



**GCEDC Board Meeting  
Thursday, May 6, 2021  
Location: Electronically  
4:00 PM**

**GCEDC MINUTES**

**Attendance**

Board Members: C. Yunker, T. Bender, M. Clattenburg, P. Battaglia, A. Vanderhoof, M. Gray  
Staff: L. Farrell, M. Masse, L. Casey, J. Krencik, S. Hyde, C. Suozzi, P. Kennett  
Guests: D. Cunningham (GGLDC Board Member), S. Noble-Moag  
(GGLDC Board Member), M. Wiater (GGLDC Board Member), R. Gaenzle  
(Harris Beach), T. Felton (GGLDC Board Member), G. Torrey (GGLDC Board  
Member), M. Landers (County Manager)  
Absent: P. Zelif

**1.0 Call to Order**

M. Gray called the meeting to order at 4:19 p.m. via conference call / video conference.

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

**1.1 Enter Executive Session**

A. Vanderhoof made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:20 p.m. for the following reasons:

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

The motion was seconded by C. Yunker and approved by all members present.

**1.2 Enter Public Session**

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

**2.0 Chairman's Report & Activities**

**2.1 Upcoming Meetings:**

**Next Scheduled Board Meeting: Thursday, June 3<sup>rd</sup> at 4:00 p.m.**

Audit & Finance Committee Meeting: Tuesday, June 1<sup>st</sup> at 8:30 a.m.

STAMP Committee Meeting: Tuesday, June 1<sup>st</sup> at 10:30 a.m.

Governance & Nominating Committee Meeting: Thursday, June 3<sup>rd</sup> at 3 p.m.

## 2.2 Agenda Additions / Deletions / Other Business-

**P. Battaglia made a motion to remove Agenda item 4.2 Mowing Bids; the motion was seconded by T. Bender. Roll call resulted as follows:**

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

**The item was approved as presented.**

**T. Bender made a motion to table Agenda item 5.1 GGLDC Board Member Appointments; the motion was seconded by C. Yunker. Roll call resulted as follows:**

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

**The item was approved as presented.**

L. Farrell noted that M. Clattenburg has been appointed to the STAMP Committee and attended the meeting on May 4, 2021.

## 2.3 Minutes: March 25, 2021

**T. Bender made a motion to approve the March 25, 2021 minutes as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

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

**The item was approved as presented.**

M. Water joined the meeting at 4:52.

## 3.0 Report of Management

**3.1 Fore Front Power – Final Resolution** – 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.

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

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

Resolution No. 05/2021 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MARCH 22, 2021, WITH RESPECT TO THE FOREFRONT POWER, LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (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.

**P. Battaglia made a motion to accept final resolution #05/2021-01, authorizing incentives as presented; the motion was seconded by T. Bender. Roll call resulted as follows:**

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

**The item was approved as presented.**

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

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

the April 1, 2023 City PILOT payment. The total annual PILOT payments would increase by approximately \$6,000 for the additional 20 units over the remainder of the additional PILOT. In addition, a sales tax exemption has been requested for the construction of the expansion.

A virtual public hearing regarding the proposed incentives for the project was held on Wednesday, April 14, 2021. No written or oral comments were received.

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

Resolution No. 05/2021 -02

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

**P. Battaglia made a motion to accept final resolution #05/2021-02, authorizing incentives as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

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

**The item was approved as presented.**

C. Yunker stated that he is a partner of CY Properties. CY Properties has involvement with NY CDG Genesee 1. He stated that there is no direct conflict but to avoid the appearance of a conflict he will recuse himself from discussions and votes related to this project. C. Yunker left the meeting at 5:05 p.m.

**3.3 NY CDG Genesee 1 - Initial Resolution** - The company is planning a community solar farm project in the Town of Elba. The project is a 5MW AC solar generation system that will be interconnected with National Grid.

The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project. The project will contribute \$6,000/MWAC + a 2% annual escalator, with the 5 MW AC 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.

Resolution No. 05/2021 -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 #05/2021-03, authorizing the scheduling of a public hearing; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:**

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

**The item was approved as presented.**

C. Yunker rejoined the meeting at 5:07 p.m.

**3.4 Overview of GLS Recommendations and Presentation** – J. Krencik provided an overview of the findings presented by Didi Caldwell and her team at Global Location Strategies (GLS). GLS completed an extensive strategic analysis of the Western New York Science and Technology Advanced Manufacturing Park. The study included a SWOT analysis and a competitiveness analysis for projects in eight industries against six peer sites in the eastern United States. GLS recommends that STAMP's competitiveness with peer sites for projects will progressively expand with infrastructure construction. The study confirmed STAMP's market placement and provided prioritized guidance to the GCEDC staff.

**3.5 Overview of State & Federal Legislation & State Budget** – J. Krencik noted that the Agency continues to watch legislation as it develops, noting in particular the following:

1. Federal legislation that encourages investment in the development of the semi-conductor industry.
2. New York State has started an evaluation of how solar projects should be assessed.
3. As the number of people being vaccinated increases, public meetings may return to an "in-person" format as soon as June.

**4.0 Audit & Finance Committee**

**4.1 1<sup>st</sup> Quarter Financial Statements** - L. Farrell reviewed the 1<sup>st</sup> quarter financial statements with the Board. The following was noted:

- Restricted Cash in the \$8 Million STAMP Imprest Account increased. We received approximately \$2M in February. L. Farrell had requested the balance of grant funds (\$4M) to be released. The Comptroller's office approved the release of \$2M. Another request for the balance of the funds will be made when 25% of the balance remains.
- Accounts receivable amount includes the 1<sup>st</sup> Quarter Economic Development Program Support Grant and the MedTech Centre Property Management Fee due from the GGLDC.
- On the income statement, we received payment from Empire Pipeline under their Community Benefit Agreement. This payment is turned over to the County as a debt service payment.
- The Lewiston Road Property at STAMP closed.
- Regular monthly activity and on budget as expected.

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

**M. Gray made a motion to approve the 1<sup>st</sup> Quarter Financial Statements as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

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

**The item was approved as presented.**

**4.2 Mowing Bids** – Removed from the agenda.

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

Fund commitment: Not to exceed \$3,185.

M. Masse noted that the fund commitment is under \$5,000 but was not budgeted for so it was brought forward for approval.

This was recommended for approval by the Committee.

**P. Battaglia made a motion to approve the earthwork construction contract in the amount of \$3,185 to Dilcher's Excavating and Contracting; the motion was seconded by T. Bender. Roll call resulted as follows:**

|                |     |             |     |
|----------------|-----|-------------|-----|
| P. Battaglia - | Yes | C. Yunker - | Yes |
|----------------|-----|-------------|-----|

T. Bender - Yes  
M. Clattenburg - Yes  
A. Vanderhoof - Yes

P. Zelif - Absent  
M. Gray - Yes

**The item was approved as presented.**

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

**5.1 GGLDC Board Member Appointments** – This agenda item was tabled.

**5.2 Officer Appointments** – The current slate of officers is set to expire on June 30<sup>th</sup>. It is suggested to approve the below listed slate of officers:

Chair - P. Zelif  
Vice-Chair - M. Gray  
Secretary - P. Kennett  
Treasurer - L. Farrell  
President/CEO - S. Hyde

The appointed officers shall hold office for one year or until their successors are appointed.

This was recommended for approval by the Committee.

**C. Yunker made a motion to appoint the current slate of officers; the motion was seconded by T. Bender. Roll call resulted as follows:**

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

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

**The item was approved as presented.**

**5.3 Authorized to Request Information Regarding Bank Accounts** – C. Yunker shared that she and P. Kennett need to be authorized to request information regarding the bank accounts. No changes to this authorization are being suggested at this time.

This was recommended for approval by the Committee.

**C. Yunker made a motion to recommend approval of the authorized individuals to obtain bank account information as presented; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:**

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

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

**The item was approved as presented.**

**5.4 Authorized Signers of Agreements, Contracts, etc.** – C. Yunker shared that currently the authorized signers of agreements, contracts, etc. are the Chair (per Bylaws), Vice Chair (per Bylaws), President &

CEO (Per Bylaws), Sr. VP of Operations and VP of Business Development. No changes are being suggested at this time.

This was recommended for approval by the Committee.

**C. Yunker made a motion to recommend approval of the Authorized Signers of Contracts, Agreements, etc. as presented; the motion was seconded by T. Bender. Roll call resulted as follows:**

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

**The item was approved as presented.**

### **6.0 STAMP Committee – P. Zelif**

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

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

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

This was recommended for approval by the Committee.

**C. Yunker made a motion to approve the 2021 CC Environment contract not to exceed \$10,000; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:**

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

**The item was approved as presented.**

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

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



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

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

This was recommended for approval by the Committee.

**C. Yunker made a motion to accept the bid received from Highlander Construction, Inc. of Memphis, New York in the amount of \$5,193,445.00 and authorize Deduct Change Order No. 1 in the amount of \$2,593,445.00 for a total Contract B Award Amount of \$2,600,000.00, contingent upon contract approval from NYS Empire State Development; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

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

**The item was approved as presented.**

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

This was recommended for approval by the Committee.

**C. Yunker made a motion to approve the consultant contract with KTA Preservation Specialists for evaluation of TCP issues not to exceed \$7,200; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:**

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

**The item was approved as presented.**

**6.4 Change Order #2 Pembroke Line** – During construction of the Pembroke line, Morsch Pipeline has run into some unforeseen and unknown issues. One of the issues was sections of rock that were not found during the test bore drillings that were done prior to contracting. There was also one section of rock that was known but had archeological issues, so the plan was to directional

drill through the rock. The rock proved to be too difficult to directional drill through so a switch was made to open trench cut that section, but the archeological issue needed to be cleared first. The change order reflects the two items listed above.

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

This was recommended for approval by the Committee.

**C. Yunker made a motion to approve Change Order Number 2 as presented; the motion was seconded by T. Bender. Roll call resulted as follows:**

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

**The item was approved as presented.**

**7.0 Employment & 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, T. Bender made a motion to adjourn at 5:35 p.m., which was seconded by C. Yunker and passed unanimously.



Project Name: ForeFront Power, LLC - Elba

Board Meeting Date: March 4, 2021

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

### PROJECT DESCRIPTION:

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

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

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

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

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

**Project details:** N/A

**Board Discussion:**

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

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

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

**Board Discussion:** None.

**P. Battaglia made a motion to concur with Criteria #2; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:**

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

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

**The item was approved as presented.**

**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: None.**

**T. Bender made a motion to concur with Criteria #3; the motion was seconded by A. Vanderhoof.**

**Roll call resulted as follows:**

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

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

**The item was approved as presented.**

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

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

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

**Board Discussion: None.**

**A. Vanderhoof made a motion to concur with Criteria #4; the motion was seconded by P. Battaglia.**

**Roll call resulted as follows:**

P. Battaglia - Yes  
T. Bender - Yes  
M. Clattenburg - Yes

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

A. Vanderhoof - Yes

**The item was approved as presented.**

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: None.**

**T. Bender made a motion to concur with Criteria #5; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:**

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

**The item was approved as presented.**

Board Concurrence:  YES NO If no, state justification:

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

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

**Board Discussion: None.**

**A. Vanderhoof made a motion to concur with Criteria #6; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

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

**The item was approved as presented.**

Board Concurrence:  YES NO If no, state justification:





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

Board Meeting Date: March 25, 2021

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

### PROJECT DESCRIPTION:

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

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

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

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

**Board Discussion:** None.

**C. Yunker made a motion to concur with Criteria #1; the motion was seconded by T. Bender. Roll call resulted as follows:**

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

**The item was approved as presented.**

Board Concurrence:  YES  NO If no, state justification:

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

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

**Board Discussion: None.**

**A. Vanderhoof made a motion to concur with Criteria #2; the motion was seconded by C. Yunker. Roll call resulted as follows:**

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

**The item was approved as presented.**

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

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

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

**Board Discussion: None.**

**C. Yunker made a motion to concur with Criteria #3; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:**

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

**The item was approved as presented.**

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

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

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

**Board Discussion: None.**



**T. Bender made a motion to concur with Criteria #4; the motion was seconded by C. Yunker. Roll call resulted as follows:**

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

**The item was approved as presented.**

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

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

**Project details:** N/A

**Board Discussion:**

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

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

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

**Board Discussion:** None.

**C. Yunker made a motion to concur with Criteria #6; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

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

**The item was approved as presented.**

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

