

**Genesee County Economic Development Center
Meeting Agenda**

Thursday, August 5, 2021

Location: Innovation Zone Conference Room, Suite 107

PAGE #	1.0	Call to Order	3:00pm
	1.1	Enter Executive Session	3:00pm
		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.	
		2. Discussions regarding proposed, pending or current litigation.	
	1.2	Enter Public Session	3:25pm
	2.0	Chairperson's Report & Activities	3:25pm
	2.1	Upcoming Meetings: Next Scheduled Board Meeting: Thursday, September 2nd at 4:00 p.m. Audit & Finance Committee Meeting: Tuesday, August 31 st at 8:30 a.m. STAMP Committee Meeting: Tuesday, August 31 st at 10:30 a.m.	
	2.2	Agenda Additions / Deletions / Other Business **Vote	
2-12	2.3	Minutes: July 1, 2021 **Vote	
	3.0	Report of Management –	3:30pm
13-36	3.1	YSG Solar – Final Resolution **Vote – C. Suozzi	
37-59	3.2	NY CDG Genesee 1 – Final Resolution **Vote – C. Suozzi	
60-76	3.3	Trousedale Solar – Final Resolution **Vote – C. Suozzi	
77-93	3.4	Trousedale Solar II – Final Resolution **Vote – C. Suozzi	
94-117	3.5	Gateway GS, LLC – Final Resolution **Vote – C. Suozzi	
118-130	3.6	Liberty Pumps – Initial Resolution **Vote – C. Suozzi	
	4.0	Audit & Finance Committee – M. Gray	3:50pm
131-134	4.1	June 2021 Financial Statements **Vote	
135	4.2	2022 Budget Timeline	
136-140	4.3	John Jakubowski Contract **Vote	
	5.0	Governance & Nominating Committee – C. Yunker	4:00pm
	5.1	Nothing at this time.	
	6.0	STAMP Committee – P. Zeliff	4:00pm
141	6.1	CC Environment 2021 Contract – Funding Reallocation **Vote	
142-144	6.2	Morsch Pipeline Change Order **Vote	
145-147	6.3	Dedication of Pembroke Line to Pembroke and Alabama **Vote	
148	6.4	Rent Payment for USFWS Force Main **Vote	
149-155	6.5	Professional Services for Proposal for ROW Easement Acquisition **Vote	
	7.0	Employment & Compensation Committee – T. Bender	4:10pm
	7.1	Nothing at this time.	
	8.0	Housing Committee – P. Battaglia	4:10pm
	8.1	Nothing at this time.	
	9.0	Other Business	4:10pm
	9.1	Nothing at this time.	
	10.0	Adjournment	4:10pm



**GCEDC Board Meeting
Thursday, July 1, 2021
Location: Innovation Zone
4:00 PM**

GCEDC MINUTES

Attendance

Board Members: C. Yunker, T. Bender, M. Clattenburg, P. Battaglia, P. Zeliff
Staff: L. Farrell, M. Masse, L. Casey, J. Krencik, S. Hyde, C. Suozzi, P. Kennett
Guests: S. Noble-Moag (GGLDC Board Member), P. Call (GGLDC Board Member), T. Felton (GGLDC Board Member), D. Cunningham (GGLDC Board Member), P. Marchese (Just Chez Realty, LLC), R. Crossen (Town of Alabama Supervisor), A. Walters (Phillips Lytle), C. Bucki (Phillips Lytle), R. Gaenzle (Harris Beach), M. Boylan (Boylan Law Office)
Absent: M. Gray, A. Vanderhoof

1.0 Call to Order

P. Zeliff called the meeting to order at 4:02 p.m. in the Innovation Zone.

1.1 Enter Executive Session

C. Yunker made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:02 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.
2. Discussions regarding proposed, pending or current litigation

The motion was seconded by T. Bender and approved by all members present.

C. Bucki, A. Walters, R. Crossen, and M. Boylan left the meeting at 4:48 p.m.

1.2 Enter Public Session

P. Battaglia made a motion to enter back into public session at 4:48 p.m., seconded by T. Bender and approved by all members present.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, August 5th at 3:00 p.m. (GLOW Corporate Cup)
Audit & Finance Committee Meeting: Tuesday, August 3rd at 8:30 a.m.
STAMP Committee Meeting: Tuesday, August 3rd at 10:30 a.m.

2.2 Agenda Additions / Deletions / Other Business-

P. Battaglia made a motion to add Agenda item 3.9 Authorizing Resolution for Savarino Companies, LLC/Ellicott Station; 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 -	Absent
A. Vanderhoof -	Absent		

The item was approved as presented.

2.3 Minutes: June 3, 2021

C. Yunker made a motion to approve the June 3, 2021 minutes as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

P. Marchese joined the meeting at 4:50 p.m.

Presentation – Just Chez Realty – Paul Marchese provided an overview of his project which will create 2 market-rate apartments at 206 E. Main St. He is proposing a \$450,000 renovation project in the City of Batavia as part of Batavia's Downtown Revitalization Initiative. The project may be completed in phases as bids are coming in higher than anticipated.

P. Marchese left the meeting at 4:55 p.m.

3.0 Report of Management

3.1 Bright Oak Solar – Re-assignment of PILOT – The GCEDC has received a request of consent to assignment from Bright Oak Solar. Bright Oak Solar constructed a 4 mW (AC) solar generation system and received incentives from the GCEDC, including a PILOT. In accordance with the terms and conditions of the PILOT agreement the company cannot transfer the PILOT without the approval of the Board of Directors of the GCEDC. A written request from Bright Oak Solar was included with Board materials.

Fund Commitment: None. The company is required to cover the legal fees to transfer the PILOT.

P. Battaglia made a motion to approve the consent to assignment request as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

3.2 Just Chez Realty – Final Resolution - Just Chez Realty, LLC, is proposing a \$450,000 renovation project in the City of Batavia as part of Batavia's Downtown Revitalization Initiative.

The applicant owns and operates the 13,324 SF building at 206 E. Main St. and will renovate approximately 6,000 SF. The project will create 2 market-rate apartments and follows the completion of first-floor improvements to the building.

The project is aligned with the Batavia DRI's strategy to grow market-rate housing opportunities and the Finger Lakes Regional Economic Development Council Strategic Plan.

Additionally, the project addresses the housing demand and economic impact of housing recognized in two recent studies - LaBella Associates "Genesee County Housing Needs Assessments" and The Rockefeller Institute of Government "Generating Growth in Genesee County".

The applicant is seeking a sales tax exemption estimated at \$21,600 to support the project.

A public hearing will not be held as benefits are estimated to be under \$100,000.

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

Resolution No. 07/2021 - 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, (ii) APPOINTING JUST CHEZ REALTY LLC (THE "COMPANY") AS AGENT OF THE AGENCY TO UNDERTAKE THE PROJECT, (iii) MAKING A DETERMINATION UNDER ARTICLE 8 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH THE PROJECT, (iv) AUTHORIZING FINANCIAL ASSISTANCE FOR THE BENEFIT OF THE COMPANY IN THE FORM OF A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE PROJECT, AND (v) AUTHORIZING THE EXECUTION AND DELIVERY BY THE AGENCY OF A PROJECT AGREEMENT, NYS FORM ST-60 AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT

P. Battaglia made a motion to accept final resolution #07/2021-01, authorizing incentives as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

3.3 Economic Development Partner Fee (Just Chez Realty) -

M. Clattenburg made a motion to approve the Economic Development Partner Fee to the Batavia Development Corp. in the amount of \$1,125 for the Just Chez Realty, LLC Project at 206 E. Main St.; 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 -	Absent
A. Vanderhoof -	Absent		

The item was approved as presented.

3.4 Trousdale Solar – Initial Resolution - The company is planning a community solar farm project in the Town of Batavia. 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 \$518,803 in PILOT payments to the Batavia City School District and Genesee County 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.

Resolution No. 07/2021 - 02

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 (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.

P. Battaglia made a motion to accept initial resolution #07/2021-02, authorizing the scheduling of a public hearing; 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 -	Absent
A. Vanderhoof -	Absent		

The item was approved as presented.

3.5 Trousdale Solar II – Initial Resolution - The company is planning a community solar farm project in the Town of Batavia. The project is a 4 (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 \$415,042 in PILOT payments to the Batavia City School District and Genesee County 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.

Resolution No. 07/2021 - 03

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 (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.

P. Battaglia made a motion to accept initial resolution #07/2021-03, authorizing the scheduling of a public hearing; 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 - | Absent |
| A. Vanderhoof - | Absent | | |

The item was approved as presented.

3.6 Gateway GS, LLC – Initial Resolution - Gateway GS LLC (Gallina Development) is proposing to build out a third building at the GCEDC's Gateway II Corporate Park in the town of Batavia. The facility will be 27,000 SF and will be completed in 2022 for a single logistics-distribution tenant.

The project is investing \$2.36 million and is pledging to create 21 FTE's with an average salary of \$42,000 annually plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$257,971), a sales tax abatement (\$108,960), and a mortgage tax exemption (\$20,000).

A public hearing will be held as benefits exceed \$100,000.

Resolution No. 07/2021 - 04

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF GATEWAY GS, LLC WITH RESPECT TO A CERTAIN

PROJECT (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.

T. Bender made a motion to accept initial resolution #07/2021-04, authorizing the scheduling of a public hearing; 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 -	Absent
A. Vanderhoof -	Absent		

The item was approved as presented.

3.7 Plug Power – STAMP Main Substation – IDA “origination fee” - The agreement established between the GCEDC and Plug Power to advance funds to construct the STAMP main substation is being undertaken collaboratively in the “spirit” of advancing the infrastructure development of the STAMP campus. This will enhance opportunities to attract additional private investment and jobs. As such, the benefit related to this investment, up to \$55.3M which was amended to the Plug Power application to facilitate making equipment and materials purchases for the main substation exempt from sales tax, is largely a capacity building effort designed to benefit the GCEDC directly which will ultimately benefit multiple customers locating at STAMP in the future.

Given the direct benefit related to this investment is to advance infrastructure readiness at STAMP and enable GCEDC’s sales and business development efforts to attract private investment and jobs to the campus for which the GCEDC is a tax-exempt entity, S. Hyde seeks concurrence and approval that the GCEDC “Origination Fee” of 1.25% of the benefitted amount does not apply to the \$55.3M amendment of Plug Power’s application for financial incentives.

P. Battaglia made a motion to approve that the GCEDC “Origination Fee” of 1.25% of the benefitted amount does not apply to the \$55.3M amendment of Plug Power’s application for financial incentives; 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 -	Absent
A. Vanderhoof -	Absent		

The item was approved as presented.

3.8 Plug Power – STAMP Main Substation Resolution – Scrivner’s Error – Included with Board materials was an amended resolution for the STAMP Main Substation. This resolution was previously approved on June 3, 2021 to increase Plug Power’s project investment to include the STAMP Main Substation of \$55.3M. However, the June 3, 2021 Plug Power Resolution included a typographical error. The corrected resolution is being brought forward to show that the appropriate dates are now reflected in the resolution. Per R. Gaenzle, a vote is not required.

3.9 Authorizing Resolution for Savarino Companies, LLC / Ellicott Station - S. Hyde stated that this is a request from Savarino Companies LLC, developer/owner of the Ellicott Station project to increase the mortgage tax exemption up to \$200,000. The GCEDC had previously approved up to \$189,000 in mortgage tax exemption.

Resolution No. 07/2021 - 05

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") AUTHORIZING (i), THE EXECUTION AND DELIVERY OF AN UP TO \$20,000,000 AGGREGATE PRINCIPAL AMOUNT MORTGAGE FOR THE SAVARINO COMPANIES, LLC PROJECT, AND (ii) A MORTGAGE RECORDING TAX EXEMPTION FOR THE BENEFIT OF SAVARINO COMPANIES, LLC UPON THE RECORDING OF SUCH \$20,000,000 AGGREGATE PRINCIPAL AMOUNT MORTGAGE AS PERMITTED BY NEW YORK STATE LAW

P. Battaglia made a motion to approve resolution #03/2020-05, authorizing the increase in mortgage tax exemption up to \$200,000; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

4.0 Audit & Finance Committee

4.1 May 2021 Financial Statements - L. Farrell reviewed the May 2021 financial statements with the Board. The following was noted:

- There are no significant changes on the balance sheet.
- There is normal monthly activity on the P&L. There was mostly operating activity as there were no GURFs submitted in May.

The financial statements were reviewed in detail by the Committee and are recommended for approval.

P. Battaglia made a motion to approve the May 2021 Financial Statements as presented; 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 -	Absent
A. Vanderhoof -	Absent		

The item was approved as presented.

4.2 Cyber Insurance – At the June 3, 2021 Board meeting, the GCEDC approved a \$1,000,000 Cyber Liability Insurance Policy with Corvus/Hudson for approximately \$9,000 to be split between the GCEDC and GGLDC. However, when Lawley requested binding of coverage with Corvus/Hudson, they came back with a revised premium of more than \$12,000, which was based on their review of the items needed to bind, including their application. Although nothing had changed from what was already provided, Corvus/Hudson held firm on the revised premium.

Lawley was able to work with HSB Specialty Insurance Company to secure an alternative Cyber option. They are offering this coverage for approximately \$8,000. Their terms are similar to the proposal with Corvus/Hudson. Lawley reviewed all subjectivities with them and feel that this policy is a very solid alternative for the GCEDC to consider.

The cost of this cyber liability insurance policy is \$7,937.75, which will be split evenly between the GCEDC and GGLDC.

This was recommended for approval by the Committee.

P. Battaglia made a motion to approve a Cyber Liability Insurance Policy with HSB Specialty Insurance Company for approximately \$4,000; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

4.3 Access Agreement for Liberty Pumps – The GCEDC has received a request from RJ Properties/Liberty Pumps to enable construction vehicle access, as well as employee ingress and egress, across GCEDC owned property as they do some construction work on their site. They would like to request a temporary construction access off Route 19 for the construction work, and that the employees could utilize the GCEDC property to connect to Apple Tree Avenue. Pursuant to Real Property Actions & Proceedings Law Section 881 and case law the GCEDC is entitled to charge rent and recoup our attorney fees. That is not included in the agreement as staff feels that this is enabling an expansion of a long-standing existing manufacturer in Genesee County.

This was recommended for approval by the Committee.

P. Battaglia made a motion to approve of the access agreement with no charges for rent or attorney fees for Liberty Pumps; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Code of Ethics – The Committee had requested that the policy language should state that the Ethics Officer “*is*” the Board Chair as opposed to “*defaults*” to the Board Chair. This change has been made. The policy states that the Agency Board Chair shall serve as the Ethics Officer. L. Farrell requested that the change is formally approved.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the revised Code of Ethics; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

5.2 Loewke Brill Consulting Fees – At the October 1, 2019 meeting, the GCEDC staff presented a sample proposal from Loewke Brill Consulting Group, Inc. on how they could assist companies that will have to report to the GCEDC under the local labor reporting requirements, including assistance with waiver requests and finding local contractors to bid their projects.

The GCEDC staff had requested quotes for the costs related Plug Power, Ellicott Station and Excelsior Energy. Copies of the applications for incentives were sent to Loewke Brill for them to calculate the fee. They submitted the following:

Plug Power - \$26,760 - 24 Inspections (\$325 per visit), 24 Monthly Reports (\$690 per month), 1 time set up fee (\$1,250), 5 waiver processing fees (estimated, \$230 per waiver)

Excelsior Energy - \$20,670 - 18 inspections (\$325 per visit), 18 monthly reports (\$690 per month) , 1 time set up fee (\$1,250) , 5 waiver processing fees (estimated, \$230 per waiver)

Ellicott Station - \$18,540 - 24 Inspections (\$225 per visit), 24 monthly reports (\$460 per month), 1 time set up fee (\$950), 5 waiver processing fees (estimated, \$230 per waiver)

These prices are based on estimated schedules and are subject to change during construction.

The time was determined by what the projects listed for the duration of construction in their applications. After reviewing these numbers, staff has the following recommendation:

1. The GCEDC can pay for the set-up fee, monthly inspections and reporting, not to exceed the construction timeline in the application. If it runs over that the company should be responsible.
2. The company should pay for any waiver requests that get submitted and sent to the Board for consideration.

There are no changes to the Local Labor Policy being recommended at this time.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the proposal from Loewke Brill Consulting on the Plug Power, Ellicott Station, and Excelsior Energy projects, excluding payment of waiver requests and not to exceed the time listed in the project application; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia - Yes
T. Bender - Yes
M. Clattenburg - Yes
A. Vanderhoof - Absent

C. Yunker - Yes
P. Zeliff - Yes
M. Gray - Absent

The item was approved as presented.

6.0 STAMP Committee – P. Zeliff

6.1 Appointment of Phillips Lytle as Special Counsel – P. Zeliff stated that the Committee recommends that the Board 1) appoints Phillips Lytle as special counsel for the current litigation and 2) approves funds to be expended up to \$10,000 to cover the insurance deductible.

P. Zeliff made a motion to appoint Phillips Lytle as special counsel for the current litigation and approve funds to be expended up to \$10,000 to cover the insurance deductible; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia - Yes
T. Bender - Yes
M. Clattenburg - Yes
A. Vanderhoof - Absent

C. Yunker - Yes
P. Zeliff - Yes
M. Gray - Absent

The item was approved as presented.

6.2 Phillips Lytle Contract Amendments –

Phillips Lytle 2021 contract for STAMP related work -Phillips Lytle has prepared a proposal to cover the scope of work for 2021 as it relates to Tech Team support for the off-site sewer permitting and wetland permitting, the wastewater treatment facility permitting, and force main installation. The last contract that was approved for Phillips Lytle for this work was March 2, 2019.

Fund Commitment: Not to exceed \$110,000 to be included in the \$8 million.

Phillips Lytle additional substation support

The GCEDC has requested a proposal from Phillips Lytle to continue its assistance with the design, permitting, planning, structuring and negotiation of agreements for the development, operation and financing for the 345 kV to 115 kV substation that would service the STAMP site.

Fund Commitment: Increase in the contract from \$40,000 to not to exceed \$185,000 to be included in the \$8 million.

Both contracts were recommended for approval by the Committee.

P. Zeliff made a motion to approve the Phillips Lytle contracts as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia - Yes
T. Bender - Yes
M. Clattenburg - Yes
A. Vanderhoof - Absent

C. Yunker - Yes
P. Zeliff - Yes
M. Gray - Absent

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 5:28 p.m., which was seconded by T. Bender and passed unanimously.

*MM
7/29/20*

Customer Information

Potential Customer: Batavia Solar, LLC Opportunity Type: Tax Incentive Lease
 Proj. St. Address: 99 MedTech Drive Opportunity Product: Property Sales & Mortgage Recording Taxes Only
 City/Town/Village: //Batavia Type of Project: Attraction
 Proj. Description: Batavia Solar, LLC - YSG New Jobs:
 Total Capital Investment: \$3,251,120 Retained Jobs:
 Incentive Amount: \$504,808 School District: Byron- Bergen
 Benefited Amount: \$3,251,120 PILOT Applicable:

Project Information

Organization: GCEDC
 Opportunity Source: Direct/Personal Contact Date of Public Hearing:
 Initial Acceptance Date: 8/6/2020 Inducement Date:

Opportunity Summary: The company is planning a community solar farm project in the Town of Batavia. The project is a 1.65 (AC) MW solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

Specific benefits offered by the project that align with these statutory powers include:

- Enhanced Property Tax Payments via a 15-year PILOT:
 - o Property tax payments, via PILOT, offered by this project are significantly greater than the current Ag/vacant land value of the project.
 - o @ \$5,500/MWAC + 2% annual escalator, the 1.65 MW solar farm will generate in excess of \$153,317 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.
 - o NYSERDA guidance suggests PILOT payments of \$1,700-\$5,100/MWAC in National Grid territory. The PILOT level concurred to here is above the top end of the NYSERDA range.
- Energy Discounts: The company will offer a 10% discount vs. average market rates for local residents who sign an agreement with the company to purchase solar energy from the project(s).
- Local Economic Development strategy / marketing alignment: Having renewable energy as an available local option is becoming a "preference item" for site selectors / companies conducting site location searches. Photovoltaic manufacturing is a "target sector" to attract investment/jobs @ STAMP.
- Workforce Development funding: The company understands the workforce development challenges of today related to a STEM enabled workforce and corporately will assist GCEDC by funding a community benefit agreement for workforce development and county economic development. The contribution will go toward the Genesee County STEM 2 STAMP workforce development program and related support for county economic development programming, with a core focus on STEM programming to aid area K-12 school districts and higher education programming.
- Environmental Benefits: The project generates no carbon footprint (greenhouse gas emissions) in its energy generation thereby providing environmental benefits to local residents.
- 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.
- Reduced dependency on foreign oil: This project helps the United States continue its efforts to move away from foreign oil dependency/utilization.

Economic Impact: The 1.65 MW solar farm will generate in excess of \$153,317 in PILOT payments and real property taxes over the 15-year term, which is far greater than current assessed value of this Ag/Vacant land. This calculates to a rate of return based on the original property taxes of \$42.35 to 1.

Project Detail (Total Capital Investment)

Building Cost (Construction):	\$0	Capital Improvements:	\$0
Equipment (non-taxable):	\$1,026,000	Equipment (Taxable) / Other Proj Investment:	\$307,800
Land Cost (Real Estate):	\$0		
Total Capital Investment:	\$3,251,120		

Estimated Benefits Provided

Sales Tax Exempt: 3,1 260,090 \$260,000 Tax Exempt Bond: \$0

Mortgage Tax Exempt:

\$19,507

Land Sale Subsidy:

\$0

Property Tax Exempt:

\$225,301

Total Estimated Tax Incentives
Provided:

\$504,808

Total Amount Finance:

Mortgage Amount:

\$1,950,672 ESD-JDA:

GCEDC RLF:

\$0 Other Name:

City of Batavia:

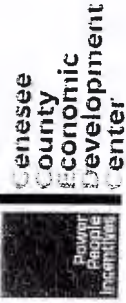
\$0 Other Amount:

Chamber of Commerce:

Total Amount Finance:

Solar Pilot

Project: **Batavia Solar, LLC**



Capex \$ 3,251,120
 Sales Taxable (est) \$ 3,251,120
 Mortgage (est) \$ 1,950,872
 Property Tax Before
 Total

Savings \$ 260,090
 \$ 19,507 1% of 1.25%
 \$ 225,301
 \$ 504,898

Escalator: 2.0%
 from Assessor: 1.65%
 Assessed Value: \$ 450,000.00
 \$ 742,500

for economic impact model
 Assessed value at \$550/MW
 \$ 264,423

Fiscal Impact (including PILOT/Property Tax): \$ 153,317
 Tax Base Growth (ROI): \$ 42.35

Year of Exemption	Fixed Payment \$550/MW	Amount of Interest	Genesee Liability	Byron Benefit	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 and including ag exemption	Total (includes PILOT payment and property taxes from solar project)
1	\$ 9,075	\$ -	\$ 2,671	\$ 6,404	\$ 9,075	\$ -	\$ 9,075	\$ 241	\$ 8,834
2	\$ 9,257	\$ -	\$ 2,724	\$ 6,532	\$ 9,257	\$ -	\$ 9,257	\$ 241	\$ 9,015
3	\$ 9,442	\$ -	\$ 2,779	\$ 6,663	\$ 9,442	\$ -	\$ 9,442	\$ 241	\$ 9,200
4	\$ 9,630	\$ -	\$ 2,834	\$ 6,796	\$ 9,630	\$ -	\$ 9,630	\$ 241	\$ 9,389
5	\$ 9,823	\$ -	\$ 2,891	\$ 6,932	\$ 9,823	\$ -	\$ 9,823	\$ 241	\$ 9,582
6	\$ 10,020	\$ -	\$ 2,949	\$ 7,071	\$ 10,020	\$ -	\$ 10,020	\$ 241	\$ 9,778
7	\$ 10,220	\$ -	\$ 3,008	\$ 7,212	\$ 10,220	\$ -	\$ 10,220	\$ 241	\$ 9,979
8	\$ 10,424	\$ -	\$ 3,068	\$ 7,357	\$ 10,424	\$ -	\$ 10,424	\$ 241	\$ 10,183
9	\$ 10,633	\$ -	\$ 3,129	\$ 7,504	\$ 10,633	\$ -	\$ 10,633	\$ 241	\$ 10,391
10	\$ 10,845	\$ -	\$ 3,192	\$ 7,654	\$ 10,845	\$ -	\$ 10,845	\$ 241	\$ 10,604
11	\$ 11,062	\$ -	\$ 3,256	\$ 7,807	\$ 11,062	\$ -	\$ 11,062	\$ 241	\$ 10,821
12	\$ 11,284	\$ -	\$ 3,321	\$ 7,963	\$ 11,284	\$ -	\$ 11,284	\$ 241	\$ 11,042
13	\$ 11,509	\$ -	\$ 3,387	\$ 8,122	\$ 11,509	\$ -	\$ 11,509	\$ 241	\$ 11,268
14	\$ 11,739	\$ -	\$ 3,455	\$ 8,285	\$ 11,739	\$ -	\$ 11,739	\$ 241	\$ 11,498
15	\$ 11,974	\$ -	\$ 3,524	\$ 8,450	\$ 11,974	\$ -	\$ 11,974	\$ 241	\$ 11,733
Total	\$ 156,938	\$ -	\$ 46,185	\$ 110,753	\$ 156,938	\$ -	\$ 156,938	\$ 3,621	\$ 153,317

Value of Ag Exemption elimination due to permanent conversion of farm land: \$ 2.40
 Town of Batavia Tax Rate: \$ -
 Current ag exemption amount (add from CARS): \$ -
 County and School Taxes on Ag Exemption: \$ -
 Town of Batavia (only) Taxes on Ag Exemption: \$ -
 Total taxes due based on the elimination of Ag Exemption: \$ -

GCEDC fee	\$ 40,639
Workforce	\$ 25,000
Community Benefit	\$ 65,639
Subtotal	\$ -
GCEDC Legal	\$ 7,000
Total Fee	\$ 72,639

Property taxes at 100% assessed value (assessor): \$ 25,483
 Term: \$ 15
 Total PILOT: \$ 382,239
 Savings: \$ 225,301

Net Savings: \$ 432,259



Project Name: Batavia Solar, LLC- YSG

Board Meeting Date: August 6, 2020

7/21/22

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 Batavia. The project is a 1.65 (AC) MW solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

Specific benefits offered by the project that align with these statutory powers include:

- Enhanced Property Tax Payments via a 15-year PILOT:
 - Property tax payments, via PILOT, offered by this project are significantly greater than the current Ag/vacant land value of the project.
 - @ \$5,500/MWAC + 2% annual escalator, the 1.65 MW solar farm will generate in excess of \$153,317 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.
 - NYSERDA guidance suggests PILOT payments of \$1,700-\$5,100/MWAC in National Grid territory. The PILOT level concurred to here is above the top end of the NYSERDA range.
- Energy Discounts: The company will offer a 10% discount vs. average market rates for local residents who sign an agreement with the company to purchase solar energy from the project(s).
- Local Economic Development strategy / marketing alignment: Having renewable energy as an available local option is becoming a “preference item” for site selectors / companies conducting site location searches. Photovoltaic manufacturing is a “target sector” to attract investment/jobs @ STAMP.
- Workforce Development funding: The company understands the workforce development challenges of today related to a STEM enabled workforce and corporately will assist GCEDC by funding a community benefit agreement for workforce development and county economic development. The contribution will go toward the Genesee County STEM 2 STAMP workforce development program and related support for county economic development programming, with a core focus on STEM programming to aid area K-12 school districts and higher education programming.
- Environmental Benefits: The project generates no carbon footprint (greenhouse gas emissions) in its energy generation thereby providing environmental benefits to local residents.
- 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.
- Reduced dependency on foreign oil: This project helps the United States continue its efforts to move away from foreign oil dependency/utilization.

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 \$3,251,120 in capital investment. A fixed 15-year pilot with a 2% annual escalator priced at \$5,500/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 1.65 MW solar farm will generate in excess of \$153,317 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 “liveable community” by providing a valuable product or service that is underserved in Genesee County.

Project details: The company is assisting with a \$25,000 community benefit agreement 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 \$153,317 (both PILOT and Real Property taxes). This calculates to a rate of return based on the original property taxes \$42.35. 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 Fall of 2020 and be operational by end of 2020.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

man
7/28/2021

FINAL RESOLUTION
(Batavia Solar, LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, August 5, 2021.

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

Resolution No. 08/2021 - _____

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 SEPTEMBER 2, 2020, WITH RESPECT TO THE BATAVIA SOLAR, 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, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS PERMITTED BY LAW; (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, **BATAVIA SOLAR, 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 or retention by the Agency of a leasehold or other interest in approximately eight acres of land at 99 MedTech Drive, Town of Batavia, New York, Genesee County, New York (the "Land"), (ii) the construction on the Land of a ground-mounted solar generation facility with a 2.052 MWdc/1.65 MWac capacity (the "Improvements"), and (iii) the acquisition by the

Company in and around the Improvements of certain items of machinery, equipment and other 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 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, (b) a partial real property tax abatement structured through the Tax Agreement, and (c) an exemption from mortgage recording tax as authorized by the laws of the State for financing related to the Project (collectively, the "Financial Assistance"); and

WHEREAS, on August 6, 2020, 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, September 2, 2020, 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, 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 Town of Batavia 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"). In addition to classifying the Project as an "Unlisted" action pursuant to SEQRA, the Planning Board issued a Negative Declaration on April 20, 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. Part 617.7. A copy of the Negative Declaration issued by the Planning Board is attached hereto as **Exhibit B**.

Section 2. The virtual Public Hearing held by the Agency on Wednesday, September 2, 2020, 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 **\$3,251,120.00**, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$260,090.00**. 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 **May 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 Agency is hereby authorized to provide the Company with an exemption from mortgage recording taxes upon the recording of a mortgage or mortgages in the office of the Genesee County Clerk (the "Mortgage") as permitted by New York State law in an amount not to exceed Nineteen Thousand Five Hundred Seven and 00/100 Dollars **\$19,507.00**.

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 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 9. 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 10. 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 11. 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 Solar, 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 August 5, 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 _____, 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 SOLAR, LLC PROJECT**

August 20, 2020

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 Solar, LLC:
Public Hearing

Ladies and Gentlemen:

On Wednesday, September 2, 2020 at 10:30 a.m., 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 Batavia 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.

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/988000583929>, 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 **988 0058 3929**. Online livestreaming of the public hearing will be available at <https://vimeo.com/event/234634>.

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, with the subject line being "Batavia Solar, LLC", no later than Wednesday, September 9, 2020.

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. 9489-0090-0027-6262-2372-66

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

Via Certified Mail

No. 9489-0090-0027-6262-2372-73

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

Via Certified Mail

No. 9489-0090-0027-6262-2372-80

Town of Batavia
Attn: Town Supervisor
3833 West Main Street Road
Batavia, New York 14020

Via Certified Mail

No. 9489-0090-0027-6262-2372-97

Byron-Bergen Central Schools
Attn: Superintendent
6917 West Bergen Road
Bergen, New York 14416

Via Certified Mail

No. 9489-0090-0027-6262-2373-03

Byron-Bergen Central Schools
Attn: President, Board of Education
6917 West Bergen Road
Bergen, New York 14416

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, September 2, 2020, 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 Solar, LLC, for itself or on behalf of an entity formed or to be formed on behalf of the foregoing (the "Company") has submitted an application (the "Application") requesting the Agency's assistance with a project (the "Project") consisting of: (i) the acquisition or retention by the Agency of a leasehold or other interest in approximately eight acres of land at 99 MedTech Drive, Town of Batavia, New York, Genesee County, New York (the "Land"), (ii) the construction on the Land of a ground-mounted solar generation facility with a 2.052 MWdc/1.65 MWac capacity (the "Improvements"), and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together 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 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, (b) a partial real property tax abatement structured within a payment-in-lieu-of-tax agreement, and (c) a mortgage recording tax exemption for financing or re-financing related to the Project (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.

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/988001583929>, 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 **988 0058 3929**.
Online livestreaming of the public hearing will be available at <https://vimeo.com/event/234634>.

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, with the subject line being "Batavia Solar, LLC", no later than Wednesday, September 9, 2020.

Dated: August 21, 2020

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 BATAVIA SOLAR, LLC., HELD ON WEDNESDAY, SEPTEMBER 2, 2020 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

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 Batavia Solar, LLC, Inc. 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/98800583929>, 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 293291. 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 no later than Thursday, September 3, 2020.

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 Batavia. The project is a 1.65 (AC) MW solar generation system that will be interconnected with National Grid. While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

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.

V. ADJOURNMENT

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

Exhibit B

Negative Declaration of Town of Batavia Planning Board

[Attached Hereto]

TOWN OF BATAVIA PLANNING BOARD
REGULAR MEEETING, April 20, 2021, 7:43 P.M.
VIA ZOOM CONFERENCING
Meeting ID: 981 1691 8418
Password: 814525
By phone 1-646-558-8656 US (New York)

Because of the Novel Corona Virus Pandemic and state and federal bans on large meetings or gatherings and pursuant to Governor Cuomo’s Executive order 202.1 issued March 12, 2020 suspending the Open Meeting Law, the Town of Batavia Planning Board meetings was held electronically via ZOOM video conference/call conference instead of a public meeting open for the public to attend in person. Minutes of the meeting will be posted on the Town of Batavia Website.

PRESENT: Chairman Kathy Jasinski, Paul Marchese, Paul McCullough, Don Partridge, Jonathan Long, and Brooks Hawley.

ALSO ATTENDING: Bridget Cuddihy, Jim Taravella of LaBella, Kaelyn Roche, Steve Mountain Town Engineer, Dan Lang Building Inspector, Sharon White Town Board Member, Mike Pettinella of The Batavian, Alecia Kaus of Video News Service, and Secretary Kim McCullough.

ABSENT: Lou Paganello, Jeremy Liles and Steve Tanner.

Alternate Member(s): Brooks Hawley will be voting.

March 16, 2021 REGULAR PLANNING BOARD MEETING MINUTES.

Per Secretary Kim McCullough in a phone conversation with Dan Lang, Dan stated we need to remove out the word “condition” from **TROUSDALE #1 and #2 SOLAR PROJECTS, 5117 Ellicott St. Rd., Batavia, NY – SEQR Review. Dan had a conversation with Bridget Cuddihy of Cypress Creek and she stated we cannot have a Conditional Negative Declaration**

Paul Marchese made a motion to approve the removing of “conditional” from the SEQR.

Seconded by Brooks Hawley.

Vote unanimous for approval.

Don Partridge abstained.

Paul McCullough made a motion to approve the regular Planning Board Meeting Minutes.

Seconded by Jonathan Long.

Vote unanimous for approval.

Don Partridge abstained.

April 6, 2021 REGULAR PLANNING BOARD MEETING MINUTES.

Jonathan Long made a motion to approve the regular Planning Board Meeting Minutes.

Seconded by Paul Marchese.

No Additions or corrections.

Vote unanimous for approval.

Batavia Solar LLC – The Gen Gateway – R. Stephen Hawley Drive – Batavia NY – for a Special Use Permit to install a 1.65 MWAC ground mounted community solar system – Declare Lead Agency.

Brooks Hawley made a motion to declare lead agency.

Seconded by Don Partridge.

No Additions or corrections.

Vote unanimous for approval.

Batavia Solar LLC – The Gen Gateway – R. Stephen Hawley Drive – Batavia NY – SEQR Review.

Jonathan Long lead the Planning Board through the SEQR Part 2.

Jonathan Long made a motion to approve a Conditional Negative Declaration.

Seconded by Paul McCullough.

Vote unanimous for approval.

Batavia Solar LLC – The Gen Gateway – R. Stephen Hawley Drive – Batavia NY – Site Plan Review.

Per Jim Taravella of LaBella – Screening for the Woods Family – have not finalized the site plan yet. They have only submitted the sketch plan, and will submit a more detailed site plan for your approval with the necessary screening along Hawley Drive and the Woods
4/20/2021-RegularMtg

residence. Need visualization of property -- line of site -- in 5-year and 10-year increments and limiting the number of electrical poles and ground mount if possible.

Don Partridge made a motion to table the Site Plan Review.

Seconded by Paul Marchese.

Vote unanimous for approval.

COR – 4222 Veterans Memorial Drive – Batavia NY – Chipotle Restaurant Drive Thru – Set Public Hearing for May 4, 2021.

Jonathan Long made a motion to set the Public Hearing for May 4, 2021.

Seconded by Paul McCullough.

Vote unanimous for approval.

Zoning Enforcement Officer Report.

Dan Lang – addressed Area 51 from last meeting and tonight from Don -- talked to the attorney and Supervisor Post about having a Public Hearing on that – recommendation was made to have an open period of comment at the beginning of each meeting. Recommend to add onto the agenda for open comment. If doing a Public Hearing you are singling out and not advised by the attorney. Limit it to 5 minutes at the beginning of the meeting. Kathy will add to the next meeting agenda.

Rochester Regional – Variance needed – parking spaces – 9x18 – Dan will bring to Planning Board as an addendum to the site plan.

New person – Troy Williams took over for Bruce.

Jerry Arena – what is going on there – clearing the land and lease sign with a park and sell – Dan will check into it as Jerry called him.

Freightliner – how many signs – contacted us did receive variances – took down a lot of trees down and need to plant trees due to the buffer.

Solar farms have a lot of dead trees that need to be replaces.

Steve Mountain – Bright Oaks Solar – site work has started.

BJ Plaza – entrance roadway – Town is taking dedication to the roadway.

Chairman Report.

Invited to the new fire hall on the 28th at 6:30 pm.

Next Meeting May 4, 2021.

Solar Committee – Paul McCullough – stated they are making head way on their concepts are and what they would like to see. Dan and Chad have been tasked with coming up with consultants. Went through Elba’s policy – review gave us some framework and topics to go on.

Sharon stated she had nothing to add.

Brooks Hawley made a motion to adjourn the meeting at 8:24 pm.

Seconded by Paul Marchese.

Vote unanimous for adjournment.

Respectfully submitted,

Kim McCullough
Secretary

Kathleen Jasinski
Chairman

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		

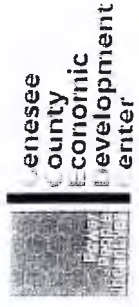
Project

NY CDG Genesee LLC BW Solar Elira

Capex	\$ 7,328,000
Sales Taxable (est.)	\$ 7,328,000
Mortgage (est.)	\$ 586,080
Property Tax	\$ 635,447
Total	\$ 1,221,527

From \$100 MW to \$100 MW
 6,000
 2.0%

from Assessor
 Assessed Value Per MW
 450,000.00 \$
 Assessed Value
 2,250,000



Increase in PILOT Payment
 Divided by Current Property

Economic Impact \$ 452,956
 ROI \$ 4.74

Year of Exemption	Assessed Value	Property Tax	Ag Exemption	Ag Exemption %	Ag Exemption Value	Ag Exemption Tax	Ag Exemption Savings	Ag Exemption Total	Ag Exemption ROI
1	30,000	3,570	8,588	28.63%	17,842	30,000	31,984	6,374	25,610
2	30,800	3,642	8,759	28.44%	18,199	30,600	32,584	6,374	26,210
3	31,212	3,714	8,935	28.63%	18,563	31,212	33,196	6,374	26,822
4	31,836	3,789	9,113	28.63%	18,934	31,836	33,821	6,374	27,446
5	32,473	3,864	9,296	28.63%	19,313	32,473	34,457	6,374	28,083
6	33,122	3,942	9,482	28.63%	19,699	33,122	35,107	6,374	28,733
7	33,785	4,021	9,671	28.63%	20,093	33,785	35,769	6,374	29,395
8	34,461	4,101	9,865	28.63%	20,495	34,461	36,445	6,374	30,071
9	35,150	4,183	10,062	28.63%	20,905	35,150	37,134	6,374	30,760
10	35,853	4,267	10,263	28.63%	21,323	35,853	37,837	6,374	31,463
11	36,570	4,352	10,468	28.63%	21,749	36,570	38,554	6,374	32,180
12	37,301	4,439	10,678	28.63%	22,184	37,301	39,286	6,374	32,911
13	38,047	4,528	10,891	28.63%	22,628	38,047	40,032	6,374	33,657
14	38,808	4,618	11,109	28.63%	23,081	38,808	40,793	6,374	34,418
15	39,584	4,711	11,331	28.63%	23,542	39,584	41,569	6,374	35,195
Total	518,803	61,741	148,511	28.63%	308,551	518,803	548,569	95,614	452,956

The value of Ag Exemption elimination due to permanent conversion of farm land
 Town of Elira Tax Rate \$ 4.07

55.8 Current Ag exemption amount (add from OARS) \$ 61,854
 23.2 County and School Taxes on Ag Exemption \$ 1,773
 Town of Elira (only) Taxes on Ag Exemption \$ 211
 Total taxes due based on the elimination of Ag Exemption \$ 1,984

Current Property Taxes on Property \$ 4,360

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

Property taxes at 100% assessed (value (assessor)) \$ 76,950
 Total PILOT \$ 15
 Savings \$ 1,154,250
 Total \$ 635,447

Net Savings \$ 1,092,452

Mac
 4/27/21

Mad
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:

ms
7/29/2021

FINAL 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, August 5, 2021.

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

Resolution No. 08/2021 - _____

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 MAY 17, 2021, WITH RESPECT TO THE NY CDG GENESEE 1 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, **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 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 May 6, 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, May 17, 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 – via video conference – 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 May 20, 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 May 20, 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 May 17, 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 **\$7,326,000** which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$586,080**. 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 November 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 Zelif	[]	[]	[]	[]
Matthew Gray	[]	[]	[]	[]
Paul Battaglia	[]	[]	[]	[]
Craig Yunker	[]	[]	[]	[]
Todd Bender	[]	[]	[]	[]
Amy Vanderhoof	[]	[]	[]	[]
Marianne Clattenburg	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

SECRETARY'S 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 August 5, 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 August, 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 LETTER
NY CDG GENESEE 1 LLC**

May 5, 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 NY CDG Genesee 1 LLC: Public Hearing

Ladies and Gentlemen:

On Monday, May 17, 2021, at 10:00 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

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/92671762905>, 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 and meeting ID: 926 7176 2905. Online livestreaming of the public hearing will be available at <https://vimeo.com/541694694>.

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, with the subject line being "NY CDG Genesee 1 LLC", no later than Wednesday, May 19, 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. 9489-0090-0027-6262-2380-03

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

Via Certified Mail

No. 9489-0090-0027-6196-2860-88

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

Via Certified Mail

No. 9489-0090-0027-6196-2860-95

Town of Elba
Attn: Town Supervisor
7 Maple Avenue, P.O. Box 295
Elba, New York 14058

Via Certified Mail

No. 9489-0090-0027-6196-2861-01

Elba Central School District
Attn: Superintendent
57 South Main Street, P.O. Box 370
Elba, New York 14058

Via Certified Mail

No. 9489-0090-0027-6196-2861-18

Elba Central School District
Attn: President, Board of Education
57 South Main Street, P.O. Box 370
Elba, New York 14058

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, May 17, 2021, at 10:00 a.m., local time, in connection with the matter described below. **PLEASE NOTE THE SPECIAL PUBLIC HEARING CONDUCT INSTRUCTIONS INCLUDED AT THE END OF THIS NOTICE.**

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") 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 7209 Oak Orchard Road in the Town of Elba, Genesee County, 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").

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.

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/92671762905>, 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 and meeting ID: 926 7176 2905. Online livestreaming of the public hearing will be available at <https://vimeo.com/541694694>.

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, with the subject line being "NY CDG Genesee 1 LLC Project", no later than Wednesday, May 19, 2021.

Dated: May 7, 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 NY CDG GENESEE 1, LLC PROJECT, HELD ON MONDAY, MAY 17, 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

Chris Suozzi, Sr. VP of Business & Workforce Development – GCEDC
Jim Krencik, Director of Marketing and Communications – GCEDC
Lauren Casey, Finance Assistant – GCEDC

II. CALL TO ORDER

The public hearing of NY CDG Genesee 1, LLC Project was opened at 10:00 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/92671762905>, 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 974 1659 8358. 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 no later than Wednesday, May 19, 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.

The GCEDC is seeking to assist the project with sales tax exemption of \$586,080 and property tax exemption of \$635,447.

IV. COMMENTS

C. Suozzi began the public hearing by introducing himself as the Sr. VP of Business & Workforce Development 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 10:10 am.

Exhibit B

Negative Declaration of the Town of Elba Planning Board

[Attached Hereto]

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part 1. 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 1. 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.

Refer to SEQRA Part 2 and SEQRA Part 2 and 3 Narrative, incorporated herein.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
SEQRA Part 2 and SEQRA Part 2 and 3 Narrative, incorporated herein.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Elba Planning Board _____ 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: NY CDG Gensee 1 LLC

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: *Charles Hoover*

Date: 5-20-2021

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Dwight Kanyuck, Knauf Shaw LLP

Address: 1400 Crossroads Bldg., 2 State Street, Rochester, NY 14614

Telephone Number: 585-546-8430

E-mail: dkanyuck@nyenvlaw.com

For Type 1 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

MAN
6/23/21

Customer Information

Potential Customer: Trousdale Solar, LLC Opportunity Type: Tax Incentive Lease
 Proj. St. Address: Ellicott Street Road Opportunity Product: Property & Sales Taxes Only
 City/Town/Village: Town of Batavia//Batavia Type of Project: Attraction
 Proj. Description: Trousdale Solar 1 New Jobs:
 Total Capital Investment: \$7,802,556 Retained Jobs:
 Incentive Amount: \$1,162,452 School District: Batavia
 Benefited Amount: \$7,802,556 PILOT Applicable:

Project Information

Organization: GCEDC
 Opportunity Source: Date of Public Hearing:
 Initial Acceptance Date: 7/1/2021 Inducement Date:

Opportunity Summary: The company is planning a community solar farm project in the Town of Batavia. 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 \$518,803 in PILOT payments to the Batavia City School District and Genesee County 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 \$441,103 (both PILOT and Real Property taxes). This calculates to a rate of return based on the original property taxes additional \$4.38 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.

Project Costs (Total Capital Investment)

Building Cost (Construction): \$0 Capital Improvements: \$0
 Equipment (non-taxable): \$0 Equipment (Taxable) / Other Proj Investment: \$
 Land Cost (Real Estate): \$0
 Total Capital Investment: \$7,802,556 ✓

Estimated Benefits Provided

Sales Tax Exempt: \$624,204 Tax Exempt Bond: \$0
 Mortgage Tax Exempt: \$0 Land Sale Subsidy: \$0
 Property Tax Exempt: \$538,247 ✓
 Total Estimated Tax Incentives Provided: \$1,162,452 ✓

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

Chamber of Commerce:

3.3

60

3.3

Project: Trousdale Solar, LLC

Capex: \$ 7,802,556
 Sales Taxable (est.) \$ 7,802,556
 Mortgage (est.)
 Property Tax below
 Total

Savings
 \$ 624,204
 \$
 \$ 538,247
 \$ 1,162,452

1% of 1.25%

from Assessor
 Assessed Value Per MW
 \$ 450,000.00 \$ 2,250,000
 Escalator 2.0%



Increase in PILOT Payment
 Divided by Current Property

Year of Exemption	Fixed Payment \$/MW	Fixed \$ per MW AC	MW AC	Assessed Value	Escalator	Assessed Value	Barren	Total Payments	Increase in property taxes due to loss of ag exemption	Total PILOT payments with property taxes to be received	Current property taxes on land (including ag exemption)	Economic Impact ROI	Total increase in PILOT payment and property taxes from solar project
1	\$ 30,000	\$ -	-	\$ 9,969	\$ -	\$ 9,969	\$ 20,431	\$ 30,000	\$ 1,530	\$ 31,530	\$ 6,710	\$ 441,103	\$ 24,820
2	\$ 30,800	\$ -	-	\$ 9,760	\$ -	\$ 9,760	\$ 20,840	\$ 30,600	\$ 1,530	\$ 32,130	\$ 6,710	\$ 441,103	\$ 25,420
3	\$ 31,212	\$ -	-	\$ 9,566	\$ -	\$ 9,566	\$ 21,256	\$ 31,212	\$ 1,530	\$ 32,742	\$ 6,710	\$ 441,103	\$ 26,032
4	\$ 31,836	\$ -	-	\$ 10,155	\$ -	\$ 10,155	\$ 21,682	\$ 31,836	\$ 1,530	\$ 33,366	\$ 6,710	\$ 441,103	\$ 26,656
5	\$ 32,473	\$ -	-	\$ 10,358	\$ -	\$ 10,358	\$ 22,115	\$ 32,473	\$ 1,530	\$ 34,003	\$ 6,710	\$ 441,103	\$ 27,293
6	\$ 33,122	\$ -	-	\$ 10,565	\$ -	\$ 10,565	\$ 22,558	\$ 33,122	\$ 1,530	\$ 34,652	\$ 6,710	\$ 441,103	\$ 27,942
7	\$ 33,785	\$ -	-	\$ 10,776	\$ -	\$ 10,776	\$ 23,009	\$ 33,785	\$ 1,530	\$ 35,315	\$ 6,710	\$ 441,103	\$ 28,605
8	\$ 34,461	\$ -	-	\$ 10,992	\$ -	\$ 10,992	\$ 23,469	\$ 34,461	\$ 1,530	\$ 35,990	\$ 6,710	\$ 441,103	\$ 29,281
9	\$ 35,150	\$ -	-	\$ 11,212	\$ -	\$ 11,212	\$ 23,938	\$ 35,150	\$ 1,530	\$ 36,680	\$ 6,710	\$ 441,103	\$ 29,970
10	\$ 35,853	\$ -	-	\$ 11,436	\$ -	\$ 11,436	\$ 24,417	\$ 35,853	\$ 1,530	\$ 37,383	\$ 6,710	\$ 441,103	\$ 30,673
11	\$ 36,570	\$ -	-	\$ 11,665	\$ -	\$ 11,665	\$ 24,905	\$ 36,570	\$ 1,530	\$ 38,100	\$ 6,710	\$ 441,103	\$ 31,390
12	\$ 37,301	\$ -	-	\$ 11,898	\$ -	\$ 11,898	\$ 25,403	\$ 37,301	\$ 1,530	\$ 38,831	\$ 6,710	\$ 441,103	\$ 32,121
13	\$ 38,047	\$ -	-	\$ 12,136	\$ -	\$ 12,136	\$ 25,911	\$ 38,047	\$ 1,530	\$ 39,577	\$ 6,710	\$ 441,103	\$ 32,867
14	\$ 38,808	\$ -	-	\$ 12,378	\$ -	\$ 12,378	\$ 26,430	\$ 38,808	\$ 1,530	\$ 40,338	\$ 6,710	\$ 441,103	\$ 33,628
15	\$ 39,584	\$ -	-	\$ 12,626	\$ -	\$ 12,626	\$ 26,958	\$ 39,584	\$ 1,530	\$ 41,114	\$ 6,710	\$ 441,103	\$ 34,404
Total	\$ 518,803	\$ -	-	\$ 165,480	\$ -	\$ 165,480	\$ 353,322	\$ 518,803	\$ 22,947	\$ 541,750	\$ 100,647	\$ 441,103	\$ 441,103

The value of Ag Exemption elimination due to permanent conversion of farm land

Town of Batavia Tax Rate	\$ -
57 Current ag exemption amount (and from OARS)	\$ 48,845
27.3 County and School Taxes on Ag Exemption	\$ 1,530
Town of Batavia (only) Taxes on Ag Exemption	\$ -
Total taxes due based on the elimination of Ag Exemption	\$ 1,530

Current Property Taxes on Property \$ 5,180

Property Taxes at 100% assessed value (assessor) \$ 70,470

Total PILOT \$ 1,057,050

Savings \$ 538,247

Net Savings \$ 1,027,420

GCEDC fee	\$ 97,532
Workforce Community Benefit	\$ 25,000
Subtotal	\$ 122,532
GCEDC Legal	\$ 12,500
Total Fee	\$ 135,032

man
6/23

61



may
6/23/21

Project Name: Trousdale Solar, LLC-Batavia

Board Meeting Date: July 1, 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 Batavia. 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 \$518,803 in PILOT payments to the Batavia City School District and Genesee County 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 \$7,802,556 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 \$441,103 (both PILOT and Real Property taxes). This calculates to a rate of return based on the original property taxes additional \$4.38 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 Fall of 2021 and be operational by end of 2022.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

man
7/28/2021

FINAL RESOLUTION
(Trousedale Solar, LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, August 5, 2021.

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

Resolution No. 08/2021 - _____

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 JULY 23, 2021, WITH RESPECT TO THE TROUSDALE SOLAR, 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 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, **TROUSDALE SOLAR, 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 Ellicott Street Road in the Town of Batavia, New York (the "Land", being more particularly described as a portion of tax parcel No. 20.-1-10.112, 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,

3.3

64

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, 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 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 July 1, 2021, the Agency adopted a resolution (the "Initial Resolution") pursuant to which the Agency (i) accepted the Application of the Company, (ii) directed that a public hearing be held, and (iii) described the forms of financial assistance being contemplated by the Agency with respect to the Project; and

WHEREAS, pursuant to Section 859-a of the Act, on Friday, July 23, 2021, at 3:00 p.m., 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 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, 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 Town of Batavia 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"). In addition to classifying the Project as an "Unlisted" action pursuant to SEQRA, the Planning Board issued a Negative Declaration on March 23, 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. Part 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 Friday, July 23, 2021, at 3:00 p.m., 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 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 \$7,802,556, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed \$624,204. 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 **July 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 the Mortgage securing an aggregate principal amount of up to a maximum principal amount necessary to undertake the Project, and any 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") 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.

Exhibit A

Notice Letter, Notice of Public Hearing,
Affidavit 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 will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Friday, July 23, 2021, at 3:00 p.m., local time, at Batavia Town Hall, 3383 West Main Street Road, Batavia, New York 14020, in connection with the following matter:

TROUSDALE SOLAR, 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 Ellicott Street Road in the Town of Batavia, New York (the "Land", being more particularly described as a portion of tax parcel No. 20.-1-10.112, 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 (or retain) title to, or 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 Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance to the Company in the form of sales and use tax exemptions consistent with the policies of the Agency, and a partial real property tax abatement (collectively, the "Financial Assistance").

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

The Agency will provide additional access to the public hearing by broadcasting the public hearing in real time online at <https://vimeo.com/571759325>.

Dated: July 9, 2021

GENESEE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY D/B/A
GENESEE COUNTY ECONOMIC
DEVELOPMENT CENTER

REPORT OF THE GENESSEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S PUBLIC HEARING OF TROUSDALE SOLAR I, LLC PROJECT, HELD ON FRIDAY, JULY 23, 2021 3:00 P.M. AT THE BATAVIA TOWN HALL, 3383 WEST MAIN STREET ROAD, BATAVIA, NEW YORK, GENESSEE COUNTY, NEW YORK

I. ATTENDANCE

Chris Suozzi, Sr. VP of Business & Workforce Development – GCEDC
Jim Krencik, Director of Marketing and Communications – GCEDC
Lauren Casey, Finance Assistant – GCEDC

II. CALL TO ORDER

The public hearing of Trousdale Solar I, LLC Project was opened at 3:04 pm at Batavia Town Hall, 3833 West Main Street Road, in the Town of Batavia, Genesee County, New York.

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 Batavia. 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 \$518,803 in PILOT payments to the Batavia City School District and Genesee County 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.

IV. COMMENTS

C. Suozzi began the public hearing by providing a summary of the above-outlined project. 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. 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 3:14 pm.

Exhibit B

Negative Declaration of Town of Batavia Planning Board

[Attached Hereto]

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.

The SEQR for the Trousdale Solar Project was reviewed on March 2nd and completed on March 16, 2021 by the Town of Batavia Planning board. Much time and effort was spent in order to address the many concerns of the residents who spoke at the Public Hearing. After much discussion and review of information, the viewsheds were mitigated by use of landscape buffers. The number of poles entering the project will be minimized.

A Special Use Permit was issued clearly addressing these issues.

Based on the mitigation, it was determined that the proposed action will have no adverse impacts on the environment.

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

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
Town of Batavia Planning Board 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: Trousdale Solar Projects

Name of Lead Agency: Town of Batavia Planning Board

Name of Responsible Officer in Lead Agency: Kathleen Jasinski

Title of Responsible Officer: Planning Board Chairman

Signature of Responsible Officer in Lead Agency:

Date: 03/23/2021

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Steve Mountain, Town Engineer

Address: 3822 West Main St. Rd., Batavia, NY 14020

Telephone Number: 585-343-1729 Ext. 220

E-mail: smountain@townofbatavia.com

For Type 1 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>

MAN
6/23/21

Customer Information

Potential Customer: Trousdale Solar II, LLC Opportunity Type: Tax Incentive Lease
 Proj. St. Address: 5161 Ellicott Street Road Opportunity Product: Property & Sales Taxes Only
 City/Town/Village: Town of Batavia//Batavia Type of Project:
 Proj. Description: Trousdale Solar 2 New Jobs:
 Total Capital Investment: \$7,034,891 Retained Jobs:
 Incentive Amount: \$993,389 School District: Batavia
 Benefited Amount: \$7,034,891 PILOT Applicable:

Organization: GCEDC
 Opportunity Source: Date of Public Hearing:
 Initial Acceptance Date: 7/1/2021 Inducement Date:

Opportunity Summary: The company is planning a community solar farm project in the Town of Batavia. The project is a 4 (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 4 MWAC solar farm generating in excess of \$415,042 in PILOT payments to the Batavia City Schools and Genesee County 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 \$316,192 (both PILOT and Real Property taxes). This calculates to a rate of return based on the original property taxes additional \$2.38 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.

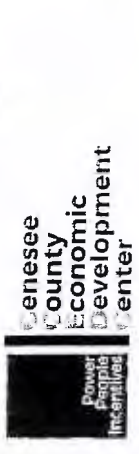
Project Detail (Total Capital Investment)

Building Cost (Construction): \$0 Capital Improvements: \$0
 Equipment (non-taxable): \$0 Equipment (Taxable) / Other Proj Investment: \$0
 Land Cost (Real Estate): \$0
 Total Capital Investment: \$7,034,891

Estimated Benefits Provided

Sales Tax Exempt: \$562,791 Tax Exempt Bond: \$0
 Mortgage Tax Exempt: \$0 Land Sale Subsidy: \$0
 Property Tax Exempt: \$430,598
 Total Estimated Tax Incentives Provided: \$993,389

3.4



Project: Trousdale Solar II, LLC
 Capex: \$ 7,034,891
 Sales Taxable (est.): \$ 7,034,891
 Mortgage (est.):
 Property Tax below:
 Total

Savings: \$ 562,791
 1% of 1.25%
 \$ 430,598
 \$ 993,389

Fixed \$ per MW AC: 6,000
 Assessed Value For MW: 4
 from Assessor: 450,000.00
 Assessed Value: 1,800,000
 Escalator: 2.0%

Increase in PILOT Payment
 Divided by Current Property
 Economic Impact ROI \$ 316,192 2.38

Year of Exemption	Fixed Payment (\$/MW per MW)	Value of Interest	Genesee Equity	Balance	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	\$ 24,000	\$ -	\$ 7,655	\$ 16,345	\$ 24,000	\$ 2,266	\$ 26,266	\$ 8,856	\$ 17,410
2	\$ 24,480	\$ -	\$ 7,808	\$ 16,672	\$ 24,480	\$ 2,266	\$ 26,746	\$ 8,856	\$ 17,890
3	\$ 24,970	\$ -	\$ 7,964	\$ 17,005	\$ 24,970	\$ 2,266	\$ 27,235	\$ 8,856	\$ 18,380
4	\$ 25,469	\$ -	\$ 8,124	\$ 17,345	\$ 25,469	\$ 2,266	\$ 27,735	\$ 8,856	\$ 18,879
5	\$ 25,978	\$ -	\$ 8,286	\$ 17,692	\$ 25,978	\$ 2,266	\$ 28,244	\$ 8,856	\$ 19,388
6	\$ 26,498	\$ -	\$ 8,452	\$ 18,046	\$ 26,498	\$ 2,266	\$ 28,764	\$ 8,856	\$ 19,908
7	\$ 27,028	\$ -	\$ 8,621	\$ 18,407	\$ 27,028	\$ 2,266	\$ 29,293	\$ 8,856	\$ 20,438
8	\$ 27,568	\$ -	\$ 8,793	\$ 18,775	\$ 27,568	\$ 2,266	\$ 29,834	\$ 8,856	\$ 20,978
9	\$ 28,120	\$ -	\$ 8,969	\$ 19,151	\$ 28,120	\$ 2,266	\$ 30,385	\$ 8,856	\$ 21,530
10	\$ 28,682	\$ -	\$ 9,149	\$ 19,534	\$ 28,682	\$ 2,266	\$ 30,948	\$ 8,856	\$ 22,092
11	\$ 29,256	\$ -	\$ 9,332	\$ 19,924	\$ 29,256	\$ 2,266	\$ 31,521	\$ 8,856	\$ 22,666
12	\$ 29,841	\$ -	\$ 9,518	\$ 20,323	\$ 29,841	\$ 2,266	\$ 32,107	\$ 8,856	\$ 23,251
13	\$ 30,438	\$ -	\$ 9,709	\$ 20,729	\$ 30,438	\$ 2,266	\$ 32,703	\$ 8,856	\$ 23,848
14	\$ 31,047	\$ -	\$ 9,903	\$ 21,144	\$ 31,047	\$ 2,266	\$ 33,312	\$ 8,856	\$ 24,457
15	\$ 31,667	\$ -	\$ 10,101	\$ 21,567	\$ 31,667	\$ 2,266	\$ 33,933	\$ 8,856	\$ 25,077
Total	\$ 415,042	\$ -	\$ 132,384	\$ 282,658	\$ 415,042	\$ 33,984	\$ 449,026	\$ 132,834	\$ 316,192

* no Pilots on Ad Valorem Taxes
 Total tillable acres: 60
 Solar acres: 29.7
 Total Ag Exemption: 146.134

The value of Ag Exemption elimination due to permanent conversion of farm land

Town of Batavia Tax Rate	\$ 72,330
Current ag exemption amount (add from CARS)	\$ 2,266
County and School Taxes on Ag Exemption	\$ -
Town of Batavia (only) Taxes on Ag Exemption	\$ -
Total taxes due based on the elimination of Ag Exemption	\$ 2,266
Current Property Taxes on Property	\$ 6,590

1,250% GCEDC fee

GCEDC fee	\$ 87,936
Workforce Community Benefit	\$ 25,000
Subtotal	\$ 112,936
GCEDC Legal	\$ 12,500
Total Fee	\$ 125,436

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

Property Taxes at 100% assessed value (assessor)	\$ 56,376
Term	\$ 16
Total PILOT	\$ 845,640
Savings	\$ 430,598
Net Savings	\$ 867,953

MAK
6/23/2021



Project Name: Trousdale Solar II, LLC-Batavia

Board Meeting Date: July 1, 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 Batavia. The project is a 4 (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 \$415,042 in PILOT payments to the Batavia City School District and Genesee County 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 \$7,034,891 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 \$415,000 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 \$316,192 (both PILOT and Real Property taxes). This calculates to a rate of return based on the original property taxes additional \$2.38 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 Fall of 2021 and be operational by end of 2022.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

man
7/28/2021

FINAL RESOLUTION
(Trousdale Solar II, LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, August 5, 2021.

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

Resolution No. 08/2021 - _____

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 JULY 23, 2021, WITH RESPECT TO THE TROUSDALE SOLAR II, 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 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, **TROUSDALE SOLAR II, 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 Ellicott Street Road in the Town of Batavia, New York (the "Land", being more particularly described as a portion of tax parcel No. 20.-1-10.111, as may be subdivided); (ii) the planning, design, construction and operation of a 4MWac 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, 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 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 July 1, 2021, the Agency adopted a resolution (the "Initial Resolution") pursuant to which the Agency (i) accepted the Application of the Company, (ii) directed that a public hearing be held, and (iii) described the forms of financial assistance being contemplated by the Agency with respect to the Project; and

WHEREAS, pursuant to Section 859-a of the Act, on Friday, July 23, 2021, at 3:30 p.m., 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 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, 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 Town of Batavia Planning Board (the "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"). In addition to classifying the Project as an "Unlisted" action pursuant to SEQRA, the Board issued a Negative Declaration on March 23, 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 Board pursuant to 6 N.Y.C.R.R. Part 617.7. A copy of the Negative Declaration issued by the Board is attached hereto as **Exhibit B**.

Section 2. The Public Hearing held by the Agency on Friday, July 23, 2021, at 3:30 p.m., 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 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 \$7,034,891, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed \$562,791. 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 **July 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 the Mortgage securing an aggregate principal amount of up to a maximum principal amount necessary to undertake the Project, and any 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") 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

(Trousedale Solar II, 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 August 5, 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 _____, 2021.

Secretary

3.4

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Exhibit A

Notice Letter, Notice of Public Hearing,
Affidavit 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 will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Friday, July 23, 2021, at 3:30 p.m., local time, at Batavia Town Hall, 3383 West Main Street Road, Batavia, New York 14020, in connection with the following matter:

TROUSDALE SOLAR II, 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 Ellicott Street Road in the Town of Batavia, New York (the "Land", being more particularly described as a portion of tax parcel No. 20.-1-10.111, as may be subdivided); (ii) the planning, design, construction and operation of a 4MWac 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 (or retain) title to, or 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 Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance to the Company in the form of sales and use tax exemptions consistent with the policies of the Agency, and a partial real property tax abatement (collectively, the "Financial Assistance").

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

The Agency will provide additional access to the public hearing by broadcasting the public hearing in real time online at <https://vimeo.com/571759893>.

Dated: July 9, 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 TROUSDALE SOLAR II, LLC PROJECT, HELD ON FRIDAY, JULY 23, 2021 3:30 P.M. AT THE BATAVIA TOWN HALL, 3383 WEST MAIN STREET ROAD, BATAVIA, NEW YORK, GENESEE COUNTY, NEW YORK

I. ATTENDANCE

Chris Suozzi, Sr. VP of Business & Workforce Development – GCEDC
Jim Krencik, Director of Marketing and Communications – GCEDC
Lauren Casey, Finance Assistant – GCEDC

II. CALL TO ORDER

The public hearing of Trousdale Solar II, LLC Project was opened at 3:36 pm at Batavia Town Hall, 3833 West Main Street Road, in the Town of Batavia, Genesee County, New York.

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 Batavia. The project is a 4 (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 4 MWAC solar farm generating in excess of \$415,042 in PILOT payments to the Batavia City School District and Genesee County 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.

IV. COMMENTS

C. Suozzi began the public hearing by providing a summary of the above-outlined project. 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. 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 3:46 pm.

Exhibit B

Negative Declaration of Town of Batavia Planning Board

[Attached Hereto]

Project :

Date :

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.

The SEQR for the Trousedale Solar Project was reviewed on March 2nd and completed on March 16, 2021 by the Town of Batavia Planning board. Much time and effort was spent in order to address the many concerns of the residents who spoke at the Public Hearing. After much discussion and review of information, the viewsheds were mitigated by use of landscape buffers. The number of poles entering the project will be minimized.

A Special Use Permit was issued clearly addressing these issues.

Based on the mitigation, it was determined that the proposed action will have no adverse impacts on the environment.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

3.4

92

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
Town of Batavia Planning Board _____ 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)).

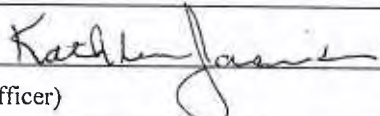
C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration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

Name of Action: Trousdale Solar Projects

Name of Lead Agency: Town of Batavia Planning Board

Name of Responsible Officer in Lead Agency: Kathleen Jasinski

Title of Responsible Officer: Planning Board Chairman

Signature of Responsible Officer in Lead Agency: 

Date: 03/23/2021

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Steve Mountain, Town Engineer

Address: 3822 West Main St. Rd., Batavia, NY 14020

Telephone Number: 585-343-1729 Ext. 220

E-mail: smountain@townofbatavia.com

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

*Man
8/23/*

Customer Information

Potential Customer:	Gateway GS, LLC	Opportunity Type:	Tax Incentive Lease
Proj. St. Address:	8003 Call Parkway	Opportunity Product:	Property Sales & Mortgage Recording Taxes Only
City/Town/Village:	Town of Batavia//Batavia	Type of Project:	Attraction
Proj. Description:	2021 Phase III Buildout	New Jobs:	21
Total Capital Investment:	\$2,306,000	Retained Jobs:	
Incentive Amount:	\$386,931	School District:	Elba
Benefited Amount:	\$2,306,000	PILOT Applicable:	Increase in assessed value of land and/or other buildings (pre-project value of land and or buildings excluded)

Project Information

Organization: GCEDC

Opportunity Source: 3rd Party Professional Date of Public Hearing:

Initial Acceptance Date: 7/1/2021 Inducement Date:

Opportunity Summary: Gateway GS LLC (Gallina Development) is proposing to build out a third building at the GCEDC's Gateway II Corporate Park in the town of Batavia. Facility will be 27,000 SF and will be completed in 2022 for a single logistics-distribution tenant.

The project is investing ~~\$2.36~~ ^{\$2.3} million and is pledging to create 21 FTE's with an average salary of \$42,000 annually plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$257,971), a sales tax abatement (\$108,960), and a mortgage tax exemption (\$20,000).

Economic Impact: The project is investing \$28 into the local economy for every \$1 of public benefit requested.

Project Detail (Total Capital Investment)

Building Cost (Construction):	\$2,000,000	Capital Improvements:	
Equipment (non-taxable):		Equipment (Taxable) / Other Proj Investment:	\$162,000
Land Cost (Real Estate):	\$144,000		
Total Capital Investment:	\$2,306,000		

Estimated Benefits Provided

Sales Tax Exempt:	\$108,960	Tax Exempt Bond:	
Mortgage Tax Exempt:	\$20,000	Land Sale Subsidy:	
Property Tax Exempt:	\$257,971		
Total Estimated Tax Incentives Provided:	\$386,931		



Client Company Investment Project Financial Assistance PROPOSAL

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

Project Profile:	Inputs	Gateway GS #3	non-mfg equipment	Date:
Company:				6/22/21
Project Description				
Project Cost		\$ 2,305,000	building cost \$ 2,000,000	Start Date
Project Cost subject to Sales Tax		\$ 1,362,000	60% bldg cost + non mfg equipt	
Project Cost to be Financed via Mortgage		\$ 2,000,000	80%	
Estimated Assessed value of Real Property/Building upon completion*		\$ 1,280,000	4	27,000 sq ft
Jobs Created: next 3 years			200,000	Assessed \$/sq/ft
Jobs Retained: next 3 years				40.00

Applicable GCEDC Products:

Financial Assistance: Cost Reduction Through Tax Savings:

Sale/Leaseback (SLB):

	1 Year View	3 Year View	Project Lifetime
Sales Tax Exemption (Savings):	108,960	108,960	108,960
Mortgage Tax Exemption (Savings):	20,000	20,000	20,000
Real Property Tax Abatement (PILLOT):	40%		40%
Average Abatement (savings %) over project life			
PILLOT Term in years	10		
Gross Property Tax Costs	\$ 39,59	\$ 42,995	\$ 128,986
Payment Schedule (% Real Property Taxes Paid)			60%
Net Required Property Tax payments per PILLOT	\$ -	\$ -	\$ -
PILLOT Real Property Tax Savings (Next taxable year)	\$ 42,995	\$ 128,986	\$ 257,971
Total Tax Savings via Sale/Leaseback (SLB):	\$ 171,955	\$ 257,946	\$ 386,931

Financing: Cost Reduction via low cost financing (below prime rate):

	1 Year View	3 Year View	Project Lifetime
Loan Factors:			
Interest Rate Savings:	\$ -	\$ -	\$ -
Gross Cost Savings via GCEDC programs:	\$ 171,955	\$ 257,946	\$ 386,931

Participation Fees (Costs):

GCEDC Application Fee (non-refundable):	\$ 250
GCEDC Project Fee (% Total Project Cost):	1.25% \$ 28,825
Legal Fees: SLB (Contract Development, Documentation, Filing fees):	\$ 6,000
Legal Fees: RLF (Contract Development, Documentation, Filing fees):	\$ 35,075
Total Participation Fees:	\$ 35,075

Summary:

Total Costs Savings / Benefits via GCEDC programs/after participation f	\$ 136,880	\$ 222,871	\$ 351,856	National Grid	Total Savings
Total Benefits as % Total Project Cost:	6%	10%	15%	100,000	\$ 451,856
Return on Investment (ROI) = Net Savings / Participation Fees:	390%	635%	1003%		

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!

Gross Property Tax Per Year \$ 42,995

Year of Exemption	% of Paid Taxes	Net Savings	Municipalities Tax to be Paid	Total
1	20%	\$34,396	\$ 8,599	\$42,995
2	20%	\$34,396	\$ 8,599	\$42,995
3	20%	\$34,396	\$ 8,599	\$42,995
4	30%	\$30,097	\$ 12,899	\$42,995
5	30%	\$30,097	\$ 12,899	\$42,995
6	30%	\$30,097	\$ 12,899	\$42,995
7	50%	\$21,498	\$ 21,498	\$42,995
8	50%	\$21,498	\$ 21,498	\$42,995
9	70%	\$12,899	\$ 30,097	\$42,995
10	80%	\$8,599	\$ 34,396	\$42,995
Total	40%	\$257,971	\$171,981	\$429,952

Cost-Benefit Analysis for Gateway GS (#3)

Prepared by Genesee County Economic Development Center using InformAnalytics

Executive Summary

INVESTOR	TOTAL JOBS	TOTAL INVESTED	LOCATION	TIMELINE
Gateway GS (#3)	21 Ongoing; 20 Temporary	\$2.3 Million	8003 Call Parkway Batavia, NY 14020	10 Years

FIGURE 1

Discounted* Net Benefits for Gateway GS (#3) by Year

Total Net Benefits: \$9,922,000

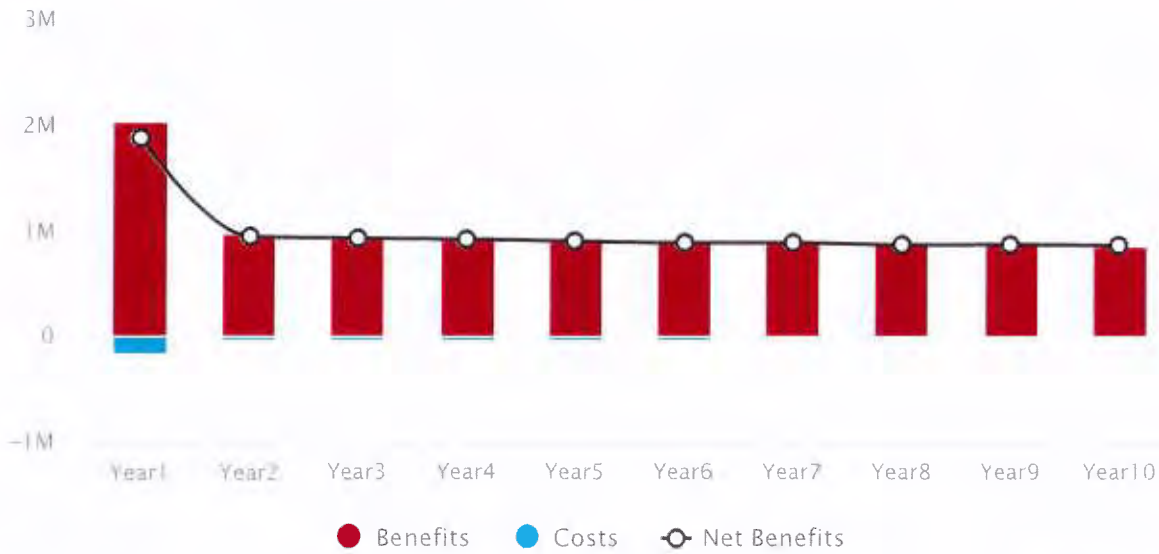


FIGURE 2

Total Jobs

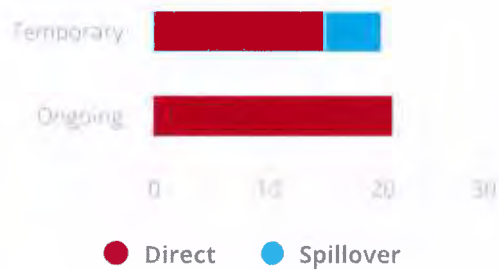
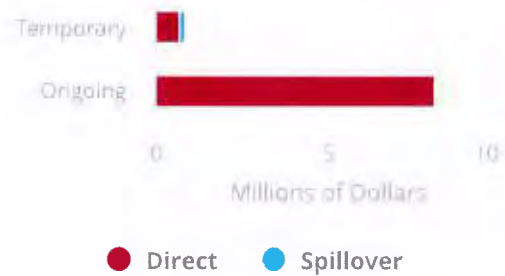


FIGURE 3

Total Payroll



Proposed Investment

Gateway GS (#3) proposes to invest \$2.3 million at 8003 Call Parkway Batavia, NY 14020 over 10 years. Genesee County Economic Development Center staff summarize the proposed with the following: Build out of a third building at the Gateway GS (Gallina Development) site at the GCEDC's Gateway II Corporate Park. Facility will be 27,000 SF and will be completed in 2022 for a single logistics-distribution tenant.

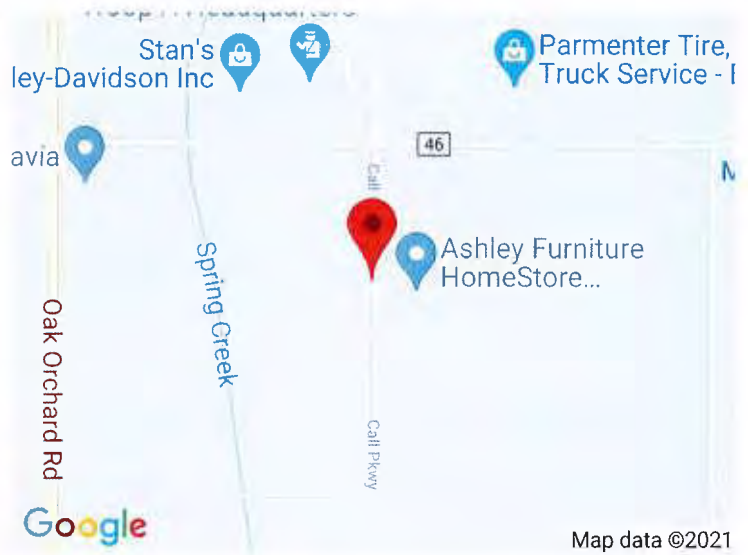
T1 TABLE 1

Proposed Investments

Description	Amount
CONSTRUCTION SPENDING	
27000 sf	\$2,000,000
OTHER SPENDING	
FFE	\$162,000
Soft	\$144,000
Total Investments	\$2,306,000
Discounted Total (2%)	\$2,306,000

T4 FIGURE 4

Location of Investment



May not sum to total due to rounding.

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 10 years, with future returns discounted at a 2% rate.

12 TABLE 2

Estimated Costs or Incentives

Genesee County Economic Development Center is considering the following incentive package for Gateway GS (#3).

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$260,000	\$242,000
Sales Tax Exemption	\$107,000	\$107,000
Mortgage Recording Tax Exemption	\$20,000	\$20,000
Total Costs	\$386,000	\$369,000

May not sum to total due to rounding.

* Discounted at 2%

TABLE 3

State & Regional Impact (Life of Project)

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

Description	Direct	Spillover	Total
REGIONAL BENEFITS	\$10,282,000	\$236,000	\$10,518,000
To Private Individuals	\$9,558,000	\$233,000	\$9,791,000
Temporary Payroll	\$738,000	\$233,000	\$971,000
Ongoing Payroll	\$8,820,000	\$0	\$8,820,000
To the Public	\$725,000	\$3,000	\$728,000
Property Tax Revenue	\$606,000	N/A	\$606,000
Temporary Sales Tax Revenue	\$9,000	\$3,000	\$12,000
Ongoing Sales Tax Revenue	\$110,000	\$0	\$110,000
STATE BENEFITS	\$549,000	\$14,000	\$563,000
To the Public	\$549,000	\$14,000	\$563,000
Temporary Income Tax Revenue	\$33,000	\$11,000	\$44,000
Ongoing Income Tax Revenue	\$395,000	\$0	\$395,000
Temporary Sales Tax Revenue	\$9,000	\$3,000	\$12,000
Ongoing Sales Tax Revenue	\$112,000	\$0	\$112,000
Total Benefits to State & Region	\$10,831,000	\$250,000	\$11,082,000
Discounted Total Benefits (2%)	\$10,041,000	\$250,000	\$10,291,000

May not sum to total due to rounding.

TABLE 4

Benefit to Cost Ratio

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

Description	Benefit*	Cost*	Ratio
Region	\$9,770,000	\$305,000	32:1
State	\$521,000	\$64,000	8:1
Grand Total	\$10,291,000	\$369,000	28:1

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.



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6/29/2021

Project Name: Gateway GS, LLC (#3)

Board Meeting Date: July 1, 2021

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

PROJECT DESCRIPTION:

Gateway GS LLC (Gallina Development) is proposing to build out a third building at the GCEDC's Gateway II Corporate Park in the town of Batavia. Facility will be 27,000 SF and will be completed in 2022 for a single logistics-distribution tenant.

The project is investing \$2.36 million and is pledging to create 21 FTE's with an average salary of \$42,000 annually plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$257,971), a sales tax abatement (\$108,960), and a mortgage tax exemption (\$20,000).

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

Project details: The project will create 21 FTE's with an average salary of \$42,000 annually + benefits

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 an investment of \$2,306,000 and build a 27,000 sf facility.

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: N/A

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 \$28 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 Fall of 2021 and be operational by end of 2022.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

MS
7/20/2021

FINAL RESOLUTION
(Gateway GS, LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, August 5, 2021.

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

Resolution No. 08/2021 - ____

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 JULY 23, 2021, WITH RESPECT TO THE GATEWAY GS, 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 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, **GATEWAY GS, 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 or other interest in certain real property located at 8003 Call Parkway, Town of Batavia, Genesee County, New York (the "Land"); (ii) the planning design, construction and equipping upon the Land of an approximately 27,000 square foot warehouse/distribution center for a single logistics-distribution tenant, together with related infrastructure improvements, curbing, roadways, parking, landscaping and other improvements (collectively, the

"Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other 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 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, (b) a partial real property tax abatement structured through the Tax Agreement, and (c) a mortgage recording tax exemption as authorized by the laws of New York State (collectively, the "Financial Assistance"); and

WHEREAS, on July 1, 2021, the Agency adopted a resolution (the "Initial Resolution") pursuant to which the Agency (i) accepted the Application of the Company, (ii) directed that a public hearing be held, and (iii) described the forms of financial assistance being contemplated by the Agency with respect to the Project; and

WHEREAS, pursuant to Section 859-a of the Act, on Friday, July 23, 2021, at 4:00 p.m., 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 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, 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 Town of Batavia 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 (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 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. Part 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 Friday, July 23, 2021, at 4:00 p.m., 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 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 **\$1,362,000**, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$108,960**. 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 August 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 the Mortgage securing an aggregate principal amount of up to **\$2,000,000**, and any 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") 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

(Gateway GS, 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 August 5, 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 _____, 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 OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Friday, July 23, 2021, at 4:00 p.m., local time, at Batavia Town Hall, 3383 West Main Street Road, Batavia, New York 14020, in connection with the following matter:

WHEREAS, **GATEWAY GS, 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 or other interest in certain real property located at 8003 Call Parkway, Town of Batavia, Genesee County, New York (the "Land"); (ii) the planning design, construction and equipping upon the Land of an approximately 27,000 square foot warehouse/distribution center for a single logistics-distribution tenant, together with related infrastructure improvements, curbing, roadways, parking, landscaping and other improvements (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility")/

The Agency will acquire (or retain) title to, or 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 Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance to the Company in the form of sales and use tax exemptions and a mortgage recording tax exemption consistent with the policies of the Agency, and a partial real property tax abatement (collectively, the "Financial Assistance").

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

The Agency will provide additional access to the public hearing by broadcasting the public hearing in real time online at <https://vimeo.com/571760503>.

Dated: July 9, 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 GATEWAY GS, LLC PROJECT, HELD ON FRIDAY, JULY 23, 2021 4:00 P.M. AT THE BATAVIA TOWN HALL, 3383 WEST MAIN STREET ROAD, BATAVIA, NEW YORK, GENESEE COUNTY, NEW YORK

I. ATTENDANCE

Chris Suozzi, Sr. VP of Business & Workforce Development – GCEDC
Jim Krencik, Director of Marketing and Communications – GCEDC
Lauren Casey, Finance Assistant – GCEDC
Gretchen Rosales, Elba Superintendent

II. CALL TO ORDER

The public hearing of Gateway GS, LLC Project was opened at 4:01 pm at Batavia Town Hall, 3833 West Main Street Road, in the Town of Batavia, Genesee County, New York.

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

Gateway GS, LLC (Gallina Development) is proposing to build out a third building at the GCEDC's Gateway II Corporate Park in the town of Batavia. The facility will be 27,000 SF and will be completed in 2022 for a single logistics-distribution tenant.

The project is investing \$2.3 million and is pledging to create 21 FTE's with an average salary of \$42,000 annually plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$257,971), a sales tax abatement (\$108,960), and a mortgage tax exemption (\$20,000).

IV. COMMENTS

C. Suozzi began the public hearing by providing a summary of the above-outlined project. 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. 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 4:12 pm.

Exhibit B

Negative Declaration of Town of Batavia Planning Board

[Attached Hereto]

TOWN OF BATAVIA PLANNING BOARD
REGULAR MEETING, SEPTEMBER 5, 2017, 7:00 P.M.

PRESENT: Chairman Kathy Jasinski, Gordon Offhaus, Don Partridge, Paul McCullough, Lou Paganello, Jeremy Liles and Paul Marchese

ALSO ATTENDING: Steve Mountain, Dan Lang, Bruce Gerould, Secretary Brittany Witkop, Sharon White, Mike Petinella for The Batavian, Tracey Diehl and Maritza Davis for Five Star Urgent Care, David Ciurzynski for Gateway II, Chris Suozzi of GCEDC

ABSENT: Member Jon Long

MINUTES AUGUST 15, 2017 REGULAR PLANNING BOARD MEETING
Gordon Offhaus made a motion to approve the minutes as submitted. Seconded by Jeremy Liles. Vote unanimous for approval.

FIVE STAR URGENT CARE, TRACEY DIEHL, REVIEW AND SITE PLAN APPROVAL FOR SIGNS ON VETERANS MEMORIAL DRIVE

First motion made by Jeremy Liles to take this off the table for consideration, seconded by Paul Marchese. Vote unanimous for approval.

At this point, the land is being cleared between Veterans Memorial Drive and the NYS Thruway, next to Home Depot. Tracey Diehl states that Five Star Urgent Care is requesting three signs, equal in size, two to face the NYS Thruway and one to face Veterans Memorial Drive. They are 133 sq. ft. with illumination, face-lit channel letters in red, white and blue. She brought samples of the sign materials and colors with her. Five Star is a national chain. There will be local doctors at this facility. The Town of Batavia Zoning Board and Genesee County Planning both recommended approval. Dan Lang agrees with both. Paul Marchese made a motion to approve, seconded by Paul McCullough. Vote unanimous for approval.

GATEWAY GC LLC, DAVID CIURZYNSKI, PROJECT MANAGER, MANNING SQUIRES AND HENNIG - SITE PLAN REVIEW FOR PROPOSAL OF 5 COMMERCIAL BUILDINGS AND PARKING LOTS ON CALL PARKWAY

David Ciurzynski is here tonight to talk about this proposal in Gateway II Corporate Park. The project consists of 5 commercial mixed-use (manufacturing, office, warehouse) buildings with parking lots, each 27,000 square feet, single story, to be built on Call Parkway on approximately 17.5 acres. It is a multi-year plan (3-5 years), starting with one building and then the other four will be built as businesses move in. David, Steve Tanner and Steve Mountain sat down last week to discuss the project further and review the site plan. They reviewed multiple items which included sanitary, utilities, grading, buildings and landscaping. Kathy Jasinski asked about the type of landscaping which David states will include trees such as maples, chestnuts, birch, flowering crab apples, white oak and the front entrance will have shrubs as well. There will be enclosed dumpsters by the loading docks of each building which will be concrete blocked in. Per Steve Mountain in regard to SEQR, it was done for the original park and they compared thresholds and nothing was exceeded with this new development. A motion was made by Don Partridge that the original SEQR meets the thresholds of this new development/site plan, seconded by Gordon Offhaus. Vote unanimous for approval. The State Historic Preservation Society paperwork has not been located, but GCEDC is looking for it and Steve Tanner is looking into it as well. The traffic study will have to be reviewed because as the buildings are completed, more road work will be necessary as things have changed in that area since the parks inception. Left and right hand turning lanes on Route 98 north will need to be considered and there will be a cost associated with that. Steve Mountain said the Town will look into grants to help fund this. A list of conditions to approve this project were presented to David Ciurzynski by the Town of

Batavia and the Planning Board tonight that must be met. Those conditions will be made part of these minutes. Paul Marchese made a motion to approve the site plan based on all conditions being met as set forth tonight, seconded by Don Partridge. Vote unanimous for approval.

LAND SEPARATION REQUEST BY DENNIS SHINE, 8653 WORTENDYKE ROAD, BATAVIA, NY

Per Dan Lang, Mr. Dennis Shine of 8653 Wortendyke Road is requesting a land separation on his property, tax map no. 11.-1-66.11, to separate 7.82 acres, a corner lot. This meets all requirements. Lou Paganello made a motion to approve, seconded by Paul McCullough. Vote unanimous for approval.

ZONING ENFORCEMENT OFFICER REPORT

Per Dan Lang the following are in the works:

1. A Special Use Permit will be requested for a pond on South Main Street. It will go the Town of Batavia Zoning Board first.
2. Pete Zeliff will be requesting to convert the former Michelle's Bakery on Saile Drive into a home. This may require variances and a special use permit.

CHAIRMAN REPORT

Per Kathy Jasinski, she met with the Town Board and did not ask for raises at this time, but would instead let the board make that determination. Our training budget is okay, so if anyone would like to attend a workshop please let her know and submit the proper paperwork. Teressa Morasco is also going to attend one of our meetings to discuss this with our board at some point.

Gordon Offhaus made a motion to adjourn the meeting at 7:42 p.m. Seconded by Lou Paganello. Vote unanimous for adjournment.

Respectfully submitted,

Brittany Witkop
Secretary

Respectfully submitted

Kathleen Jasinski
Chairman

GCEDC Opportunity Summary

Created On: 8/5/2021

*Man
7/29/21*

Customer Information

Potential Customer:	Project Cook / Liberty Pumps	Opportunity Type:	Expansion
Proj. St. Address:	RJ Properties	Opportunity Product:	Property & Sales Taxes Only
City/Town/Village:	//Bergen	Type of Project:	Expansion
Proj. Description:	Liberty Pumps 2021	New Jobs:	30 ✓
Total Capital Investment:	\$13,727,000	Retained Jobs:	
Incentive Amount:	\$1,489,433	School District:	Byron- Bergen
Benefited Amount:	\$12,527,000	PILOT Applicable:	

Project Information

Organization:

Opportunity Source:	Direct/Personal Contact	Date of Public Hearing:	tbd
Initial Acceptance Date:	7/20/2021 12:00:00 AM	Inducement Date:	

Opportunity Summary: Liberty Pumps is expanding their operation in the Town of Bergen at Apple Tree Acres industrial park. The company is planning on constructing a warehouse and manufacturing space of 107,138 sf to support continuing growth of Liberty Pumps.

The project is investing \$13.7 million and is pledging to create 30 FTEs with an average salary of \$52,000 annually plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$911,273), and a sales tax abatement (\$578,160).

Economic Impact: For every \$1 of public benefit, the company is investing \$29 into the local economy

Project Detail (Total Capital Investment)

Building Cost (Construction):	\$12,000,000	Capital Improvements:	\$0
Equipment (non-taxable):	\$1,200,000	Equipment (Taxable) / Other Proj Investment:	\$27,000 ✓
Land Cost (Real Estate):	\$500,000 ✓		
Total Capital Investment:	\$13,727,000 ✓		

Estimated Benefits Provided

Sales Tax Exempt:	\$578,160 ✓	Tax Exempt Bond:	\$0
Mortgage Tax Exempt:	\$0	Land Sale Subsidy:	\$0
Property Tax Exempt:	\$911,273 ✓		
Total Estimated Tax Incentives Provided:	\$1,489,433 ✓		

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		

man
7/24/2021

Cost-Benefit Analysis for Liberty Pumps 2021

Prepared by Genesee County Economic Development Center using InfoWise Analytics

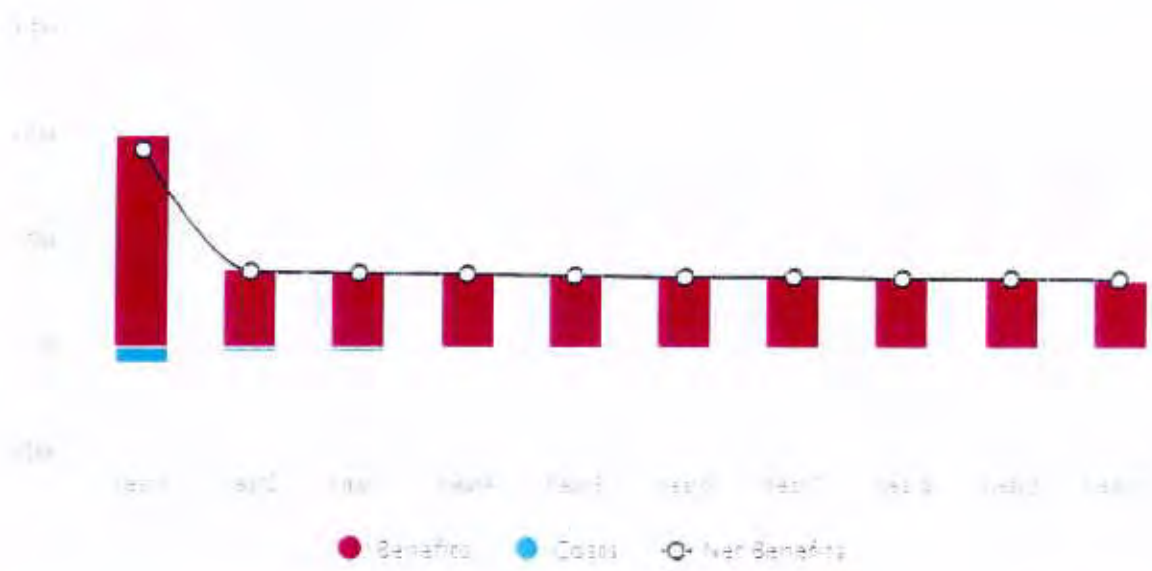
Executive Summary

INVESTOR	TOTAL JOBS	TOTAL INVESTED	LOCATION	TIMELINE
Liberty Pumps	66 Ongoing; 118 Temporary	\$13.7 Million	7000 Apple Tree Ave Bergen, NY	10 Years

F1 Capital

Discounted* Net Benefits for Liberty Pumps 2021 by Year

Total Net Benefits: \$39,907,000



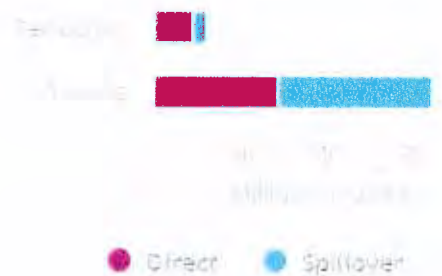
F2 Employed

Total Jobs



F3 Income

Total Payroll



Proposed Investment

Liberty Pumps proposes to invest \$13.7 million at 7000 Apple Tree Ave Bergen, NY over 10 years. Genesee County Economic Development Center staff summarize the proposed with the following: Construction of 107,138 sq ft warehouse and manufacturing space to support continuing growth

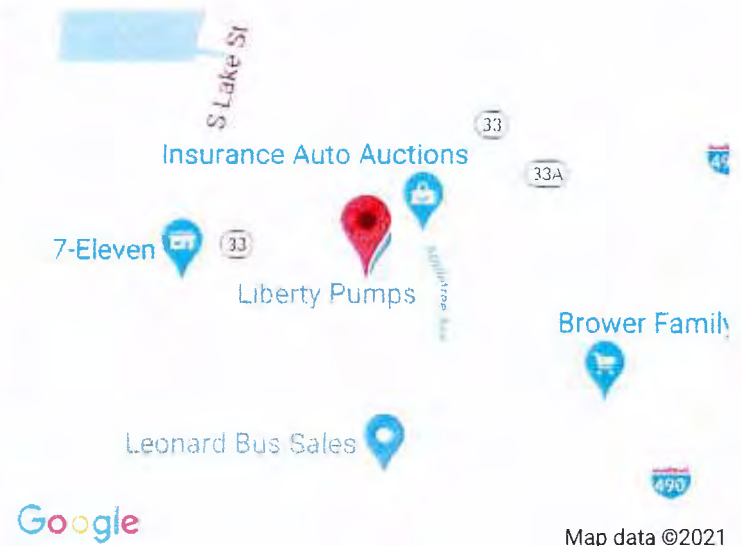
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Proposed Investments

Description	Amount
CONSTRUCTION SPENDING	
107138 sq ft ✓	\$12,000,000 ✓
OTHER SPENDING	
Soft costs	\$500,000 ✓
Production equipment	\$1,200,000 ✓
Other equipment	\$27,000 ✓
Total Investments	\$13,727,000
Discounted Total (2%)	\$13,727,000

F4 TICKET

Location of Investment



Map data ©2021

May not sum to total due to rounding.

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 10 years, with future returns discounted at a 2% rate.

TABLE

Estimated Costs or Incentives

Genesee County Economic Development Center is considering the following incentive package for Liberty Pumps.

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$939,000	\$876,000
Sales Tax Exemption	\$573,000	\$573,000
Total Costs	\$1,512,000	\$1,449,000

May not sum to total due to rounding.

* Discounted at 2%

State & Regional Impact (Life of Project)

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

Description	Direct	Spillover	Total
REGIONAL BENEFITS	\$20,901,000	\$21,134,000	\$42,034,000
<i>To Private Individuals</i>	<i>\$20,026,000</i>	<i>\$20,874,000</i>	<i>\$40,900,000</i>
Temporary Payroll	\$4,426,000	\$1,400,000	\$5,826,000
Ongoing Payroll	\$15,600,000	\$19,474,000	\$35,074,000
<i>To the Public</i>	<i>\$875,000</i>	<i>\$260,000</i>	<i>\$1,135,000</i>
Property Tax Revenue	\$626,000	N/A	\$626,000
Temporary Sales Tax Revenue	\$55,000	\$17,000	\$72,000
Ongoing Sales Tax Revenue	\$194,000	\$242,000	\$436,000
STATE BENEFITS	\$1,200,000	\$1,275,000	\$2,475,000
<i>To the Public</i>	<i>\$1,200,000</i>	<i>\$1,275,000</i>	<i>\$2,475,000</i>
Temporary Income Tax Revenue	\$198,000	\$67,000	\$265,000
Ongoing Income Tax Revenue	\$749,000	\$943,000	\$1,692,000
Temporary Sales Tax Revenue	\$56,000	\$18,000	\$74,000
Ongoing Sales Tax Revenue	\$198,000	\$247,000	\$444,000
Total Benefits to State & Region	\$22,101,000	\$22,408,000	\$44,509,000
Discounted Total Benefits (2%)	\$20,698,000	\$20,657,000	\$41,355,000

May not sum to total due to rounding.

Benefit to Cost Ratio

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

Description	Benefit*	Cost*	Ratio
Region	\$39,060,000	\$1,160,000	34:1
State	\$2,296,000	\$289,000	8:1
Grand Total	\$41,355,000	\$1,449,000	29:1

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.

MAN
7/29/20



Project Name: Liberty Pumps/RJ Properties

Board Meeting Date: August 5, 2021

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

PROJECT DESCRIPTION:

Liberty Pumps is expanding their operation in the Town of Bergen at Apple Tree Acres industrial park.

The company is planning on constructing a warehouse and manufacturing space of 107,138 sf to support continuing growth of Liberty Pumps.

The project is investing \$13.7 million and is pledging to create 30 FTEs with an average salary of \$52,000 annually plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$911,273), and a sales tax abatement (\$578,160).

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

Project details: The project will create 30 FTEs with an average salary of \$52,000 annually + benefits

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 an investment of \$13.7 million and build an additional 107,000 sf facility.

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: N/A

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 \$ 29 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 Fall of 2021 and be operational by end of 2022.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

MSM
7/29/2021

INITIAL RESOLUTION
(Liberty Pumps, Inc. Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, August 5, 2021.

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

Resolution No. 08/2021 - _____

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF LIBERTY PUMPS, INC. 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, **LIBERTY PUMPS, INC.**, 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 or other interest in an approximately 22.9 acres of real property located at 7000 Apple Tree Avenue and South Lake Road, Town of Bergen, Genesee County, New York (the "Land", being more particularly described as tax parcel Nos. 13.-1-57.1 and 13.-1-61.111, respectively, as may be merged); (ii) the planning design, construction and equipping upon the Land of certain warehousing and manufacturing space, together with various infrastructure, curbing, roadways, parking, landscaping and other improvements (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together 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 a project agreement (the "Project 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, renovation 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
(Liberty Pumps, Inc. 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 August 5, 2021, with the original thereof on file at the Agency's 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 August, 2021.

Secretary

Genesee County Economic Development Center
June 2021 Dashboard
Balance Sheet - Accrual Basis

	6/30/21	5/31/21	[Per Audit] 12/31/20
ASSETS:			
Cash - Unrestricted	\$ 2,112,517	\$ 1,913,478	\$ 2,257,813
Cash - Restricted ^{(A)(1)}	6,053,197	9,663,732	8,089,027
Cash - Reserved ^(B)	792,072	791,942	791,347
Cash - Subtotal	8,957,786	12,369,152	11,138,187
Grants Receivable ⁽²⁾	96,600	96,600	86,350
Accts Receivable- Current ⁽³⁾	376,501	344,528	280,042
Deposits	2,832	2,832	2,832
Prepaid Expense(s) ⁽⁴⁾	15,812	25,962	26,223
Loans Receivable - Current	56,593	56,007	52,923
Total Current Assets	9,506,124	12,895,081	11,586,557
Land Held for Dev. & Resale ⁽⁵⁾	16,617,383	16,228,115	15,930,796
Furniture, Fixtures & Equipment	67,982	67,982	67,982
Total Property, Plant & Equip.	16,685,365	16,296,097	15,998,778
Less Accumulated Depreciation	(67,982)	(67,982)	(67,982)
Net Property, Plant & Equip.	16,617,383	16,228,115	15,930,796
Accts Receivable- Non-current	-	279,650	279,650
Loans Receivable- Non-current ^(Net of \$47,429 Allow. for Bad Debt)	224,575	229,343	253,122
Other Assets	224,575	508,993	532,772
TOTAL ASSETS	26,348,082	29,632,189	28,050,125
DEFERRED OUTFLOWS OF RESOURCES			
Deferred Pension Outflows ⁽¹⁰⁾	492,700	492,700	492,700
Deferred Outflows of Resources	492,700	492,700	492,700
LIABILITIES:			
Accounts Payable ⁽⁶⁾	5,010	4,095	222,159
Loan Payable - Genesee County - Current ⁽⁷⁾	295,000	295,000	290,000
Accrued Expenses	24,590	16,453	22,736
Unearned Revenue ⁽⁸⁾	5,236,734	8,625,606	6,751,032
Total Current Liabilities	5,561,334	8,941,154	7,285,927
Loans Payable - ESD ⁽⁹⁾	5,196,487	5,196,487	5,196,487
Loan Payable - Genesee County - Noncurrent ⁽⁷⁾	3,130,000	3,130,000	3,425,000
Aggregate Net Pension Liability ⁽¹⁰⁾	704,674	704,674	704,674
Total Noncurrent Liabilities	9,031,161	9,031,161	9,326,161
TOTAL LIABILITIES	14,592,495	17,972,315	16,612,088
DEFERRED INFLOWS OF RESOURCES			
Deferred Pension Inflows ⁽¹⁰⁾	54,982	54,982	54,982
Deferred Inflows of Resources	54,982	54,982	54,982
NET ASSETS	\$ 12,193,305	\$ 12,097,592	\$ 11,875,755

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, etc.
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 Payable - e3communications expenses and interest earned on imprest accounts that will be remitted to ESD.
7. 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.
8. 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.
9. Loans Payable - ESD - Loans from ESD to support STAMP land acquisition and related soft costs.
10. 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
June 2021 Dashboard
Profit & Loss - Accrual Basis**

	Month to Date		YTD		2021	2021
	6/30/21	6/30/20	2021	2020	Board Approved Budget	YTD % of Budget
Operating Revenues:						
Genesee County	\$ 19,459	\$ 19,459	\$ 116,755	\$ 116,755	\$ 233,513	50%
Fees - Projects	250	102,311	22,000	132,279	399,500	6%
Fees - Services	6,961	6,707	41,767	40,242	83,387	50%
Interest Income on Loans	278	325	1,727	2,009	3,313	52%
Rent	5,070	3,020	10,716	5,130	24,790	43%
Common Area Fees - Parks	-	-	355	700	500	71%
Grants (1)	3,388,841	514,933	4,212,371	1,675,574	21,692,668	19%
GGLDC Grant- Econ. Dev. Program Support	25,000	25,000	150,000	150,000	300,000	50%
BP ² Revenue	-	-	701	50,000	8,634	8%
Other Revenue	155	547	1,907	6,994	5,000	38%
Total Operating Revenues	3,446,014	672,302	4,558,299	2,179,683	22,751,305	20%
Operating Expenses						
General & Admin	122,314	116,905	633,558	656,812	1,415,425	45%
Professional Services	1,398	1,500	23,400	22,308	108,000	22%
Site Maintenance/Repairs	426	406	2,681	2,028	17,200	16%
Property Taxes/Special District Fees	-	-	4,597	2,533	3,320	138%
PIF Expense	-	-	35,042	28,410	134,115	26%
Site Development Expense (2)	3,226,529	216,301	3,545,906	770,773	579,207	612%
Real Estate Development (3)	389,268	307,631	686,587	607,630	21,010,000	3%
Balance Sheet Absorption	(389,268)	(307,631)	(686,587)	(607,630)	-	N/A
Total Operating Expenses	3,350,667	335,112	4,245,184	1,482,864	23,267,267	18%
Operating Revenue (Expense)	95,347	337,190	313,115	696,819	(515,962)	
Non-Operating Revenue (Expense)						
Other Interest Income	366	822	4,435	14,203	7,000	63%
Total Non-Operating Revenue (Expense)	366	822	4,435	14,203	7,000	63%
Change in Net Assets	95,713	338,012	317,550	711,022	\$ (508,962)	
Net Assets - Beginning	12,097,592	11,245,538	11,875,755	10,872,528		
Net Assets - Ending	\$ 12,193,305	\$ 11,583,550	\$ 12,193,305	\$ 11,583,550		

Significant Events:

1. 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.
2. Installation of, or improvements to, infrastructure that is not owned by the GCEDC, or will be dedicated to a municipality in the foreseeable future, is recorded as site development expense when costs are incurred.
3. Real Estate Development Costs - Includes STAMP development costs; house at the STAMP site purchased in 1st Quarter of 2021.

Genesee County Economic Development Center
June 2021 Dashboard
Statement of Cash Flows









	June 2021	YTD
CASH FLOWS USED BY OPERATING ACTIVITIES:		
Genesee County	\$ 19,459	\$ 136,214
Fees - Projects	279,895	286,645
Fees - Services	-	20,884
Interest Income on Loans	247	1,496
Rent	5,070	10,916
Common Area Fees - Parks	-	355
Grants	-	2,683,595
BP ² Revenue	-	701
GGLDC Grant - Economic Development Program Support	-	75,000
Other Revenue	155	1,907
Repayment of Loans	4,182	24,877
General & Admin Expense	(103,584)	(623,838)
Professional Services	(1,398)	(44,611)
Site Maintenance/Repairs	(426)	(2,681)
Site Development	(3,226,529)	(3,615,554)
Property Taxes/Special District Fees	-	(4,597)
PIF Expense	-	(35,042)
Improv/Additions/Adj to Land Held for Development & Resale	(389,268)	(811,283)
Net Cash Used By Operating Activities	(3,412,197)	(1,895,016)
CASH FLOWS USED BY NONCAPITAL FINANCING ACTIVITIES:		
Principal Payments on Loan	-	(290,000)
Net Cash Used By Noncapital Financing Activities	-	(290,000)
CASH FLOWS PROVIDED BY INVESTING ACTIVITIES:		
Interest Income (Net of Remittance to ESD)	831	4,615
Net Change in Cash	(3,411,366)	(2,180,401)
Cash - Beginning of Period	12,369,152	11,138,187
Cash - End of Period	\$ 8,957,786	\$ 8,957,786
RECONCILIATION OF NET OPERATING REVENUE TO NET CASH USED BY OPERATING ACTIVITIES:		
Operating Revenue	\$ 95,347	\$ 313,115
Decrease in Operating Accounts/Grants Receivable	247,677	172,941
Decrease in Prepaid Expenses	10,150	10,411
Decrease in Loans Receivable	4,182	24,877
Increase in Land Held for Development & Resale	(389,268)	(686,587)
Increase (Decrease) in Operating Accounts Payable	450	(217,329)
Increase in Accrued Expenses	8,137	1,854
Decrease in Unearned Revenue	(3,388,872)	(1,514,298)
Total Adjustments	(3,507,544)	(2,208,131)
Net Cash Used By Operating Activities	\$ (3,412,197)	\$ (1,895,016)

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Budget Timeline

Genesee County Economic Development Center

-  In-process Planning Assumptions / Preliminary Inputs
-  Week of July 19 Input Meeting w/ CEO & Sr VP of Operations
-  Week of July 26 CFO Review
-  Aug 3 Budget Workshop - Audit & Finance Committee Meeting
*Review / Discuss Budget Assumptions and Preliminary Inputs
-  Aug 31 Audit & Finance Committee Review of Draft Budget & Recommendation
-  Sept 2 Board Review & Approval
-  Sept 3 Submission to Genesee County Manager
-  By Nov 1 Budget to ABO/Post on GCEDC Web Site

Mark Masse

Audit & Finance Committee

August 5, 2021

Workforce Development: John Jakubowski Consultant contract

Discussion: John Jakubowski has provided a consulting agreement for the period of August 15, 2021 through August 14, 2022 to perform the following:

1. Perform consulting services to assist in the development and implementation of workforce development programs and training initiatives relative to the goals of the Company and its affiliates.
2. Consult with the VP of Business Development of the GCEDC and staff relative to the application, development and deployment of its workforce programs.
3. Consult with educational institutions who may serve as partnership the development, implementation and delivery of training programs. Specifically, interface with Genesee Community College and its BEST Center, other institutions of higher learning, the Genesee Valley Educational Partnership and local secondary schools as appropriate.
4. Provide consulting services as requested by the GCEDC.

Total contract is not to exceed \$29,800 in total between GGLDC and GCEDC.

Fund commitment: \$29,800 to be covered under strategic investments.

Board Action Request: Approval of consulting contract

ENGAGEMENT LETTER / CONSULTING AGREEMENT

This Agreement is made this August 15, 2021, for the period August 15, 2021 through August 14, 2022, between the **Genesee Gateway Local Development Corporation/Genesee County Economic Development Center**, collectively (the "Company"), having its principal place of business at 99 MedTech Drive, Batavia, NY 14020 and **John P. Jakubowski**, (the "Consultant"), having a principal place of business at 22 Haverford Lane, Williamsville, NY 14221 (collectively, the "Parties").

COMPENSATION AND SERVICES RENDERED:

The Consultant hereby agrees to perform the following services, as required:

1. Perform consulting services to assist in the development and implementation of workforce development programs and training initiatives relative to the goals of the Company and its' affiliates.
2. Consult with the Company staff relative to the application, development and deployment of its' workforce programs.
3. Consult with educational institutions who may serve as partners in the development, implementation and delivery of training programs. Specifically, interface with Genesee Community College and its' BEST Center, other institutions of higher learning, the Genesee Valley Educational Partnership and local secondary schools as appropriate.
4. Provide consulting services as requested by the Company.

For the services provided to the Company, the Company, agrees to pay the Consultant based upon presentation of a monthly invoice based on the following fee schedule and conditions:

Fee Schedule:

1. A maximum of Three Hundred and Fifty Dollars (\$350.00) per day. Partial days will be billed at an hourly rate of Fifty Dollars (\$50.00) per hour.
2. Mileage expense is to be reimbursed at the prevailing IRS rate per mile.
3. Total remuneration is not to exceed Twenty-Nine Thousand Eight Hundred Dollars (\$29,800.00), for the period August 15, 2021 through August 14, 2022.

The Consultant understands and agrees that the Company may provide a 1099 to the Consultant which shall include all compensation as well as expenses paid by company and it will be the responsibility of the Consultant to maintain adequate records to substantiate all business related expenses for tax purposes.

TERM

This Agreement shall remain in effect through **August 14, 2022** or until terminated by providing a thirty (30) day written notice of termination with the date of receipt by the recipient party indicating the initiation of the notice period, by either party to this Agreement. This Agreement contains the entire understanding of the parties and may not be amended without the specific written consent of both parties.

If the Parties have failed to renew, modify or terminate this Agreement, for any reason, prior to the Termination Date, then this Agreement shall continue in force until such time as it is terminated in accordance with its provisions.

WARRANTIES BY THE CONSULTANT

The Consultant represents and warrants to Company that Consultant will provide services to Company in a professional, competent and timely manner; that the Consultant has the power to enter into and perform this Agreement, and that the Consultant's performance of this Agreement shall not infringe or violate any federal, state, or municipal laws. The Consultant shall make no promise or warranty concerning Company's business

August 2021

activity, service or product outside the scope of their responsibilities and the Consultant acknowledges that it has no authority to bind Company to any such promise or warranty made by the Consultant.

INDEPENDENT CONTRACTOR / CONFLICTS OF INTEREST

The Consultant acknowledges that the services rendered under this Agreement shall be solely as an independent contractor. The Consultant further acknowledges that the Consultant is not to be considered an employee of Company, is not entitled to any employment rights or benefits, and that this undertaking is not a joint venture.

The Consultant understands that Company shall not provide employment related insurance, including but not limited to worker's compensation insurance, and agrees to provide adequate insurance coverage for his own activities.

NON-DISCLOSURE OF CONFIDENTIAL INFORMATION AND COVENANT NOT TO COMPETE

The Consultant acknowledges that in and as a result of its association with Company, Consultant will be making use of and acquiring confidential information of a special and unique nature and value relating to such matters as

1. Company's patents, copyrights, proprietary information, trade secrets, systems, procedures, manuals, confidential reports, customer lists and price lists (which are deemed for all purposes confidential and proprietary), as well as the nature and type of products and services rendered by Company; and
2. The equipment, business practices and methods used and preferred by Company's customers, and the fees paid by them.

As a material inducement to the Company to enter into this Agreement and to pay to the Consultant the compensation stated in Paragraph 1, Consultant covenants and agrees that the Consultant shall not, at any time during or following the term of this Agreement for a period of two (2) years:

1. Directly divulge or disclose for any purpose whatsoever any confidential information that has been obtained by, or disclosed to, it as a result of its association with Company **other than that information specifically required as a part of this consulting engagement to individuals only and expressly with a need to know;**

Or

2. Make use of any such confidential information to compete, either directly or indirectly, with Company.

The Parties further agree that the Consultant shall not be requested or required to, and shall not, divulge or disclose any information available to the Consultant in violation of any valid and enforceable confidentiality agreement between the Consultant and any other Party.

OWNERSHIP OF WORK PRODUCT

The Consultant agrees that the Consultant's work product produced in the performance of this Agreement shall remain the property of Company, and that the Consultant will not sell, transfer, publish, disclose or otherwise make the work product available to third parties without Company's prior written consent.

ARBITRATION

Any controversies or claims relating to any aspect of the Agreement, or to its breach, or the relationship created between the Parties shall be settled by arbitration under the rules of the American Arbitration Association. The Parties agree to abide by the arbitrator's decision and also agree that a judgment may be entered upon the award in any court having jurisdiction.

The Parties agree that neither Party shall act to terminate or modify the nature of the parties' course of performance under this Agreement during the pendency of an arbitration, it being the parties' intent to preserve the status quo so as not to jeopardize the rights of either party for the period from the commencement of an arbitration to the entry of the arbitration award.

NOTICES

All notices between the Parties shall be in writing and effective when sent by certified mail to the addresses above stated, unless such addresses are changed by written notification to the other Party.

WAIVER

No failure of either party to exercise any power hereunder or to insist upon strict compliance by the other party with any obligation or provisions hereunder, and no custom or practice of the parties at variance with the terms hereunder shall constitute a waiver of the right to demand exact compliance with the terms hereof.

INDEMNIFICATION

Company will indemnify and hold harmless the Consultant from and against all liabilities and expenses, including reasonable attorneys' fees ("Liabilities"), arising out of any claim by anyone not a party to this Agreement, including third parties, considering (i) Company's material breach or default, (ii) violation of law or regulation applicable to Company, and (iii) representations, guarantees or warranties provided by Company, excluding Liabilities arising out of, or in connection with any gross negligence or willful misconduct of the Consultant.

The Consultant shall indemnify and hold Company and its affiliates and their agents, employees, officers, managers, successors and assigns from and against all Liabilities arising out of, or in connection with, any (i) Consultant's material breach or default, or (ii) violation of law or regulation applicable to the Consultant, excluding Liabilities arising out of, or in connection with, any negligence or willful misconduct of Company.

This indemnity shall survive the termination of this Agreement. The obligation of either party to indemnify the other shall not apply to the extent the loss is due to either party's: a) failure to adhere to the terms of this Agreement; b) failure to comply with any applicable government requirements; or c) negligence or willful misconduct of a party, its directors, officers, agents or employees.

ABILITY TO ENTER AGREEMENT

The parties executing this Agreement hereby covenant and warrant that each respective company has full right and authority to enter into this Agreement, and that each of the persons signing on behalf of the corporation are duly authorized to do so.

RELATIONSHIP OF PARTIES

This Agreement is not intended to constitute or create a joint venture, pooling arrangement, partnership, agency or business organization of any kind. John P. Jakubowski and Company shall be independent contractors for all purposes and neither party shall act as or hold itself out as agent for the other or create or attempt any obligations or liabilities on behalf of the other party.

SEVERABILITY

If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby.

ASSIGNMENT

Neither party may assign this Agreement or its obligations hereunder to any entity, except a corporate subsidiary, without the prior written consent of the other party, which consent shall not be unreasonably withheld.

Neither party shall be liable to the other for its failure to perform any of its obligations hereunder during any period in which such performance is delayed by acts of God, war, Internet or electrical power disruptions, terrorism, civil disorder or disturbance, riot, labor disputes, acts or omissions of the other party or acts or omissions of any third party.

GOVERNING LAW

This Agreement will be governed by the laws of the state of New York, excluding application of its conflict of laws provision.

ENTIRE AGREEMENT

This Agreement contains the Parties' entire understanding and may not be modified except in written form signed by both.

IN WITNESS WHEREOF, Genesee Gateway Local Development Corporation and John P. Jakubowski have duly executed this Agreement as of the day and year first written above.

Dated:

Consultant: John P. Jakubowski

By: _____
John P. Jakubowski
Consultant

Dated:

Company: Genesee Gateway Local Development Corporation

By: _____
Donald S. Cunningham
President

Mark Masse

**STAMP Committee
August 3, 2021**

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

The Board approved this contract at the May meeting but it was approved under the \$8 million ESD grant. This should have been approved under the \$33 million ESD grant.

Fund Commitment: \$10,000 under the \$33 million ESD grant.

Board Action Request: Recommend approval to the full Board of being covered under the \$33 million ESD grant.

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: \$41,287.50 covered under operating funds.

Committee Action Request: We recommend the approval of change order number 4.

Date of Issuance: July 29, 2021	Effective Date: July 29, 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 meter vault production and delivery (occurred July 27, 2021, with installation, disinfection and ready to operate).

Costs associated with additional Rock Excavation required due to unforeseen subsurface conditions (see attached).

Attachments: See attached Rock detailed description.

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 Orders: \$ <u>59,945.00</u>	Modifications of previously approved Change Orders: 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>June 30, 2021</u> Ready for Final Payment: <u>July 31, 2021</u>
Contract Price prior to this Change Order: \$ <u>2,280,688.00</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>June 30, 2021</u> Ready for Final Payment: <u>July 31, 2021</u>
Increase of this Change Order: \$ <u>41,287.50</u>	Increase of this Change Order: 1. All Work: Substantial Completion: <u>(1 month – Actual) July 27, 2021</u> Ready for Final Payment: <u>(1 month) August 31, 2021</u>
Contract Price incorporating this Change Order: \$ <u>2,321,975.50</u>	Contract Times with all approved Change Orders: 1. All Work: Substantial Completion: <u>(Actual) July 27, 2021</u> Ready for Final Payment: <u>August 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.

Given the limitations provided by SHPO for the ASA, Turner again moved their equipment to the south along NYS Route 77, between Phelps Road and Meiser Road, for two other directional drill installations. These also presented varying depths of bedrock at 24 to 48-inches below the surface when Morsch completed additional test pits along the water main path to determine if further drilling in these heavily treed areas between the NYSDOT curb line and houses would be feasible.

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 was \$13,295.00 and previously included in Change Order No. 2.

Based upon the actual excavations for the water main installation of the remaining project path between the Klotzbach ASA and Phelps Road **an additional 550.50 cubic yards of rock was removed** above the previous increase of 622 CY in Change Order No. 2.

Morsch Pipeline has again agreed to maintain their **unit price of \$75 per cubic yard** for rock removal for **an additional increase of \$41,287.50**, which is the total increase in cost for this Change Order.

Dedicate water transmission line to Towns of Pembroke and Alabama

Discussion: The construction of the 12 inch transmission main from Pembroke to Alabama is substantially complete with a few punch list items remaining. The GCEDC is looking to dedicate the transmission line to the Town of Pembroke and the Town of Alabama based on the location of the line. See the attached map.

Fund Commitment: None.

Board Action Request: Recommend approval to the full Board of dedicating the transmission main to the Towns of Pembroke and Alabama.

CERTIFICATE OF SUBSTANTIAL COMPLETION

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

This final Certificate of Substantial Completion applies to:

All Work The following specified portions of the Work:

July 27, 2021

Date of Substantial Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows: *[Note: Amendments of contractual responsibilities recorded in this Certificate should be the product of mutual agreement of Owner and Contractor; see Paragraph 15.03.D of the General Conditions.]*

Amendments to Owner's responsibilities: None As follows

Amendments to Contractor's responsibilities: None As follows:

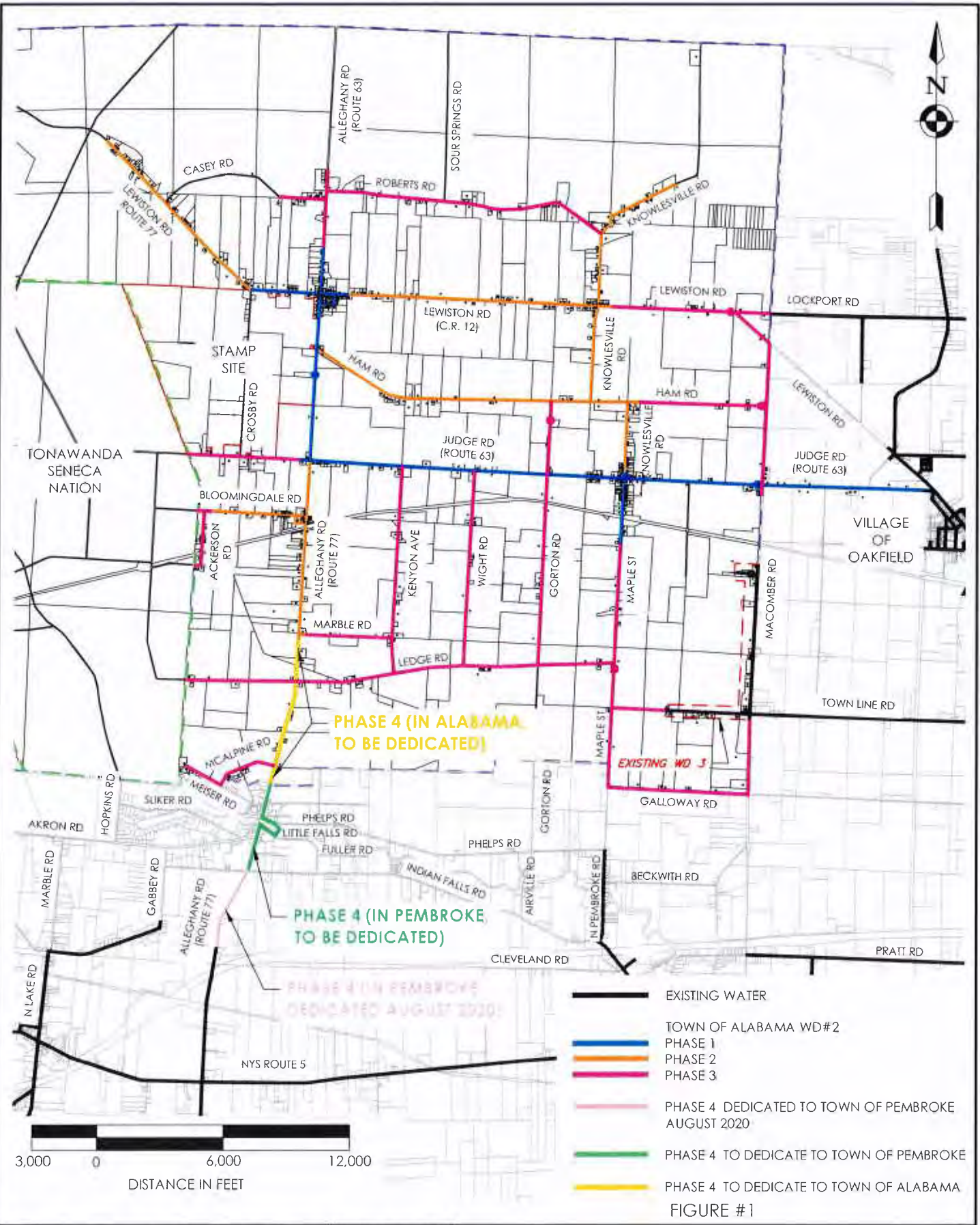
The following documents are attached to and made a part of this Certificate: Tentative List of Items to be Completed or Corrected, dated June 18, 2021; email from MCWA dated July 13, 2021.

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract.

EXECUTED BY ENGINEER:	RECEIVED:	RECEIVED:
By: _____ (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: <u>July 29, 2021</u>	Date: _____	Date: _____

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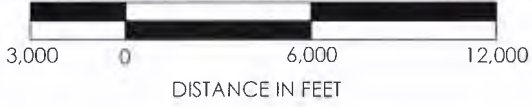
PHASE 4 (IN ALABAMA TO BE DEDICATED)

PHASE 4 (IN PEMBROKE TO BE DEDICATED)

PHASE 4 IN PEMBROKE DEDICATED AUGUST 2020

EXISTING WD 3

-  EXISTING WATER
-  TOWN OF ALABAMA WD#2
-  PHASE 1
-  PHASE 2
-  PHASE 3
-  PHASE 4 DEDICATED TO TOWN OF PEMBROKE AUGUST 2020
-  PHASE 4 TO DEDICATE TO TOWN OF ALABAMA



205 ST. PAUL STREET SUITE 300
 W CHESTER, NEW YORK 14604
 TEL (800) 274-9000
 FAX (585) 232-5836
 www.clarkpatterson.com

Clark Patterson Lee
 ARCHITECTURE ENGINEERING PLANNING

DATE: 9/16/2020
DRAWN: NCB
CHECKED: JED
SCALE: AS NOTED
PROJ. #: 14351.00

PROJECT LOCATION MAP

STAMP OFFSITE WATER - PHASE 4

TOWNS OF ALABAMA AND PEMBROKE, NEW YORK

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Rent payment to USFWS for permit through Refuge

Discussion: The GCEDC has received its revised draft permit from the USFWS regarding the force main that will go from the STAMP site to Oak Orchard Creek in Shelby. The appraisal for the ROW was completed and sent into USFWS for their incorporation of a rent value into the permit. The amount for the rent charge is \$15,730 and is a one-time payment for the fifty year term of the permit.

Fund Commitment: \$15,730 from the \$33 million.

Committee Action Request: Recommend to the full Board approval of the rent payment of \$15,730.

Contract to secure ROW easements for process water force main

Discussion: The GCEDC has struggled to get property owners to enter into ROW agreements for the construction of the force main that will discharge into Oak Orchard Creek. Attached is a proposal from a company the does a lot of ROW work for municipalities and private companies.

Fund Commitment: Not to exceed \$24,000 from the \$33 million.

Committee Action Request: Recommend to the full Board approval of the not to exceed contract \$24,000.



3440 Sherrill Drive, Suite 100
Batavia, New York 14150
PH: 716-885-2600
FAX: 716-888-2825

Website: www.rightofwaypros.com

July 29, 2021

VIA ELECTRONIC MAIL

mmasse@gcedc.com

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

RE: Bid Proposal - Right of Way Services
Forcemain Project for Alabama STAMP site

Dear Mr. Masse,

This letter serves as our fee proposal for providing right-of-way services involving the above referenced project. The general services requested includes negotiation services to get owner signatures for permanent and temporary easements, in addition to signatures for the required documents for filing and payment purposes. Specific tasks included in the scope of services are:

- ROWP, LLC will act as a liaison between the property owners and the Client and maintain weekly progress reports for the Client. Contact diaries will be maintained for each property owner.
- Owners will be contacted by mail requesting the execution of the Client provided easement(s). Initial written correspondence and any offers will be approved by the Client.
- Base offers will be made based on the Client's instructions.
- Correspondence via phone and email is expected for the majority of the owners.
- Site visits at the owner's request will be made with the Client's approval.
- Any request for increase in the offer amount is to be approved by the Client.
- Facilitate delivery of executed documents required to file to the Client.

Rates are based on an hourly rate for tasks completed, plus expenses.

Right of Way Agent:	\$150/hour (including any travel time)
Secretarial:	\$75/hour
Postage:	Actual costs plus 20%
Mileage:	\$0.575/mile
Incidental expenses:	Actual costs plus 20%

The hourly rates are inclusive of all labor and equipment expenses. It is anticipated that all negotiation time and costs will not exceed \$24,000. Rolling costs related to this agreement can be reported to the client within the weekly progress reports.

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Mark A. Masse, CPA

July 29, 2021

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If, after reviewing this bid proposal, you have any questions, or you require any additional information, please do not hesitate to contact me at (716) 685.0500, Ext 26.

Sincerely,

RIGHT-OF-WAY PROFESSIONALS, LLC

A handwritten signature in black ink, appearing to read "T. Magyar", is written over the company name.

Timothy J. Magyar, SR/WA, R/W-AC
President



2440 Sheridan Drive, Suite 100
Tonawanda, New York 14150
Ph: 716.685.0500 Fax: 558.2825
Website: righofwaypros.com

Right-of-Way Professionals, LLC founded in 1999 is a Turn-Key Right-of-Way Acquisition Company that has completed over forty (40) Locally Administered Federal-Aid Projects. Our offices are located in the Town of Tonawanda in Erie County, in addition to acquiring various easements for private and utility companies.

For Federally Funded Projects, we routinely interface with NYSDOT & FHWA. Our staff includes former NYSDOT employees that are familiar with the acquisition process and the federal requirements. Legal aspects of the projects (title certification/contracts/closings) are handled by a former (retired) NYS Assistant Attorney General. Appraisals are completed by our sister company, ENPM, Inc., a full-service appraisal company well versed in appraisals for acquisitions and on NYSDOT's approved list.

In a brief synopsis, this is the mandated acquisitions process:

As part of the Incidental Phase of the project we will:

- Order Title Reports (subcontracted)
- Coordinate the preparation of real estate appraisal reports (subcontracted)
- Coordinate Appraisal Review Documentation

As part of the Acquisition Phase of the project the following will be performed:

- Contracts of purchase and/or less will be prepared
- Property Negotiations will be completed
- Our attorney will examine and certify title and will coordinate the recording of all documents at the County Clerk's Office

Also, as part of this process, we will maintain contact diaries detailing all correspondence with individual property owners and we will prepare and maintain project tracking reports for audit requirements.

Upon completion of the project an audit of our files will be completed by NYSDOT for compliance to EDPL. Once the audit is approved by DOT the Right-of-Way Clearance Certificate will be executed and the project can go to bid.

We have completed over forty (40) projects involving federal funds primarily in and around Western New York.

Attached are resumes and experience of key personnel.

PROFESSIONAL QUALIFICATIONS OF TIMOTHY J. MAGYAR, SR/ WA, R/W-AC

Timothy J. Magyar has been active in the real estate industry since 1994 and is President and co-owner of **Right-of-Way Professionals, LLC** a “Turn-Key” Right-of-Way acquisition company founded in 1999.

CERTIFICATIONS

Approved as Supervisory Appraiser by the New York State Real Estate Appraisal Board

New York State Certified General Real Estate Appraiser – Certificate Number: 46-41210

Pennsylvania State Certified General Real Estate Appraiser – Certificate Number: GA003897

Virginia State Certified General Real Estate Appraiser – Certificate Number: 4001 015122

Qualified by competitive exam to appraise Real Property for the New York State Department of Transportation as an Independent Fee Appraiser.

Senior Right of Way Professional (SR/WA) of the International Right of Way Association (IRWA)
Designation Number: 6341

Appraisal Designation R/W-AC- of the International Right-of-Way Association (IRWA)

PROFESSIONAL AFFILIATIONS

Senior Member: International Right of Way Association (IRWA) – Empire State Chapter 18
SR/WA Designation: 6341
R/W-AC Certification (Appraisal Certification)

Current Secretary of IRWA - Chapter 18 (2011-2021)

PROJECT EXPERIENCE – LOCALLY ADMINISTERED FEDERAL AID PROJECTS

We have completed over forty (40) projects involving federal funds primarily in and around Western New York. Our most recently completed project was for the City of Buffalo was for a bridge replacement that required acquisitions from five (5) properties (2020).

QUALIFIED EXPERT WITNESS BEFORE

New York State Court of Claims

New York State Supreme Court

United States Bankruptcy Court

Various Commissions of Appeal

William D. Lonergan
2440 Sheridan Drive, Suite 100
Tonawanda, New York 14150
Office: 716.685.0500
Cell: 716.548.9770

EDUCATION

- 1983 University of Buffalo School of Law, JD NYS
1978 Canisius College, B.S. in Accounting

WORK HISTORY

- 2012- present **Private Practice**
Specializing in real property acquisition and litigation
- 1987-2012 **N.Y.S Department of Law, Asst. Attorney General**
Represented S.O.N.Y, it's officer, agencies and employees in both N.Y.S courts and Federal District Courts/Conducted trials in N.Y.S. village, town, city and county courts, as well as, N.Y.S Supreme court and N.Y.S. Court of Claims. Also tried matters in U.S. Federal district court.
- 1984-1987 **Oneida County Public Defender's Office**
Asst. Public Defender represented indigent criminal defendants in local and county court
- 1983-1984 **Private Practice**
Represented clients both in civil and criminal matters
- 1972-1975 **United States Marine Corps, Sergeant, Honorable Discharge**
Meritorious promotion
Recipient of a Meritorious Mast

Hank W. Kozlowski
2440 Sheridan Drive, Suite 100
Tonawanda, New York 14150
Office: 716.685.0500
Cell: 716.472.4087

EDUCATION

State University of New York at Buffalo
Buffalo NY
Degree: Masters in Business Administration (MBA) - conferred 05/1990

Canisius College
Buffalo NY
Degree: Bachelor of Arts (BA) in Political Science – conferred 05/1978

EMPLOYMENT HISTORY

02/2015-present	Right-of-Way Professionals, LLC - Senior Right-of-Way Agent
12/2004-10/2013	New York State Department of Transportation, Real Estate Specialist II
03/1998-12/2004	New York State Department of Transportation, Assistant Right-of-Way Agent
03/1995-03/1998	New York State Department of Transportation, Junior Right-of-Way Agent
03/1994-03/1995	New York State Department of Transportation, Right-of-Way Aide II
03/1993-03/1994	New York State Department of Transportation, Right-of-Way Aide I
08/1982-03/1993	New York State Office of General Services, Stationary Engineer
05/1979—08/1982	New York State Office of General Services, Assistant Stationary Engineer
09/1974-05/1978	New York State Office of General Services, Cleaner

TRAINING SUMMARY

Upon Request

CERTIFICATIONS & AFFILIATIONS

Notary Public, New York State Department of State, Division of Licensing Services
International Right of Way Association Certification: Negotiation/Acquisition (R/W – NAC)
First Class Stationary Engineer License #14500, City of Buffalo, Department of Inspections
New York State Association of Transportation Engineers

ACHIEVEMENTS

2004 New York State Department of Transportation, Award of Excellence: I-86/Rt 15 Interchange Project
2001 New York State Department of Transportation, Award of Excellence: Quantity and Quality
1995 New York State Department of Transportation, Recognition of Quality
1993 New York State Department of Transportation, Certificate of Appreciation: Quality Circles