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- 1.0 Call to Order**
- Presentation – Smart Design 4:00pm**
- 1.1 Enter Executive Session 4:10pm**
- 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.
 3. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.
- 1.2 Enter Public Session 4:35pm**
- 2.0 Chairperson’s Report & Activities 4:35pm**
- 2.1 Upcoming Meetings:**
Next Scheduled Board Meeting: Thursday, August 7th at 3 p.m.
 Audit & Finance Committee Meeting: Tuesday, August 5th at 8:30 a.m.
 STAMP Committee Meeting: Wednesday, August 6th at 8 a.m.
 Employment & Compensation Committee Meeting: Thursday, August 7th at 2 p.m.
- 2.2 Agenda Additions / Deletions / Other Business **Vote**
- 2.3 Minutes: June 5, 2025 **Vote**
- 3.0 Report of Management – 4:35pm**
- 3.1 HP Hood – Final Resolution – C. Suozzi 4:35pm**
- a. UTEP **Vote – C. Suozzi
 - b. Final Resolution **Vote – C. Suozzi
- 3.2 Smart Design – Initial Resolution **Vote – C. Suozzi**
- 3.3 SL Pembroke – Initial Resolution **Vote – C. Suozzi**
- 3.4 SL Pembroke 2 – Initial Resolution **Vote – C. Suozzi**
- 3.5 Local Labor Waiver Request – Excelsior Solar Project **Vote – M. Masse**
- 3.6 Public Outreach Update – J. Krencik**
- 4.0 Audit & Finance Committee – K. Manne 4:45pm**
- 4.1 Local labor Contract – HP Hood, LLC **Vote**
- 4.2 Local Labor Contract – SL Pembroke, LLC & SL Pembroke 2, LLC **Vote**
- 5.0 Governance & Nominating Committee – C. Yunker 4:50pm**
- 5.1 Nothing at this time.**
- 6.0 STAMP Committee – P. Zeliff 5:00pm**
- 6.1 Easements for Force Main Project **Vote**
- 6.2 Town of Alabama Water Tank Review Fees **Vote**
- 6.3 Marshalling Yard Agreement with National Grid **Vote**
- 6.4 Electric Service Installation with National Grid **Vote**
- 6.5 Letter of Credit **Vote**
- 6.6 Appointment of Phillips Lytle as Special Counsel **Vote**
- 7.0 Employment & Compensation Committee – M. Gray 5:10pm**
- 7.1 Noting at this time.**
- 8.0 Housing Committee – P. Battaglia 5:10pm**
- 8.1 Nothing at this time.**
- 9.0 Other Business 5:10pm**
- 9.1 Nothing at this time.**
- 10.0 Adjournment 5:10pm**

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GCEDC Board Meeting
Thursday, June 5, 2025
Location: 99 MedTech Drive, Innovation Room
4:00 PM

GCEDC MINUTES

Attendance

Board Members: K. Manne, M. Clattenburg, P. Zeliff, C. Kemp, P. Battaglia, M. Gray, C. Yunker
Staff: M. Masse, L. Farrell, K. Galdun, C. Suozzi, P. Kennett, J. Krencik
Guests: M. Brooks (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member),
G. Torrey (GGLDC Board Member), J. Tretter (GGLDC Board Member), D.
Cunningham (GGLDC Board Member), D. Watkins (HP Hood), A. Syed (HP
Hood), M. Petinella (Daily News), L. Wadhams (Genesee County), J. Gerace
(Genesee County), R. Gaenzle (Harris Beach)

Absent:

1.0 Call to Order

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

L. Wadhams and J. Gerace joined the meeting at 4:01 p.m.

Presentation – HP Hood

A. Syed explained that HP Hood is in the Ag Park and that they package dairy products. The proposed project will include the construction of a two-bay, raw milk silo alcove and silo pads for four silos, Clean-in-Place (CIP) room for four CIP systems, remote truck testing lab and electrical room.

D. Watkins stated that one of the bays will be fully operational while the other one will be for future growth and necessity. This will put them at 42 tankers of milk per day and sets them up for long term growth.

C. Yunker expressed gratitude for their investment in our community and the dairy industry. D. Watkins stated that they are very proud of the workforce they have created that is made up of a lot of County residents.

C. Kemp joined the meeting at 4:02 p.m.

M. Gray joined the meeting at 4:03 p.m.

G. Torrey joined the meeting at 4:05 p.m.

D. Watkins (HP Hood), A. Syed (HP Hood), M. Petinella (Daily News), L. Wadhams (Genesee County), and J. Gerace (Genesee County) left the meeting at 4:05 p.m.

1.1 Enter Executive Session

M. Gray made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:05 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.
3. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

The motion was seconded by C. Yunker and approved by all members present.

P. Kennett left the meeting at 4:08 p.m. and returned at 4:14 p.m.

1.2 Enter Public Session

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

M. Petinella (Daily News) returned to the meeting at 4:28 p.m.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, July 10th at 4:00 p.m.

Audit & Finance Committee Meeting: Tuesday, July 8th at 8:30 a.m.

STAMP Committee Meeting: Wednesday, July 9th at 8:00 a.m.

P. Zeliff stated that he will not be able to attend these meetings but would like to be available via video conference.

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

2.3 Minutes: May 1, 2025

C. Yunker made a motion to accept the May 1, 2025 minutes as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia - Yes
K. Manne - Yes
M. Clattenburg - Yes
C. Kemp - Yes

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

The item was approved as presented.

3.0 Report of Management

3.1 Ivy Village Phase II – Final Resolution – Ivy Village Corp is planning its second phase (20 units) of a three phased (total 60 units) new construction project for market rate adult patio home development on 16 acres in the Village of Leroy. The first phase was completed with 20 units and buildings will total 27,760 sq. ft. The second phase will add 24,960 sq ft building for a combined construction of 52,720 sq ft.

The project is investing \$3.5 million for Phase 2.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$669,440) using our Market Rate Housing PILOT (20 + Units) schedule which averages 61.5% savings over 20 years, a sales tax abatement (\$168,000), and a mortgage tax exemption (\$28,000).

3.1a UTEP -

P. Battaglia commented that on #5 of the UTEP he does not like the answer of N/A. He questioned whether housing should be included as a strategic industry and questioned how would we amend the UTEP if we wanted to add housing.

P. Zeff stated that if there was a change that they wanted to make, it would need to go back to the Governance & Nominating Committee. C. Yunker then added that he views the housing piece as a need to support the industries in the UTEP.

P. Battaglia stated that this was his only comment if Governance & Nominating Committee deems it necessary to address. There were no additional comments.

See the Statement of Compliance of Project Criteria listed in the Uniform Tax Exemption Policy (UTEP) attached to the minutes for additional Project details and Board approvals. The Board concurred with the UTEP.

A public hearing was held on May 28, 2025. There was no public comment at this time.

3.1b Final Resolution -

Resolution No. 06/2025 - 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 MAY 28, 2025, WITH RESPECT TO THE IVY VILLAGE CORP. (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, 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; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

P. Battaglia made a motion to approve the Final Resolution #06/2025-01, authorizing the incentives for Ivy Village Phase II as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

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P. Battaglia - Yes
K. Manne - Yes
M. Clattenburg - Yes
C. Kemp - Yes

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

The item was approved as presented.

3.2 HP Hood – Initial Resolution - HP Hood, LLC is planning to build a 7,722 sq ft facility at the Genesee Valley Agri Business Park in the town of Batavia with a total capital investment of \$25,968,000.

The project will include the construction of a two-bay, raw milk silo alcove and silo pads for four silos, Clean-in-Place (CIP) room for four CIP systems, remote truck testing lab and electrical room.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$1,122,394 and a property tax abatement estimated at \$84,097 based on the incremental increase in assessed value via a new traditional 10-year PILOT.

Resolution No. 06/2025 - 02

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

M. Gray made a motion to approve Initial Resolution #06/2025-02 for HP Hood, authorizing the acceptance of the project application and scheduling a public hearing as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia - Yes
K. Manne - Yes
M. Clattenburg - Yes
C. Kemp - Yes

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

The item was approved as presented.

R. Gaenzle left the meeting at 4:33 p.m.

3.3 Public Outreach Update – As per prior discussions, J. Krencik wanted to give everyone an update on the ongoing outreach efforts.

1. Appletree Acres - A case study was presented at the annual meeting, with M. Masse actively engaging with the media to highlight key findings and provide additional context. Masse conducted an interview with *The Batavian*, which was well received and contributed to a broader understanding of the study.

2. Town of Alabama – M. Masse's outreach to the Town of Alabama continue to cover the STAMP project, going back to the initial agreements, and the economic results since then.

J. Krencik stated that the public outreach efforts will continue as they are requested by the Board and are beneficial to everyone here. The last mention was regarding the MedTech Landing project where J. Krencik stated tours were being held on two different days this week for board members and stakeholders. The apartments will be available to rent starting July 1st, 2025.

4.0 Audit & Finance Committee

4.1 April 2025 Financial Statements – L. Farrell reviewed the significant items of the April 2025 financial statements.

- On the balance sheet, grant receivables rose by \$500,000 for a payment to National Grid under a cost reimbursement agreement, which will later be reimbursed through a National Grid grant.
- Deposits increased by \$500,000 for a payment to NYPA under a cost reimbursement agreement. A deposit is recorded, and monthly expenditures are submitted detailing fund utilization. Expenses are recorded upon invoice receipt.
- On the Profit and Loss, three projects closed in April; Graham, Leatherleaf Solar, and Excelsior Energy.
- Other than the above-mentioned items, there was mostly normal activity.

The April 2025 financial statements were recommended for approval by the Committee.

K. Manne made a motion to approve the April 2025 Financial Statements as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

4.2 Proposal from Del Plato Casey Law Firm - Included with the meeting materials was a proposal from Del Plato Casey Law firm to handle all non-STAMP real estate matters (Leases, options, purchases and sales).

Fund Commitment: None. Any fees charged would be related to specific work requested on a case-by-case basis.

Committee Action Request: Recommend approval of the proposal.

M. Masse stated that members of the Del Plato Casey law Firm came in to discuss the proposal and answer any questions. He also stated that due to the amount of "quirky" things in Genesee County and the way they deal with real estate transactions, they possess a great deal of familiarity, experience, and willingness to handle the work proposed.

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This was recommended for approval by the Committee.

K. Manne made a motion to approve the Del Plato Casey Law Firm Proposal as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

5.0 Governance & Nominating Committee – C. Yunker

The Board voted on agenda items 5.1 through 5.3 collectively. The approval for these items follows agenda item 5.3. The Committee recommended these items for approval.

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

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

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

C. Yunker made a motion to approve agenda items 5.1- 5.3 as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

M. Pettnella left the meeting.

5.4 Application for Financial Assistance – Changes were made to the application including administrative updates, clarification of questions and the removal of unnecessary questions – none of which were substantial.

Fund commitment: None.

Board action request: Approval of revised Application for Financial Assistance.

M. Masse stated that the changes are minor and the reasoning was to make the application process clearer and easier for companies applying.

C. Yunker made a motion to approve the Application for Financial Assistance as presented; the motion was seconded by K. Manne. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

5.5 Local Labor Policy –In line with previous discussions, it is recommended that local labor waiver requests from companies unable to find workers within the 14-county region receive strong consideration, provided they can employ workers from within New York State.

M. Masse stated that out of the 4 local labor waiver request types, they were asking for a revision to reason number 3 which would allow for strong consideration when utilizing workers within New York State when they were unable to find any within the 14-county region. This was also discussed with the unions back in December, of which they were in favor for.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the Local Labor Policy as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

5.6 Videoconferencing Policy – R. Gaenzle addressed the committee last month regarding the policy and the process of setting up a public hearing for its adoption. The policy would permit board and committee members to participate in a quorum via videoconferencing, but only under specific conditions. As part of the adoption process, the board must review the draft policy and conduct a public hearing.

P. Battaglia expressed concerns regarding the necessity of the policy, noting that videoconferencing for meetings was rarely needed in the past, except during Covid, when no issues arose. C. Yunker responded that he feels P. Battaglia's points make sense and that he did not realize that State Legislators are not being upheld to the same standards they are setting for us. He is willing to reconsider this matter in committee at another meeting.

P. Battaglia made a motion to table the Videoconferencing Policy to another committee meeting to be reconsidered; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	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 Phillips Lytle 2025 Fee - Phillips Lytle has prepared a proposal to cover the scope of work for the remainder of 2025 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 \$500,000 to be included in the \$56 million.

Board Action Request: Recommend approval to the full Board of a Phillips Lytle contract not to exceed \$500,000.

P. Zelif questioned where the fee from the prior year stood and if we used all the funds. L. Farrell responded that these funds are tracked in a binder, and that while she was unsure of the exact amount without looking it up, she felt we were close to reaching the allotted amount. She also reminded the members that we do receive detailed invoices monthly, that M. Masse reviews.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the Phillips Lytle 2025 Fees not to exceed \$500,000 as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

6.2 NYPA T Line Security Letter of Credit - NYPA is requiring a construction security requirement for the line restoration for any work done within the 345 kv ROW. The security request amount is \$4,000,000. The purpose of the security is to restore the line if the developer abandons the project midway and then NYPA is required to restore the lines.

They would like to establish a timeline of mid-July to get this executed. NYPA needs to have this in place before any work can be done related to line modification.

NYPA has stated that a Letter of Credit, Cash or Surety Bond is acceptable.

Fund Commitment: None.

Board Action Request: Recommend approval to the full Board of pursuing a Letter of Credit for security.

This was recommended for approval by the Committee.

P. Zeliff made a motion to approve pursuing a Letter of Credit as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

7.0 Employment & Compensation – M. Gray

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, M. Gray made a motion to adjourn at 4:47 p.m., which was seconded by C. Yunker and passed unanimously.



Project Name: Ivy Village Corp (Leroy)

Board Meeting Date: May 1, 2025

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

PROJECT DESCRIPTION:

Ivy Village Corp is planning to construct 20 units of market-rate adult patio homes as the second phase of a three-phase, 60-unit development on 16 acres in the Village of Leroy.

The project's first phase constructed 20 units and buildings totaling 35,312 sq. ft. The second phase will add 24,960 sq. ft of new buildings for a combined construction of 60,272 sq. ft.

The project is investing \$3.5 million for the second phase.

The 2024 Genesee County Housing Needs Assessment's recommendations included expanding housing options for the growing senior population by increasing the desirable supply of new, lower-maintenance housing. Previous studies identified a need for 4,800 total units over 20 years across multiple sectors, including rental units and single-family homes.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$669,440) using our Market Rate Housing PILOT (20 + Units) schedule which averages 61.5% savings over 20 years, a sales tax abatement (\$168,000), and a mortgage tax exemption (\$28,000).

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

Project details: The project is planning to create 1 direct job with an average salary of \$21+ per hour.

Board Discussion: None

P. Battaglia made a motion to concur with Criteria #1; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia - Yes
K. Manne - Yes
M. Clattenburg – Yes
C. Kemp - Yes

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

The item was approved as presented.

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

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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's second phase will enhance the long-term tax base with an investment of \$3,500,000 and construction of 20 market-rate residential units totaling 24,960 sq. ft.

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
K. Manne -	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 #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 project will contribute towards a “livable community” and both the 2024 Genesee County Housing Needs Assessment and the 2018 Genesee County Housing Study identify this type of housing as needed.

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	C. Yunker -	Yes
K. Manne -	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 #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 Fiscal impacts (discounted value) on Local Benefits totals \$2,762,708 (\$2,395,650 payroll and \$367,059 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

Project details: For every \$1 of public benefit the company is investing \$4 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

K. Manne - Yes

M. Clattenburg - Yes

C. Kemp - Yes

C. Yunker - Yes

P. Zeliff - 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: N/A

Board Discussion: P. Battaglia expressed concerns about the "N/A" response in item #5 of the UTEP, questioning whether housing should be considered a strategic industry and how it could be added. P. Zeliff noted that any changes would need to go through the Governance & Nominating Committee, while C. Yunker emphasized housing as a necessary support for UTEP industries. Battaglia stated this was his only comment, leaving the matter to the committee's discretion, with no further discussion.

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

K. Manne - Yes

M. Clattenburg - Yes

C. Kemp - Yes

C. Yunker - Yes

P. Zeliff - Yes

M. Gray - Yes

The item was approved as presented.

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

Project details: The project plans to begin construction in May of 2025 and be operational within 18 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

K. Manne - 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:

GCEDC Opportunity Summary

Created On: 7/10/2025

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Customer Information

Potential Customer:	HP Hood, LLC	Opportunity Type:	Expansion
Project Street Address:	5140 AgPark Drive West	Opportunity Product:	Property & Sales Taxes Only
City/Town/Village:	Batavia	Type of Project:	Expansion
Project Description:	2025 HP Hood Expansion	New Jobs:	N/A
Total Capital Investment:	\$25,968,000	Retained Jobs:	✓412
Incentive Amount:	\$1,206,491	School District:	Batavia
Benefited Amount:	\$20,783,200	PILOT Applicable:	Increase in assessed value of land and/or other buildings (pre-project value of land and or buildings excluded)

Project Information

Organization:	GCEDC
Opportunity Source:	Direct/Personal Contact
Date of Public Hearing:	6/26/2025
Initial Acceptance Date:	6/5/2025
Inducement Date:	7/10/2025
Opportunity Summary:	<p>HP Hood, LLC is planning to build a 7,722 sq ft facility at the Genesee Valley Agri Business Park in the town of Batavia with a total capital investment of \$25,968,000. ✓</p> <p>The project will include the construction of a two-bay, raw milk silo alcove and silo pads for four silos, Clean-in-Place (CIP) room for four CIP systems, remote truck testing lab and electrical room.</p> <p>The project is requesting assistance from the GCEDC with a sales tax exemption estimated at ✓\$1,122,394 and a property tax abatement estimated at \$84,097 based on the incremental increase in assessed value via a new traditional 10-year PILOT. ✓</p>
Economic Impact:	<p>The Fiscal impacts (discounted value) on Local Benefits totals \$6,357,316 (\$6,253,180 in payroll and \$104,136 to the public in tax revenues). See attached MRB Cost Benefit Calculator.</p> <p>For every \$1 of public benefit the company is investing \$10 into the local economy. ✓</p>

Project Detail (Total Capital Investment)

Building Cost (Construction):	\$16,883,200
Equipment (non-taxable):	\$5,184,800
Other Costs:	
(Non-Production Equipment)	\$3,900,000
Total Capital Investment:	\$25,968,000

Estimated Benefits Provided

Sales Tax Exempt:	\$1,122,394
Property Tax Exempt:	\$84,097
Total Estimated Tax Incentives Provided:	\$1,206,491

Total Amount Finance:	\$0
------------------------------	-----

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cross
7/2/25

MRB Cost Benefit Calculator

Genesee County Industrial Development Agency

Date


May 20, 2025

Project Title

HP Hood - Milk Receiving Bay 2025

Project Location

GV Ag Park



MRB Group

Cost-Benefit Analysis Tool powered by MRB Group

Construction Phase - Project Assumptions

Project Costs

Project Costs

Value

Enter total construction project costs:

\$16,883,200

<- as defined by NYS Labor Law 224-a

Local Construction Spending

In-region construction spending

\$16,883,200

Construction Economic Impacts			
Industry	NAICS	% of Total Investment	Investment by Type
Industrial Building Construction	236220	100%	\$16,883,200
[Not Applicable]	0		\$0
[Not Applicable]	0		\$0
Most projects will only have one line related to construction type.		100%	\$16,883,200

New Household Spending - Residential and Mixed-Use Projects Only

Unit Types and Household Income Brackets

Unit Type 1

Description

Unit Count

Target Income (HH)

[Not Applicable]

Unit Type 2

Description

Unit Count

Target Income (HH)

[Not Applicable]

% Net New (See Instructions)

100%

Total Units

Total Local Household Spending

Operation Phase - Project Assumptions

Jobs and Earnings from Operations				
NAICS Lookup				
Year 1 - Enter NAICS	NAICS	Count	Per Job Annual Earnings	Total Earnings
Dry, Condensed, and Evaporated Dairy Pro	311514	0	\$0	\$0
0	0			\$0
0	0			\$0
0	0			\$0
0	0			\$0
0	0			\$0
Total	0			\$0
Year 2	NAICS	Count	Per Job Annual Earnings	Total Earnings
Dry, Condensed, and Evaporated Dairy Pro	311514	0	\$0	\$0
0	0			\$0
0	0			\$0
0	0			\$0
0	0			\$0
0	0			\$0
Total	0			\$0

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Year 3+ (Full Employment)	NAICS	Count	Per Job Annual Earnings	Total Earnings
Dry, Condensed, and Evaporated Dairy Prod	311514	0	\$0	\$0
	0	0		\$0
	0	0		\$0
	0	0		\$0
	0	0		\$0
	0	0		\$0
	0	0		\$0
	Total	0		\$0

Fiscal Impact Assumptions

Estimated Costs of Incentives

	%	Value	PILOT Term (Years)	10
Sales Tax Exemption		\$1,122,394	Escalation Factor	0%
Local Sales Tax Rate	4.00%	\$561,197	Public Discount Rate	2%
State Sales Tax Rate	4.00%	\$561,197		
Mortgage Recording Tax Exemption		\$0		
Local	0.50%	\$0		
State	0.50%	\$0		
Total Costs		\$1,206,491	Includes PILOT exemption, calculated below.	

Property Tax Exemption

Discounted->

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[illegible]

Project is ready to go by town

Yes

Genesee County Industrial Development Agency

MRB Cost Benefit Calculator

Date May 20, 2025
Project Title HP Hood - Milk Receiving Bay 2025
Project Location GV Ag Park



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

Construction Project Costs

\$16,883,200

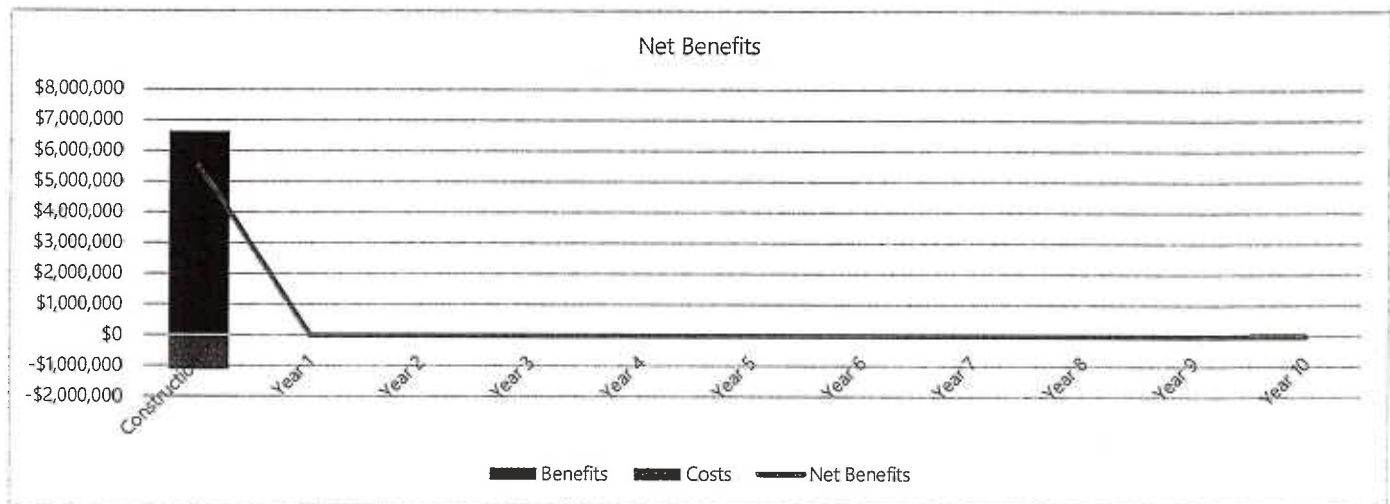
Temporary (Construction)

	Direct	Indirect	Total
Jobs	66	19	85
Earnings	\$5,210,372	\$1,042,808	\$6,253,180
Local Spend	\$16,883,200	\$4,481,413	\$21,364,613

Ongoing (Operations) Aggregate over life of the PILOT

	Direct	Indirect	Total
Jobs	0	0	0
Earnings	\$0	\$0	\$0

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

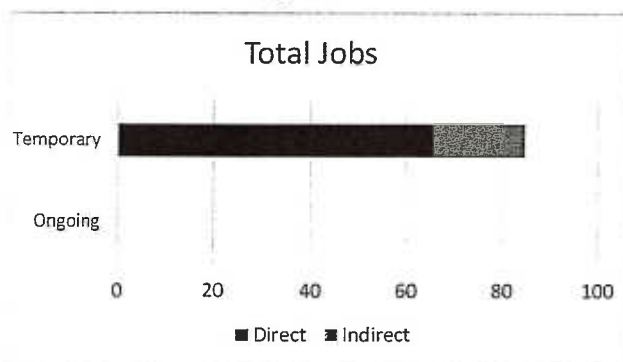
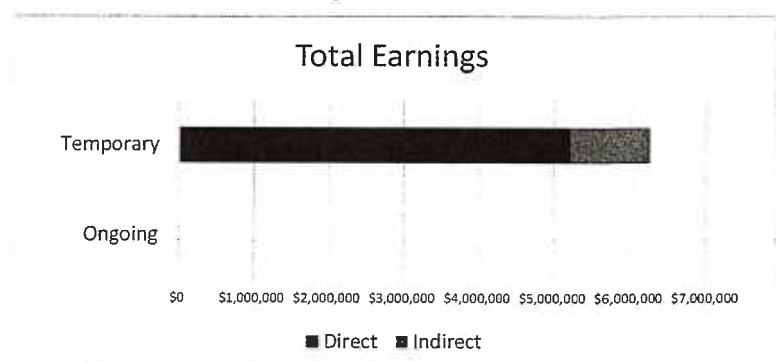


Figure 3



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Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$84,097	\$76,900
Sales Tax Exemption	\$1,122,394	\$1,122,394
Local Sales Tax Exemption	\$561,197	\$561,197
State Sales Tax Exemption	\$561,197	\$561,197
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$1,206,491	\$1,199,294

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$6,365,666	\$6,357,316
To Private Individuals	\$6,253,180	\$6,253,180
Temporary Payroll	\$6,253,180	\$6,253,180
Ongoing Payroll	\$0	\$0
Other Payments to Private Individuals	\$0	\$0
To the Public	\$112,486	\$104,136
Increase in Property Tax Revenue	\$56,065	\$49,002
Temporary Jobs - Sales Tax Revenue	\$43,772	\$43,772
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
Other Local Municipal Revenue	\$12,649	\$11,362
State Benefits	\$325,165	\$325,165
To the Public	\$325,165	\$325,165
Temporary Income Tax Revenue	\$281,393	\$281,393
Ongoing Income Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$43,772	\$43,772
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
Total Benefits to State & Region	\$6,690,831	\$6,682,481

Benefit to Cost Ratio

	Benefit	Cost*	Ratio
Local	\$6,357,316	\$638,097	10:1
State	\$325,165	\$561,197	1:1
Grand Total	\$6,682,481	\$1,199,294	6:1

*Discounted at the public sector discount rate of: 2%

Additional Comments from IDA

Project is ready to go by town

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

Does this project provide onsite childcare facilities? No

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Client Company Investment Project Financial Assistance PROPOSAL

Figures on this Worksheet are estimates only and are subject to change

Project Profile:	
Inputs	HP Hood 2025
Company:	
Project Description:	
Project Cost	
Project Cost subject to Sales Tax	
Project Cost to be Financed via Mortgage	
Estimated Assessed value of Real Property/Building upon completion*	
Jobs Created: next 3 years	
Jobs Retained: next 3 years	

Applicable GCEDC Products:	
Financial Assistance: Cost Reduction Through Tax Savings:	
Sale/Leaseback (SLB):	
Sales Tax Exemption (Savings):	
Mortgage Tax Exemption (Savings):	
Real Property Tax Abatement (PILOT):	
Average Abatement (savings %) over project life	
PILOT Term in years	
Gross Property Tax Costs	
Payment Schedule (% Real Property Taxes Paid)	
Net Required Property Tax payments per PILOT	
PILOT Real Property Tax Savings (Next taxable year)	
Total Tax Savings via Sale/Leaseback (SLB):	

Financing: Cost Reduction via low cost financing (below prime rate):	
Revolving Loan Fund (RLF):	
Loan Factors:	
Interest Rate Savings:	
Gross Cost Savings via GCEDC programs:	

Participation Fees (Costs):	
GCEDC Application Fee (non-refundable):	
GCEDC Project Fee (% Total Project Cost):	
Legal Fees: SLB (Contract Development, Documentation, Filing fees)	
Legal Fees: RLF (Contract Development, Documentation, Filing fees)	
Total Participation Fees:	

Summary:	
Total Costs Savings / Benefits via GCEDC programs(after participation f	
Total Benefits as % Total Project Cost:	
Return on Investment (ROI) = Net Savings / Participation Fees:	

National Grid	
Total Savings	

NOTE: PILOT REAL PROPERTY TAX ABATEMENT EFFECTIVE DATE DEPENDS UPON DATE OF SALE LEASE BACK (SLB) CLOSING COMPARED TO MUNICIPALITIES TAXABLE STATUS DATE.

1) IF SLB CLOSING PRIOR TO TAXABLE STATUS DATE - PILOT WILL BE EFFECTED IN FOLLOWING TAXABLE YEAR AND CURRENT YEAR TAX BILLS WILL BE ADJUSTED ACCORDINGLY.

2) IF SLB CLOSING IS SUBSEQUENT TO MUNICIPALITIES TAXABLE STATUS DATE - THERE WILL BE A 12 MONTH DELAY IN PILOT IMPLEMENTATION.

PLEASE PLAN CASH FLOW NEEDS ACCORDINGLY!

7/16/25

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Gross Property Tax Per Year \$ 14,016					To be paid 100%	
Year of Exemption	% of Paid Taxes	Net Savings	Municipalities		Fire District fee	
			Tax to be Paid		Total	
1	20%	\$11,213	\$	2,803	\$	1,265
2	20%	\$11,213	\$	2,803	\$	1,265
3	20%	\$11,213	\$	2,803	\$	1,265
4	30%	\$9,811	\$	4,205	\$	1,265
5	30%	\$9,811	\$	4,205	\$	1,265
6	30%	\$9,811	\$	4,205	\$	1,265
7	50%	\$7,008	\$	7,008	\$	1,265
8	50%	\$7,008	\$	7,008	\$	1,265
9	70%	\$4,205	\$	9,811	\$	1,265
10	80%	\$2,803	\$	11,213	\$	1,265
Total	40%	\$84,097	\$56,065		\$	12,649

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Genesee
County
Economic
Development
Center

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2/1/25

Project Name: HP Hood, LLC

Board Meeting Date: July 10, 2025

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

PROJECT DESCRIPTION:

HP Hood, LLC is planning to build a 7,722 sq ft facility at the Genesee Valley Agri Business Park in the town of Batavia with a total capital investment of \$25,968,000. The project will include the construction of a two-bay, raw milk silo alcove and silo pads for four silos, Clean-in-Place (CIP) room for four CIP systems, remote truck testing lab and electrical room.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$1,122,394 and a property tax abatement estimated at \$84,097 based on the incremental increase in assessed value via a new traditional 10-year PILOT.

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

Project details: The project is planning on to retain 412 jobs.

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 the long-term tax base with an investment of \$25,968,000 in the town of Batavia.

Board Discussion:

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: N/A

Board Concurrence: YES NO If no, state justification:

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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 Fiscal impacts (discounted value) on Local Benefits totals \$6,357,316 (\$6,253,180 in payroll and \$104,136 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

Note this is for the project only, does not include the 412 retained jobs

Project details: For every \$1 of public benefit the company is investing \$10 into the local economy

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 project supports the food industry.

Board Discussion: 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 planned to begin in the 2nd quarter of 2025 and be operational in 24 months.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

man
7/2/25

FINAL RESOLUTION
(HP Hood LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, July 10, 2025.

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

Resolution No. 07/2025 - _____

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 JUNE 26, 2025, WITH RESPECT TO THE HP HOOD LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (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, AND EQUIPPING OF THE PROJECT AND (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT; AND (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.

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 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, pursuant to that certain Lease Agreement, dated as of February 1, 2009 (the "2009 Lease Agreement") by and between Genesee Agri-Business LLC ("Genesee Agri-Business"), as lessor and the Agency, as lessee, a memorandum of which was recorded in the office of the Genesee County Clerk on March 2, 2009 in Liber 872 at Page 424, Genesee Agri-Business leased approximately two hundred and three (203) acres of land located in the Town of Batavia, Genesee County, New York to the Agency (the "Ag Park Land"); and

WHEREAS, pursuant to that certain Amended and Restated Lease Agreement, dated as of June 30, 2017 (the "Amended 2009 Lease Agreement"), by and between Genesee Agri-Business, as lessor and the Agency, as lessee, and that certain Amended and Restated Leaseback

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Agreement, dated as of June 30, 2017 (the "Amended 2009 Leaseback Agreement"), by and between the Agency, as lessor and Genesee Agri-Business, as lessor, Genesee Agri-Business and the Agency terminated the Agency's leasehold interest in the Land (as hereinafter defined) and Genesee Agri-Business' sub-leasehold interest in the Land, but retained the Agency's leasehold interest in the remaining portion of the Ag Park Land and Genesee Agri-Business' sub-leasehold interest in the remaining portion of the Ag Park Land; and

WHEREAS, pursuant to that certain Purchase and Sale Agreement, dated as of March 2, 2012 by and between Genesee Agri-Business and Wave Holdings, LLC (as predecessor to Muller Quaker Dairy), Genesee Agri-Business sold that certain portion of the Ag Park Land which constitutes the Land to Muller Quaker Dairy, subject to the Agency's leasehold estate created under the 2009 Lease Agreement and Genesee Agri-Business' sub-leasehold estate created under the 2009 Leaseback Agreement, which said leasehold estate and sub-leasehold estate have now been terminated pursuant to the Amended 2009 Lease Agreement and the Amended 2009 Leaseback Agreement; and

WHEREAS, by Resolution adopted by the Agency on March 12, 2012, in connection with a certain project undertaken by Muller Quaker Dairy, as agent of the Agency, the Agency authorized the execution of certain documents including (i) that certain Lease Agreement, dated as of August 1, 2012, by and between Muller Quaker Dairy, as lessor and the Agency, as lessee (the "Original Lease Agreement"), a memorandum of which was recorded in the Office of the Genesee County Clerk on September 26, 2012 in Liber 894 at Page 828 and (ii) that certain Leaseback Agreement, dated as of August 1, 2012, by and between the Agency, as lessor and Muller Quaker Dairy, as lessee (the "Original Leaseback Agreement"), a memorandum of which was recorded in the Office of the Genesee County Clerk on September 26, 2012 in Liber 894 at Page 834, pursuant to which Muller Quaker Dairy leased its interest in the Land (as defined below) to the Agency and the Agency subleased its interest in the Land to Muller Quaker Dairy; and

WHEREAS, pursuant to that certain Assignment and Assumption of Agreements, dated as of January 12, 2016 (the "2016 Assignment and Assumption of Agreements"), by and among the Agency, Muller Quaker Dairy and Batavia Dairy Products, LLC ("Batavia Dairy Products"), which 2016 Assignment and Assumption of Agreements was recorded in the Office of the Genesee County Clerk on February 29, 2016 in Liber 357 at Page 505, Muller Quaker Dairy assigned to Batavia Dairy Products, its rights, title, interest, duties and obligations and liabilities under the Original Lease Agreement and the Original Leaseback Agreement; and

WHEREAS, pursuant to that certain Assignment and Assumption of Agreements, dated as of June 30, 2017 (the "Assignment and Assumption of Agreements"), by and among the Agency, Batavia Dairy Products and the Company, Batavia Dairy Products assigned to the Company, its rights, title, interest, duties and obligations and liabilities under the Original Lease Agreement and the Original Leaseback Agreement; and

WHEREAS, the Agency previously undertook a certain project (the "2017 Project") for the benefit of the Company consisting of: (A) the acquisition or retention by the Agency of a leasehold interest in certain land located at 5140 Ag Park Drive West, Town of Batavia, Genesee County, New York (being more particularly described as tax map identification number 13.-1-

165.111/P) (the "Land") and the existing improvements located thereon, consisting principally of a 383,000 square-foot manufacturing facility (the "2017 Existing Improvements"), (B) (i) the renovation and equipping of the 2017 Existing Improvements and (ii) the construction and equipping on the Land of small external additions, silo tanks, an approximately 100,000 square-foot refrigerated warehouse and related improvements and infrastructure for use by the Company as a fluid processing plant (the "2017 Improvements") and (C) the acquisition by the Company in and around the 2017 Improvements of certain items of machinery, equipment and other tangible personal property, including but not limited to, processing equipment, filling equipment, and waste water treatment equipment (the "2017 Equipment", and collectively with the Land, the 2017 Existing Improvements and the 2017 Improvements, the "2017 Facility"); and

WHEREAS, in furtherance of the 2017 Project, the Agency and the Company entered into the following agreements each dated June 30, 2017: (i) an Agent, Financial Assistance and Project Agreement, (ii) a certain Amended and Restated Lease Agreement, (iii) a certain Amended and Restated Leaseback Agreement, (iv) a certain Amended and Restated Payment-In-Lieu-of-Taxes Agreement, and (v) related documents (collectively, the "2017 Agency Documents"), whereby the Agency appointed the Company as agent of the Agency to undertake the 2017 Project and provided the Company with certain forms of financial assistance (the "2017 Financial Assistance"); and

WHEREAS, the Company has submitted an application to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition and/or retention by the Agency of a leasehold interest in the Land along with the existing improvements located thereon (comprised of the 2017 Existing Improvements and the 2017 Improvements, collectively, the "Existing Improvements"); (ii) the planning, design, construction and operation of an approximately 7,700 square foot addition to the Existing Improvements comprised of two (2) receiving bays, raw milk silo alcove and silo pads, CIP room, remote truck testing lab and electrical room, along with site improvements, parking lots, access and egress improvements, signage, curbage, landscaping and stormwater retention improvements (collectively, 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, the Existing Improvements and the Improvements, the "Facility"), such Project to be undertaken by the Agency and the Company primarily through a Project Agreement (defined herein) and the amendment of the 2017 Agency Documents; and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as agent of the Agency for the purpose of undertaking the Project pursuant to a project agreement (the "Project Agreement"), (ii) negotiate and enter into an amended and restated lease agreement (the "Lease Agreement"), an amended and restated leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents with the Company, (iii) take title to or a leasehold interest in the Land, the Existing Improvements, the Improvements, the Equipment and personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (iv) 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 and equipping of the Project and (b)

a partial real property tax abatement structured through the Tax Agreement (collectively, the "Financial Assistance"); and

WHEREAS, on June 5, 2025, the Agency adopted a resolution (the "Initial Resolution") pursuant to which the Agency (i) accepted the Application of the Company, (ii) directed that a public hearing be held, and (iii) described the forms of financial assistance being contemplated by the Agency with respect to the Project; and

WHEREAS, pursuant to Section 859-a of the Act, on Thursday, June 26, 2025, at 3:30 p.m., the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views. A copy of the Notice of Public Hearing published and forwarded to the affected taxing jurisdictions at least ten (10) days prior to said Public Hearing are attached hereto as Exhibit A; 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; and

WHEREAS, pursuant to Article 18-A of the Act the Agency desires to adopt a resolution approving the Project and the Financial Assistance (as defined below) that the Agency is contemplating with respect to the Project; and

WHEREAS, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement and related documents will be negotiated and presented to the President/CEO, Chair, and/or Vice Chair of the Agency for approval and execution subject to adoption of the resolutions contained 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. 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 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 and the Company's certifications therein, 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; and

(F) The Town of Batavia Planning Board (the "Board") has conducted a review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"). In addition to classifying the Project as a "Type 1" action (as defined in SEQRA), the Board issued a Negative Declaration on November 19, 2024 (the "Negative Declaration"), determining that the Project does not pose a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, including, but not limited to, the Full Environmental Assessment Form and the Negative Declaration, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Board pursuant to 6 N.Y.C.R.R. Part 617.7. A copy of the Negative Declaration issued by the Board is attached hereto as **Exhibit B**.

Section 2. The Public Hearing held by the Agency on Thursday, June 26, 2025, at 3:30 p.m., concerning the Project and the Financial Assistance was duly held in accordance with the Act, including but not limited to the giving of at least ten (10) days published notice of the Public Hearing (such notice also provided to the Chief Executive Officer of each affected tax jurisdiction), affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

Section 3. The Agency is hereby authorized to provide to the Company the Financial Assistance 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 and (b) a partial real property tax abatement structured through the Tax Agreement.

Section 4. Based upon representations and warranties made by the Company in the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project, that would otherwise be subject to State and local sales and use tax in an amount up to **\$14,029,920.00**, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$1,122,394.00**. The Agency agrees to consider any requests by the Company for an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being

provided with appropriate documentation detailing the additional purchases of property or services.

Section 5. Pursuant to Section 875(3) of the Act, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any Sales and Use Tax Exemption Benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the Sales and Use Tax Exemption Benefits; (ii) the Sales and Use Tax Exemption Benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the Sales and Use Tax Exemption Benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the Sales and Use Tax Exemption Benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving Sales and Use Tax Exemption Benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any Sales and Use Tax Exemption Benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 6. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, reconstruct, renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; *provided, however*, the Project Agreement shall expire on December 31, 2027 (unless extended for good cause by the President/CEO of the Agency) if the Lease Agreement, the Leaseback Agreement and the Tax Agreement contemplated have not been executed and delivered.

Section 7. The President/CEO, Chair, and/or Vice Chair of the Agency are hereby authorized, on behalf of the Agency, to negotiate and enter into (A) the Project Agreement, (B) the Lease Agreement, pursuant to which the Company leases the Project to the Agency, (C) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, and (D) the Tax Agreement; *provided, however*, (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project and (ii) the terms of the Tax

Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

Section 8. The President/CEO, Chair, and/or Vice Chair of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record the Mortgage securing an aggregate principal amount necessary to undertake the Project, and any security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") to assist with the undertaking of the Project, the acquisition of the Facility and/or the finance or re-finance the Facility or equipment and other personal property and related transactional costs (hereinafter, with the Project Agreement, Lease Agreement, Leaseback Agreement, Tax Agreement and the Mortgage, collectively called the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the President/CEO, Chair, and/or Vice Chair of the Agency shall approve, the execution thereof by the President/CEO, Chair, and/or Vice Chair of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 9. 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 10. In accordance with the Agency's Pricing & Fee Policy, the Agency hereby authorizes the Company to pay of the Agency's administrative fee in two equal installments as follows: (i) \$129,895.00 shall be due and payable upon closing on the Financial Assistance (the "Closing Date") and (ii) \$129,895.00 shall be due and payable upon the first anniversary of the Closing Date.

Section 11. These Resolutions shall take effect immediately upon adoption.

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>
Peter Zeliff	[]	[]	[]	[]
Matthew Gray	[]	[]	[]	[]
Paul Battaglia	[]	[]	[]	[]
Craig Yunker	[]	[]	[]	[]
Kathleen Manne	[]	[]	[]	[]
Chandy Kemp	[]	[]	[]	[]
Marianne Clattenburg	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION
(HP Hood 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 July 10, 2025, with the original thereof on file in the offices of the Agency, 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 _____, 2025.

Secretary

Exhibit A

Notice Letter, Notice of Public Hearing,
Affidavit of Publication of *The Batavia Daily News*
and Minutes of Public Hearing

[Attached Hereto]

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Thursday, June 26, 2025, at 3:30 p.m., local time, at Batavia Town Hall, 3833 West Main Street Road, Batavia, New York 14020, in connection with the following matter:

The Agency previously undertook a certain project (the "2017 Project") for the benefit of **HP HOOD LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") consisting of: (A) the acquisition or retention by the Agency of a leasehold interest in certain land located at 5140 Ag Park Drive West, Town of Batavia, Genesee County, New York (being more particularly described as tax map identification number 13.-1-165.111/P) (the "Land") and the existing improvements located thereon, consisting principally of a 383,000 square-foot manufacturing facility (the "2017 Existing Improvements"), (B) (i) the renovation and equipping of the 2017 Existing Improvements and (ii) the construction and equipping on the Land of small external additions, silo tanks, an approximately 100,000 square-foot refrigerated warehouse and related improvements and infrastructure for use by the Company as a fluid processing plant (the "2017 Improvements") and (C) the acquisition by the Company in and around the 2017 Improvements of certain items of machinery, equipment and other tangible personal property, including but not limited to, processing equipment, filling equipment, and waste water treatment equipment (the "2017 Equipment", and collectively with the Land, the 2017 Existing Improvements and the 2017 Improvements, the "2017 Facility").

In furtherance of the 2017 Project, the Agency and Company entered into (i) an Agent, Financial Assistance and Project Agreement, (ii) a certain Amended and Restated Lease Agreement, (iii) a certain Amended and Restated Leaseback Agreement, (iv) a certain Amended and Restated Payment-In-Lieu-of-Taxes Agreement, and (v) related documents (collectively, the "2017 Agency Documents"), whereby the Agency appointed the Company as agent of the Agency to undertake the 2017 Project and provided the Company with certain forms of financial assistance (the "2017 Financial Assistance").

The Company has submitted an application to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition and/or retention by the Agency of a leasehold interest in the Land along with the existing improvements located thereon (comprised of the 2017 Existing Improvements and the 2017 Improvements, collectively, the "Existing Improvements"); (ii) the planning, design, construction and operation of an approximately 7,700 square foot addition to the Existing Improvements comprised of two (2) receiving bays, raw milk silo alcove and silo pads, CIP room, remote truck testing lab and electrical room, along with site improvements, parking lots, access and egress improvements, signage, curbage, landscaping and stormwater retention improvements (collectively, 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, the Existing Improvements and the Improvements, the "Facility"), such Project to be undertaken by the Agency and the Company primarily through a Project Agreement (the "Project Agreement") and the amendment of the 2017 Agency Documents.

The Agency will acquire and/or retain title to, or a leasehold interest in, the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Project and (b) a partial real property tax abatement.

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

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

Dated: June 12, 2025

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

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**GENESEE COUNTY
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The Company has submitted an application to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition and/or retention by the Agency of a leasehold interest in the Land along with the existing improvements located thereon (comprised of the 2017 Existing Improvements and the 2017 Improvements, collectively, the "Existing Improvements"); (ii) the planning, design, construction and operation of an approximately 7,700 square foot addition to the Existing Improvements comprised of two (2) receiving bays, raw milk silo alcove and silo pads, CIP room, remote truck testing lab and electrical room, along with site improvements, parking lots, access and egress improvements, signage, curbage, landscaping and stormwater retention improvements (collectively, 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, the Existing Improvements and the Improvements, the "Facility"), such Project to be undertaken by the Agency and the Company primarily through a Project Agreement (the "Project Agreement") and the amendment of the 2017 Agency Documents.

The Agency will acquire and/or retain title to, or a leasehold interest in, the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Project and (b) a partial real property tax abatement.

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

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

Dated: June 12, 2025

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

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REPORT OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S PUBLIC HEARING OF HP HOOD, LLC HELD ON THURSDAY, JUNE 26, 2025 3:30 P.M. AT BATAVIA TOWN HALL, 3833 WEST MAIN STREET ROAD, BATAVIA, NEW YORK, GENESEE COUNTY, NEW YORK

I. ATTENDANCE

Mark Masse, President and CEO – GCEDC
Krista Galdun, Finance Assistant – GCEDC

II. CALL TO ORDER

The public hearing of HP Hood, LLC opened at 3:31 p.m. at the Batavia Town Hall, 3833 West Main Street Road, in Batavia, New York, Genesee County, New York.

A notice of this public hearing describing the project was published in the Batavia Daily News, a copy of which is attached and is an official part of this transcript.

III. PROJECT SUMMARY

HP Hood, LLC is planning to build a 7,722 sq ft addition to their existing facility at the Genesee Valley Agri Business Park in the town of Batavia with a total capital investment of \$25,968,000. The project will include the construction of a two-bay, raw milk silo alcove and silo pads for four silos, Clean-in-Place (CIP) room for four CIP systems, remote truck testing lab and electrical room.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$1,122,394 and a property tax abatement estimated at \$84,097 based on the incremental increase in assessed value via a new traditional 10-year PILOT.

IV. COMMENTS

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

There was no public comment.

V. ADJOURNMENT

The public hearing was closed at 3:41 p.m.

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Exhibit B

Negative Declaration of the Town of Batavia Planning Board

[Attached Hereto]

3.1 b

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**TOWN OF BATAVIA PLANNING BOARD
REGULAR MEETING, November 19, 2024 – 7:00 P.M.**

Pledge of Allegiance was said.

PRESENT: Chairman Kathy Jasinski, Paul McCullough, Don Partridge, Jonathan Long, Steve Tanner, Brooks Hawley, Brittany Witkop, and Michael Dana.

ALSO ATTENDING: Lauren Adornetto of Phillips Lytle LLP, Dan Kolb of Kolby Family Automotive, Brian Quinn of the Batavia Daily News, Alecia Kaus of Video News Service, and Secretary Kim McCullough.

ABSENT: Paul Marchese.

Alternate Member(s): Brittany Witkop will be voting and participating in discussions. Mike Dana will be participating only in discussions.

October 15, 2024 – Regular Planning Board Meeting Minutes.

No additions needed or corrections to notate.

Paul McCullough made a motion to approve the Regular Planning Board Meeting Minutes.

Seconded by Brittany Witkop.

Vote unanimous for approval.

Public Comment: None.

Kolb Family Automotive – 4003 West Main Street Road, Batavia NY 14020.

SEQR – Addition of a 3-bay garage to the north side of the existing building in a commercial district. Chairman Jasinski stated this a Type II SEQR and no further action to be taken and a motion needs to be made in order to recognize that this is a Type II SEQR.

Brittany Witkop made a motion to approve this as Type II SEQR.

Seconded by Brooks Hawley.

Motion carried by unanimous vote.

Kolb Family Automotive – 4003 West Main Street Road, Batavia NY 14020.

Site Plan Review – Addition of a 3-bay garage to the north side of the existing building in a commercial district. Dan Kolb addressed the items that were brought up in the general letter. Due to the Planning Board not having the site plan to review it was suggested that this be tabled. Paul McCullough made a motion to table this item until the 12/3/2024 meeting.

Seconded by Jonathan Long.

Motion carried by unanimous vote.

Daniel Hale – 5210 Clinton Street Road, Batavia NY 14020 – Special Use Permit to construct a single-family home on land zoned commercial. Set Public Hearing for December 3, 2024

Steve Tanner made a motion to set the Public Hearing for December 3, 2024.

Seconded by Don Partridge.

Motion carried by unanimous vote.

HP Hood for Modified Milk Receiving Project at Ag Park. SEQR Resolution.

11192024-RegPlanningBoardMeeting

3.1 b

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Agreement") with the City of Batavia ("**City**") wherein the Town purchased additional treatment capacity from the City's wastewater treatment plant ("**WWTP**"), bringing its total allotted capacity to .85 million gallons per day ("**mgpd**") to serve the Town-including the Ag Park; and

WHEREAS, in connection with the Project, the Applicant submitted an application on January 30, 2024 to the Town of Batavia Planning Board ("**Planning Board**" or "**Agency**") to request Site Plan approval pursuant to the Town of Batavia Code ("**Code**") § 235-63(C) (the "**Application**"); and

WHEREAS, as first presented to the Agency, the Project included the addition of a seventh ultra-high temperature pasteurization system with one additional plastic filler and subsequent support for waste drainage ("**UHTPS**") at the Facility; and

WHEREAS, Genesee County ("**County**"), by letter dated March 5, 2024 ("**County Objection Letter**"), objected to the Project on the basis that the UHTPS would require an increase in water demand by approximately 200,000 gallons per day beyond the Facility's current demand, which would potentially strain water supply deficiencies in the County; and

WHEREAS, by letter dated March 13, 2024 ("**City Objection Letter**"), the City of Batavia ("**City**") objected to the Project on the basis that the UHTPS would result in the exceedance of the Town's allotted daily treatment capacity of wastewater flows to the City's Waste Water Treatment Plant ("**WWTP**"), which the Town-including the Ag Park-relies on for the entirety of its wastewater treatment needs; and

WHEREAS, by letter dated September 11, 2024 ("**Applicant's September Letter**"), the Applicant indicated it had determined not to move forward with the UHTPS, but instead to move forward with the Project only, and would now require only an additional 49,000 gallons of water per day and would generate liquid wastes totaling approximately 49,000 gallons per day; and

WHEREAS, after consultation between the Applicant, the County, and Genesee County Economic Development Center ("**GCEDC**"), GCEDC has agreed to divert an additional 50,000 gallons of water per day from the Western New York Science and Technology Advanced Manufacturing Park ("**STAMP**") to the Ag Park (the "**Water Diversion**") to meet the Project needs; and

WHEREAS, by agreement dated September 24, 2024, the Town and City entered into an amendment to the 2015 Wastewater Agreement (the "**2024 Wastewater Amendment**") whereby the Town agreed to, among other things, purchase an additional 350,000 gpd of capacity with the City's WWTP; and

WHEREAS, the City and the County by emails dated September 19 and 20, 2024, respectively, have agreed to withdraw their objections to the Project as a result of the withdrawal of the UHTPS, and addition of 50,000 gallons to be diverted from STAMP and in view of the 2024 Wastewater Amendment, and now consent to the Project (the "**Consent Emails**"); and

designed to provide an area for concentrated business and industrial development serving the agricultural community of the Town and surrounding area. Adjacent uses of the Ag-Park and beyond include milk processing and packaging plants, and agricultural fields as well as some limited residential uses. The Project, being an expansion of an existing expressly permitted use consistent with the Code, is in harmony with these existing adjacent uses.

The Project is also in character with the surrounding uses and as determined in the SEQRA review of the Project, will have no significant environmental impacts as to odor, noise, aesthetics, traffic, amongst others. Furthermore, the Town's Comprehensive Plan also identifies industrial uses such as the Project as being appropriate for the area surrounding the Site. Accordingly, the Project is in harmony with the existing adjacent uses.

b. Maximum safety of vehicular circulation between the site and street, including emergency vehicle access.

The Project is designed to permit the safe and efficient delivery of truck shipments to and from the Facility. The Site is already serviced by an existing access driveway which provides adequate two way traffic flow to and from the Site and the Project will not hinder this access. Accordingly, the Site Plan provides for adequate safety of vehicular circulation between the Site and the street.

c. Adequacy of interior circulation, parking and loading facilities, with particular attention to pedestrian safety and emergency vehicle access.

As detailed in the Site Plan, the Site has adequate interior circulation, parking, and loading facilities. The Project will increase parking and loading facilities as well as increase the amount of interior circulation space available. The Site Plan indicates that the Project create 2 additional truck delivery spaces as well as ample circulation space for trucks and cars. The Project will not obstruct access and will create additional turn-around space for emergency vehicles. Accordingly, the Site Plan provides for adequate and safe interior circulation, parking and loading facilities.

d. Adequacy of landscaping and setbacks to achieve compatibility with, and protection of, adjacent residential uses.

The Site Plan indicates the Project will maintain broad setbacks on the Site from the property boundary and adjacent residential uses in compliance with the Code. Further, the Site is well buffered by forest to other Ag Park users and residential receptors, which will be maintained. The significant setbacks of the Facility, the relatively far distance from nearby residential uses, and the maintenance of the large forested buffer surrounding a portion of the Project serve to effectively screen it to the greatest extent practicable while maintaining the agricultural character of the surrounding area. Accordingly, the Project adequately addresses the above considerations.

e. Adequacy of municipal facilities to serve the proposal, including streets, water supply and wastewater treatment systems, stormwater control systems, and fire protection.

Section 6. Town staff are hereby further authorized on behalf of the Planning Board, or acting together or individually, to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 7. This Resolution, which is adopted by a majority vote of the Planning Board, shall serve as the Planning Board's approval of the Site Plan and is issued by the Planning Board pursuant to and in accordance with the Code, and 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:

Kathleen Jasinski	Voting
Jonathan Long	Voting
Steven Tanner	Voting
Brooks Hawley	Voting
Paul McCullough	Voting
Donald Partridge	Voting
Brittany Witkop	Voting

The foregoing resolution was thereupon declared duly passed by unanimous vote.

Zoning Enforcement Officer Report: None.

Chairman Report: We will be having both meetings in December.

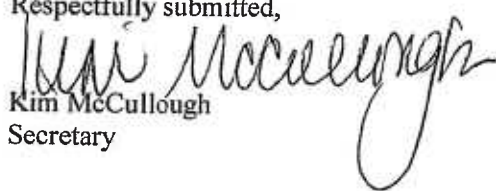
Secretary Kim McCullough – reminded all board members of their in-house training that needs to be taken. Also, Paul and Kim will not be at the December 3, 2024 meeting. The secretary asked Don Partridge if he would cover the secretarial duties for that night. Don stated that he would.


Brittany Witkop made a motion to adjourn the meeting at 7:27 pm.

Seconded by Paul McCullough.

Vote unanimous for adjournment.

Respectfully submitted,


Kim McCullough
Secretary


Kathy Jasinski
Chairman

GCEDC Opportunity Summary

Created On: 7/10/2025

Add
7/13/25

Customer Information

Potential Customer:	smartDESIGN Architecture, PLLC	Opportunity Type:	Retention
Project Street Address:	4 Mix Place	Opportunity Product:	Property Sales & Mortgage Recording Taxes Only
City/Town/Village:	Batavia City	Type of Project:	Retention
Project Description:	2025 4 Mix Place Renovation	New Jobs:	N/A
Total Capital Investment:	\$480,000	Retained Jobs:	12
Incentive Amount:	\$109,488	School District:	Batavia
Benefited Amount:	\$480,000	PILOT Applicable:	Increase in assessed value of land and/or other buildings (pre-project value of land and or buildings excluded)

Project Information

Organization:	GCEDC
Opportunity Source:	Direct/Personal Contact
Initial Acceptance Date:	7/10/2025
Opportunity Summary:	smartDESIGN Architecture, PLLC is planning to renovate a vacant building at 4 Mix Place in the City of Batavia that will serve as the headquarters for the firm's professional services.

Date of Public Hearing: TBD**Inducement Date:** TBD

The \$480,000 project will renovate a local historic landmark that has not been occupied for several years. The renovation and the use of the building for an office providing professional services were previously approved by the City of Batavia.

In addition, the company and its 12 FTE's were displaced by the recent closure of its Harvester Center facility by the property's owner.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$25,600, mortgage tax exemption \$4,000 and a property tax abatement estimated at \$79,888 based on the incremental increase in assessed value via a new traditional 10-year PILOT.

Economic Impact: The Fiscal impacts (discounted value) on Local Benefits totals \$9,830,382 (\$9,715,824 in payroll and \$114,558 to the public in tax revenues). See attached MRB Cost Benefit Calculator. For every \$1 of public benefit the company is investing \$112 into the local economy.

Project Detail (Total Capital Investment)

Building Cost (Construction):	\$400,000
Equipment (Taxable) / Other Project Investment:	\$80,000
Total Capital Investment:	\$480,000

Estimated Benefits Provided

Sales Tax Exempt:	\$25,600
Mortgage Tax Exempt:	\$4,000
Property Tax Exempt:	\$79,888
Total Estimated Tax Incentives Provided:	\$109,488

Total Amount Finance:	\$400,000
------------------------------	-----------

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may 7/2/25

MRB Cost Benefit Calculator

Genesee County Industrial Development Agency

Date


July 10, 2025

Project Title

Smart Design

Project Location

4 Mix Place, Batavia, NY 14020



Cost-Benefit Analysis Tool powered by MRB Group

Construction Phase - Project Assumptions

Project Costs

Value

Enter total construction project costs:

\$400,000

< - as defined by NYS Labor Law 224-a

Local Construction Spending

In-region construction spending

\$400,000

Construction Economic Impacts

Industry	NAICS	% of Total Investment	Investment by Type
Residential Remodelers	236118	100%	\$400,000
[Not Applicable]	0		\$0
[Not Applicable]	0		\$0
Most projects will only have one line related to construction type.		100%	\$400,000

New Household Spending - Residential and Mixed-Use Projects Only

Unit Types and Household Income Brackets

Unit Type 1

Description

Unit Count

Target Income (HH)

[Not Applicable]

Unit Type 2

Description

Unit Count

Target Income (HH)

[Not Applicable]

% Net New (See Instructions)

100%

Total Units

Total Local Household Spending

Operation Phase - Project Assumptions

Jobs and Earnings from Operations

NAICS Lookup

Year 1 - Enter NAICS	NAICS	Count	Per Job Annual Earnings	Total Earnings
Landscape Architectural Services	541320	12	\$75,000	\$900,000
	0			\$0
	0			\$0
	0			\$0
	0			\$0
	0			\$0
Total		12		\$900,000

Year 2	NAICS	Count	Per Job Annual Earnings	Total Earnings
Landscape Architectural Services	541320	12	\$75,000	\$900,000
	0			\$0
	0			\$0
	0			\$0
	0			\$0
	0			\$0
Total		12		\$900,000

32

48

Year 3+ (Full Employment)	NAICS	Count	Per Job Annual Earnings	Total Earnings
Landscape Architectural Services	541320	12	\$75,000	\$900,000
	0	0		\$0
	0	0		\$0
	0	0		\$0
	0	0		\$0
	0	0		\$0
Total		12		\$900,000

Fiscal Impact Assumptions

Estimated Costs of Incentives

	%	Value		
Sales Tax Exemption		\$25,600	PILOT Term (Years)	10
Local Sales Tax Rate	4.00%	\$12,800	Escalation Factor	0%
State Sales Tax Rate	4.00%	\$12,800	Public Discount Rate	2%
Mortgage Recording Tax Exemption		\$4,000		
Local	0.50%	\$2,000		
State	0.50%	\$2,000		
Total Costs		\$109,493	Includes PILOT exemption, calculated below.	

Property Tax Exemption

Discounted->	\$46,548	-\$73,056
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50

[illegible]

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Yes

MRB
7/14/25

Genesee County Industrial Development Agency

MRB Cost Benefit Calculator

Date July 10, 2025
Project Title Smart Design
Project Location 4 Mix Place, Batavia, NY 14020



Cost-Benefit Analysis Tool powered by MRB Group

Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

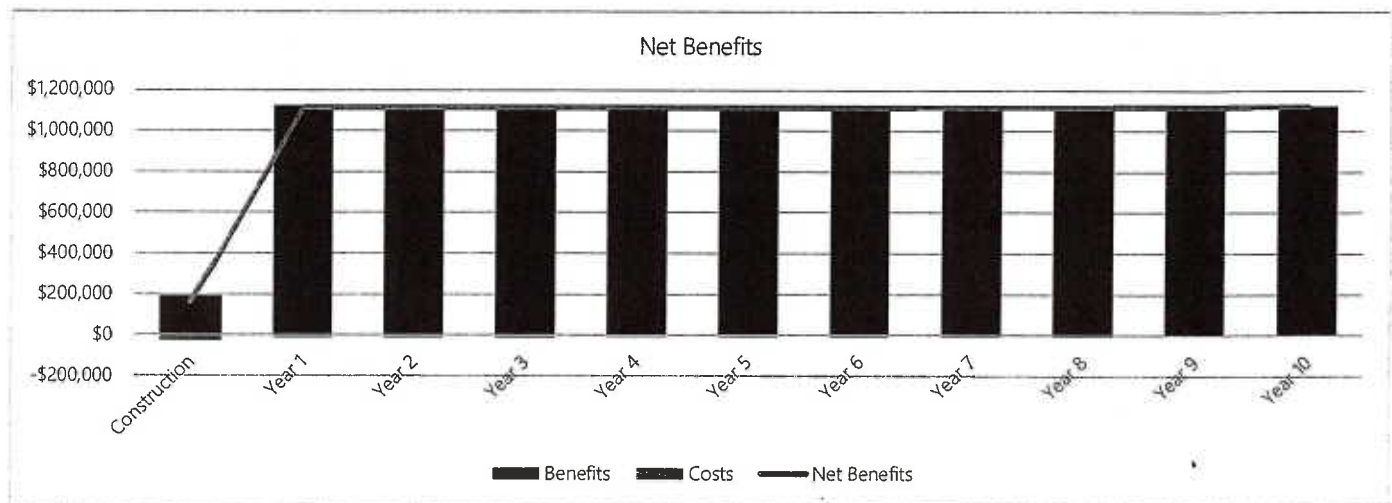
Construction Project Costs

\$400,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	3	0	4
Earnings	\$154,329	\$28,794	\$183,123
Local Spend	\$400,000	\$104,689	\$504,689

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	12	2	14
Earnings	\$9,000,000	\$1,612,425	\$10,612,425

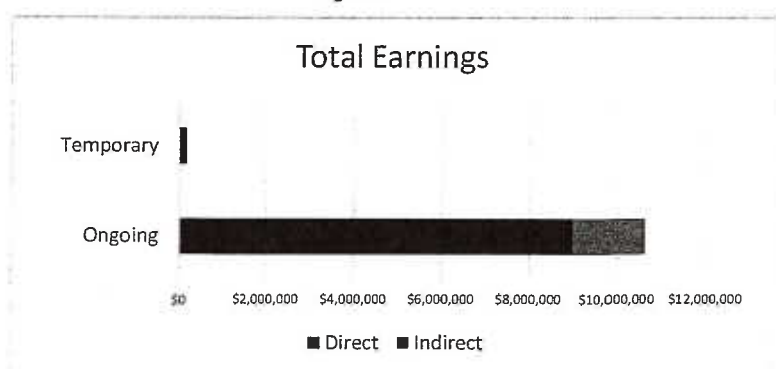
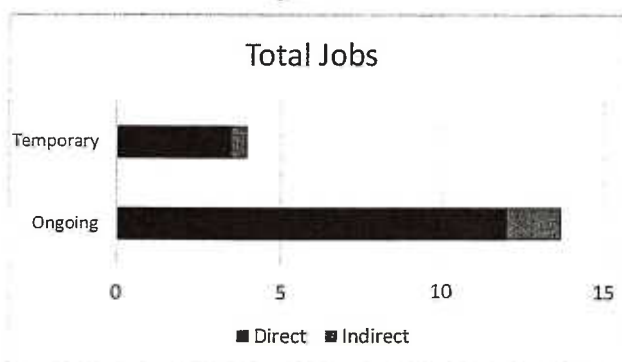
Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

Figure 3



3.2

52

Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$79,893	\$73,056
Sales Tax Exemption	\$25,600	\$25,600
Local Sales Tax Exemption	\$12,800	\$12,800
State Sales Tax Exemption	\$12,800	\$12,800
Mortgage Recording Tax Exemption	\$4,000	\$4,000
Local Mortgage Recording Tax Exemption	\$2,000	\$2,000
State Mortgage Recording Tax Exemption	\$2,000	\$2,000
Total Costs	\$109,493	\$102,656

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$10,924,374	\$9,830,382
To Private Individuals	\$10,795,548	\$9,715,824
Temporary Payroll	\$183,123	\$183,123
Ongoing Payroll	\$10,612,425	\$9,532,701
Other Payments to Private Individuals	\$0	\$0
To the Public	\$128,826	\$114,558
Increase in Property Tax Revenue	\$53,257	\$46,548
Temporary Jobs - Sales Tax Revenue	\$1,282	\$1,282
Ongoing Jobs - Sales Tax Revenue	\$74,287	\$66,729
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$561,368	\$505,223
To the Public	\$561,368	\$505,223
Temporary Income Tax Revenue	\$8,241	\$8,241
Ongoing Income Tax Revenue	\$477,559	\$428,972
Temporary Jobs - Sales Tax Revenue	\$1,282	\$1,282
Ongoing Jobs - Sales Tax Revenue	\$74,287	\$66,729
Total Benefits to State & Region	\$11,485,742	\$10,335,605

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$9,830,382	\$87,856	112:1
State	\$505,223	\$14,800	34:1
Grand Total	\$10,335,605	\$102,656	101:1

*Discounted at the public sector discount rate of: 2%

Additional Comments from IDA

Does the IDA believe that the project can be accomplished in a timely fashion? Yes
Does this project provide onsite childcare facilities? No

3.2

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man
7/10/25

INITIAL RESOLUTION
(smartDESIGN Architecture PLLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, July 10, 2025.

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

Resolution No. 07/2025 - _____

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF SMARTDESIGN ARCHITECTURE PLLC 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, **SMARTDESIGN ARCHITECTURE PLLC**, 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 approximately 1.71 acres of real property located at 4 Mix Place in the City of Batavia, Genesee County, New York and all other lands in the City of Batavia where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly described as a portion of tax parcel No. 84.006-4-28) together with the existing improvements located thereon consisting of an approximately 5,500 square foot vacant building (the "Existing Improvements"); (ii) the planning, design, reconstruction, renovation and operation of the Existing Improvements to accommodate office related space (collectively, 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, 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 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 partial mortgage recording tax exemption as authorized by the laws of New York State (collectively, the "Financial Assistance").

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>
Peter Zeliff	[]	[]	[]	[]
Matthew Gray	[]	[]	[]	[]
Paul Battaglia	[]	[]	[]	[]
Marianne Clattenburg	[]	[]	[]	[]
Chandy Kemp	[]	[]	[]	[]
Kathleen Manne	[]	[]	[]	[]
Craig Yunker	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

CERTIFICATION
(smartDESIGN Architecture PLLC 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 July 10, 2025, 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 _____, 2025.

Secretary



non
7/3/25

Project Name: smartDESIGN Architecture, PLLC

Board Meeting Date: July 10, 2025

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

PROJECT DESCRIPTION:

smartDESIGN Architecture, PLLC is planning to renovate a vacant building at 4 Mix Place in the City of Batavia that will serve as the headquarters for the firm's professional services.

The \$480,000 project will renovate a local historic landmark that has not been occupied for several years. The renovation and the use of the building for an office providing professional services were previously approved by the City of Batavia.

In addition, the company and its 12 FTE's were displaced by the recent closure of its Harvester Center facility by the property's owner.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$25,600, mortgage tax exemption \$4,000 and a property tax abatement estimated at \$79,888 based on the incremental increase in assessed value via a new traditional 10-year PILOT.

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

Project details: The project is planning on to retain 12 jobs at an average salary of \$75,000.

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 the long-term tax base with an investment of \$480,000 in the City of Batavia.

Board Discussion:

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 project is a lone full-service architecture firm in Genesee County and provides a valuable service.

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The property is located in the designated Opportunity Zone Census Tract 9506 in the City of Batavia and office use is an identified redevelopment target for this zone.

A local historic landmark, the property had been used for private residence since its construction in 1809, until a foreclosure prior to 2019. The property failed to sell on the open market and also at auction. During the extended vacancy, the property was burglarized and vandalized, amounting to tens of thousands of dollars in damage. During this time, the property's assessed value declined in 2021 at \$285,000 to \$154,000 in 2022.

The renovation of the building for use of an office providing professional services has been approved by Special Use Permit by the city of Batavia and the proposed work has also been approved by the Historic Preservation Committee.

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.

The Fiscal impacts (discounted value) on Local Benefits totals \$9,830,382 (\$9,715,824 in payroll and \$114,558 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

Note this is for the project does include the 12 retained jobs.

Project details: For every \$1 of public benefit the company is investing \$112 into the local economy.

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: N/A

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 planned to begin in August 2025 and be operational in 7 months.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

indy
7/10/25**Customer Information**

Potential Customer:	SL Pembroke, LLC	Opportunity Type:	Attraction
Project Street Address:	7962 Tesnow Road	Opportunity Product:	Property Sales & Mortgage
City/Town/Village:	//Pembroke	Type of Project:	Attraction
Project Description:	2025 SL Pembroke LLC Solar 4 MW	New Jobs:	N/A
Total Capital Investment:	\$10,139,094	Retained Jobs:	N/A
Incentive Amount:	\$1,311,904	School District:	Akron
Benefited Amount:	\$10,139,094	PILOT Applicable:	Increase in assessed value of land and/or other buildings (pre-project value of land and or buildings excluded)

Project Information

Organization:	GCEDC		
Opportunity Source:	Direct/Personal Contact	Date of Public Hearing:	TBD
Initial Acceptance Date:	7/10/2025	Inducement Date:	TBD

Opportunity Summary:	<p>SL Pembroke, LLC is proposing to construct a solar farm project on 7962 Tesnow Rd in the Town of Pembroke, NY. The project proposes to utilize ground-mounted solar panels to generate 4 megawatts of AC power (MWAC).</p> <p>A PILOT on these improvements will contribute \$4,000/MWAC + a 2% annual escalator in payments to Town of Pembroke, Genesee County and Akron School District for a total of \$276,695 over 15 years. This new revenue is significantly greater than the current agricultural-vacant land value of the project site.</p> <p>The Project will also generate \$2500/MWAC + a 2% annual escalator in host benefit agreement payments to the Town of Pembroke. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.</p>
Economic Impact:	<p>The 4 MW solar farm will generate \$471,230 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.</p> <p>This calculates a fiscal impact rate of return based on the original property taxes of \$158.96 to 1.</p>

Project Detail (Total Capital Investment)

Equipment (non-taxable):	\$7,810,504
Land Cost (Real Estate):	\$620,298
Other Costs:	\$1,708,292
Total Capital Investment:	\$10,139,094

Estimated Benefits Provided

Sales Tax Exempt:	\$811,128
Mortgage Tax Exempt:	\$101,391
Property Tax Exempt:	\$399,385
Total Estimated Tax Incentives Provided:	\$1,311,904

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may
7/1/25

Project: SL Pembroke, LLC

Capex:	\$ 10,139,094	Savings	
Sales Taxable (est.)	\$ 10,139,094	\$	811,128
Mortgage (est.)	\$ 10,139,094	\$	101,391 1% of 1.25%
Property Tax	below	\$	399,385
Total		\$	1,311,904



Note: Includes Town Host Agreement

	Fixed \$ per MW AC	MW AC	from Assessor	Assessed Value
	\$ 4,000	4.0	Assessed Value Per MW	
Escalator	2.0%		\$ 450,000.00	\$ 1,800,000

	Increase in PILOT Payment + Host Divided by Current Property
Fiscal Impact	\$ 471,230
ROI	\$ 158.96

Year of Exemption	tax rate:	\$ 1.86	\$ 9.81	\$ 13.37	\$ 25.04				
	Fixed Payment \$4000 per MW	Town of Pembroke	Genesee County	Akron School	Total Payments	Increase in property taxes due to loss of ag exemption	Total PILOT payments and property taxes to be received	Current property taxes	Total Payments to municipality upon project completion
1	\$ 16,000	\$ 1,188	\$ 6,268	\$ 8,543	\$ 16,000	\$ 1,440	\$ 17,440	\$ 198	\$ 17,638
2	\$ 16,320	\$ 1,212	\$ 6,394	\$ 8,714	\$ 16,320	\$ 1,440	\$ 17,760	\$ 198	\$ 17,958
3	\$ 16,646	\$ 1,237	\$ 6,522	\$ 8,888	\$ 16,646	\$ 1,440	\$ 18,086	\$ 198	\$ 18,284
4	\$ 16,979	\$ 1,261	\$ 6,652	\$ 9,066	\$ 16,979	\$ 1,440	\$ 18,419	\$ 198	\$ 18,617
5	\$ 17,319	\$ 1,286	\$ 6,785	\$ 9,247	\$ 17,319	\$ 1,440	\$ 18,759	\$ 198	\$ 18,957
6	\$ 17,665	\$ 1,312	\$ 6,921	\$ 9,432	\$ 17,665	\$ 1,440	\$ 19,105	\$ 198	\$ 19,303
7	\$ 18,019	\$ 1,338	\$ 7,059	\$ 9,621	\$ 18,019	\$ 1,440	\$ 19,459	\$ 198	\$ 19,656
8	\$ 18,379	\$ 1,365	\$ 7,200	\$ 9,813	\$ 18,379	\$ 1,440	\$ 19,819	\$ 198	\$ 20,017
9	\$ 18,747	\$ 1,393	\$ 7,344	\$ 10,010	\$ 18,747	\$ 1,440	\$ 20,187	\$ 198	\$ 20,384
10	\$ 19,121	\$ 1,420	\$ 7,491	\$ 10,210	\$ 19,121	\$ 1,440	\$ 20,562	\$ 198	\$ 20,759
11	\$ 19,504	\$ 1,449	\$ 7,641	\$ 10,414	\$ 19,504	\$ 1,440	\$ 20,944	\$ 198	\$ 21,142
12	\$ 19,894	\$ 1,478	\$ 7,794	\$ 10,622	\$ 19,894	\$ 1,440	\$ 21,334	\$ 198	\$ 21,532
13	\$ 20,292	\$ 1,507	\$ 7,950	\$ 10,835	\$ 20,292	\$ 1,440	\$ 21,732	\$ 198	\$ 21,930
14	\$ 20,698	\$ 1,537	\$ 8,109	\$ 11,051	\$ 20,698	\$ 1,440	\$ 22,138	\$ 198	\$ 22,335
15	\$ 21,112	\$ 1,568	\$ 8,271	\$ 11,272	\$ 21,112	\$ 1,440	\$ 22,552	\$ 198	\$ 22,749
Total	\$ 276,695	\$ 20,553	\$ 108,402	\$ 147,740	\$ 276,695	\$ 21,601	\$ 298,296	\$ 2,965	\$ 301,260

* no Pilots on Ad Valerom Taxes		The value of Ag Exemption elimination due to permanent conversion of farm land	
Total tilable acres	22.4	Town Tax Rate	\$ 1.86
Solar acres	16.89	Current ag exemption amount (add from OARS)	\$ 57,510
Total Ag Exemption	\$ 76,272	County and School Taxes on Ag Exemption	\$ 1,333
% solar vs total ag land	75%	Town (only) Taxes on Ag Exemption	\$ 107
		Total taxes due based on the elimination of Ag Exemption	\$ 1,440
		Current Property Taxes on Property	\$ 198
		262.11	

1.250%	GCEDC fee	\$ 126,739
	Workforce Community Benefit	\$ 25,000
	Subtotal	\$ 151,739
	GCEDC Legal	tbd
	Total Fee	\$ 151,739

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

Property Taxes at 100% assessed value (assessor)	\$ 45,072
Term	\$ 15
Total PILOT	\$ 676,080
Savings	\$ 399,385

Net Savings	\$ 1,160,165
-------------	--------------

Fixed \$ per MW AC	MW AC
\$ 2,500	4.0
Escalator	2.0%

Town Host Payment	Escalator
Year of Exemption	Fixed Payment \$2500 per MW
1	\$ 10,000
2	\$ 10,200
3	\$ 10,404
4	\$ 10,612
5	\$ 10,824
6	\$ 11,041
7	\$ 11,262
8	\$ 11,487
9	\$ 11,717
10	\$ 11,951
11	\$ 12,190
12	\$ 12,434
13	\$ 12,682
14	\$ 12,936
15	\$ 13,195
Total	\$ 172,934

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INITIAL RESOLUTION
(SL Pembroke, LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, July 10, 2025.

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

Resolution No. 07/2025 - _____

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF SL PEMBROKE, 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, 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, **SL PEMBROKE, 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 approximately 16.892 acres of real property located at 7962 Tesnow Road, Genesee County, New York and all other lands in the Town of Pembroke where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"; being more particularly described as a portion of tax parcel No. 8.-1-43.11, as may be subdivided); (ii) the planning, design, construction and operation of a 4MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (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

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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 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 partial mortgage recording tax exemption as authorized by the laws of New York State (collectively, the "Financial Assistance").

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.

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	[]	[]	[]	[]
Marianne Clattenburg	[]	[]	[]	[]
Kathleen Manne	[]	[]	[]	[]
Chandy Kemp	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

CERTIFICATION
(SL Pembroke, 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 July 10, 2025, 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 _____, 2025.

Secretary



Project Name: SL Pembroke, LLC

Board Meeting Date: July 10, 2025

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

PROJECT DESCRIPTION:

SL Pembroke, LLC is proposing to construct a solar farm project on 7962 Tesnow Rd in the Town of Pembroke, NY. The project proposes to utilize ground-mounted solar panels to generate 4 megawatts of AC power (MWAC).

A PILOT on these improvements will contribute \$4,000/MWAC + a 2% annual escalator in payments to Town of Pembroke, Genesee County and Akron School District for a total of \$276,695 over 15 years. This new revenue is significantly greater than the current agricultural-vacant land value of the project site.

The Project will also generate \$2500/MWAC + a 2% annual escalator in host benefit agreement payments to the Town of Pembroke. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

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 \$10,139,094 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 NYSEDA recommended range for projects located in National Grid territory in Western NY. The 4 MW solar farm will generate \$276,695 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.

Board Discussion:

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

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development programs/local economic development programming. Residents will be offered a 10% discount to the 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.

The 4 MW solar farm will generate \$471,230 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 a fiscal impact rate of return based on the original property taxes of \$158.96 to 1.

Project details: This project will generate \$158.96 of property tax-type payments for every \$1 of property taxes under the land's current use.

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 August 2025 and be operational within 12 months.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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7/2/25**Customer Information**

Potential Customer:	SL Pembroke 2, LLC	Opportunity Type:	Attraction
Project Street Address:	7966 Tesnow Road	Opportunity Product:	Property Sales & Mortgage
City/Town/Village:	//Pembroke	Type of Project:	Attraction
Project Description:	2025 SL Pembroke 2, LLC Solar 5 MW	New Jobs:	N/A
Total Capital Investment:	\$11,809,831	Retained Jobs:	N/A
Incentive Amount:	\$1,562,116	School District:	Akron
Benefited Amount:	\$11,809,831	PILOT Applicable:	Increase in assessed value of land and/or other buildings (pre-project value of land and or buildings excluded)

Project Information

Organization:	GCEDC		
Opportunity Source:	Direct/Personal Contact	Date of Public Hearing:	TBD
Initial Acceptance Date:	7/10/2025	Inducement Date:	TBD

Opportunity Summary:	<p>SL Pembroke 2, LLC is proposing to construct a solar farm project on 7966 Tesnow Rd in the Town of Pembroke, NY. The project proposes to utilize ground-mounted solar panels to generate 5 megawatts of AC power (MWAC).</p> <p>A PILOT on these improvements will contribute \$4,000/MWAC + a 2% annual escalator in payments to Town of Pembroke, Genesee County and Akron School District for a total of \$345,868 over 15 years. This new revenue is significantly greater than the current agricultural-vacant land value of the project site.</p> <p>The Project will also generate \$2500/MWAC + a 2% annual escalator in host benefit agreement payments to the Town of Pembroke. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.</p>
Economic Impact:	<p>The 5 MW solar farm will generate \$586,681 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.</p> <p>This calculates a fiscal impact rate of return based on the original property taxes of \$173.45 to 1.</p>

Project Detail (Total Capital Investment)

Equipment (non-taxable):	\$9,848,222
Land Cost (Real Estate):	\$696,775
Other Costs:	\$1,264,834
Total Capital Investment:	\$11,809,831

Estimated Benefits Provided

Sales Tax Exempt:	\$944,786
Mortgage Tax Exempt:	\$118,098
Property Tax Exempt:	\$499,232
Total Estimated Tax Incentives Provided:	\$1,562,116

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Project: SL Pembroke 2, LLC



Capex:	\$ 11,809,831	Savings	
Sales Taxable (est.)	\$ 11,809,831	\$	944,786
Mortgage (est.)	\$ 11,809,831	\$	118,098 1% of 1.25%
Property Tax	below	\$	499,232
Total		\$	1,562,116

	Fixed \$ per MW AC	MW AC	from Assessor	Assessed Value
	\$ 4,000	5.0	Assessed Value Per MW	\$ 2,250,000
Escalator	2.0%			

Note: Includes Town Host Agreement

	Increase In PILOT Payment + Host Divided by Current Property
Fiscal Impact ROI	\$ 586,681
	\$ 173.45

	tax rate:	\$ 1.86	\$ 9.81	\$ 13.37	\$ 25.04				
Year of Exemption	Fixed Payment \$4000 per MW	Town of Pembroke	Genesee County	Akron School	Total Payments	Increase in property taxes due to loss of ag exemption	Total PILOT payments and property taxes to be received	Current property taxes	Total Payments to municipality upon project completion
1	\$ 20,000	\$ 1,486	\$ 7,835	\$ 10,679	\$ 20,000	\$ 1,643	\$ 21,643	\$ 225	\$ 21,868
2	\$ 20,400	\$ 1,515	\$ 7,992	\$ 10,892	\$ 20,400	\$ 1,643	\$ 22,043	\$ 225	\$ 22,268
3	\$ 20,808	\$ 1,546	\$ 8,152	\$ 11,110	\$ 20,808	\$ 1,643	\$ 22,451	\$ 225	\$ 22,676
4	\$ 21,224	\$ 1,577	\$ 8,315	\$ 11,333	\$ 21,224	\$ 1,643	\$ 22,867	\$ 225	\$ 23,093
5	\$ 21,649	\$ 1,608	\$ 8,481	\$ 11,559	\$ 21,649	\$ 1,643	\$ 23,292	\$ 225	\$ 23,517
6	\$ 22,082	\$ 1,640	\$ 8,651	\$ 11,790	\$ 22,082	\$ 1,643	\$ 23,725	\$ 225	\$ 23,950
7	\$ 22,523	\$ 1,673	\$ 8,824	\$ 12,026	\$ 22,523	\$ 1,643	\$ 24,166	\$ 225	\$ 24,392
8	\$ 22,974	\$ 1,707	\$ 9,000	\$ 12,267	\$ 22,974	\$ 1,643	\$ 24,617	\$ 225	\$ 24,842
9	\$ 23,433	\$ 1,741	\$ 9,180	\$ 12,512	\$ 23,433	\$ 1,643	\$ 25,076	\$ 225	\$ 25,302
10	\$ 23,902	\$ 1,775	\$ 9,364	\$ 12,762	\$ 23,902	\$ 1,643	\$ 25,545	\$ 225	\$ 25,770
11	\$ 24,380	\$ 1,811	\$ 9,551	\$ 13,018	\$ 24,380	\$ 1,643	\$ 26,023	\$ 225	\$ 26,248
12	\$ 24,867	\$ 1,847	\$ 9,742	\$ 13,278	\$ 24,867	\$ 1,643	\$ 26,510	\$ 225	\$ 26,736
13	\$ 25,365	\$ 1,884	\$ 9,937	\$ 13,543	\$ 25,365	\$ 1,643	\$ 27,008	\$ 225	\$ 27,233
14	\$ 25,872	\$ 1,922	\$ 10,136	\$ 13,814	\$ 25,872	\$ 1,643	\$ 27,515	\$ 225	\$ 27,741
15	\$ 26,390	\$ 1,960	\$ 10,339	\$ 14,091	\$ 26,390	\$ 1,643	\$ 28,033	\$ 225	\$ 28,258
Total	\$ 345,868	\$ 25,691	\$ 135,502	\$ 184,675	\$ 345,868	\$ 24,645	\$ 370,513	\$ 3,382	\$ 373,895

* no Pilots on Ad Valerom Taxes		The value of Ag Exemption elimination due to permanent conversion of farm land	
Total tilable acres	25.9	Town Tax Rate	\$ 1.86
Solar acres	19.27	Current ag exemption amount (add from OARS)	\$ 65,614
Total Ag Exemption	\$ 88,189	County and School Taxes on Ag Exemption	\$ 1,521
% solar vs total ag land	74%	Town (only) Taxes on Ag Exemption	\$ 122
		Total taxes due based on the elimination of Ag Exemption	\$ 1,643

Current Property Taxes on Property	\$ 225
303.08	

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

Property Taxes at 100% assessed value (assessor)	\$ 56,340
Term	15
Total PILOT	\$ 845,100
Savings	\$ 499,232

1.250%	GCEDC fee	\$ 147,623
	Workforce Community Benefit	\$ 25,000
	Subtotal	\$ 172,623
	GCEDC Legal	td
	Total Fee	\$ 172,623

Net Savings	\$ 1,389,494
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	Fixed \$ per MW AC	MW AC
	\$ 2,500	5.0
	2.0%	

Town Host Payment	Escalator
Year of Exemption	Fixed Payment \$2500 per MW
1	\$ 12,500
2	\$ 12,750
3	\$ 13,005
4	\$ 13,265
5	\$ 13,530
6	\$ 13,801
7	\$ 14,077
8	\$ 14,359
9	\$ 14,646
10	\$ 14,939
11	\$ 15,237
12	\$ 15,542
13	\$ 15,853
14	\$ 16,170
15	\$ 16,493
Total	\$ 216,168

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INITIAL RESOLUTION
(*SL Pembroke 2, LLC Project*)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, July 10, 2025.

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

Resolution No. 07/2025 - _____

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF SL PEMBROKE 2, 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, 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, **SL PEMBROKE 2, 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 approximately 19.271 acres of real property located at 7966 Tesnow Road, Genesee County, New York and all other lands in the Town of Pembroke where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"; being more particularly described as a portion of tax parcel No. 8.-1-43.12, as may be subdivided); (ii) the planning, design, construction and operation of a 5MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (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

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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 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 partial mortgage recording tax exemption as authorized by the laws of New York State (collectively, the "Financial Assistance").

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	[]	[]	[]	[]
Marianne Clattenburg	[]	[]	[]	[]
Kathleen Manne	[]	[]	[]	[]
Chandy Kemp	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

CERTIFICATION
(SL Pembroke 2, 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 July 10, 2025, 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 _____, 2025.

Secretary



Project Name: SL Pembroke 2, LLC

Board Meeting Date: July 10, 2025

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

PROJECT DESCRIPTION:

SL Pembroke 2, LLC is proposing to construct a solar farm project on 7966 Tesnow Rd in the Town of Pembroke, NY. The project proposes to utilize ground-mounted solar panels to generate 5 megawatts of AC power (MWAC).

A PILOT on these improvements will contribute \$4,000/MWAC + a 2% annual escalator in payments to Town of Pembroke, Genesee County and Akron School District for a total of \$345,868 over 15 years. This new revenue is significantly greater than the current agricultural-vacant land value of the project site.

The Project will also generate \$2500/MWAC + a 2% annual escalator in host benefit agreement payments to the Town of Pembroke. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

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 \$11,809,831 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 NYSEDA 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:

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

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development programs/local economic development programming. Residents will be offered a 10% discount to the 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.

The 5 MW solar farm will generate \$586,681 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 a fiscal impact rate of return based on the original property taxes of \$173.45 to 1.

Project details: This project will generate \$173.45 of property tax-type payments for every \$1 of property taxes under the land's current use.

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 August 2025 and be operational within 12 months.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

Mark Masse
GCEDC Board Meeting
July 10, 2025

Local Labor Waiver Request – Excelsior Solar project

Excelsior Energy is constructing of their 280 MW solar generation project in the Town of Byron. Since the project is planned to generate in excess of 5 MW of power, it is subject to our Local Labor Policy. In connection with the Local Labor Policy there is a waiver request process that can be made for certain contractors that do not have to be local. The situations that would allow a company to request a waiver are as follows:

“It is understood that at certain times, Workers residing within the Local Labor Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Labor Requirement (the “Local Labor Waiver Request”) based on the following circumstances: (i) warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers; (ii) specialized construction for which qualified Local Labor Area Workers are not available; (iii) documented lack of Workers meeting the Local Labor Area requirement; or (iv) cost differentials in bids whereby use of local labor significantly increases the construction cost of the project. Prior to the granting of said waiver, the lowest bidding contractor which bid said construction project using local labor would have the right of first refusal to bid and match the lowest bid as a remedy to ensure compliance with this policy. Comprehensive documentation and justification will be required including documented evidence and verification by GCEDC staff or agents that the “right of first refusal” remedy has been effected unsuccessfully.

The Agency shall evaluate the Local Labor Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request.”

The consulting group by the GCEDC to oversee the compliance with the Local Labor Policy, Loewke Brill Consulting Group, has reviewed the request and will provide documents for a recommendation on Monday. These documents will be forwarded to the Board as soon as we receive them next week. Jim Loewke, from Loewke Brill, will be at the meeting on Thursday to explain the process he went through to come up with his recommendation.

Fund Commitment – None.

Board Action Request – Recommendation to approve local labor waiver request.

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Genesee County Industrial Development Agency

Local Labor

Verified Exemption Request

The request to secure a verified exemption for use of non-local labor must be received via email from the applicant or GC, and must allow 60 days for processing and required due diligence. All exemption requests must include this form (filled out in its entirety), a cover letter stating reasons for seeking a waiver and outline all efforts to find local workers, and all supporting documentation to support your claim. Please note that the Genesee County IDA has final approval of all waiver recommendations.

APPLICANT NAME: Excelsior Energy Center, LLC

CONTACT: José De Armas (Project Director, Development) and Luke Susko (Execution Project Manager, Engineering & Construction)

PHONE (CELL): José: 647-838-5774 Luke: 315-480-1935 EMAIL: Jose.DeArmas@nee.com Luke.Susko@nee.com

NAME OF CONTRACTOR SEEKING EXEMPTION: Blattner Energy, LLC

REASON FOR REQUEST

- 1) Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers. – **EXPLAIN**
- 2) Specialized construction in which a local contractor is not available – **EXPLAIN**
- 3) Significant cost differentials in bids; whereby use of local labor significantly increases the cost of the project. **EXPLAIN (PROVIDE COPIES OF ALL BIDS)**
- 4) No local labor available for the project – **EXPLAIN**

Applicant Signature:  Date: July 1, 2025

Amount of Contract Needing Verified Exemption: Unspecified

Number of Workers Needing Verified Exemption(s): 45

Send Completed Form and Attachments to our auditors:

Kevin Loewke – Kevin@LoewkeBrill.com – Jim Loewke – Jim@LoewkeBrill.com
Joe Spinelli – Joe@LoewkeBrill.com



June 09, 2025

Kevin Loewke
IDA Services Manager
Loewke Brill Consulting Group
491 Elmgrove Road #2
Rochester, NY 14606
Email: kevin@loewkebrill.com

RE: 1104 Excelsior ("Excelsior Project") – Support for Local Labor Waiver Request

Dear Mr. Loewke,

I write on behalf of Blattner Energy, LLC ("Blattner") to provide information in support of the Local Labor Waiver Request for the above-referenced project. Specifically, a waiver is sought as a result of a lack of Workers meeting the Local Labor Area requirement. Despite its good faith efforts to do so, Blattner has been unable to secure sufficient Worker to meet the requirement.

Blattner entered into a Project Agreement with the local unions, including LIUNA Local 435, IW Local 33, and IUOE Local 158. Although Blattner has not entered into a Project Agreement with IBEW Local 86, IBEW Local 86 is included on the Excelsior Project via an electrical subcontractor. At the onset of the Project Agreement discussions, Blattner and the trades discussed the need to hire local labor, including individuals dispatched from the local union halls. Blattner and the local unions agreed to use commercially reasonable efforts to staff the Excelsior Project with members residing in the following counties: Genesee, Orleans, Monroe, Wyoming, Livingston, Wayne, Ontario, Seneca, Yates, Niagara, Erie, Chautauqua, Cattaraugus, and Allegany. Additionally, Blattner and the local unions agreed to add the following language to the Project Agreement in an effort to further highlight the collaboration and understanding between Blattner and the trades related to this requirement:

Section 6.5: The Project will target employment of residence located within specific zip codes within the Genesee County, New York "Local Area." The local area is defined as individuals residing in the following counties: Genesee, Orleans, Monroe, Wyoming, Livingston, Wayne, Ontario, Seneca, Yates, Niagara, Erie, Chautauqua, Cattaraugus and Allegany. The Unions recognize that Primary Employer and Employer must use commercially reasonable efforts to hire individuals residing in the Local Area. The Unions agree and acknowledge to use all reasonable efforts to refer individuals to Primary Employer and Employer that reside within the Local Area. If the Union is unable to fill dispatches with individuals that reside within the Local Area

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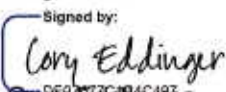
within a 48-hour period after such requisition is made by Primary Employer and Employer (Saturdays, Sundays, and Holidays excluded), Primary Employer and Employer may employ qualified applicants from any other available source as described in Section 5.2 of this Agreement. Moreover, the Unions recognize and agree to support Primary Employer's obligations as identified, and required upon it by the Owner, in Exhibit L of Engineering, Procurement and Construction Agreement ("EPC Agreement"), including but not limited to the hiring of individuals that reside in the Local Area, hiring of women, minority, and service-disabled veterans, and obtaining a waiver from the Genesee County Economic Development Corporation, if necessary.

Blattner also requires all subcontractors on the Excelsior Project to sign an Agreement to be Bound. The Agreement to be Bound binds the subcontractor to the Project Agreement, which includes the above language and use of the local labor unions as it relates to jurisdictional work assignments as described in the Project Agreement. When Blattner or a subcontractor needs individuals to report to the Excelsior Project, it uses the union dispatch process and requests members from the various local union halls, depending on the work assignment. Blattner works closely with the halls on the dispatch requirement to first fill the calls with union members that reside in the "Local Area." As the Project's timeline moves forward and more labor is required, Blattner is receiving feedback from Local 158 that it cannot staff the call-outs with residents of the Local Area.

Contractors currently employing, or intending to employ, members of IUOE Local 158 include: Blattner Energy, LLC; Supreme Industries, LLC; ProSeed, Inc., Complete Fencing and Land Services Inc. It is further anticipated that additional scopes of work will necessitate the engagement of other contractors—yet to be identified—who will similarly be required to utilize the services of IUOE Local 158 in accordance with applicable labor requirements. Once Blattner becomes aware of these additional contractors, it will notify you immediately.

The Excelsior Project is still at the beginning stages of its ramp-up and will need significantly more union members to perform the work. Due to this and the feedback we are receiving from the local unions, specifically Local 158, we are requesting a waiver of the 90% local hire requirement.

Regards,

Signed by:

Cory Eddinger

Project Manager
Blattner Energy, Inc.



Jonathan Lanse
Business Manager

International Union of Operating Engineers

Upstate New York Operating Engineers Local 158
Districts 106 ♦ 545 ♦ 832
27 Hannay Lane, Glenmont, NY 12077
[518] 431-0600 ♦ Fax [518] 431-0726
Email: info@iuoe158.org
Affiliated with the AFL-CIO

District 106
27 Hannay Lane
Glenmont, NY 12077
[518] 431-0600

District 545
5612 Business Ave
Cicero, NY 13039
[315] 492-1752

District 832
P.O. Box 93310
Rochester, NY 14692
[585] 272-9890

6/16/2025

As we move through our 2025 work season here in IUOE Local 158, District 832 we are enjoying a very busy work season. In reference to the Excelsior Solar Project in Byron NY we understand that currently there is a 90% Local Labor requirement with the GCIDA . We are doing our are best to meet and maintain this goal , we are recruiting daily to help meet this goal . As a reminder at the beginning of this project we honored the request of a few contractors and aloud them to bring in some of the Key Employees that didn't meet the Local Labor requirement . At that time we could have met the requirement with Local Operating Engineers , as the season moved forward yes we have had to refer some Operating Engineers that didn't met the Local Labor requirement . I do support a wavier at this time for the use of out of area Operating Engineers .

A handwritten signature in black ink that reads "Grant S Malone".

Grant S Malone

IUOE Local 158 District 832 Manager

Rochester Building and Construction Trades President

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Nine graduating seniors completed WorkKeys NCRC as program grows in Genesee County

By Press Release

Jun 18, 2025, 1:26pm



Pavilion High School Students were awarded National Career Readiness Certificates at a ceremony at the school.
Submitted photo.

Press Release:

Nine students from Pavilion High School completed the ACT WorkKeys National Career Readiness Certificate (NCRC), connecting them to future careers available in Genesee County and across many industries. The NCRC assesses the skills of the workforce's emerging, current and transitioning members. Eight graduating seniors and one junior from Pavilion demonstrated their career readiness across applied math, graphic literacy, and workplace documents, earning a combined four gold certifications, four silver certifications, and a bronze certification.

Timothy Lonnen, a senior at Pavilion, said the NCRC assessment results demonstrated the career readiness that he and his classmates have developed through summer jobs and internships.

81

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"It's going to be nice for people to put on paper what you know in your head," said Lonnen, whose long-term plan is to start a construction company. "You can have a (standardized testing) score for college, but this will give you a score for real jobs coming out of high school."

Lonnen, along with Landen Stoddard, Jake Andrews, Crick Cotts, Elli Wolcott, Isiah Ture, Ryan MacKay, Brendan Savidge, and Ben Pritchett, received their certificates Friday at a ceremony in Pavilion.

Stoddard, who works on a local dairy farm, said the NCRC's topics align with the skills Pavilion students gain in school and the workplace. He plans to attend Alfred State for agribusiness and management, and to continue at a farm or start his own custom agricultural company.

"Pavilion has a lot of people who are already in careers that they think they are going to pursue. I think that helps a lot with the test," Stoddard said. "It shows that there are a lot of people who can work, but maybe school isn't for them, and they are ready to go into their careers."

The students' success is part of Genesee County's Work Ready Communities initiative.

To reach that goal, Genesee County will also need to achieve targets for participation by students, incumbent workers, and NCRC completions. The assessment can be utilized to assist individuals in their job searches and by employers to match skills with job opportunities and show the quality of Genesee County's workforce.

"We're inspired by these students and their commitment to building a strong foundation for their future careers," said Fred McConnel, senior director of workforce at ACT. "By earning the National Career Readiness Certificate, they're preparing themselves for success while helping to strengthen Genesee County's workforce and leading the way for their peers across the region."

Pavilion High School was the first high school in Genesee County to have students complete the NCRC as part of the Work Ready Communities initiative. Participating students are planning to pursue careers in construction, agriculture, manufacturing, or continue their education at local colleges. The school hopes its first cohort of test takers will motivate more students to see their strengths and understand areas for growth.

"I'm so proud of our students," said Pavilion Superintendent Mary Kate Hoffman. "They are leading the way in building a vibrant workforce and a Work Ready Community in Genesee County. Our goal at Pavilion Central is to ensure our students have choices when they leave us. They may choose college or they may choose the workforce. Either way, they will leave us well prepared for a successful future. WorkKeys supports this goal, and employers will know that Pavilion students have the skills to be work-ready."

Genesee County has completed the first of four targets to achieve ACT Work Ready Communities certification. 105 businesses located in and/or serving Genesee County have signed up as supporters of the initiative, surpassing the program's goal, and recognize the certification as a pre-qualification for the skills they value in hiring.

"With the overwhelming support of our businesses, and the increasing numbers of students that will receive their NCRC certifications, Genesee County is once again proving that we have the ideal workforce for our businesses to grow," said Chris Suozzi, Executive Vice President of Business and Workforce Development at the Genesee County Economic Development Center. "Manufacturers, Main Street businesses and all of Genesee County's employers benefit when we invest in our youth and future workforce."

To learn how to get involved as a business, student, incumbent worker, or job seeker, please visit <https://www.workreadycommunities.org/NY/037>.

Projects, jobs and PILOTS: State report details area IDAs

By MIKE PETTINELLA For The Daily News

Jun 28, 2025

BATAVIA — It takes more than “a snapshot” to get the real picture when it comes to the economic impact of New York’s 106 industrial development agencies on the communities they serve.

On the heels of receiving State Comptroller Thomas P. DiNapoli’s IDA Performance Report for fiscal year 2023, The Daily News reached out to the heads of the county agencies in the GLOW Region for their take on the 20-page document compiled from project and financial data reported through the Public Authorities Reporting Information System.

Three of the four chief executive officers or executive directors responded — Mark Masse, president/CEO of the Genesee County Economic Development Center; William Bacon, executive director of the Livingston County IDA, and Jim Pierce, executive director of the Wyoming County IDA.

An email and calls to Michael Dobell, CEO of the Orleans Economic Development Agency, were not returned.

All four local IDAs are part of the Finger Lakes Region, which accounted for 673 of the 4,282 “incentivized” projects that were on the books in 2023. According to the comptroller’s report, those projects generated a record high total value of \$136 billion, which represents an increase of 3.1% — or more than \$4 billion — from 2022.

The report also indicates that the number of IDA projects declined by 9.3% from 2013 to 2023, although the total project value of all IDA projects increased by more than 76%.

Other key findings include the following:

- Project operators estimated that 202,706 jobs would be created by all IDA projects in FYE 2023, a decline of 5.2% from the prior year. While this reflects 11,181 fewer jobs, the median salary for those jobs increased slightly — from \$42,000 in FYE 2022 to \$43,000 in FYE 2023.
- The number of net jobs gained (reflecting current jobs reported by project operators minus initial jobs reported before becoming IDA projects) was 226,827, the highest number since FYE 2014 and an increase of 11.1 percent compared to FYE 2022.
- Total tax exemptions for IDA projects were just under \$2 billion, up 0.3%, or \$5.3 million, over FYE 2022. Property tax exemptions represented \$1.7 billion or more than 87 percent of all tax exemptions granted.

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- A total of \$883 million in payments in lieu of taxes (PILOTs) partially offset nearly \$2 billion in tax exemptions, resulting in total net tax exemptions of \$1.1 billion, down 2.2 percent from FYE 2022.

Masse explained that all IDAs are required to file with the state an Annual Performance Report, or APR, for projects that offer financial breaks — sales and mortgage tax incentives and PILOTs.

“That APR lists the capital investment companies have made, the amount of the exemption that they have actually claimed, the number of jobs they have created,” he said. “So, for as long as they receive benefits, they are required to file that form with us. And if it’s a 10-year PILOT, they report for 10 years.”

Data on industrial development agencies in the Finger Lakes and GLOW region as compiled by the New York State Comptroller’s Office.

NYS Comptrollers Report

Masse said the comptroller’s report doesn’t dive deep enough into what is actually taking place at the local level, but it does provide food for thought and can spark important conversation.

“It’s not necessarily misleading but, when they do a year-over-year comparison, it’s somewhat unfair because there could be — in our case — we could have had 10 companies in 2022 whose PILOTs ended,” he said. “They would not report to us in 2023 because they’re no longer required to.

“So, if you look at year-over-year you would think we lost, in some cases, a couple hundred jobs. We didn’t lose them; they stopped reporting from one year to the next. This is just a snapshot in time and you really can’t do a year-over-year comparison.”

Bacon doesn’t downplay the report but said he wishes there was a better way to capture true economic impact.

“Property taxes driven by a project and jobs created can easily be measured, but it is difficult to capture how much salary earned by those jobs is spent locally — which drives sales tax, small business spending, residential property taxes for those who live in the county and other trickle down spending items,” he said. “These make the economic engine run and help spur communities toward prosperity. However, the data is difficult to quantify.”

Pierce said the report doesn’t consider other programs coordinated by IDAs, economic development initiatives beyond the tax incentives.

“The comptroller looks at the PARIS data and puts the report together every year to show how the IDAs are performing,” he said. “Is that a good measuring stick of how we’re doing? I think somewhat, yes, but I think the other thing is that it doesn’t take into effect are things like our

lending programs, our entrepreneurship training programs and creation of new business and small business.”

GCEDC: Focus is on shovel-ready sites

The report shows that the GCEDC was linked to 77 active projects in 2023 for a total value of almost \$1.2 billion.

Those projects included Edwards Vacuum at the WNY Science & Technology Advanced Manufacturing Park in the town of Alabama; the Nexgistics warehouse in Pembroke; and the first phase of the Ivy Village residential units in Le Roy, said Jim Krencik, GCEDC senior director of marketing and communications.

Masse noted that the 77 projects represent the cumulative number of projects that were still reporting; maybe 10 or so came on as new in 2023.

“And there were a number of projects that probably started their PILOTs in 2012-13 (that would have fallen off on reporting),” he added.

Focusing on Genesee County, Masse said the GCEDC “probably has more shovel-ready sites than any of the other communities in the Finger Lakes Region.”

“The Finger Lakes Region (referred to in the report) includes Rochester and Monroe County, and they do a lot of projects and a lot of theirs are refilling vacant buildings, existing expansions, things like that,” he said. “A lot of ours are new builds.”

The report shows estimated jobs to be created at 1,411 and estimated net job change of 1,553 in 2023 for GCEDC projects, but those figures do not include Edwards Vacuum, which just started at that time, Masse said.

“These 77 projects are all in varying stages of their growth,” he said. “So, in the 1,411 jobs there’s probably 250 or 260 in that 1,400 number that’s Edwards. In the 1,500 number, there’s zero for Edwards since they haven’t even started yet. If Edwards were to do full build-out, this would be 1,700 or 1,800 versus 1,400,” he said.

In the end, it’s not really apples to apples, he added.

“Genesee County is not Monroe County and it’s not Livingston,” he said. “So, it’s very, very different. We’ve been much more aggressive on creating shovel-ready parks and more aggressive in the attraction standpoint from bringing projects into our community.”

Livingston IDA: A renewable energy gamechanger

In Livingston County, the local IDA had 41 projects on the ledger in 2023 with a total project value of more than \$745 million and PILOTs totaling \$2 million.

PILOTs are a large part of the increasing number of multi-million dollar renewable energy projects (solar, wind) and now are considered a “benefit,” Bacon said.

“Until recently, the way to assess the difference between ‘full taxes’ and the PILOT amount has been uncertain,” he said. “The development of RPTL 575-b (real property tax law) has provided an assessment model to value the project. We can now provide consistency to measuring the benefit.”

Additionally, the RPTL 487 provides a 15-year exemption to renewable energy systems unless the local taxing jurisdiction has opted-out of the law or requires that the developer enter into a PILOT, he said.

“In order for taxing jurisdictions to receive property tax payments from renewable energy systems, they need a structured payment agreement (PILOT) with the developer in order to get paid or potentially face exempting the entire project,” he said. “This is the opposite of a traditional IDA project whereby PILOTs provide a reduction in property taxes; renewable PILOTs actually provide an increase in property tax revenues.”

He said it is his experience that full taxes on a renewable project “render it infeasible to the point where it would not move forward.”

“And remember the PILOT represents an immediate increase to revenues, whereas traditional PILOTs may represent a flat or marginal increase in the short term.”

Bacon said emphasis should be placed on the amount of benefit per job gained. In other words, what was the cost of creating that job.

“This number has been a traditional metric for our IDA, however, it is going to start to climb due to the activity with renewable energy — which get a ‘benefit’ without producing much employment,” he said.

Wyoming IDA: Strong entrepreneurial spirit

Although it’s not a destination for large employers due to the size of the workforce and somewhat limited infrastructure, Wyoming County keeps the economic engine churning by concentrating on small- and medium-sized companies, Pierce said.

“And then we fill in the void with a really strong entrepreneurial spirit here,” he said. “We fill that with some training programs that we’ve had in place here for 14 years, during which time we’ve helped create 130 new businesses in this county. We backed those new business startups with small lending programs and things of that nature and technical assistance programs so, once they do launch, they don’t get lost in the woods.

“We’re able to hold their hand and help them through the process of early growth, he said. “Really, what we’re trying to do here is just kind of be a well-balanced organization.”

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The Wyoming IDA had 36 projects at the reporting stage in 2023 with a value of nearly \$1 billion, according to the comptroller's report. The amount of benefit (incentives) per job was high — at \$49,000— and the estimated net job change was low — at 244 — because, going back to Bacon's comments on renewable energy, much of Wyoming County's activity swirls around solar and wind projects, along with tourism.

"We continue to be kind of a leader here in the county for renewable energy and those numbers, to a large extent, skew the revenue numbers that the state interprets," Pierce said. "It looks good on the bottom line but with renewable energies there's not a lot of job creation. It equates to maybe job retention, which is more important than job creation in many ways."

"But on the positive side, we're helping the state meet their energy goals, and we're all doing what we can to improve the carbon emissions and reduction and things like that for New York State," he said. "We get behind that stuff."

Pierce touted a few recent projects in the county, namely Farmcraft Brewery on Route 20A in Strykersville, Sunrise Courts on the East Hill in Warsaw, along with warehouses built by Morton Salt in Silver Springs and Empire Distributing in Arcade.

"Farmcraft Brewery created 12 new jobs," he said. "We did the PILOT and our agricultural loan program called GAIN – Grow Agricultural Industry Now, where we offer low interest loans for companies that are going to be doing something with agriculture," he said.

Sunrise Courts, in the building that once housed Valley View Lanes, is the only company in the nation making squash courts, Pierce said. It's a development that is significant since squash is going to be an official sport of the 2028 Olympics in Los Angeles.

Clawback option

The comptroller also reported on the discontinuance or return of some or all of the financial assistance provided for a project —known as a clawback — under certain circumstances, such as shortfalls in job creation or violations of a project's contract with the IDA.

In 2023, just seven of the 106 IDAs reported claw backs.

Masse said the GCEDC had to claw back tax incentives for the stalled Ellicott Station apartment building project in the City of Batavia and Bacon mentioned that the Livingston County IDA had to execute that provision for a project which wasn't able to meet its agreement for the incentives.

"We terminated the agreements and required the company to pay back the funds they initially were not required to pay as incentives," he said. "This type of monitoring takes place on all of our projects and adds credibility to the local IDA."

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In determining how much to grant in incentives, Masse said the GCEDC generally assumes that 60 percent of any building construction cost plus any non-manufacturing equipment would be subject to sales tax. Manufacturing equipment is exempt per the state tax statute.

“Mortgage tax is pretty easy,” he said. “If they’re going to take a mortgage out, it’s 1 percent of the mortgage amount.”

When it comes to the PILOT, there are standard agreements, Masse said, but “if we get into a competitive situation sometimes you’ll have to modify that.”

“Then we generally check with the assessor and ask the assessor what would you assess this project at upon completion. When they tell us that we know what the assessed value is that we calculate our PILOT off of that figure.”

He said PILOTs are an estimation but sales and mortgage tax exemptions are legal agreements and a company cannot exceed them. If they do exceed them, the IDAs are required by law to claw back any amount over the approved figure.

While acknowledging the comptroller’s effort at compiling the data, Masse stressed that every project is unique — “different merits, different criteria and different benefits.”

“Some projects could be a great big benefit not so much on the job side but maybe it provides another benefit to the community,” he offered. “Our board reviews those on an individual basis and doesn’t really look at them all in at the end to try and hit any percentages or anything like that.”

Bacon summarized the report as a yardstick for “what it takes to bring investment into New York State.”

“This is a very competitive environment and somewhat complex as resources such as workforce, water/sewer, power, et cetera, act as the initial necessities,” he said. “Once those needs are able to be met, it comes down to who can provide the best incentives to attract the investment.”

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GCEDC
Report of Management

July 10, 2025

Consulting assistance on local labor policy reporting and conformity for projects

Loewke Brill Consulting Group, Inc. has been the GCEDC's consultant who assists with the monitoring and reporting of company's compliance with the local labor policy. The Board has determined that companies need to provide GCEDC with a deposit that will cover the costs of these services. Any amount not utilized will be returned to the company.

The following fee is based on the company's project description and timeline as provided in the application for incentives.

Project: HP Hood, LLC

Fund Commitment: \$32,190

Action Request: Recommend Board approval of the contract with Loewke Brill contingent upon receipt of the deposit from the project.

Consulting assistance on local labor policy reporting and conformity for projects

Loewke Brill Consulting Group, Inc. has been the GCEDC's consultant who assists with the monitoring and reporting of company's compliance with the local labor policy. The Board has determined that companies need to provide GCEDC with a deposit that will cover the costs of these services. Any amount not utilized will be returned to the company.

The following fee is based on the company's project description and timeline as provided in the application for incentives.

Project: SL Pembroke LLC and SL Pembroke 2, LLC (combined as one project 4MW+5MW)

Fund Commitment: \$19,570

Action Request: Recommend Board approval of the contract with Loewke Brill contingent upon receipt of the deposit from the project.

4.1 / 4.2

89

STAMP Payment for easements

Discussion: In conjunction with the installation of the force main from the STAMP site to the Village of Oakfield wastewater treatment facility, there are a number of easements needed. Based on a compensation model of \$2 per linear foot with a minimum of \$500, the following payments are needed for three easements:

1. Permanent Easement 1 and Permanent Easement 2 for a total of \$1,175
2. Permanent Easement 3 - \$500

Fund Commitment: \$1,675 from the \$56 million.

Board Action Request: Approval of payment of \$1,675 to the holders of the easement numbers identified above.

Reimbursement to Town of Alabama for site plan review of on site water tank

Discussion: The GCEDC had completed the site plan approval of design and engineering of the on site water storage tank. The Town of Alabama hired Wendel Engineering to review the plans and recommend any actions to the Planning Board along with their Special Project Manager. The Planning Board approved the project. The GCEDC has received the attached invoices in connection with this review in the amount of \$7,242.92.

Fund commitment: The \$7,242.92 is covered under the existing \$56 million NYESD grant.

Committee action request: Recommend approval to the full Board to pay \$7,242.92 to the Town of Alabama.

Invoice
TOWN OF ALABAMA

TO: GCEDC
99 MedTech Dr., Suite 106
Batavia, NY 14020

Invoice Date	
December 9, 2024	

Original Inv.	Description	Phase	Amount
	GCEDC Water Tank on STAMP		
	8/8/24 to 12/5/24 Attorney Fees		
	Invoice attached		\$ 1,400.00

	Total Amount Due		\$ 1,400.00

Please make checks payable to Town Of Alabama and send to 2218 Judge Road Oakfield, NY 14125

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92

Invoice
TOWN OF ALABAMA

TO: GCEDC
99 MedTech Dr., Suite 106
Batavia, NY 14020

Invoice Date	
December 9, 2024	

Original Inv.	Description	Phase	Amount
	GCEDC Water Tank on STAMP		
	8/8/24 to 12/5/24 Attorney Fees		
	Invoice attached		\$ 1,400.00

	Total Amount Due		\$ 1,400.00

Please make checks payable to Town Of Alabama and send to 2218 Judge Road Oakfield, NY 14125

6.2

93

BOYLAN LAW OFFICE, LLP

ATTORNEYS AND COUNSELORS AT LAW
P.O. BOX 307, 45 WEST MAIN STREET
LE ROY, NEW YORK 14482-0307
(585) 768-8148 FAX (585) 768-7738

PAUL S. BOYLAN

MARK S. BOYLAN

PAUL A. BOYLAN

(1902-1997)

LAURENCE W. BOYLAN
(RETIRED)

December 5, 2024

TOWN OF ALABAMA
ROBERT CROSSEN, SUPERVISOR
2218 JUDGE ROAD
OAKFIELD, NY 14125

SERVICES FROM AUGUST 8, 2024 THROUGH DECEMBER 5, 2024

To all services in connection with the GCEDC Fire Suppression Tank at the STAMP site, conferences with Supervisor Crossen, CEO of GCEDC Mark Masse, Jeremy DeLyser, Engineer CPL Team, Town Engineer Rob Klavoon, attendance at November 11, 2024 Town Board meeting

4 hrs. @ \$350.00/hr.= \$1,400.00

TOTAL DUE BOYLAN LAW OFFICE, LLP

6.2

94

Invoice
TOWN OF ALABAMA

TO: GCEDC
99 MedTech Dr., Suite 106
Batavia, NY 14020

	Invoice Date		
	October 21, 2024		

Original Inv.	Description	Phase	Amount
	GCEDC Water Tank on STAMP		
	May through July 2024 Expenses		
	Spreadsheet and Invoices attached		\$ 5,842.92

	Total Amount Due		\$ 5,842.92

Please make checks payable to Town Of Alabama and send to 2218 Judge Road Oakfield, NY 14125

6.2

95

90

10.2



375 Essjay Road, Suite 200
Williamsville, NY 14221

INVOICE

Invoice Number: 436011-2
Date: June 13, 2024
Project Number: 436011

Town of Alabama

2218 Judge Road
Oakfield, NY 14215

Alabama (T) GCEDC Tank Site Plan

For Professional Services Rendered Through: May 31, 2024

Contract Amount

Phase	Contract Amount	Total Billed	Percent Complete	Previously Billed	Current Amount
010 Site Plan Review	\$5,000.00	\$1,310.40	26.21%	\$643.86	\$666.54
	\$5,000.00	\$1,310.40		\$643.86	\$666.54

Invoice Total

\$666.54

Please Remit Payments To:

Wendel
375 Essjay Road, Suite 200
Williamsville, NY 14221

A 1440.40
#136

Wendel**Backup**

Invoice #: 436011-2
Date: June 13, 2024
Project: 436011

For Professional Services Rendered Through: May 31, 2024**010 - Site Plan Review****Professional Services**

	Date	Hours	Rate	Amount
Civil Engineer 7				
Klavoon, Robert D	5/28/2024	1.50	250.00	\$375.00
Klavoon, Robert D	5/31/2024	1.00	250.00	\$250.00
Totals		2.50		\$625.00
				\$625.00

Reimbursable Expenses

	Date	Qty	Unit Rate	Amount
Klavoon, Robert D - Mileage-Personal Vehicle	5/20/2024	62.00	.67	\$41.54
Totals				\$41.54
				\$41.54

010 - Site Plan Review Total:**\$666.54****Backup Total \$666.54**

BOYLAN LAW OFFICE, LLP

ATTORNEYS AND COUNSELORS AT LAW
P.O. BOX 307, 45 WEST MAIN STREET
LE ROY, NEW YORK 14482-0307
(585) 768-8148 FAX (585) 768-7738

PAUL S. BOYLAN

MARK S. BOYLAN

PAUL A. BOYLAN
(1902-1997)
LAURENCE W. BOYLAN
(RETIRED)

August 7, 2024

TOWN OF ALABAMA
ROBERT CROSSEN, SUPERVISOR
2218 JUDGE ROAD
OAKFIELD, NY 14125

#160

SERVICES FROM MAY 9, 2024 THROUGH AUGUST 7, 2024

To all services in connection with the GCEDC Fire Suppression Tank at the STAMP site, conferences with Supervisor Crossen, CEO of GCEDC Mark Masse, Jeremy DeLyser, Engineer CPL Team, Town Engineer Rob Klavoon, Steve Mountain Engineer at Town of Batavia, attendance at June 17, 2024 Town Planning Board meeting

6.5 hrs. @ \$350.00/hr. = \$2,275.00

A1400.42

6.2

99



375 Essjay Road, Suite 200
Williamsville, NY 14221

INVOICE

Invoice Number: 436011-3
Date: July 15, 2024
Project Number: 436011

Town of Alabama

2218 Judge Road
Oakfield, NY 14215

Alabama (T) GCEDC Tank Site Plan

For Professional Services Rendered Through: June 30, 2024

For work related to the review of the GCEDC tank site plan.

Contract Amount

Phase	Contract Amount	Total Billed	Percent Complete	Previously Billed	Current Amount
010 Site Plan Review	\$5,000.00	\$2,595.24	51.90%	\$1,310.40	\$1,284.84
	\$5,000.00	\$2,595.24		\$1,310.40	\$1,284.84

Invoice Total

\$1,284.84

Please Remit Payments To:

Wendel
375 Essjay Road, Suite 200
Williamsville, NY 14221

A11440.40
\$154.84

Wendel

Backup

Invoice #: 436011-3
Date: July 15, 2024
Project: 436011

For Professional Services Rendered Through: June 30, 2024

010 - Site Plan Review

Professional Services

	Date	Hours	Rate	Amount
Civil Engineer 7				
Klavoon, Robert D	6/14/2024	1.00	250.00	\$250.00
Klavoon, Robert D	6/17/2024	2.00	250.00	\$500.00
Klavoon, Robert D	6/26/2024	1.00	250.00	\$250.00
Principal 2				
Reilly, Andrew C	6/17/2024	1.00	250.00	\$250.00
Totals		5.00		\$1,250.00
				\$1,250.00

Reimbursable Expenses

	Date	Qty	Unit Rate	Amount
Klavoon, Robert D - Mileage-Personal Vehicle	6/17/2024	52.00	.67	\$34.84
Totals				\$34.84
				\$34.84

010 - Site Plan Review Total:

\$1,284.84

Backup Total \$1,284.84



375 Essjay Road, Suite 200
Williamsville, NY 14221

INVOICE

Invoice Number: 436011-4
Date: August 05, 2024
Project Number: 436011

Town of Alabama
2218 Judge Road
Oakfield, NY 14215

Alabama (T) GCEDC Tank Site Plan

For Professional Services Rendered Through: July 28, 2024

For work related to the review of the GCEDC tank site plan.

Contract Amount

Phase	Contract Amount	Total Billed	Percent Complete	Previously Billed	Current Amount
010 Site Plan Review	\$5,000.00	\$4,011.78	80.24%	\$2,595.24	\$1,416.54
	\$5,000.00	\$4,011.78		\$2,595.24	\$1,416.54

Invoice Total **\$1,416.54**

Please Remit Payments To:

Wendel
375 Essjay Road, Suite 200
Williamsville, NY 14221

Outstanding Accounts Receivable

Invoice		0 - 30	31 - 60	61-90	Over 90	Balance
436011-3	7/16/2024	\$1,284.84	\$0.00	\$0.00	\$0.00	\$1,284.84
Total:		\$1,284.84	\$0.00	\$0.00	\$0.00	\$1,284.84

A144fo.12

11/16/24

Wendel**Backup**

Invoice #: 436011-4
Date: August 05, 2024
Project: 436011

For Professional Services Rendered Through: July 28, 2024**010 - Site Plan Review****Professional Services**

	Date	Hours	Rate	Amount
Civil Engineer 7				
Klavoon, Robert D	7/11/2024	2.00	250.00	\$500.00
Klavoon, Robert D	7/15/2024	2.00	250.00	\$500.00
Klavoon, Robert D	7/16/2024	.50	250.00	\$125.00
Principal 2				
Reilly, Andrew C	7/3/2024	.50	250.00	\$125.00
Reilly, Andrew C	7/11/2024	.50	250.00	\$125.00
Totals		5.50		\$1,375.00
				\$1,375.00

Reimbursable Expenses

	Date	Qty	Unit Rate	Amount
Klavoon, Robert D - Mileage-Personal Vehicle	7/15/2024	62.00	.67	\$41.54
Totals				\$41.54
				\$41.54

010 - Site Plan Review Total:**\$1,416.54****Backup Total \$1,416.54**

Mark Masse

STAMP Committee
July 9, 2025

Marshalling Yard Agreement with National Grid

Discussion: In connection with National Grid's re-route of the existing power line on the STAMP site they are looking to utilize up to five acres of land owned by the GCEDC as a marshalling yard for their equipment and materials. In July of 2024 the GCEDC approved a temporary use agreement with National Grid for \$1,500 per month for a period of 12 months, with the ability to extend another 12 months with notification. National Grid would like to extend this agreement for another two years to July 2028 at \$1,500 per month.

Fund Commitment: None.

Committee Action request: Recommend approval to the full Board the marshalling yard agreement with National Grid.

FIRST AMENDMENT TO TEMPORARY USE AGREEMENT

This First Amendment to Temporary Use Agreement ("First Amendment") is made and entered into as of the ____ day of _____, 2025 (the "Effective Date"), by and between Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, with an office at 99 MedTech Drive, Suite 106, Batavia, NY 14020 ("Owner"), and Niagara Mohawk Power Corporation, a New York corporation with a place of business at 144 Kensington Avenue in the City of Buffalo, County of Erie, and State of New York ("User").

WHEREAS, Owner and User previously entered into that certain Temporary Use Agreement dated August 1st, 2024 (the "Agreement"), pursuant to which Owner granted User the right to temporarily use a portion of Owner's property located on Crosby Road in the Town of Alabama, County of Genesee, New York (the "Premises") for the purpose of storing equipment and materials; and

WHEREAS, pursuant to the Agreement, the parties agreed to an initial twelve (12) month term commencing on August 1, 2024 and ending on July 31, 2025, with a single option to extend for an additional twelve (12) months; and

WHEREAS, User has timely exercised its option to extend the term of the Agreement through July 31, 2026; and

WHEREAS, the parties now desire to further extend the duration of the Agreement through December 31, 2028, and agree that all other rights, obligations, and conditions set forth in the Agreement shall remain unchanged.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Extension of Term. The term of the Agreement, which was extended through July 31, 2026, is hereby further extended through December 31, 2028 (the "Extended Term"). From the Effective Date of this First Amendment until December 31, 2028, User shall be entitled to continue using and occupying the Premises in accordance with the Agreement and the terms of this First Amendment.
2. No Other Modification. Except as expressly modified in this First Amendment, all terms, representations, warranties, and conditions of the Agreement shall remain unchanged and in full force and effect. In the event of any conflict between the terms of this First Amendment and the terms of the Agreement, the terms of this First Amendment shall control. From and after the execution hereof, the term "Agreement" shall mean the Agreement as modified by this First Amendment.
3. Counterparts. This First Amendment may be executed in multiple counterparts, each of which shall be deemed an original and all of which taken together shall constitute one and the same instrument.

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4. Governing Law. This First Amendment shall be governed by, and construed in accordance with, the laws of the State of New York, without regard to its conflict of laws principles.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed by their authorized representatives as of the date first written above.

OWNER:

Genesee County Industrial Development Agency
d/b/a Genesee County Economic Development Center

By: _____
Name: _____
Title: _____

USER:

Niagara Mohawk Power Corporation, a New York corporation

By: _____
Name: _____
Title: _____

6.3

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Electric Service Installation with National Grid

Discussion: In connection with installation of the sewer service for the Edwards project, National Grid needs to install power to the location for the pump station. They have provided a proposal of \$8,783.50 to complete this work.

Fund Commitment: \$8,783.50 to be covered under the existing \$56 million grant.

Committee Action request: Recommend approval to the full Board the electric service installation proposal with National Grid.



June 27, 2025

GCEDC
99 Med Tech Dr
Batavia, NY 14020

**Re: Electric Service Proposal WR# 31122527
6725 Crosby Rd, Basom, NY Temporary Electric Service**

Enclosed please find an Electric Service Proposal for installation of distribution facilities to provide a temporary 120/240-volt single phase electric service from a National Grid installed riser pole at 6725 Crosby Rd, Basom, NY.

Pursuant to PSC No. 220 Tariff Rule 10.2, there is a cost to you in the amount of \$8,783.50 plus \$0 in applicable taxes.

NOTE: *If you have an applicable tax exemption certificate, please forward along with this signed proposal. (GCEDC is Tax Exempt as a municipal organization)*

If this Proposal is acceptable, please sign and return this letter. Upon receipt of your acceptance, you will be billed under separate cover in the amount of \$8,783.50. This estimate is valid for 90 days from the date of this letter.

This work will be scheduled upon receipt of this signed proposal, payment of invoice, and completion of all responsibilities as outlined in the attached proposal.

Temporary services remain active for up to two years for non-residential requests. At any point within that two year timeframe, temporary services may either be removed completely or may remain in place as a permanent service once the foundation and structure are in place.

If the temporary service is converted into a permanent service within the designated timeframe, the Company may consider a refund for the difference in cost between the amount paid for the temporary facilities and the amount that would have been charged for a requested permanent service.

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June 27, 2025

GCEDC
99 Med Tech Dr
Batavia, NY 14020

**Re: Electric Service Proposal WR# 31122527
6725 Crosby Rd, Basom, NY Temporary Electric Service**

Should you have any questions, please contact me at (716) 713-9363.

Sincerely,

Daniel J Malek
Consumer Representative
Regional Accounts Services
National Grid
144 Kensington Ave
Buffalo, NY 14214

I ACCEPT AND AGREE TO BE BOUND BY THE TERMS OF THIS PROPOSAL:

Print Name: _____

Title:
(if applicable) _____

Signature: _____

Date: _____

By signing this agreement, the signatory represents and warrants that he or she is duly authorized and has legal capacity to execute, deliver, and bind the party to this agreement.

6.4

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ELECTRIC SERVICE PROPOSAL WR#31122527

GCEDC
6725 Crosby Rd, Basom NY

Service Work Request:	Single phase 120/240-volt URD Temporary Electric Service
Electrical Contractor:	Not available
Customer's Contribution:	\$8,783.50 plus taxes or \$8,783.50
Billing Party:	GCEDC
Customer's Responsibilities:	<ul style="list-style-type: none">➤ Return signed Proposal cover letter, if accepted➤ Provide all necessary right-of-way easements➤ Notify National Grid if any changes in the Billing Party occur➤ Payment in full, upon receipt of invoice➤ Provide copy of Tax-Exempt Certificate (if applicable)➤ Customer to install 120/240-volt service on pedestal and extend underground cable to National Grid's Riser Pole.➤ Obtain Electrical Inspection from Authority Having Jurisdiction.➤ Adherence to applicable Electric Service bulletin(s) Electric Specifications (site.com)
National Grid Responsibilities:	<ul style="list-style-type: none">➤ Set two poles, one on each side of Crosby Rd.➤ Set 25 KVA transformer on National Grid pole.➤ Extend 50 feet of secondary conductor across highway to second pole.➤ Upon receipt of Electrical Inspection from the Authority Having Jurisdiction, National Grid will terminate service at Riser pole, energize, and if necessary schedule the meter set for this service.
Construction Lead Time:	<p>Approximately 4-6 weeks will be necessary for construction. Upon receipt of payments, permits, right-of-way and the signed Agreement, this project will be added to National Grid's construction schedule.</p> <p>Note: Payment must be made upon receipt of invoice. The correct mailing address for payments will be noted on the invoice you receive.</p>
Customer Communications Update:	If a progress report is needed during construction, including the expected date for the Owners project completion, the expected completion date for the utility's work, and confirmation of the expected date for the service connection of permanent power, please contact the Company Job Owner at the number listed below.

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Remarks:	<p>This Proposal is based upon projected cost and rate schedule provisions in effect at the date of this proposal and will be withdrawn if not accepted within 90 days of the date of this Proposal.</p> <p>This proposal and all attached documentation are proprietary property of National Grid and can only be used for its intended purpose and shall not otherwise be disclosed.</p>
Prepared By:	<p><i>Daniel J Malek</i> Regional Accounts Services (716)713-9363</p>

6.4

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Appointment of Phillips Lytle as Special Counsel

Discussion: With recent litigation filed against the GCEDC, the staff recommends that the Board 1) appoints Phillips Lytle as special counsel for the current litigation and 2) approves funds to be expended up to \$25,000 to cover the insurance deductible.

Fund Commitment: \$25,000 to be covered under operating funds.

Committee Action request: Recommend approval to the full Board of the appointment of Phillips Lytle as special counsel for the current litigation and approve funds to be expended up to \$25,000 to cover the insurance deductible.