



REPORT OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S PUBLIC HEARING OF MEDTECH LANDING, LLC ON TUESDAY, MARCH 26, 2024, 3:30 P.M. AT THE TOWN OF BYRON TOWN HALL, 7028 SOUTH BYRON ROAD, NEW YORK, GENESEE COUNTY, NEW YORK

I. ATTENDANCE

Chris Suozzi, Senior VP of Business Development – GCEDC
Emma Finch, Operations Assistant – GCEDC
James Lamkin
Phyllis Gonyea
Candice Hensel, Town of Byron Supervisor
Barbie Starowitz

II. CALL TO ORDER

The public hearing of Leatherleaf Solar, LLC opened at 3:32 p.m. at the Byron Town Hall, 7028 South Byron Road, in Byron, New York, 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

Leatherleaf Solar, LLC is proposing to construct a community solar farm project on 7501 Ivison Rd in the Town of Byron, NY.

The project will utilize ground-mounted solar panels to convert the sun's energy into 5 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 \$4,000/MWAC + a 2% annual escalator in payments to Genesee County and Byron-Bergen Central School District. The PILOT is estimated to generate \$345,868 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, and a separate host benefit agreement with the Town of Byron.

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.

IV. COMMENTS

C. Suozzi began the public hearing by providing a summary of the above-outlined project. The purpose of the public hearing is to solicit comments and feedback from the public regarding the proposed incentives for the above-outlined project. There were no written comments received ahead of time to be included with the written record.

P. Gonyea stated that she lives on Culver Road, which is the next road across from the project and she is wondering if this is going to go from Ivison Road to Coward Road. C. Suozzi defers the question to C. Hensel, the Town of Byron Supervisor, who states that she is trying to remember the layout but states that she will get the specifics from the Code Enforcement Officer's Office after as this hearing is just for the incentives related to the PILOT agreement. P. Gonyea asks if it is 35 acres and C. Suozzi confirms this.

J. Lamkin asks if the site planning portion of the project has been approved and Candice (Town Supervisor) confirms that the Town Planning Board has approved it. C. Hensel states that she spoke with the Town attorney earlier and informed C. Suozzi she will be in contact with questions from the Town about the process.

J. Lamkin asks if the Town has looked into opting out of the PILOT program. His understanding is that if the town is to

opt out of that program and were to go out on their own then the 35 acres would lose their ag exemption and as the company comes in and puts assets on that land then that would then get added to the value of the land and so now instead of just having farm land you have farm land plus the addition of the assets that are on that farm land and then the assessments would go way up from what they are today. Is it better for the town to opt out and go alone, I think there is a 2% escalator that doesn't even cover the recent inflation that we have had so 15 years from now were still getting 2% a year increase where if the town has control of the assessments, then they would naturally go up with the economy. J. Lamkin is wondering how it can be justified.

C. Suozzi states his answer is in terms of the business development side of the game and you have a happy medium and this is really the towns question directly but if you opt in or opt out scenario will play into the decision of that solar company so for example if the assessments go way up compared to what it is today then the company probably won't come because the taxes will be too high. If they don't come, then you get zero of zero which is nothing.

J. Lamkin states that that is the real world, though that is the world the rest of us live in and our houses, the assessment is going up which is not fair.

C. Hensel states that the town would be getting a dollar per acre and now it is 5 something per acre and whatever the current tax rate is. The community as a whole is partaking in that including the county and landowner.

C. Suozzi states it is one of those situations that the company is going to make the investment if it makes sense to do so. It's a business decision so that's why depending on the town's philosophy and if they want to opt in or opt out that plays into how that all comes together.

J. Lamkin states but if they have to be subsidized in order to decide to come here then they shouldn't even be coming here because then it's not a good business decision unless they can get money from the state or county.

C. Suozzi states that it is a business decision, it's an ROI, so the landowner that is willing to give up the land at a price point if that all; makes sense and then there is the incentive side so if we are together with the town and the municipality and everyone is fine with that then we put that deal together and it justifies for the company to make their investment and if it doesn't then they don't come and we don't get that money.

J. Lamkin states that he as a taxpayer he pays the bill for that.

C. Suozzi states that you are not really paying the bill because if they don't come then they don't capture the taxes.

J. Lamkin states then that you break even, and he is okay with that.

C. Suozzi states that you don't break even, you just get what you have always gotten and not the additional income. There is an investment that is happening with the town and the host agreement as the school, counties, and the town are getting the benefit as well.

J. Lamkin states that everyone is getting money, but it is all subsidized by the taxpayers.

C. Suozzi states that it is just how you look at it. This is a program from the state that empowers us to give incentives and bring the investments in. Unfortunately, New York is one of the highest taxed states. IDA's and the incentives are out there to eliminate that and level out the playing field, so investments came here and in concert with our local municipality partners is the goal to work together. The state has some goals in terms of green energy that the solar company is working with as well. It is one of those situations where we try to do our best for our community partners.

J. Lamkin states that he agrees to disagree with that.

C. Hensel starts to talk about the Comprehensive Plan which does not pertain to this public hearing, and she states that she will address this after the hearing.

B. Starowitz asks about the local resident's power and their right to sign up for it before other communities can. She is wondering if the GCEDC has any programs to help with that.

C. Suozzi states that the GCEDC does not have anything to do with that it would be the developer and the town. C. Hensel then states that this is in the works but not what this public hearing is for.

B. Starowitz then asks about the specific figures coming into the town, school, and county from this job.

C. Suozzi reads those off at: approximately \$12,500 for the school per year, approximately \$5,000 for the County per

year and approximately \$2,300 a year for the town for 15 years plus a 2% escalator and this does not include the Host Agreement this is just the PILOT portion

J. Lamkin asks about what happens after the 15 years is up. C. Suozzi states you can negotiate again after the time is up but if they still have the solar panels on the property after that time is up then it would go to the assessors to make an assessment and the company would be taxed based on that assessment.

V. **ADJOURNMENT**

As there were no other comments, the public hearing was closed at 3:50 p.m.

**GENESEE COUNTY
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 Tuesday, March 26, 2024, at 3:30 p.m., local time, at Byron Town Hall (Courtroom/Boardroom), at 7028 Byron Holley Road, Byron, New York 14422, in connection with the following matter:

LEATHERLEAF 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 approximately 35 acres located at 7501 Ivison Road in the Town of Byron, New York (the "Land", being more particularly described as a portion of tax parcel No. 9.-1-7.113, 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 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 (the "Financial Assistance") to the Company in the form of sales and use tax exemptions, a mortgage recording tax exemption consistent with the policies of the Agency, and a partial real property tax abatement.

The Agency will broadcast the public hearing live at www.vimeo.com/event/3477651, and the public hearing video will be available for on-demand viewing on the Agency's website at www.gcedc.com/projects.

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.

Dated: March 13, 2024

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

**AFFIDAVIT OF PUBLICATION
Batavia Daily News**

State of New York,
County of, Genesee County,

The undersigned is the authorized designee of Batavia Daily News, a Daily Newspaper published in Genesee County, New York. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates:

03/13/2024

This newspaper has been designated by the County Clerk of Genesee County, as a newspaper of record in this county, and as such, is eligible to publish such notices.

Christina Henke Rea

Signature

Christina Henke Rea

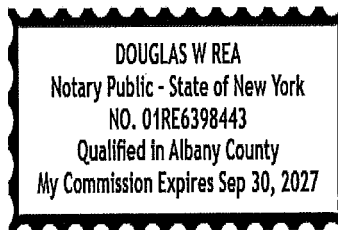
Printed Name

Subscribed and sworn to before me,

This 13 day of March 2024

Notary Signature

Notary Public Stamp



Digitally signed
by douglas w rea
Date: 2024.03.13
18:00:54 +00:00