

**Genesee County Economic Development Center  
Meeting Agenda**  
Thursday, June 29, 2023  
Location: 99 MedTech Drive, Innovation Zone

**PAGE #**

<b>1.0</b>	<b>Call to Order</b>	<b>4:00pm</b>
	1.1 <b>Enter Executive Session</b>	<b>4:00pm</b>
	Motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 for the following reasons:	
	1. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.	
	2. Discussions regarding proposed, pending or current litigation.	
	1.2 <b>Enter Public Session</b>	<b>4:25pm</b>
<b>2.0</b>	<b>Chairperson's Report &amp; Activities</b>	<b>4:25pm</b>
	2.1 Upcoming Meetings:	
	<b>Next Scheduled Board Meeting: Thursday, August 3<sup>rd</sup> at 3 p.m.</b> <i>(Change in Time due to GLOW Corporate Cup)</i>	
	Audit & Finance Committee Meeting: Tuesday, August 1 <sup>st</sup> at 8:30 a.m.	
	STAMP Committee Meeting: Wednesday, August 2 <sup>nd</sup> at 8:00 a.m.	
	2.2 Agenda Additions / Deletions / Other Business <b>**Vote</b>	
	2.3 Minutes: June 1, 2023 <b>**Vote</b>	
<b>3.0</b>	<b>Report of Management –</b>	<b>4:30pm</b>
	3.1 Churchville Fire Equipment – Assignment Authorization <b>**Vote</b> – M. Masse	
	3.2 Legislative Session Overview – J. Krencik	
<b>4.0</b>	<b>Audit &amp; Finance Committee – M. Gray</b>	<b>4:40pm</b>
	4.1 May 2023 Financial Statements <b>**Vote</b>	
	4.2 Key Bank Line of Credit Renewal <b>**Vote</b>	
	4.3 Cyber Insurance <b>**Vote</b>	
	4.4 Audit & Finance Committee Charter <b>**Vote</b>	
<b>5.0</b>	<b>Governance &amp; Nominating Committee – C. Yunker</b>	<b>4:50pm</b>
	5.1 Nothing at this time.	
<b>6.0</b>	<b>STAMP Committee – P. Zeliff</b>	<b>4:50pm</b>
	6.1 Easement Approval <b>**Vote</b>	
	6.2 Sale of Topsoil <b>**Vote</b>	
	6.3 Phillips Lytle – 2023 Additional Contract <b>**Vote</b>	
	6.4 Keeler Change Order <b>**Vote</b>	
<b>7.0</b>	<b>Employment &amp; Compensation Committee – T. Bender</b>	<b>5:00pm</b>
	7.1 Nothing at this time.	
<b>8.0</b>	<b>Housing Committee – P. Battaglia</b>	<b>5:00pm</b>
	8.1 Nothing at this time.	
<b>9.0</b>	<b>Other Business</b>	<b>5:00pm</b>
	9.1 Nothing at this time.	
<b>10.0</b>	<b>Adjournment</b>	<b>5:00pm</b>

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**GCEDC Board Meeting  
Thursday, June 1, 2023  
Location: 99 MedTech Drive, Innovation Room  
4:00 PM**

**GCEDC MINUTES**

**Attendance**

Board Members: M. Gray, C. Kemp, C. Yunker, P. Battaglia, P. Zeliff, M. Clattenburg, T. Bender  
Staff: M. Masse, S. Hyde, L. Farrell, P. Kennett, C. Suozzi, L. Casey, J. Krencik  
Guests: S. Noble-Moag (GGLDC Board Member), R. Gaenzle (Harris Beach / Video Conference), G. Torrey (GGLDC Board Member), J. Tretter (GGLDC Board Member), D. Cunningham (GGLDC Board Member), M. Brooks (GGLDC Board Member)

Absent:

**1.0 Call to Order**

P. Zeliff called the meeting to order at 4:00 p.m. in the Innovation Zone.

**1.1 Enter Executive Session**

C. Yunker made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:01 p.m. for the following reasons:

1. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
2. Discussions regarding proposed, pending, or current litigation.

The motion was seconded by P. Battaglia and approved by all members present.

**1.2 Enter Public Session**

C. Yunker made a motion to enter back into public session at 4:28 p.m., seconded by M. Gray and approved by all members present.

**2.0 Chairman's Report & Activities**

**2.1 Upcoming Meetings:**

**Next Scheduled Board Meeting: Thursday, June 29<sup>th</sup> at 4:00 p.m.**  
Audit & Finance Committee Meeting: Tuesday, June 27<sup>th</sup> at 8:30 a.m.  
STAMP Committee Meeting: Wednesday, June 28<sup>th</sup> at 8:00 a.m.

**2.2 Agenda Additions / Deletions / Other Business** – Nothing at this time.

**2.3 Minutes: May 4, 2023** –

**M. Clattenburg made a motion to accept the May 4, 2023 minutes as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

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

**The item was approved as presented.**

**3.0 Report of Management**

**3.1 GSPP Route 262, LLC** – The project details were reviewed and discussed at the GCEDC Board Meeting held on March 30, 2023 when the Initial Resolution for the project was approved. The project details have been added below for ease of reference.

GSPP Route 262, LLC is proposing to construct a community solar farm project on Route 262 in the Town of Byron. 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, Town of Byron, 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.

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.

A public hearing was held on April 19, 2023. No written or oral comments were received.

**3.1a UTEP** - The Board acknowledged that the UTEP was provided with meeting materials and concurs with each criterion. See the Statement of Compliance of Project Criteria listed in the Uniform Tax Exemption Policy (UTEP), attached to the minutes for additional Project details and Board approvals.

**3.1b Final Resolution** -

Resolution No. 06/2023 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON APRIL 19, 2023, WITH RESPECT TO THE GSPP ROUTE 262, LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO

THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF THE STATE OF NEW YORK; (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

**C. Yunker made a motion to accept Final Resolution #6/2023-01, authorizing incentives as presented; the motion was seconded by T. Bender. Roll call resulted as follows:**

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

**The item was approved as presented.**

**3.2 RPNY Solar 6, LLC – Assignment Authorization** - In accordance with the terms and conditions of the PILOT agreement the company cannot transfer the PILOT without the approval of the Board of Directors of the GCEDC. The Original Company Parent (RPNY Solar 6, LLC) assigned 100% of its membership interest in the Company to the Purchaser (RenewProp Lessor 8, LLC). Therefore, no origination fee is triggered.

Resolution No. 06/2023 - 02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE “AGENCY”) (i) AUTHORIZING AN ASSIGNMENT REQUEST RECEIVED FROM RPNY SOLAR 6, LLC AND AFFILIATES (THE “COMPANY”) IN CONNECTION WITH A CERTAIN PROJECT TO BE UNDERTAKEN BY THE AGNECY AND THE COMPANY; AND (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS WITH RESPECT TO SAME.

**M. Gray made a motion to accept Assignment Authorizing Resolution #06/2023-02, authorizing the transfer of the PILOT 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
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**3.3 RPNY Solar 7, LLC – Assignment Authorization** - In accordance with the terms and conditions of the PILOT agreement the company cannot transfer the PILOT without the approval of the Board of Directors of the GCEDC. The Original Company Parent (RPNY Solar 7, LLC)

assigned 100% of its membership interest in the Company to the Purchaser (RenewProp Lessor 8, LLC). Therefore, no origination fee is triggered.

Resolution No. 06/2023 - 03

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) AUTHORIZING AN ASSIGNMENT REQUEST RECEIVED FROM RPNY SOLAR 7, LLC AND AFFILIATES (THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT TO BE UNDERTAKEN BY THE AGENCY AND THE COMPANY; AND (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS WITH RESPECT TO SAME.

**M. Gray made a motion to accept Assignment Authorizing Resolution #06/2023-03, authorizing the transfer of the PILOT 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
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**4.0 Audit & Finance Committee**

**4.1 April 2023 Financial Statements** – L. Farrell reviewed the April 2023 financial statements with the Board. The following was noted:

- On the balance sheet, accounts receivable decreased. The MedTech Centre Property Management Fee and Economic Development Support Grant quarterly payments were received from the GGLDC.
- On the P&L, we received a project origination fee of approximately \$7,500 from Apple Tree Acres, LLC.
- There is normal monthly activity for April.

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

**M. Gray made a motion to approve the April 2023 Financial Statements as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

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

**The item was approved as presented.**

**4.2 New York Loves Nano Semicon West Sponsorship** - With the support of National Grid, the GCEDC is joining our partners in the New York Loves Nano delegation at the 2023 Semicon West semiconductor industry conference in San Francisco July 11-13. The GCEDC participates in this conference annually, enabling our sales and marketing team to advance business leads including Edwards in past years.

The GCEDC previously sponsored the delegation’s conference floor booth and reception in 2022 in partnership with Greater Rochester Enterprise and Invest Buffalo Niagara. This enabled the GCEDC to receive the benefits of a Gold Sponsorship (\$10,000) at the cost of a Silver Sponsorship (\$5,000). These include prominent booth imagery space, conference registration, and sponsorship of both a conference booth and the New York Loves Nano reception.

The New York Loves Nano delegation is coordinated by the New York State Economic Development Council.

This expenditure was anticipated in the 2023 Marketing budget and this expenditure is at the same level as in 2022.

This item was recommended for approval by the Committee.

**P. Zelif made a motion to approve the Semicon West Sponsorship not to exceed \$5,000 as presented; the motion was seconded by T. Bender. Roll call resulted as follows:**

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

**The item was approved as presented.**

**The item was approved as presented.**

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

**5.1 Procurement Policies & Procedures-** This policy is required to be reviewed annually. There are no changes being recommended.

This was recommended for approval by the Committee.

**C. Yunker made a motion to approve the Procurement Policies & Procedures as presented; the motion was seconded by T. Bender. Roll call resulted as follows:**

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

**The item was approved as presented.**

**5.2 Investment Policy** – This policy is required to be reviewed annually. There are no changes being recommended.

This was recommended for approval by the Committee.

**C. Yunker made a motion to approve the Investment Policy as presented; the motion was seconded by T. Bender. Roll call resulted as follows:**

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

**The item was approved as presented.**

**5.3 Disposition of Property Guidelines-** This policy is required to be reviewed annually. There are no changes being recommended.

This was recommended for approval by the Committee.

**C. Yunker made a motion to approve the Disposition of Property Guidelines as presented; the motion was seconded by T. Bender. Roll call resulted as follows:**

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

**The item was approved as presented.**

**6.0 STAMP Committee – P. Zelif**

**6.1 Easement Approval** – In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, there are several easements needed. We are seeking approval of the following easements:

1. Temporary Easement 27 – Installation of water line from curb box to house (include in forcemain contract) Estimated at \$2,500
2. Temporary Easement 29 - \$500

**Fund Commitment:** \$3,000 from the \$33 million.

**Board Action Request:** Approval of payment of \$3,000 to the holders of the easement numbers identified above.

This was recommended for approval by the Committee.

**P. Zelif made a motion to approve the ROW easement payments not to exceed \$3,000 as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

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

**The item was approved as presented.**

**6.2 KTA Preservation Contract** - As part of the STAMP development and the neighboring Tonawanda Seneca Nation, in accordance with Section 106 for the DEC permits, the GCEDC is working with the Tonawanda Seneca Nation on an assessment of the TCP potentials as it relates to the criteria for eligibility of listing on the National Historic Register. KTA Preservation Specialists has prepared a proposal to prepare an assessment of any potential impacts to the Nation from the construction of a proposed development on the STAMP site.

**Fund commitment:** Not to exceed \$1,440 to be paid out of \$5,000 from Plug for the Access Agreement for the additional parking area. This is an unbudgeted item.

**Board action request:** Recommend approval of consultant contract with KTA Preservation Specialists for evaluation of TCP issues.

This was recommended for approval by the Committee.

**P. Zelif made a motion to approve the KTA Preservation Contract not to exceed \$1,440 as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

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

**The item was approved as presented.**

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

**7.1 Nothing at this time.**

**8.0 Housing Committee – P. Battaglia**

**8.1 Nothing at this time.**

**9.0 Other Business**



**9.1 Nothing at this time.**

**10.0 Adjournment**

As there was no further business, C. Yunker made a motion to adjourn at 4:37 p.m., which was seconded by T. Bender and passed unanimously.



Project Name: GSPP Route 262, LLC

Board Meeting Date: March 30, 2023

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

### PROJECT DESCRIPTION:

GSPP Route 262, LLC is proposing to construct a community solar farm project on Route 262 in the Town of Byron. 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, Town of Byron, 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.

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

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

**Project details:** N/A

**Board Discussion:** N/A

**Board Concurrence:** N/A

**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 \$14,210,654 in capital investment. A fixed 15-year pilot with a 2% annual escalator priced at \$4,000/MWAC is proposed which is above the top end of the NYSERDA recommended range for projects located in National Grid territory in Western NY. The 5 MW solar farm will generate \$345,868 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.

**Board Discussion:** None.

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

P. Battaglia - Yes

C. Yunker - Yes

T. Bender - Yes  
M. Clattenburg - Yes  
C. Kemp - Yes

P. Zelif - Yes  
M. Gray - Yes

**The item was approved as presented.**

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

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

**Project details:** The company is assisting with a \$25,000 payment for STEM oriented workforce training/county economic development programming to support STEM 2 STAMP workforce development programs/local economic development programming. Residents will be offered a 10% discount to average local market rates for solar energy.

**Board Discussion: None.**

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

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

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

**The item was approved as presented.**

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

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

The 5 MW solar farm will generate \$627,303 in PILOT payments, host payments and real property taxes over the 15-year term, which is far greater than the current assessed value of this ag/vacant land. This calculates to a fiscal impact rate of return based on the original property taxes of \$46.16 to 1.

**Project details:** For every \$1 of public benefit the company is investing \$46.16 into the local economy

**Board Discussion: None.**

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

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

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

The item was approved as presented.

Board Concurrence:  YES NO If no, state justification:

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

**Project details:** : The company is a "downstream" developer/installer of Photovoltaic (solar) energy generation systems which is a target industry cluster / strategic industry focused on by the Agency to attract Photovoltaic (solar) manufacturing at STAMP.

**Board Discussion:** None.

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

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

The item was approved as presented.

Board Concurrence:  YES NO If no, state justification:

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

**Project details:** The project is planning to begin construction in Spring 2023 and be operational within 9 months

**Board Discussion:** None.

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

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

The item was approved as presented.

Board Concurrence:  YES NO If no, state justification:

**ASSIGNMENT AUTHORIZING RESOLUTION**  
*(Churchville Fire Equipment Corp. to Firematic Supply Co., Inc.)*

A regular meeting of Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, June 29, 2023.

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

Resolution No. 06/2023 - \_\_

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AUTHORIZING (i) THE ASSIGNMENT OF CERTAIN DOCUMENTS IN CONNECTION WITH A CERTAIN PROJECT (AS FURTHER DEFINED HEREIN) PREVIOUSLY UNDERTAKEN FOR THE BENEFIT OF CHURCHVILLE FIRE EQUIPMENT CORP. (THE "COMPANY") TO FIREMATIC SUPPLY CO., INC. AND/OR AN ENTITY FORMED OR TO BE FORMED ON ITS BEHALF (THE "ASSIGNEE"); AND (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS AND AGREEMENTS RELATING THERETO

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, (hereinafter collectively called the "Act"), the **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER** (hereinafter called the "Agency") was created with the Agency and power to promote, develop, encourage and assist in acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research, and recreational facilities as authorized by the Act, and in connection therewith to issue its revenue bonds, enter into straight lease transactions and provide other forms of financial assistance; and

WHEREAS, the Agency previously appointed **CHURCHVILLE FIRE EQUIPMENT CORP.** (herein, the "Company") as agent to undertake a certain project (the "Project") consisting of: (i) the purchase by the Company of certain property located at 10246 Perry Road in the Town of Pavilion, Genesee County, New York (the "Land") and the existing building located thereon (the "Existing Improvements"), (ii) the acquisition by the Agency of a leasehold interest in the Land and the Existing Improvements, (iii) the refitting and renovating of the Existing Improvements by the Company, as agent of the Agency, for use as a motor vehicle repair shop specifically for new fire truck set-up and truck refurbishment (the "Improvements"), and (iv) the acquisition and installation by the Company in and around the Improvements and Existing Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, collectively with the Land, the Existing Improvements, the Improvements and the Equipment, the "Facility"); and

WHEREAS, by resolution adopted by the Agency on January 10, 2019 (the "Authorizing Resolution"), the Agency authorized the undertaking of the Project and pursuant to which the Agency and the Company entered into a certain Agent, Financial Assistance and Project Agreement, Lease Agreement, Leaseback Agreement, Tax Agreement, and related documents (collectively, the "Agency Documents"); and

WHEREAS, pursuant to Section 6.3 of the Leaseback Agreement, and in connection with the proposed transfer of ownership of the Project to **Firematic Supply Co., Inc.** or an entity formed or to be formed on its behalf (collectively, the "Assignee"), the Company has requested the Agency's approval of the proposed assignment of the Agency Documents (collectively, the "Assignment") to the Assignee; and

WHEREAS, the Agency desires to authorize the Assignment subject to the terms and conditions set forth herein.

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. Subject to (i) the Company and Assignee executing an Assignment and Assumption Agreement with Acknowledgement and Consent (the "Assignment Agreement"), (ii) the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, and (iii) compliance with Section 6.3 of the Leaseback Agreement, the Agency hereby authorizes the Assignment of the Agency Documents to the Assignee. No additional financial assistance is authorized for the benefit of the Company or Assignee.

Section 2. The Agency hereby finds that the Assignment constitutes a Type II Action, as defined within the State Environmental Quality Review Act ("SEQRA") and regulations adopted pursuant thereto at 6 NYCRR Part 617.5(c)(26) whereby the Assignment constitutes a transfer of leasehold rights with no material change in permitted conditions or activities.

Section 3. The Chairman, Vice Chairman, President/CEO and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver the Assignment Agreement and related documents; provided the rental payments under the Leaseback Agreement, as assigned, and the Assignment Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and Assignment, along with the prospective indemnification of the Agency by the Assignee for actions taken by the Assignee and/or claims arising out of or related to the Project.

Section 4. 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 5. These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Peter Zeliff	[ ]	[ ]	[ ]	[ ]
Matthew Gray	[ ]	[ ]	[ ]	[ ]
Paul Battaglia	[ ]	[ ]	[ ]	[ ]
Craig Yunker	[ ]	[ ]	[ ]	[ ]
Todd Bender	[ ]	[ ]	[ ]	[ ]
Chandy Kemp	[ ]	[ ]	[ ]	[ ]
Marianne Clattenburg	[ ]	[ ]	[ ]	[ ]

The Resolution was thereupon declared duly adopted.

**SECRETARY'S CERTIFICATION**

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 June 29, 2023, 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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Secretary

[SEAL]



# THE ECONOMIC IMPACT OF IDAs

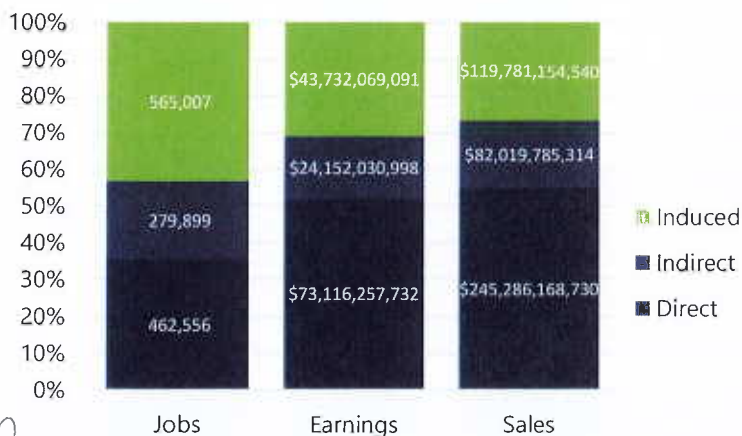
The New York State Economic Development Council (NYSEDC) commissioned a study to document and communicate the value of New York's Industrial Development Agencies (IDAs) in their efforts to pursue regional and state level economic development goals. A traditional economic impact analysis was conducted to quantify the impact of IDA projects, which was complemented by the collection of additional metrics through a survey of IDAs. 2021 project data, the most recently available data from PARIS and from the New York State Comptroller, were used as key inputs.

## Summary Data

- \$141 billion annual wages
  - \$73.1 billion were direct earnings, \$24.5 billion were indirect, and \$43.7 billion were induced
- 17,000 temporary construction jobs
- \$1.5 billion construction wages
- \$12.4 billion annual NYS tax revenue

1.3 million annual jobs and \$141 billion annual wages created.

Annual Economic Impact of NYS IDAs, Active Projects, 2021



## Revenue Generation



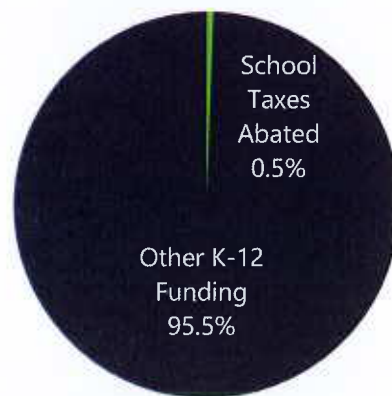
**For every dollar of taxes abated, IDAs generate:**

\$6.57 in NYS tax revenue



\$74.89 in employee earnings throughout the state

\$237.46 in sales throughout the state



The dollar amount of school taxes that are abated annually equals only 0.5% of annual spending on K-12 public education.

\$339 million in new revenue is generated for school districts through PILOTs, annually.

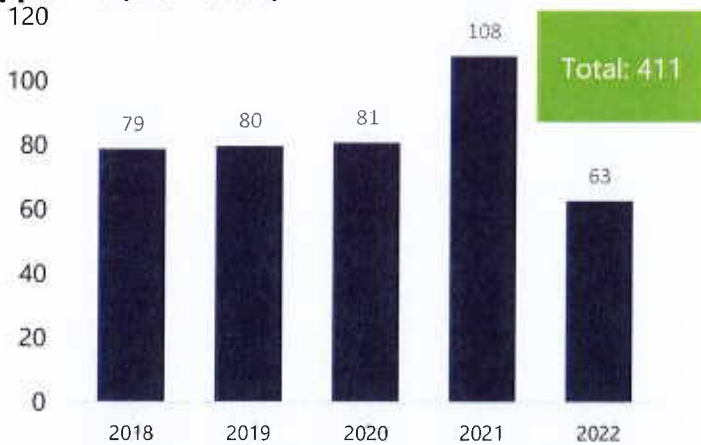
Source: Office of the New York State Comptroller, PARIS, Lightcast, Camoin Associates

# MODERN METRICS FOR IDAs

New York's IDAs are helping the state achieve its renewable energy, housing and downtown revitalization goals.

**411 projects with a residential component have been approved since 2018**

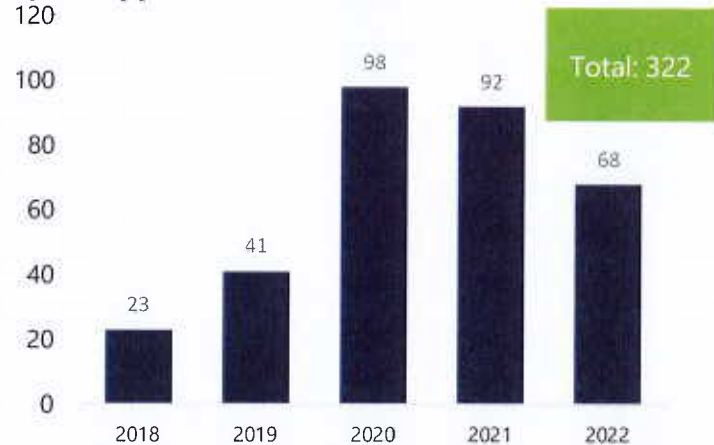
**Total Number of New Residential Projects Approved (2018-2022)**



Source: NYSEDC 2023 Survey of IDAs

**322 wind/solar energy projects have been approved since 2018**

**Total Number of New Wind/Solar Projects Approved (2018-2022)**



Source: NYSEDC 2023 Survey of IDAs

## Additional Data

- **9,000** of new housing units are affordable (more than 25% of all new housing units).
- IDA supported renewable energy projects will generate up to **4,809 MW** of clean, renewable energy (enough to power 1.9 million homes a year).
- **459** approved projects in downtown corridors.
- More than **25%** of all active IDA projects support housing, renewable energy, or downtown revitalization.

## NYSEDC Recommendations

- Pass S6544/A6858 which will bring much needed housing to market across the state.
- Pass S6312/A6777, which will give IDAs a tool to support small businesses when disasters or emergency declarations occur.
- Pass S1045/A1567, which will leverage revenue seen from the growth IDA projects are creating.
- Modernize metrics for the Public Authorities Reporting Information System (PARIS).

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# The Positive Impact of Economic Development Projects



*Charting how economic development activity impacts students, families and schools in Genesee County, New York*

GCEDC supported youth training programs **directly support** career exploration

**3400+**  
Student Participants in 2022-23 programs



GCEDC supported projects employ a workforce with **family-supporting careers**

**5000+**  
Pledged Jobs, 2003-2022 GCEDC Projects



GCEDC supported projects generate **PILOT payments\*** and **post-PILOT revenues** far higher than former uses

**\$3.71m**  
2021 Revenues to School Districts from 2006-2021 Projects

**Total Impact**

Oakfield-Alabama's Year-1 PILOT revenues from **Plug Power** greatly exceed those from the former use of all land at **STAMP**

**10.3x**  
Oakfield-Alabama CSD revenue increase

*\*Support A1567/S1045 to end the Tax Cap Penalty on Economic Growth*

**Better Career Outcomes, Tax Base Growth, Successful Communities, & More Funding For Our Schools**

Sources: Genesee County Economic Development Center (GCEDC) Data Analysis, Public Authorities Reporting Information System (PARIS) Reporting 2006-2022

Genesee County Economic Development Center  
 May 2023 Dashboard  
 Balance Sheet - Accrual Basis

DRAFT

	5/31/23	4/30/23	[Per Audit] 12/31/22
<b>ASSETS:</b>			
Cash - Unrestricted	\$ 6,189,444	\$ 6,344,897	\$ 6,428,049
Cash - Restricted (A)(1)	8,312,491	8,734,739	8,955,862
Cash - Reserved (B)	803,806	803,230	797,149
Cash - Subtotal	15,305,741	15,882,866	16,181,060
Grants Receivable (2)	60,119	57,394	67,663
Accounts Receivable (3)	66,293	33,819	105,672
Deposits	2,832	2,832	2,832
Prepaid Expense(s) (4)	50,407	57,645	25,691
Loans Receivable - Current	57,688	56,112	54,539
<b>Total Current Assets</b>	<b>15,543,080</b>	<b>16,090,668</b>	<b>16,437,457</b>
Land Held for Dev. & Resale (5)	23,103,659	22,680,817	22,615,924
Furniture, Fixtures & Equipment	71,257	71,257	71,257
Total Property, Plant & Equip.	23,174,916	22,752,074	22,687,181
Less Accumulated Depreciation	(69,456)	(69,402)	(69,183)
<b>Net Property, Plant &amp; Equip.</b>	<b>23,105,460</b>	<b>22,682,672</b>	<b>22,617,998</b>
Loans Receivable- Non-current (Net of \$47,429 Allow. for Bad Debt)	113,815	118,675	138,073
Right to Use Assets, Net of Accumulated Amortization	30,078	30,078	30,078
Net Pension Asset (10)	200,580	200,580	200,580
<b>Other Assets</b>	<b>344,473</b>	<b>349,333</b>	<b>368,731</b>
<b>TOTAL ASSETS</b>	<b>38,993,013</b>	<b>39,122,673</b>	<b>39,424,186</b>
<b>DEFERRED OUTFLOWS OF RESOURCES</b>			
Deferred Pension Outflows (10)	416,930	416,930	416,930
<b>Deferred Outflows of Resources</b>	<b>416,930</b>	<b>416,930</b>	<b>416,930</b>
<b>LIABILITIES:</b>			
Accounts Payable (6)	12,509	23,958	218,950
Loan Payable - Genesee County - Current (7)	315,000	315,000	305,000
Accrued Expenses	18,145	7,851	30,879
Lease Payable - Current	12,167	12,167	12,167
Unearned Revenue (8)	8,038,466	8,458,740	8,533,938
<b>Total Current Liabilities</b>	<b>8,396,287</b>	<b>8,817,716</b>	<b>9,100,934</b>
Loans Payable - ESD (9)	5,196,487	5,196,487	5,196,487
Loan Payable - Genesee County - Noncurrent (7)	2,510,000	2,510,000	2,825,000
Lease Payable - Noncurrent	17,911	17,911	17,911
<b>Total Noncurrent Liabilities</b>	<b>7,724,398</b>	<b>7,724,398</b>	<b>8,039,398</b>
<b>TOTAL LIABILITIES</b>	<b>16,120,685</b>	<b>16,542,114</b>	<b>17,140,332</b>
<b>DEFERRED INFLOWS OF RESOURCES</b>			
Deferred Pension Inflows (10)	712,344	712,344	712,344
<b>Deferred Inflows of Resources</b>	<b>712,344</b>	<b>712,344</b>	<b>712,344</b>
<b>NET ASSETS</b>	<b>\$ 22,576,914</b>	<b>\$ 22,285,145</b>	<b>21,988,440</b>

Significant Events:

1. Restricted Cash - Includes cash deposited by ESD into imprest accounts related to the \$8M and \$33M STAMP grants. Expenditures out of these accounts are pre-authorized by ESD.
2. Grants Receivable - National Grid grants support marketing and development activities for STAMP and the LeRoy Food & Tech Park.
3. Accounts Receivable - Econ. Dev. Program Support Grant, MedTech Centre Property Management, etc.
4. Prepaid Expense(s) - Cyber, D&O, life, general liability, umbrella, workers compensation and short-term disability insurance, etc.
5. Land Held for Dev. & Resale - Additions are related to STAMP development costs.
6. Accounts Payable - e3communications and interest earned on imprest accounts that will be remitted to ESD.
7. 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 started making annual payments to the County of \$448,500 beginning in January 2020.
8. Unearned Revenue - Interest received in advance; Genesee County contribution received in advance; Funds received from municipalities to support park development; Funds received to support workforce development; ESD Grant funds to support STAMP development, not actually earned until eligible expenditures are incurred.
9. Loans Payable - ESD - Loans from ESD to support STAMP land acquisition and related soft costs.
10. Net Pension Asset / Deferred Pension Outflows / Deferred Pension Inflows - Accounts related to implementation of GASB 68.

(A) Restricted Cash = GAIN! Loan Funds, Municipal Funds, Grant Funds Received in Advance.

(B) Reserved Cash = RLF #1 Funds (defederalized).

**Genesee County Economic Development Center  
May 2023 Dashboard  
Profit & Loss - Accrual Basis**

DRAFT

	Month to Date		YTD		2023	2023
	5/31/23	5/31/22	2023	2022	Board Appr.	YTD %
					Budget	of Budget
<b><u>Operating Revenues:</u></b>						
Genesee County	\$ 19,459	\$ 19,459	\$ 97,296	\$ 97,296	\$ 233,513	42%
Genesee County - WFD	2,083	2,084	10,416	10,417	25,000	42%
Fees - Projects	21,000	22,250	144,938	302,718	487,000	30%
Fees - Services	7,262	7,099	36,310	35,496	87,146	42%
Interest Income on Loans	187	235	974	1,214	2,170	45%
Rent	577	7,643	7,507	7,643	32,910	23%
Common Area Fees - Parks	-	-	391	373	380	103%
Grants (1)	422,948	1,943	1,000,360	3,083,229	4,600,459	22%
GGLDC Grant- Econ. Dev. Program Support	25,000	25,000	125,000	125,000	300,000	42%
BP <sup>2</sup> Revenue	-	-	-	3,532	52,819	0%
Other Revenue	598	233	5,246	557	5,000	105%
<b>Total Operating Revenues</b>	<b>499,114</b>	<b>85,946</b>	<b>1,428,438</b>	<b>3,667,475</b>	<b>5,826,397</b>	<b>25%</b>
<b><u>Operating Expenses</u></b>						
General & Admin	192,996	167,179	646,570	617,019	1,519,303	43%
Professional Services	16,568	7,510	37,593	35,507	206,620	18%
Site Maintenance/Repairs	894	447	2,236	2,236	38,000	6%
Property Taxes/Special District Fees	-	-	5,275	3,518	3,030	174%
BP <sup>2</sup> Expense	-	-	-	-	17,244	0%
PIF Expense	-	-	48,162	43,296	151,906	32%
Site Development Expense (2)	3,420	-	160,652	2,362,765	3,666,277	4%
Real Estate Development (3)	422,842	10,241	487,736	633,951	477,223	102%
Balance Sheet Absorption	(422,842)	(10,241)	(487,736)	(633,951)	-	N/A
<b>Total Operating Expenses</b>	<b>213,878</b>	<b>175,136</b>	<b>900,488</b>	<b>3,064,341</b>	<b>6,079,603</b>	<b>15%</b>
<b>Operating Revenue (Expense)</b>	<b>285,236</b>	<b>(89,190)</b>	<b>527,950</b>	<b>603,134</b>	<b>(253,206)</b>	
<b><u>Non-Operating Revenue</u></b>						
Other Interest Income (4)	6,533	1,000	60,524	5,096	5,900	1026%
<b>Total Non-Operating Revenue</b>	<b>6,533</b>	<b>1,000</b>	<b>60,524</b>	<b>5,096</b>	<b>5,900</b>	<b>1026%</b>
<b>Change in Net Assets</b>	<b>291,769</b>	<b>(88,190)</b>	<b>588,474</b>	<b>608,230</b>	<b>\$ (247,306)</b>	
<b>Net Assets - Beginning</b>	<b>22,285,145</b>	<b>20,279,915</b>	<b>21,988,440</b>	<b>19,583,495</b>		
<b>Net Assets - Ending</b>	<b>\$ 22,576,914</b>	<b>\$ 20,191,725</b>	<b>\$ 22,576,914</b>	<b>\$ 20,191,725</b>		

**Significant Events:**

1. Grants - PIF from RJ Properties (Liberty Pumps) supports Apple Tree Acres Infrastructure improvements (County/Town portion); PIF from Yancey's Fancy supports Infrastructure Fund Agreement with the Town of Pembroke (County/Town portion); \$448K Community Benefit Agreement payment dedicated to STAMP by sourcing debt service payments to the County; National Grid grant supports marketing and development activities for STAMP; ESD \$33M & \$8M Grants support STAMP engineering, environmental, legal, infrastructure, etc.
2. Site Development Expense - Installation of, or improvements to, infrastructure that is not owned by the GCEDC, or will be dedicated to a municipality in the foreseeable future, is recorded as site development expense when costs are incurred.
3. Real Estate Development Costs - Includes STAMP development costs.
4. Other Interest Income - Interest rates have increased substantially.

Genesee County Economic Development Center  
 May 2023 Dashboard  
 Statement of Cash Flows

DRAFT

	May 2023	YTD
<b>CASH FLOWS USED BY OPERATING ACTIVITIES:</b>		
Genesee County	\$ 21,542	\$ 129,254
Fees - Projects	21,000	122,438
Fees - Services	-	43,084
Interest Income on Loans	136	836
Rent	577	15,756
Common Area Fees - Parks	-	391
Grants	-	513,528
GGLDC Grant - Economic Development Program Support	-	150,000
Other Revenue	598	5,246
Repayment of Loans	3,284	21,109
General & Admin Expense	(180,032)	(692,081)
Professional Services	(16,568)	(52,133)
Site Maintenance/Repairs	(894)	(2,236)
Site Development	(3,420)	(264,089)
Property Taxes/Special District Fees	-	(5,275)
PIF Expense	-	(48,162)
Improv/Additions/Adj to Land Held for Development & Resale	(422,842)	(570,672)
Net Cash Used By Operating Activities	(576,619)	(633,006)
<b>CASH FLOWS USED BY NONCAPITAL FINANCING ACTIVITIES:</b>		
Principal Payments on Loan	-	(305,000)
Net Cash Used By Noncapital Financing Activities	-	(305,000)
<b>CASH FLOWS PROVIDED BY INVESTING ACTIVITIES:</b>		
Interest Income (Net of Remittance to ESD)	(506)	62,687
Net Change in Cash	(577,125)	(875,319)
Cash - Beginning of Period	15,882,866	16,181,060
Cash - End of Period	\$ 15,305,741	\$ 15,305,741
<b>RECONCILIATION OF NET OPERATING REVENUE TO NET CASH USED BY OPERATING ACTIVITIES:</b>		
Operating Revenue	\$ 285,236	\$ 527,950
Depreciation Expense	54	273
Decrease (Increase) in Operating Accounts/Grants Receivable	(35,199)	46,923
Decrease (Increase) in Prepaid Expenses	7,238	(24,716)
Decrease in Loans Receivable	3,284	21,109
Increase in Land Held for Development & Resale	(422,842)	(487,735)
Decrease in Operating Accounts Payable	(4,410)	(208,604)
Increase (Decrease) in Accrued Expenses	10,294	(12,734)
Increase (Decrease) in Unearned Revenue	(420,274)	(495,472)
Total Adjustments	(861,855)	(1,160,956)
Net Cash Used By Operating Activities	\$ (576,619)	\$ (633,006)

**GCEDC**  
**Audit & Finance Committee Meeting Report**

**Renewal of Key Bank Line of Credit**

**Discussion:** The GCEDC has a \$1M line of credit with Key Bank. In previous years we discussed changing this from a committed line to a demand line. This would eliminate the non-usage fee and ultimately afford GCEDC the comfort of having a line in place if needed, however there is no guarantee that the money is available during the negotiated term. Moving forward there will be only internal bank credit reviews/renewals, but no need to sign or update documentation annually unless the terms were to change. Any future modifications to the line are always less expensive and normally faster if the line is existing. The one caveat to a demand line is the bank can call the line as opposed to the current committed line which has an agreed upon term and maturity date.

**Fund commitment:** None.

**Committee action request:** The staff recommends transitioning to the demand line of credit at the same terms.



**GCEDC**  
**Audit & Finance Committee Report**  
**June 27, 2023**

**Cyber Liability Insurance**

Please see the attached renewal proposal for Cyber Liability Insurance. Lawley is proposing an option with Travelers this term.

Travelers was able to include all entities as it was confirmed there was a shared network. They also maintained the \$1M limit, Cyber Crime sublimit, and \$10k retention as included with our current policy.

Below is a list of additional markets that Lawley approached, along with their results. Not many direct markets will quote this class of business, as you can see.

Philadelphia: Not in the market for this class of business, form is also not as broad – decreased coverage.

Hanover: Not in the market for this class of business.

Chubb: Cannot quote Cyber for this class of business.

**Fund Commitment:** \$6,365 (\$3,182.50 EDC / \$3,182.50 LDC)

# INSURANCE PROPOSAL



**Genesee County Industrial  
Development Agency**  
July 1, 2023

**Lawley**

lawleyinsurance.com | 1.844.4LAWLEY

### Business Insurance

[lawleyinsurance.com/business](http://lawleyinsurance.com/business)

#### Property & Casualty

- General Liability
- Property
- Workers' Compensation Coverage
- Automobile/Commercial Vehicle Fleet Insurance
- Umbrella/Excess Liability Insurance
- Inland Marine/Equipment Coverage
- Business Income/Extra Expense
- Employee Dishonesty
- International Coverages
- Boiler & Machinery/Equipment Breakdown
- Transportation/Ocean Marine
- Owner's and Contractor's Protective Liability
- Builder's Risk
- Surety/Bonding
- Captive Programs
- Alternative Risk Financing
- Flood
- Earthquake

#### Specialty Products

- Pollution Liability/Environmental
- Professional Liability/Errors & Omissions
- Crime (Fidelity) Insurance
- Cyber Liability
- Director's and Officer's/Management Liability (D&O)
- Employment Practices Liability
- Fiduciary Liability
- Business Travel Accident/Kidnap & Ransom Insurance
- Identity Theft

### Employee Benefits

[lawleyinsurance.com/benefits](http://lawleyinsurance.com/benefits)

- Medical Insurance
- Prescription Drug Plans
- Private Benefits Exchange - Lawley Marketplace
- Medical Captive Programs
- Consortiums/Trusts
- Dental & Vision Benefits
- Group Life Insurance
- NYS Disability (DBL)
- Short-Term Disability Insurance
- Long-Term Disability Insurance
- Voluntary Insurance
- Executive Benefits
- Retirement Planning and 401k Administration
- Underwriting & Reporting
- Compliance
- Wellness Programs & Health Management Programs
- Lawley Simplifi

### Industry Specialties/Practice Groups

[lawleyinsurance.com/specialties](http://lawleyinsurance.com/specialties)

- Affordable Housing
- Construction
- Car Dealers
- Healthcare Facilities
- Manufacturing
- Not-for-Profits
- Farms
- Municipalities and Schools

*Products/services are subject to state eligibility*

## Risk Management

[lawleyinsurance.com/riskmanagement](http://lawleyinsurance.com/riskmanagement)

### Loss Control & Safety Services

- Safety Training & Safety Program Evaluations
- General Liability Loss Control
- Loss Source and Trending Analysis
- Code Rule 59 Consultation
- OSHA Assistance
- Defensive Driving Courses & Vehicle Fleet Loss Control
- Ergonomics Evaluation, Training, & Development
- Captive Loss Control
- Life Safety & Evacuation Plans
- Fire & Protection Systems Assistance
- Site Hazard Analysis
- Return to Work Programs
- Industrial Hygiene - Air, Noise Sampling
- Business Interruption - Contingency & Continuity Planning
- Contractual Liability & Risk Transfer
- Grant Submission & Training
- Accident Investigation

### Claims Management

- Claim Trend Analysis
- Claims Reviews (Workers' Compensation and General Liability)
- Claims Consulting Services
- Coverage Analysis Consulting and Monitoring
- Experience Modification Review and Recalculation
- First Aid Claim Program (Workers' Compensation)
- Litigation Management
- Reserve Analysis (Loss Forecaster Software)

## Personal Insurance

[lawleyinsurance.com/personal](http://lawleyinsurance.com/personal)

- Automobile Insurance
- Homeowners Insurance
- Vacation or Secondary Home Insurance
- Jewelry, Fine Arts, and Collectibles Insurance
- Renters Insurance
- Condominium Insurance
- Landlord (Rental Properties) Insurance
- Excess/Personal Umbrella Liability
- Flood Coverage, Primary & Excess
- Life Insurance
- Motorcycle Insurance
- Recreational Vehicle Insurance
- Watercraft Insurance
- Co-Ops Insurance
- Identity Theft Insurance
- Trip/Travel/International Medical & Evacuation Coverage
- Workers' Compensation (Domestic Help)
- Earthquake

## MyWave

[lawleyinsurance.com/mywave](http://lawleyinsurance.com/mywave)

**MyWave** – A customized portal for your HR needs: thousands of valuable resources, OSHA forms and peer-based forums to keep you informed and in-the-know

## Lawley Benefits University

[lawleyinsurance.com/lbu](http://lawleyinsurance.com/lbu)

**Lawley Benefits University** – Resources and events to help keep you informed about changes to healthcare legislation, healthcare reform, compliance issues and more. These tools help you successfully control insurance costs while staying educated on changes to the insurance environment

*Products/services are subject to state eligibility*

At Lawley we are committed to providing our clients with the best possible service. We have assembled an experienced team dedicated to your account.

The Insurance Advisor evaluates your exposures and designs a cost-effective program.

<b>Insurance Advisor</b>	William Fritts, Jr.	Phone:	(585) 344-9500
		Fax:	(716) 849-8291
		Email:	<a href="mailto:bfritts@lawleyinsurance.com">bfritts@lawleyinsurance.com</a>

The Account Executive supports your Producer and commercial lines team in the servicing of your account.

<b>Account Executive</b>	Susie E. Ott	Phone:	(585) 344-9501
		Fax:	(716) 849-8291
		Email:	<a href="mailto:sott@lawleyinsurance.com">sott@lawleyinsurance.com</a>

The Account Manager is your contact for all of your coverage and service requests.

<b>Account Manager</b>	Caitlin Celis	Phone:	(716) 849-4375
		Fax:	(716) 849-8291
		Email:	<a href="mailto:ccelis@lawleyinsurance.com">ccelis@lawleyinsurance.com</a>

The Specialty Account Manager supports your Producer and commercial lines team in the servicing of your specialty policy needs.

<b>Specialty Account Manager</b>	Caitlin Celis	Phone:	(716) 849-4375
		Fax:	(716) 849-8291
		Email:	<a href="mailto:ccelis@lawleyinsurance.com">ccelis@lawleyinsurance.com</a>

The Account Technician quality controls policy documents and manages all invoicing.

<b>Account Technician</b>	Cheryl Pena	Phone:	(716) 849-8687
		Fax:	(716) 849-8291
		Email:	<a href="mailto:cpena@lawleyinsurance.com">cpena@lawleyinsurance.com</a>

The Assistant Account Manager supports your Account Manager in fulfillment of service requests.

<b>Assistant Account Manager</b>	Diane Evans	Phone:	(716) 849-1524
		Fax:	(716) 849-8291
		Email:	<a href="mailto:devans@lawleyinsurance.com">devans@lawleyinsurance.com</a>

The Claim Consultant is responsible for reporting all loss information to the insurance company and then following up to make certain the claim is resolved.

<b>Claim Consultant</b>	Krista Voigt	Phone:	(716) 849-8651
		Fax:	(716) 849-8291
		Email:	<a href="mailto:kvoigt@lawleyinsurance.com">kvoigt@lawleyinsurance.com</a>

Please review the contact information we have on file. Over the course of a year, we may need to reach out to you for updates, notices or important information. If there is a specific person we should contact directly for billing, claims, inspections, service requests, please note that next to their name and the preferred method of contact.

**Changes or Corrections**

Contact Name	Penny Kennett	
Contact Address	Genesee County Industrial Development Agency 99 MedTech Dr STE 106 Batavia NY 14020	
Contact Phone #	(585) 343-4866	
Contact Email	pkennett@gcedc.com	
Description		

**Named Insured**

Genesee County Industrial Development Agency dba  
 Genesee County Economic Development Center  
 Genesee Gateway Local Development Corp  
 Genesee Agri-Business LLC  
 Genesee County Funding Corporation  
 STAMP Water Works Corp  
 STAMP Sewer Works Corp

<b>Policy Term:</b>	7/1/2023 - 7/1/2024
<b>Retroactive Date:</b>	Full Prior Acts
<b>Policy Type:</b>	Cyber Liability – Claims Made
<b>Carrier:</b>	Travelers Casualty & Surety Co. of America (Admitted; "A++ AM Best Rating)

Coverage	Limit	Retention
Privacy & Security	\$1,000,000	\$10,000
Payment Card Costs	\$1,000,000	\$10,000
Media	\$1,000,000	\$10,000
Regulatory Proceedings	\$1,000,000	\$10,000
Privacy Breach Notification	\$1,000,000	\$10,000
Computer & Legal Experts	\$1,000,000	\$10,000
Cyber Extortion	\$1,000,000	\$10,000
Data Restoration	\$1,000,000	\$10,000
Public Relations	\$1,000,000	\$10,000
Business Interruption	\$1,000,000	8 hours
Dependent Business Interruption & System Failure	\$1,000,000	8 hours
Reputation Harm	\$1,000,000	\$10,000
<b>Aggregate</b>	<b>\$1,000,000</b>	<b>N/A</b>

**Indication Information**

- Cyber Crime Sublimit: \$100,000 with \$5,000 retention
  - Computer Fraud
  - Funds Transfer Fraud
  - Social Engineering Fraud
  - Telecom Fraud
- Defense within the Limits
- Betterment Co-participation: 50%

**Extended Reporting Period**

- 12 months at 75% annual premium

This coverage form is written on a Claims-made basis. You may have an option to purchase an Extended Reporting Period (ERP) endorsement should your policy be cancelled or non-renewed.

Coverage	7/1/2022-7/1/2023	7/1/2023-7/1/2024
Cyber Liability	\$10,289.17 <i>HSB</i>	\$6,365.00 <i>Travelers</i>
<b>Total Premium</b>	<b>\$10,289.17</b>	<b>\$6,365.00</b>

Notes: The Incumbent carrier did not offer terms due to the STAMP entities exposure.

Payment Options

- Direct Bill
  - Full pay
  - 10 Equal installments
  - 10 pay, 25% down, 9 installments
  - 6 pay, 25% down, 5 installments
  - Quarterly, 25% down, 3 installments
  - Semi-Annual, 50% down, 1 installment

Binding Requirements

- Request to bind





## **Genesee County Economic Development Center Audit and Finance Committee Charter**

This Audit and Finance Committee Charter was re-adopted on this ~~12th-28th~~ day of ~~July~~June, ~~2018-2023~~ by the Board of Directors of the Genesee County Economic Development Center, (“GCEDC”) a public benefit corporation established under the laws of the State of New York.

### **Purpose**

Pursuant to Article V. Section 1. of the GCEDC’s bylaws, the purpose of the audit and finance committee shall be to (1) assure that the GCEDC’s board fulfills its responsibilities for the GCEDC’s internal and external audit process, the financial reporting process and the system of risk assessment and internal controls over financial reporting; (2) provide an avenue of communication between management, the independent auditors, and the board of directors; and (3) to review proposals for the issuance of debt and to make recommendations.

### **Powers of the Audit and Finance Committee**

It shall be the responsibility of the audit and finance committee to:

- Appoint, compensate, and oversee the work of any public accounting firm employed by the GCEDC.
- Conduct or authorize investigations into any matters within its scope of responsibility.
- Seek any information it requires from GCEDC employees, all of whom should be directed by the board to cooperate with committee requests.
- Meet with GCEDC staff, independent auditors or outside counsel, as necessary.
- Retain, at the GCEDC’s expense, such outside counsel, experts and other advisors as the audit committee may deem appropriate.
- Review proposals for debt issuance and to make recommendations.

The GCEDC board will ensure that the audit committee has sufficient resources to carry out its duties.

### **Composition of Committee and Selection of Members**

The audit and finance committee shall be established as set forth in and pursuant to Article V, Section 1. (b) of the GCEDC’s bylaws. The audit and finance committee shall consist of the Board Chair and at least three additional “independent members”, within the meaning of, and to the extent required by, Section 2825 of New York Public Authorities Law, as amended from time to time. The audit and finance committee members shall be appointed by the Board Chair.

Ideally, all members of the audit and finance committee shall possess or obtain a basic understanding of governmental financial reporting and auditing.

The audit and finance committee shall have access to the services of at least one financial expert; ~~whose name shall be disclosed in the annual report of the GCEDC.~~

The audit and finance committee's financial expert should have 1) an understanding of generally accepted accounting principles and financial statements; 2) experience in preparing or auditing financial statements of comparable entities; 3) experience in applying such principles in connection with accounting for estimates, accruals and reserves; 4) experience with internal accounting controls; 5) experience with debt issuances, and 6) an understanding of audit and finance committee functions.

### **Meetings**

The audit and finance committee will meet a minimum of twice a year, with the expectation that additional meetings may be required to adequately fulfill all the obligations and duties outlined in the charter.

Members of the audit and finance committee are expected to attend such committee meeting. The audit and finance committee may invite other individuals, such as members of management, auditors or other technical experts to attend meetings and provide pertinent information as necessary.

The audit and finance committee will meet with the authority's independent auditor at least annually to discuss the financial statements of the GCEDC.

Meeting agendas will be prepared for every meeting and provided to the audit and finance committee members along with the briefing materials 2 business days before the scheduled audit committee meeting. The audit and finance committee will act only on the affirmative vote of a majority of the members at a meeting. Minutes of those meetings will be recorded.

### **Responsibilities**

The audit and finance committee shall have responsibilities related to: (a) the independent auditor and the annual financial statements; (b) the GCEDC's internal auditors (if any); (c) oversight of management's internal controls, compliance and risk assessment practices; (d) special investigations and whistleblower policies; (e) issuances of debt and (f) miscellaneous issues related to the financial practices of the GCEDC.

The audit and finance committee shall also be responsible for reviewing financial statement accuracy and review of Revolving Loan Fund requests.

#### **A. Independent Auditors and Financial Statements**

The audit and finance committee shall:

- Recommend to the board of the GCEDC the appointment of independent auditors retained by the GCEDC and pre-approve all audit services provided by the independent auditor.

- Establish procedures for the engagement of the independent auditor to provide permitted audit services. The GCEDC's independent auditor shall be prohibited from providing non-audit services unless having received previous written approval from the audit committee. Non-audit services include tasks that directly support the GCEDC's operations, such as bookkeeping or other services related to the accounting records or financial statements of the authority, financial information systems design and implementation, appraisal or valuation services, actuarial services, investment banking services, and other tasks that may involve performing management functions or making management decisions.
- Review and approve the GCEDC's audited financial statements, associated management letter, report on internal controls and all other auditor communications.
- Review significant accounting and reporting issues, including complex or unusual transactions and management decisions, and recent professional and regulatory pronouncements, and understand their impact on the financial statements.
- Meet with the independent audit firm on a regular basis to discuss any significant issues that may have surfaced during the course of the audit.
- Review and discuss any significant risks reported in the independent audit findings and recommendations and assess the responsiveness and timeliness of management's follow-up activities pertaining to same.

#### **B. Internal Controls, Compliance and Risk Assessment**

The audit and finance committee shall:

- Review management's assessment of the effectiveness of the GCEDC's internal controls and review the report on internal controls by the independent auditor as part of the financial audit engagement.

#### **C. Special Investigations**

The audit and finance committee shall:

- Ensure that the GCEDC has an appropriate confidential mechanism for individuals to report suspected fraudulent activities, allegations of corruption, fraud, criminal activity, conflicts of interest or abuse by the directors, officers, or employees of the authority or any persons having business dealings with the GCEDC, or breaches of internal control.
- Develop procedures for the receipt, retention, investigation and/or referral of complaints concerning accounting, internal controls and auditing to the appropriate body.
- Request and oversee special investigations as needed and/or refer specific issues to the appropriate body for further investigation (for example, issues may be referred to the State Inspector General or, other investigatory organization.)
- Review all reports delivered to it by the Inspector General and serve as a point of contact with the Inspector General.

#### **D. Other Responsibilities of the Audit and Finance Committee**

The audit and finance committee shall:

- Present annually to the GCEDC's board a report of how it has discharged its duties and met its responsibilities as outlined in the charter.

- Obtain any information and training needed to enhance the committee members' understanding of the role of internal audits and the independent auditor, the risk management process, internal controls and a certain level of familiarity in financial reporting standards and processes.
- Review the committee's charter annually, reassess its adequacy, and recommend any proposed changes to the board of the authority. The audit committee charter will be updated as applicable laws, regulations, accounting and auditing standards change.
- Conduct an annual self-evaluation of its performance, including its effectiveness and compliance with the charter and request the board approval for proposed changes.
- Review proposals for the issuance of debt and to make recommendations.

**STAMP Payment for easement**

**Discussion:** In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, there are a number of easements needed. We are seeking approval of the following easement:

1. Permanent Easement 7 – \$1,000

**Fund Commitment:** \$1,000 from the \$33 million.

**Board Action Request:** Approval of payment of \$1,000 to the holder of the easement number identified above.

**STAMP sale of unscreened topsoil from the laydown area**

**Discussion:** The GCEDC has approximately 8,000 cubic yards of unscreened topsoil stockpiled on the site of the future WWTF. In order to construct the WWTF in the future, this topsoil will need to be moved or sold. Morsch Pipeline would like to purchase 8,000 cubic yards of the topsoil at \$3.00 per cubic yard. This appears to be within the market rate.

**Fund Commitment:** None.

**Board Action Request:** Approval of sale of topsoil to Morsch Pipeline at \$3.00 per cubic yard.

**\$8 million approval:**

**Phillips Lytle 2023 additional contract for STAMP related work**

**Discussion:** Phillips Lytle has prepared a proposal to cover the scope of work for the last six months of 2023 as it relates to Tech Team support for the off site sewer permitting and wetland permitting, the wastewater treatment facility permitting, and force main installation.

**Fund Commitment:** Not to exceed \$350,000 to be included in the \$8 million.

**Board Action Request:** Recommend approval to the full Board of Phillips Lytle contract not to exceed \$350,000.



**Phillips Lytle LLP**

**VIA E-MAIL  
PRIVILEGED & CONFIDENTIAL**

June 20, 2023

Mark A. Masse  
Senior Vice President of Operations  
Genesee County Economic Development Center  
99 MedTech Drive, Suite 106  
Batavia, NY 14020

Re: Proposed Supplement to Engagement Letter for STAMP Project -  
Additional Scope of Work for STAMP Project Support for Balance of Calendar Year 2023

Dear Mark:

Thank you very much for the opportunity to continue to assist the Genesee County Economic Development Center (and Genesee Gateway Local Development Corporation) with the STAMP Project. The purpose of this letter is to supplement our existing engagement letters (collectively, the "Engagement Letter") relating to STAMP. This supplement describes generally additional work for STAMP Project Support for the balance of calendar year 2023. Estimated legal fees for same are set forth on the attached "Updated Scope of Work". Upon receipt of your approval, we will bill you on a monthly basis for such work as fees are incurred, consistent with our existing engagement.

If you are in agreement with the foregoing, please confirm same by signing and returning a copy of this letter to me. Of course, if you have any questions, please let me know. Thanks again.

Sincerely,

Phillips Lytle LLP

By */s/ Douglas W. Dimitroff*

Douglas W. Dimitroff, Esq.

ATTORNEYS AT LAW

DOUGLAS W. DIMITROFF PARTNER DIRECT 716 847 5408 DDIMITROFF@PHILLIPSLYTLE.COM



Mark A. Masse  
Senior Vice President of Operations  
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June 20, 2023

cc: Adam S. Walters, Esq.  
Matthew J. Fitzgerald, Esq.  
Steve Hyde  
Lezlie Farrell

Genesee County Economic Development Center has reviewed and agreed to the above terms of engagement of Phillips Lytle LLP for the purposes and to the extent described in this letter.

Genesee County Economic Development Center

By \_\_\_\_\_  
Mark A. Masse, Senior Vice President of Operations

Date: \_\_\_\_\_, 2023

**STAMP Project - 06/20/2023 Supplement to Phillips Lytle Engagement Letter  
Additional "Updated Scope of Work"  
STAMP Project Support - Balance of Calendar Year 2023**

1. Additional STAMP Support for Balance of Calendar Year 2023: GCEDC is involved in various review and approval processes for continued development at STAMP including permitting for construction of the: (1) Edwards facility, (ii) Plug Power temporary parking area; (3) the on-site waste water treatment plant and force main; and (4) the new water main from Niagara County. GCEDC is also involved in an application for a Site-Wide STAMP Part 182 Permit and related infrastructure improvements needed at STAMP to support these projects (i.e., reconstruction of Crosby Road) as well as an application for a Site-Wide STAMP Part 182 Permit from the New York State Department of Environmental Conservation. In addition, review/approvals are needed from various other governmental agencies including the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Services, and the Niagara County Water District. Additionally, GCEDC is engaged in on-going consultation to the Tonawanda Seneca Nation and must fulfill various obligations pursuant to a settlement agreement with the Nation related to the Plug Power Project. Phillips Lytle will represent and assist GCEDC relative to the foregoing matters on an as needed basis.

**Est. Additional Legal Fees: \$350,000\***

\* the foregoing scope of work and fees do not include assistance with any formal challenges to or litigation relating to the STAMP Site, and the foregoing fees estimate is in addition to the fees estimated (\$100,000) under our supplemental engagement letter dated 1/27/2023.

**STAMP Change order for the laydown area and hold and haul tank installation**

**Discussion:** In conjunction with the construction of the lay down area to be utilized by National Grid for the power line reroute and the installation of the hold and haul tank, Keeler Construction is seeking a change order to cover the increase in costs of the project that have occurred. This project was originally scheduled to be completed in February of 2022 but had to be postponed due to issues with the NYSDEC. These two bids were issued as one contract. The board previously approved a change order increase of \$13,930 which would have been a \$25,000 reduction. Keeler stated that the payment amount should be \$25,000 resulting in an increase of \$20,000 to the change order. The change order will only be on the net overage of the total contract after combining the two.

**Fund Commitment:** An additional \$6,070 from the agency operating funds.

**Board Action Request:** Approval of increase in change order of \$6,070 to Keeler Construction Inc.

Date of Issuance: June 13, 2023	Effective Date: June 13, 2023
Owner: GCEDC	Owner's Contract No.:
Contractor: Keeler Construction Co., Inc.	Contractor's Project No.:
Engineer: CPL	Engineer's Project No.: 16174.00
Project: STAMP Onsite Water Main & Crosby Road Reconstruction	Contract Name: Base Bids C & D

The Contract is modified as follows upon execution of this Change Order:

Description: This change order includes additional cost incurred by Keeler Construction Co., Inc. related to the delays in permitting. The increase in costs include adjustment in quantities, labor wage rate increase, fuel cost increase, trucking cost increase, and mobilization and demobilization.

Attachments: Keeler Construction Co., Inc. request for increase in project final quantities.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: <u>\$ 738,210.00</u>	Original Contract Times: Substantial Completion: <u>February 1, 2022</u> Ready for Final Payment: <u>March 1, 2022</u>
Increase from previously approved Change Orders No. to No. <u>1</u> : <u>\$ 15,000.00</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>   </u> to No. <u>   </u> : Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u>
Contract Price prior to this Change Order: <u>\$ 753,210.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>February 1, 2022</u> Ready for Final Payment: <u>March 1, 2022</u>
Increase of this Change Order: <u>\$ 20,000.00</u>	Increase of this Change Order: Substantial Completion: <u>September 9, 2022</u> Ready for Final Payment: <u>October 7, 2022</u>
Contract Price incorporating this Change Order: <u>\$ 773,210.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>September 9, 2022</u> Ready for Final Payment: <u>October 7, 2022</u>

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (if required)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title: <u>Sr. VP of Operations</u>	Title: _____
Date: _____	Date: _____	Date: _____

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**Contractor's Application for Payment No. 5**

Application Period	5/31/2023	Application Date
From (Contractor)	Keeler Construction Co., Inc.	
Contract	Bid C - Sanitary Sewer, Tank, Pump Station Bid-D - Gravel Staging Area & Access Rd	
Contractor's Project No.:	16174.00	
Owner's Contract No.:	16174.00	
Contractor's Project No.:	16174.00	
Via (Engineer)	Clark Patterson Lcc	

**Application For Payment Change Order Summary**

Approved Change Orders	Additions	Deductions
1	\$15,000.00	
2	\$20,000.00	
<b>TOTALS</b>		
<b>NET CHANGE BY CHANGE ORDERS</b>		
<b>\$35,000.00</b>		

1. ORIGINAL CONTRACT PRICE.....	\$ 738,210.00
2. Net change by Change Orders.....	\$35,000.00
3. Current Contract Price (Line 1 ± 2).....	\$773,210.00
4. TOTAL COMPLETED AND STORED TO DATE (Column G on Progress Estimate).....	\$ 773,210.00
5. RETAINAGE:	
a. <input checked="" type="checkbox"/> Work Completed.....	\$
b. <input checked="" type="checkbox"/> 5% Stored Material.....	\$
c. Total Retainage (Line 5a + Line 5b).....	\$
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....	\$773,210.00
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$617,276.75
8. AMOUNT DUE THIS APPLICATION.....	\$ 155,933.25
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above).....	\$

**Contractor's Certification**

The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

By:	Date: 6/16/23
Keeler Construction Co., Inc.	

Payment of:	\$155,933.25	(Line 8 or other - attach explanation of the other amount)
is recommended by:	Clark Patterson Lee (Engineer)	(Date)
Payment of:	\$155,933.25	(Line 8 or other - attach explanation of the other amount)
is approved by:	Genesee County Economic Development Center (GCEDC)(Owner)	(Date)
Approved by:	Funding Agency (if applicable)	(Date)

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# Progress Estimate - Unit Price Work - Base Bid C - Sanitary Sewer, Tank, Pump Station

# Contractor's Application

A		B			C		D		E		F		G	
CONTRACT		Bid Item			Estimated Quantity Installed		Value of Work Installed		Materials Presently Stored in C		Total Completed and Stored this period (D + E)		TOTAL TO DATE	
Bid Item No.	Description	Units	Bid Item Quantity	Unit Price	Bid Item Value (\$)	Estimated Quantity Installed	Value of Work Installed	Materials Presently Stored in C	Total Completed and Stored this period (D + E)	Estimated Quantity Installed to Date	Value of Work Installed to Date	% (G - B)	Balance to Finish (B - G)	
G-1	Mobilization	LS	1	\$7,000.00	\$7,000.00	0.25	\$1,750.00		\$1,750.00	1.00	\$7,000.00	100.0%		
G-2	Maintenance & Protection of Traffic	LS	1	\$1,300.00	\$1,300.00	0.150	\$195.00		\$195.00	1.000	\$1,300.00	100.0%		
G-3	Erosion Control	LS	1	\$1,800.00	\$1,800.00					1.000	\$1,800.00	100.0%		
G-4	Select Granular Fill	CY	100	\$31.00	\$3,100.00					100	\$3,100.00	100.0%		
S-1	16,000 Gallon Sanitary Sewer Tank & Pump Station Complete	LS	1	\$151,000.00	\$151,000.00	0.15	\$22,650.00		\$22,650.00	1.00	\$151,000.00	100.0%		
S-2	12" SDR-21 Sanitary Sewer Complete	LF	160	\$229.00	\$36,640.00	10.00	\$2,290.00		\$2,290.00	1.00	\$151,000.00	100.0%		
S-3	5' Precast Manhole Complete	EA	2	\$15,000.00	\$30,000.00					2.00	\$30,000.00	73.1%	\$9,847.00	
A-1	Field Change Allowance (Suburban Electric)	LS	1	\$5,000.00	\$5,000.00	0.61	\$3,067.71		\$3,067.71	0.61	\$3,067.71	61.4%	\$1,932.29	
C-1	Compaction Testing Allowance	LS	1	\$5,000.00	\$5,000.00								\$5,000.00	
E-1	Cost Escalation	LS	1											
	Additional Survey	LS	1	\$1,091.05	\$1,091.05									
	Tree Clearing	LS	1	\$883.74	\$883.74									
	Truck Rate Adjustment	LS	1	\$2,796.80	\$2,796.80									
	Fuel Adjustment	LS	1	\$2,941.49	\$2,941.49									
E-2	24" Storm Pipe for Driveway	LF	40	\$152.00	\$6,080.00	40	\$6,080.00		\$6,080.00	40	\$6,080.00	100.0%		
<b>Total Base Bid C</b>					<b>\$254,633.08</b>		<b>\$43,745.79</b>		<b>\$43,745.79</b>		<b>\$237,853.79</b>	<b>93.4%</b>	<b>\$16,779.29</b>	

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# Progress Estimate - Unit Price Work - Base Bid D - Gravel Staging Area & Gravel Access Rd

## Contractor's Application

For (Contract):		Bid C - Sanitary Sewer, Tank, Pump Station Bid-D - Gravel Staging Area & Access Rd		Application Number		\$		5:31:2023				
Application Period		8/20/22 thru 9/23/22		Application Date:		5:31:2023						
A CONTRACT												
Bid Item No.	Description	Units	Bid Item Quantity	Unit Price	Bid Item Value (\$)	THIS PERIOD			TOTAL TO DATE			
						Estimated Quantity Installed	Value of Work Installed	Minerals Presently Stored (not in C)	Total Completed and Stored this period (D + E)	Estimated Quantity Installed to Date	Value of Work Installed to Date	% (G - B)
G-1	Mobilization	LS	1	\$14,000.00	\$14,000.00				1.00	\$14,000.00	100.0%	
G-2	Maintenance & Protection of Traffic	LS	1	\$1,300.00	\$1,300.00				1.00	\$1,300.00	100.0%	
G-3	Erosion Control	LS	1	\$13,000.00	\$13,000.00				1.00	\$13,000.00	100.0%	
G-4	Select Granular Fill	CY	200	\$31.00	\$6,200.00							
G-6	Restoration & Seeding	LS	1	\$34,000.00	\$34,000.00	0.10	\$3,400.00			\$3,400.00	100.0%	\$6,200.00
R-1	Stripping & Stockpiling Topsoil for Roadway	LS	1	\$32,000.00	\$32,000.00				1.00	\$32,000.00	100.0%	
R-2	Roadway Drainage Swale Earthwork & Gridding	LS	1	\$48,000.00	\$48,000.00				1.00	\$48,000.00	100.0%	
R-3	Geotextile Separation Fabric NYSDOT 207.24	SY	27,000	\$1.09	\$29,430.00	2,577.00	\$2,808.93			\$2,808.93	99.5%	\$134.07
R-4	Subbase Course - Type 2 Complete	CY	10,500	\$29.40	\$308,700.00	748.00	\$21,991.20			\$21,991.20	99.0%	\$2,998.80
ST-1	12" Diameter SICPP Storm Sewer Complete	LF	140	\$41.00	\$5,740.00	20	\$820.00			\$820.00	128.6%	-\$1,640.00
C-1	Compaction Testing Allowance	LS	1	\$5,000.00	\$5,000.00							
CO-1	Change Order #1 Truck/Fuel Adjustment	LS	1	\$15,000.00	\$15,000.00	1.00	\$15,000.00			\$15,000.00	100.0%	
E-1	Cost Escalations Balance											
	Redesign GPS Model	LS	1	\$787.50	\$787.50					\$787.50	100.0%	
	Motor/Generator	LS	1	\$9,201.85	\$9,201.85					\$9,201.85	100.0%	
	Truck Rate Adjustment	LS	1	\$17,651.44	\$17,651.44					\$17,651.44	100.0%	
	Fuel Adjustment	LS	1	\$11,892.28	\$11,892.28					\$11,892.28	100.0%	
	Wage Rate Adjustment	LS	1	\$1,505.75	\$1,505.75					\$1,505.75	100.0%	
	Less Change Order #1	LS	1	-\$15,000.00	-\$15,000.00					-\$15,000.00	100.0%	
E-2	Excavation in 4 Added Stone Areas	CY	259	\$12.14	\$3,144.26	259.00	\$3,144.26			\$3,144.26	100.0%	
E-3	Undercut	CY	203	\$32.00	\$6,496.00	203.00	\$6,496.00			\$6,496.00	100.0%	
<b>Total Base Bid D</b>					<b>\$548,049.08</b>		<b>\$79,699.21</b>			<b>\$79,699.21</b>	<b>97.68%</b>	<b>\$12,692.87</b>

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