

Genesee County Economic Development Center

Meeting Agenda

Thursday, May 7, 2020

Location: Electronically

PAGE #

- | | | |
|--|--|---------------|
| 1.0 | Call to Order | 4:00pm |
| <p>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 Board Meeting is being held electronically via conference call instead of a public meeting open for the public to attend in person.</p> | | |
| 1.1 | Enter Executive Session | 4:00pm |
| <p>Motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 for the following reasons:</p> | | |
| <p>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.</p> | | |
| 1.2 | Enter Public Session | 4:30pm |
| 2.0 | Chairperson's Report & Activities | 4:30pm |
| <p>2.1 Upcoming Meetings:</p> <p style="padding-left: 20px;">Next Scheduled Board Meeting: Thursday, June 4th at 4:00 p.m.</p> <p style="padding-left: 20px;">Audit & Finance Committee Meeting: Tuesday, June 2nd at 8:30 a.m.</p> <p style="padding-left: 20px;">STAMP Committee Meeting: Tuesday, June 2nd at 10:30 a.m.</p> <p style="padding-left: 20px;">Governance & Nominating Committee Meeting: Thursday, June 4th at 3:00 p.m.</p> | | |
| <p>2.2 Agenda Additions / Deletions / Other Business **Vote</p> | | |
| <p>2.3 Minutes: March 26, 2020 **Vote</p> | | |
| 3.0 | Report of Management – | 4:35pm |
| <p>3.1 Fancher BETP Housing Project – Initial Resolution **Vote – C. Suozzi</p> | | |
| <p>3.2 Bright Oak Solar – Initial Resolution **Vote – C. Suozzi</p> | | |
| <p>3.3 Local and Regional Economic Re-Start and Recovery Planning – S. Hyde</p> | | |
| 4.0 | Audit & Finance Committee – M. Gray | 5:10pm |
| <p>4.1 1st Quarter Financial Statements **Vote</p> | | |
| <p>4.2 Mowing Bids **Vote</p> | | |
| <p>4.3 Town of LeRoy Funding Deferral Request **Vote</p> | | |
| 5.0 | Governance & Nominating Committee – C. Yunker | 5:15pm |
| <p>5.1 Nothing at this time.</p> | | |
| 6.0 | STAMP Committee – P. Zelif | 5:15pm |
| <p>6.1 Nothing at this time.</p> | | |
| 7.0 | Employment & Compensation Committee – T. Bender | 5:15pm |
| <p>7.1 Nothing at this time.</p> | | |
| 8.0 | Other Business | 5:15pm |
| 9.0 | Adjournment | 5:15pm |

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**GCEDC Board Meeting
Thursday, March 26, 2020
Location: Electronically
4:00 PM**

GCEDC MINUTES

Attendance

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

Absent:

1.0 Call to Order

P. Battaglia called the meeting to order at 4:03 p.m. via conference call.

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 instead of a public meeting open for the public to attend in person.

1.1 Enter Executive Session

A. Young made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:04 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

A. Vanderhoof made a motion to enter back into public session at 4:23 p.m., seconded by A. Young and approved by all members present.

2.0 Chairman’s Report & Activities

2.1 Upcoming Meetings:

- Next Scheduled Board Meeting: Thursday, May 7th at 4:00 p.m.**
- Audit & Finance Committee Meeting: Tuesday, May 5th at 8:30 a.m.
- STAMP Committee Meeting: Tuesday, May 5th at 10:30 a.m.
- Governance & Nominating Committee Meeting: Thursday, May 7th at 3:00 p.m.

2.2 Agenda Additions / Deletions / Other Business-

M. Gray made a motion to switch agenda items 4.0 and 7.0 so that Audit and Finance Committee agenda items are discussed last; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

P. Zeliff made a motion to add "Partner Fee Agreement" as agenda item 6.3; 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 -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

2.3 Minutes: February 27th, 2020

P. Zeliff made a motion to approve the February 27, 2020 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
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

3.0 Report of Management

3.1 Nothing at this time.

4.0 Employment & Compensation Committee

4.1 Nothing at this time.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Nothing at this time.

6.0 STAMP Committee – P. Zeliff

6.1 Award of Contract Phase IV Water – Pembroke Line - Three bids were received for the STAMP Offsite Water Main Phase IV Project. Morsch Pipeline, Inc submitted the lowest bid (Base Bid B outlined in the Board packet on pages 5 - 6) in the amount of \$2,220,743.00. This is covered under the \$4 million County funds.

This was recommended for approval by the Committee.

P. Zeliff made a motion to accept the Morsch Pipeline bid for the STAMP Offsite Water Main Phase IV Project; the motion was seconded by M. Gray. Roll call resulted as follows:

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

The item was approved as presented.

6.2 Monroe County Water Authority Main Extension Agreement (MCWA)- MCWA has submitted an agreement for engineering, construction and repair deposit associated with the construction of the transmission main in the Town of Pembroke. MCWA is the retail provider of water in the Town of Pembroke. This contract will only cover work that is completed in the Town of Pembroke.

Fund Commitment: The \$6,911.20 is covered under the \$4 million County funds.

This was recommended for approval by the Committee.

P. Zeliff made a motion to approve the Monroe County Water Authority Main Extension Agreement 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 -	Yes
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

6.3. Partner Fee Agreement – Gary Homonai, a Professional Business Development Consultant, would like to enter into an agreement with the GCEDC to market the STAMP site. After reviewing the partner fee agreement, Committee members expressed concern that Gary Homonai could be classified as an employee of the GCEDC as opposed to an independent contractor. The Committee had discussed that the approval and payment of out of pocket expenses, as outlined in the agreement, tends to lean more towards employee status. The Committee requested changes to the language in order to clarify “employee” versus “contractor” status in the agreement.

R. Gaenzle stated that the approval and payment of out of pocket expenses is one of a number of factors when determining employee versus independent contractor. He confirmed that the contract as a whole is defensible as a contract with an independent contractor.

P. Zeliff made a motion to approve the partner fee agreement subject to the change that the GCEDC will approve and pay for travel and related expenses upfront, but these expenses will be subtracted from his partner fee / commission earned; 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 -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

7.0 Audit & Finance Committee

7.1 12/31/2019 Audit- M. Gray shared that David Brownell of Mostert, Manzanero & Scott, LLP reviewed the audit with the committee and answered questions in regard to the audit. L. Farrell stated that the management letter states that no material deficiencies in internal controls were identified during the audit. It is their opinion that the audited financial statements present fairly, in all material respects, the financial position of the GCEDC as of December 31, 2019 in accordance with accounting principles generally accepted in the United States of America.

This was recommended for approval by the Committee.

M. Gray made a motion to approve the 12/31/2019 Audit; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

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

The item was approved as presented.

Prior to discussion of agenda item 7.2, M. Gray recused himself and left the conference call. M. Gray stated that he would not participate in the discussion due to a conflict of interest as the co-owner of a company that has a loan with the GGLDC. The Deferral & Extension of Loans topic is on both the EDC and LDC agendas for discussion.

7.2 Deferral & Extnsion of Loans - Regarding the current situation regarding COVID-19, the GCEDC should consider a deferment of principal and interest on loans for a six-month period, at which time normal principal and interest payments will resume. The amortization of the loan will be extended by that six-month deferral period.

M. Masse shared the Committee's points of discussion and are outlined below:

1. Any company with an existing loan with the GCEDC must request a loan deferment and quantify economic injury due to COVID-19.
2. GCEDC staff determines, as requests are received, if the company qualifies for a loan deferment not to exceed 6 months.
3. Not openly marketed in the community.

This was recommended for approval by the Committee.

T. Bender made a motion to approve that 1) any company with an existing loan with the GCEDC must request a loan deferment and quantify economic injury due to COVID-19 and 2) staff is authorized to determine, as requests are received, if the company qualifies for a loan deferment not to exceed 6 months; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Battaglia - Yes
T. Bender - Yes
A. Young - Yes
A. Vanderhoof - Yes

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

The item was approved as presented.

8.0 Other Business

8.1 Nothing at this time.

9.0 Adjournment

As there was no further business, T. Bender made a motion to adjourn at 4:54 p.m., which was seconded by A. Vanderhoof and passed unanimously.

GCEDC Opportunity Summary

Created On: 5/7/2020

MA
4/30/2

Customer Information

Potential Customer:	J & R Fancher Property Holdings, LLC	Opportunity Type:	Tax Incentive Lease
Proj. St. Address:	Route 77	Opportunity Product:	Property Sales & Mortgage Recording Taxes Only
City/Town/Village:	//Pembroke	Type of Project:	Attraction
Proj. Description:	J & R Fancher Property Holdings LLC	New Jobs:	5 ✓
Total Capital Investment:	\$3,000,000	Retained Jobs:	
Incentive Amount:	\$615,924	School District:	Pembroke
Benefited Amount:	\$3,000,000	PILOT Applicable:	

Project Information

Organization: GCEDC
Opportunity Source: Direct/Personal Contact **Date of Public Hearing:**
Initial Acceptance Date: 5/7/2020 **Inducement Date:**

Opportunity Summary: J & R Fancher Property Holdings, LLC is proposing to construct a three-story, mixed-use building on 2 buildable acres (7.9 acres) total at Buffalo East Technology Park in Pembroke, NY.

The \$3 million project includes:
 1. Create 17 market-rate 1-bedroom and 2-bedroom apartments on the second and third floors with indoor parking available and a fitness center.
 2. Create a "vanilla" box interior space on the first floor, a total of 4 spaces, to attract commercial tenants that will comprise less than 1/3 of total project costs.

Total planned square footage of new construction is 32,254 sq. ft.

Two recent studies by LaBella Associates - the Genesee County Housing Needs Assessment - and The Rockefeller Institute of Government (SUNY's Think Tank) - Generating Growth in Genesee County - identify housing availability as Genesee County's biggest challenge in order to fully realize the value of the economic development strategy that is in-place and being implemented. LaBella Associates reported that 4,800 units are needed in the next 20 years across multiple sectors, including rental units and single-family homes.

The GCEDC is assisting the project with sales tax exemptions, mortgage tax exemptions and property tax exemptions.

Economic Impact: 5.5:1

Project Detail (Total Capital Investment)

Building Cost (Construction):	\$2,800,000	Capital Improvements:	\$0
Equipment (non-taxable):	\$0	Equipment (Taxable) / Other Proj Investment:	\$0
Land Cost (Real Estate):	\$200,000		
Total Capital Investment:	\$3,000,000		

Estimated Benefits Provided

Sales Tax Exempt:	\$134,400	Tax Exempt Bond:	\$0
Mortgage Tax Exempt:	\$25,000	Land Sale Subsidy:	\$0
Property Tax Exempt:	\$456,524 ✓		
Total Estimated Tax Incentives Provided:	\$615,924		

Total Amount Finance:	\$3,000,000		
Mortgage Amount:	\$2,500,000	ESD-JDA:	
GCEDC RLF:	\$0	Other Name:	Equity
City of Batavia:	\$0	Other Amount:	\$500,000

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Chamber of Commerce:

Total Amount Finance:

\$3,000,000

MAN #/30/20



Internal Report: J & R Specialties - Pembroke

Table 1: Basic Information

Project Name	Pembroke
Project Applicant	J & R Specialties
Project Description	The company is seeking to construct a (3) story mix use building at Buffalo East Technology Park in Pembroke. The top floors of each unit will accommodate 17 - 1 and 2 bedroom apartments and the bottom will be aimed at 4 retail/commercial space but less than 1/3 of projects total cost.
Project Industry	Food Services and Drinking Places
Municipality	Pembroke Town
School District	Pembroke
Type of Transaction	Tax Exemptions
Project Cost	\$3,000,000 ✓
Mortgage Amount	\$2,500,000 ✓

Table 2: Permanent New/Retained Employment (Annual FTEs)

	State	Region
Total Employment	34	34
Direct**	5	5 ✓
Indirect***	1	1
Induced****	1	1
Temporary Construction (Direct and Indirect)	28	28

Table 3: Permanent New/Retained Labor Income (Annual) & Average Salary (Annual)

	State Labor Income	Region Labor Income	Average Salary
Total	\$1,519,952	\$1,519,952	\$44,510
Direct**	\$92,499	\$92,499	\$18,500
Indirect***	\$30,670	\$30,670	\$55,136
Induced****	\$31,399	\$31,399	\$39,916
Temporary Construction (Direct and Indirect)	\$1,365,384	\$1,365,384	\$49,104

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Table 4: Cost/Benefit Analysis (Discounted Present Value*)

Total Costs to State and Region	\$578,424
Mortgage Tax Revenue Forgone	\$25,000
State	\$18,750
County	\$6,250
Local	\$0
Property Tax Revenue Forgone	\$456,524
485-B Property Tax Abatement	\$73,001
Above 485-B	\$383,523
Sales Tax Revenue Forgone	\$134,400
Construction Materials	\$134,400
Other Items	\$0
Other State Incentives	\$0
Other Local Incentives	\$0
Less IDA Fee	-\$37,500
Total Benefits to State and Region	\$3,198,818
Total State Benefits	\$2,882,875
Income Tax Revenue	\$70,155
Direct**	\$6,780
Indirect***	\$10,116
Induced****	\$7,192
Construction (Direct and Indirect, over 0 years)	\$46,067
Sales Tax Revenue	\$31,154
Direct**	\$9,492
Indirect***	\$3,147
Induced****	\$3,222
Construction (Direct and Indirect, over 0 years)	\$15,292
Labor Income	\$2,781,566
Total Regional Benefits	\$315,943
Property Tax/PILOT Revenue	\$284,789
Sales Tax Revenue	\$31,154
Direct**	\$9,492
Indirect***	\$3,147
Induced****	\$3,222
Construction (Direct and Indirect, over 0 years)	\$15,292
Benefit to Cost Ratio	5.5:1

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Table 5: Regional Fiscal Impact (Discounted Present Value*)

Total Local Client Incentives	\$492,474
Total Anticipated Local Revenue (Property Tax plus Local Sales Tax)	\$315,943
Net Local Revenue	\$-176,531
Total Anticipated Labor Income	\$2,781,566
Benefit to Cost Ratio	6.3:1

Table 6: Property Tax Revenue (Discounted Present Value*)

Total Property Tax	\$284,789
County Property Tax	\$99,041
School District Property Tax	\$185,749

* Figures over 10 years and discounted by 2%

** Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.

*** Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.

**** Induced - The recipient of IDA assistance by adding to and/or retaining payroll stimulates household spending that is new to the regional economy and/or saved from being lost to competitors outside the region.

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Board Report

Table 1: Basic Information

Project Name	Pembroke
Project Applicant	J & R Specialties
Project Description	The company is seeking to construct a (3) story mix use building at Buffalo East Technology Park in Pembroke. The top floors of each unit will accomodate 17 - 1 and 2 bedroom apartments and the bottom will be aimed at 4 retail/commerical space but less than 1/3 of projects total cost.
Project Industry	Food Services and Drinking Places
Municipality	Pembroke Town
School District	Pembroke
Type of Transaction	Tax Exemptions
Project Cost	\$3,000,000
Mortgage Amount	\$2,500,000
Direct Employment Expected to Result from Project (Annual FTEs)	5

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Figure 1: Estimated State & Regional Benefits / Estimated Project Incentives (Discounted Present Value*)



Table 2: Estimated State & Regional Benefits / Estimated Project Incentives Analysis (Discounted Present Value*)

Total State and Regional Benefits	\$3,198,818	
Total Project Incentives	\$578,424	
Benefit to Cost Ratio	5.5:1	
Projected Employment	State	Region
Total Employment	34	34
Direct**	5	5
Indirect***	1	1
Induced****	1	1
Temporary Construction (Direct and Indirect)	28	28

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Table 3: Estimated State & Regional Benefits (Discounted Present Value*)

Total State and Regional Benefits	\$3,198,818
Income Tax Revenue	\$70,155
Property Tax/PILOT Revenue	\$284,789
Sales Tax Revenue	\$62,307
Labor Income	\$2,781,566

Table 4: Estimated Project Incentives (Discounted Present Value*)

Total Project Incentives	\$578,424
Mortgage Tax	\$25,000
Property Tax	\$456,524
Sales Tax	\$134,400
Other State Incentives	\$0
Other Local Incentives	\$0
Less IDA Fee	-\$37,500

* Figures over 10 years and discounted by 2%

** Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.

*** Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.

**** Induced - The recipient of IDA assistance by adding to and/or retaining payroll stimulates household spending that is new to the regional economy and/or saved from being lost to competitors outside the region.

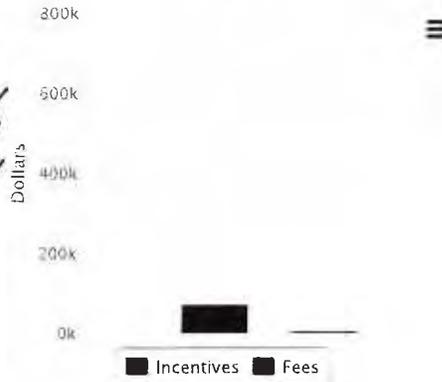
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Incentives for the J & R Specialties Pembroke Project

Table 1: Estimated Incentives & Fees*

Total Project Incentives	\$615,924
Mortgage Tax	\$25,000
Property Tax	\$456,524
Sales Tax	\$134,400
Other State Incentives	\$0
Other Local Incentives	\$0
Total Project Fees	\$44,500
Fixed Fee	\$37,500
Legal Fees	\$7,000
Net Project Incentives	\$571,424



* Figures over 10 years and discounted by 2%.

Table 2: Estimated Property Tax Paid**

Year	Total
1	\$0
2	\$0
3	\$16,182
4	\$16,182
5	\$32,364
6	\$32,364
7	\$48,546
8	\$48,546
9	\$64,728
10	\$64,728
Total	\$323,639

** Figures assume constant property tax rates. Figures are not discounted.

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MAM
4/30/2020



Project Name: J&R Fancher Property Holdings, LLC

Board Meeting Date: May 7, 2020

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

PROJECT DESCRIPTION:

J&R Fancher Property Holdings, LLC is proposing the to construct a three-story mixed-used building on 2 buildable acres (7.9 total acres) at Buffalo East Technology Park in Pembroke, NY.

The \$3 million project includes the following:

1. Create 17 market rate 1-bedroom and 2-bedroom apartments on the second and third floors with indoor parking available and a fitness center.
2. Create a "vanilla" box interior space for first floor, a total of 4 spaces, to attract commercial tenants that will comprise less than 1/3 of total project cost*.

Total planned square footage of new construction is 32,254 sq. ft.

Two recent studies by LaBella Associates – the Genesee County Housing Needs Assessment - and The Rockefeller Institute of Government (SUNY’s Think Tank) – Generating Growth in Genesee County – identify housing availability as Genesee County’s biggest challenge in order to fully realize the value of the economic development strategy that is in-place and being implemented. LaBella reported that 4,800 units are needed in next 20 years across multiple sectors, including rental units and single-family homes.

The GCEDC is assisting the project with Sales tax exemption, Mortgage Tax Exemption and Property Tax abatement.

*Note: The project is allowable Under § 862-a of GML, an IDA is limited in its ability to provide financial assistance to projects where facilities “that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost”.

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

Project details: The project will create 5 FTE’s based on future tenants.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

3.1

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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 make a \$3 million investment and enhance the long-term tax base when completed.

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 Project is part of a county wide housing deficit (see Genesee County 2018 Housing Study by LaBella Associates) and is providing market rate housing and other services to Pembroke and Genesee County.

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 offered, the company is investing and helping generate an economic contribution/economic impact of \$5.5 into the local/regional/state economy. See economic impact report for further details.

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: While the project is not defined within the Agency’s strategic industries, this project is a strategic project within GCEDC’s placemaking initiative and important to Genesee County’s broader objectives. Recent studies by LaBella Associates and an economic strategy study by The Rockefeller Institute of Government (SUNY’s Thinktank) suggest this is Genesee County’s biggest challenge in order to fully realize the value of the economic development strategy that is in-place and being implemented. Some 4,800 units needed in next 20 years across multiple sectors including rental units and single-family homes.

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/Winter of 2020 and be operational in 2021.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

MAY
4/30/2020

INITIAL RESOLUTION

(J & R Fancher Property Holdings, LLC. Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, May 7, 2020.

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

Resolution No. 05/2020 - _____

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF J & R FANCHER PROPERTY HOLDINGS, LLC 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 (the "State"), as amended, and Chapter 565 of the Laws of 1970 of the State, 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, **J & R FANCHER PROPERTY HOLDINGS, 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: (A) the acquisition by the Agency of a leasehold or other interest in certain property located across from Pembroke High School on Route 77 in the Town of Pembroke, Genesee County, New York (the "Land"); (B) the construction on the Land of an approximately 30,000 3-story building that will accommodate retail space on the first floor and apartments on the second and third floors (collectively, the "Improvements"); and (C) 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, the Existing Improvements 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

3.1

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, (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, 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.

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.

(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.

(C) The Agency has the authority to take the actions contemplated herein under the Act.

(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.

(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 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.

(F) The portion of the Facility that is primarily used in making retail sales (as such term is defined in Section 862(2)(a) of the General Municipal Law of the State of New York) to customers who personally visit such Facility shall constitute less than one-third of the total Project cost, as indicated in the Application of the Company to the Agency.

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>	
Paul Battaglia	[]	[]	[]	[]
Peter Zeliff	[]	[]	[]	[]
Craig Yunker	[]	[]	[]	[]
Matthew Gray	[]	[]	[]	[]
Todd Bender	[]	[]	[]	[]
Andrew Young	[]	[]	[]	[]
Amy Vanderhoof	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

CERTIFICATION

(J & R Fancher Property Holdings, 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 May 7, 2020, 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 May, 2020.

Secretary

GCEDC Opportunity Summary

Created On: 5/7/2020

Mary
4/30/2020

Customer Information

Potential Customer: Bright Oak Solar, LLC (Pro Wind) **Opportunity Type:** Tax Incentive Lease
 Proj. St. Address: 3565 Galloway Road **Opportunity Product:** Property & Sales Taxes Only
 City/Town/Village: Town of Batavia// **Type of Project:**
 Proj. Description: Bright Oak Solar, LLC (Pro Wind) **New Jobs:** ✓
 Total Capital Investment: \$6,040,929 **Retained Jobs:**
 Incentive Amount: \$978,658 **School District:** Oakfield-Alabama
 Benefited Amount: \$6,040,929 **PILOT Applicable:**

Project Information

Organization: GCEDC
 Opportunity Source: **Date of Public Hearing:**
 Initial Acceptance Date: 5/7/2020 **Inducement Date:**

Opportunity Summary: The company is planning a community solar farm in the Town of Batavia. The project is a 4-megawatt (AC) solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunities of our IDA statutory powers, it offers several 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 taxes being paid on the property of the project.
- @ \$5,500/MWAC +2% annual escalator, the 4MW (AC) solar farm will generate in excess of \$380,455 in PILOT payments over the 15-year term, which is far greater than current tax payment on this 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.
- Local Economic Development Strategy 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/GGLDC 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 these goals.
- Reduced dependency on foreign oil: This project helps the U.S. continue its efforts to move away from foreign oil dependency/utilization.

Economic Impact: This solar project is generating an increase to the tax base of \$394,139 (both PILOT and real property taxes). This calculates to a rate of return based on the original property taxes of \$108.86 to \$1.

Project Detail (Total Capital Investment)

Building Cost (Construction):	\$0	Capital Improvements:	\$0
Equipment (non-taxable):	\$3,525,929	Equipment (Taxable) / Other Proj Investment:	\$0
Land Cost (Real Estate):	\$0	labor + soft costs	\$ 2515,000
Total Capital Investment:	\$6,040,929		

Estimated Benefits Provided

Sales Tax Exempt:	\$483,274	Tax Exempt Bond:	\$0
Mortgage Tax Exempt:	\$29,659	Land Sale Subsidy:	\$0
Property Tax Exempt:	\$465,725		

3.2

23

**Total Estimated Tax Incentives
Provided:**

\$978,658 ✓

Total Amount Finance:

\$6,040,929

Mortgage Amount:

\$2,965,929 **ESD-JDA:**

GCEDC RLF:

\$0 **Other Name:**

NYSERDA Grant & ITC

City of Batavia:

\$0 **Other Amount:**

\$3075000

Chamber of Commerce:

Total Amount Finance:

\$6,040,929



Project Name: Bright Oak Solar, LLC (Pro Wind)

Board Meeting Date: May 7, 2020

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 4MW (AC) 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 taxes being paid on the property of the project.
 - @ \$5,500/MWAC + 2% annual escalator, the 4MW (AC) solar farm will generate in excess of \$380,455 in PILOT payments over the 15-year term which is far greater than current tax payment of this 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/GGLDC 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.

4/30/2020

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 \$6,040,929 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 4MW solar farm will generate in excess of \$380,455 in PILOT payments over the 15-year term which is far greater than current assessed value of this 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 base of \$394,139 (both PILOT and Real Property taxes). This calculates to a rate of return based on the original property taxes \$108.86. 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 Summer of 2020 and be operational by end of year.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

MAY
4/30/2022

Solar Pilot



Project: Bright Oak Solar, LLC - 3565 Galloway Rd Batavia

Capex \$ 6,040,929
 Savings \$ 483,274
 Sales Taxable (est.) \$ 6,040,929
 Mortgage (est.) \$ 29,659
 Property Tax below 2,465,929
 Total \$ 978,658

conservative to assure all NYS program options
 1% of 1.25%

Assessed Value 1,800,000
 from Assessor 450,000.00 \$
 Escalator 2.00%

Year of Exemption	Fixed Payment \$500/acre MW	Town of Batavia	Genesee County	Chautauq-Albion	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	\$ 22,000	\$ -	\$ 7,080	\$ 14,910	\$ 22,000	\$ 1,154	\$ 23,154	\$ 241	\$ 22,912
2	\$ 22,440	\$ -	\$ 7,232	\$ 15,208	\$ 22,440	\$ 1,154	\$ 23,594	\$ 241	\$ 23,352
3	\$ 22,889	\$ -	\$ 7,376	\$ 15,512	\$ 22,889	\$ 1,154	\$ 24,042	\$ 241	\$ 23,801
4	\$ 23,347	\$ -	\$ 7,524	\$ 15,823	\$ 23,347	\$ 1,154	\$ 24,500	\$ 241	\$ 24,259
5	\$ 23,814	\$ -	\$ 7,674	\$ 16,139	\$ 23,814	\$ 1,154	\$ 24,967	\$ 241	\$ 24,726
6	\$ 24,290	\$ -	\$ 7,828	\$ 16,462	\$ 24,290	\$ 1,154	\$ 25,443	\$ 241	\$ 25,202
7	\$ 24,776	\$ -	\$ 7,984	\$ 16,791	\$ 24,776	\$ 1,154	\$ 25,929	\$ 241	\$ 25,688
8	\$ 25,271	\$ -	\$ 8,144	\$ 17,127	\$ 25,271	\$ 1,154	\$ 26,425	\$ 241	\$ 26,183
9	\$ 25,777	\$ -	\$ 8,307	\$ 17,469	\$ 25,777	\$ 1,154	\$ 26,930	\$ 241	\$ 26,689
10	\$ 26,292	\$ -	\$ 8,473	\$ 17,819	\$ 26,292	\$ 1,154	\$ 27,446	\$ 241	\$ 27,204
11	\$ 26,818	\$ -	\$ 8,643	\$ 18,175	\$ 26,818	\$ 1,154	\$ 27,972	\$ 241	\$ 27,730
12	\$ 27,354	\$ -	\$ 8,816	\$ 18,539	\$ 27,354	\$ 1,154	\$ 28,508	\$ 241	\$ 28,266
13	\$ 27,901	\$ -	\$ 8,992	\$ 18,910	\$ 27,901	\$ 1,154	\$ 29,055	\$ 241	\$ 28,814
14	\$ 28,459	\$ -	\$ 9,172	\$ 19,288	\$ 28,459	\$ 1,154	\$ 29,613	\$ 241	\$ 29,372
15	\$ 29,029	\$ -	\$ 9,355	\$ 19,673	\$ 29,029	\$ 1,154	\$ 30,182	\$ 241	\$ 29,941
Total	\$ 380,455	\$ -	\$ 122,610	\$ 257,845	\$ 380,455	\$ 17,304	\$ 397,760	\$ 3,621	\$ 394,139

Fiscal Impact (including PILOT/Property Tax Base Growth (ROI)) \$ 394,139
 \$ 108,86

for economic impact model
 Assessed value at \$550/MW \$ 701,978

* no Pilots on Ad Valerom Taxes

The value of Ag Exemption elimination due to permanent conversion of farm land
 Town of Batavia Tax Rate \$ 2.40
 County and School Taxes on Ag Exemption \$ 1,072
 Town of Batavia (only) Taxes on Ag Exemption \$ 82
 Total taxes due based on the elimination of Ag Exemption \$ 1,154

GCEDC fee	\$ 75,512
Workforce Community Benefit	\$ 25,000
Subtotal	\$ 100,512
GCEDC Legal	\$ 12,500
Total Fee	\$ 113,012

Property Taxes at 100% assessed value (assessor)
 Term \$ 56,412
 Total PILOT \$ 846,180
 Savings \$ 465,725

Net Savings \$ 865,647

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

MM
4/30/2020

INITIAL RESOLUTION
(Bright Oak 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, May 7, 2020.

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

Resolution No. 05/2020 - _____

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 (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, **BRIGHT OAK 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 or other interest in certain property located at 3565 Galloway Road, Town Batavia, New York, Genesee County, New York (the "Land"), (ii) the construction on the Land of an approximate 4.0 MW ac solar electrical generation system that will be interconnected to the National Grid utility and which can provide electricity to customers within the utility (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 an agent, financial assistance and project agreement (the "Agent 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, construction and equipping of the Facility, (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 the State (collectively, the "Financial Assistance"); 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.

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>
Paul Battaglia	[]	[]	[]	[]
Peter Zeliff	[]	[]	[]	[]
Craig Yunker	[]	[]	[]	[]
Matthew Gray	[]	[]	[]	[]
Todd Bender	[]	[]	[]	[]
Andrew Young	[]	[]	[]	[]
Amy Vanderhoof	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

CERTIFICATION
(Bright Oak 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 May 7, 2020, with the original thereof on file in my 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 May, 2020.

Secretary

Memo



To: Vinnie Esposito, FL REDC Economic Recovery Planning Task Force
From: Steve Hyde
CC:
Date: April 29, 2020
Re: Genesee County Economic Re-Start/Recovery Planning – Regional Inputs, Plans, Concepts

Genesee County's input and plans as part of the Finger Lakes regional economic re-start/recovery planning consists of a 6-prong approach. This is DRAFT guidance currently based on feedback from a recent economic development study by The Rockefeller Institute of Government (SUNY Thinktank), the Site Selection community, IEDC webinars and area business and local/regional economic development partners.

1. Capital Access: [Immediate Need] Develop a business startup/re-start loan fund to assist businesses with liquidity needs as they move into the startup/re-start process post pandemic.
 - a. Appropriate \$250M of **CFA/REDC** funding in 2020 cycle toward this end; \$25M per region.
 - b. Award \$5000/ job created/re-hired – supports creation of 50,000 jobs statewide / 5,000 per region.
 - c. Allocate \$25M FL share to City of ROC / county EDOs to manage based on employment shrinkage during pandemic.
 - d. 2.75% interest rate, 60-month term, no payments first 6 months.
 - e. If maintain employment committed to in securing the re-start loan during first 30 months, payments for months 31-60 are forgiven (50% grant in effect given successful employment performance).
2. Business Attraction: [Immediate / Intermediate / long-term need] Prepare for manufacturing re-shoring opportunities by focusing on industrial sites and buildings enhancement and promotion. Allocate **CFA/REDC** funding in 2020 cycle to prepare.
 - a. Fund **infrastructure investments** to bring tech/industrial park priority sites under development to "ready to build" status making NYS and region more competitive.
 - b. Identify next generation sites as development priorities – begin development work to make sites "market ready".
 - c. Identify and fund, **a focus of CFA funding**, critical municipal infrastructure [water, sewer] and needed upgrades to support economic growth and recovery that will be needed regionally and enabling industrial park enhancements.
 - d. Identify available industrial/warehousing facilities with in-place infrastructure post pandemic to actively sell/market.
 - e. Work with ESD to develop a statewide portal of industrial park sites to actively market to the site selection and commercial real estate community much like is done by Jobs Ohio and Indiana.
 - f. Develop a sales sheet template to profile site characteristics, prime parcel info. and related infrastructure to pursue business recruitment projects / re-shoring opportunities. Leverage regional marketing organizations / capacity to assist development.
 - g. Develop flyover video (drones et. al.) to feature sites and available buildings.

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- h. Develop a virtual site visit model, process and content to include the use of VR/AR of priority sites and buildings to market to strategic industries (OPI, Adv Mfg, Semiconductor, Medical Devices & Life Sciences, Food & Bev Mfg., Renewable Energy Mfg, Warehousing, Data Center).
 - i. Develop a regional marketing/selling campaign featuring priority sites & buildings using multi-media solutions targeted to site selectors, commercial realtors and corporate real estate execs in target industries.
3. Economic Driver "Connections": **[Immediate Need]** Connect with economic driver businesses across each county (region) to discuss re-start plans and needs to assist business to return, if possible, to pre-pandemic levels of economic activity and employment and associated timeline (business retention & expansion).
 - a. Consider applying some **CFA** funds in 2020 REDC cycle to support engagement activities
 4. Activate Workforce Development: **[Immediate / Intermediate Need]** Continue focus on worker pipeline development and enhancement. Work with higher education and secondary education partners to focus on programs to support:
 - a. Regional Technician training, pipeline development
 - b. Regional Skilled trades training, pipeline development
 - c. Assistance in re-hiring, selection and recruitment and skills matching – activate workforce training partners to support
 - d. Support workforce restructuring for those whose business doesn't come back – establish regional skills matching portal to ongoing employers who have worker gaps – this has been a chronic problem in GC and FL/WNY
 5. Placemaking/Downtown development: **[Immediate/Intermediate Need]** Priority focus to continue implementation
 - a. Focus on helping Main Street businesses recover / come back to life (#1 above)
 - b. Strong focus on continued DRI project implementation
 - c. Batavia City Centre (Mall) redevelopment study / Developer RFP establishment and issuance
 - d. NY Main Street program implementation and continuation
 - e. Pre-BOA development planning for next generation opportunities in the City of Batavia- laser focus on adaptive reuse and under-utilized sites/buildings-i.e. Kmart , Harvester Center, Swan Street in Batavia.
 6. Housing: **[Immediate Need to Long-Term Need]** Recent studies by LaBella Associates and an economic strategy study by The Rockefeller Institute of Government (SUNY's Thinktank) suggest this is Genesee County's (Greater Batavia area's) biggest challenge in order to fully realize the value of the economic development strategy that is in-place and being implemented.
 - a. Some 4,800 units needed in next 20 years across multiple sectors including rental units and single-family homes both affordable and market rate.
 - b. Seek multiple funding programs, including access to HCR programs via CFA or otherwise, to support unit volume and quality improvement.
 - c. Explore aggressive incentivization to developers / contractors given cost gap vs. market price.
 - d. Focus on mixed use parcel development including residential/loft unit enhancement given likely emergence of an even more prevalent tele-commuter / home based workforce model post pandemic.
 - e. Truly define \$ range of Market ready housing vs affordable housing – SF / TH vs congregate new housing and strategic locations based on real amenities and real access to ALL essential utilities.
 - f. Consider **CFA/HCR** funding models to incentivize housing units \geq 80% AMI given significant need in rural communities across upstate given the cost gap between cost of construction/renovation and market sales price/rental rates. This is essential to long-term survival of smaller cities, towns, villages across Upstate New York.

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Genesee County Economic Development Center
Dashboard - For the Three Month Period Ended 3/31/20
Balance Sheet - Accrual Basis

	Three Month Period Ended <u>3/31/20</u>	[Per Audit] <u>12/31/19</u>
ASSETS:		
Cash - Unrestricted (1)	\$ 1,596,320	\$ 1,409,323
Cash - Restricted (A)(2)	12,746,344	13,742,990
Cash - Reserved (B)	789,434	788,561
Cash - Subtotal	<u>15,132,098</u>	<u>15,940,874</u>
Grants Receivable (3)	186,092	386,091
Accts Receivable- Current (4)	394,848	397,089
Deposits	2,832	2,832
Prepaid Expense(s) (5)	2,542	33,355
Loans Receivable - Current	56,244	51,450
Total Current Assets	<u>15,774,656</u>	<u>16,811,691</u>
Land Held for Dev. & Resale (6)	14,156,249	13,886,275
Furniture, Fixtures & Equipment	67,982	67,982
Total Property, Plant & Equip.	<u>14,224,231</u>	<u>13,954,257</u>
Less Accumulated Depreciation	(67,934)	(67,917)
Net Property, Plant & Equip.	<u>14,156,297</u>	<u>13,886,340</u>
Accts Receivable- Non-current (7)	539,295	559,295
Loans Receivable- Non-current (Net of \$47,429 Allow. for Bad Debt)	295,675	309,788
Other Assets	<u>834,970</u>	<u>869,083</u>
TOTAL ASSETS	<u>30,765,923</u>	<u>31,567,114</u>
DEFERRED OUTFLOWS OF RESOURCES		
Deferred Pension Outflows (12)	160,725	160,725
Deferred Outflows of Resources	<u>160,725</u>	<u>160,725</u>
LIABILITIES:		
Accounts Payable (8)	18,692	927,789
Loan Payable - Genesee County - Current (9)	290,000	285,000
Accrued Expenses	779	12,608
Unearned Revenue (10)	10,408,729	10,408,563
Total Current Liabilities	<u>10,718,200</u>	<u>11,633,960</u>
Loans Payable - ESD (11)	5,196,487	5,196,487
Loan Payable - Genesee County - Noncurrent (9)	3,425,000	3,715,000
Aggregate Net Pension Liability (12)	199,875	199,875
Total Noncurrent Liabilities	<u>8,821,362</u>	<u>9,111,362</u>
TOTAL LIABILITIES	<u>19,539,562</u>	<u>20,745,322</u>
DEFERRED INFLOWS OF RESOURCES		
Deferred Pension Inflows (12)	109,989	109,989
Deferred Inflows of Resources	<u>109,989</u>	<u>109,989</u>
NET ASSETS	<u>\$ 11,277,097</u>	<u>\$ 10,872,528</u>

Significant Events:

1. Unrestricted Cash - Collected \$200K National Grid Grant in 1st quarter.

2. Restricted Cash - ESD deposited \$4M into an imprest account related to the \$8M STAMP grant in November 2019 and \$15.1M into an imprest account related to the \$33M STAMP grant in January 2018. Expenditures out of these accounts are pre-authorized by ESD. In May 2018, the County remitted \$4M to the GCEDC 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 qualifying expenditures.
3. Grants Receivable - Decreased due to receipt of funds from National Grid as reimbursement for STAMP expenses.
4. Accounts Receivable (Current) - Econ. Dev. Program Support Grant; MedTech Centre Property Management; termed out Project Origination Fees from Rochester Gas & Electric and HP Hood to be collected in the next 12 months.
5. Prepaid Expense(s) - Life insurance, long-term and short-term disability.
6. Land Held for Dev. & Resale - Additions are related to STAMP development costs.
7. Accounts Receivable - Non-current - Termed out Project Origination Fees from HP Hood that will not be collected within 12 months of the Balance Sheet date.
8. Accounts Payable - e3communications expenses and unpaid 2019 expenses.
9. 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 will make annual payments to the County of \$448,500 beginning in January 2020.
10. Unearned Revenue - Genesee County contribution received in advance; Funds received from municipalities to support park development; Funds received from National Fuel to support workforce development; ESD Grant funds to support STAMP development, not actually earned until eligible expenditures are incurred.
11. Loans Payable - ESD - Loans from ESD to support STAMP land acquisition and related soft costs.
12. 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
Dashboard - For the Three Month Period Ended 3/31/20
Profit & Loss - Accrual Basis**

	Month to Date		YTD		2020	2020
	3/31/20	3/31/19	2020	2019	Board Approved Budget	YTD % of Budget
<u>Operating Revenues:</u>						
Genesee County	\$ 58,378	\$ 58,378	\$ 58,378	\$ 58,378	\$ 233,513	25%
Fees - Projects	16,000	160,198	16,000	160,198	392,000	4%
Fees - Services	20,121	20,061	20,121	20,061	80,483	25%
Interest Income on Loans	1,022	942	1,022	942	3,877	26%
Rent	600	600	600	600	23,995	3%
Common Area Fees - Parks	300	-	300	-	-	N/A
Grants (1)	584,913	289,693	584,913	289,693	26,022,377	2%
GGLDC Grant- Econ. Dev. Program Support	75,000	75,000	75,000	75,000	300,000	25%
GCFC Grant - Econ. Dev. Program Support	-	-	-	-	50,000	0%
BP ² Revenue	-	402	-	402	2,698	0%
Other Revenue	5,559	4,831	5,559	4,831	5,000	111%
Total Operating Revenues	761,893	610,105	761,893	610,105	27,113,943	3%
<u>Operating Expenses</u>						
General & Admin	325,665	321,356	325,665	321,356	1,379,649	24%
Professional Services	4,617	4,895	4,617	4,895	96,000	5%
Site Maintenance/Repairs	1,217	1,170	1,217	1,170	17,000	7%
Property Taxes/Special District Fees	2,533	2,951	2,533	2,951	11,890	21%
PIF Expense	28,410	14,714	28,410	14,714	93,824	30%
CBA Pass Through	-	205,125	-	205,125	-	N/A
Site Development Expense	1,475	18,389	1,475	18,389	2,501,475	0%
Real Estate Development (2)	269,974	67,202	269,974	67,202	25,642,025	1%
Balance Sheet Absorption	(269,974)	(67,202)	(269,974)	(67,202)	-	N/A
Total Operating Expenses	363,917	568,600	363,917	568,600	29,741,863	1%
Operating Revenue (Expense)	397,976	41,505	397,976	41,505	(2,627,920)	
<u>Non-Operating Revenue (Expense)</u>						
Other Interest Income	6,593	6,693	6,593	6,693	5,000	132%
Econ. Dev. Loan Fund (LDC/County)	-	(233,764)	-	(233,764)	-	N/A
Total Non-Operating Revenue (Expense)	6,593	(227,071)	6,593	(227,071)	5,000	132%
Change in Net Assets	404,569	(185,566)	404,569	(185,566)	\$ (2,622,920)	
Net Assets - Beginning	10,872,528	10,715,761	10,872,528	10,715,761		
Net Assets - Ending	\$ 11,277,097	\$ 10,530,195	\$ 11,277,097	\$ 10,530,195		

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. Real Estate Development Costs - Includes STAMP development costs.

**Genesee County Economic Development Center
Dashboard - For the Three Month Period Ended 3/31/20
Statement of Cash Flows**

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	<u>Three Month Period Ended 3/31/20</u>	<u>YTD</u>
CASH FLOWS USED BY OPERATING ACTIVITIES:		
Genesee County	\$ 77,837	\$ 77,837
Fees - Projects	25,000	25,000
Fees - Services	20,061	20,061
Interest Income on Loans	678	678
Rent	600	600
Common Area Fees - Parks	300	300
Grants	776,963	776,963
GGLDC Grant - Economic Development Program Support	75,000	75,000
Other Revenue	5,559	5,559
Repayment of Loans	9,319	9,319
General & Admin Expense	(310,237)	(310,237)
Professional Services	(5,267)	(5,267)
Site Maintenance/Repairs	(1,217)	(1,217)
Site Development	(696,247)	(696,247)
Property Taxes/Special District Fees	(2,533)	(2,533)
PIF Expense	(28,410)	(28,410)
Improv/Additions/Adj to Land Held for Development & Resale	(482,656)	(482,656)
Net Cash Used By Operating Activities	<u>(535,250)</u>	<u>(535,250)</u>
CASH FLOWS USED BY NONCAPITAL FINANCING ACTIVITIES:		
Principal Payments on Loan	(285,000)	(285,000)
Net Cash Used By Noncapital Financing Activities	<u>(285,000)</u>	<u>(285,000)</u>
CASH FLOWS PROVIDED BY INVESTING ACTIVITIES:		
Interest Income (Net of Remittance to ESD)	11,474	11,474
Net Change in Cash	(808,776)	(808,776)
Cash - Beginning of Period	15,940,874	15,940,874
Cash - End of Period	<u>\$ 15,132,098</u>	<u>\$ 15,132,098</u>
RECONCILIATION OF NET OPERATING REVENUE TO NET CASH USED BY OPERATING ACTIVITIES:		
Operating Revenue	\$ 397,976	\$ 397,976
Depreciation Expense	17	17
Decrease in Operating Accounts/Grants Receivable	220,342	220,342
Decrease in Prepaid Expenses	30,813	30,813
Decrease in Loans Receivable	9,319	9,319
Increase in Land Held for Development & Resale	(269,974)	(269,974)
Decrease in Operating Accounts Payable	(912,080)	(912,080)
Decrease in Accrued Expenses	(11,829)	(11,829)
Increase in Unearned Revenue	166	166
Total Adjustments	<u>(933,226)</u>	<u>(933,226)</u>
Net Cash Used By Operating Activities	<u>\$ (535,250)</u>	<u>\$ (535,250)</u>

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Mark Masse

GCEDC Audit & Finance Committee

May 5, 2020

Approval of mowing contract for GCEDC properties

Discussion: The GCEDC asked four companies for bids to mow the properties we have acquired at STAMP and the entrance sign to STAMP. The results of the bids are as follows based on 6 mows in the season:

1. \$3,300 – S&S Trucking
2. \$3,150 – Scalia's Landscaping
3. Declined to bid – McKenzie Landscaping
4. Declined to bid – Bubba's Landscaping

Fund Commitment: Not to exceed \$3,150.

Board Action Request: Approval of mowing contract for STAMP properties to Scalia's Landscaping not to exceed \$3,150.

Intermunicipal Agreement (IMA) with the Town of LeRoy amendment for deferral

Discussion: In 2018 the Town of LeRoy signed an IMA with the GCEDC that committed to four annual payments of \$50,000. Due to the recent pandemic and COVID-19, the Town of LeRoy has sent in a request (attached) seeking to defer this year's payment and to amend the agreement to reflect that deferral.

Fund Commitment: None.

Committee action request: Recommend to the full board approval of the IMA amendment to defer the Town of LeRoy payment of \$50,000 for one year.

Town of LeRoy

James R. Farnholz
Supervisor

Patricia A. Canfield
Town Clerk Tax Collector

Darryl Sehm
John Duyssen
Town Justices



Dave Paddock
Deputy Supervisor

John Armitage
Stephen Barbeau
John Johnson
Town Council

Eric Stauffer
Supt. of Highways

April 27, 2020

To: GCEDC

Re: Intermunicipal Agreement:

The Town of LeRoy and the GCEDC entered into an intermunicipal agreement in October of 2019. In that agreement the Town of LeRoy agreed to pay GCEDC \$50,000 per year for 4 years for the development of the 73 acres of land in the Town of LeRoy into a corporate business park. The Town of LeRoy made the first payment in 2018 and another in 2019. With the remaining 2 payments to be made in 2020 and 2021.

Faced with serious revenue losses as a result of the Covid 19 pandemic the Town Board of LeRoy last week voted unanimously to request the following:

The Town of LeRoy requests that the payment agreement of \$50,000 be extended an extra year to be completed in 2022. The Town would defer the 2020 payment, and then make the remaining 2 payments in 2021 and 2022. Any help or consideration in this matter would be greatly appreciated and help reduce the looming budget shortfalls and impact on the taxpayers of LeRoy. If I can answer any questions or be of help in any way please feel free to contact me anytime. Thank you for your consideration in this matter.

James Farnholz, Supervisor
Town of LeRoy
48 Main Street
LeRoy, NY 14482
585-768-6910

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