



REPORT OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S PUBLIC HEARING OF PLUG POWER INC., HELD ON THURSDAY, JUNE 3, 2021, 10:00 A.M. AT THE ALABAMA TOWN HALL, 2218 JUDGE ROAD, OAKFIELD, NEW YORK, AND ELECTRONICALLY VIA VIDEO CONFERENCE

I. ATTENDANCE

Mark Masse, Sr. VP of Operations – GCEDC
Jim Krencik, Director of Marketing and Communications – GCEDC
Robert Crossen, Town of Alabama Supervisor
Jim Veazey

VIRTUAL ATTENDANCE

Lauren Casey, Finance Assistant – GCEDC
Kevin Veazey, Town of Alabama Councilperson
Cole Reuben

II. CALL TO ORDER

The public hearing of Plug Power Inc. Project was opened at 10:00 am electronically via video conference and in person at the Alabama Town Hall.

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/92933435180>, 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 929 3343 5180. 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, June 2, 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

Plug Power has agreed to advance funds of up to \$55.3M to undertake the engineering, procurement, and construction (EPC) of the STAMP main campus substation given its significant interdependency with the success of their Project Gateway, which relates to the development and construction of a Green Hydrogen production facility on the STAMP campus.

Subsequent to the public hearing held on March 22, 2021, Plug Power submitted a modified application requesting (i) an increase to the amount of financial assistance being contemplated by the Agency for the benefit of the Company, and (ii) to modify and supplement the definition of the Project to include the acquisition, construction and equipping of an approximately 345kV to 115kV main substation (the "Substation") in support of the planning, design, construction and operation of a green hydrogen production and distribution facility to be located at 6840 Crosby Road in the town of Alabama, New York.

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 additional incentives, which includes an increase in the Sales Tax Exemption on the above outlined project by \$2,800,000. There were no written comments received ahead of time to be included with the written record.

Cole Reuben submitted written comments via the Zoom "Chat" feature. He wrote: "The Tonawanda Seneca Nation is very concerned about possible impacts of the Plug Power facility on its lands, environment, people and culture. These impacts have not been explained or considered. The Nation urges GCEDC and the Town of Alabama to analyze all the possible impacts of the project before authorizing any financial assistance or approving Plug Power's application".

In response to Cole Reuben's statement, M. Masse confirmed that the GCEDC has been in discussions with tribal leadership for the last 5-6 years regarding potential projects at STAMP. The GCEDC continues to work on analyzing any potential impacts that Plug Power, or any other potential projects, may pose to the Nation.

M. Masse concluded by asking for any additional or final comments. Those comments that were made during the public hearing will be presented to the Board tonight.

V. ADJOURNMENT

The public hearing was closed at 10:12 am.

SUPPLEMENTAL 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 Thursday, June 3, 2021, at 10:00 a.m., local time, at Alabama Town Hall, 2218 Judge Road, Oakfield, New York 14125, in connection with the matter described below. **PLEASE NOTE THE SPECIAL PUBLIC HEARING INSTRUCTIONS INCLUDED AT THE END OF THIS NOTICE.**

Plug Power Inc., for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company"), previously submitted an application (the "Application") to the Agency requesting that the Agency provide to the Company certain Financial Assistance for a Project as more fully described in a Notice of Public Hearing published in the *Daily News* on March 10, 2021. A copy of the Notice of Public Hearing published in the *Daily News* on March 10, 2021 can be found on the Agency's website at: <http://www.gcedc.com/index.php/news/gcedc-approved-projects>.

The public hearing being held on Thursday, June 3, 2021, supplements the public hearing held by the Agency on March 22, 2021 with respect to the Financial Assistance and the Project.

Subsequent to the public hearing held by the Agency on March 22, 2021, the Company submitted a modified Application to the Agency requesting that the Agency (i) increase the amount of Financial Assistance being contemplated by the Agency for the benefit of the Company, and (ii) modify and supplement the definition of Project to include *the acquisition, construction and equipping of an approximately 345kV to 115kV main substation* (the "Substation") in support of the planning, design, construction and operation of a green hydrogen production and distribution facility to located at 6840 Crosby Road in the Town of Alabama, New York.

The Agency contemplates that it will provide financial assistance to the Company to acquire, construct and equip the Substation in the form of a sales and use tax exemption for purchases and rentals related to the acquisition, construction, and equipping of the Substation.

PLEASE NOTE SPECIAL PUBLIC HEARING 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 Application, as modified, which is available for viewing on the Agency's website at: <http://www.gcedc.com/index.php/news/gcedc-approved-projects>.

Given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the Agency will provide – in accordance with Section 859-a of Act - the opportunity for interested persons choosing not attending the public hearing at the time and place indicated above 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/92933435180>, 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 929 3343 5180. Online livestreaming of the public hearing will be available at <https://vimeo.com/552969404>.

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 "Plug Power Inc. Project", no later than Wednesday June 2, 2021.

Dated: May 25, 2021

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