

**Genesee County Economic Development Center
Meeting Agenda**

Thursday, July 7, 2022

Location: 99 MedTech Drive, Innovation Zone

PAGE #

	1.0	Call to Order	4:00 pm
		Presentation – Ivy Village Corp	4:00 pm
	1.1	Enter Executive Session	4:15 pm
		Motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 for the following reasons:	
		1. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.	
		2. Discussions regarding proposed, pending or current litigation.	
	1.2	Enter Public Session	4:50pm
	2.0	Chairperson’s Report & Activities	4:50pm
	2.1	Upcoming Meetings: Next Scheduled Board Meeting: Thursday, August 4th at 3 p.m. (Change in time due to GLOW Corporate Cup) Audit & Finance Committee Meeting: Tuesday, August 2 nd at 8:30 a.m. STAMP Committee Meeting: Wednesday, August 3 rd at 8 a.m.	
	2.2	Agenda Additions / Deletions / Other Business **Vote	
	2.3	Minutes: June 2, 2022 **Vote	
	3.0	Report of Management –	4:55pm
	3.1	Ivy Village Corp – Initial Resolution **Vote – C. Suozzi	
	4.0	Audit & Finance Committee – M. Gray	5:05pm
	4.1	May 2022 Financial Statements **Vote	
	4.2	Indemnity Agreement & Logging Contract for LeRoy Food & Tech Park **Vote	
	4.3	Key Bank Line of Credit Renewal **Vote	
	4.4	Semicon West **Vote	
	5.0	Governance & Nominating Committee – C. Yunker	5:20pm
	5.1	Nothing at this time.	
	6.0	STAMP Committee – P. Zeliff	5:20pm
	6.1	Easement Approval **Vote	
	6.2	STAMP Payment for Storage Yard **Vote	
	6.3	Morsch Pipeline, Inc Change Order **Vote	
	6.4	SEQR Update Approval **Vote	
	6.5	Proposed STAMP Property Transfer **Vote	
	7.0	Employment & Compensation Committee – T. Bender	5:30pm
	7.1	Nothing at this time.	
	8.0	Housing Committee – P. Battaglia	5:30pm
	8.1	Nothing at this time.	
	9.0	Other Business	5:30pm
	9.1	Nothing at this time.	
	10.0	Adjournment	5:30pm

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**GCEDC Board Meeting
Thursday, June 2, 2022
Location: Electronically
4:00 PM**

GCEDC MINUTES

Attendance

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

1.0 Call to Order

P. Zeliff called the meeting to order at 4:01 p.m via conference call / video conference.

Governor Kathy Hochul signed legislation (S.50001 / A.40001) on September 2, 2021 extending virtual access to public meetings under NYS's Open Meetings Law, which allows virtual participation in local government meetings during the COVID-19 pandemic. This meeting is being held electronically via conference call / video conference.

1.1 Enter Executive Session

C. Yunker made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:03 p.m. for the following reasons:

1. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
2. Discussions regarding proposed, pending, or current litigation.
3. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

The motion was seconded by M. Gray and approved by all members present.

1.2 Enter Public Session

T. Bender made a motion to enter back into public session at 4:23 p.m., seconded by C. Yunker and approved by all members present.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, July 7th at 4:00 p.m.
Audit & Finance Committee Meeting: Tuesday, July 5th at 8:30 a.m.
STAMP Committee Meeting: Wednesday, July 6th at 8:00 a.m.

2.2 Agenda Additions / Deletions / Other Business –

M. Clattenburg made a motion to add the approvals of Temporary Easements 7, 8 and 9 to Agenda item 6.1 “Easement Approval”; the motion was seconded by M. Gray. Roll call resulted as follows:

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

The agenda items were removed.

2.3 Minutes: May 5, 2022.

M. Clattenburg made a motion to accept the minutes from May 5, 2022; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

The Audit & Finance Committee agenda items were discussed prior to the Report of Management so that the Committee chair could report on the agenda items before leaving the meeting.

4.0 Audit & Finance Committee

4.1 April 2022 Financial Statements - L. Farrell reviewed the April 2022 financial statements with the Board. The following was noted:

- On the balance sheet, restricted cash decreased by about \$2.6 million. Unearned revenue decreased by about the same amount. Significant STAMP expenditures were paid in April.
- In the operating fund, we received project origination fees from Gateway GS and Trousdale Solar I & Trousdale Solar II, totaling approximately \$194,000.

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

M. Gray made a motion to approve the April 2022 Financial Statements as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

4.2 Cyber Insurance - M. Gray stated that there was a presentation given by Lawley on Cyber Insurance at the Audit & Finance meeting. Coverage is through Atbay written with Trisura, Atbay's new supporting writing company. The change to Trisura is a result of the everchanging Cyber market. It's a common practice to use additional writing companies to provide competitive products.

Atbay/Trisura offered a renewal quote of \$10,289.17 for the 22-23 term. Limits and retention are per expiring; however, the carrier did add a Biometric Information Violation Exclusion. This has been a common exclusion that carriers have added to Cyber policies going forward. If you do not collect or house biometric data and that is not part of your services, this should not affect coverage. The agency's information was sent to market, but no additional quote options were received for the renewal.

Terms may change depending on if the STAMP entities are included. The STAMP information has been provided to the carrier. Lawley is waiting to hear as to whether the entities should be included now or when they become active. An update will be provided as soon as one is received from the carrier.

The cost of this policy is \$10,289.17 and will be split evenly between the GCEDC (\$5,144.59) and GGLDC (\$5,144.58). The budget for each entity included \$4,200 for cyber insurance. This is about \$900 over budget for each entity.

This was recommended for approval by the Committee.

M. Gray made a motion to approve the Cyber Insurance as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

4.3 Loewke Brill Agreement- La Fermiere- At the October 1, 2019 meeting, the GCEDC staff presented a sample proposal from Loewke Brill Consulting Group, Inc. on how they could assist companies that will have to report to the GCEDC under the local labor reporting requirements, including assistance with waiver requests and finding local contractors to bid their projects.

The GCEDC Staff had requested a quote for the costs related to a project in the Ag Park. A copy of the application for incentives was sent to Loewke Brill for them to calculate the fee. They submitted the following:

\$19,520 - 18 Inspections (\$325 per visit), 18 Monthly Reports (\$690 per month), 1 time set up fee (\$1,250)

The time was determined by what the project listed for the duration of construction in their application. GCEDC staff has the following recommendation which is consistent with prior approvals:

1. The GCEDC will pay for the set-up fee, monthly inspections, and reporting, not to exceed the construction timeline in the application. If it runs over that the company should be responsible.
2. The company will pay for any waiver requests that get submitted and sent to the Board for consideration.

In addition to the above discussion, the Audit & Finance Committee requested that the Governance & Nominating Committee discuss the local labor monitoring fee and potential change to the local labor policy again. The Governance & Nominating Committee is tasked with deciding whether the company or the GCEDC should be responsible for these fees.

At the Governance & Nominating meeting, staff was asked to find out how Erie and Monroe County manage payment of these fees. No change in policy or management of how these fees are currently paid will take place until this information is provided to the Committee and additional discussion can take place.

The Loewke Brill Agreement for the La Fermiere project was recommended for approval by the Committee.

C. Yunker made a motion to approve the Loewke Brill Agreement for the La Fermiere project as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

3.0 Report of Management

3.1 OATKA Milk - Final Resolution- O-AT-KA Milk Products LLC plans to build a 3,200 square foot addition to its existing facility in the town of Batavia.

The \$3.1 million expansion will house 2 new 18,000-gallon tanks and a dilution tank to increase capacities for cream-based liquor beverages and allow for future expansion.

The project is anticipated to add 2 new jobs.

The project has requested \$208,109 in financial support, including \$148,800 in sales tax exemptions and approximately \$59,309 in property tax abatements using our standard PILOT schedule 60% over 10 years.

For every \$1 of public benefit the company is investing \$27 into the local economy.

A public hearing was held on May 23, 2022. No written or oral comments were received.

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

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MAY 23, 2022, WITH RESPECT TO THE O-AT-KA MILK PRODUCTS, LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT AND (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

T. Bender made a motion to accept Final Resolution #06/2022-01, authorizing incentives as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

M. Gray left the meeting.

3.2 Post-Pandemic Employment – J. Krencik reviewed an infographic that illustrates the recovery of Genesee County’s employment post-pandemic. As of March 2022, there has been 109% recovery of March 2020 total private employment. As of March 2022, there has been a 92% recovery of March 2020 total non-farm employment, which includes a reduction of 400 jobs in government employment.

3.3 Regional Economic Development Council Update – On May 13th there was a Finger Lakes Regional Economic Council meeting. S. Hyde provided an overview of the presentation that was used at the meeting. This presentation was included with the meeting materials. Below are a few of the topics highlighted by S. Hyde:

- Out of the 9-county region, two of the eleven projects highlighted at the council meeting were from Genesee County, including Plug Power and La Fermiere.
- Genesee County's unemployment recovery since February 2020 is outperforming the region.
- The RESTORE program, which provides financial assistance for the redevelopment of blighted structures, is funded in NYS FY23 budget.
- New York State FY23 Budget Highlights (Economic & Workforce Development Program):
 - \$1B Small Business Program
 - \$170M New Office of Strategic Workforce Development at ESD
 - \$250M Restore NY
 - \$200M Downtown Revitalization Initiative (DRI) Round 6 & New DRI Forward

- \$1.4B Broadband Initiative
- \$800M Regional Economic & Community Assistance Program (Business Attraction)
- \$200M Shovel-Ready Sites Program (FAST NY)

3.4 Placemaking Update – J. Krencik and S. Hyde provided an update on recent placemaking projects in the Batavia Business Improvement District aided by the Downtown Revitalization Initiative (DRI), DRI Building Improvement Fund (BIF), the GCEDC and affiliates, as well as the Genesee CARES Business Recovery Fund Program. S. Hyde briefed the Board on the progress of three key projects, including the Healthy Living Campus, Ellicott Place and Ellicott Station that are changing the landscape of downtown.

3.5 Legislative Update – J. Krencik briefed the Board on the most recent Legislative session. No direct impacts to economic development are anticipated to come out of this session. J. Krencik first highlighted the positive legislative business, stating that the best initiative to come out of the Legislature this year is support for Governor Hochul’s FAST NY program which has driven an increased interest in New York. J. Krencik also mentioned Senator Cooney’s Green Chips Bill, which promotes New York State’s tax credits for projects that are tapping into renewable energy. J. Krencik then cited potentially damaging legislation which included, 1) a proposal that prohibits elected officials from being on boards like IDAs and LDCs, 2) a proposal that limits the in-state movement of companies, and 3) a proposal to remove school taxes from PILOTs. These proposals are unlikely to move in the assembly. At this time, proposals that are relevant but remain in question are related to establishing gender balance on Boards and seating a prevailing wage oversight board.

3.6 Site Selectors Guild-The Future of Megaprojects - Included with the meeting materials was an infographic that illustrates the staying power of large projects. There are three non-negotiables for site selectors when it comes to large projects, including 1) availability of skilled workforce 2) sufficient acreage or facility and 3) utility infrastructure. S. Hyde stated that the Agency has done well with the first two requirements and will continue to work the issues that surround utility infrastructure.

5.0 Governance & Nominating Committee – C. Yunker

5.1 GGLDC Board Member Appointments- GGLDC Board Member Appointments – P. Zelif’s terms for the GCEDC and GGLDC Boards ends on 6/30/22. The Genesee County Legislature reappointed P. Zelif to the GCEDC Board of Directors. The Governance and Nominating Committee recommends that P. Zelif is reappointed to the GGLDC Board of Directors.

C. Yunker made a motion reappoint P. Zelif to the GGLDC Board of Directors; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

5.2 Officer Appointments- The current slate of officers is set to expire on June 30th. It is suggested to approve the below listed slate of officers:

Chair -	P. Zelif
Vice-Chair -	M. Gray

Secretary - P. Kennett
Treasurer - L. Farrell
President/CEO - S. Hyde

The appointed officers shall hold office for one year or until their successors are appointed.

This was recommended for approval by the Committee.

C. Yunker made a motion to reapprove the current slate of officers; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

5.3 Authorized to Request Information Regarding Bank Accounts – L. Farrell and P. Kennett need to be authorized to request information regarding the bank accounts. No changes to this authorization are being suggested at this time.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the authorized individuals to obtain bank account information as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

5.4 Authorized Signers of Agreements, Contracts, etc.- L. Farrell shared that currently the authorized signers of agreements, contracts, etc. are the Chair (per Bylaws), Vice Chair (per Bylaws), President & CEO (Per Bylaws), Sr. VP of Operations and VP of Business & Workforce Development. No changes are being suggested at this time.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the Authorized Signers of Agreements, Contracts, etc. as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

5.5 Authorized Bank Signers – Audit & Finance Committee members are authorized bank signers, along with two staff members, S. Hyde and M. Masse. All GCEDC checks must be signed by two authorized signers. All checks must be signed by at least one board member.

Line of credit withdrawals must be signed by two authorized signers. All line of credit withdrawals must be signed by at least one board member.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the Authorized Bank Signers as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

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

This was recommended for approval by the Committee.

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

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

The item was approved as presented.

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

This was recommended for approval by the Committee.

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

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

The item was approved as presented.

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

This was recommended for approval by the Committee.

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

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

The item was approved as presented.

5.9 Pricing Policy Change - The GCEDC's current pricing policy allows an origination fee of 1.25% of the total capital investment/benefitted project amount. With STAMP seeing interest from projects that have significant capital investment/benefitted amounts, the GCEDC staff is recommending a revision to the policy to allow for an ability to negotiate the origination fee on these large projects.

Fund Commitment: None.

This was recommended for approval by the Committee.

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

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

The item was approved as presented.

6.0 STAMP Committee – P. Zelif

6.1 Easement Approval- In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, there are several easements needed. Based on a compensation model the following payments are being recommended:

1. Temporary Easement 25 - \$500
2. Temporary Easement 7 - \$500
3. Temporary Easement 8 - \$500
4. Temporary Easement 9 - \$500

Fund Commitment: \$500 per Temporary Easement from the \$33 million.

Temporary Easement 25 was recommended for approval by the Committee. Temporary Easements 7, 8 and 9 were added to the full Board agenda.

P. Zelif made a motion to approve the ROW easement payments not to exceed \$500 per temporary easement as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

6.2 Draft Land Management Plan - A red-lined version of the Draft Land Management Plan, denoting the changes from 2017, was provided to the STAMP Committee members. A final draft will be provided at the next STAMP Committee meeting.

7.0 Employment & Compensation – T. Bender

7.1 Nothing at this time.

8.0 Housing Committee – P. Battaglia

8.1 Nothing at this time.

9.0 Other Business

9.1 Nothing at this time.

10.0 Adjournment

As there was no further business, T. Bender made a motion to adjourn at 5:05 p.m., which was seconded by C. Yunker and passed unanimously.



Project Name: OATKA Milk Products

Board Meeting Date: May 5, 2022

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

PROJECT DESCRIPTION:

O-AT-KA Milk Products LLC plans to build a 3,200 square foot addition to its existing facility in the town of Batavia.

The \$3.1 million expansion will house 2 new 18,000 gallon tanks and a dilution tank to increase capacities for cream based liquor beverages, and allow for future expansion.

The project is anticipated to add 2 new jobs.

The project has requested \$208,109 in financial support, including \$148,800 in sales tax exemption and \$59,309 in property tax abatement using our standard PILOT schedule 60% over 10 years.

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

Project details: The project will create 2 FTE’s direct jobs with an average of salary of \$41,600+ benefits.

Board Discussion: None.

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

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

The item was approved as presented.

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 an investment of \$3,100,000 and construct a 3,200 sq. ft. addition to their facility.

Board Discussion: None.

M. Clattenburg made a motion to concur with Criteria #2; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

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

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

Project details: N/A

Board Discussion: None.

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

The Fiscal impacts (discounted value) on Local Benefits totals approximately \$3.5 million (\$3.4 million direct and indirect payroll and over \$65,203 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

Project details: For every \$1 of public benefit the company is investing \$27 into the local economy

Board Discussion: None.

T. Bender made a motion to concur with Criteria #4; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

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

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

Project details: The project is strategic in the Food Processing industry

Board Discussion: None.

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

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

The item was approved as presented.

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

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

Project details: The project is planning to begin construction 2nd quarter of 2022 and be operational by the end of 2022.

Board Discussion: None.

M. Clattenburg made a motion to concur with Criteria #6; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

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

*may
6/16/22*

Customer Information

Potential Customer:	Ivy Village Corp	Opportunity Type:	Attraction
Proj. St. Address:	143 Lake Street	Opportunity Product:	Property Sales & Mortgage Recording Taxes Only
City/Town/Village:	//LeRoy	Type of Project:	Attraction
Proj. Description:	Le Roy Housing	New Jobs:	2 ✓
Total Capital Investment:	\$3,720,000 ✓	Retained Jobs:	
Incentive Amount:	\$805,729 ✓	School District:	LeRoy
Benefited Amount:	\$3,500,000 ✓	PILOT Applicable:	

Project Information

Organization:	GCEDC
Opportunity Source:	3rd Party Professional Date of Public Hearing:
Initial Acceptance Date:	7/7/2022 Inducement Date:

Opportunity Summary: Ivy Village Corp is planning to construct a market-rate adult patio home development on 16 acres in the Village of Le Roy.

The proposed \$3.72 million project is for the construction of the initial 10 duplex residences (20 units total) of a planned three-phase development (60 units total). The first phase buildings will total 35,312 sq. ft.

Ivy Village Corp's proposed project meets the recommendations of recent studies by LaBella Associates and The Rockefeller Institute of Government, which identified housing availability as a critical element to fully realize the benefits of Genesee County's economic development strategy. LaBella Associates reported that 4,800 new units are needed in the next 20 years across multiple sectors, including rental units and single-family homes.

Ivy Village Corp is requesting assistance from the GCEDC in the form of a property tax abatement (\$603,169) using our Market Rate Housing PILOT (20 + Units) schedule which averages 61.5% savings over 20 years, a sales tax abatement (\$172,800), and a mortgage tax exemption (\$29,760).

Economic Impact: The project's proposed investments and fiscal impact are estimated at \$6 for every \$1 of proposed public benefits.

The Fiscal impacts (discounted value) on Local Benefits totals \$3,548,409 (\$3,246,278 indirect payroll and \$338,131 to the public in tax revenues).

Project Detail (Total Capital Investment)

Building Cost (Construction):	\$3,400,000 ✓	Capital Improvements:	\$0
Equipment (non-taxable):	\$120,000 ✓	Equipment (Taxable) / Other Proj Investment:	\$0
Land Cost (Real Estate):	\$200,000 ✓		
Total Capital Investment:	\$3,720,000		

Estimated Benefits Provided

Sales Tax Exempt:	\$172,800 ✓	Tax Exempt Bond:	\$0
Mortgage Tax Exempt:	\$29,760 ✓	Land Sale Subsidy:	\$0
Property Tax Exempt:	\$603,169		
Total Estimated Tax Incentives Provided:	\$805,729		

Total Amount Finance: \$3,720,000

man
binder

Genesee County Industrial Development Agency

MRB Cost Benefit Calculator

Date: July 7, 2022
 Project Title: Ivy Village Corp
 Project Location: 143 Lake St Leroy, NY 14482



Cost-Benefit Analysis Tool powered by MRB Group

Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

Project Total Investment

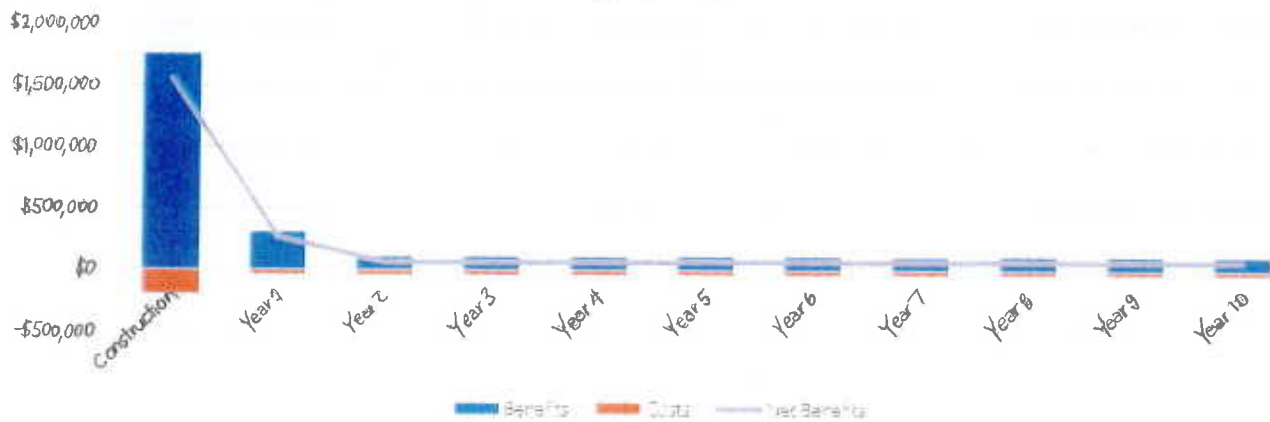
\$3,720,000

Temporary Construction			
	Direct	Indirect	Total
Jobs	18	5	23
Earnings	\$1,425,006	\$235,757	\$1,660,764
Local Spend	\$3,400,000	\$842,684	\$4,242,684

Ongoing (Operations) Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	2	1	3
Earnings	\$1,664,000	\$275,297	\$1,939,297

Figure 1

Net Benefits

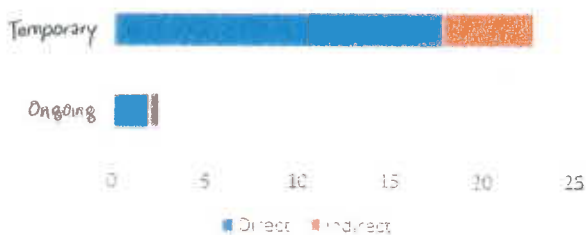


Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

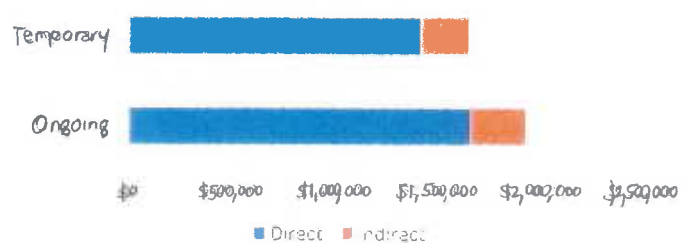
Figure 2

Figure 3

Total Jobs



Total Earnings



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$603,169	\$507,088
Sales Tax Exemption	\$172,800	\$172,800
Local Sales Tax Exemption	\$86,400	\$86,400
State Sales Tax Exemption	\$86,400	\$86,400
Mortgage Recording Tax Exemption	\$29,760	\$29,760
Local Mortgage Recording Tax Exemption	\$14,880	\$14,880
State Mortgage Recording Tax Exemption	\$14,880	\$14,880
Total Costs	\$805,729	\$709,648

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$4,197,784	\$3,747,890
To Private Individuals	\$3,800,061	\$3,442,356
Temporary Payroll	\$1,660,764	\$1,660,764
Ongoing Payroll	\$1,939,297	\$1,585,514
Other Payments to Private Individuals	\$200,000	\$196,078
To the Public	\$397,723	\$305,533
Increase in Property Tax Revenue	\$335,073	\$252,191
Temporary Jobs - Sales Tax Revenue	\$11,625	\$11,625
Ongoing Jobs - Sales Tax Revenue	\$13,575	\$11,099
Other Local Municipal Revenue	\$37,450	\$30,618
State Benefits	\$187,203	\$168,806
To the Public	\$187,203	\$168,806
Temporary Income Tax Revenue	\$74,734	\$74,734
Ongoing Income Tax Revenue	\$87,268	\$71,348
Temporary Jobs - Sales Tax Revenue	\$11,625	\$11,625
Ongoing Jobs - Sales Tax Revenue	\$13,575	\$11,099
Total Benefits to State & Region	\$4,384,987	\$3,916,696

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$3,747,890	\$608,368	6:1
State	\$168,806	\$101,280	2:1
Grand Total	\$3,916,696	\$709,648	6:1

*Discounted at 2%

Additional Comments from IDA

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

Adm
6/14/22

MRB Cost Benefit Calculator

Genesee County Industrial Development Agency

Date
 Project Title
 Project Location

Construction Phase - Project Assumptions

Project Costs

Enter total project costs:
 Local Construction Spending*
 % of locally sourced materials and labor
 In-region construction spending

Construction Economic Impacts

Industry	NAICS	% of Total Investment	Investment by Type
New Multifamily Building Construction	236116	100%	\$3,400,000
[Not Applicable]	0		\$0
[Not Applicable]	0		\$0
<i>Most projects will only have one line related to construction type.</i>		100%	\$3,400,000

Operation Phase - Project Assumptions

Jobs and Earnings from Operations

[NAICS Lookup](#)

Year 1 - Enter NAICS

NAICS	Count	Per Job Annual Earnings	Total Earnings	
New Multifamily Housing Construction (exc	236116	2	\$41,600	\$83,200
0			\$0	\$0
0			\$0	\$0
0			\$0	\$0
0			\$0	\$0
0			\$0	\$0
Total	2			\$83,200

Year 2

NAICS	Count	Per Job Annual Earnings	Total Earnings	
New Multifamily Housing Construction (exc	236116	2	\$41,600	\$83,200
0	0		\$0	\$0
0	0		\$0	\$0
0	0		\$0	\$0
0	0		\$0	\$0
0	0		\$0	\$0
Total	2			\$83,200

Year 3+ (Full Employment)

NAICS	Count	Per Job Annual Earnings	Total Earnings	
New Multifamily Housing Construction (exc	236116	2	\$41,600	\$83,200
0	0		\$0	\$0
0	0		\$0	\$0
0	0		\$0	\$0
0	0		\$0	\$0
0	0		\$0	\$0
Total	2			\$83,200

Fiscal Impact Assumptions

Estimated Costs of Incentives

Sales Tax Exemption	<input type="text" value="4.00%"/>	Value <input type="text" value="\$172,800"/>	PILOT Term (Years)	<input type="text" value="20"/>
Local Sales Tax Rate	<input type="text" value="4.00%"/>	<input type="text" value="\$86,400"/>	Escalation Factor	<input type="text" value="0%"/>
State Sales Tax Rate	<input type="text" value="4.00%"/>	<input type="text" value="\$86,400"/>	Discount Factor	<input type="text" value="2%"/>
Mortgage Recording Tax Exemption		<input type="text" value="\$29,760"/>		
Local	<input type="text" value="0.50%"/>	<input type="text" value="\$14,880"/>		
State	<input type="text" value="0.50%"/>	<input type="text" value="\$14,880"/>		
Total Costs		<input type="text" value="\$805,729"/>	<small>includes PILOT exemption, calculated below</small>	



Client Company Investment Project Financial Assistance PROPOSAL

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

Project Profile:

Company: Ivy Village Corp

Project Description: _____ **Date:** 6/6/22

Project Cost: _____ **Start Date:** _____

Project Cost subject to Sales Tax: _____

Project Cost to be Financed via Mortgage: _____

Estimated Assessed value of Real Property/Building upon completion*: _____

Jobs Created: next 3 years: _____

Jobs Retained: next 3 years: _____

building cost	3,400,000	non-mfg equipment	\$120,000
land			
60% bldg cost + non mfg equipt			

	1 Year View	3 Year View	Project Lifetime	Clinton Crossing
Assessed				\$ 2,140,000
Units				\$ 40
Assessed/unit				\$ 53,500
Project Units				\$ 20
New Assessment				\$ 1,070,000

	1 Year View	3 Year View	Project Lifetime
8.00%	\$ 172,800	\$ 172,800	\$ 172,800
1.00%	\$ 29,760	\$ 29,760	\$ 29,760
61.5%			61.5%
20			
\$ 45.83	\$ 49,038	\$ 147,114	\$ 980,762
	10%	10%	39%
\$	\$ 4,904	\$ 14,711	\$ 377,593
	\$ 44,134	\$ 132,403	\$ 603,169
	\$ 246,694	\$ 334,963	\$ 805,729

Applicable GCEDC Products:

Financial Assistance: Cost Reduction Through Tax Savings:

Sale/Leaseback (SLB):

Sales Tax Exemption (Savings): _____

Mortgage Tax Exemption (Savings): _____

Real Property Tax Abatement (PILOT): _____

Average Abatement (savings %) over project life: _____

PILOT Term in years: _____

Gross Property Tax Costs: _____

Payment Schedule (% Real Property Taxes Paid): _____

Net Required Property Tax payments per PILOT: _____

PILOT Real Property Tax Savings (Next taxable year): _____

Total Tax Savings via Sale/Leaseback (SLB): _____

Financing: Cost Reduction via low cost financing (below prime rate):

Revolving Loan Fund (RLF):

Loan Factors: _____ Term in mo _____ RLF APR _____ Prime + 1%

Interest Rate Savings: _____

Gross Cost Savings via GCEDC programs:

Participation Fees (Costs):

GCEDC Application Fee (non-refundable): _____

GCEDC Project Fee (% Total Project Cost): _____

Legal Fees: SLB (Contract Development, Documentation, Filing fees tbd)

Legal Fees: RLF (Contract Development, Documentation, Filing fees): _____

Total Participation Fees: _____

Summary:

Total Costs Savings / Benefits via GCEDC programs(after participation f): \$ 199,944 \$ 288,213 \$ 758,979

Total Benefits as % Total Project Cost: 5% 8% 20%

Return on Investment (ROI) = Net Savings / Participation Fees: 428% 616% 1623%

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

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

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

PLEASE PLAN CASH FLOW NEEDS ACCORDINGLY!

Gross Property Tax Per Year \$ 49,038				fire district	
Year of Exemption	% of Paid Taxes	Net Savings	Municipalities Tax to be Paid	Total	Fire District fee
1	10%	\$44,134	\$ 4,904	\$49,038	\$ 1,873
2	10%	\$44,134	\$ 4,904	\$49,038	\$ 1,873
3	10%	\$44,134	\$ 4,904	\$49,038	\$ 1,873
4	10%	\$44,134	\$ 4,904	\$49,038	\$ 1,873
5	15%	\$41,682	\$ 7,356	\$49,038	\$ 1,873
6	15%	\$41,682	\$ 7,356	\$49,038	\$ 1,873
7	15%	\$41,682	\$ 7,356	\$49,038	\$ 1,873
8	20%	\$39,230	\$ 9,808	\$49,038	\$ 1,873
9	20%	\$39,230	\$ 9,808	\$49,038	\$ 1,873
10	20%	\$39,230	\$ 9,808	\$49,038	\$ 1,873
11	50%	\$24,519	\$ 24,519	\$49,038	\$ 1,873
12	50%	\$24,519	\$ 24,519	\$49,038	\$ 1,873
13	50%	\$24,519	\$ 24,519	\$49,038	\$ 1,873
14	50%	\$24,519	\$ 24,519	\$49,038	\$ 1,873
15	50%	\$24,519	\$ 24,519	\$49,038	\$ 1,873
16	75%	\$12,260	\$ 36,779	\$49,038	\$ 1,873
17	75%	\$12,260	\$ 36,779	\$49,038	\$ 1,873
18	75%	\$12,260	\$ 36,779	\$49,038	\$ 1,873
19	75%	\$12,260	\$ 36,779	\$49,038	\$ 1,873
20	75%	\$12,260	\$ 36,779	\$49,038	\$ 1,873
Total	61.5%	\$603,169	\$377,593	\$980,762	\$37,450



msc
4/16/22

Project Name: Ivy Village Corp (Leroy)

Board Meeting Date: July 7, 2022

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

PROJECT DESCRIPTION:

Ivy Village Corp is planning to construct a market-rate adult patio home development on 16 acres in the Village of Le Roy.

The proposed \$3.72 million project is for the construction of the initial 10 duplex residences (20 units total) of a planned three-phase development (60 units total). The first phase buildings will total 35,312 sq. ft.

Ivy Village Corp's proposed project meets the recommendations of recent studies by LaBella Associates and The Rockefeller Institute of Government, which identified housing availability as a critical element to fully realize the benefits of Genesee County's economic development strategy. LaBella Associates reported that 4,800 new units are needed in the next 20 years across multiple sectors, including rental units and single-family homes.

Ivy Village Corp is requesting assistance from the GCEDC in the form of a property tax abatement (\$603,169) using our Market Rate Housing PILOT (20 + Units) schedule which averages 61.5% savings over 20 years, a sales tax abatement (\$172,800), and a mortgage tax exemption (\$29,760).

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

Project details: The project is planning on creating 2 direct jobs between \$20-\$30 per hour.

Project details:

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 an investment of \$3,720,000 and building 20 market-rate residential units totaling 35,312 sq. ft.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: The project will contribute towards a “livable community” as increasing the capacity of market-rate housing is outlined in Labella’s housing study of Genesee County 2018 report.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

The Fiscal impacts (discounted value) on Local Benefits totals \$3,548,409 (\$3,246,278 indirect payroll and \$338,131 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

Project details: For every \$1 of public benefit the company is investing \$6 into the local economy

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: N/A

Board Discussion:

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

Project details: The project is planning to begin construction in Fall of 2022 and be operational within 18 months

Board Discussion

Board Concurrence: YES NO If no, state justification:

mem
6/14/22

INITIAL RESOLUTION
(Ivy Village Corp. Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, July 7, 2022.

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

Resolution No. 07/2022 - _____

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

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 565 of the Laws of 1970 of the State of New York, as amended (hereinafter collectively called the "Act"), the **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **IVY VILLAGE CORP.**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in approximately 16.30 acres of real property located at 143 Lake Street, Village of LeRoy, Genesee County, New York (the "Land", being more particularly identified as tax parcel No. 5.-1-19.113); (ii) the planning, design and construction of 20 adult patio homes totaling approximately 35,312 square feet, along with related site and utility improvements, curbage, sidewalks, landscaping, stormwater retention and related improvements (the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and

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

WHEREAS, it is contemplated that the Agency will (i) hold a public hearing, (ii) designate the Company as agent of the Agency for the purpose of undertaking the Project

pursuant to a project agreement (the "Project Agreement"), (iii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents, (iv) take a leasehold interest in the Land, the Existing Improvements, the Improvements, the Equipment and the personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (v) provide Financial Assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Facility, (b) a partial real property tax abatement structured through the Tax Agreement, and (c) a mortgage recording tax exemption as authorized by the laws of New York State (collectively, the "Financial Assistance").

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and equipping the Project; and

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

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Genesee County, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a facility or a commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries.

Section 2. The Agency is hereby authorized to conduct a public hearing in compliance with the Act.

Section 3. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 4. These Resolutions shall take effect immediately.

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

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

The Resolutions were thereupon duly adopted.

CERTIFICATION
(Ivy Village Corp. Project)

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

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

That I have compared the annexed extract of minutes of the meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on July 7, 2022, with the original thereof on file at the Agency's office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this ____ day of _____, 2022.

Secretary

Genesee County Economic Development Center
 May 2022 Dashboard
 Balance Sheet - Accrual Basis

DRAFT

	<u>5/31/22</u>	<u>4/30/22</u>	[Per Audit] <u>12/31/21</u>
ASSETS:			
Cash - Unrestricted	\$ 7,265,766	\$ 7,106,356	\$ 7,339,508
Cash - Restricted ^{(A),(1)}	8,605,411	8,598,188	11,674,315
Cash - Reserved ^(B)	793,293	793,195	792,739
Cash - Subtotal	16,664,470	16,497,739	19,806,562
Grants Receivable ⁽²⁾	56,643	54,700	65,327
Accts Receivable- Current ⁽³⁾	64,774	312,129	337,456
Deposits	2,832	2,832	2,832
Prepaid Expense(s) ⁽⁴⁾	29,767	33,624	42,651
Loans Receivable - Current	55,600	55,554	52,489
Total Current Assets	16,874,086	16,956,578	20,307,317
Land Held for Dev. & Resale ⁽⁵⁾	20,101,233	20,090,992	19,467,282
Furniture, Fixtures & Equipment	71,257	71,257	71,257
Total Property, Plant & Equip.	20,172,490	20,162,249	19,538,539
Less Accumulated Depreciation	(68,801)	(68,747)	(68,528)
Net Property, Plant & Equip.	20,103,689	20,093,502	19,470,011
Accts Receivable- Non-current	-	-	-
Loans Receivable- Non-current ^(Net of \$47,429 Allow. for Bad Debt)	171,867	176,679	195,885
Other Assets	171,867	176,679	195,885
TOTAL ASSETS	37,149,642	37,226,759	39,973,213
DEFERRED OUTFLOWS OF RESOURCES			
Deferred Pension Outflows ⁽¹⁰⁾	597,836	597,836	597,836
Deferred Outflows of Resources	597,836	597,836	597,836
LIABILITIES:			
Accounts Payable ⁽⁶⁾	4,199	3,913	548,813
Loan Payable - Genesee County - Current ⁽⁷⁾	305,000	305,000	295,000
Accrued Expenses	23,162	10,289	29,545
Unearned Revenue ⁽⁸⁾	8,409,634	8,409,637	10,993,355
Total Current Liabilities	8,741,995	8,728,839	11,866,713
Loans Payable - ESD ⁽⁹⁾	5,196,487	5,196,487	5,196,487
Loan Payable - Genesee County - Noncurrent ⁽⁷⁾	2,825,000	2,825,000	3,130,000
Aggregate Net Pension Liability ⁽¹⁰⁾	2,612	2,612	2,612
Total Noncurrent Liabilities	8,024,099	8,024,099	8,329,099
TOTAL LIABILITIES	16,766,094	16,752,938	20,195,812
DEFERRED INFLOWS OF RESOURCES			
Deferred Pension Inflows ⁽¹⁰⁾	791,742	791,742	791,742
Deferred Inflows of Resources	791,742	791,742	791,742
NET ASSETS	\$ 20,189,642	\$ 20,279,915	\$ 19,583,495

Significant Events:

1. Restricted Cash - Includes cash deposited by ESD into imprest accounts related to the \$8M and \$33M STAMP grants. Expenditures out of these accounts are pre-authorized by ESD. Also included are funds received from the County per a Water Supply Agreement, to be put towards water improvements located in the Town of Alabama and the Town of Pembroke and other Phase II improvements as identified by the County. These funds are being used to pay for qualifying expenditures.
2. Grants Receivable - National Grid grants support marketing and development activities for STAMP and the LeRoy Food & Tech Park.
3. Accounts Receivable (Current) - Econ. Dev. Program Support Grant; MedTech Centre Property Management (Annual HP Hood payments of \$279.6K have been paid in full).
4. Prepaid Expense(s) - Cyber, Health, General Liability, D&O, Life, long-term and short-term disability insurance.
5. Land Held for Dev. & Resale - Additions are related to STAMP development costs.
6. Accounts Payable - e3communications expenses and interest earned on imprest accounts that will be remitted to ESD.
7. Loan Payable - Genesee County (Current & Noncurrent) - Per a Water Supply Agreement with Genesee County, the County remitted \$4M to the GCEDC to put towards water improvements located in the Town of Alabama and the Town of Pembroke and other Phase II improvements as identified by the County. GCEDC started making annual payments to the County of \$448,500 beginning in January 2020.
8. Unearned Revenue - Interest received in advance; Genesee County contribution received in advance; Funds received from municipalities to support park development; Funds received to support workforce development; ESD Grant funds to support STAMP development, not actually earned until eligible expenditures are incurred.
9. Loans Payable - ESD - Loans from ESD to support STAMP land acquisition and related soft costs.
10. Deferred Pension Outflows / Aggregate Net Pension Liability / Deferred Pension Inflows - Accounts related to implementation of GASB 68.

(A) Restricted Cash = Municipal Funds, RLF #2 Funds, Grant Funds Received in Advance.

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

DRAFT

**Genesee County Economic Development Center
May 2022 Dashboard
Profit & Loss - Accrual Basis**

	Month to Date		YTD		2022	2022
	5/31/22	5/31/21	2022	2021	Board Approved Budget	YTD % of Budget
Operating Revenues:						
Genesee County	\$ 17,376	\$ 19,459	\$ 95,213	\$ 97,296	\$ 233,513	41%
Genesee County - WFD	2,084	-	10,417	-	-	N/A
Fees - Projects	22,250	250	302,718	21,750	411,500	74%
Fees - Services	7,099	6,961	35,496	34,806	85,192	42%
Interest Income on Loans	235	282	1,214	1,449	2,744	44%
Rent	7,643	2,206	7,643	5,646	21,071	36%
Common Area Fees - Parks	-	-	373	355	360	104%
Grants (1)	1,943	1,000	3,083,229	823,530	8,891,710	35%
GGLDC Grant- Econ. Dev. Program Support	25,000	25,000	125,000	125,000	300,000	42%
BP ² Revenue	-	-	3,532	701	27,454	13%
Other Revenue	233	674	557	1,752	5,000	11%
Total Operating Revenues	83,863	55,832	3,665,392	1,112,285	9,978,544	37%
Operating Expenses						
General & Admin	167,179	123,124	617,019	511,244	1,506,112	41%
Professional Services	7,510	3,500	35,507	22,002	108,500	33%
Site Maintenance/Repairs	447	852	2,236	2,255	39,500	6%
Property Taxes/Special District Fees (2)	-	-	3,518	4,597	2,690	131%
PIF Expense	-	-	43,296	35,042	143,157	30%
Site Development Expense	-	-	2,362,765	319,377	2,362,875	100%
Real Estate Development (3)	10,241	5,485	633,951	297,319	6,090,625	10%
Balance Sheet Absorption	(10,241)	(5,485)	(633,951)	(297,319)	-	N/A
Total Operating Expenses	175,136	127,476	3,064,341	894,517	10,253,459	30%
Operating Revenue (Expense)	(91,273)	(71,644)	601,051	217,768	(274,915)	
Non-Operating Revenue (Expense)						
Other Interest Income	1,000	841	5,096	4,069	5,500	93%
Total Non-Operating Revenue (Expense)	1,000	841	5,096	4,069	5,500	93%
Change in Net Assets	(90,273)	(70,803)	606,147	221,837	\$ (269,415)	
Net Assets - Beginning	20,279,915	12,168,395	19,583,495	11,875,755		
Net Assets - Ending	\$ 20,189,642	\$ 12,097,592	\$ 20,189,642	\$ 12,097,592		

Significant Events:

1. Grants - \$448K Community Benefit Agreement payment dedicated to STAMP by sourcing debt service payments to the County; PIF from RJ Properties (Liberty Pumps) supports Apple Tree Acres Infrastructure improvements; PIF from Yancey's Fancy supports Infrastructure Fund Agreement with the Town of Pembroke; National Grid grant supports marketing and development activities for STAMP; ESD \$33M & \$8M Grants support STAMP engineering, environmental, legal, infrastructure, etc.
2. Property Taxes/Special District Fees - Full taxes were paid on a property purchased after the taxable status date in 2021; tax rates were higher than budgeted for property located in Leroy.
3. Real Estate Development Costs - Includes STAMP development costs.

4.1

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Genesee County Economic Development Center
 May 2022 Dashboard
 Statement of Cash Flows

DRAFT

	May 2022	YTD
CASH FLOWS PROVIDED (USED) BY OPERATING ACTIVITIES:		
Genesee County	\$ 19,460	\$ 127,173
Fees - Projects	301,900	619,118
Fees - Services	-	21,298
Interest Income on Loans	232	1,037
Rent	9,223	10,052
Common Area Fees - Parks	-	373
Grants	-	506,326
BP ² Revenue	-	3,532
GGLDC Grant - Economic Development Program Support	-	75,000
Other Revenue	233	557
Repayment of Loans	4,766	20,907
General & Admin Expense	(151,984)	(629,702)
Professional Services	(7,510)	(46,324)
Site Maintenance/Repairs	(447)	(2,236)
Site Development	-	(2,501,690)
Property Taxes/Special District Fees	-	(3,518)
PIF Expense	-	(43,296)
Improv/Additions/Adj to Land Held for Development & Resale	(10,241)	(1,010,591)
Net Cash Provided (Used) By Operating Activities	165,632	(2,851,984)
CASH FLOWS USED BY NONCAPITAL FINANCING ACTIVITIES:		
Principal Payments on Loan	-	(295,000)
Net Cash Used By Noncapital Financing Activities	-	(295,000)
CASH FLOWS PROVIDED BY INVESTING ACTIVITIES:		
Interest Income (Net of Remittance to ESD)	1,099	4,892
Net Change in Cash	166,731	(3,142,092)
Cash - Beginning of Period	16,497,739	19,806,562
Cash - End of Period	\$ 16,664,470	\$ 16,664,470
RECONCILIATION OF NET OPERATING REVENUE TO NET CASH PROVIDED (USED) BY OPERATING ACTIVITIES:		
Operating Revenue (Expense)	\$ (91,273)	\$ 601,051
Depreciation Expense	54	273
Decrease in Operating Accounts/Grants Receivable	245,412	281,366
Decrease in Prepaid Expenses	3,857	12,884
Decrease in Loans Receivable	4,766	20,907
Increase in Land Held for Development & Resale	(10,241)	(633,951)
Increase (Decrease) in Operating Accounts Payable	187	(544,410)
Increase (Decrease) in Accrued Expenses	12,873	(6,383)
Decrease in Unearned Revenue	(3)	(2,583,721)
Total Adjustments	256,905	(3,453,035)
Net Cash Provided (Used) By Operating Activities	\$ 165,632	\$ (2,851,984)

4.1

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GCEDC
Audit & Finance Committee Meeting Report
July 6, 2022

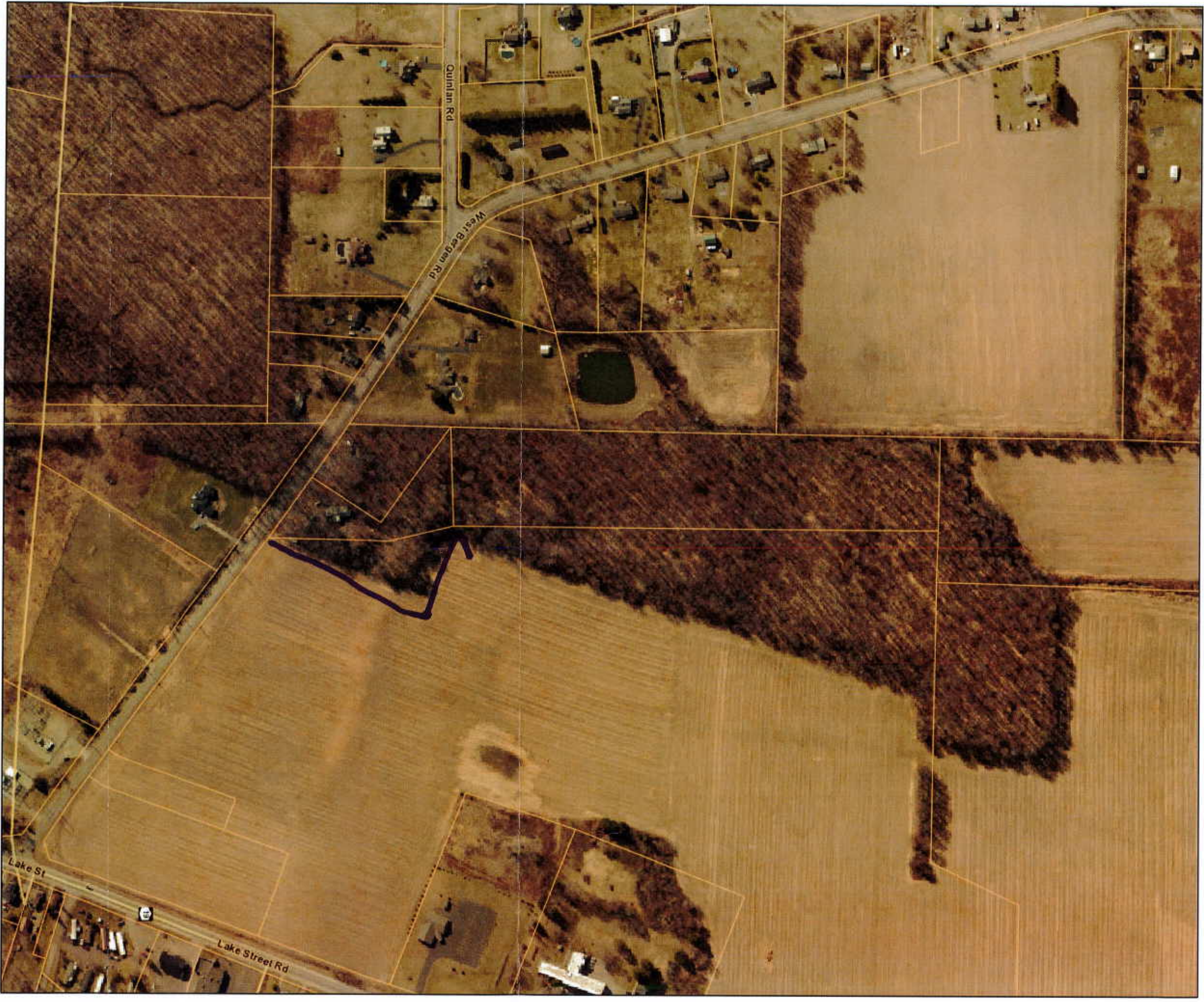
Indemnity Agreement and logging contract for LeRoy Food & Technology Park

The GCEDC was approached by a logging company requesting permission to cross land that the GCEDC owns to access a parcel owned by a third party to do some logging. The logging company has already entered into an agreement to cover any damage to crops caused by their access road. The GCEDC then asked the logging company to provide an estimate of what they would pay the GCEDC to log some of the property that it owns. The purpose of this would be to help expand potential developable property at the site to allow for more development. The GCEDC has confirmed with its environmental firm, CC Environment and Planning, that the area is not wetland and can be developed. The GCEDC would leave some wooded areas along the property line to allow for screening from any potential projects that would locate at the site.

Fund Commitment: None.

Committee Action Request: Recommend to the full Board to move forward with a proposal from S & S Forest Products for logging and the indemnity agreement to allow S & S Forest Products access to the adjoining parcel for logging activities.

ArcGIS Web Map



6/27/2022, 2:57:32 PM

Year 2021 Aerial Photos (Scale Dependent)9in

Red: Band_1

Green: Band_2

Blue: Band_3

Year 2021 Aerial Photos (Scale Dependent)3in

Red: Band_1

Green: Band_2

Blue: Band_3

City & Villages (Large Scale)

Towns

Water (Large Scale)

2021 Tax Parcels

Streams (Large Scale)

Active Railroads (Large Scale)

Roads (Large Scale)

1:4,514

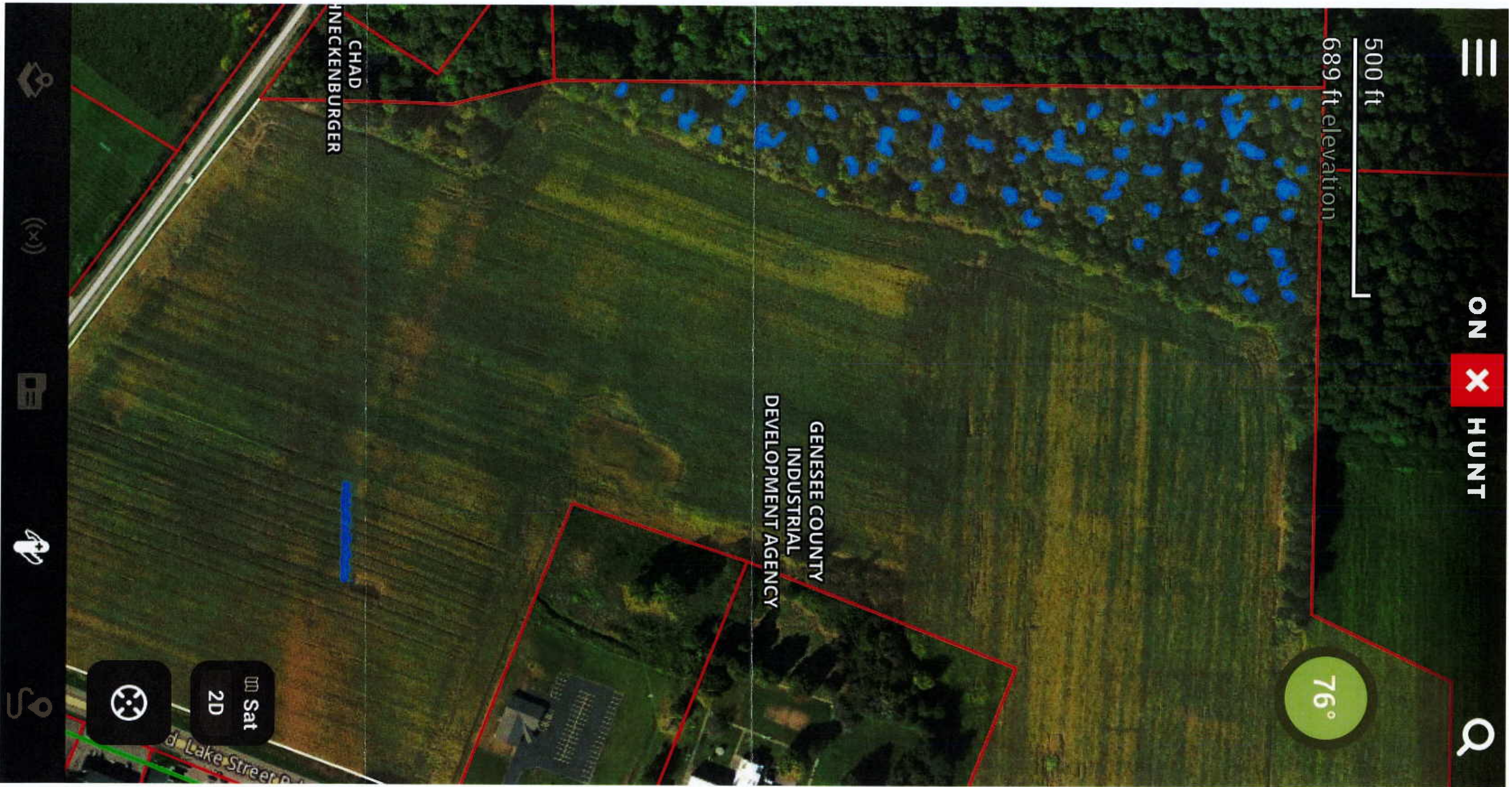


Province of Ontario, Ontario MNR, Esri Canada, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

Web AppBuilder for ArcGIS
Esri, HERE, Garmin, FAO, USGS, EPA, NPS I

4.2

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S&S Forest Products

8590 North Rd
Le Roy, NY 14482 US
5857942520
ssforestproducts@yahoo.com

Estimate

ADDRESS
GCEDC
99 MedTech Drive
Suite 106
Batavia, NY 14020

ESTIMATE #	DATE
1002	06/27/2022

SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
Saw Timber	64 Hard maple 9752 Bdft	1	15,764.00	15,764.00
	8 Hickory 2357 Bdft			
	22 Walnut 4706 Bdft			
	43 Beech 4353 Bdft			
	4 Cherry 621 Bdft			
	2 Red Oak 480 Bdft			
	2 Ash 308 Bdft			
	6 Soft Maple 1227 Bdft			
	23,804 Board Feet Total			
	48 Cull/ Firewood Trees			

TOTAL **\$15,764.00**

Accepted By

Accepted Date

4.2

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Renewal of Key Bank Line of Credit

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

Fund commitment: None.

Committee action request: The staff is recommending renewing the demand line of credit at the same terms.

GCEDC

Jim Krencik, Director of Marketing & Communications

Audit & Finance Meeting Report

July 6, 2022

New York Loves Nano

With the support of National Grid, the GCEDC is joining our partners in the New York Loves Nano delegation at the 2022 Semicon West semiconductor industry conference in San Francisco July 12-14. The GCEDC has participated in this conference annually and we have found it an effective sales and marketing activity in a key industry sector for STAMP.

The proposed funding process for the delegation's booth and reception has changed this year, with organizations like the GCEDC directly sponsoring the booth and reception. Previously, organizations funded a share of the gap between costs and received sponsorships.

For the 2022 Semicon West, we are proposing to sponsor the delegation as a Silver Sponsor (\$5,000), and with the combined support of Invest Buffalo Niagara and Greater Rochester Enterprise we will receive the benefits of a Gold Sponsor, including exhibitor hall badges and graphic displays on the booth's exterior and interior.

This project was anticipated in two budget lines in the 2022 Marketing Operations Budget totaling \$7,700. The proposed cost is contained within the Booth line item.

- Booth: \$5,200
- Reception: \$2,500

The GCEDC thanks National Grid for their support of this project.

Board Request: Approval of a \$5,000 sponsorship toward the New York Loves Nano Semicon West delegation booth and reception from the 2022 Marketing Operations Budget.

Mark Masse

STAMP Committee

July 6, 2022

STAMP Payment for easement

Discussion: In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, there are a number of easements needed. Based on a compensation model the following payment is needed for one easement:

1. Temporary Easement 28 - \$500

Fund Commitment: \$500 from the \$33 million.

Board Action Request: Approval of payment of \$500 to the holder of the easement number identified above.

RECORD & RETURN TO:
Anthony J. Iacchetta, Esq.
Phillips Lytle LLP
1400 First Federal Plaza
Rochester, New York 14614

STAMP POST TREATED EFFLUENT FORCE MAIN
TEMPORARY EASEMENT AGREEMENT

(TEMPORARY EASEMENT NO. TE-28)

THIS STAMP POST TREATED EFFLUENT FORCE MAIN TEMPORARY EASEMENT AGREEMENT (this "Agreement") is effective as of _____, 2022 (the "Effective Date") and is made by and between GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER, a New York public benefit corporation having an office at 99 MedTech Drive, Batavia, New York 14020 ("Grantee") and JEFFREY D. KESSLER, individuals having an address of 1324 Lewiston Road, Basom, New York 14013 ("Grantor"). Grantor and Grantee are sometimes individually referred to herein as a "Party" or collectively as, the "Parties".

RECITALS

A. Grantor is the owner of certain real property known as 1324 Lewiston Road, Alabama, New York (SBL No. 10.-1-17.1) ("Grantor's Premises").

B. Grantee intends to construct, install and maintain a post treated effluent force main facility and related appurtenances (the "Facility") for the benefit of Grantee's project known as the Western New York Science and Technology Advanced Manufacturing Park (the "STAMP Project") on lands adjacent to Grantor's Premises.

C. Grantor intends to grant unto Grantee and its successors and/or assigns, a temporary non-exclusive easement for activities related to the construction and installation of the Facility on and through a portion of Grantor's Premises.

AGREEMENT

Therefore, Grantor and Grantee, for themselves, their successors and assigns, declare that Grantor's Premises is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions, restrictions, and easements, hereinafter set forth:

1. Grantor hereby reserves unto Grantee, its agents, successors or assigns, a temporary right of way, easement and privilege (the "Temporary Easement") on, through, over and under those portions of Grantor's Premises as described on the legal description and map attached hereto as Exhibit "A" (the "Temporary Easement Area"), to be used for activities related to the construction and installation of the Facility. This Temporary Easement shall automatically expire and be of no further force and effect upon the earlier of the final completion of the construction and installation of the Facility or August 31, 2022 (each being a, "Termination Event"). Upon the occurrence of a Termination Event, this Agreement shall automatically terminate and Grantee may, without the joinder or consent of Grantor or any other owner, record a termination of this Agreement in the Orleans County Clerk's Office.

Genee

2. It shall not be the duty of Grantee or Grantee's successors and assigns to perform routine property maintenance of the Temporary Easement Area or maintain said areas in a fashion that would typically be performed by Grantor in the normal course of the upkeep of Grantor's Premises.

3. Grantee and Grantee's servants, agents, employees, contractors and subcontractors, shall have the right, as applicable, to enter upon the Temporary Easement Area by vehicle and on foot, and to utilize the same, whenever necessary, for the exercise of the rights and privileges herein granted; provided such access does not materially interfere with the use and enjoyment of Grantor's Premises, except temporarily while work is in progress.

4. Grantee shall use commercially reasonable efforts in the exercise of the rights granted under this Agreement to avoid interference with Grantor's use of Grantor's Premises. Grantee shall, at Grantee's sole cost and expense and in each instance following the exercise of the rights herein granted, repair any damage to the Temporary Easement Area caused by or arising out of the exercise of the rights granted under this Agreement.

5. Both Grantor and Grantee hereby represent and covenant to each other that each Party has the right to grant the easement rights herein granted.

6. This Agreement and the Temporary Easement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns, forever.

7. Nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of the properties subject to this Agreement.

8. Except as set forth herein, this Agreement may be amended, modified or terminated only in a writing mutually agreed to, executed and acknowledged by the Parties or their successors and/or assigns and thereafter duly recorded in the Orleans County Clerk's Office.

9. The determination by any court that any provision hereof is unenforceable, invalid or void shall not affect the enforceability or validity of any other provisions hereof.

10. This Agreement shall be construed in accordance with the laws of the State of New York. Each of the parties hereto hereby irrevocably waives any and all right to a trial by jury in any legal proceeding arising out of or related to this Agreement or the transactions contemplated hereby.

11. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Grantor and Grantee have executed this Agreement with the intent that it be effective as of the Effective Date.

GRANTOR:


JEFFREY D. KESSLER

GRANTEE:

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

By: _____
Name: _____
Its: _____

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

On the 13 day of June in the year 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared JEFFREY D. KESSLER personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


NOTARY PUBLIC

REBECCA L. BORKHOLDER
Notary Public, State of New York
Reg. #01BO6047373
QUAL. IN GENESEE COUNTY
COMM EXPIRES AUG 28, 20 22

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

On the _____ day of _____ in the year 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

EXHIBIT "A"

**STAMP FORCE MAIN
TEMPORARY EASEMENT NO. TE-28**

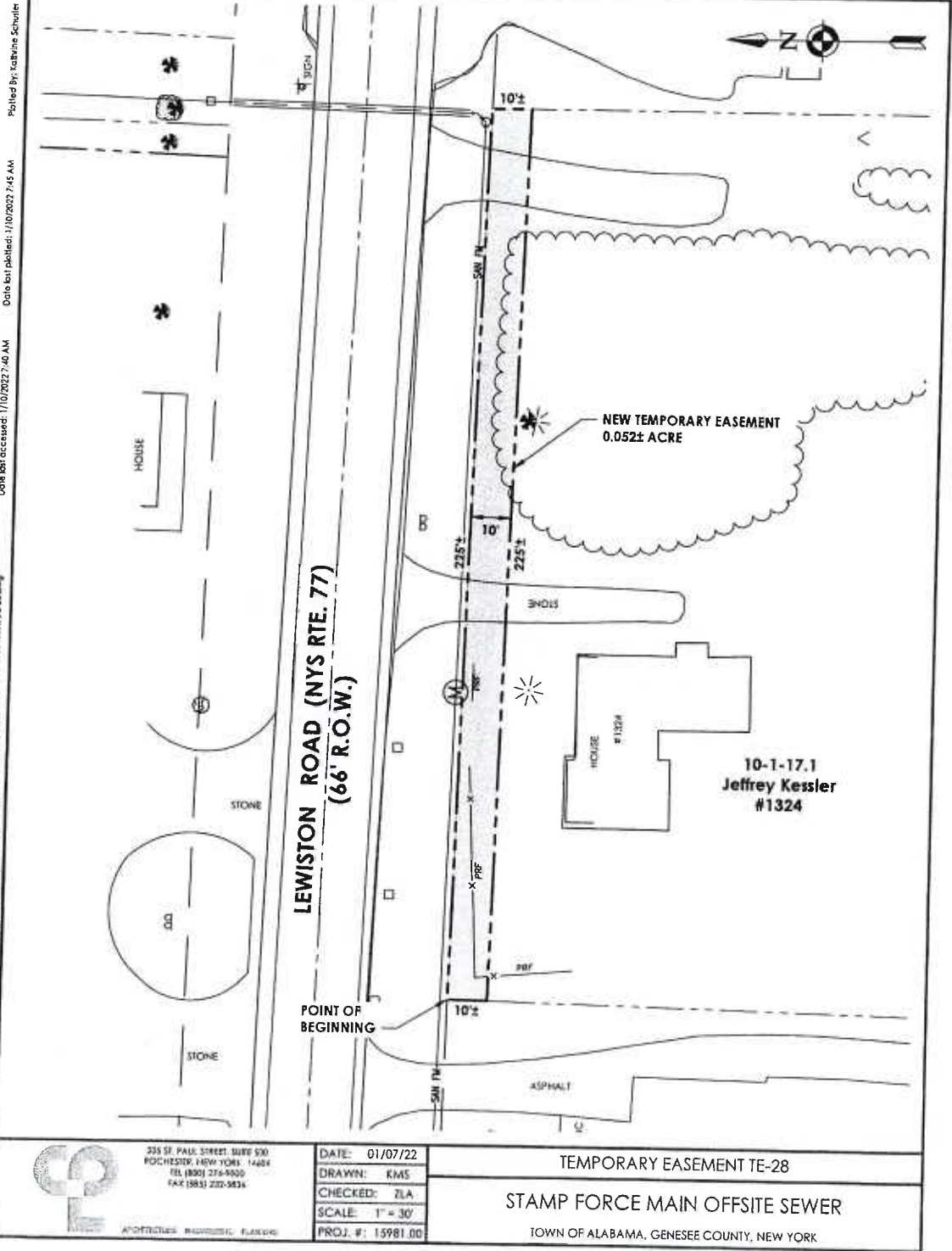
All that tract or parcel of land situate in the Town of Alabama, County of Genesee, State of New York and more particularly described as follows:

Beginning at the intersection of the southerly right-of-way line of Lewiston Road (New York State Route 77) (66 feet wide right-of-way) and the westerly line of tax account number 10-1-17.1; thence,

- 1) Easterly, along the southerly right-of-way line of Lewiston Road, a distance of 225 feet, more or less, to the easterly line of tax account number 10-1-17.1; thence,
- 2) Southerly, along the easterly line of tax account number 10-1-17.1, a distance of 10 feet, more or less, to a point 10 feet southerly of and parallel to the southerly right-of-way line of Lewiston Road; thence,
- 3) Westerly, through the lands of tax account number 10-1-17.1, along a line 10 feet southerly of and parallel to the southerly right-of-way line of Lewiston Road, a distance of 225 feet, more or less, to the westerly line of tax account number 10-1-17.1; thence,
- 4) Northerly, along the westerly line of tax account number 10-1-17.1, a distance of 10 feet, more or less, to the southerly right-of-way line of Lewiston Road and the point of beginning.

Temporary Easement, as described above, contains approximately 0.052 acre of land.

All as shown on a map prepared by CPL, entitled "Temporary Easement TE-28", dated January 4, 2022.



Plotted By: KATRINE SCHULTZ

Date last accessed: 1/10/2022 7:45 AM

Date last accessed: 1/10/2022 7:40 AM

335 ST. PAUL STREET SUITE 500
 ROCHESTER, NY 14604
 TEL: (585) 274-9300
 FAX: (585) 232-5834



PROFESSIONAL ENGINEERS

DATE:	01/07/22
DRAWN:	KMS
CHECKED:	ZLA
SCALE:	1" = 30'
PROJ. #:	15981.00

TEMPORARY EASEMENT TE-28
 STAMP FORCE MAIN OFFSITE SEWER
 TOWN OF ALABAMA, GENESEE COUNTY, NEW YORK

STAMP Payment for storage yard

Discussion: In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, the GCEDC had to extend the rental agreement for the storage of pipes until we can begin construction with the issuance of NYSDEC permits.

Fund Commitment: \$2,000 from the \$33 million.

Board Action Request: Approval of payment of \$2,000 to the landowner.

STAMP Change order for tiling related to water line installation

Discussion: In conjunction with the installation of the force main from the Town of Pembroke to the Town of Alabama there is a residence located at the corner of Route 77 and Ledge Road that has seen an accumulation of water in their yard after the construction was completed. It appears that the water is now running along the water line and discharging into the resident's yard. There is a lot of rock in the area that is preventing the water from flowing into the catch basin at the intersection. This work will install an underground tile line that will allow the water a place to flow and discharge into the catch basin where it can move underneath the intersection through the culvert.

Fund Commitment: \$4,975.50 from the agency operating funds.

Board Action Request: Approval of change order of \$4,975.50 to Morsch Pipeline, Inc.

6.3

Date of Issuance: June 30, 2022	Effective Date: June 30, 2022
Owner: GCEDC	Owner's Contract No.:
Contractor: Morsch Pipeline, Inc.	Contractor's Project No.:
Engineer: CPL	Engineer's Project No.: 14351.00
Project: STAMP Offsite Water -- Phase 4	Contract Name: STAMP Offsite Water -Phase 4

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

Description: Extension of Contract Times for Final Payment due to delays:

1. MCWA request to replace check valve in meter vault: Original delivery quoted for July 2021; Actual delivery was April 19, 2022, and installed April 29, 2022.
2. Additional drain tile repairs and installation at 7601 Alleghany Road to resolve post-construction drainage issues reputedly caused by water main installation, unseen during construction.

Attachments: See attached Proposal from Morsch Pipeline for detailed descriptions of work.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: \$ <u>2,220,743.00</u>	Original Contract Times: 1. Initial 4,000 LF to Indian Falls Road: Substantial Completion: <u>July 1, 2020</u> Ready for Final Payment: <u>August 1, 2020</u> 2. All Work: Substantial Completion: <u>November 30, 2020</u> Ready for Final Payment: <u>December 31, 2020</u>
Modifications of previously approved Change Orders: \$ <u>101,232.50</u>	Modifications of previously approved Change Orders: 1. Initial 4,000 LF to Indian Falls Road: Substantial Completion: <u>(Achieved) August 1, 2020</u> Ready for Final Payment: <u>(Achieved) September 1, 2020</u> 2. All Work: Substantial Completion: <u>July 27, 2021</u> Ready for Final Payment: <u>August 31, 2021</u>
Contract Price prior to this Change Order: \$ <u>2,321,975.50</u>	Contract Times prior to this Change Order: 1. Initial 4,000 LF to Indian Falls Road: Substantial Completion: <u>(Achieved) August 1, 2020</u> Ready for Final Payment: <u>(Achieved) September 1, 2020</u> 2. All Work: Substantial Completion: <u>(Actual) July 27, 2021</u> Ready for Final Payment: <u>August 31, 2021</u>
Increase of this Change Order: \$ <u>4,975.50</u>	Increase of this Change Order: 1. All Work: Substantial Completion: <u>(Actual/Achieved) July 27, 2021</u> Ready for Final Payment: <u>July 31, 2022</u>
Contract Price incorporating this Change Order: \$ <u>2,326,951.00</u>	Contract Times with all approved Change Orders: 1. All Work: Substantial Completion: <u>(Actual/Achieved) July 27, 2021</u> Ready for Final Payment: <u>July 31, 2022</u>

RECOMMENDED:		ACCEPTED:		ACCEPTED:	
By: <u><i>[Signature]</i></u>	By: <u><i>[Signature]</i></u>	By: <u><i>[Signature]</i></u>	By: <u><i>[Signature]</i></u>	By: <u><i>[Signature]</i></u>	By: <u><i>[Signature]</i></u>
Title: <u>Project Manager</u>	Title: <u>Senior Vice President</u>	Title: <u>Senior Vice President</u>	Title: <u>Senior Vice President</u>	Title: <u>President</u>	Title: <u>President</u>
Date: <u>6/30/2022</u>	Date: _____	Date: _____	Date: _____	Date: _____	Date: _____

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Morsch Pipeline, Inc.

3929 South Avon Road
Avon, NY 14414
Phone: (585) 226-2891 Fax: (585) 226-3198
E-Mail: Morschpipeline@aol.com

Quote

GCEDC

Date

6/30/2022

Route 77 Water Main

Quantity	Item	Description	Unit Price	Total
1	LS	Extend private drainage tile southeast toward Volleyball Court Labor, Mini-Excavator, 100 LF of 4" Drainage Pipe, Fittings, Field Drain Box, Washed #2 Stone, Drainage Cloth, Restoration	\$4,975.50	\$4,975.50
			Total	\$4,975.50

SEQR for STAMP for Certain Proposed Infrastructure Projects

Discussion: On March 1, 2012, as Lead Agency under SEQR, the GCEDC Board approved the Findings Statement that concluded the GEIS process for the STAMP project. Since that time, there have been a number of changes to STAMP that weren't anticipated at the time SEQR was completed in 2016, a number of changes were made to the Project including changes to the STAMP master plan including an expansion of the footprint of STAMP, demolition of additional houses along Crosby Road, construction of a new municipal water system to serve the residents of the Town of Alabama, and construction of a new sewer force main to discharge wastewater from STAMP to the Village of Medina wastewater treatment plant, twelve miles north of the STAMP Site, as well as the reroute of on-site powerlines to the western edge of the STAMP Site and in July of 2016 the Agency adopted an Amended Findings Statement to the FGEIS approving the 2016 Project Modifications in accordance with the requirements of the GEIS and SEQR; and in August of 2019, the Agency again considered certain infrastructure modifications to the Project and the Agency circulated a notice of intent to re-establish itself as lead agency pursuant to SEQR; and there were additional Project modifications reviewed in 2019 and 2020 including all actions necessary to undertake the following:

- a) Construction of a wastewater treatment facility ("**WWTF**") on the STAMP Site within the utility infrastructure area to treat the sanitary wastewater generated by STAMP's manufacturing and other tenants. The WWTF will not treat the manufacturing tenants' process wastewater, rather, the tenants will treat their own process wastewaters directly before discharging to the main pump station wet well. The main pump station will then pump the combined flows through a proposed force main ("**Force Main**") to a new discharge point to be located on Oak Orchard Creek in the Town of Shelby, Orleans County, New York. While the design of the WWTF was updated, the GEIS included an analysis of the impacts for a previous design of a WWTF on the STAMP Site.
- b) Construction of the Force Main which involves the installation of approximately 44,750 linear feet of sanitary force main, metering vaults, and maintenance manholes along the same route as the previously analyzed Medina Force Main. The vast majority of installation of sewer related infrastructure will be along public roads via a combination of open cut method and directional drill methods. The Force Main will convey up to six (6) million gallons per day ("**MGD**") of treated wastewater from the STAMP Site to a new discharge in Oak Orchard Creek. In connection with the Agency's review of the prior WWTF design, the construction of a force main was also considered and analyzed in the STAMP Environmental Record.
- c) A new water main ("**Water Main**") of approximately 23,000 linear feet to be installed along the Lewiston Road right of way between the Genesee County line with Niagara County and the STAMP Site. The new water main will bring up to six (6) MGD of water from the Niagara County Water District ("**NCWD**") to the STAMP Site. The layout of the water main system has been extended, however, the STAMP Environmental Record includes an analysis of the impacts for the construction of a new municipal water system to serve the residents of the Town of Alabama and provide water service to the STAMP Site.
- d) The development of an approximate 20 acre parcel located immediately north of STAMP for the siting of a new substation to service the STAMP Site ("**Substation**"). The landlocked parcel lies between the STAMP Site and a utility corridor which houses the Empire Pipeline and a 345 KV Power Line which will ultimately supply power to STAMP tenants. This parcel is located to the west of the intersection of Lewiston Road (NYS Route 77) and Crosby Road in the Town of Alabama and is bounded by the Empire Pipeline/345 KV Power Line utility corridor to the north, hedgerows to the east and south, and woods and brush to the west. The STAMP Environmental Record includes an analysis of the impacts of minor expansions of the STAMP Site as well as the impacts for the demand for energy for the Project, and potential infrastructure improvements relating to the same.

And in August of 2020, the Agency adopted an Amended Findings Statement to the FGEIS approving the 2020 Project Modifications listed above in accordance with the requirements of the GEIS and SEQR; and the Agency has elected to undertake an updated review of the WWTF, Force Main, Substation, and Powerline Reroute (“**Project Infrastructure**”) with respect to this additional environmental analysis (the “**2022 SEQR Update**”); and in June of 2022, the Agency circulated a notice of intent to re-establish itself as lead agency pursuant to SEQR for purposes of undertaking the 2022 SEQR Update; and all involved agencies consented, or did not respond and were deemed to have consented, to the Agency acting as lead agency and thus, the Agency has properly been established as the lead agency for purposes of these infrastructure improvements.

To aid the Agency in evaluating what actions are required relative to the Project Infrastructure and all of the additional environmental analysis regarding same work to comply with SEQRA pursuant to the STAMP GEIS, the Agency has completed, received and/or reviewed a number of documents that are available at an online repository that we will send the link out to the Board separately.

After a thorough analysis of the Environmental Information and potential environmental impacts associated with the Project Infrastructure reveals that, while the Project Infrastructure is not addressed or not adequately addressed in the STAMP GEIS, and the Project Infrastructure exceeds thresholds set forth in the STAMP GEIS, the Environmental Information demonstrates that the Project Infrastructure will not result in any potential significant adverse environmental impacts, and this, pursuant to the STAMP GEIS, a Negative Declaration should be prepared pursuant to 6 N.Y.C.R.R. § 617.10(d)(3);

Therefore it is appropriate that the Agency issue a negative declaration pursuant to 6 N.Y.C.R.R. § 617.10(d)(3) for the Project Infrastructure.

Fund commitment: None.

Committee action request: Recommend to the full Board that the Agency issue a negative declaration pursuant to 6 N.Y.C.R.R. § 617.10(d)(3) for the Project Infrastructure.

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT
AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER
PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT
CONCERNING CERTAIN PROPOSED INFRASTRUCTURE IMPROVEMENTS TO
THE WESTERN NEW YORK SCIENCE & TECHNOLOGY ADVANCED
MANUFACTURING PARK

Project Name: Infrastructure Improvements to the Western New York Science & Technology Advanced Manufacturing Park
Location: Town of Alabama, Genesee County, NY; Town of Shelby, Orleans County, NY (see location map attached to EAF, (“**Site**”))

WHEREAS, the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center (“**GCEDC** or “**Agency**””), in conjunction with the Genesee Gateway Local Development Corporation (“**GGLDC**”), the non-profit real estate affiliate of the GCEDC have been working for more than a decade on the development of the Western New York Science & Technology Advanced Manufacturing Park (“**STAMP**” or the “**Project**”), an advanced manufacturing technology campus on approximately 1,262 acres located on the west side of New York State Route 63/77, approximately five miles north of the I-90/New York State Thruway (“**STAMP Site**”) in the Town of Alabama, New York (“**Town**”), and

WHEREAS, the Agency is authorized and empowered by the provisions of Chapter 1030 of the Laws of 1969 of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “**Enabling Act**”) and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-e of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “**Act**”) to promote, develop, encourage and assist in the acquiring, constructing, renovating, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “**projects**” (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, in 2010, the Agency, acting as Lead Agency conducting a coordinated environmental review, commenced preparation of a generic environmental impact statement for STAMP consisting of the Draft Generic Environmental Impact Statement (“**DGEIS**”) accepted by the Agency on April 14, 2011 and the Final Generic Environmental Impact Statement (“**FGEIS**”) accepted by the Agency on January 19, 2012

WHEREAS, the GCEDC, as lead agency, issued a written Findings Statement (“**2012 GCEDC Findings**”) on March 12, 2012 approving the Project and committing to undertake it (collectively, the DGEIS, the FGEIS and the 2012 GCEDC Findings are referred to as the “**STAMP GEIS**”); and

WHEREAS, the purposes of the STAMP GEIS were to identify and evaluate the potential significant adverse environmental impacts of STAMP, compare the reasonable alternatives, and, where applicable, to identify reasonable mitigation measures to reduce the effect of those impacts to the maximum extent practicable, while weighing the substantial potential social and economic benefits of STAMP; and

WHEREAS, the STAMP GEIS analyzed the impacts from full build out of STAMP consisting of the rezoning the entire STAMP Site from agricultural/residential use to industrial/advanced manufacturing use, and with constructing and operating 6,130,000 square feet of advanced technology manufacturing uses at full build-out, providing direct employment for over 9,000 people and certified that, consistent with social, economic and other essential considerations from among reasonable alternatives evaluated, STAMP avoided or minimized adverse environmental impacts to the maximum extent practicable; and

WHEREAS, the Agency prepared a smart growth impact statement (“**SGIS**”) pursuant to the State Smart Growth Public Infrastructure Policy Act separately from the GEIS in February, 2012; and

WHEREAS, in 2016, a number of changes were made to the Project including changes to the STAMP master plan including an expansion of the footprint of STAMP, demolition of additional houses along Crosby Road, construction of a new municipal water system to serve the residents of the Town of Alabama, and construction of a new sewer force main to discharge wastewater from STAMP to the Village of Medina wastewater treatment plant (“**Medina Force Main**”), twelve miles north of the STAMP Site, as well as the reroute of on-Site powerlines to the western edge of the STAMP Site (“**Powerline Reroute**” and together with the Medina Force Main, the “**2016 Project Modifications**”); and

WHEREAS, the 2016 Project Modifications necessitated further environmental review and such review was undertaken by the Agency to determine whether the 2016

Project Modifications would result in any significant adverse environmental impacts not previously addressed in the FGEIS; and

WHEREAS, in July of 2016 the Agency adopted an Amended Findings Statement to the FGEIS ("**2016 Amended Findings**") approving the 2016 Project Modifications in accordance with the requirements of the GEIS and SEQR; and

WHEREAS in August of 2019, the Agency again considered certain infrastructure modifications to the Project and the Agency circulated a notice of intent to re-establish itself as lead agency pursuant to SEQR; and

WHEREAS, the Project modifications reviewed in 2019 and 2020 included all actions necessary to undertake the following:

- a) Construction of a wastewater treatment facility ("**WWTF**") on the STAMP Site within the utility infrastructure area to treat the sanitary wastewater generated by STAMP's manufacturing and other tenants. The WWTF will not treat the manufacturing tenants' process wastewater, rather, the tenants will treat their own process wastewaters directly before discharging to the main pump station wet well. The main pump station will then pump the combined flows through a proposed force main ("**Force Main**") to a new discharge point to be located on Oak Orchard Creek in the Town of Shelby, Orleans County, New York. While the design of the WWTF was updated, the GEIS included an analysis of the impacts for a previous design of a WWTF on the STAMP Site.
- b) Construction of the Force Main which involves the installation of approximately 44,750 linear feet of sanitary force main, metering vaults, and maintenance manholes along the same route as the previously analyzed Medina Force Main. The vast majority of installation of sewer related infrastructure will be along public roads via a combination of open cut method and directional drill methods. The Force Main will convey up to six (6) million gallons per day ("**MGD**") of treated wastewater from the STAMP Site to a new discharge in Oak Orchard Creek. In connection with the Agency's review of the prior WWTF design, the construction of a force main was also considered and analyzed in the STAMP Environmental Record.
- c) A new water main ("**Water Main**") of approximately 23,000 linear feet to be installed along the Lewiston Road right of way between the Genesee County line with Niagara County and the STAMP Site. The new water main will bring up to six (6) MGD of water from the

Niagara County Water District (“**NCWD**”) to the STAMP Site. The layout of the water main system has been extended, however, the STAMP Environmental Record includes an analysis of the impacts for the construction of the previously constructed municipal water system to serve the residents of the Town of Alabama as well the general plan to provide greater water service to the STAMP Site.

- d) The development of an approximate 20 acre parcel located immediately north of STAMP for the siting of a new substation to service the STAMP Site (“**Substation**”). The landlocked parcel lies between the STAMP Site and a utility corridor which houses the Empire Pipeline and a 345 KV Power Line which will ultimately supply power to STAMP tenants. This parcel is located to the west of the intersection of Lewiston Road (NYS Route 77) and Crosby Road in the Town of Alabama and is bounded by the Empire Pipeline/345 KV Power Line utility corridor to the north, hedgerows to the east and south, and woods and brush to the west. The STAMP Environmental Record includes an analysis of the impacts of minor expansions of the STAMP Site as well as the impacts for the demand for energy for the Project, and potential infrastructure improvements relating to the same.

WHEREAS, in August of 2020, the Agency adopted an Amended Findings Statement to the FGEIS (“**2020 Amended Findings**”) approving the 2020 Project Modifications in accordance with the requirements of the GEIS and SEQR; and

WHEREAS, the 2020 Amended Findings included, among other things, amendments to the water, sewer, and electrical thresholds set forth in the GEIS; and

WHEREAS, in February of 2021, the Agency adopted a SEQR determination (“**2021 SEQR Determination**”) that the proposed use of a portion of the STAMP Site for a hydro-powered electrolysis hydrogen production facility (“**Project Gateway**”) would be carried out in conformance with the conditions and thresholds set forth in the STAMP GEIS, as amended; and

WHEREAS, in June of 2021 the Nation commenced a lawsuit against the Agency with respect to the Agency’s 2021 SEQR Determination that was ultimately dismissed by the Genesee County Supreme Court (“**Gateway Litigation**”); and

WHEREAS, the Nation and Agency entered into a Stipulation of Settlement (“**Plug Power Settlement Agreement**”) which provided, among other things, that the Powerline Reroute would be located within a future easement to National Grid located within the Restricted Protected Property Area set forth therein; and

WHEREAS, GCEDC has signed on to a 2018 Programmatic Agreement (“**Programmatic Agreement**”) between the United States Army Corps of Engineers (“**USACE**”) and the New York State Office of Parks, Recreation and Historic Preservation State Historic Preservation Office (“**SHPO**”), SHPO, the New York State Department of Environmental Conservation (“**NYSDEC**”) as an Invited Signatory; and

WHEREAS, the Nation was invited to sign the Programmatic Agreement as an Invited Signatory but has declined to do so; and

WHEREAS, the Programmatic Agreement governs USACE’s compliance with Section 106 of the National Historic Preservation Act and, at the request of the Nation, sets forth that the Nation shall undertake an investigation of the Nation’s Territory as a Traditional Cultural Property (“**TCP**”) to evaluate the eligibility of the Nation’s Territory for listing on the National Register as a property of religious and cultural significance and to guide evaluation of potential adverse effects to the Nation’s Territory as a TCP; and

WHEREAS, to date, the Nation has declined to share any results from the TCP investigation with the USACE, SHPO, NYSDEC, GCEDC, or any other party to the Programmatic Agreement other than such information as was disclosed by the Nation’s members in certain affidavits submitted in connection with the Gateway Litigation; and

WHEREAS, the Programmatic Agreement also details the extensive archaeological investigation undertaken for the STAMP Site, including a detailed and comprehensive plan for those areas of the STAMP Site requiring further investigation; and

WHEREAS, because the Programmatic Agreement’s provisions governing the evaluation of potential impacts to the Nation as a TCP only apply to those STAMP-related projects which are subject to USACE permitting authority, NYSDEC, SHPO, and GCEDC have entered into a 2021 Letter of Resolution (“**LOR**”) which governs how SHPO and NYSDEC consider impacts of the Project on the Nation’s Territory as a TCP; and

WHEREAS, the LOR requires the Agency to prepare an initial assessment of each project at STAMP that requires any permitting from NYSDEC for potential impacts to the Tonawanda Seneca Nation’s (“**Nation**”) Territory as a potential property of religious and cultural significance based on the National Register Criteria for eligibility; and

WHEREAS, the LOR further provides that such initial assessment is provided to the Nation for a 30 day review and comment period, after which NYSDEC and SHPO

must then make a determination of whether there are adverse impacts to the Nation's Territory as a potential property of religious and cultural significance based on the National Register Criteria for eligibility from the undertaking described in such initial assessment; and

WHEREAS, notwithstanding the fact that the Nation has declined to share any results from the TCP investigation other than such information as was disclosed during the Gateway Litigation, for the purpose of analyzing impacts on the Nation as a TCP in accordance with SEQR, the Agency assumes that the Nation's Territory would be eligible for the National Register; and

WHEREAS, the Agency provides the Nation with weekly written email updates on the status of development at STAMP and participates in monthly calls with the Nation and NYSDEC to help keep the Nation fully informed on development of the STAMP Site; and

WHEREAS, NYSDEC, as required by the LOR and its consultation obligations, has undertaken extensive outreach and consultation to the Nation and does so for each permit issued by NYSDEC; and

WHEREAS, together, the GEIS, the 2012 GCEDC Findings, the SGIS, the 2016 Amended Findings, the 2020 Amended Findings, and the 2021 SEQR Determination constitute the prior environmental reviews for STAMP (collectively, these documents are referred to as the "**STAMP Environmental Record**"); and

WHEREAS, since the issuance of the 2020 Amended Findings, the Agency has completed significant additional environmental analysis with respect to portions of the 2016 Project Modifications and 2020 Project Modifications in conjunction with the permitting processes for the same; and

WHEREAS, in comment letters received by the Agency, the Nation has called upon the Agency to prepare a supplemental GEIS and NYSDEC has suggested that a supplemental GEIS may need to be prepared; and

WHEREAS, the Agency has elected to undertake an updated review of the WWTF, Force Main, Substation, and Powerline Reroute ("**Project Infrastructure**") with respect to this additional environmental analysis (the "**2022 SEQR Update**"); and

WHEREAS, in connection with the 2022 SEQR Update, in June of 2022, the Agency circulated a notice of intent to re-establish itself as lead agency pursuant to SEQR for purposes of undertaking the 2022 SEQR Update; and

WHEREAS, all involved agencies consented, or did not respond and were deemed to have consented, to the Agency acting as lead agency and thus, the Agency has properly been established as the lead agency for purposes of these infrastructure improvements; and

WHEREAS, pursuant to the STAMP GEIS, final designs for less-defined Project components, as well as any proposed changes to the more well-defined elements (defined in the STAMP GEIS as "Future Project Use(s)"), may require further evaluation pursuant to SEQRA; and

WHEREAS, the STAMP GEIS further provides that GCEDC, as lead agency, will be responsible for performing an environmental determination on Future Project Uses pursuant to SEQRA, and will consider Future Project Uses proposals in relation to the STAMP GEIS, as amended; and

WHEREAS, the STAMP GEIS further provides that the GCEDC must determine if the environmental impacts associated with Future Project Uses have been adequately addressed in the STAMP GEIS DGEIS, taking into account whether the Future Project Uses exceed any of the thresholds set forth in the STAMP GEIS and

WHEREAS the STAMP GEIS further provides that in the event that GCEDC determines that: (i) Future Project Uses would be carried out in conformance with the conditions and thresholds set forth in the STAMP GEIS, then no further SEQRA compliance will be required; (ii) Future Project Uses would be carried out in conformance with the conditions and thresholds set forth in the STAMP GEIS, but are not addressed or are not adequately addressed in the STAMP GEIS, then an amended Findings Statement will be prepared; (iii) the Future Project Uses are not addressed or are not adequately addressed in the STAMP GEIS, but the proposal does not exceed any of the conditions or thresholds set forth in the STAMP GEIS, or the proposal does exceed a threshold set forth in the STAMP GEIS, but would not result in any potential significant adverse environmental impacts, then a Negative Declaration will be prepared pursuant to 6 N.Y.C.R.R. § 617.10(d)(3); or (iv) the Future Project Uses are not addressed or are not adequately addressed in the STAMP GEIS, and/or the proposed use would exceed the conditions or thresholds set forth in the STAMP GEIS, and may have one or more potential significant adverse environmental impacts, then a supplement to the STAMP GEIS will be prepared; and

WHEREAS, to aid the Agency in evaluating what actions are required relative to the Project Infrastructure and all of the additional environmental analysis regarding same work to comply with SEQRA pursuant to the STAMP GEIS, the Agency has completed, received and/or reviewed:

(1) the STAMP Environmental Record;

- (2) Part 1 of a Full Environmental Assessment Form for the WWTF, Force Main, Substation, and Powerline Reroute ("**EAF**");
- (3) a Settlement Agreement between the Tonawanda Seneca Nation and the Agency ("**Plug Power Settlement Agreement**");
- (4) a revised Joint Permit Application and draft Pre-Construction Notification for Offsite Wastewater prepared by CC Environment & Planning and revised in February 2021 ("**Wastewater PCN**");
- (5) a Letter of Resolution between New York State Department of Environmental Conservation, the New York State Office of Parks, Recreation and Historic Preservation, and Genesee County Economic Development Center regarding STAMP executed by the parties in March 2022 ("**Letter of Resolution**");
- (6) an Enhanced Public Participation Plan dated July 2021 ("**EPPP**");
- (7) minutes from a meeting between the Nation, NYSDEC and Agency leadership on September 9, 2021 ("**EPPP Leadership Meeting Minutes**");
- (8) a transcript from an EPPP public informational meeting ("**EPPP Transcript**");
- (9) a final summary report and certification completed by the Agency ("**EPPP Certification**");
- (10) a STAMP Onsite Wastewater Treatment Facility Basis of Design Report ("**WWTF BODR**") prepared by CPL dated January 2022;
- (11) an updated STAMP Force Main, Main Pump Station Basis of Design Report ("**Force Main BODR**") prepared by CPL dated April 2022;
- (12) a revised Cultural Resource Screening and Initial Assessment for the WWTF dated October 2021 ("**WWTF IA**");
- (13) a Letter from the Nation commenting on the WWTF IA ("**Nation WWTF IA Letter**");
- (14) a Response to the Nation WWTF IA Letter from the Agency ("**GCEDC WWTF IA Response Letter**");
- (15) a comment letter from NYSDEC on the WWTF IA ("**NYSDEC WWTF IA Letter**");
- (16) a letter from the Office of Parks, Recreation and Historic Preservation's Division of Historic Preservation regarding the WWTF ("**WWTF SHPO Letter**");
- (17) a letter from the Agency in response to the WWTF SHPO Letter ("**GCEDC SHPO Response Letter**");
- (18) a Cultural Resource Screening and Initial Assessment for the Powerline Reroute ("**Powerline IA**")
- (19) a Letter from the Nation commenting on the Powerline IA ("**Nation Powerline IA Letter**")
- (20) a Response to the Nation Powerline IA Letter from the Agency ("**GCEDC Powerline IA Response Letter**")
- (21) a Cultural Resource Screening and Initial Assessment for the Substation ("**Substation IA**")
- (22) a Letter from the Nation commenting on the Substation IA ("**Nation Substation IA Letter**")

- (23) a revised State Pollutant Discharge Permit Application dated March 5, 2021 ("**WWTF SPDES Permit Application**");
- (24) an Application for Permit Transfer and Application for Transfer of Pending Application form dated January 21, 2021 ("**Permit Application Transfer Form**");
- (25) a Notice of Complete Application from NYSDEC dated July 30, 2021 ("**Complete Application Notice**");
- (26) a letter from the Nation to Kimberly Merchant, NYSDEC regarding phosphorus discharge from the SPDES permit dated October 22, 2021 ("**Nation Phosphorus Letter**");
- (27) a joint letter from Jeff Smith, Supervisor of the Town of Shelby, and Michael Sidari, Mayor of the Village of Medina concerning the WWTF SPDES Permit Application dated September 2, 2021 ("**Shelby/Medina Joint SPDES Letter**");
- (28) a letter from the Agency responding to the Shelby/Medina Joint SPDES Letter dated September 17, 2021 ("**GCEDC Shelby/Medina Response Letter**");
- (29) a letter from NYSDEC allowing the Nation's additional time to comment on the WWTF SPDES Permit Application dated December 23, 2021 ("**NYSDEC Comment Extension Letter**");
- (30) a letter from Joshua Kogan, Acting Chief of the United States Environmental Protection Agency Region 2 NPDES Section, to Kimberly Merchant, NYSDEC concerning the WWTF dated January 11, 2022 ("**USEPA WWTF Letter**");
- (31) a letter from the Nation to NYSDEC opposing the WWTF SPDES Permit Application dated January 13, 2022 ("**Nation SPDES Letter**");
- (32) a memorandum prepared by CPL analyzing the technical feasibility of treating wastewater prior to discharge to meet the mercury limit proposal of the WWTF ("**Mercury Memo**");
- (33) a STAMP Discharge Analysis to Oak Orchard Creek prepared by JM Davidson Engineering dated May 22, 2020 ("**Hydraulics Report**");
- (34) Maps prepared by NYSDEC relative to the status of occupied habitat on the STAMP Site ("**NYSDEC Preliminary Maps**");
- (35) a STAMP Mussel Survey of Oak Orchard Creek prepared in October 2020 ("**Mussel Survey**");
- (36) a letter from the Agency to NYSDEC requesting clearance under Part 182 for minor infrastructure at STAMP ("**Part 182 Clearance Request for Minor Infrastructure**");
- (37) a letter from NYSDEC in response to the Part 182 Clearance Request for Minor Infrastructure ("**NYSDEC Part 182 Response on Minor Infrastructure**");
- (38) a letter from the Agency to NYSDEC requesting clearance under Part 182 for electrical infrastructure at STAMP ("**Part 182 Clearance Request for Electrical Infrastructure**");
- (39) a letter from NYSDEC in response to the Part 182 Clearance Request for Electrical Infrastructure ("**NYSDEC Part 182 Response on Electrical Infrastructure**");
- (40) a letter from the Agency to NYSDEC in response to the NYSDE Part 182 Response on Electrical Infrastructure ("**GCEDC Part 182 Response on Electrical Infrastructure**");

- (41) an Incidental Take Permit Application submitted to NYSDEC (together with all studies undertaken to date, the "**Take Permit Application**");
- (42) a supplement to the Take Permit Application;
- (43) a letter from O'Connell Electric Company, Inc. in response to public comments with respect to the Substation ("**Substation Letter**");
- (44) United States Fish and Wildlife Services ("USFWS") Environmental Permitting Documentation ("**Refuge NEPA Record**");
- (45) Draft Land Management Plan for the STAMP Site ("**LMP**");
- (46) an updated USACE jurisdictional determination ("**USACE JD**");
- (47) an acknowledgement letter from the USACE confirming the completion of archaeological work relating to the Programmatic Agreement;
- (48) all documentation filed in connection with the Gateway Litigation, including but not limited to affidavits, the complaint, answering papers, and related items ("**Gateway Litigation Record**");
- (49) other relevant environmental information (collectively, 1-49, together with all analysis and supporting documentation referenced therein or relied upon thereby, are incorporated by reference herein in their entirety and shall be referred to as the "**Environmental Information**"); and

WHEREAS, a thorough analysis of the Environmental Information and potential environmental impacts associated with the Project Infrastructure reveals that, while the Project Infrastructure is not addressed or not adequately addressed in the STAMP GEIS, and the Project Infrastructure exceeds thresholds set forth in the STAMP GEIS, the Environmental Information demonstrates that the Project Infrastructure will not result in any potential significant adverse environmental impacts, and this, pursuant to the STAMP GEIS, a Negative Declaration should be prepared pursuant to 6 N.Y.C.R.R. § 617.10(d)(3);

WHEREAS, it is appropriate that the Agency issue a negative declaration pursuant to 6 N.Y.C.R.R. § 617.10(d)(3) for the Project Infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

Section 1. Based upon a thorough review and examination of the Project Infrastructure and the Environmental Information, and upon the Agency's knowledge of the area surrounding the STAMP Site and such further investigation of the Project Infrastructure and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Project Infrastructure:

- (A) The Project Infrastructure remains a Type I Action;

- (B) The Agency, as Lead Agency for the Project, has undertaken a coordinated review of the Project Infrastructure in accordance with SEQR and the STAMP GEIS, as amended; and

Section 2. Based upon the Agency's review of the Environmental Information and investigations of the potential environmental impacts associated with the Project Infrastructure, considering both the magnitude and importance of each potential environmental impact indicated, and upon the Agency's knowledge of the STAMP Site and surrounding area and such further investigations of the Project Infrastructure and its environmental effects as the Agency has deemed appropriate, the Agency has determined that, while the Project Infrastructure is not addressed or not adequately addressed in the STAMP GEIS, and the Project Infrastructure exceeds thresholds set forth in the STAMP GEIS, the Environmental Information demonstrates that the Project Infrastructure will not result in any potential significant adverse environmental impacts, and this, pursuant to the STAMP GEIS, a Negative Declaration is hereby issued pursuant to 6 N.Y.C.R.R. § 617.10(d)(3) Reasons supporting this determination are provided below:

1. Project Infrastructure. The Project Infrastructure includes:
 - a) Construction of the WWTF on the STAMP Site within the utility infrastructure area to treat the sanitary wastewater generated by STAMP's manufacturing and other tenants. The WWTF will not treat the manufacturing tenants' process wastewater; rather, the tenants will treat their own process wastewaters directly before discharging to the main pump station wet well. The main pump station will then pump the combined flows through the proposed Force Main to a new discharge point to be located in Oak Orchard Creek in the Town of Shelby, Orleans County, New York. The 2020 Amended Findings included a detailed analysis of the WWTF. While the design remains largely unchanged, the Take Permit Application and various correspondence relating to the SPDES permit for the WWTF (including extensive consultation with the Nation) post-date the 2020 Amended Findings and are analyzed below.
 - b) Construction of the Force Main involves the installation of approximately 47,000 linear feet of sanitary force main, metering vaults, and maintenance manholes along the same route as was analyzed in the 2020 Amended Findings. The vast majority of installation of sewer related infrastructure will be along public roads via a combination of open cut method and directional drill methods. The Force Main will continue to have the capacity to convey up to six (6) MGD of treated wastewater from the STAMP Site to the discharge

in Oak Orchard Creek. While the design of the Force Main remains largely unchanged, certain additional analysis regarding potential impacts to Oak Orchard Creek (including modification to the outfall location to prevent erosion) are analyzed below.

- c) The development of an approximate 20 acre parcel located immediately north of STAMP for the siting of the Substation. The landlocked parcel lies between the STAMP Site and a utility corridor which houses the Empire Pipeline and a 345 KV Power Line which will ultimately supply power to STAMP tenants. This parcel is located to the west of the intersection of Lewiston Road (NYS Route 77) and Crosby Road in the Town of Alabama and is bounded by the Empire Pipeline/345 KV Power Line utility corridor to the north, hedgerows to the east and south, and woods and brush to the west. While the design of the Substation remains largely unchanged, the Take Permit Application and various correspondence relating to the Substation (including extensive consultation with the Nation) post-date the 2020 Amended Findings and are analyzed below.

2. Impact on Land.

WWTF

The WWTF does not include any new potentially significant adverse impacts to land resources or land use that were not analyzed in the STAMP GEIS, as amended. The WWTF footprint and design remain largely unchanged from what was previously reviewed in 2016 and 2020. Further, the WWTF remains consistent with current uses of the STAMP Site, which are commercial and industrial in nature.

The Shelby/Medina Joint SPDES Letter raises concerns about the impact of the discharge from the WWTF through the Force Main on erosion. However, as noted in the GCEDC Shelby/Medina Response Letter and Force Main BODR, the outfall has been designed to minimize soil erosion. Further, the outfall discharge includes grouted heavy stone rip rap to dissipate the anticipated flow and reduce velocity, as well as heavy stone rip rap along the entire stream bank to reduce erosion and stabilize the creek banks.

Additionally, as noted in the EPPP, the WWTF will include a screw press to dewater solids for final landfill disposal. As discussed in the EPPP Leadership Meeting Minutes, any hazardous materials stored at the WWTF will be stored in accordance with DEC bulk storage requirements, including

secondary containment measures such as loading areas for trucks, designed to mitigate risks in the event of a spill.

As part of the Plug Power Settlement Agreement (and as detailed extensively below) STAMP Infrastructure, including the WWTF, was specifically designed to avoid potential adverse impacts to the Nation and a buffer was agreed to in order to minimize impacts to surrounding land. In fact, the WWTF (and associated Force Main) are designed to reduce impacts on the Nation's Territory by carrying treated effluent miles away from the Nation's Territory rather than to Whitney Creek (as originally proposed in the GEIS).

Force Main

As noted in the Wastewater PCN, the Force Main involves the physical disturbance of approximately eight acres and is anticipated to take approximately 8 months to construct. Approximately 0.74 acres will be disturbed for staging. A SWPPP for the Force Main will be developed under the requirements of the SPDES GP-0-10-001, and stormwater will be managed in accordance with the SWPPP.

The Wastewater PCN notes that approximately 50% of the local watersheds are dominated by agriculture interspersed with forest and forested/non-forested wetlands. There will be a temporary disturbance during construction of the Force Main but any impacts will be mitigated by horizontal direction drilling ("**HDD**") installation methods through all wetland and stream crossings.

The Shelby/Medina Joint SPDES Letter raises concerns about the impact of the discharge on erosion. However, as noted in the GCEDC Shelby/Medina Response Letter and FM & MPS BODR, the outfall has been designed to minimize soil erosion. Further, as mentioned above, the outfall discharge includes grouted heavy stone rip rap to dissipate the anticipated flow and reduce velocity, as well as heavy stone rip rap along the entire stream bank to reduce erosion and stabilize the creek banks.

The NEPA Refuge Record included an extensive analysis of the Force Main's compatibility crossing through the Iroquois National Wildlife Refuge ("**Refuge**"). As detailed therein, the Force Main has been extensively reviewed, with substantial mitigation proposed.

Substation

As detailed in the Substation Letter, the Substation is a permitted use in the underlying zoning districts and has been sited and designed to minimize impacts to adjacent land uses. While the Substation will be visible to adjacent property owners, the Substation is located in the vicinity of existing transmission infrastructure and is consistent with the same in terms of scale and design. The Substation is located far from the Nation's Territory, and will not be appreciably visible or audible from the same, such that no impacts to land use on the Nation's Territory are anticipated.

Powerline Reroute

The Powerline Reroute will enable more efficient usage of the STAMP Site by moving the existing powerlines on the Site into an area agreed-upon pursuant to the Plug Power Settlement Agreement. As detailed therein, the Powerline Reroute will create 100 feet of additional buffer space between future tenants at the STAMP Site and the Nation's Territory, on top of the existing 400' buffer present along the majority of the western edge of the STAMP Site. Further, the Powerline Reroute (as detailed in the Powerline IA) has been carefully sited to avoid impacts to trees and wetlands.

Accordingly, the Project Infrastructure are not anticipated to create any potentially significant adverse impacts to land that were not analyzed in the STAMP Environmental Record.

3. Impact on Geological Features. The Site does not contain, and is not adjacent to, any unique geologic features or National Natural Landmarks, nor will the Force Main pass through or near any unique geologic features or National Natural Landmarks off-Site. Accordingly, the Project Infrastructure are not anticipated to create any potentially significant adverse impacts to geological features that were not analyzed in the STAMP Environmental Record.
4. Impact on Surface Water.

WWTF/Force Main

As noted in the 2020 Amended Findings, the Project Infrastructure WWTF will enable an increase in the sewer discharge threshold capacity of the STAMP Site. As detailed in the Environmental Information, the WWTF (along with the Force Main) allows for an increase in the STAMP sewer capacity threshold set forth in the GEIS from 3 MGD up to 6 MGD, including 1 MGD of sanitary wastewater and 5 MGD of treated process wastewater (the 2020 Amended Findings similarly increased the water capacity threshold from 3 MGD up to 6 MGD in connection with the Water Main). As observed in the

WWTF BODR, by utilizing onsite recycling for the industrial process water, the overall potential total volume of wastewater decreased significantly from 12 MGD to 6 MGD. Based on this, the WWTF was designed to have an average daily flow of 1.0 MGD with a peak design flow capacity of 2.0 MGD for system redundancy purposes.

The WWTF will not create a new body of water, result in an increase or decrease of the surface area of a waterbody, and does not involve the dredging of a wetland or waterbody. The 2020 Amended Findings extensively detail that, as noted in the Environmental Information, the WWTF will involve construction well-outside of the 100-foot zone of an existing surface water feature, namely Whitney Creek, a Class C stream.

Per the LOR, and as discussed in greater detail below, the Agency has engaged with, and taken the input of the Nation, regarding SPDES permitting at STAMP. Further, as reflected in the EPPP Leadership Meeting Minutes, sewage will be screened and will undergo a three-step sanitation process. According to the EPPP Leadership Meeting Minutes, the WWTF will not be served by an existing sewer line, as none presently exists; however, 100,000 GPD have been reserved for the Town of Alabama in the event the Town decides to create a sewer district in the future and send wastewater to the WWTF.

The SPDES permit effluent limitations have been specifically drafted, with feedback from the Nation and USEPA, to ensure that a discharge does not adversely impact surface waters, and the WWTF will comply with the requirements of the SPDES permit. Similarly, as noted in the Permit Application Transfer Form, STAMP Sewer Works, Inc. (the eventual owner of the Force Main and WWTF) will comply with all conditions of the SPDES Permit. In addition, the Force Main (and associated discharge) has been extensively peer-reviewed by the Town of Shelby, which has consented to the route and design of the Force Main.

As thoroughly outlined in the Environmental Information, the construction of the Force Main will be done through HDD methods in order to minimize impacts to wetlands. The Force Main BODR was supplemented by a frac out plan reviewed and approved by NYSDEC which provides assurance of adequate monitoring, detection, containment, and cleanup for any potential discharge of drilling fluid or other materials resulting from the HDD. The impacted areas will be returned to existing conditions when construction is complete, and all applicable permits will be secured prior to the construction of the Project Infrastructure. As the Hydraulics Report details and EPPP Transcript further describes, the proposed discharge from the Force Main to

the Oak Orchard Creek is a very small quantity compared to the overall statistical peak discharges and will result in no significant changes in the elevation of Oak Orchard Creek. The outflow from the WWTF will be sanitary wastewater and will not have an adverse impact on the quality of the water in Oak Orchard Creek. A stormwater retention pond is proposed in order to mitigate any potential adverse impacts due to the increase in impermeable surfaces associated with the Project Infrastructure.

In the Nation Phosphorus Letter, the Nation raised concerns with the phosphorus discharge “may cause or contribute to a violation of water quality standards.” However, as noted in the Force Main BODR and analyzed in the Hydraulics Report, the Agency will comply with its SPDES permit, which requires that a discharge complies with applicable water quality standards and does not adversely impact surface waters. Per the Letter of Resolution, GCEDC has engaged with, and taken the input of the Nation, regarding SPDES permitting at STAMP. Moreover, the Wastewater PCN confirms that the WWTF and Force Main have been designed to minimize the impacts to the “greatest extent practicable.”

Powerline Reroute/Substation

While the Powerline Reroute will include development adjacent to existing wetland resources, no permanent impacts to the wetlands are proposed. Instead, the access drive servicing the Powerline Reroute will end at the edge of the wetland, and access across the same will be accomplished by placing temporary mats across the wetland when access is needed.

Substation

The Substation will include development far away from Whitney Creek and has been carefully sited to avoid impacts to adjacent wetlands, as detailed in the Substation Letter.

Accordingly, the Project Infrastructure do not pose any risk of significant adverse impacts on water that were not analyzed in the STAMP Environmental Record.

5. Impact on Groundwater.

WWTF

As analyzed in the 2020 Amended Findings, while the WWTF will include the storage of aluminum sulfate, the BODR details that the chemical will be

stored in a chemical bulk storage area located in the headworks and control building of the WWTF. As described in the EPPP, the WWTF "will utilize a sequencing batch reactor process, as well as disc filters, and a UV Disinfection system to treat sanitary wastewater." Such process is "suited to accept sanitary wastewater and biological waste streams such as from food processing plants." Spill prevention measures, including double containment per NYSDEC bulk storage requirements, will be included to mitigate any risk to groundwater.

Further, the SPDES permit effluent limitations will ensure that a discharge does not adversely impact groundwater, and the WWTF will comply with the requirements of the SPDES permit. Similarly, as noted in the Permit Application Transfer Form, STAMP Sewer Works, Inc. will comply with all conditions of the SPDES Permit.

Force Main

As mentioned in the EPPP Leadership Meeting Minutes, under the Right of Way permit from the USFWS, GCEDC is required to monitor the flow rates at the points entering and existing the wildlife refuge to ensure no leaks or other issues with the Force Main. Additionally, as described in the FM & MPS BODR, the Force Main will be marked by pipeline markers to help identify the location of the underground pipe.

As noted in the EPPP Transcript, the Force Main will be monitored 24-hours a day, utilizing failure and high water alarm systems, and if needed, the maintenance manholes with metering and valve control installed along the Force Main.

Powerline Reroute/Substation

Neither the Powerline Reroute nor the Substation entails the types of activities or operations that would be associated with any risks to groundwater, such as the storage or handling of hazardous materials.

Accordingly, the Project Infrastructure are not anticipated to create any potentially significant adverse impacts to groundwater that were not analyzed in the STAMP Environmental Record.

6. Impact on Flooding.

WWTF/Force Main

While the WWTF is not in a designated Floodway, as noted in the 2020 Amended Findings, the Force Main discharge location is in the 100-year and 500-year Floodplains. The discharge area itself will not be a significantly large impervious surface. The Hydraulics Report directly addresses the discharge from the Force Main and concludes that the increased discharge from the Force Main will have a negligible effect on the flood elevations in Oak Orchard Creek, without significant observable changes to the anticipated water surface elevations.

As noted in the Shelby/Medina Joint SPDES Letter, Orleans County “has an extremely flat topography” and “[d]rainage and flooding concerns are . . . main issues.” However, as noted in the GCEDC Shelby/Medina Response Letter and demonstrated in the Hydraulics Report, the discharge was shown to have an unappreciable increase in water surface elevations downstream, even during a 100-year flood event.

In addition, in response to the Shelby/Medina Joint SPDES Letter, the GCEDC Shelby/Medina Response Letter further details that the discharge into Oak Orchard Creek was carefully analyzed by a NYSDEC-reviewed and approved Hydraulics Report. Accordingly, the Project Infrastructure are not anticipated to create any potentially significant adverse impacts to flooding that were not analyzed in the STAMP Environmental Record.

Powerline Reroute/Substation

Neither the Powerline Reroute nor the Substation entails the types of activities or operations that would be associated with any risks to flooding. While the Substation and Powerline Reroute will result in the creation of impervious surfaces, all stormwater discharge associated with these projects will be managed in accordance with NYSDEC requirements pursuant to a SWPPP.

Accordingly, the Project Infrastructure are not anticipated to create any potentially significant adverse impacts to flooding that were not analyzed in the STAMP Environmental Record.

7. Impact on Air. The Project Infrastructure will not be a significant source of air emissions. The Project Infrastructure do not entail the types of activities or operations that require the Applicant to acquire an Air Facility Permit or that are associated with a significant potential for air emissions. Any impacts to air quality from construction activities will be minor, and temporary in nature. Accordingly, the Project Infrastructure are not anticipated to create

any significant adverse impacts to air resources that were not analyzed in the STAMP Environmental Record.

8. Impact on Plants and Animals. As detailed in the 2020 Amended Findings, the Force Main will take place in habitat for various plants and animals noted in the EAF, Iroquois EA, Mussel Survey, and Wastewater PCN including several species listed as threatened or endangered. Pied-Billed Grebe, Sedge Wren, Henslow's Sparrow, Bald Eagle, Northern Harrier, Upland Sandpiper, Least Bittern, Short-eared Owl, Bog Turtle, Eastern Massasauga, and Mussels were all independently analyzed and evaluated in the context of the Force Main. The Iroquois EA and Wastewater PCN lays out the potential impacts to such species as well as the mitigation that is proposed in order to reduce impacts to the same. As detailed in the Iroquois EA and Wastewater PCN, the mitigation measures reduce the potential impact of the Force Main such that they are not likely to adversely affect the species noted in the Environmental Information.

In addition, following the submission of the Part 182 Clearance Request for Electrical Infrastructure, NYSDEC has determined that a Part 182 Incidental Take Permit will be required for the development of the Substation and WWTF in order to address the presence of the Short-Eared Owl and Northern Harrier (together, the "**Winter Raptors**") on the northwestern portion of the STAMP Site. Notably, NYSDEC confirmed in the NYSDEC Part 182 Response on Electrical Infrastructure that the Powerline Reroute (including its associated laydown area) would not require any additional permitting due to the minor and temporary nature of the disturbance associated with those projects. While the GEIS previously noted the presence of Winter Raptors on the STAMP Site, and the Agency disagreed that a Part 182 Incidental Take Permit was required for any of the Project Infrastructure (for the reasons detailed in the Agency's Part 182 correspondence with NYSDEC), the Agency nevertheless conducted extensive additional monitoring of Winter Raptor activity on the STAMP Site as detailed in the Take Permit Application at the request of NYSDEC. The Substation and WWTF will permanently impact approximately 11.5 acres of NYSDEC-designated "occupied habitat" for the Winter Raptors. Notably, as detailed in the Take Permit Application, the Project Infrastructure has been designed with the smallest permanent and temporary footprints possible to minimize disturbance to the occupied habitat, including locating roughly one-third of the Substation in forest/shrub land that does not serve as occupied habitat.

Accordingly, pursuant to Part 182, the Agency has proposed to mitigate any potentially adverse impacts associated with the loss of such habitat by establishing and maintaining new and improved habitat to replace the lost

habitat. 11.5 acres of land that has transition into an old field/shrubland matrix will be mowed/brush-hogged, with treatment and successional mowing thereafter as needed to allow grass and forb species to be established. The proposed mitigation site is located on the STAMP Site, is owned by the Agency, and is located approximately 700' from the adjacent grasslands at the John White Wildlife Management Area. The Agency has consulted closely with NYSDEC to ensure that the proposed mitigation plan confers a net conservation benefit to the Winter Raptors, as required by Part 182.

It is also worth noting that the LMP (a mitigation document pursuant to the GEIS) provides for the management of STAMP land and environmental resources (including species). Pursuant to the GEIS, the LMP is updated every five years, and is currently in the process of being updated. As noted in the LMP, extensive mitigation has been proposed to ensure that threatened and endangered species are not adversely impacted by the development of STAMP generally, as well as the Project Infrastructure specifically.

Accordingly, the Project Infrastructure are not anticipated to create any significant adverse impacts to plants, animals or natural communities, or wildlife habitat that were not analyzed in the STAMP Environmental Record. In fact, the additional mitigation measures proposed in connection with the Take Permit Application will confer a net conservation benefit to the Winter Raptors.

9. Impact on Agricultural Land Resources. The STAMP Environmental Record includes an analysis of the impacts of minor expansions of the STAMP Site and potential infrastructure improvements relating to the same. As described in the Environmental Information, the Force Main will be constructed within existing rights of way to avoid impacts to agricultural resources. The WWTF will be constructed on the STAMP Site, within the existing utility infrastructure area. The Substation will remain constructed partially within the STAMP Site and partially within a parcel immediately north of the STAMP Site, as detailed in the 2020 Amended Findings. Therefore, the Project Infrastructure are not anticipated to create any significant adverse impacts to agricultural land resources that were not analyzed in the STAMP Environmental Record.
10. Impact on Aesthetic Resources. The Project Infrastructure will not be visible from any officially designated federal, state or local scenic or aesthetic resource. As detailed in the 2020 Amended Findings, the Force Main and Water Main will be buried underground, and the remainder of the Project Infrastructure are situated adjacent to the STAMP Site, which is anticipated to be a well-developed commercial and industrial area. In addition, the photo

simulations prepared in connection with the Substation IA and Powerline IA demonstrate that the Project Infrastructure are substantially screened by existing vegetation as well as the significant buffers between the Project Infrastructure and surrounding properties. Accordingly, the Project Infrastructure are not anticipated to create any significant adverse impacts to aesthetic resources that were not analyzed in the STAMP Environmental Record.

11. Impact on Historic and Archeological Resources. The Project Infrastructure do not contain, nor are they adjacent to, a building, or district which is listed on, or that has been nominated to the State or National Register of Historic Places. The Project Infrastructure include an area designated as sensitive for archeological sites by the NYS Historic Preservation Office, however, the Agency has historically coordinated with the NYS Historic Preservation Office on the development of the STAMP Site, with such coordination continuing for the Project Infrastructure. Impacts to historic and archaeological resources are analyzed extensively in the STAMP Environmental Record, and the Programmatic Agreement comprehensively cleared the STAMP Site of Archaeological resources.

The Agency has engaged in extensive consultation with the Nation with respect to the Project Infrastructure, including weekly written updates to the Nation and monthly consultation conference calls. Further, as required by the LOR, the Agency has prepared the WWTF IA, Substation IA, and Powerline IA in order to evaluate whether the Project Infrastructure will have any adverse impact upon the Nation's Territory as a potential property of religious and cultural significance based on the National Register Criteria for eligibility. Each of the IA's analysis and findings (including subsequent correspondence from the Agency to the Nation, SHPO, and NYSDEC) are incorporated herein by reference. The IA's provide an extensive analysis of the Nation's history, including a detailed understanding of the Nation's usage of the Nation's Territory as explained by the Nation. The IA's have historically been updated whenever specific feedback is provided by the Nation. While the Nation has provided comments letters voicing generalized opposition the Project Infrastructure, none of the Nation's letters have alleged any specific, substantiated significant adverse environmental impacts resulting from the Project Infrastructure.

Substation

As detailed in the Substation IA, the Substation will be located approximately 3,800 feet, or 3/4ths of a mile, from the Nation's Territory at its closest point. The visual assessment provided therein further demonstrates that the

Substation will not be substantially visible above the significant intervening vegetation. Further, as the buffer areas provided for in the Plug Power Settlement Agreement are allowed to continue to grow in their natural state, additional screening will naturally be provided. As detailed below, noise levels from the Substation fall well below ambient noise levels at the border of the Nation's Territory.

WWTF / Force Main

The GEIS originally included an on-site wastewater treatment plant to treat wastewater generated at STAMP, before it would discharge to Whitney Creek. After the Nation expressed concerns about the original discharge location, which would be upstream from the Nation's Territory, GCEDC addressed this concern by negotiating a pathway for review and approval of the installation of a new force main sewer line from STAMP to Medina, New York as detailed in the 2016 Project Modifications. In the 2020 Project Modifications, GCEDC reviewed and approved changes to the proposed force main sewer line, with a proposed discharge location in Oak Orchard Creek just upstream from Medina and an on-Site WWTF.

In addition to the WWTF IA that was prepared for the WWTF and Force Main, the Agency prepared and executed an Enhanced Public Participation Plan consistent with NYSDEC's Commissioner Policy 29 ("CP 29"). CP 29 was issued by NYSDEC to promote the fair involvement of all people in the environmental permitting process and to ensure that NYSDEC's environmental permitting processes promote environmental justice. Accordingly, as detailed in the EPPP Certification, the Agency held information meetings with both Nation leadership and citizens of the Nation. The Agency also maintained a document repository to make information about the WWTF readily available to the Nation and its citizens. Throughout the EPPP process, the Agency addressed all comments, questions, and concerns raised by the Nation with respect to the WWTF.

As detailed in the WWTF IA and noted below, the WWTF will not be substantially visible, audible, or emanate odors which would impact the Nation's Territory. The WWTF and Force Main now proposed represent a substantial investment by the Agency to mitigate any potential impacts of the development of STAMP on the Nation. As the NYSDEC Comment Letter concisely summarizes, "unlike the other wastewater treatment configurations GCEDC considered prior to the final version of the SPDES permit application, no wastewater from the proposed WWTF would enter the TSN reservation watershed under the SPDES permit. Rather, the force main/effluent pipe

from the WWTF would run for nine miles to an Oak Orchard Creek discharge point well away from that watershed.”

Powerline Reroute

As detailed in the GCEDC Powerline IA Response Letter, the Agency and the Nation’s discussion of the Powerline Reroute dates back to at least 2018. At the recommendation of NYSDEC, the Agency began conducting direct consultation with the Nation with respect to the Project. Over the course of approximately 18 months, the Agency provided the Nation with information relating to the Project including design plans, and conducted site visits with representatives of the Nation in order to assist the Nation in better understanding any potential impacts of the Project on the Nation’s Territory.

In the Plug Power Settlement Agreement, the Agency and Nation agreed not only to the relocation of the power lines, but also the exact location of the 100’ wide area in which the power lines would be placed. The Plug Power Settlement Agreement clearly states that “the future easement to National Grid associated with the power line reroute on the STAMP Site” will be located partially “within the Restricted Protected Property Area.” The Settlement Agreement went so far as to acknowledge the terms and conditions of pesticide usage in connection with the Project. Moreover, by placing the powerlines along the course of the proposed reroute, there has been a significant expansion of the buffer area between the Nation and STAMP - in essence, everything west of the Powerline Reroute has now been designated as protected buffer area.

The Agency then prepared the Powerline IA to evaluate potential impacts to the Nation’s Territory as a TCP. As detailed therein (including the detailed visual analysis performed at the recommendation of NYSDEC), the Powerline Reroute will not result in any adverse impacts to hunting, fishing, or ceremonial activities conducted in the Big Woods, as no significant visual, audible, or water-related impacts will result from the Powerline Reroute. While the Nation has expressed its objection generally to the Powerline Reroute, the Nation has not alleged any specific adverse impacts that the Powerline Reroute could have on the Nation’s Territory, and the extensive Environmental Record demonstrates that the Powerline Reroute will not have any such adverse impacts.

Accordingly, it is not anticipated that the Project Infrastructure will create any significant adverse impacts to historical or archaeological resources that were not analyzed in the STAMP Environmental Record.

12. Impact on Open Space and Recreation. The Site does not comprise public open space nor is the Site or surrounding area currently used for public recreation. While the WWTF IA, Powerline IA, and Substation IA acknowledge that the Nation utilizes the Big Woods located to the west of the STAMP Site for certain hunting and cultural activities, the Project Infrastructure is not anticipated to have any impact on such activities for the reasons detailed above. Accordingly, the Project Infrastructure are not anticipated to create any significant impacts to open space or recreational resources that were not analyzed in the STAMP Environmental Record.
13. Impact on Critical Environmental Areas. The Project Infrastructure are not located in or substantially contiguous to any Critical Environmental Areas, including the off-Site component of the Force Main. As such, the Project Infrastructure are not anticipated to create any significant adverse impacts to Critical Environmental Areas that were not analyzed in the STAMP Environmental Record.
14. Impact on Transportation. In accordance with the GEIS and SEQR, as new projects are proposed at the Site, the traffic impacts of such projects are analyzed against the thresholds set forth in the GEIS. The Project Infrastructure do not involve any of the activities which would be associated with an increased demand for transportation, and the minor additional vehicle trips associated with construction and maintenance of the Project Infrastructure were previously analyzed in the GEIS. Accordingly, the Project Infrastructure are not anticipated to create any significant adverse impacts to transportation that were not analyzed in the STAMP Environmental Record.
15. Impact on Energy. As noted in the 2020 Amended Findings, the Project Infrastructure (specifically, the Substation) will enable an increase in the electrical capacity of the STAMP Site. As detailed in the Environmental Information, the Substation (together with associated improvements to existing powerlines) allows for an increase in the STAMP electrical demand threshold from 185MW to 535MW. The STAMP Environmental Record includes an analysis of the impacts of minor expansions of the STAMP Site as well as the impacts for the demand for energy for the Project, and potential infrastructure improvements relating to the same. As such, the Substation increases the energy capacity threshold for STAMP, and the Project Infrastructure will not create any significant adverse impacts to energy resources that were not analyzed in the STAMP Environmental Record.
16. Impact on Noise, Odor and Light. The Project Infrastructure are not expected to appreciably increase ambient noise or lighting levels or to create odors.

Substation

The EAF explains that lighting fixtures servicing the Project Infrastructure will be limited to the vicinity of the Site for maintenance and emergency purposes, and that such lights will be Dark Sky Compliant.

The Substation Letter details that any noise associated with the Substation will fall well below the threshold set forth in the GEIS of 45 decibels. In fact, the Substation letter details that, at the point of the closest structure to the Substation's nearest transformer (a distance of approximately 715 feet), the sound pressure level will be only 28.914 decibels - well below existing ambient noise levels as detailed in the Environmental Record.

The Substation does not involve the types of activities that create significant noise. Any impacts to noise and/or odor from construction activities will be minor, and temporary in nature.

WWTF

The EAF explains that lighting fixtures servicing the Project Infrastructure will be limited to the vicinity of the Site for maintenance and emergency purposes, and that such lights will be Dark Sky Compliant.

As detailed in the WWTF BODR, the Force Main will contain only treated effluent and treated process water. The treatment processes where odors are a concern are contained within buildings to mitigate odors. No odors are expected to be experienced outside of such structures as a part of the operations of the WWTF.

Similarly, as all treatment processes are contained within structures, the WWTF is not anticipated to appreciably increase noise levels. Further, the WWTF will be centrally located on the STAMP Site, immediately north of the location of Project Gateway.

Force Main

The Force Main will be buried below ground and accordingly does not involve the types of activities that create significant noise, odors, or lighting. As detailed in the WWTF BODR, the Force Main will contain only treated effluent and treated process water. The treatment processes where odors are a concern are contained within buildings to mitigate odors. Any impacts to

noise and/or odor from construction activities will be minor, and temporary in nature.

Powerline Reroute

The Powerline Reroute does not involve the types of activities that create significant noise, odors, or lighting. Any impacts to noise and/or odor from construction activities will be minor, and temporary in nature.

Accordingly, the Project Infrastructure are not anticipated to create any significant adverse impacts to noise, odors or light that were not analyzed in the STAMP Environmental Record.

17. Impact on Public Health. The Project Infrastructure do not entail the types of activities or operations that are associated with a significant potential for affecting public health, such as storing large amounts of hazardous or toxic materials. As detailed in the 2020 Amended Findings, a portion of the Site is listed in the NYSDEC Spills Incidents Database (DEC ID 9607396), however, that incident was listed as "Closed" due to the successful remediation of soils in 2004.

Substation

As detailed in the Substation Letter, the Substation will follow all the safety parameters set forth by the New York State Public Service Commission, the New York Power Authority, and National Grid. The Substation itself will include a ground grid system that includes grounding of the fencing surrounding the Substation in order to ensure safety to those in the vicinity of the Substation, while those outside of the Substation perimeter will not be affected.

WWTF

The WWTF's design and operation are laid out extensively in the BODR, and will be necessary to service the STAMP Site in a safe, environmentally friendly manner. The WWTF BODR provides that local emergency management services will be trained for emergency safety and response at the WWTF. Emergency management services will further be taught the hazards of any chemicals stored onsite.

Chemicals stored on-Site will include alum for phosphorus precipitation and polymer for screw press dewatering. The alum will be stored in a chemical bulk storage area located in the headworks and control building. The

polymer will be stored in a chemical bulk storage area in the dewatering building. The chemical bulk storage areas will include spill prevention measures including double containment equal to the largest storage volume per NYSDEC bulk storage requirements.

Force Main

The Force Main itself does not entail the types of activities or operations that are associated with a significant potential for affecting public health. As detailed in the Force Main BODR, the Force Main will only carry flows of combined sanitary treated effluent and treated process water. No untreated effluent or process water will enter the Force Main at any point. Further, main line valves will be installed approximately every 1,000' along the Force Main to provide a means to isolate sections of the Force Main for testing and maintenance purposes. Flow rates will be monitored 24/7 south of and immediately north of the US Fish and Wildlife Refuge, and the SPDES Permit sets forth a rigid sampling regime to ensure compliance with all applicable discharge limits.

Powerline Reroute

The Powerline Reroute itself does not entail the types of activities or operations that are associated with a significant potential for affecting public health. The Powerline Reroute is located within a portion of the STAMP Site's western buffer area, the 100' wide "Restricted Property Area", as provided for in the Plug Power Settlement Agreement. The Powerline Reroute is buffered to the west by an additional 400' of STAMP Site designated as Permanently Protected Property pursuant to the Plug Power Settlement Agreement, and to the east by the remainder of the STAMP Site.

Accordingly, the Project Infrastructure are not anticipated to create any significant adverse impact to public health that were not analyzed in the STAMP Environmental Record.

18. Impact on Character of the Community, and Community Plans. The Project Infrastructure is in character with adjacent development and surrounding uses, including the industrial development of Plug Power. The Project Infrastructure itself does not include the type of development that would result in significant population growth or other typical drivers of impacts to Community Character and Community Plans. The GEIS analyzed the impacts from full build out of STAMP consisting of the rezoning the entire STAMP Site from agricultural/residential use to industrial/advanced manufacturing use, and with constructing and operating 6,130,000 square feet

of advanced technology manufacturing uses at full build-out, providing direct employment for over 9,000 people, whereas the Project Infrastructure are minor infrastructure projects. Accordingly, the Project Infrastructure are not anticipated to create any significant adverse impacts to the growth or character of the community that were not analyzed in the STAMP Environmental Record.

Section 3. Having considered the Environmental Information, STAMP Environmental Record, and having considered the relevant environmental impacts, facts and conclusions relied upon to meet the requirements of 6 N.Y.C.R.R. § 617.11, and having weighed and balanced the relevant impacts with social, economic and other considerations, the Agency recertifies that:

- (i) The requirements of 6 N.Y.C.R.R. Part 617 have been met; and
- (ii) Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the Project remains one which avoids or minimizes adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 5. This Resolution, which is adopted by a majority vote of the Agency, shall serve as the Negative Declaration (as defined in 6 N.Y.C.R.R. 617.2(y)) for the Land Transfer, and is issued by the Agency pursuant to and in accordance with SEQRA, shall take effect immediately.

Section 6. For further information on this Determination of Significance/Negative Declaration contact:

Mark Masse
99 MedTech Drive, Suite 106
Batavia, New York 14020

Phone: 585-343-4866
Email: mmasse@gcedc.com

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

The foregoing Resolution was thereupon declared duly adopted.

SEQR for STAMP for Proposed STAMP Property Transfer

Discussion: There is a 0.851-acre portion of STAMP property that includes two abandoned barns along Alleghany Road bordered to the north by a residential use, to the east across Alleghany Road by a lightly forested area containing an abandoned building, and to the west and south by STAMP; Mr. Baker intends to incorporate the property into his existing residence/property, and therefore the Land Transfer will not create a material conflict with an adopted land use plan or zoning. While much of the STAMP Site was rezoned from Agricultural-Residential (“AR”) to Technology District (“TD”), a 300-foot buffer around the TD zone was reserved as zone AR. This zone AR buffer includes the property where the barns are located.

Fund Commitment: None.

Board Action Request: Since the Land Transfer will not have a significant adverse impact on the environment, make the recommendation to the Board to approve a negative declaration (“Negative Declaration”) pursuant to SEQRA. The Negative Declaration has been prepared pursuant to and in accordance with the requirements of SEQRA. Recommend to the Board to transfer the property to Mr. Baker for no consideration.

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC
DEVELOPMENT CENTER PURSUANT TO THE STATE ENVIRONMENTAL
QUALITY REVIEW ACT CONCERNING THE PROPOSED SALE OF A
PORTION OF THE WESTERN NEW YORK SCIENCE & TECHNOLOGY
ADVANCED MANUFACTURING PARK

Name of Project: Land Transfer to Thomas Baker

Location: Alleghany Road, Town of Alabama, New York, and identified as a part of SBL No. 10.-1-15.11

SEQR Status: Unlisted

Determination of Significance: Negative Declaration

WHEREAS, the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center (“**GCEDC**” or “**Agency**”), in conjunction with the Genesee Gateway Local Development Corporation (“**GGLDC**”), the non-profit real estate affiliate of the GCEDC, have been working for more than a decade on the development of the Western New York Science & Technology Advanced Manufacturing Park (“**STAMP**” or the “**Project**”), an advanced manufacturing technology campus on approximately 1,262 acres located on the west side of New York State Route 63/77, approximately five miles north of the I-90/New York State Thruway (“**STAMP Site**”) in the Town of Alabama, New York (“**Town**”); and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Not-for-Profit Corporation Law of New York to, among other things, (i) acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein; (ii) to sell, convey, mortgage, lease, pledge, exchange or otherwise dispose of real property in such manner as the Agency shall determine; and (iii) acquire, construct, reconstruct and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, a 0.851-acre portion of STAMP includes two abandoned barns (“**Barns**”) along Alleghany Road (“**Land**”) bordered to the north by a residential use, to the east across Alleghany Road by a lightly forested area containing an abandoned building, and to the west and south by STAMP;

WHEREAS, THOMAS BAKER (“**Buyer**”) owns property adjacent to the Land at 6604 Alleghany Road;

WHEREAS, the Buyer has requested that the Agency convey its interest in the Land to the Buyer;

WHEREAS, the Agency intends to convey its interest in the Land to the Buyer;

WHEREAS, the Buyer desires to acquire fee title to the Land from the Agency in the Buyer's own name or in the name of such other entity(ies) as may be designated by the Buyer and agreed upon by the Agency and plans to incorporate the Land into Buyer's existing residence/property; and

WHEREAS, the Barns likely contain asbestos-containing material;

WHEREAS, the Buyer will likely retain the Barns and use them for storage, however, in the event the Buyer decides to demolish the Barns, the Buyer has agreed to demolish them in accordance with all applicable federal, state and local requirements for the removal, handling and transportation of the asbestos-containing material;

WHEREAS, the Agency now desires to authorize the sale and conveyance of fee title to the Land to the Buyer or such other entity(ies) as may be designated by the Buyer and agreed upon by the Agency ("**Land Transfer**"); and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York ("NYSDEC"), being 6 NYCRR Part 617, et. seq., as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Land Transfer; and

WHEREAS, pursuant to SEQRA, to aid the Agency in determining whether the Land Transfer may have a significant adverse impact upon the environment, the Agency has received and reviewed (1) Part 1 of a Short Environmental Assessment Form, ("**EAF**"); (2) NYSDEC's Environmental Resource Mapper ("**NYSDEC Mapper**"); (3) the New York State Cultural Resource Information System ("**CRIS**"); (4) a Generic Environmental Impact Statement for the STAMP Site (together with all amendments subsequent thereto, the "**GEIS**"); and (5) other relevant environmental information (collectively, 1-5 shall be referred to as the "**Environmental Information**"); and

WHEREAS, prior to making a recommendation about the potential environmental significance of the Land Transfer, the Agency has reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA Regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA Regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA Regulations; and

WHEREAS, a thorough analysis of the Environmental Information and potential environmental impacts associated with the Land Transfer reveals that the Land Transfer will not have any potentially significant adverse environmental impacts; and

WHEREAS, it is appropriate that the Agency issue a negative declaration pursuant to SEQRA for the Land Transfer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GENESSEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

Section 1. Based upon a thorough review and examination of the Land Transfer and Environmental Information, and upon the Agency's knowledge of the area surrounding the Land and such further investigation of the Land Transfer and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Land Transfer:

- (A) The Land Transfer is an Unlisted Action pursuant to SEQRA, as the Land Transfer involves the sale of less than 100 acres of land (involving less than 1 acre of land) and does not meet or exceed any threshold for a Type I Action;
- (B) The Agency, as Lead Agency, has undertaken an uncoordinated review of the Land Transfer in accordance with the requirements of SEQRA; and
- (C) No potentially significant adverse impacts on the environment are noted in the Environmental Information and none are known to the Agency.

Section 2. Based upon the Agency's review of the Environmental Information and investigations of the potential environmental impacts associated with the Land Transfer, considering both the magnitude and importance of each potential environmental impact indicated, and upon the Agency's knowledge of the Land and surrounding area and such further investigations of the Land Transfer and its environmental effects as the Agency has deemed appropriate, the Agency has determined that the Land Transfer will not have a significant adverse impact upon the environment. The reasons supporting this determination are as follows:

1. Impact on Land. The Buyer intends to incorporate the Land into Buyer's existing residence/property, and therefore the Land Transfer will not create a material conflict with an adopted land use plan or zoning. While much of the STAMP Site was rezoned from Agricultural-Residential ("AR") to Technology District ("TD"), a 300-foot buffer around the TD zone was reserved as zone AR. This zone AR buffer includes the Barns.

If the Buyer retains the Barns, there will be no resulting physical change to the land. In the event the Buyer demolishes the existing dilapidated Barns on the Land following acquisition, there will be a resulting physical change to the land. However, the Buyer will demolish the Barns in accordance with all applicable federal, state and local requirements, including those relating to the removal, handling and transportation of the asbestos-containing material. Overall, the Land Transfer will not result in a significant change to the use or intensity of use of the Land. Accordingly, there will be no adverse effects to Land.

2. Impact on Geological Features. The Land does not contain, and is not adjacent to, any unique geologic features or National Natural Landmarks. Accordingly, the Land Transfer will not create any potentially significant adverse impacts to geological features.

3. Impact on Surface Water. As the EAF and NYSDEC Mapper note, the Land does not contain any surface waters. While Whitney Creek is located on another STAMP parcel, the creek is not located on or near the Land. Further, while there may be some physical alteration of the Land in the event the Buyer demolishes the Barns, the Buyer will demolish the building in accordance with all applicable federal, state and local requirements for the removal, handling and transportation of the asbestos-containing material. Therefore, the Land Transfer has no potential to adversely affect any surface water.
4. Impact on Groundwater. As noted above, the Land Transfer does not result in any physical alteration of land, and, should the Buyer choose to demolish the Barns, because the Buyer will demolish the buildings in accordance with all applicable federal, state and local requirements for the removal, handling and transportation of the asbestos-containing material, the Land Transfer has no potential to adversely affect groundwater resources.
5. Impact on Flooding. The EAF states that the Land Transfer will not result in the development of lands which are located in a designated floodway and does not include the impoundment of water. The Land Transfer and subsequent usage of the Barns will not involve the type of physical alteration to the Land or any activities which would exacerbate existing conditions with respect to flooding. Accordingly, the Land Transfer is not anticipated to create any potentially significant adverse impacts to flooding.
6. Impact on Air. The Land Transfer does not entail the types of activities or operations that require the Agency or Buyer to acquire air registration permits or that are associated with a significant potential for air emissions. While the possible demolition of the Barns containing asbestos-containing materials has the potential to release asbestos particles into the air, should the Buyer choose to demolish the Barns, the Buyer will demolish them in accordance with all applicable federal, state and local requirements for the removal, handling and transportation of the asbestos-containing material. Accordingly, the Land Transfer is not anticipated to create any significant adverse impacts to air resources.
7. Impact on Plants and Animals. The EAF notes the potential presence of the northern harrier, a NYS threatened species. The potential presence of the short-eared owl, an endangered species, has been noted at a separate STAMP parcel, but is not noted in the NYSDEC Mapper for the Land. Despite the potential presence of the species generally, the Land is already developed with the Barns and is in close proximity to adjacent residences, and no threatened or endangered species have been observed on the Land itself. Accordingly, the Land Transfer is not anticipated to create any significant adverse impacts to plants or animals.
8. Impact on Agricultural Land Resources. Unlike the STAMP parcel to the west of Crosby Road, the Land is not located within an Agricultural District and is not currently used for farming. Based on the foregoing, the Land Transfer will not create any significant adverse impacts to agricultural land resources.

9. Impact on Aesthetic Resources. The Land Transfer will result in the reuse of existing vacant Barns, and does not include any new construction. Accordingly, the Land Transfer is not anticipated to create any significant adverse impacts to aesthetic resources.
10. Impact on Historic and Archaeological Resources. According to CRIS and the NYSDEC Mapper, the Land does not contain and is not near a building which is listed on the State or National Register of Historic Places. The Land is located in an area flagged as sensitive for archeological resources. However, a Phase 3 Data Recovery was conducted for the larger STAMP site, including the Land. In addition, the Land is not located near the Tonawanda Seneca Nation's Territory. Accordingly, the Land Transfer will not create any significant adverse impacts to historic or archaeological resources.
11. Impact on Open Space and Recreation. The Land Transfer and utilization of the Barns would increase open space. Accordingly, the Land Transfer will not create any significant adverse impacts to open space or recreational resources.
12. Impact on Critical Environmental Areas. The Land is not located in or substantially contiguous to any Critical Environmental Areas. As such, the Land Transfer will not create any significant adverse impacts to Critical Environmental Areas.
13. Impact on Transportation. The Land Transfer does not entail any changes to existing parking or traffic levels. As such, the Land Transfer is not anticipated to create any significant adverse impacts to transportation.
14. Impact on Energy. The Land Transfer will not result in any increase in the use of energy, and no energy infrastructure improvements are necessary to accommodate the Land Transfer. As such, the Land Transfer will not create any significant adverse impacts to energy resources.
15. Impact on Noise, Odor and Light. The Land Transfer and resulting usage of the Barns will not result in any appreciable increase in noise, lighting, or new odors. Accordingly, the Land Transfer is not anticipated to create any significant adverse impacts to noise or odors.
16. Impact on Public Health. The Land Transfer and possible demolition of the Barns has the potential to impact human health through exposure to asbestos-containing material. However, should the Buyer choose to demolish the Barns, the Buyer will demolish them in accordance with all applicable federal, state and local requirements for the removal, handling and transportation of the asbestos-containing material. Accordingly, the Land Transfer is not anticipated to create any significant adverse impact to public health.
17. Impact on Character of the Community, and Community Plans. The Land Transfer involves only the transfer of fee title to the Land itself and the Buyer intends to incorporate the Land into Buyer's existing residence/property. As

such, the Land Transfer will not result in any material development of the Land. Any demolition of the Barns would be minor in nature and consistent with surrounding land uses. Accordingly, the Land Transfer will not create any significant adverse impacts to the character of the community or community plans.

Section 3. Since the Land Transfer will not have a significant adverse impact on the environment, a negative declaration (“Negative Declaration”) pursuant to SEQRA is hereby issued. This Negative Declaration has been prepared pursuant to and in accordance with the requirements of SEQRA.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 5. This Resolution, which is adopted by a majority vote of the Agency, shall serve as the Negative Declaration (as defined in 6 N.Y.C.R.R. 617.2(y)) for the Land Transfer, and is issued by the Agency pursuant to and in accordance with SEQRA, shall take effect immediately.

Section 6. For further information on this Determination of Significance/Negative Declaration contact:

Mark Masse
99 MedTech Drive, Suite 106
Batavia, New York 14020
Phone: 585-343-4866
Email: mmasse@gcedc.com

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

The foregoing Resolution was thereupon declared duly adopted.

Project: Land Transfer to Thomas Baker
 Date: 7/1/2022

**Short Environmental Assessment Form
 Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Project: Land Transfer to Thomas Baker

Date: 7/1/2022

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

See attached determination of significance.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Genesee County Industrial Development Agency _____

Name of Lead Agency _____

Mark A. Masse _____

Print or Type Name of Responsible Officer in Lead Agency _____

[Signature] _____

Signature of Responsible Officer in Lead Agency _____

Date _____

Senior Vice President of Operations _____

Title of Responsible Officer _____

Signature of Preparer (if different from Responsible Officer) _____

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Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Land Transfer to Thomas Baker			
Project Location (describe, and attach a location map): Alleghany Road, Alabama, NY			
Brief Description of Proposed Action: The action involves a land transfer of an approximately 0.851-acre portion of the STAMP site to Thomas Baker, a neighbor of the STAMP site. The portion of land to be transferred contains a dilapidated barn which contains asbestos. It is likely that the Buyer will retain the barns on the Land and use them for storage following acquisition.			
Name of Applicant or Sponsor: Genesee County Economic Development Center		Telephone: 585-343-4866	
		E-Mail: mmasse@gcedc.com	
Address: 99 MedTech Drive, Suite 106			
City/PO: Batavia		State: New York	Zip Code: 14020
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.851 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.851 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

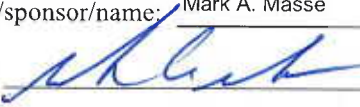
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Mark A. Masse</u> Date: <u>7/1/2008</u>		
Signature: <u></u> Title: <u>SR VP of Operations</u>		

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Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Alabama

Church St

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Ottawa Montreal
Toronto
Detroit Cleveland
Columbus Pittsburgh Philadelphia
Washington

Map data: © OpenStreetMap contributors, and the GIS User Community

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Northern Harrier
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

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