the motion was seconded by C. Yunker. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

**The item was approved as presented.**

**6.2 CPL Contract for Construction Inspection of Force Main** – The GCEDC has received a construction inspection and inspection proposal for the construction of a 20 inch force main transmission line along Route 77 through the USFWS refuge. The contract is broken down into three tasks, with project management at \$76,000, and contract administration of \$178,000 which will be billed as a lump sum percentage of completion. The third task, construction inspection services, will be billed on an hourly basis with a not to exceed amount of \$306,000.

Fund commitment: Not to exceed \$560,000 covered under the \$33 million.

This was recommended for approval by the Committee.

**C. Yunker made a motion to approve the Clark Patterson Lee Contract for the construction inspection of the force main as presented; the motion was seconded by T. Bender. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

**The item was approved as presented.**

**6.3 CPL Contract for Final Engineering, Bidding & Construction Inspection for Roadway & Water Main Extension** - The GCEDC has received a final engineering, bidding and construction inspection proposal for the extension of a 12-inch water main transmission line from Route 77 along STAMP Drive and Crosby Road, as well as the rebuild of a portion of Crosby Road from STAMP Drive south. This will be necessary infrastructure to support a project at STAMP.

**Fund Commitment:** Not to exceed \$75,000 covered under the \$33 million.

This was recommended for approval by the Committee.

**C. Yunker made a motion to approve the final engineering, bidding and construction proposal from Clark Patterson Lee as presented; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

**The item was approved as presented.**

**6.4 Partner Fee Agreement Renewal (Gary Homonai)** - Gary Homonai, a Professional Business Development Consultant, would like to renew the agreement with the GCEDC to market the STAMP site. The terms and conditions have not changed. The GCEDC is currently working with Gary Homonai on a project.

This was recommended for approval by the Committee.

**P. Zelif made a motion to approve the renewal of the partner fee agreement with Gary Homonai as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

**The item was approved as presented.**

**7.0 Empoyment & Compensation – T. Bender**

7.1 Nothing at this time.

**8.0 Housing Committee – P. Battaglia**

8.1 Nothing at this time.

**9.0 Other Business**

**10.0 Adjournment**

As there was no further business, P. Battaglia made a motion to adjourn at 5:27 p.m., which was seconded by A. Vanderhoof and passed unanimously.

*Mom  
2/25/2021*

**Customer Information**

Potential Customer:	Forefront Power LLC (Elba Solar)	Opportunity Type:	Tax Incentive Lease
Proj. St. Address:	6982 Norton Road	Opportunity Product:	Property & Sales Taxes Only
City/Town/Village:	//Elba	Type of Project:	Attraction
Proj. Description:	Elba Solar	New Jobs:	-
Total Capital Investment:	\$9,757,041	Retained Jobs:	-
Incentive Amount:	\$1,416,010	School District:	Elba
Benefited Amount:	\$9,757,041	PILOT Applicable:	

**Project Information**

Organization:	GCEDC
Opportunity Source:	Third-Party Professional
Date of Public Hearing:	
Initial Acceptance Date:	3/4/2021
Inducement Date:	

**Opportunity Summary:** The company is planning a community solar farm project in the Town of Elba. The project is a 5 (AC) MW solar generation system that will be interconnected with National Grid

The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project. The project will contribute \$6,000/MWAC + a 2% annual escalator, with the 5 MWAC solar farm generating in excess of \$518,000 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County

The project is aligned with New York's aggressive goals for renewable energy, energy efficiency and greenhouse gas reductions, and offer customers a 10% discount vs average market rates for the generated power

In addition to these benefits, the project supporting the continued viability of the agricultural economy in Genesee County.

**Economic Impact:** This solar project is generating an increase to the tax base of \$496,433 (both PILOT and real property taxes). This calculates to a rate of return based on the original property taxes of \$6.31

**Project Detail (Total Capital Investment)**

Building Cost (Construction):	\$0	Capital Improvements:	\$0
Equipment (non-taxable):	\$1,310,716	Equipment (Taxable) / Other Proj Investment:	\$8,446,325
Land Cost (Real Estate):	\$0		
Total Capital Investment:	\$9,757,041		✓

**Estimated Benefits Provided**

Sales Tax Exempt:	\$780,563	Tax Exempt Bond:	\$0
Mortgage Tax Exempt:	\$0	Land Sale Subsidy:	\$0
Property Tax Exempt:	\$635,447		
Total Estimated Tax Incentives Provided:	\$1,416,010		
Total Amount Finance:	\$0		
Mortgage Amount:	\$0	ESD-JDA:	
GCEDC RLF:	\$0	Other Name:	
City of Batavia:	\$0	Other Amount:	\$0
Chamber of Commerce:			
Total Amount Finance:	\$0		

3.1

12



3.1

Solar Pilot



Project: ForeFront Power LLC, Elba Solar  
 Capex: \$ 9,757,040  
 Savings Taxable (est.) \$ 9,757,040  
 Mortgage (est.) \$ 1,416,011  
 Property Tax below  
 Total \$ 1,416,011

Fixed \$ per MW AC 6,000  
 Escalator 2.00%  
 Assessed Value 2,250,000  
 from Assessor 450,000.00  
 Assessed Value Per MW \$ 5

Increase In PILOT Payment  
 Divided by Current Property  
 Economic Impact ROI \$ 496,433 6.31

Year of Exemption	Fixed Payment \$8000 per MW	Total of Elba	Genesee County	Elba	Total Payments	Increase in property taxes due to loss of ag exemption.	Total PILOT payments and property taxes to be received	Current property taxes on base land (including ag exemption)	Total Increase in PILOT payment and property taxes from solar project
1	\$ 30,000	\$ 3,570	\$ 8,588	\$ 17,842	\$ 30,000	\$ 3,758	\$ 33,758	\$ 5,249	\$ 28,509
2	\$ 30,600	\$ 3,642	\$ 8,759	\$ 18,199	\$ 30,600	\$ 3,758	\$ 34,358	\$ 5,249	\$ 29,109
3	\$ 31,212	\$ 3,714	\$ 8,935	\$ 18,563	\$ 31,212	\$ 3,758	\$ 34,970	\$ 5,249	\$ 29,721
4	\$ 31,836	\$ 3,789	\$ 9,113	\$ 18,934	\$ 31,836	\$ 3,758	\$ 35,594	\$ 5,249	\$ 30,345
5	\$ 32,473	\$ 3,864	\$ 9,296	\$ 19,313	\$ 32,473	\$ 3,758	\$ 36,231	\$ 5,249	\$ 30,982
6	\$ 33,122	\$ 3,942	\$ 9,482	\$ 19,699	\$ 33,122	\$ 3,758	\$ 36,860	\$ 5,249	\$ 31,631
7	\$ 33,785	\$ 4,021	\$ 9,671	\$ 20,093	\$ 33,785	\$ 3,758	\$ 37,543	\$ 5,249	\$ 32,284
8	\$ 34,461	\$ 4,101	\$ 9,865	\$ 20,495	\$ 34,461	\$ 3,758	\$ 38,218	\$ 5,249	\$ 32,969
9	\$ 35,150	\$ 4,183	\$ 10,063	\$ 20,905	\$ 35,150	\$ 3,758	\$ 38,907	\$ 5,249	\$ 33,658
10	\$ 35,853	\$ 4,267	\$ 10,263	\$ 21,323	\$ 35,853	\$ 3,758	\$ 39,610	\$ 5,249	\$ 34,361
11	\$ 36,570	\$ 4,352	\$ 10,468	\$ 21,749	\$ 36,570	\$ 3,758	\$ 40,327	\$ 5,249	\$ 35,079
12	\$ 37,301	\$ 4,439	\$ 10,678	\$ 22,184	\$ 37,301	\$ 3,758	\$ 41,059	\$ 5,249	\$ 35,810
13	\$ 38,047	\$ 4,528	\$ 10,891	\$ 22,628	\$ 38,047	\$ 3,758	\$ 41,805	\$ 5,249	\$ 36,556
14	\$ 38,808	\$ 4,618	\$ 11,109	\$ 23,081	\$ 38,808	\$ 3,758	\$ 42,566	\$ 5,249	\$ 37,317
15	\$ 39,584	\$ 4,711	\$ 11,331	\$ 23,542	\$ 39,584	\$ 3,758	\$ 43,342	\$ 5,249	\$ 38,093
Total	\$ 518,803	\$ 61,741	\$ 148,511	\$ 308,551	\$ 518,803	\$ 56,365	\$ 575,167	\$ 78,734	\$ 496,433

\* no Pilots on Ad Valerom Taxes  
 On 39.8 acres  
 The value of Ag Exemption elimination due to permanent conversion of farm land \$ 4.07  
 Town of Elba Tax Rate \$ 98,188  
 Current ag exemption amount (add from OARS) \$ 3,358  
 County and School Taxes on Ag Exemption \$ 400  
 Town of Elba (only) Taxes on Ag Exemption \$ 3,758  
 Total taxes due based on the elimination of Ag Exemption \$ 1,491  
 Current Property Taxes on Property \$ 1,491  
 Current property taxes \$5174.55 / 138.1 acres \* 39.8 acres

Property Taxes at 100% assessed value (assessor)  
 Term \$ 76,950  
 Total PILOT \$ 1,154,250  
 Savings \$ 635,447

1.250%

GCEDC fee	\$ 121,963
Workforce Community Benefit	\$ 25,000
Subtotal	\$ 146,963
GCEDC Legal	\$ 12,500
Total Fee	\$ 159,463

Net Savings \$ 1,256,548

lmm  
4/25/2021

13

Adrian  
2/25/2021



Project Name: ForeFront Power, LLC - Elba

Board Meeting Date: March 4, 2021

## STATEMENT OF COMPLIANCE OF PROJECT CRITERIA LISTED IN UNIFORM TAX EXEMPTION POLICY (UTEP)

### PROJECT DESCRIPTION:

The company is planning a community solar farm project in the Town of Elba. The project is a 5 (AC) MW solar generation system that will be interconnected with National Grid.

The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project. The project will contribute \$6,000/MWAC + a 2% annual escalator, with the 5 MWAC solar farm generating in excess of \$518,000 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

The project is aligned with New York's aggressive goals for renewable energy, energy efficiency and greenhouse gas reductions, and offer customers a 10% discount vs average market rates for the generated power.

In addition to these benefits, the project supporting the continued viability of the agricultural economy in Genesee County.

**Criteria #1** – The Project pledges to create and/or retain quality, good paying jobs in Genesee County.

Project details: n/a

Board Discussion:

Board Concurrence: YES NO If no, state justification:

**Criteria #2**- Completion of the Project will enhance the long -term tax base and/or make a significant capital investment.

Project details: The project will enhance long term tax base with a planned new community solar farm and \$9,757,040 in capital investment. A fixed 15-year pilot with a 2% annual escalator priced at \$6,000/MWAC is proposed which is above the top end of the NYSERDA recommended range for projects located in National Grid territory in Western NY. The 5 MW solar farm will generate in excess of \$518,000 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

**Criteria #3-** The Project will contribute towards creating a “livable community” by providing a valuable product or service that is underserved in Genesee County.

**Project details:** The company is assisting with a \$25,000 payment for STEM oriented workforce training/county economic development programming to support STEM 2 STAMP workforce development programs/local economic development programming. Residents will be offered a 10% discount to average local market rates for solar energy.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #4:** The Board will review the Agency’s Fiscal and Economic Impact analysis of the Project to determine if the Project will have a meaningful and positive impact on Genesee County. This calculation will include the estimated value of any tax exemptions to be provided along with the estimated additional sources of revenue for municipalities and school districts that the proposed project may provide.

**Project details:** This solar project is generating an increase to the tax revenue of \$496,433 (both PILOT and Real Property taxes). This calculates to a rate of return based on the original property taxes additional \$6.31 for every previous \$1. Directly supports NYS Energy Policy (REV) alignment: NYS has aggressive goals for renewable energy, energy efficiency and greenhouse gas reduction by 2030, this project supports those goals.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #5:** The Project is included in one of the Agency’s strategic industries: Agri-Business and Food Processing, Manufacturing, Advanced Manufacturing and Nano-Enabled Manufacturing, Life Sciences and Medical Device.

**Project details:** The company is a “downstream” developer/installer of Photovoltaic (solar) energy generation systems which is a target industry cluster / strategic industry focused on by the Agency to attract Photovoltaic (solar) manufacturing at STAMP.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #6:** The Project will give a reasonable estimated timeline for the completion of the proposed project.

**Project details:** The project is planning to begin construction in Spring of 2021 and be operational by end of 2021.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

ms  
4/28/2021

**FINAL RESOLUTION**  
*(ForeFront Power, LLC Project)*

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, May 6, 2021.

The following resolution was duly offered and seconded, to wit:

Resolution No. 05/2021 - \_\_\_\_\_

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MARCH 22, 2021, WITH RESPECT TO THE FOREFRONT POWER, LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT AND (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended, and Chapter 565 of the Laws of 1970 of the State of New York, as amended (hereinafter collectively called the "Act"), the **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **FOREFRONT POWER, LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain real property located at 6982 Norton Road in the Town of Elba, New York (the "Land", being more particularly described as a portion of tax parcel No. 9.-1-39.111, as may be subdivided); (ii) the planning, design, construction and operation of a 5MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing,



security and related improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and

WHEREAS, pursuant to Article 18-A of the Act the Agency desires to adopt a resolution approving the Project and the Financial Assistance (as defined below) that the Agency is contemplating with respect to the Project; and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as agent of the Agency for the purpose of undertaking the Project pursuant to a project agreement (the "Project Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents with the Company, (iii) take or retain title to or a leasehold interest in the Land, Improvements, Equipment and personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (iv) provide financial assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Project and (b) a partial real property tax abatement structured through the Tax Agreement (collectively, the "Financial Assistance"); and

WHEREAS, on March 4, 2021, the Agency adopted a resolution (the "Initial Resolution") accepting the Application and directing that a public hearing be held; and

WHEREAS, pursuant to Section 859-a of the Act, on Monday, March 22, 2021, at 10:00 a.m., local time, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Public Hearing"), whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; a copy of the Notice of Public Hearing published in *The Batavia Daily News*, the affidavit of publication of such newspaper, and Minutes of the Public Hearing are attached hereto as **Exhibit A**; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project; and

WHEREAS, the Town of Elba Planning Board (the "Planning Board"), acting as "lead agency" (as such term is defined under SEQRA), undertook a "coordinated review" (as such term is defined under SEQRA) of the Project, determined that the Project was a "Type I Action" (as such term is defined under SEQRA) and on April 15, 2021, issued a "negative declaration" (as such term is defined under SEQRA) with respect to the Project (the "Negative Declaration"); and

WHEREAS, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement and related documents will be negotiated and presented to the President/CEO,

Chair, Vice Chair and/or Senior Vice President of Operations of the Agency for approval and execution subject to adoption of the resolutions contained herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Genesee County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a facility or commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(F) The Town of Elba Planning Board (the "Planning Board") has conducted a review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"). The Planning Board issued a Negative Declaration on April 15, 2021 (the "Negative Declaration"), determining that the Project does not pose a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, including, but not limited to, the Full Environmental Assessment Form and the Negative Declaration, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Planning Board pursuant to 6 N.Y.C.R.R. § 617.7. A copy of the Negative Declaration issued by the Planning Board is attached hereto as Exhibit B.

Section 2. The Public Hearing held by the Agency on March 22, 2021, concerning the Project and the Financial Assistance was duly held in accordance with the Act, including but not limited to the giving of at least ten (10) days published notice of the Public Hearing (such notice also being provided to the Chief Executive Officer of each affected tax jurisdiction), affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

Section 3. The Agency is hereby authorized to provide to the Company the Financial Assistance in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Project and (b) a partial real property tax abatement structured through the Tax Agreement.

Section 4. Based upon representations and warranties made by the Company in the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project, that would otherwise be subject to State and local sales and use tax in an amount up to \$9,757,040 which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed \$780,563. The Agency agrees to consider any requests by the Company for an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 5. Pursuant to Section 875(3) of the Act, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any Sales and Use Tax Exemption Benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the Sales and Use Tax Exemption Benefits; (ii) the Sales and Use Tax Exemption Benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the Sales and Use Tax Exemption Benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the Sales and Use Tax Exemption Benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving Sales and Use Tax Exemption Benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any Sales and Use Tax Exemption Benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 6. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as



the true and lawful agent of the Agency: (i) to acquire, reconstruct, renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; *provided, however*, the Project Agreement shall expire on April 30, 2022 (unless extended for good cause by the President/CEO of the Agency) if the Lease Agreement, the Leaseback Agreement and the Tax Agreement contemplated have not been executed and delivered.

Section 7. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to negotiate and enter into (A) the Project Agreement, (B) the Lease Agreement, pursuant to which the Company leases the Project to the Agency, (C) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, and (D) the Tax Agreement; *provided, however*, (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project and (ii) the terms of the Tax Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

Section 8. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record any mortgage, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") (collectively, the "Mortgage") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance the Facility or equipment and other personal property and related transactional costs (hereinafter, with the Project Agreement, Lease Agreement, Leaseback Agreement, Tax Agreement and the Mortgage, collectively called the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency shall approve, the execution thereof by the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 9. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.



Section 10. These Resolutions shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>		<i>Nay</i>		<i>Absent</i>		<i>Abstain</i>	
Peter Zeliff	[	]	[	]	[	]	[	]
Matthew Gray	[	]	[	]	[	]	[	]
Paul Battaglia	[	]	[	]	[	]	[	]
Craig Yunker	[	]	[	]	[	]	[	]
Todd Bender	[	]	[	]	[	]	[	]
Amy Vanderhoof	[	]	[	]	[	]	[	]
Marianne Clattenburg	[	]	[	]	[	]	[	]

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION  
*(ForeFront Power, LLC Project)*

STATE OF NEW YORK                    )  
COUNTY OF GENESEE                ) SS.:

I, the undersigned Secretary of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on May 6, 2021, with the original thereof on file in the offices of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this \_\_\_ day of May, 2021.

\_\_\_\_\_  
Secretary

Exhibit A

Notice Letter, Notice of Public Hearing,  
of Publication of *The Batavia Daily News* and Minutes of Public Hearing

[Attached Hereto]

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that a public hearing pursuant to Article 18-A of the New York General Municipal Law (the "Act") will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Monday, March 22, 2021, at 10:00 a.m. local time, in connection with the matter described below. **PLEASE NOTE THE SPECIAL PUBLIC HEARING LOGISTICS AND INSTRUCTIONS INCLUDED AT THE END OF THIS NOTICE.**

ForeFront Power, LLC, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") requesting the Agency's assistance with a project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain real property located at 6982 Norton Road in the Town of Elba, New York (the "Land", being more particularly described as a portion of tax parcel No. 9.-1-39.111, as may be subdivided); (ii) the planning, design, construction and operation of a 5MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility").

The Agency will acquire a leasehold interest in the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the leasehold interests will be terminated. The Agency contemplates that it will provide financial assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, and equipping of the Facility and (b) a partial real property tax abatement structured within a payment-in-lieu-of-tax agreement (collectively, the "Financial Assistance").

### **PLEASE NOTE SPECIAL PUBLIC HEARING CONDUCT INSTRUCTIONS AND INFORMATION:**

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application, which is also available for viewing on the Agency's website at: [gcedc.com/index.php/news/gcedc-approved-projects](https://gcedc.com/index.php/news/gcedc-approved-projects).

However, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the Agency will not be able to accommodate any in-person public attendance or participation at this hearing. Nonetheless, and in furtherance of the provisions of Section 859-a of the Act requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, the Agency will broadcast the Public Hearing live on a video conference at: <https://zoom.us/j/94733787306>, with written comments accepted on that platform in real



time. In addition, the Agency will provide public access to provide oral comments in real time via conference bridge at telephone number: 1-929-205-6099, meeting ID 947 3378 7306. Online livestreaming of the public hearing will be available at <https://vimeo.com/519968271>.

The Agency also encourages all interested parties to submit written comments to the Agency, which will be included within the public hearing record. Any written comments may be sent to GCEDC, Attention: Mark Masse, Senior Vice President of Operations, 99 MedTech Drive, Suite 106, Batavia, New York 14020, and/or via email at [gcedc@gcedc.com](mailto:gcedc@gcedc.com), with the subject line being "ForeFront Power, LLC Project", no later than Friday, March 26, 2021.

Dated: March 10, 2021

GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY d/b/a  
GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER

**REPORT OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S PUBLIC HEARING OF FOREFRONT POWER, LLC, HELD ON MONDAY, MARCH 22, 2021 10:00 A.M. AT THE GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER, 99 MEDTECH DRIVE, BATAVIA, NEW YORK, GENESEE COUNTY, NEW YORK AND ELECTRONICALLY VIA VIDEO CONFERENCE**

**I. ATTENDANCE**

Mark Masse, Sr. VP of Operations – GCEDC  
Jim Krencik, Director of Marketing and Communications – GCEDC  
Lauren Casey, Finance Assistant – GCEDC

**II. CALL TO ORDER**

The public hearing of ForeFront Power, LLC Project was opened at 10:14 am electronically via video conference.

**PLEASE NOTE SPECIAL PUBLIC HEARING CONDUCT INSTRUCTIONS AND INFORMATION:**

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application, which is also available for viewing on the Agency's website at: <https://www.gcedc.com/index.php/news/gcedc-approved-projects>

However, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the Agency will not be able to accommodate any in-person public attendance or participation at this hearing. Nonetheless, and in furtherance of the provisions of Section 859-a of the Act requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, the Agency will broadcast the Public Hearing live: <https://zoom.us/j/94733787306>, with written comments accepted on that platform in real time. In addition, the Agency will provide public access to provide oral comments in real time via conference bridge at telephone number: 1-929-205-6099, passcode 947 3378 7306. The Agency also encourages all interested parties to submit written comments to the Agency, which will be included within the public hearing record. Any written comments may be sent to GCEDC, Attention: Mark Masse, Senior Vice President of Operations, 99 MedTech Drive, Suite 106, Batavia, New York 14020, and/or via email at [mmasse@gcedc.com](mailto:mmasse@gcedc.com) no later than Friday, March 26, 2021.

A notice of this public hearing describing the project was published in the Batavia Daily News, a copy of which is attached and is an official part of this transcript.

**III. PROJECT SUMMARY**

The company is planning a community solar farm project in the Town of Elba. The project is a 5 (AC) MW solar generation system that will be interconnected with National Grid.

The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project. The project will contribute \$6,000/MWAC + a 2% annual escalator, with the 5 MWAC solar farm generating in excess of \$518,000 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

The project is aligned with New York's aggressive goals for renewable energy, energy efficiency and greenhouse gas reductions, and offer customers a 10% discount vs average market rates for the generated power.

In addition to these benefits, the project is supporting the continued viability of the agricultural economy in Genesee County.

GCEDC is seeking to assist the project with sales tax exemption of approximately \$781,000 and property tax exemption of approximately \$635,000.

**IV. COMMENTS**

M. Masse began the public hearing by introducing himself as the Sr. VP of Operations of the Genesee County Economic Development Center. He then stated the purpose and guidelines for the public hearing. The purpose of the public hearing is to solicit comments and feedback from the public regarding the proposed incentives on the above outlined project. It is not a question-and-answer session. There were no written comments received ahead of time to be included with the written record.

**V. ADJOURNMENT**

As there were no written or oral comments, the public hearing was closed at 10:25 am.

Exhibit B

Negative Declaration of the Town of Elba Planning Board

[Attached Hereto]



At a Meeting of the Town of Elba Planning Board held on the 15th day of April, 2021, at 7:00 pm. at the Elba Town Hall, 7 Maple Avenue, in the Town of Elba, County of Genesee and State of New York.

STATE OF NEW YORK COUNTY OF GENESEE  
TOWN OF ELBA PLANNING BOARD

In the Matter of the Application of  
ForeFront Power LLC

RESOLUTION

UPON MOTION OF BRYAN GUBB, SECONDED BY KIM BALL, IT IS UNANIMOUSLY RESOLVED THAT:

WHEREAS, the Town of Elba Planning Board (the "Board") has received an application (the "Application") from ForeFront Power LLC (the "Applicant") for a Special Use Permit and Site Plan Approval to construct and operate a 5-megawatt (AC) ground-mounted solar array with associated electrical equipment, access road, fencing, and landscaping on a portion of an existing agricultural field located at 6974 Norton Road in Elba, New York (the "Property") within an approximate 41.86-acre site (the "Action"); and

WHEREAS, the original Application, dated November 12, 2020 (the "Original application") consisted of the following documents:

1. Cover Letter
2. Anticipated Project Review Schedule
3. Site Plan Permit Application
4. Agricultural Data Statement
5. A Full State Environmental Quality Review Act ("SEQRA"), Environmental Assessment Form ("EAF") Part 1, dated November 6, 2020 with the following attachments:
  - a. NYSDEC New York Natural Heritage Program Memo, dated August 18, 2020
  - b. NYSDEC Office of Parks, Recreation and Historic Preservation Memo, dated November 2, 2020
  - c. U.S. Fish and Wildlife Service Consultation Memo and Determination, dated July 13, 2020
6. Concept Plan
7. Landscaping Plan

WHEREAS, the Original Application was supplemented by the following documents (collectively, the "Supplemental Submittals"):

1. Preliminary Single- and Three-Line Diagrams Sheet No. E-201.1 (lasted dated 7/27/2020), No. E-202.1 (lasted dated 7/27/2020), No. E-202.2 (lasted dated

5/12/2020), No. E-202.3 (lasted dated 5/12/2020), No. E-202.4 (lasted dated 5/12/2020), and No. E-202.5 (lasted dated 5/12/2020)

2. Draft Stormwater Pollution Prevention Plan ("SWPPP"). Norton Solar Project, dated January 2021
3. Scope of Maintenance Services (Operations and Maintenance Plan)
4. Decommissioning Plan, initially dated January 2021, and revised March 2021

WHEREAS, comments on the Original Application and Supplemental Submittals were made by La Bella Associates, engineers for the Town (the "Town Engineer"), on behalf of the Board by letter dated March 18, 2021 (the "Town Engineer Comments"); and

WHEREAS, the Applicant responded to the Town Engineer Comments by letter dated March 21, 2021 (the "Applicant Response to Comments," which together with the Original Application and Supplemental Submittals constitute the complete Application); and

WHEREAS, the Action is a Type I Action under the State Environmental Quality Review Act ("SEQRA"), and the regulations promulgated thereunder; and

WHEREAS, on January 21, 2021, the Board asserted SEQRA lead agency, undertook coordinated review, and subsequently issued a Notice of Intent to Become Lead Agency to the involved agencies listed in the EAF on February 2, 2021; and

WHEREAS, no involved agency objected to the Board's assertion of SEQRA lead agency and no comments on the Action were received from the NYSDEC or New York State Office of Parks, Recreation, and Historic Preservation; and

WHEREAS, the Application and EAF were deemed complete at the Board meeting held February 18, 2021; and

WHEREAS, a public hearing was held on the Application and the EAF on March 18, 2021, where the public was given the opportunity to be heard and comments were received on the Application related to the landscaping planned along the northern boundary of the Property, the impact on the snowmobile trail on the Property, and the impact of the Action on storm water drainage, noise, and property values; and

WHEREAS, the Applicant noted that the Action provides space for the snowmobile trail and will comply with NYSDEC storm water management regulations, will produce negligible noise beyond the Property, and agreed to meet with the owners of the adjacent parcel to the north of the Property to discuss the landscaping plans to ensure views of the Action are minimized; and

WHEREAS, a duly noticed public hearing was held on the Application and the EAF on April 15, 2021, where the public was given the opportunity to be heard on the Application; and

WHEREAS, no additional public comments were received on the Application; and

WHEREAS, the Application and EAF were referred to the Genesee County Planning Board ("County Planning") pursuant to General Municipal Law § 239-m; and

WHEREAS, on March 11, 2021, County Planning approved the Original Application with the condition that, because the project site will be located primarily on prime agricultural soils and active farmland, the applicant minimize impacts to future farming of the site by relocating the portion of the driveway and equipment pad currently proposed through the middle of the array to the edge of the field or on existing laneways; and

WHEREAS, subsequent meetings and communications among County Planning, the Genesee County Soil & Water Conservation District Office, and the Applicant clarified that the concern regarding the location of the driveway and equipment pad was related to irreversible compaction of agricultural soils in the area of the driveway and equipment pad from equipment and trucks; and

WHEREAS, the Genesee County Soil & Water Conservation District Office recommended as an alternative to revise the January 2021 Decommissioning Plan to modify the site restoration plan to include, among other things, decompaction of soil to a depth of two feet below the 12-inch stone layer of the driveway followed by the replacement of 12 inches of topsoil to match existing grade, and post-decommissioning monitoring; and

WHEREAS, the Decommissioning Plan, revised March 2021, including the revised site restoration plan, was referred to County Planning for supplemental review and the revised Application was approved on April 8, 2021 with the recommendation that the Applicant submit an application for 9-1-1 Address Verification to the Genesee County Sheriff's Office to ensure that the address of the proposed solar system meets Enhanced 9-1-1 standards; and

WHEREAS, a draft Part 2 and Part 3 of a Full Environmental Assessment Form ("EAF"), with accompanying narrative, was prepared for the Action, which the Board has reviewed; and

NOW, THEREFORE, IT IS RESOLVED that, that the Board has considered the proposed Action and its potential for environmental impacts; reviewed and considered the EAF, the criteria contained in 6 N.Y.C.R.R. §617.7(c), and other supporting information to identify the relevant areas of environmental concern; and thoroughly analyzed the identified relevant areas of environmental concern to determine if the proposed Action may have a significant adverse impact on the environment, and finds that the proposed Action would not have a significant impact on the environment because of the reasons discussed in the narrative to Part 3 of the EAF, which is incorporated in full herein and attached hereto; and

IT IS FURTHER RESOLVED, that pursuant to the State Environmental Quality Review Act, a Negative Declaration shall be made and duly filed, and an environmental impact statement need not be prepared; and it is

NOW, THEREFORE, IT IS FURTHER RESOLVED that the Special Use Permit and Site Plan Approval requested in the Application is approved, subject to the conditions listed in Exhibit "A" annexed hereto.

  
Charles Hoover, Planning Board Chair

04-15-2021  
Date

## Exhibit A

### Conditions to Approval

1. Prior to construction, the Applicant must obtain a Building Permit for the Project from the Town Code Enforcement Officer ("CEO").
2. The Project shall be constructed and operated in a manner consistent with the materials included in the approved Application.
3. The Applicant will provide a CESIR study and any subsequent agreement for the Project from the electric utility, National Grid, to the Town for the public record.
4. The Project will comply with the State Pollutant Discharge Elimination System (SPDES) General Permit for Storm Water Discharges from Construction Activities (GP-0-10-001).
5. The Applicant will comply with NYSDEC requirements for on-site surveys to fully assess impacts on biological resources from the Project.
6. Revisions to drawings previously submitted with the Application should be dated and clouded to graphically clarify the changes that have been made.
7. Prior to the issuance of a Building Permit, the Applicant will provide the following to the CEO and Town Engineer:
  - a. A copy of the wetland delineation for the Property.
  - b. Updated Sheets C-01, C-02, C-03, and G-02 to include in the Project Summary tables the tax map number or the project parcel, zoning district classification, proposed maximum height of solar panels and setback requirements.
  - c. A final specification sheet for solar panels, significant components, mounting systems, and inverters.
  - d. Updated Landscape Screening Plan verifying the quantity of Eastern White Cedar to be planted.
  - e. Utility pole detail to clarify the proposed height, material, color, and installation method.
  - f. A copy of the approved SWPPP project waiver from NYSDEC for disturbance of more than 5 acres.
  - g. Update Sheet C-04 to include the geotextile product specification.
  - h. The Operations and Maintenance Plan will be updated to describe the daily active site monitoring including how the system will be remotely monitored, who will perform the monitoring, and the contact information for the remote monitoring company.
8. A signature block will be added on each drawing of the plan set for the Planning Board Chair to sign and date, and the site plan drawing to be presented for final signature to the Planning Board Chair will be signed and sealed by a New York State Licensed Professional Engineer.
9. A copy of the annual inspection reports for the facility will be provided to the CEO.



10. Prior to the commencement of operations, financial security for the expected life of the facility will be provided by the Applicant in the form of a bond, cash collateral, security deposit, escrow account, letter of credit or other form of acceptable financial surety in an amount (the "Security Amount"), to be approved by the Town Engineer, equal to 125% of the net cost estimate to implement the Decommissioning Plan with an escalator of 3% annually. Such estimate shall be professionally prepared and include a detailed schedule of values, detailed basis for any offset claimed for salvage value, and a line item for the Town to engage their consulting engineer to review and approve the completed restoration including any damage or necessary cleaning of Town and County roadways. The financial security shall remain active until the facility is fully decommissioned. The financial security shall be irrevocable and state on its face that it is expressly held by and for the sole benefit of Town. The financial security and the Security Amount shall be renewed every five (5) years based on same methodology as the original Security Amount, shall include an escalator of 3% annually, and shall be subject to the approval of the Town Engineer. Once the decommissioning and restoration of the site has been completed, any unused portion of the financial surety will be returned to the Solar Permit holder.
11. Prior to the issuance of a building permit, the Applicant shall submit an application for 9-1-1 Address Verification to the Genesee County Sheriff's Office to ensure that the address of the proposed solar system meets Enhanced 9-1-1 standards.
12. The Applicant shall submit the Application documents to the local Fire Chief for their review and for developing a local emergency response plan. A record of submittal will need to be provided prior to issuance of a building permit. All comments and concerns of the local fire department shall be addressed
13. The Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and the local ambulance corps.
14. The Applicant, its successors and/or assigns, shall file annually with the Town, on the anniversary date of the granting of the Special Permit, a written report certifying that the Applicant, its successors and/or assigns are complying with maintenance and inspection procedures, and that the facility is not a hazard or a threat of a hazard to the health and safety of the public.
15. Prior to the commencement of facility operations, a payment-in-lieu-of taxes (PILOT) for the facility will be executed.
16. Prior to the commencement of operations and in a manner consistent with the escrow agreement between the Applicant and the Town, the Applicant shall have funded the escrow account set up by the Board to pay for legal and engineering services for review of the Application in an amount sufficient to pay all invoices of said consultants to the Board.

#### CERTIFICATION OF TOWN CLERK

STATE OF NEW YORK)  
COUNTY OF ELBA ) s.s:

TRISHA WERTH, Town Clerk of the Town of Elba, Genesee County, New York, DOES HEREBY CERTIFY that she has compared the ~~above~~ Resolution duly adopted by the Planning Board of the Town of Elba on the 20th day of APRIL, 2021 with the original Resolution now on file in her office, and she certifies that it is a correct and true copy of that Resolution.

Dated: April 20, 2021

Trisha Werth  
TRISHA WERTH, Elba Town Clerk  
TRISHA

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]  
 Project: \_\_\_\_\_  
 Date: \_\_\_\_\_

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1, D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**2. Impact on Geological Features**  
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1, E.2.g)  NO  YES  
*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3e	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**  
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1, D.2, E.2.h)  NO  YES  
*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>



I. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**4. Impact on groundwater**

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.

NO

YES

(See Part I, D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**5. Impact on Flooding**

The proposed action may result in development on lands subject to flooding.  
(See Part I, E.2)

NO

YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain	E2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1c	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**6. Impacts on Air**  
 The proposed action may include a state regulated air emission source. (See Part I, D.2.f., D.2.h, D.2.g)  
*If "Yes", answer questions a - f. If "No", move on to Section 7.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c" above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**7. Impact on Plants and Animals**  
 The proposed action may result in a loss of flora or fauna. (See Part I, E.2. m.-q.)  
*If "Yes", answer questions a - j. If "No", move on to Section 8.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1, E.3.a. and b.)		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**9. Impact on Aesthetic Resources**  
 The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part I, E.1.a, E.1.b, E.3.h.)  
*If "Yes", answer questions a - g. If "No", go to Section 10.*

NO       YES

	Relevant Part I Question(s)	No. or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**10. Impact on Historic and Archeological Resources**  
 The proposed action may occur in or adjacent to a historic or archaeological resource. (Part I, E.3.e, f, and g.)  
*If "Yes", answer questions a - e. If "No", go to Section 11.*

NO       YES

	Relevant Part I Question(s)	No. or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>



d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

**11. Impact on Open Space and Recreation**  
 The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.  NO  YES  
 (See Part I, C.2.c, E.1.c., E.2.q.)  
 If "Yes", answer questions a - e. If "No", go to Section 12.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**12. Impact on Critical Environmental Areas**  
 The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part I, E.3.d)  
 If "Yes", answer questions a - c. If "No", go to Section 13.  NO  YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.

NO

YES

(See Part I, D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.

NO

YES

(See Part I, D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____			

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.

NO

YES

(See Part I, D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part I.D.2.q., E.1. d, f, g, and h.)  
*If "Yes", answer questions a - m. If "No", go to Section 17.*

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____			

**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.  
(See Part I, C.1, C.2, and C.3.)

NO

YES

*If "Yes", answer questions a - h. If "No", go to Section 18.*

	Relevant Part I Question(s)	No. or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c D1d, D1f D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.  
(See Part I, C.2, C.3, D.2, E.3)

NO

YES

*If "Yes", answer questions a - g. If "No", proceed to Part 3.*

	Relevant Part I Question(s)	No. or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g., schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character	C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape	C2, C3 E1a, E1b E2g, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FULL FORM



*Full Environmental Assessment Form*  
*Part 3 - Evaluation of the Magnitude and Importance of Project Impacts*  
*and*  
*Determination of Significance*

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact.
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached narrative.

**Determination of Significance - Type I and Unlisted Actions**

SEQR Status

Type I

Unlisted

Identify portions of EAF completed for this project

Part 1

Part 2

Part 3

3.1

Upon review of the information recorded on this EAF as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the \_\_\_\_\_ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Norton Solar Project

Name of Lead Agency: Town of Elba Planning Board

Name of Responsible Officer in Lead Agency: Chuck Hoover

Title of Responsible Officer: Town of Elba Planning Board Chair

Signature of Responsible Officer in Lead Agency: *Chuck Hoover*

Date: 4/15/2021

Signature of Preparer (if different from Responsible Officer) LaBella Associates, D.P.C

Date: April 14, 2021

**For Further Information:**

Contact Person:

Address:

Telephone Number:

E-mail:

For Type I Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town, City, Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

MAM  
3/18/21

**Customer Information**

Potential Customer:		Opportunity Type:	Tax Incentive Lease
Proj. St. Address:	555 East Main Street	Opportunity Product:	Property & Sales Taxes Only
City/Town/Village:	City of Batavia//	Type of Project:	Expansion
Proj. Description:	2021 DePaul Housing Expansion	New Jobs:	3
Total Capital Investment:	\$3,750,000	Retained Jobs:	13
Incentive Amount:	\$772,966	School District:	Batavia
Benefited Amount:	\$3,750,000	PILOT Applicable:	

**Project Information**

Organization:			
Opportunity Source:	3rd Party Professional	Date of Public Hearing:	tbd
Initial Acceptance Date:		Inducement Date:	

**Opportunity Summary:** The partnership is proposing a \$3.75 million expansion project in the City of Batavia. The applicant currently owns and operates a 42 unit building of special needs housing and will construct an additional 20 units for a total of 62 units. The addition will be comprised of two floors with a central elevator, which the existing building lacks, and laundry services and computer lounges will be available on each floor

The partnership received assistance through GCEDC for its original construction in the form of a 30-year PILOT approved March 1, 2009. DePaul seeks to amend the existing PILOT to account for the additional 20 units at the existing per unit PILOT rate. The additional units would be added to the existing PILOT schedule when they are placed in service, which is estimated to commence as of the due date for the April 1, 2023 City PILOT payment. The total annual PILOT payments would increase by approximately \$7,000 per year for the additional 20 units over the remainder of the additional PILOT. In addition, a sales tax exemption has been requested for the construction of the expansion.

**Economic Impact:** For every \$1 of public benefit, the company is investing \$2.60 into the local economy

**Project Detail (Total Capital Investment)**

Building Cost (Construction):	\$3,750,000	Capital Improvements:	\$0
Equipment (non-taxable):	\$0	Equipment (Taxable) / Other Proj Investment:	\$0
Land Cost (Real Estate):	\$0		
Total Capital Investment:	\$3,750,000		

**Estimated Benefits Provided**

Sales Tax Exempt:	\$180,000	Tax Exempt Bond:	\$0
Mortgage Tax Exempt:	\$0	Land Sale Subsidy:	\$0
Property Tax Exempt:	\$592,966		
Total Estimated Tax Incentives Provided:	\$772,966		

Total Amount Finance:	\$0		
Mortgage Amount:	\$0	ESD-JDA:	
GCEDC RLF:	\$0	Other Name:	
City of Batavia:	\$0	Other Amount:	\$0
Chamber of Commerce:			
Total Amount Finance:	\$0		







# Client Company Investment Project Financial Assistance PROPOSAL

*Figures on this Worksheet are estimates only and are subject to change*

	1 Year View	3 Year View	Project Lifetime		Date
<b>Project Profile:</b>					
<b>Company:</b>	DePaul				
Project Description	building cost      non-mfg equipment				
Project Cost	\$ 3,750,000      \$ 3,750,000				
Project Cost subject to Sales Tax	\$ 2,250,000      60% bldg cost + non mfg equipt				
Project Cost to be Financed via Mortgage	\$ 980,952      80%				
Estimated Assessed value of Real Property/Building upon completion*	\$      \$ 49,047 62				
Jobs Created: next 3 years	sq ft      Assessed \$/unit				
Jobs Retained: next 3 years	\$      \$				
<b>Applicable GCEDC Products:</b>					
<b>Financial Assistance: Cost Reduction Through Tax Savings:</b>					
<b>Sale/Leaseback (SLB):</b>					
Sales Tax Exemption (Savings)	8.00%	\$ 180,000	\$ 180,000	\$ 180,000	Current assessed value
Mortgage Tax Exemption (Savings)	1.00%	\$ -	\$ -	\$ -	42 units
Real Property Tax Abatement (PILOT)	0%	\$ -	\$ -	\$ -	49,048
Average Abatement (savings %) over project life			0%		20 new units
PILOT Term in years					assessed value
Gross Property Tax Costs	\$ 40.91	\$ 40,131	\$ 120,392	\$ -	
Payment Schedule (% Real Property Taxes Paid)				100%	
Net Required Property Tax payments per PILOT	\$ -	\$ -	\$ -	\$ -	
PILOT Real Property Tax Savings (Next taxable year)	\$ 40,131	\$ 120,392	\$ 592,966	\$ 772,966	
Total Tax Savings via Sale/Leaseback (SLB)	\$ 220,131	\$ 300,392	\$ -	\$ -	
<b>Financing: Cost Reduction via low cost financing (below prime rate):</b>					
<b>Revolving Loan Fund (RLF):</b>					
Loan Factors	\$ Financed	Term in mo	RLF APR	Prime + 1%	Total Savings
Interest Rate Savings	\$ -	\$ -	\$ -	\$ -	\$ 772,966
<b>Gross Cost Savings via GCEDC programs:</b>	\$ 220,131	\$ 300,392	\$ 772,966	\$ -	
<b>Participation Fees (Costs):</b>					
GCEDC Application Fee (non-refundable)	\$ 250				
GCEDC Project Fee (% Total Project Cost)	1.25%	\$ 46,875			
Legal Fees: SLB (Contract Development, Documentation, Filing fees)	\$ 25,000				
Legal Fees: RLF (Contract Development, Documentation, Filing fees)	\$ 72,125				
Total Participation Fees	\$ 148,006	\$ 228,267	\$ 700,841	\$ 700,841	
<b>Summary:</b>					Total Savings
Total Costs Savings / Benefits via GCEDC programs(after participation f	4%	6%	19%	972%	
Total Benefits as % Total Project Cost:	205%	316%			
Return on Investment (ROI) = Net Savings / Participation Fees					

**NOTE: PILOT REAL PROPERTY TAX ABATEMENT EFFECTIVE DATE DEPENDS UPON DATE OF SALE LEASE BACK (SLB) CLOSING COMPARED TO MUNICIPALITIES TAXABLE STATUS DATE**

1) IF SLB CLOSING PRIOR TO TAXABLE STATUS DATE - PILOT WILL BE EFFECTED IN FOLLOWING TAXABLE YEAR AND CURRENT YEAR TAX BILLS WILL BE ADJUSTED ACCORDINGLY

2) IF SLB CLOSING IS SUBSEQUENT TO MUNICIPALITIES TAXABLE STATUS DATE - THERE WILL BE A 12 MONTH DELAY IN PILOT IMPLEMENTATION

**PLEASE PLAN CASH FLOW NEEDS ACCORDINGLY!**

1.2 TABLE

Gross Property Tax Per Year \$ 40,131

Year of Exemption	Assessed Property taxes	Municipalities Receive/ Tax to be Paid w/ 2.08% escalator from original PILOT	Savings
13	\$40,131	\$ 6,000	\$34,131
14	\$40,131	\$ 6,125	\$34,006
15	\$40,131	\$ 6,252	\$33,879
16	\$40,131	\$ 6,382	\$33,749
17	\$40,131	\$ 6,515	\$33,616
18	\$40,131	\$ 6,651	\$33,480
19	\$40,131	\$ 6,789	\$33,342
20	\$40,131	\$ 6,930	\$33,201
21	\$40,131	\$ 7,074	\$33,057
22	\$40,131	\$ 7,221	\$32,909
23	\$40,131	\$ 7,372	\$32,759
24	\$40,131	\$ 7,525	\$32,606
25	\$40,131	\$ 7,681	\$32,449
26	\$40,131	\$ 7,841	\$32,290
27	\$40,131	\$ 8,004	\$32,127
28	\$40,131	\$ 8,171	\$31,960
29	\$40,131	\$ 8,341	\$31,790
30	\$40,131	\$ 8,514	\$31,617
Total	\$722,354	\$129,388	\$592,966

\*Fixed PILOT from 2009- \$300 per unit x 20 Units \$6,000

*Man*  
*3/18/20*

## Cost-Benefit Analysis for DePaul

Prepared by Genesee County Economic Development Center using InformAnalytics

# Executive Summary

### INVESTOR

DePaul Special Needs Apartments, LP

### TOTAL INVESTED

\$3.8 Million

### LOCATION

555 East Main Street  
Batavia, NY 14020

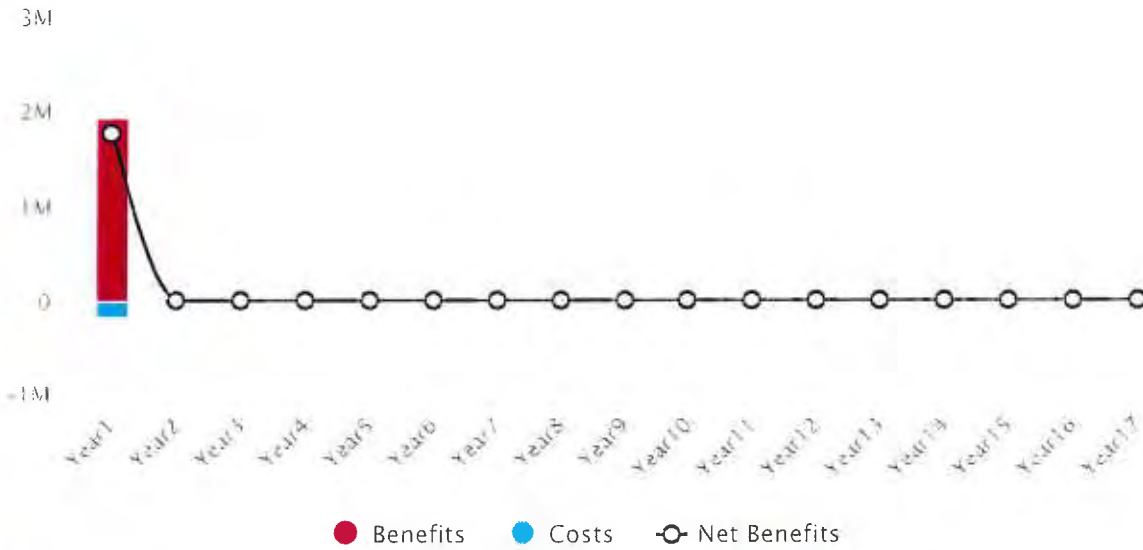
### TIMELINE

17 Years

FIGURE 1

Discounted\* Net Benefits for DePaul by Year

Total Net Benefits: \$1,771,000



Discounted \* 2

FIGURE 2

Total Jobs

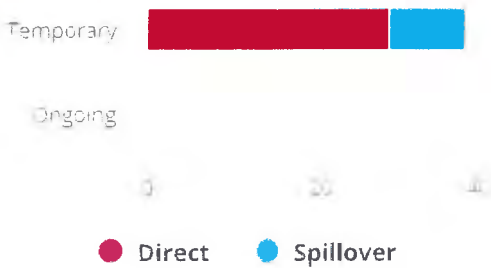
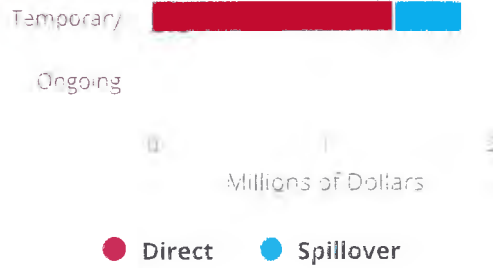


FIGURE 3

Total Payroll



Millions of Dollars



# Proposed Investment

DePaul Special Needs Apartments , LP proposes to invest \$3.8 million at 555 East Main Street Batavia, NY 14020 over 17 years. Genesee County Economic Development Center staff summarize the proposed with the following: Expansion project for existing 42 unit special needs apartments 49,800 sf. The expansion will add 20 units or 20,100 sf for a total 62 units or 70,000 sf facility when completed

T1 TABLE 1

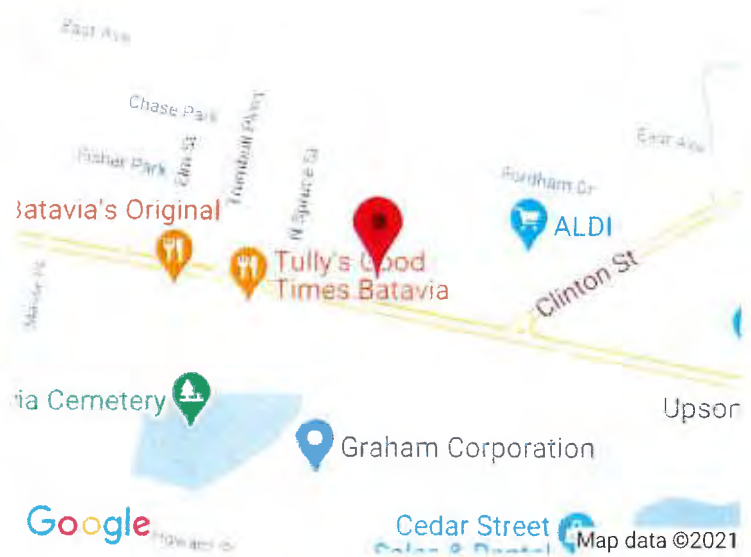
## Proposed Investments

Description	Amount
<b>CONSTRUCTION SPENDING</b>	
20,100 sq ft addition	\$0
	\$3,750,000
<b>Total Investments</b>	<b>\$3,750,000</b>
Discounted Total (2%)	\$3,750,000

May not sum to total due to rounding.

F4 FIGURE 4

## Location of Investment



# Cost-Benefit Analysis

A cost-benefit analysis of this proposed investment was conducted using InformAnalytics, an economic impact model developed by CGR. The report estimates the impact that a potential project will have on the local economy based on information provided by Genesee County Economic Development Center. The report calculates the costs and benefits for specified local taxing districts over the first 17 years, with future returns discounted at a 2% rate.

T2 TABLE 2

### Estimated Costs or Incentives

Genesee County Economic Development Center is considering the following incentive package for DePaul Special Needs Apartments, LP.

Description	Nominal Value	Discounted Value*
Sales Tax Exemption	\$178,000	\$178,000
<b>Total Costs</b>	<b>\$178,000</b>	<b>\$178,000</b>

May not sum to total due to rounding.

\* Discounted at 2%

T3 TABLE 3

## State &amp; Regional Impact (Life of Project)

The following table estimates the total benefits from the project over its lifetime.

Description	Direct	Spillover	Total
<b>REGIONAL BENEFITS</b>	<b>\$1,400,000</b>	<b>\$443,000</b>	<b>\$1,843,000</b>
<b>To Private Individuals</b>	<b>\$1,383,000</b>	<b>\$438,000</b>	<b>\$1,821,000</b>
Temporary Payroll	\$1,383,000	\$438,000	\$1,821,000
<b>To the Public</b>	<b>\$17,000</b>	<b>\$5,000</b>	<b>\$23,000</b>
Temporary Sales Tax Revenue	\$17,000	\$5,000	\$23,000
<b>STATE BENEFITS</b>	<b>\$79,000</b>	<b>\$27,000</b>	<b>\$106,000</b>
<b>To the Public</b>	<b>\$79,000</b>	<b>\$27,000</b>	<b>\$106,000</b>
Temporary Income Tax Revenue	\$62,000	\$21,000	\$83,000
Temporary Sales Tax Revenue	\$18,000	\$6,000	\$23,000
<b>Total Benefits to State &amp; Region</b>	<b>\$1,480,000</b>	<b>\$470,000</b>	<b>\$1,949,000</b>
Discounted Total Benefits (2%)	\$1,480,000	\$470,000	\$1,949,000

May not sum to total due to rounding.

T4 TABLE 4

## Benefit to Cost Ratio

The following benefit to cost ratios were calculated using the discounted totals.

Description	Benefit*	Cost*	Ratio
Region	\$1,843,000	\$88,000	21:1
State	\$106,000	\$90,000	1:1
<b>Grand Total</b>	<b>\$1,949,000</b>	<b>\$178,000</b>	<b>11:1</b>

**May not sum to total due to rounding.**

\* Discounted at 2%

CGR has exercised reasonable professional care and diligence in the production and design of the InformAnalytics™ tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.



Msy  
3/18/21



Project Name: DePaul Special Needs Apartments, L.P.

Board Meeting Date: March 25, 2021

## STATEMENT OF COMPLIANCE OF PROJECT CRITERIA LISTED IN UNIFORM TAX EXEMPTION POLICY (UTEP)

### PROJECT DESCRIPTION:

DePaul Special Needs Apartments, L.P., is proposing a \$3.75 million expansion project in the City of Batavia. The applicant currently owns and operates a 42 unit building of special needs housing, and will construct an additional 20 units for a total of 62 units. The addition will be comprised of two floors with a central elevator, which the existing building lacks, and laundry services and computer lounges will be available on each floor.

The company received assistance through the GCEDC for its original construction in the form of a 30-year PILOT approved March 1, 2009. DePaul seeks to amend the existing PILOT to account for the additional 20 units at the existing per unit PILOT rate. The additional units would be added to the existing PILOT schedule when they are placed in service, which is estimated to commence as of the due date for the April 1, 2023 City PILOT payment. The total annual PILOT payments would increase by approximately \$6,000 for the additional 20 units over the remainder of the additional PILOT. In addition, a sales tax exemption has been requested for the construction of the expansion.

**Criteria #1** – The Project pledges to create and/or retain quality, good paying jobs in Genesee County.

**Project details:** The project plans to create 2.5 FTE’s and retain 13 FTE’S with an average salary of \$15-\$22/ hour.

### Board Discussion:

**Board Concurrence:** YES NO If no, state justification:

**Criteria #2-** Completion of the Project will enhance the long-term tax base and/or make a significant capital investment.

**Project details:** The project will enhance long term tax base with a \$3.75 million expansion of 20 units (existing 49,800 sq. ft., addition 20,100 sq. ft, total 69,900 sq.ft.)

### Board Discussion:

**Board Concurrence:** YES NO If no, state justification:

**Criteria #3-** The Project will contribute towards creating a “livable community” by providing a valuable product or service that is underserved in Genesee County.

**Project details:** The project will contribute towards a “livable community” as these mental health patients currently reside in the county without these enhanced services.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #4:** The Board will review the Agency’s Fiscal and Economic Impact analysis of the Project to determine if the Project will have a meaningful and positive impact on Genesee County. This calculation will include the estimated value of any tax exemptions to be provided along with the estimated additional sources of revenue for municipalities and school districts that the proposed project may provide.

**Project details:** For every \$1 of public benefit the company is investing \$2.6 into the local economy

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #5:** The Project is included in one of the Agency’s strategic industries: Agri-Business and Food Processing, Manufacturing, Advanced Manufacturing and Nano-Enabled Manufacturing, Life Sciences and Medical Device.

**Project details:** N/A

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #6:** The Project will give a reasonable estimated timeline for the completion of the proposed project.

**Project details:** The project is planning to begin construction in Summer of 2021 and be operational by first quarter of 2023.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

MAM  
4/28/2021

**FINAL RESOLUTION**  
*(Batavia Special Needs Apartments, L.P. Project)*

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, May 6, 2021.

The following resolution was duly offered and seconded, to wit:

Resolution No. 05/2021 - \_\_\_\_\_

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON APRIL 14, 2021, WITH RESPECT TO THE BATAVIA SPECIAL NEEDS APARTMENTS, L.P. (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, AND (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE, AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended, and Chapter 565 of the Laws of 1970 of the State of New York, as amended (hereinafter collectively called the "Act"), the **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, the Agency previously undertook a certain project (the "2009 Project") for the benefit of **BATAVIA SPECIAL NEEDS APARTMENTS, L.P.** (the "Company"), consisting of: (i) the acquisition or retention by the Agency of fee title to or a leasehold interest in certain contiguous parcels of land located at 555 East Main Street in the City of Batavia, Genesee County, New York (collectively, the "Land"), (ii) the razing of certain existing residential buildings located on the Land (the "2009 Existing Improvements"), (iii) the construction and equipping on the Land by the Company of an approximately 42,600 square-foot forty-two (42) unit apartment project for mentally handicapped and mentally challenged adults (the "2009 Improvements") and (iv) the acquisition by the Company in and around the 2009

Improvements of certain items of equipment and other tangible personal property (the "2009 Equipment" and, collectively with the Land, the Original Existing Improvements and the Original Improvements, the "2009 Facility"); and

WHEREAS, by resolution adopted on November 25, 2008, the Agency, among other things, (i) appointed the Company as its agent to undertake the 2009 Project and (ii) authorized financial assistance to the Company with respect to the 2009 Project in the form of (a) a sales and use tax exemption for purchases and rental related to the acquisition, construction and equipping of the 2009 Project, (b) a partial real property tax abatement structured through the 2009 Tax Agreement, and (c) a mortgage recording tax exemption for the financing or re-financing related to the 2009 Project (collectively, the "2009 Financial Assistance"); and

WHEREAS, in connection with the 2009 Project, the Agency and the Company entered into certain agreements, including but not limited to: (i) a certain Lease Agreement, dated as of March 1, 2009 (the "2009 Lease Agreement"), a memorandum of which was recorded in Genesee County Clerk's Office on March 31, 2009, in Liber 873, Page 19; (ii) a certain Leaseback Agreement, dated as of March 1, 2009 (the "2009 Leaseback Agreement"), a memorandum of which was recorded in the Genesee County Clerk's Office on March 31, 2009, in Liber 873, Page 24; and (iii) a certain Payment-in-Lieu-of-Tax Agreement, dated as of March 1, 2009 (the "2009 Tax Agreement"); and

WHEREAS, on or about March 11, 2021, the Company submitted an application (the "Application") requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the retention by the Agency of a leasehold interest in the Land; (ii) the planning, design, construction and operation of an approximately two-story 20,100 square foot addition to the 2009 Improvements consisting principally of approximately twenty (20) affordable housing units, all of which will serve those at 50% Area Median Income, a central elevator, computer lounges, on-site laundry services, community rooms and related amenities (the "Improvements"); and (iii) the acquisition and installation in and around the Improvements of certain items of machinery, equipment and other items of tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as agent of the Agency for the purpose of undertaking the Project pursuant to a project agreement (the "Project Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents with the Company, (iii) take or title to or a leasehold interest in the Land, the 2009 Improvements, the Improvements, the Equipment and personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (iv) provide financial assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Project, and (b) a partial real property tax abatement structured through the Tax Agreement (collectively, the "Financial Assistance"); and

WHEREAS, on March 25, 2021, the Agency adopted a resolution (the "Initial Resolution") pursuant to which the Agency (i) accepted the Application of the Company, and (ii) directed that a public hearing be held; and



WHEREAS, pursuant to Section 859-a of the Act and pursuant to Executive Orders issued by Governor Andrew M. Cuomo, on Wednesday, April 14, 2021, at 10:30 a.m., the Agency held a virtual public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally – by teleconference - and in writing, to present their views. (A copy of the Notice of Public Hearing published and forwarded to the affected taxing jurisdictions at least ten (10) days prior to said Public Hearing are attached hereto as Exhibit A); and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project; and

WHEREAS, the City of Batavia Planning and Development Committee (the "Committee"), acting as "lead agency" (as such term is defined under SEQRA), undertook an "uncoordinated review" (as such term is defined under SEQRA) of the Project, determined that the Project was an "Unlisted Action" (as such term is defined under SEQRA) and on June 16, 2020, issued a "negative declaration" (as such term is defined under SEQRA) with respect to the Project (the "Negative Declaration"); and

WHEREAS, pursuant to Article 18-A of the Act the Agency desires to adopt a resolution approving the Project and the Financial Assistance (as defined below) that the Agency is contemplating with respect to the Project; and

WHEREAS, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement and related documents will be negotiated and presented to the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency for approval and execution subject to adoption of the resolutions contained herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Genesee County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a facility or commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(F) The Project involves an "Unlisted Action". The City of Batavia Planning and Development Committee (the "Committee") has conducted a review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"). The Board issued a Negative Declaration on June 16, 2020 (the "Negative Declaration"), determining that the Project does not pose a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, including, but not limited to, the Short Environmental Assessment Form and the Negative Declaration, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Board pursuant to 6 N.Y.C.R.R. Part 617.7.

Section 2. The virtual Public Hearing held by the Agency on Wednesday, April 14, 2021, at 10:30 a.m., concerning the Project and the Financial Assistance was duly held in accordance with the Act and pursuant to Executive Orders issued by Governor Andrew M. Cuomo, including but not limited to the giving of at least ten (10) days published notice of the Public Hearing (such notice also provided to the Chief Executive Officer of each affected tax jurisdiction), affording interested parties a reasonable opportunity, both orally – by teleconference - and in writing, to present their views with respect to the Project.

Section 3. The Agency is hereby authorized to provide to the Company the Financial Assistance in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Project, and (b) a partial real property tax abatement structured through the Tax Agreement.

Section 4. Based upon representations and warranties made by the Company in the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project, that would otherwise be subject to State and local sales and use tax in an amount up to \$2,250,000, which result in State and local sales

and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$180,000**. The Agency agrees to consider any requests by the Company for an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 5. Pursuant to Section 875(3) of the Act, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any Sales and Use Tax Exemption Benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the Sales and Use Tax Exemption Benefits; (ii) the Sales and Use Tax Exemption Benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the Sales and Use Tax Exemption Benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the Sales and Use Tax Exemption Benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving Sales and Use Tax Exemption Benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any Sales and Use Tax Exemption Benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 6. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, reconstruct, renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; *provided, however*, the Project Agreement shall expire on **January 31, 2022** (unless extended for good cause by the President/CEO of the Agency) if the Lease Agreement, the Leaseback Agreement and the Tax Agreement contemplated have not been executed and delivered.

Section 7. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to negotiate and enter into (A) the Project Agreement, (B) the Lease Agreement, pursuant to which the Company leases the Project to the Agency, (C) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, and (D) the Tax Agreement; *provided*,



however, (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project and (ii) the terms of the Tax Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

Section 8. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record any mortgage, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") (collectively, the "Mortgage") to assist with the undertaking of the Project, the acquisition of the Facility and/or the finance or re-finance the Facility or equipment and other personal property and related transactional costs (hereinafter, with the Project Agreement, Lease Agreement, Leaseback Agreement, Tax Agreement and the Mortgage, collectively called the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency shall approve, the execution thereof by the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 9. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 10. These Resolutions shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Peter Zeliff	[ ]	[ ]	[ ]	[ ]
Matthew Gray	[ ]	[ ]	[ ]	[ ]
Paul Battaglia	[ ]	[ ]	[ ]	[ ]
Craig Yunker	[ ]	[ ]	[ ]	[ ]
Todd Bender	[ ]	[ ]	[ ]	[ ]
Amy Vanderhoof	[ ]	[ ]	[ ]	[ ]
Marianne Clattenburg	[ ]	[ ]	[ ]	[ ]

The Resolutions were thereupon duly adopted.



**SECRETARY'S CERTIFICATION**  
*(Batavia Special Needs Apartments, L.P. Project)*

STATE OF NEW YORK                    )  
COUNTY OF GENESEE                ) SS.:

I, the undersigned Secretary of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on May 6, 2021, with the original thereof on file in the offices of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this \_\_\_ day of May, 2021.

\_\_\_\_\_  
Secretary

**Exhibit A**

Notice Letter, Notice of Public Hearing,  
Affidavit of Publication of *The Batavia Daily News*  
and Minutes of Public Hearing

[Attached Hereto]



**NOTICE LETTER  
BATAVIA SPECIAL NEEDS APARTMENTS, L.P.**

March 29, 2021

**VIA CERTIFIED MAIL**

To: Chief Executive Officers of  
Affected Taxing Jurisdiction Listed on Attached Schedule A

Re: Genesee County Industrial Development Agency d/b/a Genesee County  
Economic Development Center and Batavia Special Needs Apartments, L.P.:  
Public Hearing

Ladies and Gentlemen:

On Wednesday, April 14, 2021, at 10:30 a.m., local time, the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") will conduct a public hearing regarding the above-referenced project. Enclosed is a copy of the Notice of Public Hearing describing the project and the financial assistance being contemplated by the Agency. The Notice has been submitted to *The Daily News* for publication.

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application, which is also available for viewing on the Agency's website at: [gcedc.com/index.php/news/gcedc-approved-projects](http://gcedc.com/index.php/news/gcedc-approved-projects).

However, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the Agency will not be able to accommodate any in-person public attendance or participation at this hearing. Nonetheless, and in furtherance of the provisions of Section 859-a of the Act requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, the Agency will broadcast the Public Hearing live on a video conference at <https://zoom.us/s/99588259354> with written comments accepted on that platform in real time. In addition, the Agency will provide public access to provide oral comments in real time via conference bridge at telephone number: 929-205-6099, meeting ID 995 8825 9354. Online livestreaming of the public hearing will be available at <https://vimeo.com/530542509>.

The Agency also encourages all interested parties to submit written comments to the Agency, which will be included within the public hearing record. Any written comments may be sent to GCEDC, Attention: Mark Masse, Senior Vice President of Operations, 99 MedTech Drive, Suite 106, Batavia, New York 14020, and/or via email at [gcedc@gcedc.com](mailto:gcedc@gcedc.com), with the subject line being "Batavia Special Needs", no later than Friday, April 16, 2021.

The public hearing is being conducted pursuant to Section 859-a of the General Municipal Law. We are providing this notice to you, pursuant to General Municipal Law Section 859-a, as the chief executive officer of an affected tax jurisdiction within which the project is located.

Very truly yours,

GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY d/b/a  
GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER

Enclosure



Schedule A  
Chief Executive Officers  
of Affected Tax Jurisdictions

**Via Certified Mail**

**No. 9489-0090-0027-6207-3503-64**

Genesee County Manager  
Genesee County Courthouse  
Old Courthouse  
7 Main Street  
Batavia, New York 14020

**Via Certified Mail**

**No. 9489-0090-0027-6207-3503-71**

Genesee County Legislature  
Attn: Chairman  
Old Courthouse  
7 Main Street  
Batavia, New York 14020

**Via Certified Mail**

**No. 9489-0090-0027-6207-3503-88**

City of Batavia  
Attn: City Council President  
One Batavia City Centre  
Batavia, New York 14020

**Via Certified Mail**

**No. 9489-0090-0027-6207-3503-95**

City of Batavia  
Attn: Interim City Manager  
One Batavia City Centre  
Batavia, New York 14020

**Via Certified Mail**

**No. 9489-0090-0027-6207-3504-01**

Batavia City School District  
Attn: Board of Education President  
260 State Street  
Batavia, New York 14020

**Via Certified Mail**

**No. 9489-0090-0027-6207-3504-18**

Batavia City School District  
Attn: Superintendent  
260 State Street  
Batavia, New York 14020

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that a public hearing pursuant to Article 18-A of the New York General Municipal Law (the "Act") will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Wednesday, April 14, 2021, at 10:30 a.m., local time, in connection with the matter described below. **PLEASE NOTE THE SPECIAL PUBLIC HEARING LOGISTICS AND INSTRUCTIONS INCLUDED AT THE END OF THIS NOTICE.**

Batavia Special Needs Apartments, L.P., for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency requesting the Agency's assistance with a project (the "Project") consisting of: (i) the retention by the Agency of its leasehold in certain contiguous parcels of land located at 555 East Main Street in the City of Batavia, Genesee County, New York (collectively, the "Land"); (ii) the planning, design, construction and addition to the existing approximately 42,600 square-foot forty-two (42) unit apartment facility for mentally handicapped and mentally challenged adults (the "Existing Improvements") of an approximately two-story 20,100 square-foot addition to consist principally of approximately twenty (20) affordable housing units, all of which will serve those at 50% Area Median Income, a central elevator, computer lounges, on-site laundry services, community rooms and related amenities (the "Improvements"); and (iii) the acquisition and installation in and around the Existing Improvements and Improvements of certain items of machinery, equipment and other items of tangible personal property (the "Equipment"; and, together with the Land, the Existing Improvements, and Improvements, the "Facility").

The Agency will retain its leasehold or other interest in the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the leasehold interest of the Agency will be terminated. The Agency contemplates that it will provide financial assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Facility, consistent with the policies of the Agency, and (b) a partial real property tax abatement structured within a Tax Agreement (collectively, the "Financial Assistance").

### **PLEASE NOTE SPECIAL PUBLIC HEARING CONDUCT INSTRUCTIONS AND INFORMATION:**

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application, which is also available for viewing on the Agency's website at: [gcedc.com/index.php/news/gcedc-approved-projects](https://gcedc.com/index.php/news/gcedc-approved-projects).

However, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the Agency will not be able to accommodate any in-person public attendance or participation at this hearing. Nonetheless, and in furtherance of the provisions of Section 859-a of the Act requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, the Agency will broadcast the Public Hearing live on a video conference at: <https://zoom.us/j/99588259354>, with written comments accepted on that platform in real time. In addition, the Agency will provide public access to provide oral comments in real time via

conference bridge at telephone number: 1-929-205-6099, meeting ID 995 8825 9354. Online livestreaming of the public hearing will be available at <https://vimeo.com/530542509>.

The Agency also encourages all interested parties to submit written comments to the Agency, which will be included within the public hearing record. Any written comments may be sent to GCEDC, Attention: Mark Masse, Senior Vice President of Operations, 99 MedTech Drive, Suite 106, Batavia, New York 14020, and/or via email at [gcedc@gcedc.com](mailto:gcedc@gcedc.com), with the subject line being "Batavia Special Needs", no later than Friday, April 16, 2021.

Dated: April 2, 2021  
INDUSTRIAL

GENESEE COUNTY

DEVELOPMENT AGENCY d/b/a  
GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER



**REPORT OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S PUBLIC HEARING OF DEPAUL SPECIAL NEEDS APARTMENTS, LP, HELD ON WEDNESDAY, APRIL 14, 2021 10:30 A.M. AT THE GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER, 99 MEDTECH DRIVE, BATAVIA, NEW YORK, GENESEE COUNTY, NEW YORK AND ELECTRONICALLY VIA VIDEO CONFERENCE**

**I. ATTENDANCE**

Jim Krencik, Director of Marketing and Communications – GCEDC  
Lauren Casey, Finance Assistant – GCEDC  
Chris Suozzi, VP of Business and Workforce Development – GCEDC  
Jonathan Penna - DePaul Group, Inc

**II. CALL TO ORDER**

The public hearing of DePaul Special Needs Apartments, LP Project was opened at 10:30 am electronically via video conference.

**PLEASE NOTE SPECIAL PUBLIC HEARING CONDUCT INSTRUCTIONS AND INFORMATION:**

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application, which is also available for viewing on the Agency's website at: <https://www.gcedc.com/index.php/news/gcedc-approved-projects>

However, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the Agency will not be able to accommodate any in-person public attendance or participation at this hearing. Nonetheless, and in furtherance of the provisions of Section 859-a of the Act requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, the Agency will broadcast the Public Hearing live: <https://zoom.us/j/99588259354>, with written comments accepted on that platform in real time. In addition, the Agency will provide public access to provide oral comments in real time via conference bridge at telephone number: 1-929-205-6099, passcode 995 8825 9354. The Agency also encourages all interested parties to submit written comments to the Agency, which will be included within the public hearing record. Any written comments may be sent to GCEDC, Attention: Mark Masse, Senior Vice President of Operations, 99 MedTech Drive, Suite 106, Batavia, New York 14020, and/or via email at [mmasse@gcedc.com](mailto:mmasse@gcedc.com) no later than Friday, April 16, 2021.

A notice of this public hearing describing the project was published in the Batavia Daily News, a copy of which is attached and is an official part of this transcript.

**III. PROJECT SUMMARY**

DePaul Special Needs Apartments, L.P., is proposing a \$3.75 million expansion project in the City of Batavia. The applicant currently owns and operates a 42 unit building of special needs housing and will construct an additional 20 units for a total of 62 units. The addition will be comprised of two floors with a central elevator, which the existing building lacks, and laundry services and computer lounges will be available on each floor.



The company received assistance through the GCEDC for its original construction in the form of a 30-year PILOT approved March 1, 2009. DePaul seeks to amend the existing PILOT to account for the additional 20 units at the existing per unit PILOT rate. The additional units would be added to the existing PILOT schedule when they are placed in service, which is estimated to commence as of the due date for the April 1, 2023 City PILOT payment. The total annual PILOT payments would increase by approximately \$6,000 for the additional 20 units over the remainder of the additional PILOT. In addition, a sales tax exemption has been requested for the construction of the expansion.

**IV. COMMENTS**

C. Suozzi began the public hearing by introducing himself and welcoming those in attendance. He then stated the purpose and guidelines for the public hearing. The purpose of the public hearing is to solicit comments and feedback from the public regarding the proposed incentives on the above outlined project. It is not a question-and-answer session. There were no written comments received ahead of time to be included with the written record.

**V. ADJOURNMENT**

As there were no written or oral comments, the public hearing was closed at 10:40 am.

MAM  
4/27/21

**Customer Information**

Potential Customer: BW Solar Opportunity Type: Tax Incentive Lease  
 Proj. St. Address: 7209 Oak Orchard Road Opportunity Product: Property & Sales Taxes Only  
 City/Town/Village: //Elba Type of Project: Attraction  
 Proj. Description: NY CDG Genesee 1 LLC New Jobs:  
 Total Capital Investment: \$7,326,000 Retained Jobs:  
 Incentive Amount: \$1,221,527 School District: Elba  
 Benefited Amount: \$7,326,000 PILOT Applicable:

**Project Information**

Organization: GCEDC  
 Opportunity Source: Direct/Personal Contact Date of Public Hearing:  
 Initial Acceptance Date: Inducement Date:

**Opportunity Summary:** The company is planning a community solar farm project in the Town of Elba. The project is a 5 (AC) MW solar generation system that will be interconnected with National Grid.

The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project. The project will contribute \$6,000/MWAC + a 2% annual escalator, with the 5 MWAC solar farm generating in excess of \$518,000 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

The project is aligned with New York's aggressive goals for renewable energy, energy efficiency and greenhouse gas reductions, and offer customers a 10% discount vs average market rates for the generated power.

In addition to these benefits, the project supporting the continued viability of the agricultural economy in Genesee County.

**Economic Impact:** This solar project is generating an increase to the tax revenue of \$452,956 (both PILOT and real property taxes). This calculates to a rate of return based on the original property taxes of \$4.74 to \$1.

**Project Detail (Total Capital Investment)**

Building Cost (Construction): \$3,376,000 Capital Improvements: \$750,000  
 Equipment (non-taxable): \$2,200,000 Equipment (Taxable) / Other Proj Investment: \$1,000,000  
 Land Cost (Real Estate): \$0  
 Total Capital Investment: \$7,326,000

**Estimated Benefits Provided**

Sales Tax Exempt: \$586,080 Tax Exempt Bond: \$0  
 Mortgage Tax Exempt: \$0 Land Sale Subsidy: \$0  
 Property Tax Exempt: \$635,447  
 Total Estimated Tax Incentives Provided: \$1,221,527  
 Total Amount Finance: \$7,326,000

Project: NY COG Genesee 1 LLC, BW Solar Elba

Capex: \$ 7,326,000  
 Sales Taxable (est.) \$ 7,326,000  
 Mortgage (est.) \$ 588,080  
 Property Tax below \$ 635,447  
 Total \$ 1,221,527



Fixed \$ per MW AC 6,000  
 Escalator 2.0%  
 Assessed Value 450,000.00 \$  
 Assessed Value Per MW 5 \$  
 From Assessor 2,250,000  
 Assessed Value 2,250,000

Increase in PILOT Payment  
 Divided by Current Property  
 Economic Impact \$ 452,956  
 ROI \$ 4.74

Year of Exemption	Income	Town of Elba	Genesee County	Ulster	Total Payments	Increase in property taxes due to loss of ag exemption	Total PILOT payments and property taxes to be received	Current property taxes on base land (including ag exemption)	Total increase in PILOT payment and property taxes from solar project
1	\$ 30,000	\$ 3,570	\$ 8,588	\$ 17,842	\$ 30,000	\$ 1,984	\$ 31,984	\$ 6,374	\$ 25,610
2	\$ 30,500	\$ 3,642	\$ 8,759	\$ 18,199	\$ 30,600	\$ 1,984	\$ 32,584	\$ 6,374	\$ 26,210
3	\$ 31,212	\$ 3,714	\$ 8,935	\$ 18,663	\$ 31,212	\$ 1,984	\$ 33,196	\$ 6,374	\$ 26,822
4	\$ 31,836	\$ 3,789	\$ 9,113	\$ 19,134	\$ 31,836	\$ 1,984	\$ 33,821	\$ 6,374	\$ 27,446
5	\$ 32,473	\$ 3,864	\$ 9,296	\$ 19,613	\$ 32,473	\$ 1,984	\$ 34,457	\$ 6,374	\$ 28,083
6	\$ 33,122	\$ 3,942	\$ 9,482	\$ 20,093	\$ 33,122	\$ 1,984	\$ 35,107	\$ 6,374	\$ 28,733
7	\$ 33,785	\$ 4,021	\$ 9,671	\$ 20,595	\$ 33,785	\$ 1,984	\$ 35,769	\$ 6,374	\$ 29,395
8	\$ 34,461	\$ 4,101	\$ 9,865	\$ 21,123	\$ 34,461	\$ 1,984	\$ 36,445	\$ 6,374	\$ 30,071
9	\$ 35,150	\$ 4,183	\$ 10,062	\$ 21,677	\$ 35,150	\$ 1,984	\$ 37,134	\$ 6,374	\$ 30,760
10	\$ 35,853	\$ 4,267	\$ 10,263	\$ 22,257	\$ 35,853	\$ 1,984	\$ 37,837	\$ 6,374	\$ 31,463
11	\$ 36,570	\$ 4,352	\$ 10,468	\$ 22,864	\$ 36,570	\$ 1,984	\$ 38,554	\$ 6,374	\$ 32,180
12	\$ 37,301	\$ 4,439	\$ 10,678	\$ 23,497	\$ 37,301	\$ 1,984	\$ 39,286	\$ 6,374	\$ 32,911
13	\$ 38,047	\$ 4,528	\$ 10,891	\$ 24,156	\$ 38,047	\$ 1,984	\$ 40,032	\$ 6,374	\$ 33,657
14	\$ 38,808	\$ 4,618	\$ 11,109	\$ 24,841	\$ 38,808	\$ 1,984	\$ 40,793	\$ 6,374	\$ 34,418
15	\$ 39,584	\$ 4,711	\$ 11,331	\$ 25,552	\$ 39,584	\$ 1,984	\$ 41,569	\$ 6,374	\$ 35,195
Total	\$ 518,803	\$ 61,741	\$ 148,511	\$ 308,551	\$ 518,803	\$ 29,767	\$ 548,569	\$ 95,614	\$ 452,956

• no Pilots on Ad Valorem Taxes  
 Total acres 55.8  
 Solar acres 23.2  
 Total Ag Exemption \$ 124,718

The value of Ag Exemption elimination due to permanent conversion of farm land  
 Town of Elba Tax Rate \$ 4.07  
 Current Ag Exemption amount (add from OARS) \$ 51,854  
 County and School Taxes on Ag Exemption \$ 1,773  
 Town of Elba (only) Taxes on Ag Exemption \$ 211  
 Total taxes due based on the elimination of Ag Exemption \$ 1,984

Current Property Taxes on Property \$ 4,390

GCEDC fee	\$ 91,575
Workforce Community Benefit	\$ 25,000
Subtotal	\$ 116,575
GCEDC Legal	\$ 12,500
Total Fee	\$ 129,075

1.250%  
 Net Savings \$ 1,092,452

Property Taxes at 100% assessed value (assessor)  
 Term \$ 76,950  
 Total PILOT \$ 1,154,250  
 Savings \$ 835,447

note: base land tax will remain the same and paid outside the PILOT

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 4/27/21

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4/27/21

**INITIAL RESOLUTION**  
*(NY CDG Genesee 1 LLC Project)*

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, May 6, 2021.

The following resolution was duly offered and seconded, to wit:

Resolution No. 05/2021 - \_\_\_\_\_

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW, THE "PROJECT"), (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT AND (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 565 of the Laws of 1970 of the State of New York, as amended (hereinafter collectively called the "Act"), the **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **NY CDG GENESEE 1 LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain real property located at 7209 Oak Orchard Road in the Town of Elba, New York (the "Land", being more particularly described as a portion of tax parcel No. 11.-1-5.12, as may be subdivided); (ii) the planning, design, construction and operation of a 5MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and

WHEREAS, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance (as defined below) that the Agency is contemplating with respect to the Project; and



WHEREAS, it is contemplated that the Agency will (i) hold a public hearing, (ii) designate the Company as agent of the Agency for the purpose of undertaking the Project pursuant to an agent, financial assistance and project agreement (the "Agent Agreement"), (iii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents, (iv) take a leasehold interest in the Land, the Improvements, the Equipment and the personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (v) provide Financial Assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction and equipping of the Facility and (b) a partial real property tax abatement structured through the Tax Agreement (collectively, the "Financial Assistance").

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Genesee County, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a facility or a commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries.

Section 2. The Agency is hereby authorized to conduct a public hearing in compliance with the Act.

Section 3. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 4. These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Peter Zelif	[ ]	[ ]	[ ]	[ ]
Matthew Gray	[ ]	[ ]	[ ]	[ ]
Paul Battaglia	[ ]	[ ]	[ ]	[ ]
Craig Yunker	[ ]	[ ]	[ ]	[ ]
Todd Bender	[ ]	[ ]	[ ]	[ ]
Amy Vanderhoof	[ ]	[ ]	[ ]	[ ]
Marianne Clattenburg	[ ]	[ ]	[ ]	[ ]

The Resolutions were thereupon duly adopted.

**CERTIFICATION**  
*(NY CDG Genesee 1 LLC Project)*

STATE OF NEW YORK                    )  
COUNTY OF GENESEE                ) ss.:

I, the undersigned Secretary of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on May 6, 2021, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this \_\_\_\_ day of May, 2021.

\_\_\_\_\_  
Secretary

mdn  
4/27/21



Project Name: NY CDG Genesee 1, LLC – BW Solar Elba

Board Meeting Date: May 6, 2021

## STATEMENT OF COMPLIANCE OF PROJECT CRITERIA LISTED IN UNIFORM TAX EXEMPTION POLICY (UTEP)

### PROJECT DESCRIPTION:

The company is planning a community solar farm project in the Town of Elba. The project is a 5 (AC) MW solar generation system that will be interconnected with National Grid.

The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project. The project will contribute \$6,000/MWAC + a 2% annual escalator, with the 5 MWAC solar farm generating in excess of \$518,000 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

The project is aligned with New York's aggressive goals for renewable energy, energy efficiency and greenhouse gas reductions, and offer customers a 10% discount vs average market rates for the generated power.

In addition to these benefits, the project supporting the continued viability of the agricultural economy in Genesee County.

**Criteria #1** – The Project pledges to create and/or retain quality, good paying jobs in Genesee County.

**Project details:** n/a

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #2**- Completion of the Project will enhance the long -term tax base and/or make a significant capital investment.

Project details: The project will enhance long term tax base with a planned new community solar farm and \$7,326,000 in capital investment. A fixed 15-year pilot with a 2% annual escalator priced at \$6,000/MWAC is proposed which is above the top end of the NYSERDA recommended range for projects located in National Grid territory in Western NY. The 5 MW solar farm will generate in excess of \$518,000 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:



**Criteria #3:** The Project will contribute towards creating a “livable community” by providing a valuable product or service that is underserved in Genesee County.

**Project details:** The company is assisting with a \$25,000 payment for STEM oriented workforce training/county economic development programming to support STEM 2 STAMP workforce development programs/local economic development programming. Residents will be offered a 10% discount to average local market rates for solar energy.

**Board Discussion:**

**Board Concurrence: YES NO If no, state justification:**

**Criteria #4:** The Board will review the Agency’s Fiscal and Economic Impact analysis of the Project to determine if the Project will have a meaningful and positive impact on Genesee County. This calculation will include the estimated value of any tax exemptions to be provided along with the estimated additional sources of revenue for municipalities and school districts that the proposed project may provide.

**Project details:** This solar project is generating an increase to the tax revenue of \$ 452,956 (both PILOT and Real Property taxes). This calculates to a rate of return based on the original property taxes additional \$4.74 for every previous \$1. Directly supports NYS Energy Policy (REV) alignment: NYS has aggressive goals for renewable energy, energy efficiency and greenhouse gas reduction by 2030, this project supports those goals.

**Board Discussion:**

**Board Concurrence: YES NO If no, state justification:**

**Criteria #5:** The Project is included in one of the Agency’s strategic industries: Agri-Business and Food Processing, Manufacturing, Advanced Manufacturing and Nano-Enabled Manufacturing, Life Sciences and Medical Device.

**Project details:** The company is a “downstream” developer/installer of Photovoltaic (solar) energy generation systems which is a target industry cluster / strategic industry focused on by the Agency to attract Photovoltaic (solar) manufacturing at STAMP.

**Board Discussion:**

**Board Concurrence: YES NO If no, state justification:**

**Criteria #6:** The Project will give a reasonable estimated timeline for the completion of the proposed project.

**Project details:** The project is planning to begin construction in Spring of 2022 and be operational by end of 2022.

**Board Discussion:**

**Board Concurrence: YES NO If no, state justification:**

**Genesee County Economic Development Center**  
**Dashboard - For the Three Month Period Ended 3/31/21**  
**Balance Sheet - Accrual Basis**

	Three Month Period Ended <u>3/31/21</u>	[Per Audit] <u>12/31/20</u>
<b>ASSETS:</b>		
Cash - Unrestricted	\$ 2,003,941	\$ 2,257,813
Cash - Restricted (A)(1)	10,043,827	8,089,027
Cash - Reserved (B)	791,678	791,347
Cash - Subtotal	12,839,446	11,138,187
Grants Receivable (2)	91,850	86,350
Accts Receivable- Current (3)	375,589	280,042
Deposits	2,832	2,832
Prepaid Expense(s) (4)	22,310	26,223
Loans Receivable - Current	53,055	52,923
<b>Total Current Assets</b>	<b>13,385,082</b>	<b>11,586,557</b>
Land Held for Dev. & Resale (5)	15,998,395	15,930,796
Furniture, Fixtures & Equipment	67,982	67,982
Total Property, Plant & Equip.	16,066,377	15,998,778
Less Accumulated Depreciation	(67,982)	(67,982)
<b>Net Property, Plant &amp; Equip.</b>	<b>15,998,395</b>	<b>15,930,796</b>
Accts Receivable- Non-current (6)	279,650	279,650
Loans Receivable- Non-current (Net of \$47,429 Allow. for Bad Debt)	238,866	253,122
<b>Other Assets</b>	<b>518,516</b>	<b>532,772</b>
<b>TOTAL ASSETS</b>	<b>29,901,993</b>	<b>28,050,125</b>
<b>DEFERRED OUTFLOWS OF RESOURCES</b>		
Deferred Pension Outflows (11)	492,700	492,700
<b>Deferred Outflows of Resources</b>	<b>492,700</b>	<b>492,700</b>
<b>LIABILITIES:</b>		
Accounts Payable (7)	107,127	222,159
Loan Payable - Genesee County - Current (8)	295,000	290,000
Accrued Expenses	205	22,736
Unearned Revenue (9)	8,786,359	6,751,032
<b>Total Current Liabilities</b>	<b>9,188,691</b>	<b>7,285,927</b>
Loans Payable - ESD (10)	5,196,487	5,196,487
Loan Payable - Genesee County - Noncurrent (9)	3,130,000	3,425,000
Aggregate Net Pension Liability (11)	704,674	704,674
<b>Total Noncurrent Liabilities</b>	<b>9,031,161</b>	<b>9,326,161</b>
<b>TOTAL LIABILITIES</b>	<b>18,219,852</b>	<b>16,612,088</b>
<b>DEFERRED INFLOWS OF RESOURCES</b>		
Deferred Pension Inflows (11)	54,982	54,982
<b>Deferred Inflows of Resources</b>	<b>54,982</b>	<b>54,982</b>
<b>NET ASSETS</b>	<b>\$ 12,119,859</b>	<b>\$ 11,875,755</b>

**Significant Events:**

1. Restricted Cash - Includes cash deposited by ESD into imprest accounts related to the \$8M and \$33M STAMP grants. Expenditures out of these accounts are pre-authorized by ESD. Also included are funds received from the County per a Water Supply Agreement, to be put towards water improvements located in the Town of Alabama and the Town of Pembroke and other Phase II improvements as identified by the County. These funds are being used to pay for qualifying expenditures.
2. Grants Receivable - National Grid grants support marketing and development activities for STAMP and the LeRoy Food & Tech Park.
3. Accounts Receivable (Current) - Econ. Dev. Program Support Grant; MedTech Centre Property Management; termed out Project Origination Fees from HP Hood to be collected in the next 12 months.
4. Prepaid Expense(s) - General Liability, D&O, Life, long-term and short-term disability insurance.
5. Land Held for Dev. & Resale - Additions are related to STAMP development costs.
6. Accounts Receivable - Non-current - Termed out Project Origination Fees from HP Hood that will not be collected within 12 months of the Balance Sheet date.
7. Accounts Payable - e3communications expenses and unpaid 2020 STAMP expenses that were paid in April 2021.
8. Loan Payable - Genesee County (Current & Noncurrent) - Per a Water Supply Agreement with Genesee County, the County remitted \$4M to the GCEDC to put towards water improvements located in the Town of Alabama and the Town of Pembroke and other Phase II improvements as identified by the County. GCEDC started making annual payments to the County of \$448,500 beginning in January 2020.
9. Unearned Revenue - Interest received in advance; Genesee County contribution received in advance; Funds received from municipalities to support park development; Funds received to support workforce development; ESD Grant funds to support STAMP development, not actually earned until eligible expenditures are incurred.
10. Loans Payable - ESD - Loans from ESD to support STAMP land acquisition and related soft costs.
11. Deferred Pension Outflows / Aggregate Net Pension Liability / Deferred Pension Inflows - Accounts related to implementation of GASB 68.

(A) Restricted Cash = Municipal Funds, RLF #2 Funds, Grant Funds Received in Advance.

(B) Reserved Cash = RLF #1 Funds (defederalized).

**Genesee County Economic Development Center  
Dashboard - For the Three Month Period Ended 3/31/21  
Profit & Loss - Accrual Basis**

	Month to Date		YTD		2021	2021
	3/31/21	3/31/20	2021	2020	Board Approved Budget	YTD % of Budget
<b>Operating Revenues:</b>						
Genesee County	\$ 58,378	\$ 58,378	\$ 58,378	\$ 58,378	\$ 233,513	25%
Fees - Projects	21,250	16,000	21,250	16,000	399,500	5%
Fees - Services	20,884	20,121	20,884	20,121	83,387	25%
Interest Income on Loans	881	1,022	881	1,022	3,313	27%
Rent	3,240	600	3,240	600	24,790	13%
Common Area Fees - Parks	355	300	355	300	500	71%
Grants (1)	658,417	584,913	658,417	584,913	21,692,668	3%
GGLDC Grant- Econ. Dev. Program Support	75,000	75,000	75,000	75,000	300,000	25%
BP <sup>2</sup> Revenue	701	-	701	-	8,634	8%
Other Revenue	89	5,559	89	5,559	5,000	2%
<b>Total Operating Revenues</b>	<b>839,195</b>	<b>761,893</b>	<b>839,195</b>	<b>761,893</b>	<b>22,751,305</b>	<b>4%</b>
<b>Operating Expenses</b>						
General & Admin	291,688	325,665	291,688	325,665	1,415,425	21%
Professional Services	6,407	4,617	6,407	4,617	108,000	6%
Site Maintenance/Repairs	1,403	1,217	1,403	1,217	17,200	8%
Property Taxes/Special District Fees	4,597	2,533	4,597	2,533	3,320	138%
PIF Expense	35,042	28,410	35,042	28,410	134,115	26%
Site Development Expense	258,500	1,475	258,500	1,475	579,207	45%
Real Estate Development (2)	67,599	269,974	67,599	269,974	21,010,000	0%
Balance Sheet Absorption	(67,599)	(269,974)	(67,599)	(269,974)	-	N/A
<b>Total Operating Expenses</b>	<b>597,637</b>	<b>363,917</b>	<b>597,637</b>	<b>363,917</b>	<b>23,267,267</b>	<b>3%</b>
<b>Operating Revenue (Expense)</b>	<b>241,558</b>	<b>397,976</b>	<b>241,558</b>	<b>397,976</b>	<b>(515,962)</b>	
<b>Non-Operating Revenue (Expense)</b>						
Other Interest Income	2,546	6,593	2,546	6,593	7,000	36%
<b>Total Non-Operating Revenue (Expense)</b>	<b>2,546</b>	<b>6,593</b>	<b>2,546</b>	<b>6,593</b>	<b>7,000</b>	<b>36%</b>
<b>Change in Net Assets</b>	<b>244,104</b>	<b>404,569</b>	<b>244,104</b>	<b>404,569</b>	<b>\$ (508,962)</b>	
<b>Net Assets - Beginning</b>	<b>11,875,755</b>	<b>10,872,528</b>	<b>11,875,755</b>	<b>10,872,528</b>		
<b>Net Assets - Ending</b>	<b>\$ 12,119,859</b>	<b>\$ 11,277,097</b>	<b>\$ 12,119,859</b>	<b>\$ 11,277,097</b>		

**Significant Events:**

- Grants - \$448K Community Benefit Agreement payment dedicated to STAMP by sourcing debt service payments to the County; PIF from RJ Properties (Liberty Pumps) supports Apple Tree Acres Infrastructure improvements; PIF from Yancey's Fancy supports Infrastructure Fund Agreement with the Town of Pembroke; ESD \$33M & \$8M Grants support STAMP engineering, environmental, legal, infrastructure, etc.
- Real Estate Development Costs - Includes STAMP development costs; house at the STAMP site purchased in 1st Quarter of 2021.



**Genesee County Economic Development Center**  
**Dashboard - For the Three Month Period Ended 3/31/21**  
**Statement of Cash Flows**

	<u>Three Month Period Ended 3/31/21</u>	<u>YTD</u>
<b>CASH FLOWS PROVIDED BY OPERATING ACTIVITIES:</b>		
Genesee County	\$ 77,837	\$ 77,837
Fees - Projects	6,250	6,250
Interest Income on Loans	871	871
Rent	3,640	3,640
Common Area Fees - Parks	355	355
Grants	2,683,595	2,683,595
BP <sup>2</sup> Revenue	701	701
Other Revenue	89	89
Repayment of Loans	14,124	14,124
General & Admin Expense	(312,333)	(312,333)
Professional Services	(27,618)	(27,618)
Site Maintenance/Repairs	(1,403)	(1,403)
Site Development	(328,148)	(328,148)
Property Taxes/Special District Fees	(4,597)	(4,597)
PIF Expense	(35,042)	(35,042)
Improv/Additions/Adj to Land Held for Development & Resale	(89,662)	(89,662)
Net Cash Provided By Operating Activities	1,988,659	1,988,659
<b>CASH FLOWS USED BY NONCAPITAL FINANCING ACTIVITIES:</b>		
Principal Payments on Loan	(290,000)	(290,000)
Net Cash Used By Noncapital Financing Activities	(290,000)	(290,000)
<b>CASH FLOWS PROVIDED BY INVESTING ACTIVITIES:</b>		
Interest Income (Net of Remittance to ESD)	2,600	2,600
Net Change in Cash	1,701,259	1,701,259
Cash - Beginning of Period	11,138,187	11,138,187
Cash - End of Period	\$ 12,839,446	\$ 12,839,446
<b>RECONCILIATION OF NET OPERATING REVENUE TO NET CASH PROVIDED BY OPERATING ACTIVITIES:</b>		
Operating Revenue	\$ 241,558	\$ 241,558
Increase in Operating Accounts/Grants Receivable	(101,047)	(101,047)
Decrease in Prepaid Expenses	3,913	3,913
Decrease in Loans Receivable	14,124	14,124
Increase in Land Held for Development & Resale	(67,599)	(67,599)
Decrease in Operating Accounts Payable	(115,086)	(115,086)
Decrease in Accrued Expenses	(22,531)	(22,531)
Increase in Unearned Revenue	2,035,327	2,035,327
Total Adjustments	1,747,101	1,747,101
Net Cash Provided By Operating Activities	\$ 1,988,659	\$ 1,988,659

Mark Masse

**GCEDC Audit & Finance Committee**

**May 6, 2021**

**Approval of mowing contract for GCEDC properties**

**Discussion:** The GCEDC asked five companies for bids to mow the properties we have acquired at STAMP and the entrance sign to STAMP. The results of the bids are as follows based on 5 mows in the season:

1. \$2,000 – S&S Excavating & Blacktop, Inc.
2. \$2,475 – Scalia's Landscaping
3. \$3,650 – Versa Scape
4. Declined to bid – McKenzie Landscaping
5. Declined to bid – Bubba's Landscaping

**Fund Commitment:** Not to exceed \$2,000.

**Board Action Request:** Approval of mowing contract for STAMP properties to S & S Excavating & Blacktop, Inc. not to exceed \$2,000.

## **Finish pond construction and drainage work at Apple Tree Acres**

**Discussion:** In September of 2020, the GCEDC and Liberty Pumps, Inc. signed an MOU outlining the scope of work each entity would be responsible for regarding the digging of a new stormwater pond on GCEDC property and the filling in of an existing stormwater pond on Liberty Pumps property. Liberty Pumps informed the GCEDC that they had completed their work. The GCEDC went out to bid with our defined scope of work from the MOU. While out to bid, it became apparent that the majority of the scope of work that was to be performed by the GCEDC had already been completed. The bids were cancelled prior to the opening date. A quote was obtained from a contractor who had performed the original work to complete the project. That quote was \$3,185.

**Fund Commitment:** Not to exceed \$3,185.

**Board Action Request:** Approval of earthwork construction contract in the amount of \$3,185 to Dilcher's Excavating and Contracting.



April 14, 2021

GCEDC  
99 Med Tech Drive  
Batavia NY 14020

Dear Mark,

We are pleased to submit this proposal to provide Construction services in Bergen, New York. Dilcher's Excavating and Contracting, LLC will perform these services for the stipulated sum listed below.

This proposal is based on the following:

- Supply all material equipment and labor to install 75' of 8" storm pipe
- Supply all material equipment and labor to install two end sections with rip-rap stone
- Supply all material equipment and lab to mulch and seed as needed
- Prevailing rate is included
- All permits and fees included

TOTAL: \$3,185.00

Payment terms:

All invoices not paid within 30 days will accrue interest at the rate of 2% per month.

Thank you very much for considering Dilcher's Excavating & Contracting, LLC for this project. We would greatly appreciate this opportunity to be of service.

Very truly yours,

Dilcher's Excavating & Contracting, LLC

Martin Dilcher  
President

Date: \_\_\_\_\_



**GCEDC**  
**Governance & Nominating Committee Report**  
**May 6, 2021**

**GGLDC Board Member Appointments**

Mary Ann Wiater and Gregg Torrey have terms ending on 6/30/21. The information below is provided for discussion.

- Gregg Torrey was appointed to the GGLDC Board on 1/19/17 to fulfill Wally Hinchey's term.
- Mary Ann Wiater was appointed to the GGLDC Board on 8/2/13 with a term end date of 6/30/17 (coterminous with her GCEDC term). She was then reappointed in 2017 to fulfill Matt Gray's GGLDC term.
- When the GCEDC approved term limits for the GGLDC, there was no mention of how many terms would be allowed.

In 2014, the GCEDC Board approved GGLDC Board Member term limits as follows:

- Four of the nine board positions will be independent of the GCEDC Board. Those four members will have 6 year terms.
- Five of the nine board positions will be held by GCEDC board members; coterminous with GCEDC appointments. Those five board positions will be filled with the four most senior members of the GCEDC board AND legislative liaison **OR** the four most senior members of the GCEDC board AND any member that is chosen based on current circumstances at the time of vacancy.

**GCEDC**

**GGLDC**

Name	GCEDC Board Member	GCEDC STAMP Committee	GCEDC Employment & Comp Committee	GCEDC Governance & Nominating Committee	GCEDC Audit & Finance Committee (Bank Signers)	Housing Committee	GCEDC Officers	GCEDC Start Date	Term End Date	GCEDC Board Training	GGLDC Board Members	GGLDC Governance & Nominating Committee	GGLDC Audit & Finance Committee (Bank Signers)	GGLDC Officers	GGLDC Start Date	Term End Date	GGLDC Board Training
Amy Vanderhoof	1	1	1					7/11/2018	6/30/2024	3/13/2019							
Paul J. Battaglia	1		1		1	Chair		6/30/2013	6/30/2025	12/23/2014	1		1		3/6/2014	6/30/2025	12/23/2014
Todd Bender	1		Chair	1	1			8/9/2017	6/30/2023	9/22/2017	1		1				
Craig Yunker	1	1		Chair		1		7/1/2014	6/30/2026	11/7/2014	1	1			6/4/2015	6/30/2026	11/7/2014
Peter Zeliff	1	Chair	1	1	1	1	Chairman	2/28/2014	6/30/2022	2/6/2013	1				2/7/2019	6/30/2022	2/6/2013
Matthew Gray	1			1	Chair	1	Vice Chair	7/1/2015	6/30/2021	3/23/2016							
Marianne Clattenburg	1	1						3/17/2021	12/31/2021	4/9/2021							
Thomas Felton											1		Vice Chairman	8/4/2011	6/30/2025	6/22/2012	
Mary Ann Wiater											1				8/2/2013	6/30/2021	3/27/2013
Sarah Noble-Moag											1	Chair	Secretary	8/12/2014	6/30/2026	11/7/2014	
Gregg Torrey											1	1	Treasurer	1/19/2017	6/30/2021	1/19/2017	
Don Cunningham											1	1	Chair	9/1/2017	6/30/2023	4/11/2018	
	7	4	4	4	4	4					9	4	4				
<b>NEED</b>	7	4	4	4	4						9	4	4				
4 People are required for a quorum in the GCEDC											5 people are required for a quorum in the GGLDC						
GCEDC Board Members are appointed by the County Legislature.											6 people are required if it involves capital improvements, sale, purchase, mortgage, or lease of property (Majority plus 1)						
The Audit & Finance Committee members, the President & CEO and the VP of Operations are authorized bank signers. All checks (line of credit withdrawals) require two signatures and must be co-signed by at least one board member.											The Audit & Finance Committee members are authorized bank signers. Two Bank account signers are required to sign every check and line of credit withdrawals.						
** Chad Klotzbach is verbally assigned to the GCEDC Board by the Legislative Chair.											1/16/14 - GGLDC Board Member Term Limits (as recommended by the Governance Committee) - - Nine GGLDC board members are appointed via majority vote by the GCEDC board of directors. - Four of the nine board positions will be independent of the GCEDC board; 6 year terms. - Five of the nine board positions will be held by GCEDC board members; coterminous with GCEDC appointments. - These five board positions should be filled with the four most senior members of the GCEDC board and the Legislative Liaison OR the four most senior members of the GCEDC board and any member that is chosen based on current circumstances at the time of vacancy.						
Secretary: Penny Kennett Treasurer: Lezlie Farrell											GGLDC Board Members are appointed by the GCEDC						
Committees are made up of the Board Chair plus three board members.											Committees are made up of the Board Chair plus three board members.						

Name	GCFC Board Member	GCFC Bank Signer	GCFC Audit Committee	GCFC Governance Committee	GCFC Officers	GCFC Start Date	GCEDC Board Training	Appointed by the GC Legislature	Appointed by the GCEDC	
Tom Turnbull	1	1	1		Secretary	12/9/2015	2/3/2016	X		
Maureen Marshall	1			1		11/5/2009	9/14/2011	X		
Hollis Upson	1	1	1	1	Treasurer	11/5/2009	3/8/2013	X		
Dr. William Lapple	1					5/11/2016	5/22/2019	X		
Matthew Gray	1				Vice Chair	6/4/2020	12/23/2014		X	
Pete Zeliff	1	1		1	Chair	8/3/2017	2/6/2013		X	
	6	3	2	3						
<b>Need</b>	6	3	3	3				4	2	
4 people are required for a quorum in the GCFC.		<b>Authorized Bank Signers: 3/25/20 - Paul Battaglia, Pete Zeliff, Tom Turnbull &amp; Hollis Upson</b>				<b>Signers of Agreements: Chair, Vice Chair and Secretary</b>				
4 people are appointed by the Genesee County Legislature										
2 appointed by the GCEDC (1/19/17 - the board approved the Chair and Vice Chair to serve this board)										

## Genesee County Economic Development Center

### Current Officers

Pete Zeliff, Chair  
Matthew Gray, Vice Chair  
P. Kennett, Secretary  
L. Farrell, Treasurer  
S. Hyde, President & CEO

### Authorized to request information regarding all bank accounts for the GCEDC

L. Farrell  
P. Kennett

### The following are authorized signors of agreements, contracts, deeds and any other instruments as approved by the Board or operational items within the approved budget limits:

Chairman (per by-laws)  
Vice Chairman (per by-laws)  
S. Hyde (per by-laws)  
M. Masse  
C. Suozzi

**CC Environment and Planning 2021 contract for STAMP related work**

**Discussion:** In connection with ongoing work at STAMP, CC Environment and Planning has submitted a contract for 2021 work to cover the following:

1. Onsite regulatory, industry permitting and land management support
2. Offsite regulatory, industry and permitting support

**Fund Commitment:** Not to exceed \$10,000 to be included in the \$8 million under the line item for onsite sewer plant.

**Board Action Request:** Recommend approval to the full Board of CC Environment and Planning contract not to exceed \$10,000.





## CC Environment & Planning

Sheila S. Hess  
Principal Ecologist/CEO

March 18, 2021

Genesee County Economic Development Center  
Attn: Mark Masse, VPO  
99 MedTech Drive, Suite 106  
Batavia, NY 14020

### Re: Amendment to STAMP Site Development Environmental Services and Support Contract

Dear Mark:

As discussed, this letter serves as a proposed second amendment to the STAMP Site Development Environmental Services and Support Contract agreement executed on March 8, 2019 between CC Environment & Planning and Genesee County Economic Development Center and amended January 31, 2020 (both attached for reference).

The original contract amount was \$35,457. Of this amount, \$14,376 was billed in 2019 and the remaining \$21,081 was billed in 2020. This amendment reflects a proposal to extend the contract for the calendar year 2021 to provide continued environmental review and permitting services for a not to exceed amount of \$10,000. This contract continues to be structured as a not to exceed and will be billed based on time and expenses. This amendment letter does not otherwise alter the purpose or specific provision of the original agreement.

### ACCEPTANCE

The signatures below indicate acceptance of this amendment as stated above.

Sincerely,

Sheila S. Hess, Principal Ecologist/CEO  
CC Environment & Planning

**For Genesee County Economic Development Center:**

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

**Enclosure**

6.1

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## CC Environment & Planning

Sheila S. Hess  
Principal Ecologist/CEO

December 10, 2018

Genesee County Economic Development Center  
Attn: Paul Battaglia, Board Chair  
99 MedTech Drive, Suite 106  
Batavia, NY 14020

### Re: STAMP Site Development Environmental Services and Support

Dear Mr. Battaglia:

I am pleased to submit the following proposal for CC Environment & Planning to provide continued environmental review, planning, and technical support services toward development of the Science & Technology Advanced Manufacturing Park (STAMP) in the Town of Alabama, Genesee County, NY. The development of the STAMP site is an impressively complex undertaking triggering multiple regulatory reviews by local, state, and federal agencies and coordination with the adjacent Tonawanda Seneca Nation. Due to the scope and complexity of STAMP, environmental reviews and permitting are lengthy and often unpredictable processes.

As a member of the STAMP Technical Team since its inception, CC Environment & Planning has the background, project expertise, and regulatory relationships to deliver the services described below in the most effective and efficient manner possible. I am proposing to combine multiple, ongoing services for STAMP under one annual contract. In return for the efficiency and predictability one annual contract can provide, CC Environment & Planning offers the services described below on a time and materials basis at reduced hourly rates. We are looking forward to continuing our work with Genesee County Economic Development Center and the other members of the Technical Team as we continue to advance site development toward STAMP's first tenant!

This Letter Agreement (hereinafter referred to as "Agreement") is a proposal for consulting services by CC Environment & Planning (hereinafter named as "Contractor") for Genesee County Economic Development Center. (hereinafter referred to as "Client"). This Agreement shall commence upon signature. The following services and terms of the Agreement between the Client and the Contractor are as follows:

#### **Objective**

The overall objective of this proposal is to assist with design, review, planning, and permitting activities to enable on and off-site infrastructure development and site construction. Services are described below.

**Scope of Services**

1. Onsite Regulatory, Industry, Permitting and Land Management Support

- a. Assist STAMP Tech Team with onsite project design. Activities include review of conceptual designs, environmental review, impacts and alternatives analysis, coordination and participation with regulatory staff, facilitation of regulatory review and approvals. Continue to coordinate ongoing regulatory review of the STAMP Joint Permit Application, provide response to any future requests for additional information and advance any additional permits and review applications as needed during site preconstruction phase. Assist with any required State Environmental Quality Review (SEQR) updates.

**Task 1a. Deliverable:** Monthly updates; digital and hard copy documentation of reviews and correspondence, written narrative, mapping and data to support any required update documents.

- b. Assist with the management of the STAMP site in accordance with the Land Management Plan. The Land Management Plan is to be implemented throughout construction and following site development in accordance with the SEQR Final Generic Environmental Impact Statement and Findings. Services include coordination of a 2019 annual work plan, addressing active agriculture and conservation buffer establishment, maintenance of drainageways, invasive species reviews, and assistance with any public use issues.

**Task 1b. Deliverable:** Monthly updates; digital and hard copy 2019 Annual Work Plan and priorities.

- c. Assist with coordination and review of the Tonawanda Seneca Nation TCP (Traditional Cultural Properties) process as needed including review of the final TCP proposal, TCP report, integration of the TCP report with Site environmental and archeological data, and impact analysis.

**Task 1c. Deliverable:** Monthly updates; digital and hard copy documentation of reviews and correspondence.

2. Offsite Regulatory, Industry, and Permitting Support:

- a. Assist STAMP Tech Team with offsite project design and reviews. Activities include review of conceptual designs, environmental review, impacts and alternatives analysis, coordination and participation with regulatory staff, facilitation of regulatory review and approvals. Provide environmental review of offsite aquatic resources and coordinate cultural resource investigations as needed, develop and coordinate reviews of permit applications. Activities may include field mapping, conditions assessments, and impact analysis of wetlands and streams along water/wastewater routes, coordination of Phase IA and Phase IB cultural resource investigations and SHPO clearance along water/wastewater routes. Provide continued services to complete U.S. Fish and Wildlife Service Right-of-Way Permit application and review including public review of

the Environmental Assessment, compatibility determination, and responses to requests for additional information.

**Task 2a. Deliverable:** Monthly updates; environmental and Phase IA/IB cultural resource investigation reports, permit applications, and review correspondence.

**FEE/SCHEDULE**

Services under this agreement are offered as described through December 2019 and beginning January 1, 2019 or upon execution of this contract, whichever is later. The Contractor proposes to provide the above scope of services and associated deliverables on a time and materials basis at reduced rates (see Attachment A). An estimated budget as a not to exceed annual contract fee is \$35,457. Budget details by task are provided in the table below. Invoices will be submitted monthly based on actual time and materials along with a monthly update identifying associated activities.

Task	Description	Time	Expenses	TOTAL
<b>1</b>	Onsite Permitting and Management Support			
1a	Project design, env review, permitting	\$9,936	\$0	\$9,936
1b	Assistance/coordination of Land Mgt. Plan	\$4,576	\$475	\$5,051
1c	Tonawand Seneca Nation TCP review, analysis	\$3,900	\$0	\$3,900
<b>Task 1 Total</b>		<b>\$18,412</b>	<b>\$475</b>	<b>\$18,887</b>
<b>2</b>	Offsite Permitting and Review			
2a	Project design, env review, permitting, ROW, route analysis, coordination of archeo	\$16,320	\$250	\$16,570
<b>Task 2 Total</b>		<b>\$16,320</b>	<b>\$250</b>	<b>\$16,570</b>
<b>GRAND TOTAL</b>		<b>\$34,732</b>	<b>\$725</b>	<b>\$35,457</b>

**CONDITIONS**

The contractor guarantees the quality of this work. Once this offer is accepted payments are to be made at times specified upon presentation of an invoice by contractor. However, the Client and the Contractor may mutually decide to reschedule, postpone or delay this project as business needs may suddenly dictate without penalty and without time limit, subject only to mutually agreeable time frames in the future.

**ASSUMPTIONS**

The proposed schedule and fees for this project are based on the following assumptions:

1. The Client and the STAMP Technical Team will provide appropriate, timely access to contacts and information and provide requested feedback necessary to complete the scope of services as described.
2. All parties will make every effort to ensure timely answers to questions as related to the scope of services and progress.



3. All parties will inform each other immediately of any unforeseen changes, new developments, or other issues that affect and influence this project, so necessary adjustments can be made.
4. **Not to exceed estimates do not include subcontractor fees** for reviews such as offsite cultural resource investigations or onsite management actions. These would be evaluated individually and covered under an amended contract or under a direct contract between the Client and a separate entity or entities.
5. In acknowledgement of the unpredictable and lengthy regulatory review phase of this project, additional services beyond those budgeted or beyond the time period stated above, as well as any outside the stated scope, will require negotiation of additional fees and written consent of both parties.

#### ACCEPTANCE

If this proposal meets with your approval, please countersign below and return one copy for our records. If you have any questions, please contact me. We appreciate the opportunity to provide you with these services and continue development of STAMP.

Sincerely,



Sheila S. Hess, Principal Ecologist/CEO  
CC Environment & Planning

#### Attachment A: Rate Sheet

CC: M. Masse, Genesee County Economic Development Center

#### AUTHORIZATION

CC Environment & Planning is hereby authorized by Genesee County Economic Development Center to proceed with the services described herein in accordance with the terms and conditions proposed herein.



Genesee County Economic Development Center



Date



## CC Environment & Planning

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CC ENVIRONMENT & PLANNING  
BILLING RATES  
STAMP PROJECT DEVELOPMENT PROPOSAL

STAFF	Current Hourly Rate	STAMP Hourly Rate
Principal Ecologist	\$175.00	\$140.00
Environmental Scientist/Planner	\$110.00	\$88.00
Graphic Designer/GIS Analyst	\$100.00	\$80.00
Environmental Technician	\$75.00	\$60.00
Office/Administrative Assistant	\$68.00	\$54.00
Travel/Materials	At Cost	At Cost
Outside Contracted Services	Cost + 10%	Cost + 5%



## CC Environment & Planning

Sheila S. Hess  
Principal Ecologist/CEO

January 31, 2020

Genesee County Economic Development Center  
Attn: Mark Masse, VPO  
99 MedTech Drive, Suite 106  
Batavia, NY 14020

### Re: Amendment to STAMP Site Development Environmental Services and Support Contract

Dear Mark:

As discussed, this letter serves as a proposed amendment to the STAMP Site Development Environmental Services and Support Contract agreement executed on March 8, 2019 between CC Environment & Planning and Genesee County Economic Development Center (attached for reference).

The original contract amount is \$35,457. Of this amount, \$14,376 was billed in 2019. This amendment reflects a proposal to extend the contract for the calendar year 2020 for the remaining balance of the contract which is \$21,081. Due to the uncertain nature of regulatory review and requirements, this contract continues to be structured as a not to exceed and will be billed based on time and expenses. This amendment letter does not otherwise alter the purpose or specific provision of the original agreement.

### ACCEPTANCE

The signatures below indicate acceptance of this amendment as stated above.

Sincerely,

Sheila S. Hess, Principal Ecologist/CEO  
CC Environment & Planning

For Genesee County Economic Development Center:

Signature of Authorized Representative

2/3/2020

Date

Enclosure

### **Recommendation for award on force main Contract B**

**Discussion:** A total of six (6) bids were received for Contract B: North Area, which consists of installing 18,300 LF of 18-inch and 20-inch force main via open cut (14,400 LF) and directional drilling (3,900 LF) methods, along NYS Route 63, from the northern Refuge boundary to the Oak Orchard discharge location north of Shelby Center. Due to regulatory agency requirements, this contract has restrictive timelines. The work must be substantially complete within 180 days. Work may only take place between Oak Orchard Creek and Fletcher Chapel Road (1,800 LF in Contract B) between August 15 and October 31.

The low bid for Contract B: North Area was submitted by Highlander Construction, Inc. of Memphis, New York in the amount of \$5,193,445.00. We have reviewed their qualifications and have discussed their bid in detail. We feel the bid received is a true representation of the costs to complete this project and that the contractor is qualified to complete the contract.

The GCEDC currently has approximately \$2,600,000 that could be committed to this work. Due to the very restrictive annual time constraints for this contract, the level of effort required to obtain the many required agency approvals, and the amount of work remaining at STAMP to make it shovel ready for tenants, we recommend that the GCEDC award and complete as much of this contract as current funding allows.

**Fund Commitment:** Not to exceed \$2,600,000 covered under the \$33 million.

**Committee Action Request:** We recommend the GCEDC Board pass a resolution "Accepting the bid received from Highlander Construction, Inc. of Memphis, New York in the amount of \$5,193,445.00, and authorizing a Deduct Change Order No. 1 in the amount of \$2,593,445.00, for a total Contract B Award Amount of \$2,600,000.00, contingent upon contract approval from NYS Empire State Development."





April 30, 2021

Mr. Mark A. Masse, CPA, Senior VP of Operations  
Genesee County Economic Development Center  
99 MedTech Drive, Suite 106  
Batavia, New York 14020

**RE: STAMP FORCE MAIN  
CONTRACT B: NORTH AREA  
CPL PROJECT NO.: 15981.00  
RECOMMENDATION FOR AWARD**

Dear Mark:

The bids for the above referenced project were opened on March 12, 2021. Bids were opened for two areas: Contract A: Central Area and Contract B: North Area. A copy of our bid tabulation is enclosed for your information and review.

On March 25, 2021, the GCEDC Awarded Contract A: Central Area to G. DeVincentis & Son Construction Co., Inc. in the amount of \$9,777,000.00 due to its high priority and its very restrictive annual time constraints. At that time, the GCEDC delayed decision for Contract B: North Area in order to evaluate available funding and overall STAMP project priorities.

A total of six (6) bids were received for Contract B: North Area, which consists of installing 18,300 LF of 18-inch and 20-inch force main via open cut (14,400 LF) and directional drilling (3,900 LF) methods, along NYS Route 63, from the northern Refuge boundary to the Oak Orchard discharge location north of Shelby Center. Due to regulatory agency requirements, this contract also has restrictive timelines. The work must be substantially complete within 180 days. Work may only take place between Oak Orchard Creek and Fletcher Chapel Road (1,800 LF in Contract B) between August 15 and October 31.

The low bid for Contract B: North Area was submitted by Highlander Construction, Inc. of Memphis, New York in the amount of \$5,193,445.00. We have reviewed their qualifications and have discussed their bid in detail. We feel the bid received is a true representation of the costs to complete this project and that the contractor is qualified to complete the contract.

It is our understanding that the GCEDC currently has approximately \$2,600,000 that could be committed to this work. Due to the very restrictive annual time constraints for this contract, the level of effort required to obtain the many required agency approvals, and the amount of work remaining at STAMP to make it shovel ready for tenants, we recommend that the GCEDC award and complete as much of this contract as current funding allows.

We recommend the GCEDC Board pass a resolution **“Accepting the bid received from Highlander Construction, Inc. of Memphis, New York in the amount of \$5,193,445.00, and authorizing a Deduct Change Order No. 1 in the amount of \$2,593,445.00, for a total Contract B Award Amount of \$2,600,000.00, contingent upon contract approval from NYS Empire State Development.”**

Please notify us when this award is approved. The Notice of Award will then be forwarded to the Contractor, along with copies of the Agreement and other documents for their execution. When returned,

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205 St. Paul Street, Suite 500 / Rochester, NY 14604 / 585.456.1570 / cplteam.com



the executed agreements will be sent to GCEDC for your signature. This process generally takes two (2) weeks.

CPL looks forward to working with you and the Contractor to successfully complete this project. If you have any questions or require additional information, please contact me directly.

Very truly yours,

CPL

A handwritten signature in cursive script that reads "Thomas A. Carpenter".

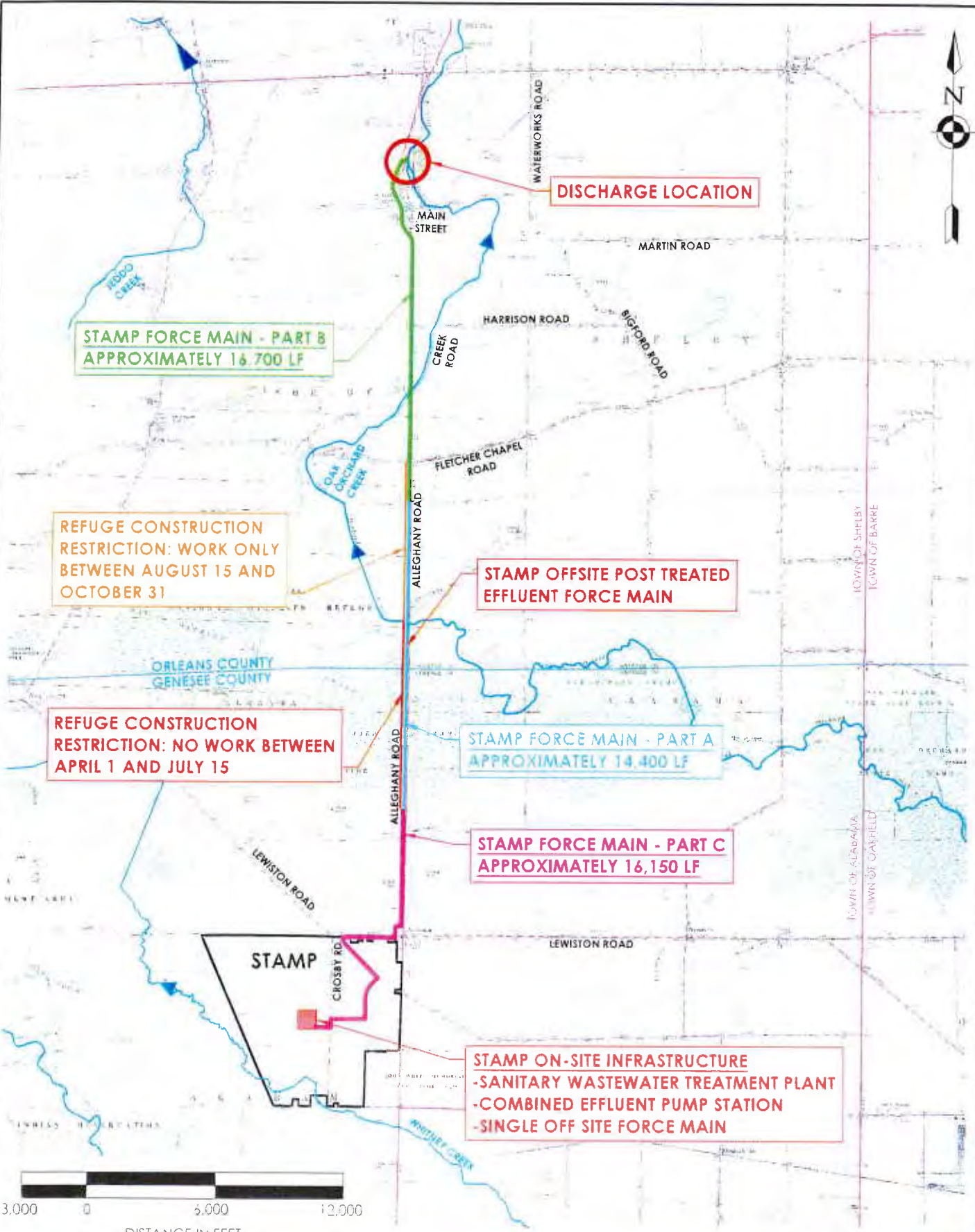
Thomas A Carpenter, P.E.  
Vice President

Enclosures

GCEDC  
 STAMP Force Main  
 Project No. 15981.00  
 Bid Opening: March 12, 2021 @ 11 am

Bid Item	Description	Quantity	Highlander Construction, Inc.		Milherst Construction, Inc.		716 Site Contracting, Inc.	
			Unit Price	Base Bid	Unit Price	Base Bid	Unit Price	Base Bid
<b>Base Bid - Contract B: North Area</b>								
1	Mobilization (shall not exceed 3%)	1	LS \$ 148,000.00	\$ 148,000.00	\$ 150,000.00	\$ 150,000.00	\$ 100,000.00	\$ 100,000.00
2	Maintenance and Protection of Traffic Including Signs and Flagperson	1	LS \$ 55,000.00	\$ 55,000.00	\$ 100,000.00	\$ 100,000.00	\$ 40,000.00	\$ 40,000.00
3	Erosion Control	1	LS \$ 37,000.00	\$ 37,000.00	\$ 10,000.00	\$ 10,000.00	\$ 2,500.00	\$ 2,500.00
4	Rock Removal	3,200	CY \$ 140.00	\$ 448,000.00	\$ 0.01	\$ 32.00	\$ 50.00	\$ 160,000.00
5	Select Granular Fill	1,000	CY \$ 40.00	\$ 40,000.00	\$ 71.00	\$ 71,000.00	\$ 41.75	\$ 41,750.00
6	Furnish and Install 18-Inch Diameter DR-18 PVC Sanitary Force Main, Complete	14,000	LF \$ 97.00	\$ 1,358,000.00	\$ 125.00	\$ 1,750,000.00	\$ 135.00	\$ 1,890,000.00
7	Furnish and Install 18-Inch Diameter DR-9 DIPS HDPE Sanitary Force Main by open cut, Complete	180	LF \$ 139.00	\$ 25,020.00	\$ 170.00	\$ 30,600.00	\$ 175.00	\$ 31,500.00
8	Horizontal Directional Drilling with 20-inch Diameter DR-9 DIPS HDPE Sanitary Force Main, Complete	3,300	LF \$ 553.00	\$ 1,824,900.00	\$ 625.00	\$ 2,062,500.00	\$ 705.00	\$ 2,326,500.00
9	Horizontal Directional Drilling with 30-inch Diameter DR-9 IPS HDPE Casing Pipe and 18-Inch Diameter DR-9 HDPE DIPS Carrier Pipe, Complete	600	LF \$ 1,242.00	\$ 745,200.00	\$ 1,300.00	\$ 780,000.00	\$ 1,345.00	\$ 807,000.00
10B	Furnish and Install Maintenance Manhole Assembly Outside of the Iroquois National Wildlife Refuge, Complete	9	EA \$ 16,300.00	\$ 146,700.00	\$ 30,000.00	\$ 270,000.00	\$ 15,500.00	\$ 139,500.00
12A	Furnish and Install 18-Inch Butterfly Valve, Complete	7	EA \$ 3,000.00	\$ 21,000.00	\$ 6,000.00	\$ 42,000.00	\$ 3,275.00	\$ 22,925.00
12B	Furnish and Install 20-Inch Butterfly Valve, Complete	2	EA \$ 3,600.00	\$ 7,200.00	\$ 9,000.00	\$ 18,000.00	\$ 3,900.00	\$ 7,800.00
13	Open Cut Road Crossing	125	LF \$ 89.00	\$ 11,125.00	\$ 50.00	\$ 6,250.00	\$ 35.00	\$ 4,375.00
14	Gravel Driveway Restoration	650	LF \$ 69.00	\$ 44,850.00	\$ 10.00	\$ 6,500.00	\$ 20.00	\$ 13,000.00
15	Asphalt Driveway Restoration	225	LF \$ 122.00	\$ 27,450.00	\$ 50.00	\$ 11,250.00	\$ 55.00	\$ 14,625.00
16	Furnish and Install Outlet Structure, Complete	1	LS \$ 149,000.00	\$ 149,000.00	\$ 100,000.00	\$ 100,000.00	\$ 115,000.00	\$ 115,000.00
18	Compaction Testing Allowance	1	LS \$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
19	Field Change Allowance	1	LS \$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
<b>Total Base Bid - Contract B: North Area</b>				<b>\$ 5,193,445.00</b>		<b>\$ 5,507,132.00</b>		<b>\$ 5,821,475.00</b>
Bid Item	Description	Quantity	Morsach Pipeline, Inc.		Accadia Site Contracting, Inc.		4th Generation Construction	
			Unit Price	Base Bid	Unit Price	Base Bid	Unit Price	Base Bid
<b>Base Bid - Contract B: North Area</b>								
1	Mobilization (shall not exceed 3%)	1	LS \$ 6,000.00	\$ 6,000.00	\$ 210,000.00	\$ 210,000.00	\$ 220,000.00	\$ 220,000.00
2	Maintenance and Protection of Traffic Including Signs and Flagperson	1	LS \$ 30,000.00	\$ 30,000.00	\$ 250,000.00	\$ 250,000.00	\$ 811,958.00	\$ 811,958.00
3	Erosion Control	1	LS \$ 9,600.00	\$ 9,600.00	\$ 30,000.00	\$ 30,000.00	\$ 100,000.00	\$ 100,000.00
4	Rock Removal	3,200	CY \$ 78.00	\$ 249,600.00	\$ 1.00	\$ 3,200.00	\$ 125.00	\$ 400,000.00
5	Select Granular Fill	1,000	CY \$ 9.60	\$ 9,600.00	\$ 75.00	\$ 75,000.00	\$ 25.00	\$ 25,000.00
6	Furnish and Install 18-Inch Diameter DR-18 PVC Sanitary Force Main, Complete	14,000	LF \$ 124.70	\$ 1,745,800.00	\$ 145.00	\$ 2,030,000.00	\$ 112.00	\$ 1,568,000.00
7	Furnish and Install 18-Inch Diameter DR-9 DIPS HDPE Sanitary Force Main by open cut, Complete	180	LF \$ 280.80	\$ 50,544.00	\$ 200.00	\$ 36,000.00	\$ 172.00	\$ 30,960.00
8	Horizontal Directional Drilling with 20-inch Diameter DR-9 DIPS HDPE Sanitary Force Main, Complete	3,300	LF \$ 913.70	\$ 3,015,210.00	\$ 850.00	\$ 2,805,000.00	\$ 850.00	\$ 2,805,000.00
9	Horizontal Directional Drilling with 30-inch Diameter DR-9 IPS HDPE Casing Pipe and 18-Inch Diameter DR-9 HDPE DIPS Carrier Pipe, Complete	600	LF \$ 1,233.00	\$ 739,800.00	\$ 2,100.00	\$ 1,260,000.00	\$ 2,200.00	\$ 1,320,000.00
10B	Furnish and Install Maintenance Manhole Assembly Outside of the Iroquois National Wildlife Refuge, Complete	9	EA \$ 18,210.00	\$ 163,890.00	\$ 53,000.00	\$ 477,000.00	\$ 20,000.00	\$ 180,000.00
12A	Furnish and Install 18-Inch Butterfly Valve, Complete	7	EA \$ 4,177.00	\$ 29,239.00	\$ 15,000.00	\$ 105,000.00	\$ 58,000.00	\$ 56,000.00
12B	Furnish and Install 20-Inch Butterfly Valve, Complete	2	EA \$ 11,360.00	\$ 22,720.00	\$ 18,000.00	\$ 36,000.00	\$ 10,000.00	\$ 20,000.00
13	Open Cut Road Crossing	125	LF \$ 67.20	\$ 8,400.00	\$ 75.00	\$ 9,375.00	\$ 120.00	\$ 15,000.00
14	Gravel Driveway Restoration	650	LF \$ 12.40	\$ 8,060.00	\$ 10.00	\$ 6,500.00	\$ 10.00	\$ 6,500.00
15	Asphalt Driveway Restoration	225	LF \$ 41.40	\$ 9,315.00	\$ 60.00	\$ 13,500.00	\$ 66.00	\$ 14,850.00
16	Furnish and Install Outlet Structure, Complete	1	LS \$ 38,709.00	\$ 38,709.00	\$ 200,000.00	\$ 200,000.00	\$ 65,000.00	\$ 65,000.00
18	Compaction Testing Allowance	1	LS \$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
19	Field Change Allowance	1	LS \$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
<b>Total Base Bid - Contract B: North Area</b>				<b>\$ 6,241,481.00</b>		<b>\$ 7,651,575.00</b>		<b>\$ 7,743,268.00</b>





**STAMP FORCE MAIN - PART B  
APPROXIMATELY 16,700 LF**

**DISCHARGE LOCATION**

**REFUGE CONSTRUCTION  
RESTRICTION: WORK ONLY  
BETWEEN AUGUST 15 AND  
OCTOBER 31**

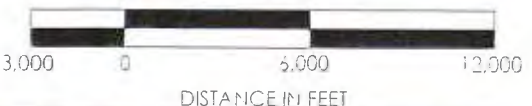
**STAMP OFFSITE POST TREATED  
EFFLUENT FORCE MAIN**

**REFUGE CONSTRUCTION  
RESTRICTION: NO WORK BETWEEN  
APRIL 1 AND JULY 15**

**STAMP FORCE MAIN - PART A  
APPROXIMATELY 14,400 LF**

**STAMP FORCE MAIN - PART C  
APPROXIMATELY 16,150 LF**

**STAMP ON-SITE INFRASTRUCTURE  
-SANITARY WASTEWATER TREATMENT PLANT  
-COMBINED EFFLUENT PUMP STATION  
-SINGLE OFF SITE FORCE MAIN**



DATE: 12/23/2020  
DRAWN: NLC  
CHECKED: ARK  
SCALE: 1"=6,000'  
PROJ. #: XXXX.XX

SANITARY EFFLUENT DISCHARGE LOCATION MAP  
GENESSEE COUNTY ECONOMIC DEVELOPMENT CENTER  
STAMP OFFSITE POST TREATED EFFLUENT FORCE MAIN  
TOWN OF ALABAMA NEW YORK STATE

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**Consultant for evaluation of Traditional Cultural Property (TCP) issues**

**Discussion:** As part of the STAMP development and the neighboring Tonawanda Seneca Nation, in accordance with Section 106 for the wetland permits, the GCEDC is working with the Tonawanda Seneca Nation on an assessment of the TCP potentials as it relates to the criteria for eligibility of listing on the National Historic Register. On March 6, 2018 the GCEDC Board approved a \$2,500 not to exceed amount to KTA Preservation Specialists for work related to the TCP. This work would be to assist the GCEDC in the development of an analysis of any potential impacts that the WWTF could have on the Seneca Nation. This work had not been completed or started yet. With Plug Power committing to the STAMP site the GCEDC needs to complete an analysis for their project as well. KTA Preservation Specialists has revised their original proposal to increase the scope of work to include the Plug Project and is seeking to increase their contract from \$2,500 to \$7,200.

**Fund commitment:** Not to exceed \$7,200, included in the \$33 million, under the regulatory, industry and permitting support budget line item.

**Committee action request:** Recommend approval of consultant contract with KTA Preservation Specialists for evaluation of TCP issues.

# kta preservation specialists

422 Parker Avenue  
Buffalo, New York 14216  
716.864.0628  
Email: [ktraynor@kta-preservation.com](mailto:ktraynor@kta-preservation.com)

April 28, 2021

Genesee County Economic Development Center Leadership Genesee Class of 2002  
99 MedTech Drive  
Suite 106  
Batavia, NY 14020

Attn.: Senior Vice President of Operations, Mark A Masse CPA

RE: Consultation – Preparation of Two Cultural Resource Screening Reports (Historic Resources)

Dear Mr. Masse,

The Genesee County Economic Development Center (“GCEDC”) plans to develop the Western New York Science & Technology Manufacturing Park (STAMP) on approximately 1,261.7 acres of land (Project) in the town of Alabama, New York. The STAMP Site is within the Tonawanda Seneca Nation’s ancestral territory and adjacent to its treaty-protected, federally-recognized Reservation (Nation’s Territory). The United States Army Corps of Engineers, Buffalo District (the Corps), in consultation with the New York State Office of Parks, Recreation and Historic Preservation State Historic Preservation Office (SHPO) has determined the proposed project’s Area of Potential Effects (APE) are parcels where the character or use of historic properties, if any exist, may be altered by the associated development. It has also been determined that additional development at the STAMP Site outside of the APE may have direct and/or indirect adverse effects on historic properties. A Traditional Cultural Property (TCP) investigation is being undertaken by others to evaluate the eligibility of the Nation’s Territory for listing on the National Register of Historic Places (National Register). Archaeological investigations have been conducted to evaluate and identify archaeological properties on the STAMP Site. A Letter of Resolution (LOR) between the New York State Department of Conservation (DEC), SHPO, and the GCEDC has been executed.

**Kta preservation specialists** proposes the following scope of work for the preparation of two Cultural Resource Screening Reports (Reports) to identify potential National/State Eligible historic resources (buildings, sites, objects, structures, districts) within 0.5 miles of the western STAMP boundary adjacent to the Tonawanda Seneca Reservation. In this way potential direct and/or indirect adverse effects on historic resources can be evaluated from two proposed STAMP development projects: a wastewater treatment plant to serve the STAMP Site and STAMP’s first proposed tenant, Plug Power which will build and operate a

<https://www.kta-preservation.com/>

hydrogen production facility. The Reports will also identify applicable National Register Criteria and how the proposed project impacts may affect those criteria.

### **Report Work Scope**

The Reports will be conducted using a methodology in accordance with the New York State Education Department's *Work Scope Specifications for Cultural Resource Investigations* (NYSED 2004). The methodology and criteria used to evaluate properties are codified in the *Code of Federal Regulations, Title 36: Part 60* and reprinted in the National Park Service Publication *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*. The guidelines followed for the evaluation and identification of National Register Eligible properties/districts are contained in the National Park Service Publications *Standards and Guidelines for Evaluation; Standards and Guidelines for Identification; and Guidelines for Local Surveys: A Basis for Preservation Planning*. The historic resources survey of the properties will be conducted through archival and literature searches, and historic map analysis. (Note: field investigation will not be conducted on the Tonawanda Creek Reservation.) The intent is to identify guidelines and criteria of specific relevance to the history and property types in the study area. By applying the strict rigor of the Department of the Interior (National Park Service), in addition to state and local criteria for evaluation, a comprehensive survey of the historic resources will be produced.

The Historic Context section of the Report will be a thorough study and analysis of the historic trends and themes that influenced social, cultural, economic, political, and industrial growth and development in the study area on a local, state, national, and international level. How these developments were manifest in the built environment will be studied using an historic map analysis of the project area to identify broad development patterns that can then be evaluated in conjunction with the historic trends and themes identified. Archival and literature research, and site file searches of local and state resources including, but not limited to, NYS-OPRHP, Local History Archives, and in the City Planning and Engineering Departments will facilitate study of the historic context.

The study and analysis of historic trends and themes, in conjunction with historic and contemporary map analysis will provide the information necessary to evaluate the properties applying all of the National Register Eligibility Criteria to determine both individually potentially eligible properties, and the potential for a historic district.

Analysis of the information using maps and charts will be conducted to determine the number and distribution of resources. Having completed the Report, the investigator will note the existing condition of the property and potential direct and/or indirect impacts from the proposed project.

**Project Tasks**

- Review Reports completed (archaeology; environmental) (4 hours)
- Historic Research (24 hours)
  - Literature Review
  - Site File Search
  - Archival Research
- Define Criteria & Guidelines (2 hours)
- Map Properties (4 hours)
- Analysis of Information to Develop Historic Context & Significance (4 hours)
- Draft Report (two reports) (14 hours)
- Final Report (two reports) (6 hours)
- Consult with SHPO (2 hour)

**Total Hours: 60**

**Deliverables**

- Submission electronic copy of two Reports to GCEDC

The Report scope does not include any existing conditions documentation except as described above. The above hourly estimate represents a 'not to exceed' number. Any significant increase in the number of hours allotted for each task or additional scope must be approved by GCEDC.

The anticipated fee for the preparation of two Cultural Resource Screening Report for the STAMP Site project, including 0.5 miles to the west of the western STAMP Site boundary is Seven Thousand Two Hundred dollars (\$7, 200.00).

Sincerely yours,



Kerry L. Traynor  
Preservation Specialist

Cost and Work Scope Approved:

Signed \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_



### **Change order for Morsch contract for Pembroke line**

**Discussion:** During construction of the Pembroke line, Morsch Pipeline has run into some unforeseen and unknown issues. One of the issues was sections of rock that were not found during the test bore drillings that were done prior to contracting. There was also one section of rock that was known, but had archeological issues so the plan was to directional drill through the rock. The rock proved to be too difficult to directional drill through so a switch was made to open trench cut that section, but the archeological issue needed to be cleared first. The change order reflects the two items listed above.

**Fund Commitment:** Not to exceed \$59,945 covered under the County funds.

**Committee Action Request:** We recommend the approval of change order number 2.

Date of Issuance: April 28, 2021	Effective Date: April 28, 2021
Owner: GCEDC	Owner's Contract No.:
Contractor: Morsch Pipeline, Inc.	Contractor's Project No.:
Engineer: CPL	Engineer's Project No.: 14351.00
Project: STAMP Offsite Water – Phase 4	Contract Name: STAMP Offsite Water -Phase 4

The Contract is modified as follows upon execution of this Change Order:

Description: Extension of Contract Times due to delays with Archaeological Phase 2 Study, clearance from SHPO and NYSDEC to obtain new permit. Costs associated with retaining Deuel Archaeological for Phase 2 Study and Morsch Pipeline costs to provide MPT & Excavation assistance for Phase 2 Study field work. Costs associated with additional Rock Excavation required due to unforeseen subsurface conditions (see attached),

Attachments: See attached Deuel Archaeologic and Morsch Pipeline Proposals.  
*Morsch work completed January 8, 2021, for 8 hours total.*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price:  \$ <u>2,220,743.00</u>	Original Contract Times: 1. Initial 4,000 LF to Indian Falls Road: Substantial Completion: <u>July 1, 2020</u> Ready for Final Payment: <u>August 1, 2020</u> 2. All Work: Substantial Completion: <u>November 30, 2020</u> Ready for Final Payment: <u>December 31, 2020</u>
Modifications of previously approved Change Order 1:  \$ <u>0.00</u>	Modifications of previously approved Change Order 1: 1. Initial 4,000 LF to Indian Falls Road: Substantial Completion: <u>(Achieved) August 1, 2020</u> Ready for Final Payment: <u>(Achieved) September 1, 2020</u> 2. All Work: Substantial Completion: <u>April 30, 2021</u> Ready for Final Payment: <u>May 31, 2021</u>
Contract Price prior to this Change Order:  \$ <u>2,220,743.00</u>	Contract Times prior to this Change Order: 1. Initial 4,000 LF to Indian Falls Road: Substantial Completion: <u>(Achieved) August 1, 2020</u> Ready for Final Payment: <u>(Achieved) September 1, 2020</u> 2. All Work: Substantial Completion: <u>April 30, 2021</u> Ready for Final Payment: <u>May 31, 2021</u>
Increase of this Change Order:  \$ <u>59,945.00</u>	Increase of this Change Order: 1. All Work: Substantial Completion: <u>(2 months) June 30, 2021</u> Ready for Final Payment: <u>(2 months) July 31, 2021</u>
Contract Price incorporating this Change Order:  \$ <u>2,280,688.00</u>	Contract Times with all approved Change Orders: 1. All Work: Substantial Completion: <u>June 30, 2021</u> Ready for Final Payment: <u>July 31, 2021</u>

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (Authorized Signature)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title: <u>Senior Vice President</u>	Title: <u>President</u>
Date: _____	Date: _____	Date: _____

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Additional description narrative:

During the design of the GCEDC STAMP Offsite Water Main – Phase 4 project CPL reviewed the United States Geological Survey (USGS) for the water main route along NYS Route 77. This review did not show any significant rock formations along NYS Route 77, only a small band crossing the proposed water main path south of Ledge Road. CPL retained SJB to perform a subsurface investigation along the proposed water main path which agreed with the USGS data, showing only a grouping of cobbles or loose rock south of Ledge Road.

During construction, Morsch Pipeline's drilling subcontractor Turner Underground encountered a substantial rock formation while attempting to drill below the Klotzbach Archaeologically Sensitive Area (ASA). A test pit was dug to determine if this was a large cobble or solid rock, which solid rock was found at a depth of approximately 30-inches below grade. An attempt was made to drill from the north side of the Area and rock was found at a depth of approximately 24-inches and the drill was not able to progress further. After several attempts to drill, it was determined that the standard drilling methods would not be capable of crossing the rock formation.

While waiting to determine the course of action for the Klotzbach ASA, Turner moved to the Kreher ASA and encountered similar difficulties with rock depths of 30 and 36-inches below grade. Morsch and CPL completed several test pits along the water main path and found bedrock as shallow as 24-inches below surface grade within the Kreher and Klotzbach ASA.

Morsch and Turner provided two options at this time: Continue with directional drilling as a "Rock Drill" which would increase the unit price from \$199.20/LF to \$555/LF or begin coordination with SHPO and the Seneca Nation for a Phase 2 Archaeologic Study to allow for open cut (trenched) installation of the water main in the ASA. Based upon the limited project budget, CPL recommended to GCEDC that coordination for the Phase 2 Study be undertaken, which was completed in December 2020 by Deuel Archaeologic and Morsch Pipeline. The additional cost for the work completed by Deuel Archaeologic and Morsch Pipeline is \$13,295.00.

Based upon the test pits conducted over the remaining project path between the Klotzbach ASA and Phelps Road, we're estimating that there is an additional 1,500 cubic yards of rock to be removed.

NYS Route 77:	Sta. AS127 to AS135 = 800 ft * 4ft D * 3ft W =	9,600 CF =	355 CY
	Sta. AS107 to AS115 = 800 ft * 3ft D * 3ft W =	7,200 CF =	<u>267 CY</u>
Estimated rock remaining			622 CY

Morsch Pipeline has agreed to maintain their unit price of \$75 per cubic yard for rock removal for an additional increase of \$46,650.00.

The total increase of cost for this Change Order is \$59,945.00.

November 11, 2020

**ATTN: Steve Morsch, Sr., President**

Morsch Pipeline, Inc.  
3929 South Avon Road  
Avon, NY 14414

*Phase II Site Evaluation of the Kreher Precontact Site and the Klotzbach Precontact Site for the GCEDC STAMP Off-Site Water – Phase 4 Project, Town of Alabama, Genesee County, New York.*

**SCOPE OF SERVICE**

- Notify the Seneca Nation of Indians, the Tonawanda Seneca Nation, and the NYSOPRHP of upcoming fieldwork in the event a representative wishes to observe.
- **Field Investigation – Part 1:** excavate 50 cm square shovel test pits at 5-meter intervals in portions of the Kreher and Klotzbach sites; if significant archaeological deposits or features are encountered in the shovel tests pits, the tests will be expanded into 1 x 1 meter units (the cost of excavating 1 x 1 meter units is not included in this scope); prepare plans and profiles of any features identified in the shovel test pits; photograph field conditions, field methodology, potential features, and any areas of prior ground disturbance.
- **Field Investigation – Part 2:** mechanical soil stripping for 91 meters at the Kreher site and 38 meters at the Klotzbach site in the presence and under the direction of the archaeologists (cost of backhoe and operator not included in this scope); the interface between the topsoil and subsoil will be hand-cleaned by the principal investigator and field technicians with an aluminum placer, hoe, and/or trowel; if a soil stain is encountered, the potential feature will be photographed, mapped, bisected, and the soil in one half of the feature will be excavated in natural stratigraphic layers, or if soil layers are indistinct, soil will be excavated in 10 cm levels to determine the cause of the soil stain; if the soil stain is determined to be an archaeological feature, the feature fill will be saved for flotation samples, and intact feature fill samples will be recovered with a bucket and shovel to preserve fragile plant and animal remains; if potential human remains, Native American burial features and associated artifacts, or rectangular, coffin-sized soil stains are encountered, the NYSOPRHP's *Human Remains Discovery Protocol* and the *Haudenosaunee Human Remains Protocol* will be implemented; upon discovery of human remains, all work in the general area of discovery will stop immediately and the location will be secured and protected from damage and disturbance; human remains and associated artifacts will be left in place and not disturbed; the county coroner/medical examiner, local law enforcement, the NYSOPRHP, and the involved Tribal Nation(s) will be notified immediately; any human remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated.
- Plot locations of shovel test pits, soil strips, potential features, photographs, and prior ground disturbances on project maps.



- Artifacts will be collected for laboratory analysis. Modern debris and non-diagnostic historic artifacts will be recorded in the field and re-deposited. Any artifacts collected will be cataloged, processed, analyzed, and temporarily stored in the laboratory facilities at DACRM. The final disposition of collected materials will be determined following the Phase II site evaluation.
- Summarize the field investigation and artifact assemblage; use the data to contextualize the Kreher and Klotzbach sites.
- Determine the National Register eligibility of the Kreher and Klotzbach sites.
- Update the NYSOPRHP site forms for the Kreher and Klotzbach sites.
- Incorporate data from field investigation into digital Phase II site report.
- Submit digital copy of the report to the NYSOPRHP and the involved Tribal Nation(s) for review and comment.
- Provide a digital copy of the report to the GCEDC and CPL.

**COST** **\$9,495 (due upon receipt of invoice)**

Phase II fieldwork will be scheduled as ground conditions permit. All archaeological work will be conducted in compliance with the *Standards for Cultural Resource Investigations* (NYAC 1994) adopted by the New York State Office of Parks, Recreation and Historic Preservation. If additional work is required beyond this scope, a scope of service increase will be submitted. To authorize the Phase II Site Evaluation, please return a signed copy of the proposal.

Name \_\_\_\_\_ Signature \_\_\_\_\_

Title \_\_\_\_\_

Firm/Agency \_\_\_\_\_ Date \_\_\_\_\_

Name Jeremy Deuel Signature 

Title Owner/Principal Investigator

Firm/Agency Deuel Archaeology & CRM Date 11/11/2020

Morsch Pipeline, Inc  
3929 South Avon Road  
Avon, NY 14414

September 10, 2020

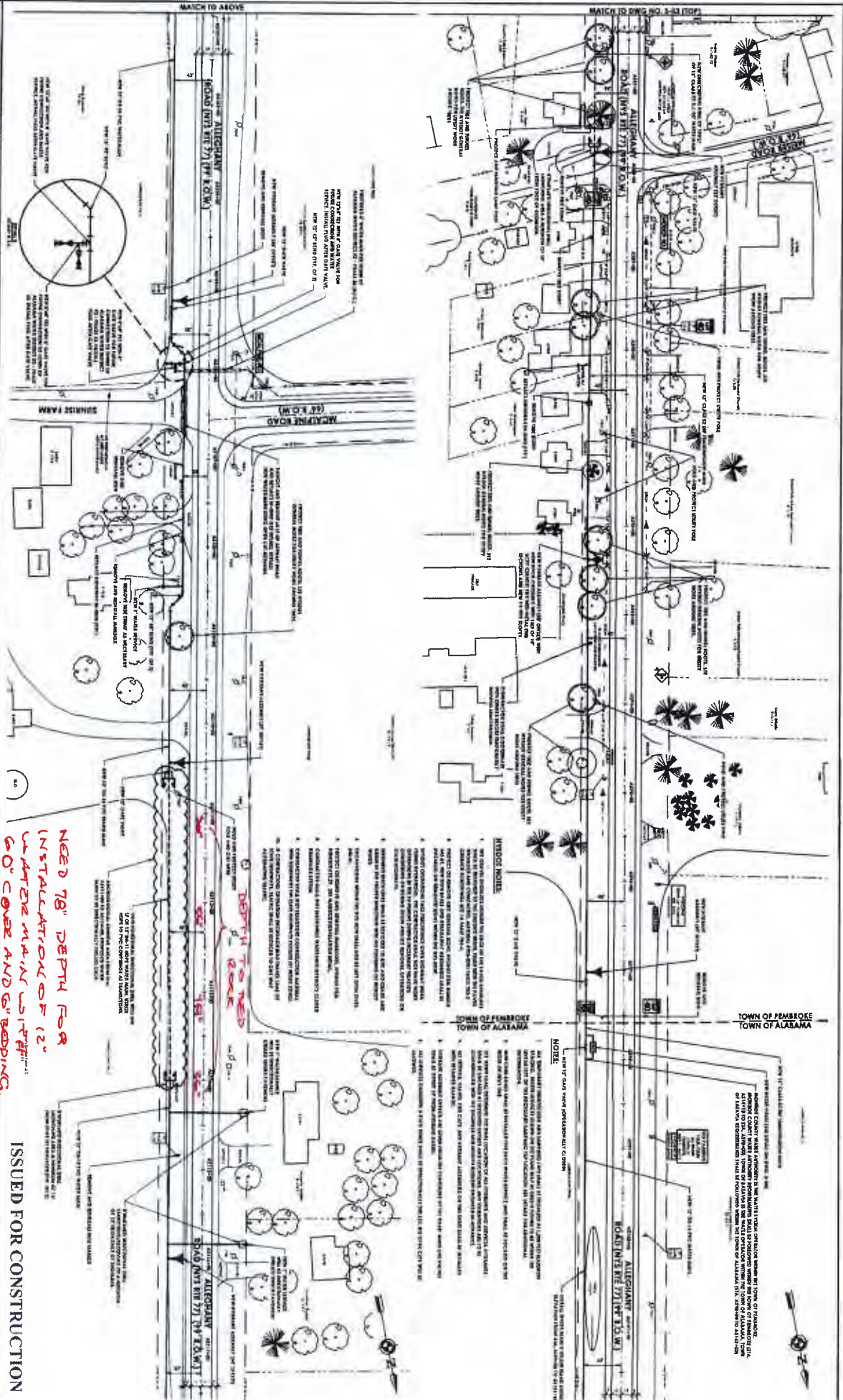
RE: Duel Archaeology - Phase 4 GCEDC

Work & Price includes:

- 1 operator
- 1 shovel with 5' ditching bucket
- Fuel
- Restoration

Price is \$475 per hours based on an 8 hour day with no overtime

<p>Clark Patterson Lee                  2811 N. MAIN STREET, SUITE 200                  ROCKFORD, NEW YORK 14880                  TEL: 716.225.4300                  WWW.CLARKPATTERSONLEE.COM</p>	<p>GENEVIEVE M. LEE                  PROFESSIONAL ENGINEER                  STATE OF ALABAMA                  LICENSE NO. 10000</p>	<p>THOMAS D. ALFORD                  PROFESSIONAL ENGINEER                  STATE OF ALABAMA                  LICENSE NO. 10000</p>	<p>GENESEE COUNTY ECONOMIC                  DEVELOPMENT CENTER                  GENESEE COUNTY                  NEW YORK</p>	<p>DATE: 01/21/18                  DRAWN: NCB                  DESIGNED: JED                  CHECKED: JAC                  SCALE: 1" = 50'</p>	<p>PROJECT TITLE:                  14851.00                  DRAWING NO:                  S-04</p>
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NEED 78" DEPTH FOR  
 INSTALLATION OF 12"  
 WATER MAIN WITH  
 60" COVER AND 6" BEDDING.

ISSUED FOR CONSTRUCTION

6.4

115



NO.	DATE	DESCRIPTION
1	07/23/18	ISSUED FOR CONSTRUCTION
2		
3		
4		
5		
6		
7		
8		
9		
10		

**Clark Peterson Logo**  
 205 S. PAUL STREET, SUITE 500  
 ROCHESTER, NEW YORK 14611  
 TEL: 716.274.7000  
 WWW.CLARKPETERSON.COM



**GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER**  
 GENESEE COUNTY NEW YORK

DATE:	07/23/18
DRAWN:	JHB
DESIGNED:	JED
CHECKED:	TAC
SCALE:	1"=50'

STAMP OFFSITE WATER MAIN - PHASE 4  
 (ALABAMA WID#2 & PEMBROKE FUTURE WD#4)  
 ALLEGHANY ROAD (NYS ROUTE 77)  
 SITE PLAN

