



**GCEDC Board Meeting**  
**Thursday, January 12, 2023**  
**Location: 99 MedTech Drive, Innovation Room**  
**4:00 PM**

**GCEDC MINUTES**

**Attendance**

Board Members: P. Battaglia, P. Zeliff, M. Gray, C. Kemp, M. Clattenburg  
Staff: L. Farrell, M. Masse, S. Hyde, L. Casey, J. Krencik, C. Suozzi, P. Kennett  
Guests: D. Cunningham (GGLDC Board Member), G. Torrey (GGLDC Board Member), J. Tretter (GGLDC Board Member), R. Gaenzle (Harris Beach), Chris Voell (Nature Energy), Tom Schneider (Town of Pembroke), Sean Hopkins (Horizon Acres Associates Inc), Aaron Goldklang (Horizon Acres Associates Inc), James Wolbert (Town of Pembroke), Jeffrey Martin (Geis Companies), R. Crossen (Town of Alabama) Brian Quinn (Daily News), Alecia Kaus (Video News Service), Andy Marsh (Edwards Vacuum/Video Conference), Matt Landers (County Manager), Clarke Pauley (Nature Energy/Video Conference), Simon Crook (Nature Energy/Video Conference), Greg Sefer (Geis Companies), Dan Huntington (BW Solar), S. Noble-Moag (GGLDC Board Member/Phone)  
Absent: C. Yunker, T. Bender

**1.0 Call to Order**

P. Zeliff called the meeting to order at 4:01 p.m. in the Innovation Zone.

**Presentations -**

**Edwards Vacuum** – Andy Marsh of Edwards Vacuum attended the meeting via video conference to provide an overview of the project that is coming before the Board this evening. Edwards Vacuum is planning on building a dry pump manufacturing facility and two-story office building at STAMP for Phase I of their semiconductor supply chain factory of the future. The project aims to re-shore the vacuum pump manufacturing to STAMP to support the company’s US customers and the ambition behind the federal CHIPS Act program. The dry pump product is critical to semiconductor manufacturing in the United States.

Andy Marsh (Edwards Vacuum) left the meeting at 4:20 p.m.

**Project Pioneer** – Chris Voell of Nature Energy attended the meeting to provide a brief presentation of a potential biodigester project at Ag Park. Nature Energy owns and operates 13 biogas plants located throughout Denmark, and owns and operates one plant in the Netherlands while more projects are in the pipeline. Over the next few years, Nature Energy will be investing in biogas plants in other countries. Nature Energy would like to have several biodigesters in New York to capitalize on synergies that come from having multiple facilities in proximity. Due diligence would need to be completed by Nature Energy to ensure that a project is feasible at Ag Park.

Clarke Pauley (Nature Energy/Video Conference) and Simon Crook (Nature Energy/Video Conference) left the meeting at 4:41 p.m.

**Horizon Acres Associates** – Jeff Martin of Geis Companies attended the meeting to give a brief presentation on its project. Horizon Acres Associates, Inc. plans to develop six flex commercial/industrial facilities that will total 1,500,000 square feet in the Town of Pembroke on 115 buildable acres near the NYS Thruway exit. The buildings will be for sale or lease to tenants fitting the current Pembroke Interchange zoning.

Tom Schneider, Town of Pembroke Supervisor, provided a statement of support for the project. He stated that from the initial meeting with representatives of Horizon Acres Associates, he believed that the project would be an asset to the community.

The following guests left at 4:50 p.m. prior to executive session: Chris Voell (Nature Energy), Tom Schneider (Town of Pembroke), Sean Hopkins (Horizon Acres Associates Inc), Aaron Goldklang (Horizon Acres Associates Inc), James Wolbert (Town of Pembroke), Jeffrey Martin (Geis Companies), Brian Quinn (Daily News), Alecia Kaus (Video News Service), and Greg Sefer (Geis Companies).

### **1.1 Enter Executive Session**

P. Battaglia made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:51 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 M. Gray and approved by all members present.

### **1.2 Enter Public Session**

P. Battaglia made a motion to enter back into public session at 5:20 p.m., seconded by M. Clattenburg and approved by all members present.

Dan Huntington (BW Solar) joined the meeting at 5:20 p.m.

## **2.0 Chairman's Report & Activities**

### **2.1 Upcoming Meetings:**

**Next Scheduled Board Meeting: Thursday, February 2<sup>nd</sup> at 4:00 p.m.**

Audit & Finance Committee Meeting: Tuesday, January 31<sup>st</sup> at 8:30 a.m.

STAMP Committee Meeting: Wednesday, February 1<sup>st</sup> at 8:00 a.m.

Governance & Nominating Committee Meeting: Thursday, February 2<sup>nd</sup> at 3:00 p.m.

Board Meeting: Thursday, February 2<sup>nd</sup> at 4:00 p.m.

### **2.2 Agenda Additions / Deletions / Other Business –**

**M. Clattenburg made a motion to add Agenda Item 6.2 – Phillips Lytle Waiver Request; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia - Yes  
T. Bender - Absent  
M. Clattenburg - Yes  
C. Kemp - Yes

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

**The agenda item was added.**

**2.3 Minutes: December 1, 2022 & December 15, 2022**

**M. Gray made a motion to accept the minutes from December 1, 2022 and December 15, 2022; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Battaglia - Yes  
T. Bender - Absent  
M. Clattenburg - Yes  
C. Kemp - Yes

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

**The item was approved as presented.**

**3.0 Report of Management**

**3.1 NY CDG Genesee 4 LLC – Final Resolution** – NY CDG Genesee 4, LLC is proposing to construct a community solar farm project on Shepard Road in the Town of Pavilion. The solar project will be located on approximately 31 of 39 acres on the property to convert the sun's energy into 4.275 MW of AC power.

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's PILOT will contribute \$6,000/MWAC + a 2% annual escalator in payments to Genesee County, Town of Pavilion and the Pavilion School District. 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 will offer customers a 10% discount vs average market rates for the generated power.

The total capital investment of the project is approximately \$6.5M. The company will receive approximately \$515K in sales tax exemption, \$21K in mortgage tax exemption and \$463K in property tax exemption for a total of approximately \$999K in estimated tax incentives.

A public hearing was held on January 4, 2023. 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 and Board approvals. The Board reviewed each criterion and concurred with the UTEP.

Resolution No. 01/2023 - 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 JANUARY 4, 2023, WITH RESPECT TO THE NY CDG GENESEE 4 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, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF THE STATE OF NEW YORK; (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 AND (vi) AUTHORIZING THE PROSPECTIVE ASSIGNMENT OF MEMBERSHIP INTERESTS IN THE COMPANY.

**M. Gray made a motion to accept Final Resolution #1/2023-01, accepting the incentives as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**3.2 NY CDG Genesee 1, LLC – Assignment Authorization** - The company planned 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 Governance Committee previously had discussions related to Consent to Assignment. It had been determined that if a company acquires a facility there *would* be a fee charged for that acquisition. However, if a company is buying the outstanding stock in LLC membership units, there *would not* be a transfer fee charged. In the Agency's PILOT documents, there is an assignment clause that requires Board approval if a company wishes to sell more than 50% of their ownership stock. This clause allows the Agency to perform any due diligence on the acquiring company that is deemed necessary. NY CDG Genesee 1, LLC is selling its LLC interests, therefore requiring Board approval.

Resolution No. 01/2023 - 02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) AUTHORIZING AN ASSIGNMENT REQUEST RECEIVED FROM NY CDG GENESEE 1 LLC (THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT TO BE UNDERTAKEN BY THE AGENCY AND THE COMPANY; AND (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS WITH RESPECT TO SAME.

**M. Clattenburg made a motion to accept the Assignment Authorization Resolution #1/2023-02, as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia - Yes  
T. Bender - Absent  
M. Clattenburg – Yes  
C. Kemp - Yes

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

**The item was approved as presented.**

**3.3 Horizon Acres Associates – Initial Resolution-** Horizon Acres Associates, Inc. is seeking to develop six flex commercial/industrial facilities that will total 1,500,000 square feet in the Town of Pembroke on 115 buildable acres near the NYS Thruway exit.

Horizon Acres Associates, Inc. is a developer that will offer the buildings for sale or lease to tenants fitting the current Pembroke Interchange zoning.

The \$142 million total project will be completed in phases, and projects to create 400 FTE's at full build-out.

Horizon Acres Associates, Inc. is requesting assistance from the GCEDC with a sales tax exemption estimated at \$6,240,000, a property tax abatement estimated at \$11,961,000 based on incremental increase in assessed value via new traditional PILOT, and a mortgage tax exemption estimated at \$1,136,000 for a total of approximately \$19,337,000 in estimated tax incentives.

Resolution No. 01/2023 - 03

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

**M. Gray made a motion to accept Initial Resolution #1/2023-03, authorizing the acceptance of the application and scheduling of a public hearing as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia - Yes  
T. Bender - Absent  
M. Clattenburg – Yes  
C. Kemp - Yes

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

**The item was approved as presented.**

**3.4 Atlas Copco USA Holdings Inc & Subsidiaries (Edwards Vacuum) - Initial Resolution-** Edwards Vacuum is planning on building a dry pump manufacturing facility and two-story office building at STAMP for Phase I of their semiconductor supply chain factory of the future.

The new facility will produce approximately 20,000 dry pumps by 2026 at current forecast levels. The project aims to reshore the vacuum pump manufacturing to STAMP to support the company's US customers and the ambition behind the federal CHIPS Act program.

The Phase I capital investment will be \$212 million and plans to create 343 FTE's.

Edwards Vacuum is requesting assistance from the GCEDC with a sales tax exemption estimated at \$4,344,000, and a property tax abatement estimated at \$12,855,790, via a 20-year fixed 50% PILOT, for a total of approximately \$17,199,790 in estimated tax incentives.

Resolution No. 01/2023 – 04

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

**P. Battaglia made a motion to accept Initial Resolution #1/2023-04, authorizing the acceptance of the application and scheduling of a public hearing as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**3.5 RPNY Solar 7 Project Clarification** - RPNY Solar 7 noticed an error from the previously approved application for Financial Assistance, located in the Town of Batavia, New York. Their cover letter dated 8/16/22 and the project description in Section II.A of the application each indicate a project size of 2.5 MWac. The correct project size should be 1.6 MWac. This was a clerical error and a QA/QC failure on their part when they filled out the application. The error is restricted to the project description only. All of the economic information (project costs, project investment, funding, etc.) described throughout the application remain accurate and are reflective of a 1.6 MWac project. They apologize for any confusion this error may have caused and they are appreciative of our understanding and assistance in rectifying this error before the project PILOT is closed.

Direction from Harris Beach:

Russ Gaenzle and Stephen Maier spoke with the applicant's counsel about this. This is a reduction in project scope, therefore there is no need for a formal resolution.

The Board acknowledged this clerical error. No vote was taken.

Dan Huntington (BW Solar) left the meeting at 5:33 p.m.

**4.0 Audit & Finance Committee**

**4.1 General Liability Insurance – Umbrella Coverage** - Included with the meeting materials was a quote for \$5M of umbrella coverage from W H Green Associates Inc. Breakout of layers \$1M - \$5M is as follows:

\$1M - \$15,300  
\$2M - \$22,950  
\$3M - \$26,775  
\$4M - \$28,775  
\$5M - \$30,775

An additional \$5M more than this coverage would be available for \$10,500 from Westchester Fire Insurance Company, part of the Chubb Group.

The Board previously approved moving forward with a renewal for General Liability coverage with Selective Insurance for approximately \$71,000, which does not include umbrella coverage.

J. Teresi attended the Audit and Finance Committee meeting earlier in the week and reiterated much of the material that he had previously shared with the Committee. Historically, Selective only charged for the exposure associated with the MedTech Centre building and did not charge for other development efforts, which resulted in affordable general liability insurance that included a \$10M umbrella. Last year, the insurance premium was approximately \$40,000 across all entities. However, with the development of the STAMP site there is an expectation that infrastructure development efforts will only increase. This year, the insurance premium with Selective across all entities, including the STAMP Water and Sewer Works Corps, is approximately \$71,000 but does not include the \$10M umbrella. Selective no longer wished to provide umbrella coverage because they were not comfortable with the exposure. Last year, the \$10M umbrella coverage with Selective was approximately \$10,000. This year, the cost for the umbrella coverage has increased because pricing is based on the cost of the general liability insurance. Therefore, \$5M of umbrella coverage will cost approximately \$31,000 with an additional \$5 million of coverage costing approximately \$10,500. As the land is sold off and the building of infrastructure is completed, the general liability insurance and umbrella coverage premiums will likely go down. This is because infrastructure development is driving the cost increase. Fortunately, the increased cost of general liability insurance and umbrella coverage premiums are most likely temporary.

This item was recommended for approval by the Committee.

**M. Gray made a motion to approve the 2023 General Liability Insurance Umbrella Coverage not to exceed \$42,000 for two policies with a total of \$10M in coverage to be split 50/50 between the EDC and LDC; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**4.2 November 2022 Financial Statements** - L. Farrell reviewed the November 2022 financial statements with the Board. The following was noted:

- There is normal monthly activity.
- On the P&L there is \$83,000 of PIF revenue and PIF expense. We received the school portion of the PILOT payments from RJ Properties and Yancy's Fancy, which is paid to the municipalities.
- Fee revenue is slightly under budget at the end of November. It's anticipated that by the end of December we should be over \$400,000 in origination fee revenue.

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

**M. Gray made a motion to approve the November 2022 Financial Statements as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**4.3 2023 County Funding Contract** - The 2023 County Funding Contract was included with Board materials. The funding will remain the same as the previous year's amount of \$233,513 plus an additional \$25,000 to be used only for administration of a workforce development program.

This was recommended for approval by the Committee.

**M. Gray made a motion to approve the 2023 County Funding Contract as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**4.4 ECIDA Shared Services Contract** - The GCEDC has a shared services agreement with Erie County Industrial Development Agency (ECIDA) for on call IT support services. The GCEDC has had this agreement since 2016 and has been very pleased with the service and response time to our issues. We would like to continue this agreement in 2023. The agreement is at an hourly rate of \$95. They also provide website hosting services for the GCEDC (\$600 annually), anti-virus software (\$720 annually), CRM Hosting (\$2,200 annually) and any version upgrade would be \$500 each occurrence as required. There has been no increase in the hourly rate since 2016 and there was a \$10 per hour increase from 2021 to 2022. There are no changes from 2022 to 2023. All other amounts have remained the same as last year.

The following amounts were included in the 2023 budget:



Professional Services - \$6,500 for ECIDA IT consultant (web hosting, anti-virus, hourly IT support)

Dues & Subscriptions - \$2,500 for ECIDA CRM Hosting

**Fund commitment:** Not to exceed \$6,500 as included in Professional Services, and \$2,500 as included in Dues & Subscriptions line items of the 2023 budget.

**Committee action request:** Recommend approval of not to exceed \$9,000 for on call IT support services, website hosting, anti-virus software, CRM hosting and upgrades with ECIDA for 2023.

This was recommended for approval by the Committee.

**M. Gray made a motion to approve the ECIDA Shared Services Agreement not to exceed \$9,000; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

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

**The item was approved as presented.**

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

**5.1 Nothing at this time.**

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

**6.1 Saratoga Associates Proposal for STAMP Site Visualization Services** – In conjunction with the March 2021 Letter of Resolution between NYSDEC, SHPO and the GCEDC, any project at STAMP that requires a discharge permit for stormwater from NYSDEC must complete an assessment of potential impacts to the Nation's Territory. This proposal will be to prepare a visual assessment for the construction of the substation. This will include photo simulations along with line-of-sight profiles. This will also include the visual assessment for the GCEDC in connection with certain proposed and future infrastructure improvements and facilities at STAMP.

**Fund Commitment:** \$4,750 from the \$33 million.

This was recommended for approval by the Committee.

**P. Zeliff made a motion to approve the Saratoga Associates proposal for STAMP Visualization Services not to exceed amount of \$4,750 as presented; the motion was seconded by M. Gray. Roll call resulted as follows:**

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

**The item was approved as presented.**

**6.2 Phillips Lytle Waiver Request** – Plug Power asked Phillips Lytle to assist with permitting associated with the development of hydrogen production on the STAMP campus. Because Phillips Lytle has represented the agency since 2009, it cannot represent Plug Power without the GCEDC's consent. Phillips Lytle asked Plug Power to waive any conflict of interest relative to the representation of the GCEDC in relation to any matters related to STAMP. If a dispute should arise between Plug Power and the GCEDC with matters related to STAMP 1) Phillips Lytle will no longer represent Plug Power and 2) Phillips Lytle will continue to represent the GCEDC on such matters and Plug Power will be represented by other counsel.

This was recommended for approval by the Committee.

**M. Clattenburg made a motion to recommend to the full Board the approval of the Phillips Lytle Waiver Request as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

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

**The item was approved as presented.**

#### **7.0 Employment & Compensation – T. Bender**

**7.1 CEO Merit / COLA** – P. Battaglia stated that the Board previously approved a CEO Merit / COLA Adjustment of 3.4%, effective January 1, 2023. The amount of this increase was incorrectly reported/recommended by the Committee and approved by the Board. The recommendation coming out of Committee should have reported a request for an increase of 5.75%, effective January 1, 2023.

**P. Battaglia made a motion to approve a CEO Merit /COLA Adjustment of 5.75%; the motion was seconded by M. Gray. Roll call resulted as follows:**

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

**The item was approved as presented.**

#### **8.0 Housing Committee – P. Battaglia**

**8.1 Nothing at this time.**

#### **9.0 Other Business**

**9.1 Nothing at this time.**

#### **10.0 Adjournment**

As there was no further business, M. Gray made a motion to adjourn at 5:44 p.m., which was seconded by C. Kemp and passed unanimously.



Project Name: NY CDG Genesee 4, LLC

Board Meeting Date: December 1, 2022

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

### PROJECT DESCRIPTION:

NY CDG Genesee 4, LLC is proposing to construct a community solar farm project on Shepard Road in the Town of Pavilion. The solar project will be located on approximately 31 of 39 acres on the property to convert the sun's energy into 4.275 MW of AC power.

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's PILOT will contribute \$6,000/MWAC + a 2% annual escalator in payments to the Genesee County, Town of Pavilion and the Pavilion School District. 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 will offer customers a 10% discount vs average market rates for the generated power.

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

**Project details:** N/A

**Board Discussion:** None.

**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 \$6,438,798 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 4.275 MW solar farm will generate in excess of \$443,576 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 M. Clattenburg. Roll call resulted as follows:**

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

C. Kemp - 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.**

**P. Battaglia made a motion to concur with Criteria #3; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	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.

The 4.275 MW solar farm will generate \$491,811 in PILOT payments and real property taxes over the 15-year term, which is far greater than the current assessed value of this ag/vacant land. This calculates to a rate of return based on the original property taxes of \$7.29 to 1.

**Project details:** The project will generate \$7.29 of property tax-type payments for every \$1 of property taxes under the land's current use.

**Board Discussion: None.**

**P. Battaglia made a motion to concur with Criteria #4; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	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.**

**P. Battaglia made a motion to concur with Criteria #5; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Absent	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	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 2023 and be operational within 12 months

**Board Discussion: None.**

**P. Battaglia 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 -	Absent
T. Bender -	Absent	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

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