

Genesee County Economic Development Center
Meeting Agenda

Thursday, March 5, 2020

Location: Upstate MedTech Centre – Suite 107

PAGE #

- 1.0 Call to Order 4:00pm**
- Presentations – Ellicott Station 4:00pm**
– Ellicott Place
- 1.1 **Enter Executive Session 4:20pm**
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.
- 1.2 **Enter Public Session 4:30pm**
- 2.0 Chairperson’s Report & Activities 4:30pm**
- 2.1 Upcoming Meetings:
Next Scheduled Board Meeting: Thursday, March 26th at 4:00 p.m.
Audit & Finance Committee Meeting: Thursday, March 26th at 3:00 p.m.
****GCEDC Annual Meeting: Friday, March 6th at 12pm**
- 2.2 Agenda Additions / Deletions / Other Business ****Vote**
- 2.3 Minutes: February 6, 2020 ****Vote**
- 3.0 Report of Management – 4:35pm**
- 3.1 Ellicott Station – Final Resolution ****Vote** – S. Hyde
 - 3.2 Ellicott Place – Final Resolution ****Vote** – C. Suozzi
 - 3.3 Economic Development Partner Fee (Ellicott Place) ****Vote** – C. Suozzi
 - 3.4 Borrego Solar - 241 Knapp Solar 1, LLC – Final Resolution ****Vote** – C. Suozzi
 - 3.5 Borrego Solar - 241 Knapp Solar 2, LLC – Final Resolution ****Vote** – C. Suozzi
 - 3.6 Borrego Solar - Townline Batavia Solar 1, LLC – Final Resolution ****Vote** – C. Suozzi
 - 3.7 Borrego Solar - 3104 Batavia Solar, LLC – Final Resolution ****Vote** – C. Suozzi
 - 3.8 Borrego Solar - 3232 Batavia Solar, LLC – Final Resolution ****Vote** – C. Suozzi
- 4.0 Audit & Finance Committee – M. Gray 4:50pm**
- 4.1 Investment Report ****Vote**
 - 4.2 Procurement Report ****Vote**
 - 4.3 Park Strategies Contract – Lobbying Services ****Vote**
 - 4.4 Appoint M. Masse to NY Green Board ****Vote**
- 5.0 Governance & Nominating Committee – C. Yunker 5:00pm**
- 5.1 Authority Self Evaluation of Prior Year Performance ****Vote**
 - 5.2 Mission Statement & Measurement Report ****Vote**
 - 5.3 Pricing Policy Revision ****Vote**
- 6.0 STAMP Committee – P. Zeliff 5:10pm**
- 6.1 Nothing at this time.
- 7.0 Employment & Compensation Committee – T. Bender 5:10pm**
- 7.1 Nothing at this time.
- 8.0 Other Business 5:10pm**
- 9.0 Adjournment 5:10pm**

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**GCEDC Board Meeting
Thursday, February 6, 2020
Upstate MedTech Centre – Innovation Zone
4:00 PM**

GCEDC MINUTES

Attendance

Board Members: P. Battaglia (Video Conference), M. Gray, C. Yunker (Video Conference) , A. Vanderhoof, T. Bender,
Staff: L. Farrell, M. Masse, L. Casey, P. Kennett, J. Krencik, S. Hyde, C. Suozzi
Guests: D. Cunningham (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), G. Torrey (GGLDC Board Member), M. Wiater (GGLDC Board Member), B. Quinn (Batavia Daily News), E. Polkowski (Akron School Board), A. Maguire (Batavia Development Corp.)
Absent: A. Young, P. Zeliff

1.0 Call to Order

P. Battaglia called the meeting to order at 4:00 p.m. in the Upstate MedTech Centre Innovation Zone conference room.

Discussion for Agenda Items 6.0-6.5 took place prior to entering executive session. This change allowed M. Masse to review STAMP agenda items with the Board before he left to attend a required public meeting in Shelby.

6.0 STAMP Committee – P. Battaglia on behalf of P. Zeliff

6.1 Barn Lease Agreement - One of the local farmers rented the barn at the STAMP site to store some farm equipment over the winter. The current lease agreement expires at December 31, 2019. Staff requested the Committee recommend approval of executing / renewing the lease agreement at \$200/month for the calendar year 2020.

This was recommended for approval by the Committee.

M. Gray made a motion to; the motion was seconded by A. Young. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zeliff -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

6.2 Amendment of Land Purchase Approval for Additional 8 acres - At the May 5, 2016 meeting the GCEDC board approved the purchase of approximately 69.2 acres at the STAMP site. The approved purchase and sale agreement stated that “the exact purchase price would be determined on the basis of

the property acreage as set forth on the survey to be obtained in accordance with the terms hereof'. Upon completion of the survey, the approximate acreage is 76.36. The purchase price per acre has remained the same, only the amount of the acreage has increased.

Fund Commitment: Increase based on the increase in acreage and is covered under the \$33M.

This was recommended for approval by the Committee.

T. Bender made a motion to authorize the approval to amend the previously approved land purchase by an additional 8 acres at STAMP; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zelif -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

6.3 Archeo 1B on New Property Acquisition- The GCEDC needs to complete the Phase IB archeological work on acreage it is acquiring to determine if any additional archeological work would be required. The Phase IA work has already been completed on this parcel. The amount could be less than \$5,000 which does not require additional quotes or Board approval, however, staff believes that the Board should review and approve this as it is part of the \$33 million NYS grant.

The quote was broken down into two pieces, Area A and Area B as shown the map included in the packet. That quote was further broken down into two quotes depending upon whether or not the land was plowed first or if they did shovel testing.

Area A – Plowed field - \$3,295
Area A – Shovel testing - \$7,395

Area B – Plowed field - \$1,795
Area B – Shovel testing - \$3,595

Total Area A – Plowed field - \$5,090
Total Area B – Shovel Testing - \$10,990

Note: Area B is outside of the STAMP Technology District zoning and is in the buffer area that is currently zoned Agricultural / Residential. The Committee could choose to not complete the IB on Parcel B and it would not impede or prevent any development of the hi-tech industry at the STAMP site.

Fund Commitment: Not to exceed \$7,395 to Deuel Archeology to complete a Phase IB Cultural Resource Investigation on area A in the acreage to be purchased at the STAMP site to be covered under the \$33M.

This was recommended for approval by the Committee.

A. Vanderhoof made a motion to authorize the Phase IB Cultural Resources Investigation contract for STAMP; the motion was seconded by A. Young. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
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T. Bender -	Yes	P. Zelif -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

6.4 Deposit with NYPA for Facilities Study - Upon completion of the SIS study, NYPA is requiring that a Facilities Study be completed on the proposed substation. The New York Independent System Operator, Inc. (NYISO) will complete the study and is requesting a deposit of \$100,000 for this work.

Fund Commitment: Not to exceed \$100,000 covered under the existing \$8M NYESD Grant and is within budget of the electrical engineering line item.

This was recommended for approval by the Committee.

M. Gray made a motion to authorize the Facilities Study agreement and corresponding payment not to exceed \$100,000; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zelif -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

6.5 Access Agreement - Del Mar Farms, Inc. is looking to log the property to the north of the STAMP site. This is also the parcel that the GCEDC has a purchase and sale agreement that would be the location of the substation to connect to the 345 kV transmission lines. Del Mar has requested access for their logging company to cross the property owned by the GCEDC to access this parcel. It is easier for them to access from the GCEDC owned property due to the 345 kV transmission lines being immediately to the north of the wooded area.

This was recommended for approval by the Committee.

T. Bender made a motion to authorize execution of the Access Agreement; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zelif -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

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 4:09 p.m. for the following reasons:

1. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

The motion was seconded by A. Vanderhoof and approved by all members present.

M. Masse left the meeting at 4:09 p.m. to attend a required public meeting in Shelby.

B. Quinn, E. Polkowski and A. Maguire left the meeting at 4:09 p.m.

L. Farrell, L. Casey, P. Kennett, J. Krencik, S. Hyde, C. Suozzi were excused from the meeting at 4:29 p.m. and returned to the meeting at 4:35 p.m.

B. Quinn, E. Polkowski and A. Maguire returned to the meeting at 4:35 p.m.

1.2 Enter Public Session

M. Gray made a motion to enter back into public session at 4:35 p.m., seconded by A. Vanderhoof and approved by all members present.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, March 5th at 4:00 p.m.

Audit & Finance Committee Meeting: Tuesday, March 3rd at 8:30 a.m.

STAMP Committee Meeting: Tuesday, March 3rd at 10:30 a.m.

Governance & Nominating Committee Meeting: Thursday, March 5th at 3:00 p.m.

***** GCEDC Annual meeting – Friday, March 6th at 11:30am**

2.2 Agenda Additions / Deletions / Other Business-

- Add 3.9 – Wright Associates LLC Resolution
- Add 3.10 – Strategic Plan
- Deletion of Section 5 – Governance and Nominating Committee

T. Bender made a motion to add “Wright Associates LLC Resolution” as agenda item 3.9 and “Strategic Plan” as agenda item 3.10 under Report of Management and to remove Section 5 agenda items for the Governance and Nominating Committee; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zeff -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

2.3 Minutes: December 5, 2019

M. Gray made a motion to approve the December 5, 2019 minutes as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zelif -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

3.0 Report of Management

3.1 Ellicott Station -Initial Resolution - This is a request from Savarino Companies LLC, developer/owner of the Ellicott Station project, for financial assistance from GCEDC which is associated to their planned brownfield redevelopment project in downtown Batavia. This project was previously approved for benefits in November of 2018. Given the time since previous approval, although the scope, scale and IDA benefits requested are all similar in nature, IDA staff felt it prudent to bring the project forward for board consideration according to our standard process.

The Ellicott Station Project is a mixed-use brownfield redevelopment project including adaptive re-use and new construction of a blighted property in a key gateway entrance site to downtown Batavia (Ellicott Street block from Evans/Court streets to Jackson Street) which is near the Main and Ellicott Street intersection.

The project will include an estimated \$22.4M in total investment and \$16.5M in land/construction investment pledging to create some 20 FTE's all while cleaning up a blighted 3.31-acre site that requires considerable brownfield remediation. As a part of the brownfield remediation process, plans are in place to make public infrastructure improvements and brownfield clean up improvements to the tune of \$1.4M across the entire site.

Considerable construction will be undertaken including some 72,190 square feet of new and renovated facilities. This includes plans to locate a brewery (manufacturing) along with a restaurant/beer garden and a 60,908 square foot 5 story apartment building with 55 new modern workforce housing apartment units (Max incomes \$32,000-\$38,000) which include at grade parking facilities (garages). These income levels support our local EDGE economic development strategy providing new housing availability (talent attraction & retention) for entry level workers being hired by area employers/manufacturers many of which are located in GCEDC developed industrial parks.

Funding has been a challenge and delayed implementation of this project given the need for multiple government programs to layer in the capital stack to make it economically viable to attract a developer/private investment to undertake these very expensive brownfield cleanup and redevelopment projects.

Given the above conditions, IDA participation is essential including a long-term property tax abatement along with sales and mortgage tax exemptions. Total requested IDA benefits, undiscounted, total \$3.6M including a property tax abatement totaling \$2.1M (10 year PILOT commercial / 30 year PILOT housing), a sales tax exemption of \$.79M, a mortgage tax exemption estimated at \$.18M and Batavia Pathway to Prosperity PIF funding valued at \$.53M all of which will be recognized through the course of a 30 year benefit horizon. The 30-year PILOT and all associated benefits were sized to align with HCR funding requirements which is the key focus at this point in order to capitalize and proceed to groundbreaking.

The developer, Savarino Companies LLC, recently submitted an application to NYS Homes and Community Renewal (HCR) in an effort to fund/capitalize the largest portion of the project investment

which is the residential new construction portion of the project. Applications are competitive but the developer remains hopeful because the project scope addresses many of the funding criteria and priorities including the project being a cornerstone project of the Batavia DRI along with strong local support for the project.

If the HCR funding is awarded (expected award announcement date is late May 2020), the residential portion of the project is expected to break ground in the summer of 2020 which will in turn activate other funding including grants from NYS (ESD et. al.) and area utilities to enable the commercial phase of the project (brewery/restaurant renovations and the former Santy's Tire site made shovel-ready) to break ground in 2020 as well. A 24-month site cleanup and construction cycle is expected for the project.

This project has great potential to continue the successful transformation of downtown Batavia by revitalizing a blighted brownfield site at the gateway of our downtown along with bringing new housing units and adding live, work and play assets in our urban core all of which are fully aligned with the Batavia Downtown Revitalization Initiative (DRI) strategy.

Remarks by A. Maguire, BDC Executive Director: A. Maguire emphasized the BDC's support of the Ellicott Station Project. He stated, on behalf of the BDC Board of Directors, Ellicott Station is a cornerstone project, essential to the revitalization effort of Batavia.

Resolution No. 02/2020 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF SAVARINO COMPANIES, 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.

T. Bender made a motion to accept initial resolution #02/2020-01, authorizing the scheduling of a public hearing; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zeliff -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

3.2 Mega Properties Initial Resolution - Mega Properties is planning to build a 60,000 sq. Ft. warehouse in the town of Batavia at the Gateway II for Phase I with the intention to triple the size over time. Mega Properties has been a success story in Batavia over the years. They began operations in 1979 at the Harvester Center then grew to build a facility in Gateway I. Mega Properties estimates a \$3 million capital investment, of which \$2.5 million is building cost, \$400,000 in land / building engineer / architecture, \$100,000 of taxable equipment. If approved this project would start in the Spring of 2020 and is estimated to be completed by the end of 2020. Incentives are based on Genesee county's 10-year uniform tax exemption policy. This project is estimated to produce a state and regional economic impact of \$13,053,154 and \$283,920 in property taxes over 10 years. Property tax savings are valued at \$400,497, with a sales tax exemption valued at \$128,000 and a mortgage tax exemption valued at \$30,000 for a total savings of \$558,497.

Resolution No. 02/2020 - 02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF MEGA PROPERTIES, INC. 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 accept initial resolution #02/2020-02, authorizing the scheduling of a public hearing; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zelif -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

B. Quinn left the meeting at 4:50 p.m.

3.3 – Borrego Solar- 241 Knapp Solar 1 LLC - The company is planning a community solar farm project in the Town of Pembroke. The project is a 5MW solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

Resolution No. 02/2020 -03

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION WITH RESPECT TO A CERTAIN PROJECT, (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.

A. Vanderhoof made a motion to accept initial resolution #02/2020-03, authorizing the scheduling of a public hearing; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zelif -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

3.4 Borrego Solar- 241 Knapp Solar 2 LLC – Initial Resolution – The company is planning a community solar farm project in the Town of Pembroke. The project is a 5MW solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

Resolution No. 02/2020 - 04

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION WITH RESPECT TO A CERTAIN, (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 accept initial resolution #02/2020-04, authorizing the scheduling of a public hearing; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zelif -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

3.5 Borrego Solar – Townline Batavia Solar 1, LLC – Initial Resolution – The company is planning a community solar farm project in the Town of Batavia. The project is a 5MW solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

Resolution No. 02/2020 - 05

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION WITH RESPECT TO A CERTAIN PROJECT, (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.

T. Bender made a motion to accept initial resolution #02/2020-05, authorizing the scheduling of a public hearing; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
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T. Bender -	Yes	P. Zeff -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

3.6 Borrego Solar – 3104 Batavia Solar, LLC – Initial Resolution- The company is planning a community solar farm project in the Town of Batavia. The project is a 3MW solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

Resolution No. 02/2020 - 06

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION WITH RESPECT TO A CERTAIN PROJECT, (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.

T. Bender made a motion to accept initial resolution #02/2020-06, authorizing the scheduling of a public hearing; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zeff -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

3.7 Borrego Solar – 3232 Batavia Solar, LLC – Initial Resolution- The company is planning a community solar farm project in the Town of Batavia. The project is a 4MW solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

Resolution No. 02/2020 - 07

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION WITH RESPECT TO A CERTAIN PROJECT, (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.

A. Vanderhoof made a motion to accept initial resolution #02/2020-07, authorizing the scheduling of a public hearing; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zeliff -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

3.8 V.J. Gautieri Constructors, Inc – Initial Resolution – V.J. Gautieri Constructors is proposing the development of 45-47 Ellicott St in the city of Batavia as outlined in the Batavia Downtown Revitalization Initiative (DRI). The \$3.15 million project includes the following enhances to the existing building:

1. Create 10 second floor apartments.
2. Create a "vanilla" box interior space for the first floor to attract commercial tenants.
3. Repairs and rehabilitation of the building exterior for tenant retention and attracting new tenants.

Ellicott Place project is a \$3,150,000 investment and will create 9 FTE's. Ellicott Place was selected as a strategic project for the city of Batavia's DRI.

The GCEDC is assisting the project with Sales tax exemption (\$110,400) and Mortgage Tax Exemption (\$20,000).

Resolution No. 02/2020 - 08

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF SAVARINO COMPANIES, LLC, 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.

A. Vanderhoof made a motion to accept initial resolution #02/2020-08, authorizing the scheduling of a public hearing; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zeliff -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

3.9 Wright Associates LLC Resolution - Wright Associates is seeking an increase in the mortgage tax exemption benefit for the Wright Associates LLC Project, previously approved in October 2019.

Resolution No. 02/2020 - 09

RESOLUTION AUTHORIZING THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER TO EXECUTE AND DELIVER A MORTGAGE IN THE PRINCIPAL AMOUNT OF UP TO \$9,000,000 AND PROVIDE A MORTGAGE RECORDING TAX EXEMPTION IN THE AMOUNT OF \$90,000 FOR THE BENEFIT OF THE COMPANY AND EXECUTE AND DELIVER RELATED DOCUMENTS WITH RESPECT TO THE FINANCING AND/OR REFINANCING OF THE WRIGHT ASSOCIATES LLC PROJECT FACILITY LOCATED AT 1 WRIGHT AVENUE AND 3 WRIGHT AVENUE, IN THE VILLAGE OF LEROY, GENESEE COUNTY, NEW YORK.

M. Gray made a motion to accept resolution #02/2020-09, authorizing mortgage recording tax exemption in the amount of \$90,000; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zelif -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

3.10 Strategic Planning – S. Hyde reported that the Rockefeller Group completed their strategic review. We have received the final report. S. Hyde would like to schedule a 90-minute video conference to discuss the refinement of the agency’s strategy with the senior economist of the Rockefeller Group, Dr. Laura Schultz. Board members are encouraged to participate if their schedules allow them to do so. An email invitation for this meeting will follow.

A. Maguire left the meeting at 5:00 p.m.

4.0 Audit & Finance Committee

4.1 November 2019 Financial Statements – L. Farrell noted the following:

- Restricted Cash for STAMP increased by \$4M in November. An Imprest account with the Bank of Castile was set up for the \$8M ESD Grant.
- Land Sale Proceeds and Cost of Land Sales on the Profit and Loss Statement are related to the Wendt’s Propane land sale that closed in November
- Normal monthly activity.

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

M. Gray made a motion to approve the November 2019 Financial Statements as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zelif -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

4.2 December 2019 Unaudited Financial Statements – L. Farrell noted the following:

- There may be some changes between the December 2019 Unaudited Financial Statements and the 2019 Finalized Audit due to additional analyses to be completed. Any additional invoices that are received for 2019 services will also account for some changes.
- Prepaid Expenses increased. NYS Retirement is prepaid for the next three months.
- Accounts Payable is very large due to the \$33M and \$8M Grant Utilization Requests that were processed in January but related to 2019 expenses.
- Expenditures at the end of the year are where we anticipated them to be.

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

M. Gray made a motion to approve the December 2019 Unaudited Financial Statements at presented; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zelif -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

4.3 D&O Insurance Renewal – Lawley Insurance has provided us with a proposal for a renewal of our current Directors & Officer/Employment Practices Liability Insurance with Travelers. The renewal price reflects on overall price increase of only \$4.00 compared to the current policy. The current policy expires on 2/23/2020. The cost of this policy would be split between GCEDC and GGLDC (\$5,232/entity) and is within each entity's budget for 2020. Lawley noted that they have been seeing increases of at least 3% to 5% on these coverages and Travelers has been holding our premium flat for the last few years. They approached alternative markets on our behalf again and they have not received more attractive terms form other insurance companies including: Arch, AIG, Hartford Chubb, Cincinnati, Selective, or Philadelphia. These companies are either not interested or not competitive.

This was recommended for approval by the Committee.

M. Gray made a motion to authorize the renewal of D&O Insurance coverage with Travelers; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zelif -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

4.4 2020 County Funding Contract - The Committee recommends approval of the Genesee County Funding Contract for the period of January 1, 2020 – December 31, 2020. Total funding to be received in 2020 is \$233,513, which is the same as the previous year's amount. The language in the agreement is also the same as previous years' agreements.

This was recommended for approval by the Committee.

M. Gray made a motion to authorize the 2020 County Funding Contract; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zelif -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

4.5 ECIDA Shared Services Agreement – The GCEDC has a shared services agreement with Erie County Industrial Development Agency (ECIDA) for on call IT support services. The GCEDC had this agreement in place since 2016 and has been very pleased with the service and response time to our issues. We would like to continue this agreement in 2020. The agreement is at an hourly rate of \$85.00. They also provide website hosting service for the GCEDC (\$600 annually), anti-virus software (\$720 annually), CRM Hosting (\$2,200 annually) and any version upgrade would be \$500.00 each occurrence as required. These expenses are covered in the 2020 budget.

M. Masse requested approval of an amount not to exceed \$8,500 for on call IT support services, website hosting, anti-virus software, CRM hosting and upgrades with ECIDA for 2020.

This was recommended for approval by the Committee.

M. Gray made a motion to authorize the ECIDA Shared Services Agreement; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zelif -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Nothing at this time.

7.0 Employment & Compensation Committee – T. Bender

7.1. CEO Merit/COLA – The Committee recommended 1.75% CEO Merit Adjustment.

T. Bender made a motion to approve 1.75% CEO Merit Adjustment; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes (Video Conference)
T. Bender -	Yes	P. Zelif -	Absent
A. Young -	Absent	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

8.0 Other Business

8.1 Nothing at this time.

9.0 Adjournment

As there was no further business, M. Gray made a motion to adjourn at 5:07 p.m., which was seconded by T. Bender and passed unanimously.

Opportunity Summary

Created On: 3/5/2020

*MAN
2/28/2020*

Customer Information

Potential Customer: *Ellicott Station / Sparano* Opportunity Type: Tax Incentive Lease
 Proj. St. Address: 40, 50, 56 Ellicott Street Opportunity Product: Property Sales & Mortgage Recording Taxes Only
 City/Town/Village: City of Batavia// Type of Project: Attraction
 Proj. Description: 2020 Ellicott Station New Jobs: 20
 Total Capital Investment: \$22,414,567 Retained Jobs:
 Incentive Amount: \$3,606,738 School District: Batavia
 Benefited Amount: \$22,414,567 PILOT Applicable:

Project Information

Organization: GCEDC
 Opportunity Source: 3rd Party Professional Date of Public Hearing: 3/3/2020
 Initial Acceptance Date: 2/6/2020 Inducement Date:

Opportunity Summary: This is a request from Savarino Companies LLC, developer/owner of the Ellicott Station project, for financial assistance from GCEDC which is associated to their planned brownfield redevelopment project in downtown Batavia. This project was previously approved for benefits in November of 2018. Given the time since previous approval, although the scope, scale and IDA benefits requested are all similar in nature, IDA staff felt it prudent to bring the project forward for board consideration according to our standard process.

The Ellicott Station Project is a mixed-use brownfield redevelopment project including adaptive re-use and new construction of a blighted property in a key gateway entrance site to downtown Batavia (Ellicott Street block from Evans/Court streets to Jackson Street) which is near the Main and Ellicott Street intersection. The project will include an estimated \$22.4M in total investment and \$16.5M in land/construction investment pledging to create some 20 FTE's all while cleaning up a blighted 3.31-acre site that requires considerable brownfield remediation. As a part of the brownfield remediation process, plans are in place to make public infrastructure improvements and brownfield clean up improvements to the tune of \$1.4M across the entire site.

Considerable construction will be undertaken including some 72,190 square feet of new and renovated facilities. This includes plans to locate a brewery (manufacturing) along with a restaurant/beer garden and a 60,908 square foot 5 story apartment building with 55 new modern workforce housing apartment units which include at grade parking facilities (garages). These income levels support our local EDGE economic development strategy providing new housing availability (talent attraction & retention) for entry level workers being hired by area employers/manufacturers many of which are located in GCEDC developed industrial parks.

Economic Impact: 6.1:1

Project Detail (Total Capital Investment)

Building Cost (Construction):	\$22,354,567	Capital Improvements:	\$0
Equipment (non-taxable):	\$0	Equipment (Taxable) / Other Proj Investment:	\$0
Land Cost (Real Estate):	\$60,000		
Total Capital Investment:	\$22,414,567		

Estimated Benefits Provided

Sales Tax Exempt:	\$790,512	Tax Exempt Bond:	\$0
Mortgage Tax Exempt:	\$180,792	Land Sale Subsidy:	\$0
Property Tax Exempt:	\$2,105,942		
Total Estimated Tax Incentives Provided:	\$3,606,738		

Total Amount Finance: \$18,079,151
 Mortgage Amount: \$14,502,706 ESD-JDA:

GCEDC RLF: *3.1* \$0 Other Name:

Grants

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GCEDC Board of Directors Meeting

Steve Hyde, President and CEO

Board Meeting Report

March 6, 2020

3.1 Ellicott Station/Savarino Companies LLC (Revised) – Vote on inducement of requested IDA & BP² benefits **Vote – S. Hyde

This request from Savarino Companies LLC, developer/owner of the Ellicott Station project, for financial assistance from GCEDC is associated with their planned brownfield redevelopment project in downtown Batavia. This project was previously approved for benefits in November of 2018. Given the time since previous approval, although the scope, scale and IDA benefits requested are all similar in nature, IDA staff felt it prudent bring the project forward for re-approval.

The Ellicott Station Project is a mixed-use brownfield redevelopment project including adaptive re-use and new construction of a blighted property in a key gateway entrance site to downtown Batavia (Ellicott Street block from Evans/Court streets to Jackson Street) which is near the Main and Ellicott Street intersection.

The project will include an estimated \$22.4M in total investment and \$16.5M in land/construction investment pledging to create some 20 FTE's all while cleaning up a blighted 3.31-acre site that requires considerable brownfield remediation. As a part of the brownfield remediation process, plans are in place to make public infrastructure improvements and brownfield clean up improvements to the tune of \$1.4M across the entire site.

Considerable construction will be undertaken including some 72,190 square feet of new and renovated facilities. This includes plans to locate a brewery (manufacturing) along with a restaurant/beer garden and a 60,908 square foot 5 story apartment building with 55 new modern workforce housing apartment units (Max incomes \$32,000-\$38,000) which include at grade parking facilities (garages). These income levels support our local EDGE industrial park economic development strategy providing new housing units (talent attraction & retention) for entry level workers being hired by area employers/manufacturers many of which are in GCEDC developed industrial parks.

Funding has been a challenge and delayed implementation of this project given the need for multiple government programs to layer in the capital stack to make it economically viable to attract a developer/private investment to undertake these very expensive brownfield cleanup and redevelopment projects.

Given the above conditions, IDA participation is essential including a long-term property tax abatement along with sales and mortgage tax exemptions. Total requested Local/IDA benefits, undiscounted, total \$3.6M including a property tax abatement totaling \$2.1M (10 year PILOT commercial/30 year PILOT housing), a sales tax exemption of \$.79M, a mortgage tax exemption estimated at \$.18M & Batavia Pathway to Prosperity (BP²) PIF funding valued at \$.53M all of which will be recognized over a 30 year benefit horizon. The 30-year PILOT and all associated benefits were sized to align with HCR funding requirements which is the key focus at this point in order to capitalize and proceed to groundbreaking. The Batavia Development Corp. has re-affirmed allocating BP² funding to the project via signed Certificate of Consistency dated 1/23/20.

The developer, Savarino Companies LLC, submitted an application in December to NYS Homes and Community Renewal (HCR) in an effort to fund the largest portion of the project which is the residential new construction portion of the project. Applications are competitive but the developer remains hopeful because the project scope addresses many of the funding criteria and priorities given the project is a cornerstone of the Batavia DRI with strong local support for the project. New housing units, as proposed, are a critical first step in addressing the known housing issues/needs across the community.

If the HCR funding is awarded (expected award announcement date is late May 2020), the residential portion of the project will break ground this summer which will in turn activate other funding including grants from NYS (ESD et. al.) and area utilities to enable the commercial phase of the project (brewery/restaurant renovations & the former Santy's Tire site made shovel-ready) with groundbreaking in 2020 also. A 24-month site cleanup and construction cycle is expected for the project.

This project has great potential to continue the successful transformation of downtown Batavia by revitalizing a blighted brownfield site at the gateway of our downtown along with bringing new housing units and adding live, work and play assets in our urban core all of which are fully aligned with the Batavia DRI strategy.

The action today is to consider the project information provided, including public hearing comments, and vote on final "inducement" of the financial assistance application including approval of BP² funds. I recommend approval of the request.



Project Name: Ellicott Station

Project Owner: Ellicott Station/Savarino Companies LLC

Board Meeting Date: March 6, 2020

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

PROJECT DESCRIPTION: The Ellicott Station Project is a mixed-use brownfield redevelopment project including adaptive re-use and new construction of a blighted property in a key gateway entrance site to downtown Batavia (Ellicott Street block from Evans/Court streets to Jackson Street) which is near the Main and Ellicott Street intersection.

The project will include an estimated \$22.4M in total investment and \$16.5M in land/construction investment pledging to create some 20 FTE's all while cleaning up a blighted 3.31-acre site that requires considerable brownfield remediation. As a part of the brownfield remediation process, plans are in place to make public infrastructure improvements and brownfield clean up improvements to the tune of \$1.4M across the entire site.

Considerable construction will be undertaken including some 72,190 square feet of new and renovated facilities. This includes plans to locate a brewery (manufacturing) along with a restaurant/beer garden and a 60,908 square foot 5 story apartment building with 55 new modern workforce housing apartment units (Max incomes \$32,000-\$38,000) which include at grade parking facilities (garages). These income levels support our local EDGE industrial park economic development strategy providing new housing units (talent attraction & retention) for entry level workers being hired by area employers/manufacturers many of which are in GCEDC developed industrial parks.

Funding has been a challenge and delayed implementation of this project given the need for multiple government programs to layer in the capital stack to make it economically viable to attract a developer/private investment to undertake these very expensive brownfield cleanup and redevelopment projects.

Given the above conditions, IDA participation is essential including a long-term property tax abatement along with sales and mortgage tax exemptions. Total requested IDA benefits, undiscounted, total \$3.6M including a property tax abatement totaling \$2.1M (10 year PILOT commercial/30 year PILOT housing), a sales tax exemption of \$.79M, a mortgage tax exemption estimated at \$.18M & Batavia Pathway to Prosperity (BP²) PIF funding valued at \$.53M all of which will be recognized over a 30 year benefit horizon. The 30-year PILOT and all associated benefits were sized to align with HCR funding requirements given a competitive funding application was filed with HCR in December 2019 which would fund the most expensive (housing) portion of the project and activate funding for the commercial phase as well. Approval of the HCR funding is the critical funding vehicle in order to proceed to groundbreaking this year. Approval of IDA and BP² benefits are key also as they demonstrate strong local support for the project to HCR and help ensure the project's economic viability.

This project is a cornerstone of the Batavia DRI. New housing units, as proposed, are a critical first step in addressing the known housing issues/needs across the community as identified in the 2018 housing study by LaBella Associates.

The Ellicott Station project has great potential to assure the continued successful transformation of downtown Batavia by revitalizing a blighted brownfield site at the gateway of our downtown along with bringing new housing units and adding live, work and play assets in our urban core all of which are fully aligned with the Batavia DRI strategy.

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

Project details: The project pledges to create 20 Full Time Equivalent (FTE's) jobs overall at an average annual wage of \$37,440 per job. Notably, several of these positions will be made available to people in poverty. Earnings estimates noted herein are largely related to the brewery manufacturing and restaurant operations. Up to 3 FTE's will be created related to the residential housing facility. As many as 163 construction jobs will be created during the life of the project (+/- 24 months).

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 remediation of this brownfield site along with renovation and new construction of some 72,190 square feet of facilities. Total PILOT and property tax payments over 30 years including 10-year PILOT terms for the Commercial phase of the project and 30-year PILOT terms for the Housing phase of the project are projected at nearly \$2.8M (see economic impact) which adds considerable additional funds to the long-term tax base from this site which currently sits vacant. Some \$1M of these funds will be appropriated to the BP² PIF Fund to support redevelopment projects in the City's downtown BOA areas. Approximately \$.53M of this will be invested back in the Ellicott Station project to support considerable public improvements/benefits being made as a part of the project scope. Additionally, significant capital investment is proposed by this project to the tune of \$22.4M which significantly enables the City of Batavia's \$100M "I'm All In" community investment goal.

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: This project by its nature enables livability for the community. Several of the benefits from the project include:

- Brownfield cleanup & removal of blighted buildings at a gateway entry point of our city.
- Public infrastructure improvements/benefits including grand canal stormwater fortification, contamination cleanup and Ellicott trail enhancements.
- Significant progress on Placemaking / Downtown Redevelopment goals.
- A major first step addressing the local housing issue by constructing 55 new workforce housing units.
- Job creation of 20 new FTE positions including several available to those in poverty and as many as 163 construction jobs.
- Walkability (build-out of Ellicott trail across the site)

- Dining, Recreation and Entertainment – the planned tenancy for portions of this project includes a restaurant/microbrewery and beer garden adding to the lifestyle enrichment and placemaking focus in downtown Batavia.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: See GCEDC Board Packet for Economic Impact Model Report. The Economic Impact Report from InformAnalytics profiles total “Costs to the State and Region/Locals” which includes NYS grants to the project, Local IDA incentives and estimated benefits from the BP2 fund to the project totaling \$5.6M on a discounted present value basis over 30 year project horizon (i.e. life of Housing PILOT) while associated “Benefits to State and Region/Locals” over the same time horizon totals \$34.4M on a present value basis. The economic value/benefits accruing to the project include labor income (wages) from job creation as well as fiscal benefits in terms of tax payments (income taxes, sales tax generation, PILOT payments/property taxes). As such the Cost/Benefit (ROI) to the project per the report is 6:1. Said another way, for every \$1 of public funds invested or abated to incentivize this project’s undertaking, the project helps create payments into the state/regional/local economy to the tune of \$6.

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: A strategic assessment of GCEDC’s development model has recently been finished by The Rockefeller Institute of Government (SUNY’s Public Policy Thinktank). They have validated GCEDC’s development model and have emphasized that placemaking, which includes housing development, is a critical activity related to “talent attraction and retention” enabling economic prosperity. As such, placemaking is highly complementary and critical to GCEDC’s strategic industrial development focus. The Ellicott Station project is an excellent example of an important and necessary placemaking project that is highly aligned with GCEDC’s strategic industrial development strategy.

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 NYS HCR funding application for \$16.5M was filed in December 2019. Expected announcement of winning applications for this competitive round of funding is late May 2020. With a successful award from HCR, construction is expected to commence late summer/early fall 2020 with a planned time horizon to completion being approximately 24 months.

Board Discussion:

Board Concurrence: YES NO If no, state justification:



Board Report

Table 1: Basic Information

Project Name	Ellicott Station LLC (Savarino Companies)
Project Applicant	Ellicott Station LLC (Savarino Companies)
Project Description	<p>The Ellicott Station Project is a mixed use brownfield redevelopment project including adaptive re-use and new construction of a blighted property in a key gateway entrance site to downtown Batavia (Ellicott Street block from Evans/Court streets to Jackson Street) which is near the Main and Ellicott Street intersection.</p> <p>The project will include an estimated \$22.4M in total investment and \$16.5M in land/construction investment pledging to create some 20 FTE's all while cleaning up a blighted 3.31 acre site that requires considerable brownfield remediation. As a part of the brownfield remediation process, plans are in place to make public infrastructure improvements and brownfield clean up improvements to the tune of \$1.4M across the entire site.</p> <p>Considerable construction will be undertaken including some 72,190 square feet of new and renovated facilities. This includes plans to locate a brewery (manufacturing) along with a restaurant/beer garden and a 60,908 square foot 5 story apartment building with 55 new modern workforce housing apartment units (Max incomes \$32,000-\$38,000) which include at grade parking facilities (garages). These income levels support our local EDGE economic development strategy providing new housing availability (talent attraction & retention) for entry level workers being hired by area employers/manufacturers many of which are located in GCEDC developed industrial parks.</p> <p>Funding has been a challenge and delayed implementation of this project given the need for multiple government programs to layer in the capital stack to make it economically viable to attract a developer/private investment to undertake these very expensive brownfield cleanup and redevelopment projects.</p> <p>Given the above conditions, IDA participation is essential including a long term property tax abatement along with sales and mortgage tax exemptions.</p> <p>The developer, Savarino Companies, recently submitted an application to NYS Homes and Community Renewal (HCR) in an effort to fund/capitalize the largest portion of the project investment which is the residential new construction. Applications are competitive but the developer remains hopeful because the site addresses many of the funding criteria and priorities including the project being a cornerstone project of the Batavia DRI along with strong local support for the project.</p> <p>If the HCR funding is awarded (expected award announcement date is late May 2020), the residential portion of the project is expected to break ground in the summer of 2020 which will in turn activate other funding including grants from NYS (ESD et. al.) and area utilities to enable the commercial phase of the project (brewery/restaurant renovations and the former Santy's Tire site made shovel-ready) to break ground in 2020 as well. A 24 month site cleanup and construction cycle is expected for the project.</p> <p>This project has great potential to continue the successful transformation of downtown Batavia by revitalizing a blighted brownfield site at the gateway of our downtown along with bringing new housing units and adding live, work and play assets in our urban core all of which are fully aligned with the Batavia Downtown Revitalization Initiative (DRI) strategy.</p>
Project Industry	Food Services and Drinking Places
Municipality	Batavia City
School District	Batavia City
Type of Transaction	Tax Exemptions
Project Cost	\$16,469,005
Mortgage	\$18,079,151

3.1

22

Amount

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

	State	Region
Total Employment	188	188
Direct**	20	20
Indirect***	2	2
Induced****	3	3
Temporary Construction (Direct and Indirect)	163	163

Table 3: State and Regional Impact (Life of project, discounted present value*)

	Direct**	Indirect***	Induced****	Total
Region:				
To private individuals:				
Labor income - Permanent Employment	\$17,105,875	\$2,802,510	\$2,869,151	\$22,777,537
Labor income - Temporary Construction	\$6,030,222	\$1,971,420	-	\$8,001,642
To the public:				
PILOT/Additional revenue	\$2,065,526	-	-	\$2,065,526
Sales tax revenue - Permanent Employment	\$191,586	\$31,388	\$32,134	\$255,108
Sales tax revenue - Temporary Construction	\$67,538	\$22,080	-	\$89,618
Total benefits to Region	\$25,460,748	\$4,827,399	\$2,901,286	\$33,189,432
State:				
To the public:				
Income tax revenue - Permanent Employment	\$427,647	\$100,890	\$71,729	\$600,266
Income tax revenue - Temporary Construction	\$198,997	\$70,971	-	\$269,968
Sales tax revenue - Permanent Employment	\$191,586	\$31,388	\$32,134	\$255,108
Sales tax revenue - Temporary Construction	\$67,538	\$22,080	-	\$89,618
Total benefits to State	\$885,768	\$225,330	\$103,863	\$1,214,961
Grand total of all benefits to Region and State	\$26,346,516	\$5,052,728	\$3,005,149	\$34,404,393

Table 4: Cost/Benefit Analysis

	Discounted value*	Nominal value
Mortgage Tax	\$180,792	\$180,792
Property Tax	\$1,583,868	\$2,018,962
Sales Tax	\$787,632	\$787,632
Other State Incentives	\$2,825,000	\$2,825,000
Other Local Incentives	\$529,492	\$529,492
Less IDA Fee	-\$285,000	-\$285,000
Total Incentives (benefits to company)	\$5,621,783	\$6,056,878

Cost/Benefit ratio for Region	6:1
Cost/Benefit for Region and State	6:1

Table 5: Regional Revenue (Discounted Present Value*) over life of project

County sales tax	\$344,727
Permanent Employment	\$255,108
Temporary Construction	\$89,618
Total property tax	\$2,065,526
County	\$492,440
City/Village	\$439,919
School District	\$1,133,168
Total	\$2,410,253

Table 6: Estimated PILOT payments*****

Year	Total PILOT Payments/ <i>Property Taxes</i>	Full Tax Payments	Difference
1	\$62,864	\$159,750	\$96,886
2	\$62,864	\$159,750	\$96,886
3	\$62,864	\$159,750	\$96,886
4	\$62,864	\$159,750	\$96,886
5	\$72,758	\$159,750	\$86,992
6	\$72,758	\$159,750	\$86,992
7	\$72,758	\$159,750	\$86,992
8	\$91,219	\$159,750	\$68,531
9	\$91,219	\$159,750	\$68,531
10	\$99,134 <i>Final Year of Comm'l PILOT</i>	\$159,750	\$60,616
11	\$101,112 <i>Housing PILOT (6/15K) + Comm'l Full</i>	\$159,750	\$58,638
12	\$101,112	<i>Taxes</i> \$159,750	\$58,638
13	\$101,112	\$159,750	\$58,638
14	\$101,112	\$159,750	\$58,638
15	\$101,112	\$159,750	\$58,638
16	\$101,112	\$159,750	\$58,638
17	\$101,112	\$159,750	\$58,638
18	\$101,112	\$159,750	\$58,638
19	\$101,112	\$159,750	\$58,638
20	\$101,112	\$159,750	\$58,638
21	\$101,112	\$159,750	\$58,638
22	\$101,112	\$159,750	\$58,638
23	\$101,112	\$159,750	\$58,638
24	\$101,112	\$159,750	\$58,638
25	\$101,112	\$159,750	\$58,638
26	\$101,112	\$159,750	\$58,638
27	\$101,112	\$159,750	\$58,638
28	\$101,112	\$159,750	\$58,638
29	\$101,112	\$159,750	\$58,638
30	\$101,112	\$159,750	\$58,638
Total	\$2,773,542	\$4,792,504	\$2,018,962

The "Region" is defined as the Rochester metro area plus Genesee County.

* Figures over 30 years and discounted by 2%

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

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

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

***** Figures are not discounted.

FINAL RESOLUTION
(Savarino Companies, LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, March 5, 2020.

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

Resolution No. 03/2020 - _____

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") RATIFYING CERTAIN PRIOR RESOLUTIONS AND FINDINGS AND (i) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, TAX AGREEMENT MORTGAGE, IF NECESSARY, AND RELATED DOCUMENTS; (ii) AUTHORIZING FINANCIAL ASSISTANCE TO SAVARINO COMPANIES, LLC IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT, AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS PERMITTED BY NEW YORK STATE LAW; AND (iii) AUTHORIZING THE EXECUTION AND DELIVERY OF A MORTGAGE AND RELATED DOCUMENTS.

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, Ellicott Station Development, LLC, an entity formed on behalf of **SAVARINO COMPANIES, LLC** (collectively, the "Company"), previously submitted an application (the "Original Application") requesting the Agency's assistance with a certain project (the "Original Project") consisting of: (A) the acquisition or retention by the Agency of a leasehold interest in certain land located at 40, 50, 60 Ellicott Street, City of Batavia, Genesee County, New York (being more particularly described as tax map identification number 84.015-1-2.1) (the "Land") and the existing improvements located thereon, consisting principally of three (3) abandoned buildings (the "Existing Improvements"), (B) (i) the renovation and equipping of approximately 16,965 square-feet of the Existing Improvements into a locally themed restaurant and production brew-house facility and (ii) the construction and equipping on the Land of an approximately 64,300 square-foot, four-story mixed-use building, containing

approximately 16,000 square-feet of commercial office space and forty-eight (48) market-rate apartments and (iii) related improvements and infrastructure (the "Original Improvements"), and (C) the acquisition by the Company in and around the Original Improvements of certain items of machinery, equipment and other tangible personal property (the "Original Equipment"; and, collectively with the Land, the Existing Improvements and the Original Improvements, the "Original Facility"); and

WHEREAS, by resolution adopted on August 3, 2017, the Agency, among other things, (i) appointed the Company as its agent to undertake the Original Project and (ii) authorized financial assistance to the Company with respect to the Original Project in the form of (a) a sales and use tax exemption, (b) a real property tax abatement and (c) a mortgage recording tax exemption as permitted by New York State Law (collectively, the "Original Financial Assistance"); and

WHEREAS, on or about September 26, 2018, the Company submitted an application supplementing, modifying and amending the Original Application (the "Supplemental Application") and requesting the Agency's assistance with the Original Project (as so modified and supplemented, the "Supplemental Project"), consisting of: (A) (i) the renovation and equipping of approximately 16,965 square-feet of the Existing Improvements into a locally themed restaurant and production brew-house facility, event space, and outdoor beer garden and (ii) the construction and equipping on the Land of an approximately 65,296 square-foot, five-story building, containing approximately fifty-five (55) mixed-income multifamily residential apartments with covered ground-floor parking and on-site playground, and (iii) related improvements and infrastructure (collectively, the "Supplemental Improvements"); (C) the construction and equipping on the first floor of the Supplemental Improvements of approximately 16,850 square-feet of Class A multi-tenant commercial office building; and (D) the acquisition by the Company in and around the Supplemental Improvements of certain items of machinery, equipment and other tangible personal property (the "Supplemental Equipment"; and, collectively with the Land, the Existing Improvements and the Supplemental Improvements, the "Supplemental Facility"); and

WHEREAS, by resolution adopted on October 4, 2018, the Agency (i) accepted the Supplemental Application, (ii) authorized a public hearing (the "Public Hearing") with respect to the Supplemental Project, and (iii) described the financial assistance in the form of (a) a sales and use tax exemption, (b) a real property tax abatement and (c) a mortgage recording tax exemption as permitted by New York State Law (collectively, the "Supplemental Financial Assistance") being contemplated for the benefit of the Company with respect to the Supplemental Project; and

WHEREAS, pursuant to the combined "Notice of Public Hearing and Notice of Deviation" dated October 10, 2018, and delivered to the affected tax jurisdictions, the Agency delivered notice of proposed deviation (the "Deviation") from the Agency's Uniform Tax Exemption Policy ("UTEF") regarding the proposed payment-in-lieu-of-tax agreement (the "Tax Agreement") being considered by the Agency; and

WHEREAS, pursuant to Section 859-a of the Act, on Tuesday, October 23, 2018, at 4:00 p.m., local time, at Batavia City Hall, City Council Board Room, One Batavia City Centre, Batavia, New York 14020, the Agency held a Public Hearing concerning the Supplemental Project and the Supplemental Financial Assistance 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) and affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Supplemental Project; and

WHEREAS, by resolution adopted on November 1, 2018, the Agency, among other things (i) authorized the provision of 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 Supplemental Project, (b) a real property tax abatement structured through a tax agreement, and (c) a mortgage recording tax exemption as permitted by New York State law (collectively, the "Supplemental Financial Assistance"); and (ii) ratified a Negative Declaration previously issued by the City of Batavia Planning and Development Committee pursuant to 6 N.Y.C.R.R. Part 617.7 on July 20, 2017; and

WHEREAS, on or about October 18, 2019, the Company submitted an application supplementing, modifying and amending the Supplemental Application (the "Amended Application") and requesting the Agency's assistance with modifications to the Supplemental Project (as so modified and supplemented, the "Amended Project"), consisting of: (A) (i) the environmental remediation of the Land; (ii) the demolition of a certain portion of the Existing Improvements; (iii) the renovation and equipping of approximately 11,285 square-feet of the Existing Improvements into a locally themed restaurant and production brew-house facility, event space, and outdoor beer garden; and (iv) the construction and equipping on the Land of an approximately 65,296 square-foot, five-story building, containing approximately fifty-five (55) mixed-income multifamily residential apartments (thirty-five (35) one-bedroom apartments and twenty (20) two-bedroom apartments), all of which will be targeted to households with incomes at or below fifty percent (50%) of Area Median Income, together with ground-floor parking consisting of thirty-seven (37) secured at-grade spaces (collectively, the "Improvements"); and (B) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, collectively with the Land, the Existing Improvements and the Improvements, the "Facility"); and

WHEREAS, on or about December 20, 2019, the Company submitted an application further supplementing, modifying and amending the Amended Application (the "Application") and requesting the Agency's assistance with modifications to the Amended Project (as so further modified and supplemented, the "Project"), consisting of: (i) the acquisition by the Agency of a leasehold or other interest in the Land; (ii) the abatement and demolition of one or more Existing Improvements; (iii) the new construction of an approximately 55-unit workforce housing apartment building (with ground floor parking), all of which will be targeted to households with incomes at or below sixty percent (60%) of Area Median Income, and a brewery and restaurant/beer garden (collectively, the "Improvements"); and (iv) 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, by resolution adopted on February 6, 2020, the Agency (i) accepted the Application, (ii) authorized a public hearing (the "Second Public Hearing") with respect to the Project, (iii) described the financial assistance in the form of (a) a sales and use tax exemption, (b) a real property tax abatement and (c) a mortgage recording tax exemption as permitted by New York State Law (collectively, the "Financial Assistance") being contemplated for the benefit of the Company with respect to the Project, and (iv) determined the Project is located in a "highly distressed area" (as such term is described in Section 854(18) of the Act); and

WHEREAS, pursuant to Section 859-a of the Act, on Tuesday, March 3, 2020, at 4:00 p.m., local time, at Batavia City Hall, City Council Board Room, One Batavia City Centre, Batavia, New York 14020, the Agency held a Second Public Hearing concerning the Project and the Financial Assistance in accordance with the Act, including but not limited to the giving of at least ten (10) days published notice of the Second Public Hearing (such notice also provided to the Chief Executive Officer of each affected tax jurisdiction) and affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project. A copy of the Notice Letter, "Notice of Public Hearing", Affidavit of Publication of The Daily News and Minutes of the Second Public Hearing are attached hereto as **Exhibit A**; and

WHEREAS, the proposed Tax Agreement deviates from the UTEP as a result of the contemplated thirty (30) year tax abatement term with respect to the workforce housing multifamily residential apartments; and

WHEREAS, pursuant to that certain Batavia Pathway to Prosperity Capital and Reinvestment Fund Agreement dated February 22, 2016, by and between the City of Batavia, the County of Genesee, the Batavia City School District, the Agency and the Batavia Development Corporation (the "BP2 Agreement"), the Agency will determine that funds from the Batavia Pathway to Prosperity Capital and Reinvestment Fund (the "BP2 Fund") will be allocated and disbursed in connection with the Project; and

WHEREAS, under the BP2 Agreement the Batavia Development Corporation has issued (or will issue) a Certificate of Consistency (as defined in the BP2 Agreement) and the Agency desires to approve the disbursement of monies from the BP2 Fund in an amount up to \$529,492 consistent with the Certificate of Consistency, as administrator of such account, to the Company or Agent in support of the Project, as set forth in **Exhibit B** attached hereto; 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 a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), the Tax Agreement, a tax agreement mortgage (the "Tax Agreement Mortgage"), if necessary, 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, Leaseback Agreement and 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, reconstruction, renovation and equipping of the Project, (b) a real property tax abatement structured through the Tax Agreement, and (c) a mortgage recording tax exemption as authorized by New York State Law (collectively, the "Financial Assistance"); and

WHEREAS, pursuant to Article 18-A of the General Municipal Law the Agency desires to adopt a resolution authorizing 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 have been negotiated and will be presented to the Agency for execution subject to the approval of this resolution.

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. Based upon the representations made by the Company to the Agency in the Company's Application, the Agency hereby finds and determines that:

(A) The Tax Agreement between the Company and the Agency, in form satisfactory to the Agency and Agency Counsel, will be an effective instrument whereby the Agency and the Company set forth the terms and conditions of their agreement regarding the Company's payments in lieu of real property taxes. Upon consideration of the Deviation, as outlined within the combined "Notice of Public Hearing and Notice of Deviation", notice contained therein issued to the affected tax jurisdictions, and upon consideration of the Project and comments received from the affected tax jurisdictions, the Agency hereby authorizes the undertaking of the Deviation based upon the following factors: (1) the Project will have a positive financial and employment impact on Genesee County and downtown Batavia; (2) the Project will benefit affected tax jurisdictions and the community with increased tax revenues and other development projects that will be undertaken as a result of the Project; (3) the Company has represented that approximately 10 new full-time, 20 new part-time jobs will be created as a result of the Project; (4) the Project will offer needed housing stock as part of its workforce development and overall economic development plan for Genesee County; (5) the Company has represented that it will invest approximately \$22,414,567 to construct and equip the Project; and (6) the Company may pursue the Project in other surrounding states or municipalities if the proposed Tax Agreement is not approved.

(B) The Project will receive an allocation of BP2 Funds in accordance with the terms set forth in Exhibit B.

Section 2. The Second Public Hearing held by the Agency on Tuesday, March 3, 2020, at 4:00 p.m., local time, at Batavia City Hall, City Council Board Room, One Batavia City Centre, Batavia, New York 14020, 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 Second Public Hearing (such notice also provided to the Chief Executive

Officer of each affected tax jurisdiction) and affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

Section 3. The Agency hereby ratifies and confirms the SEQRA review of the Project by the City of Batavia Planning and Development Committee (the "Planning Board"), which (i) classified the Original Project as an Unlisted Action pursuant to SEQRA and conducted an uncoordinated review and (ii) issued a Negative Declaration on July 20, 2017, thereby determining that the Original Project does not pose a potential significant adverse environmental impact.

Section 4. The Agency is hereby authorized to provide the Financial Assistance to the Company, in accordance with Exhibit A, in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Project, (b) a real property tax abatement through the Tax Agreement, and (c) a mortgage recording tax exemption as authorized by New York State law.

Section 5. 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 commercial phase of the Project, that would otherwise be subject to New York State and local sales and use tax in an amount up to \$9,881,403, which result in New York State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed \$790,512, as set forth in Exhibit C attached hereto. The Agency agrees to consider any requests by the Company for 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. 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, 2020** (*unless extended for good cause by the President/CEO of the Agency*) if the Lease Agreement, Leaseback Agreement and Tax Agreement contemplated have not been executed and delivered.

Section 7. The Chairman, Vice Chairman, President/CEO and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to 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, (D) the Tax Agreement, and (E) the Tax Agreement Mortgage; *provided, that*, (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; (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; and (iii) pursuant to Section 862(2)(c) of the Act, prior to providing the Financial Assistance, the Agency has received the Chair of the County of Genesee, New York Legislature's confirmation that the Agency's undertaking of the Project will serve the public purposes of the Act by preserving permanent, private sector jobs and/or increasing the overall number of permanent, private sector jobs in the State.

Section 8. The Agency is hereby authorized to disburse funds from the BP2 Fund, pursuant to the terms of the BP2 Agreement, in support of the Project. Any and all disbursements from the BP2 Fund shall be made pursuant to and in accordance with, **Exhibit B** attached hereto. The Chairman, Vice Chairman, President/CEO and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to do all acts and things required and to execute and deliver all such certificates, instruments and documents related to the payment, management, allocation and disbursement of BP2 Funds to the Company in connection with the Project.

Section 9. The Chairman, Vice Chairman, President/CEO and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required any Lender identified by the Company (the "Lender") in such forms as approved by counsel to the Agency up to a maximum principal amount necessary to undertake the Project,

acquire the Facility and/or finance or refinance equipment and other personal property and related transactional costs (hereinafter, with the Project Agreement, Lease Agreement, Leaseback Agreement and Tax Agreement, 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 Chairman, Vice Chairman or Executive Director of the Agency shall approve, the execution thereof by the Chairman, Vice Chairman, President/CEO and/or Senior Vice President of Operations 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 10. 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 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:

	Yea		Nay		Abstain		Absent	
Paul Battaglia	[]	[]	[]	[]
Peter Zeliff	[]	[]	[]	[]
Craig Yunker	[]	[]	[]	[]
Matthew Gray	[]	[]	[]	[]
Todd Bender	[]	[]	[]	[]
Andrew Young	[]	[]	[]	[]
Amy Vanderhoof	[]	[]	[]	[]

The resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION

(Savarino Companies, 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 March 5, 2020, with the original thereof on file in the office 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 March, 2020.

Secretary

EXHIBIT A

Notice Letter
"Notice of Public Hearing"
Affidavit of Publication of *The Daily News*
Minutes of the Second Public Hearing

(See attached)

EXHIBIT B

BP² Fund Reimbursement Model

Commercial Phase BP2 Reimbursement Model				
Year of PILOT/PIF	PILOT Payments	PILOT Contribution to BP2 Fund (50%)	Total Contribution to BP2 Fund (50%)	BP2 Reimbursement to Project
1	\$19,787.73	\$9,893.86	\$9,893.86	\$9,893.86
2	\$19,787.73	\$9,893.86	\$9,893.86	\$9,893.86
3	\$19,787.73	\$9,893.86	\$9,893.86	\$9,893.86
4	\$19,787.73	\$9,893.86	\$9,893.86	\$9,893.86
5	\$29,681.59	\$14,840.80	\$14,840.80	\$14,840.80
6	\$29,681.59	\$14,840.80	\$14,840.80	\$14,840.80
7	\$29,681.59	\$14,840.80	\$14,840.80	\$14,840.80
8	\$29,681.59	\$14,840.80	\$14,840.80	\$14,840.80
9	\$29,681.59	\$14,840.80	\$14,840.80	\$14,840.80
10	\$37,596.68	\$18,798.34	\$18,798.34	\$18,798.34
Total	\$265,155.56	\$132,577.78	\$132,577.78	\$132,577.78

Housing Phase BP2 Reimbursement Model				
Year of PILOT/PIF	PILOT Payments	PILOT Contribution to BP2 Fund (50%)	Total PILOT Contribution to BP2 Fund (50%)	BP2 Fund Reimbursement to Project
1	\$43,076.01	\$21,538.01	\$21,538.01	\$21,538.01
2	\$43,076.01	\$21,538.01	\$21,538.01	\$21,538.01
3	\$43,076.01	\$21,538.01	\$21,538.01	\$21,538.01
4	\$43,076.01	\$21,538.01	\$21,538.01	\$21,538.01
5	\$43,076.01	\$21,538.01	\$21,538.01	\$21,538.01
6	\$43,076.01	\$21,538.01	\$21,538.01	\$21,538.01
7	\$43,076.01	\$21,538.01	\$21,538.01	\$21,538.01
8	\$61,537.16	\$30,768.58	\$30,768.58	\$30,768.58
9	\$61,537.16	\$30,768.58	\$30,768.58	\$30,768.58
10	\$61,537.16	\$30,768.58	\$30,768.58	\$30,768.58
11	\$61,537.16	\$30,768.58	\$30,768.58	\$30,768.58
12	\$61,537.16	\$30,768.58	\$30,768.58	\$30,768.58
13	\$61,537.16	\$30,768.58	\$30,768.58	\$30,768.58
14	\$61,537.16	\$30,768.58	\$30,768.58	\$30,768.58
15	\$61,537.16	\$30,768.58	\$30,768.58	\$30,768.58
16	\$61,537.16	\$30,768.58	\$30,768.58	-
17	\$61,537.16	\$30,768.58	\$30,768.58	-
18	\$61,537.16	\$30,768.58	\$30,768.58	-
19	\$61,537.16	\$30,768.58	\$30,768.58	-
20	\$61,537.16	\$30,768.58	\$30,768.58	-
21	\$61,537.16	\$30,768.58	\$30,768.58	-
22	\$61,537.16	\$30,768.58	\$30,768.58	-
23	\$61,537.16	\$30,768.58	\$30,768.58	-
24	\$61,537.16	\$30,768.58	\$30,768.58	-
25	\$61,537.16	\$30,768.58	\$30,768.58	-
26	\$61,537.16	\$30,768.58	\$30,768.58	-
27	\$61,537.16	\$30,768.58	\$30,768.58	-
28	\$61,537.16	\$30,768.58	\$30,768.58	-
29	\$61,537.16	\$30,768.58	\$30,768.58	-
30	\$61,537.16	\$30,768.58	\$30,768.58	-
Total	\$1,716,886.71	\$858,443.35	\$858,443.35	\$396,914.67

EXHIBIT C

Description of Financial Assistance

Sales & Mortgage Tax Exemption		
	Commercial Phase	Housing Phase
Sales Tax Exemption	\$790,512.00	-
Mortgage Tax Exemption	\$180,792.00	-

Commercial Phase PILOT					
Year of Exemption	BP2 10-Year Baseline PILOT = % of Full Taxes Paid	City of Batavia	Genesee County	Batavia School	Total PILOT Payments
1	50%	\$4,214.36	\$4,717.64	\$10,855.73	\$19,787.73
2	50%	\$4,214.36	\$4,717.64	\$10,855.73	\$19,787.73
3	50%	\$4,214.36	\$4,717.64	\$10,855.73	\$19,787.73
4	50%	\$4,214.36	\$4,717.64	\$10,855.73	\$19,787.73
5	75%	\$6,321.54	\$7,076.45	\$16,283.60	\$29,681.59
6	75%	\$6,321.54	\$7,076.45	\$16,283.60	\$29,681.59
7	75%	\$6,321.54	\$7,076.45	\$16,283.60	\$29,681.59
8	75%	\$6,321.54	\$7,076.45	\$16,283.60	\$29,681.59
9	75%	\$6,321.54	\$7,076.45	\$16,283.60	\$29,681.59
10	95%	\$8,007.28	\$8,963.51	\$20,625.90	\$37,596.68
Total	67%	\$56,472.40	\$63,216.31	\$145,466.85	\$265,155.56

3.1

Housing Phase PILOT					
Year of Exemption	Housing PILOT % of Full Taxes Paid	City of Batavia	Genesee County	Batavia School	Total PILOT Payments
1	35%	\$9,174.26	\$10,269.85	\$23,631.91	\$43,076.01
2	35%	\$9,174.26	\$10,269.85	\$23,631.91	\$43,076.01
3	35%	\$9,174.26	\$10,269.85	\$23,631.91	\$43,076.01
4	35%	\$9,174.26	\$10,269.85	\$23,631.91	\$43,076.01
5	35%	\$9,174.26	\$10,269.85	\$23,631.91	\$43,076.01
6	35%	\$9,174.26	\$10,269.85	\$23,631.91	\$43,076.01
7	35%	\$9,174.26	\$10,269.85	\$23,631.91	\$43,076.01
8	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
9	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
10	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
11	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
12	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
13	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
14	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
15	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
16	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
17	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
18	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
19	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
20	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
21	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
22	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
23	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
24	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
25	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
26	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
27	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
28	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
29	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
30	50%	\$13,106.08	\$14,671.21	\$33,759.87	\$61,537.16
Total	47%	\$365,659.73	\$409,326.69	\$941,900.29	\$1,716,886.71

Handwritten: 2/25/20

Customer Information

Potential Customer:	V.J. Gautieri Constructors, Inc.	Opportunity Type:	Expansion
Proj. St. Address:	45-47 Ellicott Street	Opportunity Product:	Sales & Mortgage Recording Taxes Only
City/Town/Village:	City of Batavia//	Type of Project:	Expansion
Proj. Description:	Ellicott Place	New Jobs:	9
Total Capital Investment:	\$3,150,000	Retained Jobs:	0
Incentive Amount:	\$130,400	School District:	Batavia
Benefited Amount:	2,500,000	PILOT Applicable:	

Project Information

Organization:	GCEDC
Opportunity Source:	Date of Public Hearing: tbd
Initial Acceptance Date:	Inducement Date:

Opportunity Summary: V.J. Gautieri Constructors is proposing the redevelopment of 45-47 Ellicott St in the city of Batavia as outlined in the Batavia Downtown Revitalization Initiative (DRI). The \$3.15 million project includes the following enhances to the existing building:

1. Create 10 second-floor apartments
2. Create a "vanilla" box interior space for first floor to attract commercial tenants
3. Repairs and rehabilitation of the building exterior for tenant retention and attracting new tenants.

Ellicott Place project is a \$3,150,000 investment and will create 9 FTE's. Ellicott Place was selected as a strategic project for the city of Batavia's DRI. The GCEDC is assisting the project with Sales tax exemption (\$110,400) and Mortgage Tax Exemption (\$20,000)

Economic Impact: For every \$1 of public benefit offered, the company is investing and helping generate an economic contribution/economic impact of \$2.2 into the local/regional/state economy (including \$1.15 million DRI award). See economic impact report for further details.

Project Detail (Total Capital Investment)

Building Cost (Construction):	\$2,300,000	Capital Improvements:	\$0
Equipment (non-taxable):	\$200,000	Equipment (Taxable) / Other Proj Investment:	\$0
Land Cost (Real Estate):	\$650,000		
Total Capital Investment:	\$3,150,000		

Estimated Benefits Provided

Sales Tax Exempt:	\$110,400	Tax Exempt Bond:	\$0
Mortgage Tax Exempt:	\$20,000	Land Sale Subsidy:	\$0
Property Tax Exempt:	\$0		
Total Estimated Tax Incentives Provided:	\$130,400		

Total Amount Finance:	\$3,150,000		
Mortgage Amount:	\$2,000,000	ESD-JDA:	
GCEDC RLF:	\$0	Other Name:	
City of Batavia:	\$0	Other Amount:	\$0
Chamber of Commerce:			
Total Amount Finance:	\$3,150,000		

3.2

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MSM
2/25/2020



Project Name: V.J. Gautieri Constructors, Inc, "Ellicott Place"

Board Meeting Date: February 6, 2020

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

PROJECT DESCRIPTION:

V.J. Gautieri Constructors is proposing the redevelopment of 45-47 Ellicott St in the city of Batavia as outlined in the Batavia Downtown Revitalization Initiative (DRI).

The \$3.15 million project includes the following enhances to the existing building:

1. Create 10 second-floor apartments
2. Create a "vanilla" box interior space for first floor to attract commercial tenants
3. Repairs and rehabilitation of the building exterior for tenant retention and attracting new tenants.

Ellicott Place project is a \$3,150,000 investment and will create 9 FTE's. Ellicott Place was selected as a strategic project for the city of Batavia's DRI.

The GCEDC is assisting the project with Sales tax exemption (\$110,400) and Mortgage Tax Exemption (\$20,000)

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

Project details: The project will create 9 FTE's based on future tenants.

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 make a \$3,150,000 investment and enhance the long term tax base when completed.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: The Project is part of the Downtown Revitalization Initiative and is providing market rate housing and other services to the city of Batavia.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: For every \$1 of public benefit offered, the company is investing and helping generate an economic contribution/economic impact of \$2.2 into the local/regional/state economy (including \$1.15 million DRI award). See economic impact report for further details.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: While the project is not defined within the Agency’s strategic industries, this project is a strategic project within the City of Batavia Downtown Revitalization Initiative and important to the DRI’s broader objectives.

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 Spring of 2020 and be operational by end of 2020.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

MOY
4/25/2020

FINAL RESOLUTION
(V.J. Gautieri Constructors, Inc. Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, March 5, 2020.

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

Resolution No. 03/2020 - _____

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 MARCH 3, 2020, WITH RESPECT TO THE V.J. GAUTIERI CONSTRUCTORS, INC. (THE "COMPANY") PROJECT (AS FURTHER DESCRIBED BELOW); (ii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iii) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (a) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, AND (b) A MORTGAGE RECORDING TAX EXEMPTION AS PERMITTED BY NEW YORK STATE LAW; AND (iv) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK 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, **V.J. GAUTIERI CONSTRUCTORS, INC.**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company"), has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project"), consisting of: (A) the acquisition by the Agency of a leasehold or other interest in certain property located at 45-47 Ellicott Street, City of Batavia, Genesee County, New York (the "Land") and the existing building located thereon (the "Existing Improvements"); (B)(i) the reconstruction, renovation, refurbishment and redevelopment of (a) a vanilla interior space on the first floor of the Existing Improvements for lease to commercial tenants and (b) ten (10) apartments on the second floor of the Existing Improvements, and (ii) the general repair and rehabilitation of the exterior of the Existing Improvements (collectively, the "Improvements"); and (C) the acquisition by the

3.2

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Company in and around the Existing Improvements and 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 approving 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) 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 a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement") and related documents with the Company, (iii) take or retain title to or a leasehold interest in the Land, the Improvements, the Equipment and personal property constituting the Project (once the Lease Agreement and the Leaseback 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) an exemption from the mortgage recording tax as authorized by the laws of the State for financing related to the Project (collectively, the "Financial Assistance"); and

WHEREAS, on February 6, 2020, the Agency adopted a resolution (the "Initial Resolution"), among other things, (i) accepting the Application, (ii) directing that a public hearing be held, and (iii) making a determination 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, "SEQRA"); and

WHEREAS, pursuant to Section 859-a of the Act, on Tuesday, March 3, 2020, at 4:15 p.m., local time, at Batavia City Hall, Community Room, One Batavia City Centre, Batavia, New York, 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 in *The Batavia Daily News*, the affidavit of publication of such newspaper, and Minutes of the Public Hearing are attached hereto as Exhibit A; and

WHEREAS, the Project Agreement, the Lease Agreement, the Leaseback Agreement and related documents have been negotiated and will be presented to the Agency for execution subject to the approval of this resolution.

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 Public Hearing held by the Agency on March 3, 2020, 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 being 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 2. Based upon representations made by the Company in the Application, the Agency hereby finds that the Project is located contiguous to an area designated as a "highly distressed area" as defined in Section 862(b)(ii) of the Act.

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 mortgage recording tax exemption as permitted by State law.

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 \$1,380,000, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed \$110,400. 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 March 31, 2021 (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 Agency is hereby authorized to provide the Company with an exemption from mortgage recording taxes as permitted by New York State law in an amount not to exceed Twenty Thousand and 00/100 Dollars (\$20,000).

Section 8. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations 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, and (C) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company; *provided, however*, 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.

Section 9. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record any mortgage, 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") (collectively, the "Mortgage") necessary to undertake the Project, acquire the Facility and/or finance or refinance the Facility or equipment and other personal property and related transactional costs (hereinafter, with the Project Agreement, Lease Agreement, Leaseback 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, Vice Chair and/or Senior Vice President of Operations of the Agency shall approve, the execution thereof by the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations 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 10. 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 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>
Paul Battaglia	[]	[]	[]	[]
Peter Zeliff	[]	[]	[]	[]
Craig Yunker	[]	[]	[]	[]
Matthew Gray	[]	[]	[]	[]
Todd Bender	[]	[]	[]	[]
Andrew Young	[]	[]	[]	[]
Amy Vanderhoof	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION
(V.J. Gautieri Constructors, Inc. 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 March 5, 2020, with the original thereof on file in 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 March, 2020.

Secretary

Exhibit A

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

[Attached Hereto]

Elliot Pace

MAN
2/25/2020

Economic Development Partner Fee

Guidelines

1. To receive a referral commission, this form must be completed and approved by the GCEDC Board of Directors prior to project close. Upon closing, approved participants will receive .25% (20% commission), capped at \$25,000.
2. All payments are made at the discretion of the GCEDC's Board of Directors and are considered final. Recipient is responsible for all applicable taxes and fees associated with payment.
3. Only not-for-profit economic development organizations whose mission is to foster economic development in Genesee County are eligible.

Referral Information

Applicant (Name of Non-profit or E.D. Org.): Brantia Development Corp Date 2/4/20

Tax ID #: 16-1479856 Contact Name: Andrew Maguire

E-Mail Address: AMaguire@BrantiaDevelopment.org Telephone Number: 545-365-6380

Mailing Address: ONE Brant City Center, Brant, NY 14020

Project Information

Project Name: Elliot Pace

Project Contact Name: Elliot Pace Telephone Number: -

E-Mail Address: -

Project Description (include approximate project investment):
Renovation Project - 10 apt units
- also shops commercial / retail S.M.C.

Fee Calculation: 4 250000
x .0025
\$6250

For GCEDC Use Only

Date Received:	Reviewed by:
Date Approved:	Date Closed/Paid:

GCEDC Opportunity Summary

Created On: 3/5/2020

*MAM
4/28/2020*

Customer Information

Potential Customer: Borrego Solar Opportunity Type: Tax Incentive Lease
 Proj. St. Address: 241 Knapp Road East Opportunity Product: Property & Sales Taxes Only
 City/Town/Village: //Pembroke Type of Project: Attraction
 Proj. Description: Borrego - 241 Knapp Solar 1 New Jobs: 0
 Total Capital Investment: \$4,060,349 Retained Jobs:
 Incentive Amount: \$420,282 School District: Akron
 Benefited Amount: \$0 PILOT Applicable:

Project Information

Organization: GCEDC
 Opportunity Source: Direct/Personal Contact Date of Public Hearing: 2/28/20
 Initial Acceptance Date: 2/6/2020 Inducement Date:

Opportunity Summary: The company is planning a community solar farm project in the Town of Pembroke. The project is a 5MW (AC) / 6.265MW (DC) solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

Specific benefits offered by the project that align with these statutory powers include:

- Enhanced Property Tax Payments via a 15-year PILOT;
- o Property tax payments, via PILOT, offered by this project are significantly greater than the current Ag/vacant land value of the project.
- o @ \$5,500/MWAC + 2% annual escalator, the 5MW solar farm will generate in excess of \$475,000 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.
- o NYSERDA guidance suggests PILOT payments of \$1,700-\$5,100/MWAC in National Grid territory. The PILOT level concurred to here is above the top end of the NYSERDA range.
- Energy Discounts: The company will offer a 10% discount vs. average market rates for local residents who sign an agreement with the company to purchase solar energy from the project(s).
- Local Economic Development strategy / marketing alignment: Having renewable energy as an available local option is becoming a "preference item" for site selectors / companies conducting site location searches. Photovoltaic manufacturing is a "target sector" to attract investment/jobs @ STAMP.
- Workforce Development funding: The company understands the workforce development challenges of today related to a STEM enabled workforce and corporately will assist GCEDC by funding a community benefit agreement for workforce development and county economic development. The contribution will go toward the Genesee County STEM 2 STAMP workforce development program and related support for county economic development programming, with a core focus on STEM programming to aid area K-12 school districts and higher education programming.
- Environmental Benefits: The project generates no carbon footprint (greenhouse gas emissions) in its energy generation thereby providing environmental benefits to local residents.
- NYS Energy Policy (REV) alignment: NYS has aggressive goals for renewable energy, energy efficiency and greenhouse gas reduction by 2030, this project supports those goals.
- Reduced dependency on foreign oil: This project helps the United States continue its efforts to move away from foreign oil dependency/utilization.

Economic Impact: This solar project is generating an increase to the tax base of \$479,424 (both PILOT and real property taxes). This calculates to a rate of return based on the original property taxes of \$132.42 to 1.

Project Detail (Total Capital Investment)

Building Cost (Construction): \$0 Capital Improvements: \$0
 Equipment (non-taxable): \$3,974,394 Equipment (Taxable) / \$85,955
 Other Proj Investment:
 Land Cost (Real Estate): \$0
 Total Capital Investment: \$4,060,349

Estimated Benefits Provided

Sales Tax Exempt: \$6,876 Tax Exempt Bond: \$0
 Mortgage Tax Exempt: 3.4 \$0 Land Sale Subsidy: \$0

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Property Tax Exempt: \$413,406

Total Estimated Tax Incentives Provided: \$420,282

Total Amount Finance: \$4,060,349

Mortgage Amount: \$0 ESD-JDA:

GCEDC RLF: \$0 Other Name: Equity

City of Batavia: \$0 Other Amount: \$4060349

Chamber of Commerce:

Total Amount Finance: \$4,060,349



Genesee
County
Economic
Development
Center

Project Name: 241 Knapp Solar 1, LLC

Board Meeting Date: March 5, 2020

MS
2/24/22

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

PROJECT DESCRIPTION:

The company is planning a community solar farm project in the Town of Pembroke. The project is a 5MW (AC)/6.265 MW(DC) solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

Specific benefits offered by the project that align with these statutory powers include:

- Enhanced Property Tax Payments via a 15-year PILOT:
 - Property tax payments, via PILOT, offered by this project are significantly greater than the current taxes being paid on the property of the project.
 - @ \$5,500/MWAC + 2% annual escalator, the 5MW (AC) solar farm will generate in excess of \$475,000 in PILOT payments over the 15-year term which is far greater than current tax payment of this land.
 - NYSERDA guidance suggests PILOT payments of \$1,700-\$5,100/MWAC in National Grid territory. The PILOT level concurred to here is above the top end of the NYSERDA range.
- Energy Discounts: The company will offer a 10% discount vs. average market rates for local residents who sign an agreement with the company to purchase solar energy from the project(s).
- Local Economic Development strategy / marketing alignment: Having renewable energy as an available local option is becoming a "preference item" for site selectors / companies conducting site location searches. Photovoltaic manufacturing is a "target sector" to attract investment/jobs @ STAMP.
- Workforce Development funding: The company understands the workforce development challenges of today related to a STEM enabled workforce and corporately will assist GCEDC/GGLDC by funding a community benefit agreement for workforce development and county economic development. The contribution will go toward the Genesee County STEM 2 STAMP workforce development program and related support for county economic development programming, with a core focus on STEM programming to aid area K-12 school districts and higher education programming.
- Environmental Benefits: The project generates no carbon footprint (greenhouse gas emissions) in its energy generation thereby providing environmental benefits to local residents.
- NYS Energy Policy (REV) alignment: NYS has aggressive goals for renewable energy, energy efficiency and greenhouse gas reduction by 2030, this project supports those goals.
- Reduced dependency on foreign oil: This project helps the United States continue its efforts to move away from foreign oil dependency/utilization.

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 \$4,060,349 in capital investment. A fixed 15-year pilot with a 2% annual escalator priced at \$5,500/MWAC is proposed which is above the top end of the NYSERDA recommended range for projects located in National Grid territory in Western NY. The 5MW solar farm will generate in excess of \$475,000 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 “liveable community” by providing a valuable product or service that is underserved in Genesee County.

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

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: This solar project is generating an increase to the tax base of \$479,424 (both PILOT and Real Property taxes). This calculates to a rate of return based on the original property taxes \$132.42. Directly supports NYS Energy Policy (REV) alignment: NYS has aggressive goals for renewable energy, energy efficiency and greenhouse gas reduction by 2030, this project supports those goals.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

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

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: The project is planning to begin construction in Spring of 2020 and be operational by Fall of 2020.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

Solar Pilot



Project: 241 Knapp Solar 1, LLC

Capex: \$ 4,060,349
 Sales Taxable (est.) \$ 85,955
 Mortgage (est.)
 Property Tax below
 Total

Savings \$ 6,876
 1% of 1.25%

Exemptibility \$ 5,500
 from Assessor \$ 450,000.00 \$ 2,250,000
 Assessed Value

for economic impact model:
 Assessed value at \$550/MW \$ 1,044,039

Year of Exemption	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Total
Fixed Physical 355MW/MW	\$ 27,500	\$ 28,050	\$ 28,611	\$ 29,183	\$ 29,767	\$ 30,362	\$ 30,969	\$ 31,589	\$ 32,221	\$ 32,865	\$ 33,522	\$ 34,193	\$ 34,877	\$ 35,574	\$ 36,286	\$ 475,569
Fixed Physical 355MW/MW	\$ 10,545	\$ 10,756	\$ 10,971	\$ 11,190	\$ 11,414	\$ 11,642	\$ 11,875	\$ 12,113	\$ 12,355	\$ 12,602	\$ 12,854	\$ 13,111	\$ 13,373	\$ 13,641	\$ 13,914	\$ 182,356
Genesee County	\$ 16,955	\$ 17,294	\$ 17,640	\$ 17,993	\$ 18,353	\$ 18,720	\$ 19,094	\$ 19,476	\$ 19,866	\$ 20,263	\$ 20,668	\$ 21,082	\$ 21,503	\$ 21,933	\$ 22,372	\$ 293,213
County	\$ 27,500	\$ 28,050	\$ 28,611	\$ 29,183	\$ 29,767	\$ 30,362	\$ 30,969	\$ 31,589	\$ 32,221	\$ 32,865	\$ 33,522	\$ 34,193	\$ 34,877	\$ 35,574	\$ 36,286	\$ 475,569
Town of Batavia	\$ 498	\$ 498	\$ 498	\$ 498	\$ 498	\$ 498	\$ 498	\$ 498	\$ 498	\$ 498	\$ 498	\$ 498	\$ 498	\$ 498	\$ 498	\$ 7,476
Ag Exemption	\$ 27,998	\$ 28,548	\$ 29,109	\$ 29,682	\$ 30,265	\$ 30,861	\$ 31,468	\$ 32,087	\$ 32,719	\$ 33,363	\$ 34,021	\$ 34,691	\$ 35,375	\$ 36,073	\$ 36,784	\$ 483,045
Ag Exemption	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 3,621
Ag Exemption	\$ 27,757	\$ 28,307	\$ 28,868	\$ 29,440	\$ 30,024	\$ 30,619	\$ 31,226	\$ 31,846	\$ 32,478	\$ 33,122	\$ 33,779	\$ 34,450	\$ 35,134	\$ 35,831	\$ 36,543	\$ 479,424
Economic Impact ROI	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 479,424

The value of Ag Exemption elimination due to permanent conversion of farm land
 Town of Batavia Tax Rate (only) \$
 Current ag exemption amount (add from OARS) \$ 18,921
 County and School Taxes on Ag Exemption \$ 498
 Town of Batavia (only) Taxes on Ag Exemption \$
 Total taxes due based on the elimination of Ag Exemption \$ 498

1.250%
 GCEDC fee \$ 50,754
 Workforce Community Benefit \$ 25,000
 Subtotal \$ 75,754
 GCEDC Legal \$ 8,000
 Total Fee \$ 83,754

Note: base land tax will remain the same and paid outside the PILOT
 Property Taxes at 100% assessed value (assessor)
 Term \$ 59,265
 Total PILOT \$ 849,975
 Savings \$ 413,406
 Net Savings \$ 336,528

man
2/24/2020

FINAL RESOLUTION
(241 Knapp Solar 1, LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, March 5, 2020.

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

Resolution No. 03/2020 - _____

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 FEBRUARY 28, 2020, WITH RESPECT TO THE 241 KNAPP SOLAR 1, 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, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT, AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS PERMITTED BY LAW, IF NEEDED; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE, IF NEEDED, 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, **241 KNAPP SOLAR 1, LLC** (the "Company") previously submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in certain property located at 241 Knapp Road East, Town of Pembroke, Genesee County, New York (the "Land"), (ii) the construction on the Land of an approximate 6.265 MW community solar array to be used to generate electricity that will allow residential and commercial subscribers to receive renewable energy that will offset traditional power sources

(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 approving 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) 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 a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents with the Company, (iii) take or retain title to or a leasehold interest in the Land, Improvements, 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, (b) a partial real property tax abatement structured through the Tax Agreement, and (c) an exemption from the mortgage recording tax as authorized by the laws of the State for financing related to the Project, if needed (collectively, the "Financial Assistance"); and

WHEREAS, on February 6, 2020, the Agency adopted a resolution (the "Initial Resolution") accepting the Application and directing that a public hearing be held; and

WHEREAS, pursuant to Section 859-a of the Act, on Friday, February 28, 2020, at 4:00 p.m., local time, at Pembroke Town Hall (Conference Room), 1145 Main Street, Corfu, New York 14036, 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 in *The Batavia Daily News*, the affidavit of publication of such newspaper, and Minutes of the 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, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement and related documents will negotiated and presented to the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations 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, 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 Pembroke Planning 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"). The Town of Pembroke Planning Board issued a Negative Declaration on September 25, 2019, 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 further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Town of Pembroke Planning Board pursuant to 6 N.Y.C.R.R. § 617.7. A copy of the Negative Declaration issued by the Town of Pembroke Planning Board is attached hereto as Exhibit B.

Section 2. The Public Hearing held by the Agency on February 28, 2020, 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 being 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, (b) a partial real property tax abatement structured through the Tax Agreement, and (c) a mortgage recording tax exemption as permitted by State law, if needed.

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 **\$85,955.00** which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$6,876.00**. 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 March 31, 2021 (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 Agency is hereby authorized to provide the Company with an exemption from mortgage recording taxes as permitted by New York State law, if needed.

Section 8. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations 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 9. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record any mortgage, 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") (collectively, the "Mortgage") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance 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, Vice Chair and/or Senior Vice President of Operations of the Agency shall approve, the execution thereof by the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations 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 10. 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 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>
Paul Battaglia	[]	[]	[]	[]
Peter Zeliff	[]	[]	[]	[]
Craig Yunker	[]	[]	[]	[]
Matthew Gray	[]	[]	[]	[]
Todd Bender	[]	[]	[]	[]
Andrew Young	[]	[]	[]	[]
Amy Vanderhoof	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION

(241 Knapp Solar 1, 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 March 5, 2020, 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 March, 2020.

Secretary

Exhibit A

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

[Attached Hereto]

Exhibit B

Negative Declaration of the Town of Pembroke Planning Board

[Attached Hereto]

Handwritten: 4/28/2020

Customer Information

Potential Customer: Borrego Solar Opportunity Type: Tax Incentive Lease
 Proj. St. Address: 241 Knapp Road West Opportunity Product: Property & Sales Taxes Only
 City/Town/Village: //Pembroke Type of Project: Attraction
 Proj. Description: Borrego - 241 Knapp Solar 2 New Jobs:
 Total Capital Investment: \$4,762,552 Retained Jobs:
 Incentive Amount: \$420,731 School District: Akron
 Benefited Amount: \$0 PILOT Applicable:

Project Information

Organization: GCEDC
 Opportunity Source: Date of Public Hearing: 2/28/20
 Initial Acceptance Date: 2/6/2020 Inducement Date:

Opportunity Summary: The company is planning a community solar farm project in the Town of Pembroke. The project is a 5MW (AC) / 6.123 MW (DC) solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

Specific benefits offered by the project that align with these statutory powers include:

- Enhanced Property Tax Payments via a 15-year PILOT:
 - o Property tax payments, via PILOT, offered by this project are significantly greater than the current Ag/vacant land value of the project.
 - o @ \$5,500/MWAC + 2% annual escalator, the 5MW solar farm will generate in excess of \$475,000 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.
 - o NYSERDA guidance suggests PILOT payments of \$1,700-\$5,100/MWAC in National Grid territory. The PILOT level concurred to here is above the top end of the NYSERDA range.
- Energy Discounts: The company will offer a 10% discount vs. average market rates for local residents who sign an agreement with the company to purchase solar energy from the project(s).
- Local Economic Development strategy / marketing alignment: Having renewable energy as an available local option is becoming a "preference item" for site selectors / companies conducting site location searches. Photovoltaic manufacturing is a "target sector" to attract investment/jobs @ STAMP.
- Workforce Development funding: The company understands the workforce development challenges of today related to a STEM enabled workforce and corporately will assist GCEDC by funding a community benefit agreement for workforce development and county economic development. The contribution will go toward the Genesee County STEM 2 STAMP workforce development program and related support for county economic development programming, with a core focus on STEM programming to aid area K-12 school districts and higher education programming.
- Environmental Benefits: The project generates no carbon footprint (greenhouse gas emissions) in its energy generation thereby providing environmental benefits to local residents.
- NYS Energy Policy (REV) alignment: NYS has aggressive goals for renewable energy, energy efficiency and greenhouse gas reduction by 2030, this project supports those goals.
- Reduced dependency on foreign oil: This project helps the United States continue its efforts to move away from foreign oil dependency/utilization.

Economic Impact: This solar project is generating an increase to the tax base of \$505,695 (both PILOT and real property taxes). This calculates to a rate of return based on the original property taxes of \$139.67 to 1.

Project Detail (Total Capital Investment)

Building Cost (Construction): \$0 Capital Improvements: \$0
 Equipment (non-taxable): \$4,670,992 Equipment (Taxable) / Other Proj Investment: \$91,560
 Land Cost (Real Estate): \$0
 Total Capital Investment: \$4,762,552

Estimated Benefits Provided

Sales Tax Exempt: \$7,325 Tax Exempt Bond: \$0
 Mortgage Tax Exempt: 3.5 \$0 Land Sale Subsidy: \$0

Handwritten: 67

Property Tax Exempt: \$413,406

Total Estimated Tax Incentives Provided: \$420,731

Total Amount Finance: \$4,762,552

Mortgage Amount: \$0 ESD-JDA:

GCEDC RLF: \$0 Other Name: Equity

City of Batavia: \$0 Other Amount: \$4762552

Chamber of Commerce:

Total Amount Finance: \$4,762,552



Project Name: 241 Knapp Solar 2, LLC

Board Meeting Date: March 5, 2020

MAN
7/21/2020

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

PROJECT DESCRIPTION:

The company is planning a community solar farm project in the Town of Pembroke. The project is a 5MW (AC)/6.123 MW(DC) solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

Specific benefits offered by the project that align with these statutory powers include:

- Enhanced Property Tax Payments via a 15-year PILOT:
 - Property tax payments, via PILOT, offered by this project are significantly greater than the current taxes being paid on the property of the project.
 - @ \$5,500/MWAC + 2% annual escalator, the 5MW (AC) solar farm will generate in excess of \$475,000 in PILOT payments over the 15-year term which is far greater than current tax payment of this land.
 - NYSERDA guidance suggests PILOT payments of \$1,700-\$5,100/MWAC in National Grid territory. The PILOT level concurred to here is above the top end of the NYSERDA range.
- Energy Discounts: The company will offer a 10% discount vs. average market rates for local residents who sign an agreement with the company to purchase solar energy from the project(s).
- Local Economic Development strategy / marketing alignment: Having renewable energy as an available local option is becoming a "preference item" for site selectors / companies conducting site location searches. Photovoltaic manufacturing is a "target sector" to attract investment/jobs @ STAMP.
- Workforce Development funding: The company understands the workforce development challenges of today related to a STEM enabled workforce and corporately will assist GCEDC/GGLDC by funding a community benefit agreement for workforce development and county economic development. The contribution will go toward the Genesee County STEM 2 STAMP workforce development program and related support for county economic development programming, with a core focus on STEM programming to aid area K-12 school districts and higher education programming.
- Environmental Benefits: The project generates no carbon footprint (greenhouse gas emissions) in its energy generation thereby providing environmental benefits to local residents.
- NYS Energy Policy (REV) alignment: NYS has aggressive goals for renewable energy, energy efficiency and greenhouse gas reduction by 2030, this project supports those goals.
- Reduced dependency on foreign oil: This project helps the United States continue its efforts to move away from foreign oil dependency/utilization.

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 \$4,762,552 in capital investment. A fixed 15-year pilot with a 2% annual escalator priced at \$5,500/MWAC is proposed which is above the top end of the NYSERDA recommended range for projects located in National Grid territory in Western NY. The 5MW solar farm will generate in excess of \$475,000 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 “liveable community” by providing a valuable product or service that is underserved in Genesee County.

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

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: This solar project is generating an increase to the tax base of \$505,695 (both PILOT and Real Property taxes). This calculates to a rate of return based on the original property taxes \$139.67. Directly supports NYS Energy Policy (REV) alignment: NYS has aggressive goals for renewable energy, energy efficiency and greenhouse gas reduction by 2030, this project supports those goals.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

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

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: The project is planning to begin construction in Spring of 2020 and be operational by Fall of 2020.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

3.5

NOV 21/01/2020

Solar Pilot



Project: 241 Knapp Solar 2 LLC

Capex:	\$ 4,762,552
Sales Taxable (est.)	\$ 91,560
Mortgage (est.)	\$
Property Tax	\$ 413,406
Total	\$ 4,900,000

Savings
 \$ 7,325
 1% of 1.25%
 \$ 413,406

from Assessor Assessed Value
 \$ 450,000.00 \$ 2,250,000
 Escalator 2.0%

for economic impact model
 Assessed Value at \$5500/MW
 \$ 1,044,039

Year of Exemption	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Total
Fixed Payment Alternative (AW)	\$ 27,500	\$ 28,050	\$ 28,611	\$ 29,183	\$ 29,767	\$ 30,362	\$ 30,969	\$ 31,589	\$ 32,221	\$ 32,865	\$ 33,522	\$ 34,193	\$ 34,877	\$ 35,574	\$ 36,286	\$ 475,569
Escalator																
Fixed Payment Alternative (AW)	\$ 10,545	\$ 10,756	\$ 10,971	\$ 11,190	\$ 11,414	\$ 11,642	\$ 11,875	\$ 12,113	\$ 12,355	\$ 12,602	\$ 12,854	\$ 13,111	\$ 13,373	\$ 13,641	\$ 13,914	\$ 182,356
Escalator																
Fixed Payment Alternative (AW)	\$ 16,955	\$ 17,294	\$ 17,640	\$ 17,993	\$ 18,353	\$ 18,720	\$ 19,094	\$ 19,476	\$ 19,866	\$ 20,263	\$ 20,668	\$ 21,082	\$ 21,503	\$ 21,933	\$ 22,372	\$ 293,213
Escalator																
Fixed Payment Alternative (AW)	\$ 27,500	\$ 28,050	\$ 28,611	\$ 29,183	\$ 29,767	\$ 30,362	\$ 30,969	\$ 31,589	\$ 32,221	\$ 32,865	\$ 33,522	\$ 34,193	\$ 34,877	\$ 35,574	\$ 36,286	\$ 475,569
Escalator																
Fixed Payment Alternative (AW)	\$ 2,250	\$ 2,250	\$ 2,250	\$ 2,250	\$ 2,250	\$ 2,250	\$ 2,250	\$ 2,250	\$ 2,250	\$ 2,250	\$ 2,250	\$ 2,250	\$ 2,250	\$ 2,250	\$ 2,250	\$ 33,747
Escalator																
Fixed Payment Alternative (AW)	\$ 29,750	\$ 30,300	\$ 30,861	\$ 31,433	\$ 32,017	\$ 32,612	\$ 33,219	\$ 33,839	\$ 34,470	\$ 35,115	\$ 35,772	\$ 36,443	\$ 37,126	\$ 37,824	\$ 38,535	\$ 509,316
Escalator																
Fixed Payment Alternative (AW)	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 3,621
Escalator																
Fixed Payment Alternative (AW)	\$ 20,508	\$ 30,058	\$ 30,619	\$ 31,192	\$ 31,775	\$ 32,371	\$ 32,978	\$ 33,597	\$ 34,229	\$ 34,875	\$ 35,531	\$ 36,201	\$ 36,885	\$ 37,583	\$ 38,294	\$ 505,695
Escalator																
Fixed Payment Alternative (AW)	\$ 29,750	\$ 30,300	\$ 30,861	\$ 31,433	\$ 32,017	\$ 32,612	\$ 33,219	\$ 33,839	\$ 34,470	\$ 35,115	\$ 35,772	\$ 36,443	\$ 37,126	\$ 37,824	\$ 38,535	\$ 509,316
Escalator																
Fixed Payment Alternative (AW)	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 241	\$ 3,621
Escalator																
Fixed Payment Alternative (AW)	\$ 20,508	\$ 30,058	\$ 30,619	\$ 31,192	\$ 31,775	\$ 32,371	\$ 32,978	\$ 33,597	\$ 34,229	\$ 34,875	\$ 35,531	\$ 36,201	\$ 36,885	\$ 37,583	\$ 38,294	\$ 505,695
Escalator																

The value of Ag Exemption elimination due to permanent conversion of farm land
 Town of Batavia Tax Rate (only) \$ 35,414
 Current ag exemption amount (add from OARS) \$ 2,250
 County and School Taxes on Ag Exemption \$
 Town of Batavia (only) Taxes on Ag Exemption \$
 Total taxes due based on the elimination of Ag Exemption \$ 2,250

GCEDC fee	\$ 59,532
Workforce Community Benefit	\$ 25,000
Subtotal	\$ 84,532
GCEDC Legal	\$ 8,000
Total Fee	\$ 92,532

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

Property Taxes at 100% assessed value (assessor)
 Term \$ 59,265
 Total PILOT \$ 848,975
 Savings \$ 413,406

Net Savings \$ 328,199

72

MM
2/24/2020

FINAL RESOLUTION
(241 Knapp Solar 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, March 5, 2020.

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

Resolution No. 03/2020 - _____

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 FEBRUARY 28, 2020, WITH RESPECT TO THE 241 KNAPP SOLAR 2, 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, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT, AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS PERMITTED BY LAW, IF NEEDED; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE, IF NEEDED, 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, **241 KNAPP SOLAR 2, LLC** (the "Company") previously submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in certain property located at 241 Knapp Road West, Town of Pembroke, Genesee County, New York (the "Land"), (ii) the construction on the Land of an approximate 6.123 MW community solar array to be used to generate electricity that will allow residential and commercial subscribers to receive renewable energy that will offset traditional power sources

(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 approving 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) 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 a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents with the Company, (iii) take or retain title to or a leasehold interest in the Land, Improvements, 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, (b) a partial real property tax abatement structured through the Tax Agreement, and (c) an exemption from the mortgage recording tax as authorized by the laws of the State for financing related to the Project, if needed (collectively, the "Financial Assistance"); and

WHEREAS, on February 6, 2020, the Agency adopted a resolution (the "Initial Resolution") accepting the Application and directing that a public hearing be held; and

WHEREAS, pursuant to Section 859-a of the Act, on Friday, February 28, 2020, at 4:15 p.m., local time, at Pembroke Town Hall (Conference Room), 1145 Main Street, Corfu, New York 14036, 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 in *The Batavia Daily News*, the affidavit of publication of such newspaper, and Minutes of the 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, 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, Vice Chair and/or Senior Vice President of Operations 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, 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 Pembroke Planning 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"). The Town of Pembroke Planning Board issued a Negative Declaration on September 25, 2019, 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 further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Town of Pembroke Planning Board pursuant to 6 N.Y.C.R.R. § 617.7. A copy of the Negative Declaration issued by the Town of Pembroke Planning Board is attached hereto as Exhibit B.

Section 2. The Public Hearing held by the Agency on February 28, 2020, 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 being 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, (b) a partial real property tax abatement structured through the Tax Agreement, and (c) a mortgage recording tax exemption as permitted by State law, if needed.

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 **\$91,560.00** which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$7,325.00**. 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 March 31, 2021 (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 Agency is hereby authorized to provide the Company with an exemption from mortgage recording taxes as permitted by New York State law, if needed.

Section 8. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations 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 9. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record any mortgage, 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") (collectively, the "Mortgage") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance 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, Vice Chair and/or Senior Vice President of Operations of the Agency shall approve, the execution thereof by the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations 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 10. 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 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>	
Paul Battaglia	[]	[]	[]	[]
Peter Zeliff	[]	[]	[]	[]
Craig Yunker	[]	[]	[]	[]
Matthew Gray	[]	[]	[]	[]
Todd Bender	[]	[]	[]	[]
Andrew Young	[]	[]	[]	[]
Amy Vanderhoof	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION
(241 Knapp Solar 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 March 5, 2020, 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 March, 2020.

Secretary

Exhibit A

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

[Attached Hereto]

Exhibit B

Negative Declaration of the Town of Pembroke Planning Board

[Attached Hereto]

GCEDC Opportunity Summary

Created On: 2/28/2020

*MMY
2/28/2020*

Customer Information

Potential Customer:	Borrego Solar	Opportunity Type:	Tax Incentive Lease
Proj. St. Address:	5230 Batavia-Stafford Townline Road	Opportunity Product:	Property & Sales Taxes Only
City/Town/Village:	//Batavia	Type of Project:	Attraction
Proj. Description:	Borrego - Townline Batavia Solar 1	New Jobs:	0
Total Capital Investment:	\$4,739,699	Retained Jobs:	
Incentive Amount:	\$560,998	School District:	Elba
Benefited Amount:	\$0	PILOT Applicable:	

Project Information

Organization:	GCEDC		
Opportunity Source:	Direct/Personal Contact	Date of Public Hearing:	3/2/2020
Initial Acceptance Date:	2/6/2020	Inducement Date:	

Opportunity Summary: The company is planning a community solar farm project in the Town of Batavia. The project is a 5MW (AC) / 6.453 (DC) solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

Specific benefits offered by the project that align with these statutory powers include:

- Enhanced Property Tax Payments via a 15-year PILOT:
 - o Property tax payments, via PILOT, offered by this project are significantly greater than the current Ag/vacant land value of the project.
 - o @ \$5,500/MWAC + 2% annual escalator, the 5MW solar farm will generate in excess of \$475,000 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.
 - o NYSERDA guidance suggests PILOT payments of \$1,700-\$5,100/MWAC in National Grid territory. The PILOT level concurred to here is above the top end of the NYSERDA range.
- Energy Discounts: The company will offer a 10% discount vs. average market rates for local residents who sign an agreement with the company to purchase solar energy from the project(s).
- The company is planning a community solar farm project in the Town of Batavia. The project is a 5MW solar generation system that will be interconnected with National Grid.
- Local Economic Development strategy / marketing alignment: Having renewable energy as an available local option is becoming a "preference item" for site selectors / companies conducting site location searches. Photovoltaic manufacturing is a "target sector" to attract investment/jobs @ STAMP.
- Workforce Development funding: The company understands the workforce development challenges of today related to a STEM enabled workforce and corporately will assist GCEDC by funding a community benefit agreement of \$25K when the two projects are completed. Future projects in Genesee County will also receive funding of \$15K per 2MW project completed. The contribution will go toward the Genesee County STEM2 STAMP workforce development program, with a focus on STEM programming to aid area K-12 school districts and higher education programming.
- Environmental Benefits: The project generates no carbon footprint (greenhouse gas emissions) in its energy generation thereby providing environmental benefits to local residents.
- NYS Energy Policy (REV) alignment: NYS has aggressive goals for renewable energy, energy efficiency and greenhouse gas reduction by 2030, this project supports those goals.
- Reduced dependency on foreign oil: This project helps the United States continue its efforts to move away from foreign oil dependency/utilization.

Economic Impact: This solar project is generating an increase to the tax base of \$525,982 (both PILOT and real property taxes). This calculates to a rate of return based on the original property taxes of \$145.28 to 1.

Project Detail (Total Capital Investment)

Building Cost (Construction):	\$0	Capital Improvements:	\$0
Equipment (non-taxable):	\$4,666,676	Equipment (Taxable) / Other Proj Investment:	\$73,023
Land Cost (Real Estate):	\$0		
Total Capital Investment:	\$4,739,699		

Estimated Benefits Provided

3.6

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Sales Tax Exempt:	\$5,842	Tax Exempt Bond:	\$0
Mortgage Tax Exempt:		\$0 Land Sale Subsidy:	\$0
Property Tax Exempt:	\$555,156		
Total Estimated Tax Incentives Provided:	\$560,998		
Total Amount Finance:	\$4,739,699		
Mortgage Amount:		\$0 ESD-JDA:	
GCEDC RLF:		\$0 Other Name:	Equity
City of Batavia:		\$0 Other Amount:	\$4739699
Chamber of Commerce:			
Total Amount Finance:	\$4,739,699		



Project Name: Townline Batavia Solar 1, LLC

Board Meeting Date: March 5, 2020

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

PROJECT DESCRIPTION:

The company is planning a community solar farm project in the Town of Batavia. The project is a 5MW (AC)/6.453 MW(DC) solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

Specific benefits offered by the project that align with these statutory powers include:

- Enhanced Property Tax Payments via a 15-year PILOT:
 - Property tax payments, via PILOT, offered by this project are significantly greater than the current taxes being paid on the property of the project.
 - @ \$5,500/MWAC + 2% annual escalator, the 5MW (AC) solar farm will generate in excess of \$475,000 in PILOT payments over the 15-year term which is far greater than current tax payment of this land.
 - NYSERDA guidance suggests PILOT payments of \$1,700-\$5,100/MWAC in National Grid territory. The PILOT level concurred to here is above the top end of the NYSERDA range.
- Energy Discounts: The company will offer a 10% discount vs. average market rates for local residents who sign an agreement with the company to purchase solar energy from the project(s).
- Local Economic Development strategy / marketing alignment: Having renewable energy as an available local option is becoming a "preference item" for site selectors / companies conducting site location searches. Photovoltaic manufacturing is a "target sector" to attract investment/jobs @ STAMP.
- Workforce Development funding: The company understands the workforce development challenges of today related to a STEM enabled workforce and corporately will assist GCEDC/GGLDC by funding a community benefit agreement for workforce development and county economic development. The contribution will go toward the Genesee County STEM 2 STAMP workforce development program and related support for county economic development programming, with a core focus on STEM programming to aid area K-12 school districts and higher education programming.
- Environmental Benefits: The project generates no carbon footprint (greenhouse gas emissions) in its energy generation thereby providing environmental benefits to local residents.
- NYS Energy Policy (REV) alignment: NYS has aggressive goals for renewable energy, energy efficiency and greenhouse gas reduction by 2030, this project supports those goals.
- Reduced dependency on foreign oil: This project helps the United States continue its efforts to move away from foreign oil dependency/utilization.

was
revised

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 \$4,739,699 in capital investment. A fixed 15-year pilot with a 2% annual escalator priced at \$5,500/MWAC is proposed which is above the top end of the NYSERDA recommended range for projects located in National Grid territory in Western NY. The 5MW solar farm will generate in excess of \$475,000 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 “liveable community” by providing a valuable product or service that is underserved in Genesee County.

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

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: This solar project is generating an increase to the tax base of \$525,982 (both PILOT and Real Property taxes). This calculates to a rate of return based on the original property taxes \$145.28. Directly supports NYS Energy Policy (REV) alignment: NYS has aggressive goals for renewable energy, energy efficiency and greenhouse gas reduction by 2030, this project supports those goals.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

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

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: The project is planning to begin construction in Spring of 2020 and be operational by Fall of 2020.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

new
2/10/2020

Solar Pilot



Project Batavia Solar Elba

Capex	\$ 4,739,699
Sales Taxable (est.)	\$ 73,023
Mortgage (est.)	\$ 555,156
Property Tax	\$ 560,998
Total	\$ 5,928,816

Savings \$ 5,842
1% of 1.25%

Escalator \$ 5,500
2.0%
from Assessor \$ 450,000.00
Assessed Value \$ 2,250,000

Year of Exemption	Price Payment \$550/acre MW	Taxes at Balance	On-time County	Elba	Other Payments	Increase in property taxes due to loss of Ag exemption	Total PILOT payments and property taxes to be received	Current property taxes on base land (including Ag exemption)	Economic Impact ROI	Total savings to PILOT payment and property taxes from solar project
1	\$ 27,500	\$ -	\$ 9,095	\$ 18,405	\$ 27,500	\$ 3,602	\$ 31,102	\$ 241	\$ 30,861	\$ 30,861
2	\$ 28,050	\$ -	\$ 9,277	\$ 18,773	\$ 28,050	\$ 3,602	\$ 31,652	\$ 241	\$ 31,411	\$ 31,411
3	\$ 28,611	\$ -	\$ 9,462	\$ 19,149	\$ 28,611	\$ 3,602	\$ 32,213	\$ 241	\$ 31,972	\$ 31,972
4	\$ 29,183	\$ -	\$ 9,651	\$ 19,532	\$ 29,183	\$ 3,602	\$ 32,785	\$ 241	\$ 32,544	\$ 32,544
5	\$ 29,767	\$ -	\$ 9,844	\$ 19,923	\$ 29,767	\$ 3,602	\$ 33,368	\$ 241	\$ 33,127	\$ 33,127
6	\$ 30,362	\$ -	\$ 10,041	\$ 20,321	\$ 30,362	\$ 3,602	\$ 33,964	\$ 241	\$ 33,723	\$ 33,723
7	\$ 30,969	\$ -	\$ 10,242	\$ 20,727	\$ 30,969	\$ 3,602	\$ 34,572	\$ 241	\$ 34,330	\$ 34,330
8	\$ 31,589	\$ -	\$ 10,447	\$ 21,142	\$ 31,589	\$ 3,602	\$ 35,191	\$ 241	\$ 34,950	\$ 34,950
9	\$ 32,221	\$ -	\$ 10,656	\$ 21,566	\$ 32,221	\$ 3,602	\$ 35,823	\$ 241	\$ 35,582	\$ 35,582
10	\$ 32,865	\$ -	\$ 10,869	\$ 21,996	\$ 32,865	\$ 3,602	\$ 36,467	\$ 241	\$ 36,226	\$ 36,226
11	\$ 33,522	\$ -	\$ 11,086	\$ 22,436	\$ 33,522	\$ 3,602	\$ 37,125	\$ 241	\$ 36,883	\$ 36,883
12	\$ 34,193	\$ -	\$ 11,308	\$ 22,885	\$ 34,193	\$ 3,602	\$ 37,795	\$ 241	\$ 37,554	\$ 37,554
13	\$ 34,877	\$ -	\$ 11,534	\$ 23,342	\$ 34,877	\$ 3,602	\$ 38,479	\$ 241	\$ 38,238	\$ 38,238
14	\$ 35,574	\$ -	\$ 11,765	\$ 23,809	\$ 35,574	\$ 3,602	\$ 39,176	\$ 241	\$ 38,935	\$ 38,935
15	\$ 36,286	\$ -	\$ 12,000	\$ 24,285	\$ 36,286	\$ 3,602	\$ 39,888	\$ 241	\$ 39,647	\$ 39,647
Total	\$ 475,569	\$ -	\$ 157,277	\$ 318,292	\$ 475,569	\$ 54,034	\$ 629,603	\$ 3,521	\$ 626,082	\$ 626,082

for economic impact model
Assessed value at \$500/MW \$ 900,458
Economic Impact \$ 525,982
ROI \$ 145.28

The value of Ag Exemption elimination due to permanent conversion of farm land
Town of Batavia Tax Rate \$ 2.40
Current ag exemption amount (add from CARS) \$ 109,358
County and School Taxes on Ag Exemption \$ 3,340
Town of Batavia (only) Taxes on Ag Exemption \$ 262
Total taxes due based on the elimination of Ag Exemption \$ 3,602

GCEDC Fee	\$ 59,246
Workforce Community Benefit	\$ 25,000
Subtotal	\$ 84,246
GCEDC Legal	\$ 8,000
Total Fee	\$ 92,246

Property Taxes at 100% assessed value (assessor) \$ 68,715
Total PILOT \$ 1,030,725
Savings \$ 555,156
Net Savings \$ 468,752

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

3.6

87

mm
2/24/20

FINAL RESOLUTION
(Townline Batavia Solar 1, LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, March 5, 2020.

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

Resolution No. 03/2020 - _____

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 MARCH 2, 2020, WITH RESPECT TO THE TOWNLINE BATAVIA SOLAR 1, 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, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT, AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS PERMITTED BY LAW, IF NEEDED; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE, IF NEEDED, 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, **TOWNLINE BATAVIA SOLAR 1, LLC** (the "Company") previously submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in certain property located at 5230 Batavia-Stafford Townline Road, Town of Batavia, Genesee County, New York (the "Land"), (ii) the construction on the Land of an approximate 6.453 MW community solar array to be used to generate electricity that will allow residential and commercial subscribers to receive renewable energy that will offset

traditional power sources (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 approving 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) 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 a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents with the Company, (iii) take or retain title to or a leasehold interest in the Land, Improvements, 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, (b) a partial real property tax abatement structured through the Tax Agreement, and (c) an exemption from the mortgage recording tax as authorized by the laws of the State for financing related to the Project, if needed (collectively, the "Financial Assistance"); and

WHEREAS, on February 6, 2020, the Agency adopted a resolution (the "Initial Resolution") accepting the Application and directing that a public hearing be held; and

WHEREAS, pursuant to Section 859-a of the Act, on Monday, March 2, 2020, at 4:00 p.m., local time, at Batavia Town Hall, Courtroom, 3833 West Main Street Road, Batavia, New York 14020, 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 in *The Batavia Daily News*, the affidavit of publication of such newspaper, and Minutes of the 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, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement and related documents will negotiated and presented to the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations 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, 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 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"). The Town of Batavia Planning Board issued a Negative Declaration on August 20, 2019, 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 further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Town of Batavia Planning Board pursuant to 6 N.Y.C.R.R. § 617.7. A copy of the Negative Declaration issued by the Town of Batavia Planning Board is attached hereto as Exhibit B.

Section 2. The Public Hearing held by the Agency on March 2, 2020, 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 being 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, (b) a partial real property tax abatement structured through the Tax Agreement, and (c) a mortgage recording tax exemption as permitted by State law, if needed.

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 **\$73,023.00** which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$5,842.00**. 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 March 31, 2021 (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 Agency is hereby authorized to provide the Company with an exemption from mortgage recording taxes as permitted by New York State law, if needed.

Section 8. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations 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 9. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record any mortgage, 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") (collectively, the "Mortgage") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance 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, Vice Chair and/or Senior Vice President of Operations of the Agency shall approve, the execution thereof by the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations 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 10. 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 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>
Paul Battaglia	[]	[]	[]	[]
Peter Zelif	[]	[]	[]	[]
Craig Yunker	[]	[]	[]	[]
Matthew Gray	[]	[]	[]	[]
Todd Bender	[]	[]	[]	[]
Andrew Young	[]	[]	[]	[]
Amy Vanderhoof	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION
(Townline Batavia Solar 1, 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 March 5, 2020, 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 March, 2020.

Secretary

Exhibit A

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

[Attached Hereto]

Exhibit B

Negative Declaration of the Town of Batavia Planning Board

[Attached Hereto]

GCEDC Opportunity Summary

Created On: 2/28/2020

*ADD
2/28/2020*

Customer Information

Potential Customer: Borrego Solar Opportunity Type: Tax Incentive Lease
 Proj. St. Address: 3104 West Main Street Road Opportunity Product: Property & Sales Taxes Only
 City/Town/Village: //Batavia Type of Project:
 Proj. Description: Borrego - 3104 W Main St Solar New Jobs: 0
 Total Capital Investment: \$3,477,835 Retained Jobs:
 Incentive Amount: \$305,763 School District: Pembroke
 Benefited Amount: \$0 PILOT Applicable:

Project Information

Organization: GCEDC
 Opportunity Source: 3rd Party Professional Date of Public Hearing: 3/2/20
 Initial Acceptance Date: 2/5/2020 Inducement Date:

Opportunity Summary: The company is planning a community solar farm project in the Town of Batavia. The project is a 3MW (AC) / 4.491 MW (DC) solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

- Specific benefits offered by the project that align with these statutory powers include:
- Enhanced Property Tax Payments via a 15-year PILOT:
 - o Property tax payments, via PILOT, offered by this project are significantly greater than the current Ag/vacant land value of the project.
 - o @ \$5,500/MWAC + 2% annual escalator, the 5MW solar farm will generate in excess of \$475,000 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.
 - o NYSERDA guidance suggests PILOT payments of \$1,700-\$5,100/MWAC in National Grid territory. The PILOT level concurred to here is above the top end of the NYSERDA range.
 - Energy Discounts: The company will offer a 10% discount vs. average market rates for local residents who sign an agreement with the company to purchase solar energy from the project(s).
 - Local Economic Development strategy / marketing alignment: Having renewable energy as an available local option is becoming a "preference item" for site selectors / companies conducting site location searches. Photovoltaic manufacturing is a "target sector" to attract investment/jobs @ STAMP.
 - Workforce Development funding: The company understands the workforce development challenges of today related to a STEM enabled workforce and corporately will assist GCEDC by funding a community benefit agreement for workforce development and county economic development. The contribution will go toward the Genesee County STEM 2 STAMP workforce development program and related support for county economic development programming, with a core focus on STEM programming to aid area K-12 school districts and higher education programming.
 - Environmental Benefits: The project generates no carbon footprint (greenhouse gas emissions) in its energy generation thereby providing environmental benefits to local residents.
 - NYS Energy Policy (REV) alignment: NYS has aggressive goals for renewable energy, energy efficiency and greenhouse gas reduction by 2030, this project supports those goals.
 - Reduced dependency on foreign oil: This project helps the United States continue its efforts to move away from foreign oil dependency/utilization.

Economic Impact: This solar project is generating an increase to the tax base of \$314,909 (both PILOT and real property taxes). This calculates to a rate of return based on the original property taxes of \$86.98 to 1.

Project Detail (Total Capital Investment)

Building Cost (Construction): \$0 Capital Improvements: \$0
 Equipment (non-taxable): \$3,401,812 Equipment (Taxable) / Other Proj Investment: \$76,023
 Land Cost (Real Estate): \$0
 Total Capital Investment: \$3,477,835

Estimated Benefits Provided

Sales Tax Exempt: \$6,082 Tax Exempt Bond: \$0
 Mortgage Tax Exempt: 3.7 \$0 Land Sale Subsidy: \$0

97

Property Tax Exempt: \$299,681

Total Estimated Tax Incentives Provided: \$305,763

Total Amount Finance: \$3,477,835

Mortgage Amount: \$0 ESD-JDA:

GCEDC RLF: \$0 Other Name: Equity

City of Batavia: \$0 Other Amount: \$3477835

Chamber of Commerce:

Total Amount Finance: \$3,477,835



Project Name: 3104 Batavia Solar, LLC

Board Meeting Date: March 5, 2020

*May
2/28/2022*

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

PROJECT DESCRIPTION:

The company is planning a community solar farm project in the Town of Batavia. The project is a 3MW (AC)/4.491 MW(DC) solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

Specific benefits offered by the project that align with these statutory powers include:

- Enhanced Property Tax Payments via a 15-year PILOT:
 - Property tax payments, via PILOT, offered by this project are significantly greater than the current taxes being paid on the property of the project.
 - @ \$5,500/MWAC + 2% annual escalator, the 3MW (AC) solar farm will generate in excess of \$285,341 in PILOT payments over the 15-year term which is far greater than current tax payment of this land.
 - NYSERDA guidance suggests PILOT payments of \$1,700-\$5,100/MWAC in National Grid territory. The PILOT level concurred to here is above the top end of the NYSERDA range.
- Energy Discounts: The company will offer a 10% discount vs. average market rates for local residents who sign an agreement with the company to purchase solar energy from the project(s).
- Local Economic Development strategy / marketing alignment: Having renewable energy as an available local option is becoming a "preference item" for site selectors / companies conducting site location searches. Photovoltaic manufacturing is a "target sector" to attract investment/jobs @ STAMP.
- Workforce Development funding: The company understands the workforce development challenges of today related to a STEM enabled workforce and corporately will assist GCEDC/GGLDC by funding a community benefit agreement for workforce development and county economic development. The contribution will go toward the Genesee County STEM 2 STAMP workforce development program and related support for county economic development programming, with a core focus on STEM programming to aid area K-12 school districts and higher education programming.
- Environmental Benefits: The project generates no carbon footprint (greenhouse gas emissions) in its energy generation thereby providing environmental benefits to local residents.
- NYS Energy Policy (REV) alignment: NYS has aggressive goals for renewable energy, energy efficiency and greenhouse gas reduction by 2030, this project supports those goals.
- Reduced dependency on foreign oil: This project helps the United States continue its efforts to move away from foreign oil dependency/utilization.

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 \$3,477,835 in capital investment. A fixed 15-year pilot with a 2% annual escalator priced at \$5,500/MWAC is proposed which is above the top end of the NYSERDA recommended range for projects located in National Grid territory in Western NY. The 3MW solar farm will generate in excess of \$285,000 in PILOT payments over the 15-year term which is far greater than current assessed value of this land.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

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

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: This solar project is generating an increase to the tax base of \$314,909 (both PILOT and Real Property taxes). This calculates to a rate of return based on the original property taxes \$86.98. Directly supports NYS Energy Policy (REV) alignment: NYS has aggressive goals for renewable energy, energy efficiency and greenhouse gas reduction by 2030, this project supports those goals.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

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

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: The project is planning to begin construction in Spring of 2020 and be operational by Fall of 2020.

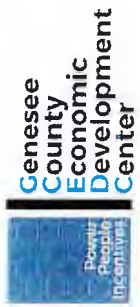
Board Discussion:

Board Concurrence: YES NO If no, state justification:

3.7

2/24/2020

Solar Pilot



Project 3104 Balavia Solar, LLC

Capex \$ 3,477,835
 Sales Taxable (est.) \$ 76,023
 Mortgage (est.)
 Property Tax follow
 Total

Savings \$ 6,082
 1% of 1.25%
 299,681
 305,763

from Assessor Assessed Value
 \$ 5,500 \$ 450,000.00 \$ 1,350,000
 Escalator 2.0%

for economic impact model
 Associated value at \$505000/MW
 \$ 571,132

Year of Exemption	Rate	Fixed Payment \$550/yr/MW	Escalator	From Assessor	Assessed Value	From Ag Exemption	Chattanooga County	County and School Taxes on Ag Exemption	Town of Balavia (only) Taxes on Ag Exemption	Total taxes due based on the elimination of Ag Exemption	Total Ag Exemption amount (add from OARS)	County and School Taxes on Ag Exemption	Town of Balavia (only) Taxes on Ag Exemption	Total taxes due based on the elimination of Ag Exemption	Total PILOT payments and property taxes to be received	Current property taxes on base land (including ag exemption)	Economic Impact ROI	Total excludable PILOT payment and property taxes from solar project
1	\$ 16,500	\$ 5,768	\$ 10,732	\$ 10,732	\$ 16,500	\$ 2,213	\$ 18,713	\$ 241	\$ 18,471	\$ 241	\$ 18,471	\$ 241	\$ 18,471	\$ 241	\$ 18,471	\$ 241	\$ 18,471	\$ 18,471
2	\$ 16,830	\$ 5,884	\$ 10,946	\$ 10,946	\$ 16,830	\$ 2,213	\$ 19,043	\$ 241	\$ 18,801	\$ 241	\$ 18,801	\$ 241	\$ 18,801	\$ 241	\$ 18,801	\$ 241	\$ 18,801	\$ 18,801
3	\$ 17,167	\$ 6,001	\$ 11,165	\$ 11,165	\$ 17,167	\$ 2,213	\$ 19,379	\$ 241	\$ 19,138	\$ 241	\$ 19,138	\$ 241	\$ 19,138	\$ 241	\$ 19,138	\$ 241	\$ 19,138	\$ 19,138
4	\$ 17,510	\$ 6,122	\$ 11,388	\$ 11,388	\$ 17,510	\$ 2,213	\$ 19,722	\$ 241	\$ 19,481	\$ 241	\$ 19,481	\$ 241	\$ 19,481	\$ 241	\$ 19,481	\$ 241	\$ 19,481	\$ 19,481
5	\$ 17,860	\$ 6,244	\$ 11,616	\$ 11,616	\$ 17,860	\$ 2,213	\$ 20,073	\$ 241	\$ 19,831	\$ 241	\$ 19,831	\$ 241	\$ 19,831	\$ 241	\$ 19,831	\$ 241	\$ 19,831	\$ 19,831
6	\$ 18,217	\$ 6,369	\$ 11,849	\$ 11,849	\$ 18,217	\$ 2,213	\$ 20,430	\$ 241	\$ 20,188	\$ 241	\$ 20,188	\$ 241	\$ 20,188	\$ 241	\$ 20,188	\$ 241	\$ 20,188	\$ 20,188
7	\$ 18,582	\$ 6,496	\$ 12,085	\$ 12,085	\$ 18,582	\$ 2,213	\$ 20,794	\$ 241	\$ 20,553	\$ 241	\$ 20,553	\$ 241	\$ 20,553	\$ 241	\$ 20,553	\$ 241	\$ 20,553	\$ 20,553
8	\$ 18,953	\$ 6,626	\$ 12,327	\$ 12,327	\$ 18,953	\$ 2,213	\$ 21,166	\$ 241	\$ 20,924	\$ 241	\$ 20,924	\$ 241	\$ 20,924	\$ 241	\$ 20,924	\$ 241	\$ 20,924	\$ 20,924
9	\$ 19,332	\$ 6,759	\$ 12,574	\$ 12,574	\$ 19,332	\$ 2,213	\$ 21,545	\$ 241	\$ 21,304	\$ 241	\$ 21,304	\$ 241	\$ 21,304	\$ 241	\$ 21,304	\$ 241	\$ 21,304	\$ 21,304
10	\$ 19,719	\$ 6,894	\$ 12,825	\$ 12,825	\$ 19,719	\$ 2,213	\$ 21,932	\$ 241	\$ 21,690	\$ 241	\$ 21,690	\$ 241	\$ 21,690	\$ 241	\$ 21,690	\$ 241	\$ 21,690	\$ 21,690
11	\$ 20,113	\$ 7,032	\$ 13,082	\$ 13,082	\$ 20,113	\$ 2,213	\$ 22,326	\$ 241	\$ 22,085	\$ 241	\$ 22,085	\$ 241	\$ 22,085	\$ 241	\$ 22,085	\$ 241	\$ 22,085	\$ 22,085
12	\$ 20,516	\$ 7,172	\$ 13,343	\$ 13,343	\$ 20,516	\$ 2,213	\$ 22,728	\$ 241	\$ 22,487	\$ 241	\$ 22,487	\$ 241	\$ 22,487	\$ 241	\$ 22,487	\$ 241	\$ 22,487	\$ 22,487
13	\$ 20,926	\$ 7,316	\$ 13,610	\$ 13,610	\$ 20,926	\$ 2,213	\$ 23,139	\$ 241	\$ 22,897	\$ 241	\$ 22,897	\$ 241	\$ 22,897	\$ 241	\$ 22,897	\$ 241	\$ 22,897	\$ 22,897
14	\$ 21,345	\$ 7,462	\$ 13,882	\$ 13,882	\$ 21,345	\$ 2,213	\$ 23,557	\$ 241	\$ 23,316	\$ 241	\$ 23,316	\$ 241	\$ 23,316	\$ 241	\$ 23,316	\$ 241	\$ 23,316	\$ 23,316
15	\$ 21,771	\$ 7,611	\$ 14,160	\$ 14,160	\$ 21,771	\$ 2,213	\$ 23,984	\$ 241	\$ 23,743	\$ 241	\$ 23,743	\$ 241	\$ 23,743	\$ 241	\$ 23,743	\$ 241	\$ 23,743	\$ 23,743
16	\$ 22,204	\$ 7,764	\$ 14,444	\$ 14,444	\$ 22,204	\$ 2,213	\$ 24,421	\$ 241	\$ 24,180	\$ 241	\$ 24,180	\$ 241	\$ 24,180	\$ 241	\$ 24,180	\$ 241	\$ 24,180	\$ 24,180
Total	\$ 285,341	\$ 99,756	\$ 185,585	\$ 185,585	\$ 285,341	\$ 33,188	\$ 318,529	\$ 3,621	\$ 314,909	\$ 3,621	\$ 314,909	\$ 3,621	\$ 314,909	\$ 3,621	\$ 314,909	\$ 3,621	\$ 314,909	\$ 314,909

* no Pilots on Ad Valerom Taxes
 The value of Ag Exemption elimination due to permanent conversion of farm land
 Town of Balavia Tax Rate \$ 2,40
 Current ag exemption amount (add from OARS) \$ 70,710
 County and School Taxes on Ag Exemption \$ 2,043
 Town of Balavia (only) Taxes on Ag Exemption \$ 170
 Total taxes due based on the elimination of Ag Exemption \$ 2,213

GCEDC fee	\$ 43,473
Workforce Community Benefit	\$ 25,000
Subtotal	\$ 68,473
GCEDC Legal	\$ 7,000
Total Fee	\$ 75,473

Property Taxes at 100% assessed value (assessor)
 Term \$ 39,002
 Total PILOT \$ 585,023
 Savings \$ 289,681
 Net Savings \$ 230,290

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

FINAL RESOLUTION
(3104 Batavia Solar, LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, March 5, 2020.

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

Resolution No. 03/2020 - _____

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 MARCH 2, 2020, WITH RESPECT TO THE 3104 BATAVIA SOLAR, 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, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT, AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS PERMITTED BY LAW, IF NEEDED; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE, IF NEEDED, 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, **3104 BATAVIA SOLAR, LLC** (the "Company") previously submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in certain property located at 3104 West Main Street Road, Town of Batavia, Genesee County, New York (the "Land"), (ii) the construction on the Land of an approximate 4.491 MW community solar array to be used to generate electricity that will allow residential and commercial subscribers to receive renewable energy that will offset traditional power sources (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 approving 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) 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 a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents with the Company, (iii) take or retain title to or a leasehold interest in the Land, Improvements, 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, (b) a partial real property tax abatement structured through the Tax Agreement, and (c) an exemption from the mortgage recording tax as authorized by the laws of the State for financing related to the Project, if needed (collectively, the "Financial Assistance"); and

WHEREAS, on February 6, 2020, the Agency adopted a resolution (the "Initial Resolution") accepting the Application and directing that a public hearing be held; and

WHEREAS, pursuant to Section 859-a of the Act, on Monday, March 2, 2020, at 4:15 p.m., local time, at Batavia Town Hall, Courtroom, 3833 West Main Street Road, Batavia, New York 14020, 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 in *The Batavia Daily News*, the affidavit of publication of such newspaper, and Minutes of the 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, 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, Vice Chair and/or Senior Vice President of Operations 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, 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 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"). The Town of Batavia Planning Board issued a Negative Declaration on April 2, 2019, 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 further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Town of Batavia Planning Board pursuant to 6 N.Y.C.R.R. § 617.7. A copy of the Negative Declaration issued by the Town of Batavia Planning Board is attached hereto as Exhibit B.

Section 2. The Public Hearing held by the Agency on March 2, 2020, 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 being 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, (b) a partial real property tax abatement structured through the Tax Agreement, and (c) a mortgage recording tax exemption as permitted by State law, if needed.

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 **\$76,023.00** which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$6,082.00**. 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 March 31, 2021 (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 Agency is hereby authorized to provide the Company with an exemption from mortgage recording taxes as permitted by New York State law, if needed.

Section 8. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations 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 9. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record any mortgage, 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") (collectively, the "Mortgage") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance 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, Vice Chair and/or Senior Vice President of Operations of the Agency shall approve, the execution thereof by the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations 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 10. 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 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>
Paul Battaglia	[]	[]	[]	[]
Peter Zelif	[]	[]	[]	[]
Craig Yunker	[]	[]	[]	[]
Matthew Gray	[]	[]	[]	[]
Todd Bender	[]	[]	[]	[]
Andrew Young	[]	[]	[]	[]
Amy Vanderhoof	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION
(3104 Batavia Solar, LLC Project)

STATE OF NEW YORK)
COUNTY OF GENESEE) SS.:

I, the undersigned Secretary of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on March 5, 2020, 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 March, 2020.

Secretary

Exhibit A

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

[Attached Hereto]

Exhibit B

Negative Declaration of the Town of Batavia Planning Board

[Attached Hereto]

MW
4/20/20

Customer Information

Potential Customer: Borrego Solar Opportunity Type: Tax Incentive Lease
 Proj. St. Address: 3232 West Main Street Road Opportunity Product: Property & Sales Taxes Only
 City/Town/Village: //Batavia Type of Project: Attraction
 Proj. Description: Borrego - 3232 W Main St Solar New Jobs: 0
 Total Capital Investment: \$4,607,063 Retained Jobs:
 Incentive Amount: \$406,163 School District: Pembroke
 Benefited Amount: \$0 PILOT Applicable:

Project Information

Organization: GCEDC
 Opportunity Source: Direct/Personal Contact Date of Public Hearing: 3/2/20
 Initial Acceptance Date: 2/6/2020 Inducement Date:

Opportunity Summary: The company is planning a community solar farm project in the Town of Batavia. The project is a 4MW (AC)/5.093 MW (DC) solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

Specific benefits offered by the project that align with these statutory powers include:

- Enhanced Property Tax Payments via a 15-year PILOT:
 - o Property tax payments, via PILOT, offered by this project are significantly greater than the current Ag/vacant land value of the project.
 - o @ \$5,500/MWAC + 2% annual escalator, the 5MW solar farm will generate in excess of \$475,000 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.
 - o NYSEDA guidance suggests PILOT payments of \$1,700-\$5,100/MWAC in National Grid territory. The PILOT level concurred to here is above the top end of the NYSEDA range.
- Energy Discounts: The company will offer a 10% discount vs. average market rates for local residents who sign an agreement with the company to purchase solar energy from the project(s).
- Local Economic Development strategy / marketing alignment: Having renewable energy as an available local option is becoming a "preference item" for site selectors / companies conducting site location searches. Photovoltaic manufacturing is a "target sector" to attract investment/jobs @ STAMP.
- Workforce Development funding: The company understands the workforce development challenges of today related to a STEM enabled workforce and corporately will assist GCEDC by funding a community benefit agreement for workforce development and county economic development. The contribution will go toward the Genesee County STEM 2 STAMP workforce development program and related support for county economic development programming, with a core focus on STEM programming to aid area K-12 school districts and higher education programming.
- Environmental Benefits: The project generates no carbon footprint (greenhouse gas emissions) in its energy generation thereby providing environmental benefits to local residents.
- NYS Energy Policy (REV) alignment: NYS has aggressive goals for renewable energy, energy efficiency and greenhouse gas reduction by 2030, this project supports those goals.
- Reduced dependency on foreign oil: This project helps the United States continue its efforts to move away from foreign oil dependency/utilization.

Economic Impact: This solar project is generating an increase to the tax base of \$436,655 (both PILOT and real property taxes). This calculates to a rate of return based on the original property taxes of \$120.60 to 1.

Project Detail (Total Capital Investment)

Building Cost (Construction): \$0 Capital Improvements: \$0
 Equipment (non-taxable): \$4,524,713 Equipment (Taxable) / Other Proj Investment: \$82,350
 Land Cost (Real Estate): \$0
 Total Capital Investment: \$4,607,063

Estimated Benefits Provided

Sales Tax Exempt: \$6,588 Tax Exempt Bond: \$0
 Mortgage Tax Exempt: 3.8 \$0 Land Sale Subsidy: \$0

112

Property Tax Exempt: \$399,575

Total Estimated Tax Incentives Provided: \$406,163

Total Amount Finance: \$4,607,063

Mortgage Amount: \$0 ESD-JDA:

GCEDC RLF: \$0 Other Name: Equity

City of Batavia: \$0 Other Amount: \$4,607,063

Chamber of Commerce:

Total Amount Finance: \$4,607,063



Mon
2/25/20 20

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

PROJECT DESCRIPTION:

The company is planning a community solar farm project in the Town of Batavia. The project is a 4MW (AC)/5.093 MW(DC) solar generation system that will be interconnected with National Grid.

While acknowledging this project does not advance the job creation opportunity aspect of our IDA statutory powers, it does offer several other benefits that align with GCEDC statutory powers including advancing the health, general prosperity and economic welfare of the people of the state of New York (Genesee County).

Specific benefits offered by the project that align with these statutory powers include:

- Enhanced Property Tax Payments via a 15-year PILOT:
 - Property tax payments, via PILOT, offered by this project are significantly greater than the current taxes being paid on the property of the project.
 - @ \$5,500/MWAC + 2% annual escalator, the 4MW (AC) solar farm will generate in excess of \$380,455 in PILOT payments over the 15-year term which is far greater than current tax payment of this land.
 - NYSERDA guidance suggests PILOT payments of \$1,700-\$5,100/MWAC in National Grid territory. The PILOT level concurred to here is above the top end of the NYSERDA range.
- Energy Discounts: The company will offer a 10% discount vs. average market rates for local residents who sign an agreement with the company to purchase solar energy from the project(s).
- Local Economic Development strategy / marketing alignment: Having renewable energy as an available local option is becoming a "preference item" for site selectors / companies conducting site location searches. Photovoltaic manufacturing is a "target sector" to attract investment/jobs @ STAMP.
- Workforce Development funding: The company understands the workforce development challenges of today related to a STEM enabled workforce and corporately will assist GCEDC/GGLDC by funding a community benefit agreement for workforce development and county economic development. The contribution will go toward the Genesee County STEM 2 STAMP workforce development program and related support for county economic development programming, with a core focus on STEM programming to aid area K-12 school districts and higher education programming.
- Environmental Benefits: The project generates no carbon footprint (greenhouse gas emissions) in its energy generation thereby providing environmental benefits to local residents.
- NYS Energy Policy (REV) alignment: NYS has aggressive goals for renewable energy, energy efficiency and greenhouse gas reduction by 2030, this project supports those goals.
- Reduced dependency on foreign oil: This project helps the United States continue its efforts to move away from foreign oil dependency/utilization.

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 \$4,607,063 in capital investment. A fixed 15-year pilot with a 2% annual escalator priced at \$5,500/MWAC is proposed which is above the top end of the NYSERDA recommended range for projects located in National Grid territory in Western NY. The 4MW solar farm will generate in excess of \$380,455 in PILOT payments over the 15-year term which is far greater than current assessed value of this land.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

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

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: This solar project is generating an increase to the tax base of \$436,655 (both PILOT and Real Property taxes). This calculates to a rate of return based on the original property taxes \$120.60. Directly supports NYS Energy Policy (REV) alignment: NYS has aggressive goals for renewable energy, energy efficiency and greenhouse gas reduction by 2030, this project supports those goals.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

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

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: The project is planning to begin construction in Spring of 2020 and be operational by Fall of 2020.

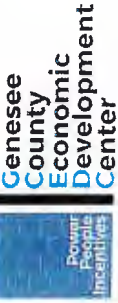
Board Discussion:

Board Concurrence: YES NO If no, state justification:

3.8

Solar Pilot

Project: 3232 Batavia Solar, LLC



Capex	\$ 4,607,063	Savings	\$ 6,588
Sales Taxable (est.)	\$ 82,356		
Mortgage (est.)			
Property Tax	below		
Total			\$ 399,575

1% of 1.25%

Fixed \$ per MW AC	\$ 5,500	MW AC	323.2	Assessed Value	\$ 1,800,000
Escalator	2.0%				

Year of Exemption	Rate	Fixed Payment \$/MW	Town of Batavia	Genesee County	Penalties	Total Payments	JR RV	Increase in property taxes due to loss of ag exemption	Total PILOT payments and property taxes to be received	Current property taxes on base land (including ag exemption)	Economic Impact ROI	Total PILOT payments and property taxes to be received from solar project		
1	\$	22,000	\$	7,691	\$	22,000	\$	3,988	\$	25,988	\$	241	\$	25,747
2	\$	22,440	\$	7,845	\$	22,440	\$	3,988	\$	26,428	\$	241	\$	26,187
3	\$	22,889	\$	8,002	\$	22,889	\$	3,988	\$	26,877	\$	241	\$	26,635
4	\$	23,347	\$	8,162	\$	23,347	\$	3,988	\$	27,335	\$	241	\$	27,093
5	\$	23,814	\$	8,325	\$	23,814	\$	3,988	\$	27,802	\$	241	\$	27,560
6	\$	24,290	\$	8,492	\$	24,290	\$	3,988	\$	28,278	\$	241	\$	28,036
7	\$	24,776	\$	8,662	\$	24,776	\$	3,988	\$	28,764	\$	241	\$	28,522
8	\$	25,271	\$	8,835	\$	25,271	\$	3,988	\$	29,259	\$	241	\$	29,018
9	\$	25,777	\$	9,012	\$	25,777	\$	3,988	\$	29,765	\$	241	\$	29,523
10	\$	26,292	\$	9,192	\$	26,292	\$	3,988	\$	30,280	\$	241	\$	30,039
11	\$	26,818	\$	9,376	\$	26,818	\$	3,988	\$	30,806	\$	241	\$	30,565
12	\$	27,354	\$	9,563	\$	27,354	\$	3,988	\$	31,342	\$	241	\$	31,101
13	\$	27,901	\$	9,754	\$	27,901	\$	3,988	\$	31,889	\$	241	\$	31,648
14	\$	28,459	\$	9,949	\$	28,459	\$	3,988	\$	32,447	\$	241	\$	32,206
15	\$	29,029	\$	10,148	\$	29,029	\$	3,988	\$	33,017	\$	241	\$	32,775
Total		\$ 390,455		\$ 133,008		\$ 380,455		\$ 59,820		\$ 440,275		\$ 3,621		\$ 436,655

* no Pilots on Ad Valorem Taxes

The value of Ag Exemption elimination due to permanent conversion of farm land

Town of Batavia Tax Rate	\$ 7.40
Current ag exemption amount (add from OARS)	\$ 127,453
County and School Taxes on Ag Exemption	\$ 3,682
Town of Batavia (only) Taxes on Ag Exemption	\$ 306
Total taxes due based on the elimination of Ag Exemption	\$ 3,988

GCEDC fee	\$ 57,588
Workforce Community Benefit	\$ 25,000
Subtotal	\$ 82,588
GCEDC Legal	\$ 8,000
Total Fee	\$ 90,588

100% base land tax will remain the same and paid outside the PILOT

Property Taxes at 100% assessed value (assessor)	\$ 52,002
Terr	\$ 15
Total PILOT	\$ 780,030
Savings	\$ 399,575

Net Savings \$ 315,575

117

MAN
2/24/20

FINAL RESOLUTION
(3232 Batavia Solar, LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, March 5, 2020.

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

Resolution No. 03/2020 - _____

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 MARCH 2, 2020, WITH RESPECT TO THE 3232 BATAVIA SOLAR, 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, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT, AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS PERMITTED BY LAW, IF NEEDED; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE, IF NEEDED, 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, **3232 BATAVIA SOLAR, LLC** (the "Company") previously submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in certain property located at 3232 West Main Street Road, Town of Batavia, Genesee County, New York (the "Land"), (ii) the construction on the Land of an approximate 5.093 MW community solar array to be used to generate electricity that will allow residential and commercial subscribers to receive renewable energy that will offset traditional power sources (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 approving 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) 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 a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents with the Company, (iii) take or retain title to or a leasehold interest in the Land, Improvements, 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, (b) a partial real property tax abatement structured through the Tax Agreement, and (c) an exemption from the mortgage recording tax as authorized by the laws of the State for financing related to the Project, if needed (collectively, the "Financial Assistance"); and

WHEREAS, on February 6, 2020, the Agency adopted a resolution (the "Initial Resolution") accepting the Application and directing that a public hearing be held; and

WHEREAS, pursuant to Section 859-a of the Act, on Monday, March 2, 2020, at 4:30 p.m., local time, at Batavia Town Hall, Courtroom, 3833 West Main Street Road, Batavia, New York 14020, 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 in *The Batavia Daily News*, the affidavit of publication of such newspaper, and Minutes of the 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, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement and related documents will negotiated and presented to the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations 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, 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 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"). The Town of Batavia Planning Board issued a Negative Declaration on April 2, 2019, 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 further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Town of Batavia Planning Board pursuant to 6 N.Y.C.R.R. § 617.7. A copy of the Negative Declaration issued by the Town of Batavia Planning Board is attached hereto as Exhibit B.

Section 2. The Public Hearing held by the Agency on March 2, 2020, 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 being 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, (b) a partial real property tax abatement structured through the Tax Agreement, and (c) a mortgage recording tax exemption as permitted by State law, if needed.

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 **\$82,350.00** which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$6,588.00**. 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 March 31, 2021 (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 Agency is hereby authorized to provide the Company with an exemption from mortgage recording taxes as permitted by New York State law, if needed.

Section 8. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations 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 9. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record any mortgage, 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") (collectively, the "Mortgage") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance 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, Vice Chair and/or Senior Vice President of Operations of the Agency shall approve, the execution thereof by the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations 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 10. 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 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>
Paul Battaglia	[]	[]	[]	[]
Peter Zelif	[]	[]	[]	[]
Craig Yunker	[]	[]	[]	[]
Matthew Gray	[]	[]	[]	[]
Todd Bender	[]	[]	[]	[]
Andrew Young	[]	[]	[]	[]
Amy Vanderhoof	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION
(3232 Batavia Solar, LLC Project)

STATE OF NEW YORK)
COUNTY OF GENESEE) SS.:

I, the undersigned Secretary of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on March 5, 2020, 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 March, 2020.

Secretary

Exhibit A

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

[Attached Hereto]

Exhibit B

Negative Declaration of the Town of Batavia Planning Board

[Attached Hereto]

Genesee County Economic Development Center (GCEDC)

Annual Investment Report

For the year ended December 31, 2019

Purpose of the Report:

Under Section 2925(6) of the Public Authorities Law, the GCEDC and its affiliates are required to prepare and approve an Annual Investment Report. The schedule below was approved by the Board on **March XX, 2020**.

Bank	Type	Account Description	12/31/19 G/L Balance	12/31/19 Bank Balance	Interest Rate
Five Star Bank	Checking	GCEDC Primary Checking	\$11,499.86	\$31,235.62	0.40%
Five Star Bank	Checking	GCEDC - BP2	\$1,140.30	\$1,140.30	0.40%
Five Star Bank	Savings	GCEDC Primary Savings	\$2,996,661.46	\$2,996,661.45	0.40%
Five Star Bank	Checking	GCEDC - GAIN LOAN Fund	\$45,101.19	\$45,101.19	0.40%
Five Star Bank	CD	GCEDC - STAMP	\$1,532,577.20	\$1,532,577.20	1.33%
Bank of Castile	Savings	GCEDC - RLF#2	\$0.00	\$0.00	0.00%
Bank of Castile	Savings	GCEDC Investment	\$329,740.13	\$329,740.13	0.77%
Bank of Castile	Checking	GCEDC STAMP - Imprest Account \$8M	\$3,456,604.56	\$3,456,604.56	0.00%
KeyBank	Checking	GCEDC STAMP - Imprest Account \$33M	\$7,566,405.69	\$7,566,405.69	0.15%
KeyBank	Checking	GCEDC STAMP	\$1,004.47	\$1,004.47	0.00%

As of December 31, 2019, cash balances were fully collateralized. The funds currently on deposit with The Bank of Castile and Five Star Bank are secured by investments held with Tompkins Financial Advisors and M&T Bank, respectively. The funds currently on deposit with KeyBank are secured by KeyBank's pledge pool held by Bank of New York. The GCEDC generated \$14,402 of interest income for the period January 1, 2019 through December 31, 2019.

* No fees or commissions were paid.

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Procurement Report for Genesee County Industrial Development Agency

Fiscal Year Ending: 12/31/2019

Run Date: 02/28/2020
Status: UNSUBMITTED
Certified Date: N/A

Procurement Information:

Question	Response	URL (if Applicable)
1. Does the Authority have procurement guidelines?	Yes	https://www.gcedc.com/index.php/news/gcedc-policies
2. Are the procurement guidelines reviewed annually, amended if needed, and approved by the Board?	Yes	
3. Does the Authority allow for exceptions to the procurement guidelines?	No	
4. Does the Authority assign credit cards to employees for travel and/or business purchases?	Yes	
5. Does the Authority require prospective bidders to sign a non-collusion agreement?	Yes	
6. Does the Authority incorporate a summary of its procurement policies and prohibitions in its solicitation of proposals, bid documents, or specifications for procurement contracts?	Yes	
7. Did the Authority designate a person or persons to serve as the authorized contact on a specific procurement, in accordance with Section 139-j(2)(a) of the State Finance Law, "The Procurement Lobbying Act"?	Yes	
8. Did the Authority determine that a vendor had impermissible contact during a procurement or attempted to influence the procurement during the reporting period, in accordance with Section 139-j(10) of the State Finance Law?	No	
8a. If Yes, was a record made of this impermissible contact?		
9. Does the Authority have a process to review and investigate allegations of impermissible contact during a procurement, and to impose sanctions in instances where violations have occurred, in accordance with Section 139-j(9) of the State Finance Law?	Yes	

4.2

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Procurement Report for Genesee County Industrial Development Agency
Fiscal Year Ending: 12/31/2019

Run Date: 02/28/2020
Status: UNSUBMITTED
Certified Date: N/A

Procurement Transactions Listing:

1.	Vendor Name	Batavia Downs Gaming	Address Line1	8315 Park Road
	Type of Procurement	Other	Address Line2	
	Award Process	Non Contract Procurement/Purchase Order	City	BATAVIA
	Award Date		State	NY
	End Date		Postal Code	14020
	Fair Market Value		Plus 4	
	Amount		Province/Region	
	Amount Expended For Fiscal Year	\$5,232.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Annual Meeting; Offset by ticket sales

2.	Vendor Name	Black & Veatch	Address Line1	11401 Lamar Ave
	Type of Procurement	Other Professional Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	OVERLAND PARK
	Award Date	12/8/2017	State	KS
	End Date		Postal Code	66211
	Fair Market Value	\$210,450.00	Plus 4	
	Amount	\$210,450.00	Province/Region	
	Amount Expended For Fiscal Year	\$125,170.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP- 345-115 KV Substation Design

4.2

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Procurement Report for Genesee County Industrial Development Agency
Fiscal Year Ending: 12/31/2019

Run Date: 02/28/2020
Status: UNSUBMITTED
Certified Date : N/A

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3.	Vendor Name	CC Environment & Planning	Address Line1	P.O. Box 358
	Type of Procurement	Consulting Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	ALEXANDER
	Award Date	10/6/2017	State	NY
	End Date		Postal Code	14005
	Fair Market Value	\$258,369.00	Plus 4	
	Amount	\$258,369.00	Province/Region	United States
	Amount Expended For Fiscal Year	\$37,952.25	Country	
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Phase III Archeo Data Recovery Plan Fieldwork and Report.

4.	Vendor Name	CC Environment & Planning	Address Line1	P.O. Box 358
	Type of Procurement	Consulting Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	ALEXANDER
	Award Date	2/3/2017	State	NY
	End Date		Postal Code	14005
	Fair Market Value	\$80,440.00	Plus 4	
	Amount	\$80,440.00	Province/Region	United States
	Amount Expended For Fiscal Year	\$3,217.60	Country	
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: RAI Response - Phase II

4.2

Procurement Report for Genesee County Industrial Development Agency
Fiscal Year Ending: 12/31/2019

Run Date: 02/28/2020
Status: UNSUBMITTED
Certified Date: N/A

5.	Vendor Name	CC Environment & Planning	Address Line1	P.O. Box 358
	Type of Procurement	Consulting Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	ALEXANDER
	Award Date	3/8/2019	State	NY
	End Date		Postal Code	14005
	Fair Market Value	\$35,457.00	Plus 4	
	Amount	\$35,457.00	Province/Region	
	Amount Expended For	\$11,728.00	Country	United States
	Fiscal Year			
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Site Development Environmental Services & Support

6.	Vendor Name	CC Environment & Planning	Address Line1	P.O. Box 358
	Type of Procurement	Consulting Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	ALEXANDER
	Award Date	2/3/2017	State	NY
	End Date		Postal Code	14005
	Fair Market Value	\$33,510.00	Plus 4	
	Amount	\$33,510.00	Province/Region	
	Amount Expended For	\$771.10	Country	United States
	Fiscal Year			
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Environmental Assessment for USFWS ROW

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7.	Vendor Name	City of Batavia	Address Line1	One Batavia City Centre
	Type of Procurement	Other Professional Services	Address Line2	
	Award Process	Non Contract Procurement/Purchase Order	City	BATAVIA
	Award Date		State	NY
	End Date		Postal Code	14020
	Fair Market Value		Plus 4	
	Amount		Province/Region	
	Amount Expended For Fiscal Year	\$10,000.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	City Centre Feasibility Study

8.	Vendor Name	Clark Patterson Lee	Address Line1	205 St. Paul Street
	Type of Procurement	Design and Construction/Maintenance	Address Line2	Suite 500
	Award Process	Authority Contract - Non-Competitive Bid	City	ROCHESTER
	Award Date	3/8/2019	State	NY
	End Date		Postal Code	14604
	Fair Market Value	\$1,350,000.00	Plus 4	
	Amount	\$1,350,000.00	Province/Region	
	Amount Expended For Fiscal Year	\$166,590.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Onsite wastewater treatment facility design & permitting.

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9.	Vendor Name	Clark Patterson Lee	Address Line1	205 St. Paul Street
	Type of Procurement	Design and Construction/Maintenance	Address Line2	Suite 500
	Award Process	Authority Contract - Non-Competitive Bid	City	ROCHESTER
	Award Date	1/14/2016	State	NY
	End Date		Postal Code	14604
	Fair Market Value	\$756,000.00	Plus 4	
	Amount	\$756,000.00	Province/Region	
	Amount Expended For Fiscal Year	\$108,625.80	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Sanitary Sewer Design (Part 2)

10.	Vendor Name	Clark Patterson Lee	Address Line1	205 St. Paul Street
	Type of Procurement	Design and Construction/Maintenance	Address Line2	Suite 500
	Award Process	Authority Contract - Non-Competitive Bid	City	ROCHESTER
	Award Date	1/14/2016	State	NY
	End Date		Postal Code	14604
	Fair Market Value	\$695,000.00	Plus 4	
	Amount	\$695,000.00	Province/Region	
	Amount Expended For Fiscal Year	\$4,250.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Offsite Water Design & Permitting

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11.	Vendor Name	Clark Patterson Lee	Address Line1	205 St. Paul Street
	Type of Procurement	Design and Construction/Maintenance	Address Line2	Suite 500
	Award Process	Authority Contract - Non-Competitive Bid	City	ROCHESTER
	Award Date	1/14/2016	State	NY
	End Date		Postal Code	14604
	Fair Market Value	\$566,228.00	Plus 4	
	Amount	\$566,228.00	Province/Region	
	Amount Expended For Fiscal Year	\$18,900.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Onsite Infrastructure Design & General Engineering

12.	Vendor Name	Clark Patterson Lee	Address Line1	205 St. Paul Street
	Type of Procurement	Design and Construction/Maintenance	Address Line2	Suite 500
	Award Process	Authority Contract - Non-Competitive Bid	City	ROCHESTER
	Award Date	10/6/2017	State	NY
	End Date		Postal Code	14604
	Fair Market Value	\$275,000.00	Plus 4	
	Amount	\$275,000.00	Province/Region	
	Amount Expended For Fiscal Year	\$62,750.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Offsite Water - Pembroke Line

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13.	Vendor Name	Clark Patterson Lee	Address Line1	205 St. Paul Street
	Type of Procurement	Design and Construction/Maintenance	Address Line2	Suite 500
	Award Process	Authority Contract - Non-Competitive Bid	City	ROCHESTER
	Award Date	1/20/2017	State	NY
	End Date		Postal Code	14604
	Fair Market Value	\$190,000.00	Plus 4	
	Amount	\$190,000.00	Province/Region	United States
	Amount Expended For Fiscal Year	\$18,000.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Offsite Water Construction - Phase II

14.	Vendor Name	Clark Patterson Lee	Address Line1	205 St. Paul Street
	Type of Procurement	Design and Construction/Maintenance	Address Line2	Suite 500
	Award Process	Authority Contract - Non-Competitive Bid	City	ROCHESTER
	Award Date	1/20/2017	State	NY
	End Date		Postal Code	14604
	Fair Market Value	\$165,000.00	Plus 4	
	Amount	\$165,000.00	Province/Region	United States
	Amount Expended For Fiscal Year	\$46,850.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Onsite Roadway Construction Services

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15.	Vendor Name	Clark Patterson Lee	Address Line1	205 St. Paul Street
	Type of Procurement	Design and Construction/Maintenance	Address Line2	Suite 500
	Award Process	Authority Contract - Non-Competitive Bid	City	ROCHESTER
	Award Date	7/11/2017	State	NY
	End Date		Postal Code	14604
	Fair Market Value	\$94,975.00	Plus 4	
	Amount	\$94,975.00	Province/Region	
	Amount Expended For	\$5,346.74	Country	United States
	Fiscal Year		Procurement Description	BETP: Wastewater Treatment Facility Expansion
	Explain why the Fair Market Value is Less than the Amount			

16.	Vendor Name	Clark Patterson Lee	Address Line1	205 St. Paul Street
	Type of Procurement	Design and Construction/Maintenance	Address Line2	Suite 500
	Award Process	Authority Contract - Non-Competitive Bid	City	ROCHESTER
	Award Date	7/11/2019	State	NY
	End Date		Postal Code	14604
	Fair Market Value	\$10,000.00	Plus 4	
	Amount	\$10,000.00	Province/Region	
	Amount Expended For	\$5,000.00	Country	United States
	Fiscal Year		Procurement Description	STAMP: Preparation of bid packet for wastewater treatment facility expansion.
	Explain why the Fair Market Value is Less than the Amount			

17.	Vendor Name	Cornell University	Address Line1	411 Tower Road
	Type of Procurement	Other	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	ITHACA
	Award Date	5/16/2018	State	NY
	End Date		Postal Code	14853
	Fair Market Value	\$50,000.00	Plus 4	
	Amount	\$50,000.00	Province/Region	
	Amount Expended For	\$12,500.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Workforce Development Training

18.	Vendor Name	Dan's Hauling & Demo Inc.	Address Line1	PO Box 409
	Type of Procurement	Design and Construction/Maintenance	Address Line2	
	Award Process	Authority Contract - Competitive Bid	City	WYMANNTSKILL
	Award Date	10/4/2018	State	NY
	End Date		Postal Code	12198
	Fair Market Value		Plus 4	
	Amount	\$332,210.00	Province/Region	
	Amount Expended For	\$298,411.26	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Residence Demolition Project

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19.	Vendor Name	Elie County Industrial Development Agency	Address Line1	95 Perry Street
	Type of Procurement	Technology - Consulting/Development or Support	Address Line2	Suite 103
	Award Process	Authority Contract - Non-Competitive Bid	City	BUFFALO
	Award Date	1/10/2019	State	NY
	End Date	12/31/2019	Postal Code	14203
	Fair Market Value	\$10,020.00	Plus 4	
	Amount	\$10,020.00	Province/Region	
	Amount Expended For Fiscal Year	\$4,916.51	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Information Technology Support Services - 2019

20.	Vendor Name	Elie County Industrial Development Agency	Address Line1	95 Perry Street
	Type of Procurement	Technology - Consulting/Development or Support	Address Line2	Suite 103
	Award Process	Authority Contract - Non-Competitive Bid	City	BUFFALO
	Award Date	2/1/2018	State	NY
	End Date	12/31/2018	Postal Code	14203
	Fair Market Value	\$8,000.00	Plus 4	
	Amount	\$8,000.00	Province/Region	
	Amount Expended For Fiscal Year	\$127.50	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Information Technology Support Services - 2018

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21.	Vendor Name	Genesee Gateway Local Development Corp.	Address Line1	99 MedTech Drive
	Type of Procurement	Other	Address Line2	Suite 106
	Award Process	Authority Contract - Non-Competitive Bid	City	BATAVIA
	Award Date	1/1/2019	State	NY
	End Date		Postal Code	14020
	Fair Market Value	\$17,898.24	Plus 4	
	Amount	\$17,898.24	Province/Region	
	Amount Expended For Fiscal Year	\$17,898.24	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Rent

22.	Vendor Name	Greater Rochester Enterprise	Address Line1	100 Chestnut Street
	Type of Procurement	Other	Address Line2	Suite 1910
	Award Process	Non Contract Procurement/Purchase Order	City	ROCHESTER
	Award Date		State	NY
	End Date		Postal Code	14604
	Fair Market Value		Plus 4	
	Amount		Province/Region	
	Amount Expended For Fiscal Year	\$50,000.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Sales & marketing services; Membership Dues

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23.	Vendor Name	Invest Buffalo Niagara	Address Line1	257 West Genesee Street
	Type of Procurement	Other	Address Line2	Suite 600
	Award Process	Non Contract Procurement/Purchase Order	City	BUFFALO
	Award Date		State	NY
	End Date		Postal Code	14202
	Fair Market Value		Plus 4	
	Amount		Province/Region	
	Amount Expended For Fiscal Year	\$26,700.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Membership Dues (\$25,000); Foreign Direct Investment Initiative (\$1,700).

24.	Vendor Name	Keeler Construction Co. Inc.	Address Line1	13519 West Lee Road
	Type of Procurement	Design and Construction/Maintenance	Address Line2	
	Award Process	Authority Contract - Competitive Bid	City	ALBION
	Award Date	7/14/2017	State	NY
	End Date		Postal Code	14411
	Fair Market Value		Plus 4	
	Amount	\$2,122,065.00	Province/Region	
	Amount Expended For Fiscal Year	\$686,541.54	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Main Access Road Construction / NYS Route 77/63 Turn Lane

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25.	Vendor Name	Level 3 Communication LLC	Address Line1	PO Box 910182
	Type of Procurement	Other	Address Line2	
	Award Process	Non Contract Procurement/Purchase Order	City	DENVER
	Award Date		State	CO
	End Date		Postal Code	80291
	Fair Market Value		Plus 4	
	Amount		Province/Region	
	Amount Expended For	\$5,107.92	Country	United States
	Fiscal Year		Procurement Description	Internet & phone services.
	Explain why the Fair Market Value is Less than the Amount			

26.	Vendor Name	Lozier Environmental Consulting Inc.	Address Line1	2011 East Main Street
	Type of Procurement	Consulting Services	Address Line2	
	Award Process	Authority Contract - Competitive Bid	City	ROCHESTER
	Award Date	10/4/2018	State	NY
	End Date		Postal Code	14609
	Fair Market Value		Plus 4	
	Amount	\$21,250.00	Province/Region	
	Amount Expended For	\$12,586.00	Country	United States
	Fiscal Year		Procurement Description	STAMP: Asbestos air monitoring & analysis
	Explain why the Fair Market Value is Less than the Amount			

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27.	Vendor Name	Morsch Pipeline Inc.	Address Line1	3929 South Avon Road
	Type of Procurement	Design and Construction/Maintenance	Address Line2	
	Award Process	Authority Contract - Competitive Bid	City	AVON
	Award Date	3/12/2018	State	NY
	End Date		Postal Code	14414
	Fair Market Value		Plus 4	
	Amount	\$3,141,242.80	Province/Region	
	Amount Expended For Fiscal Year	\$295,503.20	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Offsite Water Main Construction - Phase II

28.	Vendor Name	Mostert Manzanero & Scott LLP	Address Line1	4 Associate Drive
	Type of Procurement	Financial Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	ONEONTA
	Award Date	11/1/2018	State	NY
	End Date	12/31/2019	Postal Code	13820
	Fair Market Value	\$11,200.00	Plus 4	
	Amount	\$11,200.00	Province/Region	
	Amount Expended For Fiscal Year	\$9,500.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Audit of the 2018 Financial Statements

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29.	Vendor Name	NYS & Local Employees Retirement	Address Line1	110 State Street
	Type of Procurement	Other	Address Line2	
	Award Process	Non Contract Procurement/Purchase Order	City	ALBANY
	Award Date		State	NY
	End Date		Postal Code	12244
	Fair Market Value		Plus 4	
	Amount		Province/Region	
	Amount Expended For Fiscal Year	\$94,505.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Retirement

30.	Vendor Name	Niagara County Water District	Address Line1	5450 Ernest Road
	Type of Procurement	Consulting Services	Address Line2	PO Box 315
	Award Process	Authority Contract - Non-Competitive Bid	City	LOCKPORT
	Award Date	4/26/2019	State	NY
	End Date		Postal Code	14095
	Fair Market Value		Plus 4	
	Amount	\$2,862,602.00	Province/Region	
	Amount Expended For Fiscal Year	\$624,576.40	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Engineering & legal services.

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31.	Vendor Name	Park Strategies LLC	Address Line1	125 State Street
	Type of Procurement	Other Professional Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	ALBANY
	Award Date	3/8/2018	State	NY
	End Date	3/31/2019	Postal Code	12207
	Fair Market Value	\$18,000.00	Plus 4	
	Amount	\$18,000.00	Province/Region	
	Amount Expended For Fiscal Year	\$4,500.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Government Relations Services (4/1/18 - 3/31/19)

32.	Vendor Name	Park Strategies LLC	Address Line1	125 State Street
	Type of Procurement	Other Professional Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	ALBANY
	Award Date	3/7/2019	State	NY
	End Date	3/31/2020	Postal Code	12207
	Fair Market Value	\$18,000.00	Plus 4	
	Amount	\$18,000.00	Province/Region	
	Amount Expended For Fiscal Year	\$13,500.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Government Relations Services (4/1/19 - 3/31/20)

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33.	Vendor Name	Phillips Lyle LLP	Address Line1	125 Main Street
	Type of Procurement	Legal Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	BUFFALO
	Award Date	1/14/2016	State	NY
	End Date		Postal Code	14203
	Fair Market Value	\$425,000.00	Plus 4	
	Amount	\$425,000.00	Province/Region	
	Fiscal Year	\$7,355.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Legal Services - 2016 Agreement

34.	Vendor Name	Phillips Lyle LLP	Address Line1	125 Main Street
	Type of Procurement	Legal Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	BUFFALO
	Award Date	3/8/2019	State	NY
	End Date		Postal Code	14203
	Fair Market Value	\$100,000.00	Plus 4	
	Amount	\$100,000.00	Province/Region	
	Fiscal Year	\$45,497.50	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Legal Services - Additional Scope of Work / Project Support

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35.	Vendor Name	Phillips Lytle LLP	Address Line1	125 Main Street
	Type of Procurement	Legal Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	BUFFALO
	Award Date	2/3/2017	State	NY
	End Date		Postal Code	14203
	Fair Market Value	\$98,000.00	Plus 4	
	Amount	\$98,000.00	Province/Region	
	Amount Expended For Fiscal Year	\$8,994.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Legal Services - 2017 Agreement

36.	Vendor Name	Phillips Lytle LLP	Address Line1	125 Main Street
	Type of Procurement	Legal Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	BUFFALO
	Award Date	3/9/2018	State	NY
	End Date		Postal Code	14203
	Fair Market Value	\$45,000.00	Plus 4	
	Amount	\$45,000.00	Province/Region	
	Amount Expended For Fiscal Year	\$11,639.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Additional Scope of Work - Tonawanda Seneca Nation TCP Study

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37.	Vendor Name	Phillips Lytle LLP	Address Line1	125 Main Street
	Type of Procurement	Legal Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	BUFFALO
	Award Date	6/7/2019	State	NY
	End Date		Postal Code	14203
	Fair Market Value	\$20,000.00	Plus 4	
	Amount	\$20,000.00	Province/Region	
	Amount Expended For Fiscal Year	\$6,106.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Legal Services - Substation / Energy Infrastructure Strategy

38.	Vendor Name	S&S Excavating & Blacktop Inc.	Address Line1	2164 Angling Road
	Type of Procurement	Other	Address Line2	
	Award Process	Authority Contract - Competitive Bid	City	CORFU
	Award Date	5/2/2019	State	NY
	End Date	12/31/2019	Postal Code	14036
	Fair Market Value		Plus 4	
	Amount	\$8,007.10	Province/Region	
	Amount Expended For Fiscal Year	\$8,007.10	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Mowing at Business Parks

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39.	Vendor Name	Selective Insurance	Address Line1	PO Box 371468
	Type of Procurement	Other	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	PITTSBURGH
	Award Date	12/6/2018	State	PA
	End Date	12/31/2019	Postal Code	15250
	Fair Market Value		Plus 4	
	Amount	\$19,053.12	Province/Region	
	Amount Expended For	\$19,053.12	Country	United States
	Fiscal Year		Procurement Description	Business Insurance
	Explain why the Fair Market Value is Less than the Amount			

40.	Vendor Name	The Research Foundation of State University of New York	Address Line1	35 State Street
	Type of Procurement	Other Professional Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	ALBANY
	Award Date	6/7/2018	State	NY
	End Date		Postal Code	12207
	Fair Market Value	\$30,000.00	Plus 4	
	Amount	\$30,000.00	Province/Region	
	Amount Expended For	\$20,000.00	Country	United States
	Fiscal Year		Procurement Description	Strategy Assessment / Economic Analysis
	Explain why the Fair Market Value is Less than the Amount			

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41.	Vendor Name	Tonawanda Seneca Nation	Address Line1	7027 Meadville Road
	Type of Procurement	Other	Address Line2	
	Award Process	Non Contract Procurement/Purchase Order	City	BASOM
	Award Date		State	NY
	End Date		Postal Code	14013
	Fair Market Value		Plus 4	
	Amount		Province/Region	
	Amount Expended For Fiscal Year	\$13,150.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	STAMP: Reimbursement for Archeological Monitoring

42.	Vendor Name	Toshiba Financial Services	Address Line1	1310 Madrid Street
	Type of Procurement	Commodities/Supplies	Address Line2	Suite 101
	Award Process	Non Contract Procurement/Purchase Order	City	MARSHALL
	Award Date		State	MN
	End Date		Postal Code	56258
	Fair Market Value		Plus 4	
	Amount		Province/Region	
	Amount Expended For Fiscal Year	\$670.17	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Copier Supplies and Usage Charges

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43.	Vendor Name	Toshiba Financial Services	Address Line1	1310 Madrid Street
	Type of Procurement	Technology - Hardware	Address Line2	Suite 101
	Award Process	Non Contract Procurement/Purchase Order	City	MARSHALL
	Award Date		State	MN
	End Date		Postal Code	56258
	Fair Market Value		Plus 4	
	Amount		Province/Region	
	Amount Expended For Fiscal Year	\$1,546,30	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Copy Machine Lease - Not Under Contract

44.	Vendor Name	Toshiba Financial Services	Address Line1	1310 Madrid Street
	Type of Procurement	Technology - Hardware	Address Line2	Suite 101
	Award Process	Authority Contract - Competitive Bid	City	MARSHALL
	Award Date	2/25/2014	State	MN
	End Date	5/25/2019	Postal Code	56258
	Fair Market Value		Plus 4	
	Amount	\$41,895.00	Province/Region	
	Amount Expended For Fiscal Year	\$3,325.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Copy Machine Lease & Maintenance Agreement

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45.	Vendor Name	Toshiba Financial Services	Address Line1	1310 Madrid Street
	Type of Procurement	Technology - Hardware	Address Line2	Suite 101
	Award Process	Authority Contract - Competitive Bid	City	MARSHALL
	Award Date	7/22/2019	State	MN
	End Date	7/22/2024	Postal Code	56258
	Fair Market Value		Plus 4	
	Amount	\$8,478.00	Province/Region	
	Amount Expended For	\$423.90	Country	United States
	Fiscal Year		Procurement Description	Copy Machine Lease & Maintenance Agreement
	Explain why the Fair Market Value is Less than the Amount			

46.	Vendor Name	Town of Alabama	Address Line1	2218 Judge Road
	Type of Procurement	Other Professional Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	OAKFIELD
	Award Date	2/2/2017	State	NY
	End Date		Postal Code	14125
	Fair Market Value	\$148,000.00	Plus 4	
	Amount	\$148,000.00	Province/Region	
	Amount Expended For	\$210.00	Country	United States
	Fiscal Year		Procurement Description	Reimbursement for costs related to STAMP
	Explain why the Fair Market Value is Less than the Amount			

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47.	Vendor Name	Town of Alabama	Address Line1	2218 Judge Road
	Type of Procurement	Other- Professional Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	OAKFIELD
	Award Date	1/10/2019	State	NY
	End Date		Postal Code	14125
	Fair Market Value	\$96,750.00	Plus 4	
	Amount	\$96,750.00	Province/Region	
	Amount Expended For Fiscal Year	\$45,809.90	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Reimbursement for costs related to STAMP

48.	Vendor Name	Travelers	Address Line1	P.O. Box 660317
	Type of Procurement	Other	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	DALLAS
	Award Date	1/10/2019	State	TX
	End Date	2/23/2020	Postal Code	75266
	Fair Market Value		Plus 4	
	Amount	\$5,230.00	Province/Region	
	Amount Expended For Fiscal Year	\$5,230.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	D&O Insurance

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49.	Vendor Name	Travelers	Address Line1	P.O. Box 660317
	Type of Procurement	Other	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	DALLAS
	Award Date	5/2/2019	State	TX
	End Date	5/2/2020	Postal Code	75266
	Fair Market Value		Plus 4	
	Amount	\$667.00	Province/Region	United States
	Amount Expended For Fiscal Year	\$667.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Crime Policy

50.	Vendor Name	Univera	Address Line1	P.O. Box 5266
	Type of Procurement	Other	Address Line2	
	Award Process	Authority Contract - Competitive Bid	City	BINGHAMTON
	Award Date	1/1/2019	State	NY
	End Date	12/31/2019	Postal Code	13902
	Fair Market Value		Plus 4	
	Amount	\$86,238.43	Province/Region	United States
	Amount Expended For Fiscal Year	\$86,238.43	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Group Health Insurance - 2019

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Procurement Report for Genesee County Industrial Development Agency
Fiscal Year Ending: 12/31/2019

Run Date: 02/28/2020
Status: UNSUBMITTED
Certified Date: N/A

51.	Vendor Name	e3Communications	Address Line1	551 Franklin Street
	Type of Procurement	Other Professional Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	BUFFALO
	Award Date	1/11/2018	State	NY
	End Date	12/31/2018	Postal Code	14202
	Fair Market Value	\$24,000.00	Plus 4	
	Amount	\$24,000.00	Province/Region	
	Amount Expended For	\$2,000.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Public Relations / STAMP Marketing - 2018

52.	Vendor Name	e3Communications	Address Line1	551 Franklin Street
	Type of Procurement	Other Professional Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	BUFFALO
	Award Date	12/6/2018	State	NY
	End Date	12/31/2019	Postal Code	14202
	Fair Market Value	\$24,000.00	Plus 4	
	Amount	\$24,000.00	Province/Region	
	Amount Expended For	\$24,000.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Public Relations / STAMP Marketing - 2019

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53.	Vendor Name	e3Communications	Address Line1	551 Franklin Street
	Type of Procurement	Other Professional Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	BUFFALO
	Award Date	12/6/2018	State	NY
	End Date	12/31/2019	Postal Code	14202
	Fair Market Value	\$19,500.00	Plus 4	
	Amount	\$19,500.00	Province/Region	
	Amount Expended For Fiscal Year	\$19,500.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Public Relations / GCEDC Marketing - 2019

54.	Vendor Name	e3Communications	Address Line1	551 Franklin Street
	Type of Procurement	Other Professional Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	BUFFALO
	Award Date	12/7/2017	State	NY
	End Date	12/31/2018	Postal Code	14202
	Fair Market Value	\$19,500.00	Plus 4	
	Amount	\$19,500.00	Province/Region	
	Amount Expended For Fiscal Year	\$1,625.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Public Relations / GCEDC Marketing - 2018

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Procurement Report for Genesee County Industrial Development Agency

Fiscal Year Ending: 12/31/2019

Run Date: 02/28/2020

Status: UNSUBMITTED

Certified Date : N/A

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Additional Comments

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GCEDC

Jim Krencik, Director of Marketing & Communications

Board Meeting Report

March 6, 2020

Park Strategies – GCEDC Government Relations

The GCEDC government relations contract with Fred Hiffa and Megan Osika from Park Strategies provides the GCEDC with lobbying services on a variety of issues critical to growing economic development in Genesee County. Park Strategies has been effective in helping to advance the mission of the WNY STAMP site, as well as assisting the agency access funding opportunities for site infrastructure. Park Strategies works directly with the GCEDC to formulate strategies that maximize our efforts to build-out WNY STAMP, and to attract major investment to the site. Park Strategies also ensures that the WNY STAMP project remains at the top of mind with New York State Legislators, as well as with our Federal representatives in the US Congress and the US Senate. Other services provided by Park Strategies include monitoring of legislation and the New York State budget bills, research and reporting on bill status and activity, advocacy and weekly update calls with the GCEDC.

Board Request: A renewal of services for the April 1, 2020 to March 31, 2021 period at the 2019 funding level of \$1,500 per month (\$18,000 annual). The contract's cost was anticipated and contained in the 2020 budget.

Mark Masse
GCEDC Audit and Finance Committee
March 5, 2020

NY Green Board appointment

Discussion: Discussion item: The GCEDC Board is required to pass a resolution that designates an individual from the GCEDC to serve as a standing member to the NY Green Board of Directors as stated in the NY Green By-Laws as follows:

- a. **Standing Members** - The Board shall include three (3) members representing local conservation, municipal, and development interests. The Standing Members shall consist of one individual representative from each of the following: the Genesee County Soil and Water Conservation District, Town of Batavia, and Genesee County Economic Development Center. The Chair/President/Director of the organizations with standing membership on the Board may appoint in writing a delegated representative. Each standing member shall annually certify their selected representative on the Board. Standing members shall have a permanent position on the Board, with representatives changing upon formal action by the respective agencies or organizations they represent.

The NY Green Board has requested that the GCEDC pass another resolution designating the representative from the GCEDC to serve on their Board of Directors in connection with a Resiliency Grant that was received from NYSDOS. See that attached resolution.

Fund commitment: None.

Committee action request: Recommend approval of the attached resolution appointing the GCEDC's Senior VP of Operations to the NY Green Board of Directors as the GCEDC's representative.

BOARD RESOLUTION IN SUPPORT OF NEW YORK GREEN

BOARD RESOLUTION

At the meeting of the Board of Directors of the Genesee County Economic Development Center on March 5, 2020, the following resolution was proposed and approved by the board:

Resolved:

WHEREAS the mission of the Genesee County Economic Development Center is mission is to be the driving force in fostering community economic success by providing comprehensive support, technical assistance and access to financial resources to businesses thereby enabling growth, expansion and retention of our existing business base and to market our community as "business friendly" facilitating new business attraction in order to build a sustainable long-term economy;

WHEREAS New York Green, Inc. (NYG), a nonprofit organization with a mission to facilitate informed and creative land use decisions to stimulate economic vitality and protect our natural environment, supports the mission of the Genesee County Economic Development Center;

That the Genesee County Economic Development Center Board is in full support of designating an individual representative to serve as a standing member to the NYG Board of Directors as stated in NYG Bylaws adopted by NYG Board of Directors July 16, 2012. The GCEDC Board appoints the Senior VP of Operations to the NY Green Board as its representative.

Signed:

(President) or (Chairman)

Authority Self-Evaluation of Prior Year Performance

Local Public Authority Name: Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (GCEDC)

2019 Measurements and results:

1. Secure capital / business investment commitments of \$32 million.
 - A. **2019 result was \$61 million.**
2. Secure pledges to create 90 jobs.
 - A. **2019 result was 200 pledged jobs to be created.**
3. Achieve the GCEDC 2019 budget from a bottom line financial operation performance (EBITDA) standpoint.
 - A. **The GCEDC will exceed the 2019 budget from a bottom-line standpoint. For the Operating Fund, Project Origination Fee Revenue collected was slightly higher than budgeted and many of the operating expenditure line items are projected to come in under budget. Captured in the Real Estate Development Fund, the GCEDC closed on a land sale to Wendt's Propane which brought in additional revenue that was not anticipated in the budget.**
4. Continue an active outreach campaign. Continue engagements with state, federal, regional, local and educational partners focused on advancing the GCEDC's development strategy enabling local/regional economic growth and quality job opportunities for our residents and children.
 - A. **The GCEDC continued its efforts in 2019 to enhance communications and outreach with federal, state and local government officials and staff on various economic development issues. This has been accomplished through direct communications with these officials, but also through our activities with and appointments to various civic, government and private sector entities which allows for constant interaction with our federal, state and local government representatives and staff.**

1. Federal:

- Made requests to our congressional delegation to make outreach to key federal agencies regarding support at STAMP, including a meeting on-site at STAMP with regional and economic development policy staff for Sen. Schumer and Sen. Gillibrand.

2. State/Regional:

- Continued to explore funding opportunities at STAMP through discussions with the Governor's office, including Empire State Development, and members from the Rochester and Finger Lakes delegation to the New York State Legislature, including the Assembly Majority Leader and was able to secure an additional \$8 million in funding.
- Continued to financially support the economic development initiatives of the Greater Rochester Enterprise (GRE) and Invest Buffalo Niagara (IBN). These investments include a seat on the board of directors of both organizations and a joint food and beverage business outreach project in 2019.
- Steve Hyde was appointed to the Finger Lakes Regional Economic Development Council (FLREDC). Several members of the GCEDC staff also serve on workgroups for the FLREDC.

3. Local (County, City and Town):

- Continued to increase outreach and dialogue with local municipalities.

- The GCEDC is constantly communicating with our local government officials, including providing notices about projects in advance of board meetings; attending local board meetings; economic development and long-term infrastructure planning; PILOT Increment Financing (PIF) models; advertising existing structures; hosting business outreach events; and, serving on various committees.
- The GCEDC staff also participates on many community boards relevant to economic development, business, and community development across the County.

4. Educational Institutions:

- Our K-12 and collegiate educational institutions in the region are critical partners to our economic development initiatives, especially our efforts to bring new businesses to our shovel-ready parks and enable the growth of existing businesses.
- Superintendents, teachers, counselors and students across the Genesee Valley Educational Partnership (GVEP) districts have been working with the GCEDC to increase STEM programming in the classroom and gaining awareness of skill based career choices. The GLOW With Your Hands program launched with participation of students from every Genesee County high school in hands-on career exploration with over 60 local employers.
- The signing of the STEM 2 STAMP MOU to increase STEM training helps students understand the regional job prospects in STEM career fields.
- Regional community colleges and four-year universities have also signed on to the STEM 2 STAMP pledge to find ways to advance technical STEM training programs within their respective institutions. The GCEDC, Genesee Community College, and other partners secured funding in 2019 for a new summer training program in CNC and mechatronics careers.
- This workforce development effort is intended to provide employers with a skilled workforce, as well as build a worker pipeline for the future companies attracted to our region, including businesses we are recruiting to bring to the STAMP Campus.

5. Continue site development activities at the tech and industrial parks which facilitates achievement of our jobs and investment goals.
 - A. **2019 results are that Phase I and II of the water project are complete. The main entrance road has completed constructed along with the turn lane and the main entrance sign has been installed. USFW is currently out for public notice on the ROW request and the draft SPDES permit from the NYSDEC is in process. Design and engineering for the large-scale capacity water and electric will be through the design and engineering phase by early 2020. The on-site power line reroute design and engineering will be completed in early 2020.**
6. Continue active participation with the City of Batavia, Batavia Development Corp., County, School district, Finger Lakes REDC, New York State and related community partners with respect to revitalization activities and projects in the City of Batavia to include development and implementation of the Batavia DRI Strategic Investment Plan. This will include the importance of the development and support of Placemaking.
 - A. **The GCEDC was active on placemaking activities in 2019. Following on his role as co-chair of the Batavia DRI Local Planning Committee, Steve Hyde, along with the GCEDC staff and board members engaged with local stakeholders and project managers for the Healthy Living Campus, Ellicott Station, Harvester Center and other downtown redevelopment efforts. The GCEDC has been very active in supporting regional initiatives at the Finger Lakes REDC, leading to project planning and construction funding in the 2019 CFA cycle.**

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7. Continue active sales and marketing efforts focused on company attractions, expansions and retentions to achieve our investment and jobs goals and continued focus on economic expansion.

A. In 2019, the GCEDC had 23 wins, 200 jobs committed, and \$61 million in capital investment committed. These projects will have a combined economic impact of \$156 million to the state and region. The results exceeded the GCEDC's goals. We had seven company attraction projects that included Pearl Solar I and II, Churchville Fire Equipment, Wright Beverage, Wendt's Propane Service, Gateway GS and Upstate Niagara Cooperative, Inc. A total of seven expansion projects included CVO Central, LLC, Mucher & Clark, LLC, SCP Pools, Grahams, Six Flags Darien Lake, LLC, HP Hood, LLC, Genesee Lumber, and Tenney Coin Laundry, LLC. Overall, we had 106 leads and 29 companies met with our agency and toured our industry specific shovel-ready parks in 2019. The "Attraction Strategy" was executed in various ways including attendance at site location/industry conferences, attendance at commercial realtor events, and relationship building with regional economic development partners and Empire State Development. Full support was given on all marketing efforts throughout the year with an emphasis placed on Twitter and LinkedIn content exposure. We have over 1,400 followers on Twitter, 1,100 followers on Facebook and 7,300 followers on LinkedIn. Also, the new mobile friendly website with a cohesive brand strategy and updated marketing content is continuously updated. We are beginning 2020 with a healthy sales funnel with several exciting prospects.

8. Continue workforce development activities with our education partners focused on worker pipeline enhancement enabling growth by our existing base of businesses and supporting company attractions to the community/region.

The worker pipeline and workforce availability are becoming a critical item given the continued growth in the US economy and the local unemployment rate (under 4% for most of the year). GCEDC's approach has focused on both the long game and short-term opportunities. Throughout 2019 our efforts have focused on both Higher Education and especially K-12 with the goal to influence students' interest in STEM careers and career paths in the skilled trades.

A few of the major initiatives that was led by our workforce team included:

A. Chris Suozzi was a keynote speaker for GCC's Career day for 325 tenth grade students from 7 school districts in the region regarding local opportunities in STEM and skilled trades careers.

B. To support the introduction of K-12 student and adults to careers in the skilled trades and support our employers in demonstrating that working in manufacturing today is an exciting and rewarding career path, the GCEDC Workforce team lead by Chris Suozzi, John Jakubowski and Jim Krencik introduced schools and businesses to Edge Factor. Edge Factor is a customizable software platform that serves to build an ecosystem between employers, educators, parents and the community. To date we have 14 of the 22 schools in the Genesee Valley Educational Partnership region and several businesses with memberships to Edge Factor. We worked with GVEP to secure partial state funding via a Co-ser model for regional schools and worked with the GLOW region BEA's to sign up school districts, which launch system in 2019. We hosted an Edge Factor Live event at Batavia High School for 650 students. In addition, we trained 80 teachers in the region on how to best utilize the Edge Factor platform. Over 1700 logins were recorded in the Fall of 2019 from students, teachers and businesses.

C. The GCEDC Workforce team assisted in the following events: 4th Graders Shark Tank event, STEM Jam 3-5th grades, GVEP Computer Graphics Class, Pavilion 6th graders, Byron-Bergen 6th graders, GVEP Open House, at GCC career day. We impacted a total of 445 students from these events.

D. Chris Suozzi was Co-Chairman for GLOW with your hands inaugural event held September 24, 2019 with John Jakubowski and Jim Krencik in key support roles. This was a hands-on day with over 25 school districts sending over 800 students from grades 8th -12th to try jobs that require them to work with their hands. This was a collaboration/coordination between 58 local businesses, economic and workforce

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development agencies in a 4-county region and over 80 volunteers. In addition to the Co-Chairman role, I was Chairman of the Fundraising/Finance Committee. This was a very successful and impactful event that was privately funded by over 40 regional partners raising over \$45,000. We look forward to this annual event in 2020 and beyond.

E. Worked with GVEP Batavia on advocacy and messaging around their “technician” and new electro-mechanical (mechatronics) program. Assisted GVEP with a “Signing Day” event. This is an acknowledgement of graduates who entered the workforce “signed” a letter of commitment with their parents and hiring company.

F. We are working on two Pre-Apprenticeship programs form 2019-20 school year. The first pre-apprenticeship program is at GVEP for 11th and 12th graders with career paths in mechatronics, computer numerical control (CNC) and welding. The second pre-apprenticeship program is a 6 week “bootcamp” being planned for Summer of 2020 for young adults ages 18-24 and have commitments from Amada Tool, Bonduelle, Lapp, HP Hood and US Gypsum. The focus again will be on mechatronics and CNC.

G. In 2019, a total of 4,135 students/teachers were engaged on STEM and Skilled Traders from our efforts; 2,365 from events and 1,770 from Edge Factor

9. Commence strategic planning and related advocacy/communications activities regarding the need for additional investment to implement STAMP Phase II site and infrastructure development helping to make the 1,250-acre site globally competitive by better aligning infrastructure readiness timelines with market needs (market ready/shovel-ready).

The GCEDC has received the additional \$8M for STAMP Track 2 infrastructure and is well underway on the design, engineering and permitting focused on bringing the main manufacturing portion of the STAMP campus to a Market Ready state that will significantly reduce the timelines as it relates to large infrastructure deployment.

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As of 12/31/18 Final year end numbers

Calculation using historic core project data: Source = GCEDC Activity Tracking Database (does not include major projects over \$10 m or mega projects over \$50 m)

Year	Pledged Job Creation	Number of projects	Jobs Retained	Capital Investment
2007	44	6	534 \$	14,690,000
2008	150	18	545 \$	60,000,000
2009	40	5	119 \$	52,200,000
2010	36	23	475 \$	21,600,000
2011	120	28	671 \$	17,800,000
2012	241	37	526 \$	18,400,000
2013	270	28	1,295 \$	29,940,000
2014	91	17	594 \$	37,401,000
2015	158	18	822 \$	32,950,000
2016	28	16	553 \$	21,500,000
2017	40	14	771 \$	18,100,000
2018	99	16	620 \$	33,800,000
2019	150	22	836 \$	39,000,000

UMMC - \$16.71 m, Empire pipeline - \$29.1 m, Target - \$14.2 m, Darien Lake \$109 m not included
 No core projects in excess of \$10 m capex or \$50 m capex
 UMMC \$18m and Kreher \$12m not included
 No core projects in excess of \$10 m capex or \$50 m capex
 Alpina - \$17.5 m capex, Outka - \$16 m capex not included
 Muller Quaker Dairy, LLC - \$206 m capex
 No major or mega projects
 Yancey's Fancy \$20.7 million capex
 Outka \$20.99 million capex
 Bonduelle and HP Hood removed

Calculation using historic major or mega project data: Source = GCEDC Activity Tracking Database (only includes major projects over \$10 m or mega projects over \$50 m)

Year	Pledged Job Creation	Number of projects	Jobs Retained	Capital Investment
2007	138	4	69 \$	169,010,000
2008	-	-	- \$	-
2009	12	2	630 \$	30,000,000
2010	-	-	- \$	-
2011	52	2	315 \$	33,500,000
2012	186	1	0 \$	306,250,000
2013	-	-	- \$	-
2014	50	1	108 \$	20,671,000
2015	21	1	334 \$	20,990,000
2016	41	2	0 \$	63,360,000
2017	348	2	0 \$	222,200,000
2018	0	0	0 \$	-
2019	50	1	0 \$	22,000,000

UMMC - \$16.71 m, Empire pipeline - \$29.1 m, Target - \$14.2 m, Darien Lake \$109 m
 No core projects in excess of \$10 m capex or \$50 m capex
 UMMC \$18m and Kreher \$12m
 No core projects in excess of \$10 m capex or \$50 m capex
 Alpina - \$17.5 m capex, Outka - \$16 m capex
 Muller Quaker Dairy, LLC - \$206 m capex
 Yancey's Fancy
 Outka
 Kreher's \$35.36m ESD STAMP grant \$28m
 Bonduelle and HP Hood
 Upstate purchase of Alpina building

Totals of core projects, major projects and mega projects by year

Year	Pledged Job Creation	Number of projects	Jobs Retained	Capital Investment
2007	182	10	603 \$	183,700,000
2008	150	18	545 \$	60,000,000
2009	52	7	749 \$	82,200,000
2010	36	23	475 \$	21,600,000
2011	172	30	986 \$	51,300,000
2012	427	38	526 \$	224,650,000
2013	270	28	1,295 \$	29,940,000
2014	141	18	702 \$	58,072,000
2015	179	19	1,156 \$	53,940,000

\$ 1,124,362,000 Total capex

As of 12/31/18 Final year end numbers

Calculation using historic core project data: Source = GCEDC Activity Tracking Database (does not include major projects over \$10 m or mega projects over \$50 m)

Year	Pledged Job Creation	Number of projects	Jobs Retained	Capital Investment
2007	44	6	534	\$ 14,690,000
2008	150	18	545	\$ 60,000,000
2009	40	5	119	\$ 52,200,000
2010	36	23	475	\$ 21,600,000
2011	120	28	671	\$ 17,800,000
2012	241	37	526	\$ 18,400,000
2013	270	28	1,295	\$ 29,940,000
2014	91	17	594	\$ 37,401,000
2015	158	18	822	\$ 32,950,000
2016	28	16	553	\$ 21,500,000
2017	40	14	771	\$ 18,100,000
2018	99	16	620	\$ 33,800,000
2019	150	22	836	\$ 39,000,000

UMMC - \$16.71 m, Empire pipeline - \$29.1 m, Target - \$14.2 m, Durien Lake \$109 m not included
 No core projects in excess of \$10 m capex or \$50 m capex
 UMMC \$18m and Kreher \$12m not included
 No core projects in excess of \$10 m capex or \$50 m capex
 Alpina - \$17.5 m capex, Oatka - \$16 m capex not included
 Muller Quaker Dairy, LLC - \$206 m capex
 No major or mega projects
 Yancey's Fancy \$20.7 million capex
 Oatka \$20.99 million capex
 Bonduelle and HP Hood removed

Calculation using historic major or mega project data: Source = GCEDC Activity Tracking Database (only includes major projects over \$10 m or mega projects over \$50 m)

Year	Pledged Job Creation	Number of projects	Jobs Retained	Capital Investment
2007	138	4	69	\$ 169,010,000
2008	-	-	-	\$ -
2009	12	2	630	\$ 30,000,000
2010	-	-	-	\$ -
2011	52	2	315	\$ 33,500,000
2012	186	1	0	\$ 206,250,000
2013	-	-	-	\$ -
2014	50	1	108	\$ 20,671,000
2015	21	1	334	\$ 20,990,000
2016	41	2	0	\$ 63,360,000
2017	248	2	0	\$ 222,200,000
2018	0	0	0	\$ -
2019	50	1	0	\$ 22,000,000

UMMC - \$16.71 m, Empire pipeline - \$29.1 m, Target - \$14.2 m, Durien Lake \$109 m
 No core projects in excess of \$10 m capex or \$50 m capex
 UMMC \$18m and Kreher \$12m
 No core projects in excess of \$10 m capex or \$50 m capex
 Alpina - \$17.5 m capex, Oatka - \$16 m capex
 Muller Quaker Dairy, LLC - \$206 m capex
 Yancey's Fancy
 Oatka
 Kreher's \$35.36m ESD STAMP grant \$28m
 Bonduelle and HP Hood
 Upstate purchase of Alpina building

\$ 1,124,362,000 Total capex
 2,065 Total job commitments

Totals of core projects, major projects and mega projects by year

Year	Pledged Job Creation	Number of projects	Jobs Retained	Capital Investment
2007	182	10	603	\$ 183,700,000
2008	150	18	545	\$ 60,000,000
2009	52	7	749	\$ 82,200,000
2010	36	23	475	\$ 21,600,000
2011	172	30	986	\$ 51,300,000
2012	427	38	526	\$ 224,650,000
2013	270	28	1,295	\$ 29,940,000
2014	141	18	702	\$ 58,072,000
2015	179	19	1,156	\$ 53,940,000
2016	69	18	553	\$ 84,860,000
2017	288	16	771	\$ 240,300,000
2018	99	16	620	\$ 33,800,000
2019	200	23	836	\$ 61,000,000

Totals of all projects (adjusted to remove large attraction projects, or large non-recurring projects):

Year	Pledged Job Creation	Number of projects	Jobs Retained	Capital Investment
2007	26	7	208	\$ 31,400,000
2008	150	18	545	\$ 60,000,000
2009	52	7	749	\$ 82,200,000
2010	36	23	475	\$ 21,600,000
2011	137	29	475	\$ 33,800,000
2012	241	37	1,301	\$ 18,400,000
2013	150	27	1,295	\$ 22,940,000
2014	141	18	702	\$ 58,072,000
2015	179	19	1,156	\$ 53,940,000
2016	19	17	553	\$ 19,800,000
2017	58	13	463	\$ 20,000,000
2018	99	16	620	\$ 33,800,000
2019	150	22	836	\$ 39,000,000

(Removed Target, Empire Pipeline and Durien Lake)
 (Removed Alpina)
 (Removed Muller Quaker Dairy)
 (Removed Dicks Sporting Goods, 120 jobs, \$7 million capex, can
 (Removed Kreher's and ESD STAMP grant)
 (Removed HP Hood)
 (Removed Upstate purchase of Alpina building)

8 year average	151	Jobs Created	40,169,000	Capital Investment
4 year average	82	Jobs Created	28,150,000	Capital Investment

Prior approved Board Goals Budgets:

Year	Job Creation	Capital Investment
2011	100	\$ 13,800,000
2012	126	\$ 18,690,000
2013	132	\$ 19,250,000
2014	200	\$ 32,000,000
2015	205	\$ 35,000,000
2016	360	\$ 140,000,000
2017	122	\$ 39,000,000
2018	125	\$ 40,000,000
2019	90	\$ 32,000,000

Note: The Board chose to set a different goal than the calculated three year rolling average for 2011. This goal of 100 jobs created was higher than the calculated goal of 79 jobs. The Board feels that 100 jobs is a better goal because the 2009 and 2010 actual job creation numbers were very low due to the downturn in the economy.

2012 goals based on a 5% increase to 2011 actual core project job creation and capital investment numbers
 Core projects only. Board also set a goal of one major project with a \$10 m capx and job creation goal of 50.

(210 from core projects and 150 from one mega project) (\$40m in core projects and \$100m from one mega pr

2020 Staff Recommendation:	100	Jobs Created	35,000,000	Capital Investment
2020				

New York State Local Public Authority Mission Statement and Measurement Report

Local Public Authority Name: Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (GCEDC)

Fiscal Year: January 1, 2020 – December 31, 2020

Enabling Legislation (enables Local Public Authority Mission Statement): Industrial development agencies (“IDAs”) are formed under Article 18-A of New York State General Municipal Law, as public benefit corporations. IDAs were created to actively promote, encourage, attract and develop job and recreational opportunities and economically-sound commerce and industry in cities, towns, villages and counties throughout New York State (the “State”). IDAs are empowered to provide financial assistance to private entities through tax incentives in order to promote the economic welfare, prosperity and recreational opportunities for residents of a municipality (“Benefited Municipality”).

Mission Statement: GCEDC's mission is to be the driving force in fostering community economic success by providing comprehensive support, technical assistance and access to financial resources to businesses thereby enabling growth, expansion and retention of our existing business base and to market our community as "business friendly" facilitating new business attraction in order to build a sustainable long-term economy.

2020 Measurements:

1. Secure capital / business investment commitments of \$35 million.
2. Secure pledges to create 100 jobs.
3. Achieve the GCEDC 2020 budget from a bottom-line financial operation performance (EBITDA) standpoint.
4. Continue an active outreach campaign. Continue engagements with state, federal, regional, local and educational partners focused on advancing the GCEDC's development strategy enabling local/regional economic growth and quality job opportunities for our residents and children.
5. Continue site development activities at the tech and industrial parks which facilitates achievement of our jobs and investment goals.
6. Continue active participation with the City of Batavia, Batavia Development Corp., County, School district, Finger Lakes REDC, New York State and related community partners with respect to revitalization activities and projects in the City of Batavia to include development and implementation of the Batavia DRI Strategic Investment Plan. This will include the importance of the development and support of Placemaking activities.
7. Continue active sales and marketing efforts focused on company attractions, expansions and retentions to achieve our investment and jobs goals and continued focus on economic expansion.

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8. Continue workforce development activities with our education partners focused on worker pipeline enhancement enabling growth by our existing base of businesses and supporting company attractions to the community/region.
9. Commence strategic planning and related advocacy/communications activities regarding the need for additional investment to implement STAMP Phase II site and infrastructure development helping to make the 1,250-acre site globally competitive by better aligning infrastructure readiness timelines with market needs (market-ready/shovel-ready).

Authority Stakeholder(s): Genesee County Legislature

Authority Beneficiaries: The residents and taxing jurisdictions of Genesee County

Authority Customers: The Business Community of Genesee County

Authority self-evaluation of prior year performance (based upon established measurements): To Be provided by March 31, 2021 related to 2020 performance.

Governance Certification:

1. Have the board members acknowledged that they have read and understood the mission of the public authority?

Board of Directors Response: Yes

2. Who has the power to appoint management of the public authority?

Board of Directors Response: The Board of Directors

3. If the Board appoints management, do you have a policy you follow when appointing the management of the public authority.

Board of Directors Response: The Board has not adopted a final, written policy; however, the Board follows the prudent and reasonable past practice of appointing responsible individuals.

4. Briefly describe the role of the Board and the role of management in the implementation of the mission.

Board of Directors Response: The role of the Board regarding the implementation of the public authority's mission is to provide strategic input, guidance, oversight, mission authorization, policy setting and validation of the authority's mission, measurements and results. The role of management is to collaborate with the Board in strategy development / strategy authorization and to implement established programs, processes, activities and policies to achieve the public authority's mission.

5. Has the Board acknowledged that they have read and understood the response to each of these questions?

Board of Directors Response: Yes

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2019 Projects

Type of Project	Number of Projects (wins)	Total Jobs Committed	Total Jobs Retained	Total Capital Investment Committed	Inform Analytics Economic Impact (in millions)	
Sale Leaseback Transactions	15	193	763	\$ 50,858,025	\$ 77.67	
Revolving Loan Fund Transactions	2	4	3	\$	\$	
Grants	1			\$	\$	
Consulting	3	2	55	\$ 3,445,864	\$	
Bonds	1	1	15	\$ 4,680,000	\$	
Land Sales	1			\$ 2,000,000	\$	
Land Acquisitions				\$	\$	
TOTAL CLOSED PROJECTS	23	200	836	60,983,889	\$ 77.67	
Per activity tracking report	**Projects Approved - Not Yet Closed	6	71	525	\$ 31,776,883	
Per sales funnel report	Projects going to next Board meeting, or have initial resolution approval	2	4	\$	4,522,745	
Per sales funnel report	Highly likely category	13	64	\$	43,723,000	
	Totals	42	339	1,361	\$ 141,006,517	

Total 2019 Actual Results as Compared to 2019 Agency Goals (Over / (Under))

	Number of Projects (wins)	Total Jobs Committed	Total Jobs Retained	Total Capital Investment Committed
2019 Agency Goals				
Core Projects	N/A	90	N/A	\$ 32,000,000
Major Projects	N/A		N/A	\$
Mega Projects	N/A		N/A	\$
Total	N/A	90	N/A	\$ 32,000,000
2019 Results				
Core Projects	23	200	836	\$ 60,983,889
Major Projects				\$
Mega Projects				\$
Total 2019 Results	23	200	836	\$ 60,983,889
OVER / (UNDER)	N/A	110	N/A	\$ 28,983,889

Total 2019 project fee revenue compared to 2019 budget (cash and accrual)

12/31/2019

	CASH			ACCRUAL		
	Actual	Budget	Over (under)	Actual	Budget	Over (under)
Origination fee	\$ 378,319	\$ 375,000	\$ 3,319	\$ 378,319	\$ 375,000	\$ 3,319
Land sales	83,085		83,085			
Budget shortfall	455,122	455,122	-			
Total needed for 2019	\$ 916,526	\$ 830,122	\$ 86,404	\$ 378,319	\$ 375,000	\$ 3,319

	GCEDC	IBN	GRE	TOTAL
Leads	72	17	17	106
Opportunities (receive an application)	22	-	-	22
Wins (legal close & sign documents)	23	-	-	23
Attraction site visits	29	-	-	29

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GCEDC
Governance Committee Meeting Report
February 6, 2020

3f. Pricing Policy Revision

Discussion: The GCEDC has a standard pricing policy that charges either a \$500 or \$1,000 Administration fee for each year of benefit. The GCEDC staff has proposed changes to the pricing policy that would exempt solar farm project of 5 mW AC or less from this administrative fee.

Fund Commitment: None.

Board Action Request: Approval of revised pricing policy as presented.



Genesee County Economic Development Center Pricing & Fee Policy

Effective Date: May 2, 2019

Financial Assistance - Tax Savings***

Offering / Activity	Fees	Comments
<p>Lease - Lease Back (SLB) or similar Including any / all of the following:</p> <ol style="list-style-type: none"> 1. PILOT 2. Sales Tax Exemption 3. Mortgage Tax Exemption <p>Minimum fee of \$2,000</p>	<p>\$250 Non-Refundable Application Fee</p> <p><u>GCEDC Fees:</u> Direct Sales Project: 1.25% of total capital investment/ benefited project amount</p> <p><u>Administration fee:</u> For projects with a capital investment of less than \$5 million, there will be a \$500 annual fee charged for each year of benefits provided. For projects with a capital investment of \$5 million or greater, there will be a \$1,000 annual fee charged. Solar farm projects of 5 mW DC or less will be exempt from this fee.</p> <p><u>Legal Fees:</u> Legal transaction fees associated with a project will be estimated to each client on a case by case basis.</p>	<p>Eligible to businesses with Capital Investments of \$50,000 or greater which meet the criteria as set forth in the GCEDC's Uniform Tax Exemption Policy.</p>
<p>Sales Tax Exemption Only</p> <p>Minimum fee of \$1,000</p>	<p>\$250 Non-Refundable Application Fee</p> <p><u>GCEDC Fees:</u> Direct Sales Project: 1.25% of total capital investment/ benefited project amount</p> <p><u>Legal Fees:</u> Legal transaction fees associated with a project will be estimated to each client on a case by case basis.</p>	<p>Eligible to businesses with Capital Investments of \$50,000 or greater which meet the criteria as set forth in the GCEDC's Uniform Tax Exemption Policy.</p>
<p>Mortgage Tax Exemption Only</p> <p>Minimum fee of \$2,000</p>	<p>\$250 Non-Refundable Application Fee</p> <p><u>GCEDC Fees:</u> 0.4% of amount financed</p> <p><u>Legal Fees:</u> Legal transaction fees associated with a project will be estimated to each client on a case by case basis.</p>	<p>Eligible to businesses with Capital Investments of \$50,000 or greater which meet the criteria as set forth in the GCEDC's Uniform Tax Exemption Policy.</p>

Financing***

Offering / Activity	Fees	Comments
Bond: Taxable or Tax Exempt 1. Financing transaction only 2. Financing included with SLB	\$250 Non-Refundable Application Fee <u>Financing Transaction Only:</u> Direct Sales Project: 1.25% of total bond amount Applicant must pay NYS Bond Issuance cost plus legal fees. <u>Legal Fees:</u> Legal transaction fees associated with a project will be estimated to each client on a case by case basis.	Range varies based on GCEDC involvement, term of bond (equip only vs. real property) and spread between taxable and tax exempt yield curves. The shorter the term and / or lower the spread between yield curves requires lower fees to remain competitive vs. commercial lending sources.

Transfer/Assignment of PILOT

Offering / Activity	Fees	Comments
PILOT 1. If a company sells their building, the GCEDC must approve the transfer/assignment of the PILOT to the purchaser.	No Application Fee GCEDC will calculate a fee based on a number of factors such as the purchase price of the facility, what the purchaser will use the facility for, the remaining term and savings of the PILOT, and any other pertinent information that the Board feels is necessary. <u>Legal Fees:</u> Legal transaction fees associated with a project will be estimated to each client on a case by case basis.	

*** NOTE – If a company wants to have a lease-leaseback transaction with a tax-exempt financing component the total fee charged would be 1.75% of Capital investment.

Any deviation from the above listed fee schedule must be explained in writing to the Board by the CEO prior to (or simultaneously with) the approval of the Company's application and must be approved by the Board.

Financing/ Grants/ Consulting

Offering / Activity	Fees	Comments
Grants:	\$250 Non-Refundable Application Fee <u>Program Administration Fees:</u> Allowable program administration and delivery fees associated with the grant will be collected by the GCEDC. <u>Legal Fees:</u> Legal transaction fees associated with a project will be estimated to each client on a case by case basis.	Generally established and parameters set by Grantor. Negotiations, based on EDC involvement, occur on occasion. Project fee negotiated between grantee and GCEDC will be agreed to in a memorandum of understanding.