

<b>PAGE #</b>	<b>1.0</b>	<b>Call to Order</b>	<b>4:00 pm</b>
		<b>Presentations – Project Pioneer – Biodigester Horizon Acres Associates Edwards Vacuum</b>	
	<b>1.1</b>	<b>Enter Public Session</b>	<b>4:30 pm</b>
		Motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 for the following reasons:	
		1. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.	
		2. Discussions regarding proposed, pending or current litigation.	
	<b>1.2</b>	<b>Enter Public Session</b>	<b>5:00pm</b>
	<b>2.0</b>	<b>Chairperson’s Report &amp; Activities</b>	<b>5:00pm</b>
	<b>2.1</b>	Upcoming Meetings: <b>Next Scheduled Board Meeting: Thursday, February 2<sup>nd</sup> at 4 p.m.</b> Audit & Finance Committee Meeting: Tuesday, January 31 <sup>st</sup> at 8:30 a.m. STAMP Committee Meeting: Wednesday, February 1 <sup>st</sup> at 8 a.m. Governance & Nominating Committee Meeting: Thursday, February 2 <sup>nd</sup> at 3 p.m.	
	<b>2.2</b>	Agenda Additions / Deletions / Other Business <b>**Vote</b>	
	<b>2.3</b>	Minutes: December 1, 2022 & December 15, 2022 <b>**Vote</b>	
<b>2-34</b>			
	<b>3.0</b>	<b>Report of Management –</b>	<b>5:05pm</b>
<b>35-103</b>	<b>3.1</b>	NY CDG Genesee 4, LLC – Final Resolution <b>**Vote</b> C. Suozzi	
<b>104-106</b>	<b>3.2</b>	NY CDG Genesee 1, LLC – Assignment Authorization <b>**Vote</b> C. Suozzi	
<b>107-120</b>	<b>3.3</b>	Horizon Acres Associates – Initial Resolution <b>**Vote</b> C. Suozzi	
<b>121-132</b>	<b>3.4</b>	Atlas Copco USA Holdings Inc. & Subsidiaries (Edwards Vacuum) – Initial Resolution <b>**Vote</b> C. Suozzi	
<b>133</b>	<b>3.5</b>	RPNY Solar 7 Project Clarification – C. Suozzi	
	<b>4.0</b>	<b>Audit &amp; Finance Committee – M. Gray</b>	<b>5:20pm</b>
<b>134-139</b>	<b>4.1</b>	General Liability Insurance – Umbrella Coverage <b>**Vote</b>	
<b>140-143</b>	<b>4.2</b>	November 2022 Financial Statements <b>**Vote</b>	
<b>144-148</b>	<b>4.3</b>	2023 County Funding Contract <b>**Vote</b>	
<b>149-155</b>	<b>4.4</b>	ECIDA Shared Services Contract <b>**Vote</b>	
	<b>5.0</b>	<b>Governance &amp; Nominating Committee – C. Yunker</b>	<b>5:35pm</b>
	<b>5.1</b>	Nothing at this time.	
	<b>6.0</b>	<b>STAMP Committee – P. Zeliff</b>	<b>5:35pm</b>
<b>156-159</b>	<b>6.1</b>	Saratoga Associates Proposal for STAMP Site Visualization Services <b>**Vote</b>	
	<b>7.0</b>	<b>Employment &amp; Compensation Committee – T. Bender</b>	<b>5:40pm</b>
	<b>7.1</b>	CEO Merit/COLA <b>**Vote</b>	
	<b>8.0</b>	<b>Housing Committee – P. Battaglia</b>	<b>5:45pm</b>
	<b>8.1</b>	Nothing at this time.	
	<b>9.0</b>	<b>Other Business</b>	<b>5:45pm</b>
	<b>9.1</b>	Nothing at this time.	
	<b>10.0</b>	<b>Adjournment</b>	<b>5:45pm</b>



**GCEDC Board Meeting**  
**Thursday, December 1, 2022**  
**Location: 99 MedTech Drive, Innovation Room**  
**4:00 PM**

**GCEDC MINUTES**

**Attendance**

Board Members: C. Yunker, P. Battaglia, P. Zeliff, M. Gray, T. Bender (Video Conference\*), C. Kemp, M. Clattenburg

Staff: L. Farrell, M. Masse, S. Hyde, L. Casey, J. Krencik, C. Suozzi, P. Kennett

Guests: D. Cunningham (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), T. Felton (GGLDC Board Member), G. Torrey (GGLDC Board Member), R. Gaenzle (Harris Beach), Lauren Torretta (CH4 Gas), Sara Gilbert (Pinewoods Engineering), Tom. Iorizzo (North Atlantic States Regional Council of Carpenters), Reagan Kemp

Absent:

\* Attending from physical location identified in meeting notice as open to the public.

**1.0 Call to Order**

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

**1.1 Enter Executive Session**

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

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

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

- L. Torretta, S. Gilbert & T. Iorizzo left the meeting at 4:01 p.m.
- L. Torretta and S. Gilbert rejoined the meeting at 4:04 p.m.
- R. Gaenzle joined the meeting at 4:06 p.m.
- T. Felton joined the meeting at 4:07 p.m.
- P. Kennett left the meeting at 4:15 p.m.
- G. Torrey joined the meeting at 4:22 p.m.
- L. Torretta and S. Gilbert left the meeting at 4:31 p.m.

**1.2 Enter Public Session**

P. Battaglia made a motion to enter back into public session at 5:05 p.m., seconded by C. Yunker and approved by all members present.

T. Iorrizzo rejoined the meeting at 5:06 p.m.

**2.0 Chairman's Report & Activities**

**2.1 Upcoming Meetings:**

**Next Scheduled Board Meeting: Thursday, December 15<sup>th</sup> at 4:00 p.m.**

Employment & Compensation Committee Meeting: Thursday, December 15<sup>th</sup> at 3:00 p.m.

Audit & Finance Committee Meeting: Tuesday, January 10<sup>th</sup> at 8:30 a.m.

STAMP Committee Meeting: Wednesday, January 11<sup>th</sup> at 8:00 a.m.

Board Meeting: Thursday, January 12<sup>th</sup> at 4 p.m.

**2.2 Agenda Additions / Deletions / Other Business –**

**M. Gray made a motion to remove Agenda Item 4.2 – Insurance Renewal; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The agenda item was removed.

**2.3 Minutes: November 1, 2022**

**C. Yunker made a motion to accept the minutes from November 1, 2022; the motion was seconded by M. Gray. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

**3.0 Report of Management**

**3.1 NY CDG Genesee 4 LLC – Initial Resolution** – NY CDG Genesee 4, LLC is proposing to construct a community solar farm project on Shepard Road in the Town of Pavilion. The solar project will be located on approximately 31 of 39 acres on the property to convert the sun's energy into 4.275 MW of AC power.

The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project's PILOT will contribute \$6,000/MWAC + a 2% annual escalator in payments to Genesee County, Town of Pavilion and the Pavilion School District. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

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

The total capital investment of the project is approximately \$6.5M. The company will receive approximately \$515K in sales tax exemption, \$21K in mortgage tax exemption and \$463K in property tax exemption for a total of approximately \$999K in estimated tax incentives.

Resolution No. 12/2022 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF NY CDG GENESEE 4 LLC WITH RESPECT TO A CERTAIN PROJECT (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.

**P. Battaglia made a motion to accept Initial Resolution #12/2022-01, authorizing the acceptance of the application and scheduling of a public hearing as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**3.2 RPNY Solar 6, LLC – Final Resolution** - RPNY Solar 6, LLC is proposing to construct a community solar farm project on Alexander Road in the Town of Batavia. The project will utilize 8,346 solar panels and 24 string inverters on approximately 17 of 29 acres on the property to convert the sun's energy into 3 MW of AC power. The project will utilize single axis tracking technology to allow the modules to efficiently track the sun throughout the day to maximize the efficiency of solar collection.

The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project's PILOT will contribute \$4,000/MWAC + a 2% annual escalator in payments to the Genesee County and Alexander Central School District in addition to revenue in a separate host benefit agreement with the town of Batavia. The PILOT is estimated to generate \$207,521 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

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

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The total capital investment of the project is approximately \$5.98M. The company will receive approximately \$478K in sales tax exemption, \$57K in mortgage tax exemption and \$354K in property tax exemption for a total of approximately \$889K in estimated tax incentives.

A public hearing was held on November 21, 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. The Board reviewed each criterion and concurred with the UTEP.

Resolution No. 12/2022 - 02

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 NOVEMBER 21, 2022, WITH RESPECT TO THE RPNY SOLAR 6, LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF THE STATE OF NEW YORK; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

**P. Battaglia made a motion to accept Final Resolution #12/2022-02, accepting the incentives as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**3.3 RPNY Solar 7, LLC – Final Resolution-** RPNY Solar 7, LLC is proposing to construct a community solar farm project on Alexander Road in the Town of Batavia. The project will utilize 6,214 solar panels and 20 string inverters on approximately 13 of 69 acres on the property to convert the sun's energy into 2.5 MW of AC power. The project will utilize single axis tracking technology to allow the modules to efficiently track the sun throughout the day to maximize the efficiency of solar collection.

The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project's PILOT will contribute \$4,000/MWAC + a 2% annual escalator in payments to the Genesee County and Batavia City School District in addition to revenue in a separate host benefit agreement with the town of Batavia. The PILOT is estimated to generate \$172,934 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

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

The total capital investment of the project is approximately \$3.56M. The company will receive approximately \$284K in sales tax exemption, \$34K in mortgage tax exemption and \$306K in property tax exemption for a total of approximately \$624K in estimated tax incentives.

A public hearing was held on November 21, 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. The Board reviewed each criterion and concurred with the UTEP.

Resolution No. 12/2022 - 03

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 NOVEMBER 21, 2022, WITH RESPECT TO THE RPNY SOLAR 7 LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF THE STATE OF NEW YORK; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

**C. Yunker made a motion to accept Final Resolution #12/2022-03, accepting the incentives as presented; the motion was seconded by M. Gray. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**3.4 AES Rt. 5 Storage Solar- Final Resolution-** AES Rt 5 Storage, LLC is proposing to construct a community solar farm project on West Main Road in the Town of Le Roy. The project will utilize ground-mounted solar panels to convert the sun's energy into 5 MW of AC power. The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project's PILOT will contribute \$4,000/MWAC + a 2% annual escalator in payments to the Genesee County, Town of Le Roy, and Le Roy Central School District. The PILOT is estimated to generate

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\$345,868 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

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

The total capital investment of the project is approximately \$11M. The company will receive approximately \$881K in sales tax exemption, \$83K in mortgage tax exemption and \$840K in property tax exemption for a total of approximately \$1.8M in estimated tax incentives.

A public hearing was held on November 22, 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. The Board reviewed each criterion and concurred with the UTEP.

Resolution No. 12/2022 - 04

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 NOVEMBER 22, 2022, WITH RESPECT TO THE AES RT 5 STORAGE LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF THE STATE OF NEW YORK; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

**P. Battaglia made a motion to accept Final Resolution #12/2022-04, accepting the incentives as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

C. Yunker stated that he is a partner of CY Properties. CY Properties is under contract with Cider Solar. He stated that there is no direct conflict because of this relationship with Cider Solar, but to avoid the appearance of conflict he will recuse himself from discussions regarding the project. C. Yunker left the meeting at 5:16 p.m.

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**3.5 Cider Solar – Final Resolution** - Hecate Energy Cider Solar LLC is proposing to construct a utility scale solar farm project at various properties in the towns of Elba and Oakfield.

The project will be located on 2,455 acres and utilize solar panels mounted on tracking panel racks to convert the sun's energy into 500 MW of AC power and will be interconnected with the electric grid.

The project will provide enhance property tax-type payments to the host municipalities through 30-year PILOT and Host Community Agreements that will contribute fiscally at a significantly greater level (\$35.23 million PILOT payments, \$38.35 million Host Community Agreement Payments) than the current agricultural-vacant land property tax payments generated by the project's properties.

This project has an **estimated \$87.9 million fiscal economic impact** (PILOT payments, Host Community Agreement payments, fire district payments, elimination of ag-exemptions on acreage used for solar panels, and Residential Utility Bill Credits) and **results in an estimated return of \$23 in economic impacts** vs the tax impacts of the land's prior use.

The total capital investment of the project is approximately \$550M. The company will receive approximately \$44M in sales tax exemption, \$5.5M in mortgage tax exemption and \$92M in property tax exemption.

A public hearing was held on November 28, 2022 in the Town of Elba and the Town of Oakfield. Both public hearings were well attended by the town officials from Elba and Oakfield, however we received only two comments. The comments we received were both clarifying questions - one asked if the payment schedules to the schools would continue if the school districts merged in the future, and another asked how the local labor policy reporting is undertaken.

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

Resolution No. 12/2022 - 05

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARINGS HELD BY THE AGENCY ON NOVEMBER 28, 2022, WITH RESPECT TO THE HECATE ENERGY CIDER SOLAR LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) ACKNOWLEDGING A CERTAIN PERMIT ISSUED BY THE OFFICE OF RENEWABLE ENERGY SITING; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF THE STATE OF NEW YORK; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.



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P. Battaglia made a motion to accept Final Resolution #12/2022-05, accepting the incentives as presented contingent upon project approval from the Town of Elba and Oakfield; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

C. Yunker rejoined the meeting at 5:23 p.m.

**4.0 Audit & Finance Committee**

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

- There was significant activity related to grant income and real estate development. Two GURFS were submitted to ESD in October. The GURFS were approved, and funds were expended.
- There is normal monthly activity on the balance sheet and P&L.

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

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

**4.2 Insurance Renewal** – Removed from the agenda.

**4.3 Audit Services** – The GCEDC and its affiliated corporations issued a joint Request for Proposals (RFP) for Professional Auditing Services on October 17, 2022. The RFP requested services for three audit years from January 1, 2022 to December 31, 2024, with an option of contracting for an additional two years (2025-2026). Requesting for this length of time is customary.

The RFP was submitted directly to five accounting firms. These firms were chosen based on research and consultation with Laura Landers, former Freed Maxick government services director. A notice was also published in the Batavia Daily News stating that the GCEDC and affiliated corporations issued an RFP for these services. The RFP responses were due by November 16<sup>th</sup>. Three proposals were received.

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Proposals were reviewed and evaluated by:

Lezlie Farrell, CFO

Mark Masse, Sr. VP of Operations

Penny Kennett, Operations Manager

The proposals were evaluated based on:

- 1) Qualifications and experience of the audit firm
- 2) Qualifications and experience of the partners and staff.
- 3) Quoted fee rates for each year of the potential five-year engagement.
- 4) Compliance with local, state, and federal statutes and regulations.
- 5) Anticipated potential audit problems (if any).

Mostert, Manzanero & Scott, LLP is the firm being recommended by staff. Along with the firm's experience with the GCEDC and affiliated entities, they have listed references including three other Industrial Development Agencies and a Local Development Corporation. The proposed fee schedule from Mostert, Manzanero & Scott, LLC was included with the meeting materials.

This was recommended for approval by the Committee.

**M. Gray made a motion to approve a 3-year engagement with Mostert, Manzanero & Scott, LLC for the 2022-2024 audits as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**4.4 Apple Tree Acres PSA & Authorizing Resolution** - The GCEDC has received a Purchase and Sale Agreement from a potential project to acquire approximately 32.08 acres of tax parcel 13.-1-65 for \$850,000.

**Fund Commitment:** Legal fees to Harris Beach for the transaction as listed in the resolution.

Resolution No. 12/2022 - 06

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") AUTHORIZING (i) THE SALE OF CERTAIN AGENCY OWNED REAL PROPERTY TO JACOB BERARDI ON BEHALF OF AN ENTITY TO BE FORMED, AND (ii) THE EXECUTION OF A PURCHASE AND SALE AGREEMENT, A DEED, AN EASEMENT AGREEMENT, AND RELATED DOCUMENTS IN CONNECTION THEREWITH.

This was recommended for approval by the Committee.

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**M. Gray made a motion to approve the PSA, Authorizing Resolution, and payment of legal fees not to exceed \$8,000 in connection with the closing; the motion was seconded by T. Bender. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**4.5 LeRoy PSA, Authorizing Resolution, & Commission Agreement** - The GCEDC has received a Purchase and Sale Agreement from a potential project to acquire approximately 20 acres out of tax parcel 25.-1-75 for \$1,107,150.

**Fund Commitment:** Legal fees to Harris Beach for the transaction as listed in the resolution.

There is a discrepancy in the deposit amount between the long hand form number (Twenty Thousand and No/100 Dollars) and the numerical value (\$50,000) included. Staff confirmed that the deposit amount is \$50,000.

Resolution No. 12/2022 - 07

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") AUTHORIZING (i) THE SALE OF CERTAIN AGENCY OWNED REAL PROPERTY TO WALDEN DEVELOPMENT GROUP, LLC, AND (ii) THE EXECUTION OF A PURCHASE AND SALE AGREEMENT, A DEED, AN EASEMENT AGREEMENT, AND RELATED DOCUMENTS IN CONNECTION THEREWITH.

This was recommended for approval by the Committee.

**M. Gray made a motion to approve the PSA, Authorizing Resolution, including payment of legal fees not to exceed \$13,000 in connection with the closing, and the commission agreement with Pyramid Brokerage as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**4.6 Consulting Assistance on Local Labor Policy Reporting (Hecate/Cider Solar)** - Loewke Brill Consulting Group, Inc. has been the GCEDC's consultant who assists with the monitoring and reporting of company's compliance with the local labor policy. The Board has determined that companies need to provide the GCEDC with a deposit that will cover the costs of these services. Any amount not utilized will be returned to the company.

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

Project: Hecate (Cider Solar)

**Fund Commitment:** \$19,980.

This was recommended for approval by the Committee.

**M. Gray made a motion to approve the contract with Loewke Brill for the Hecate Cider Solar LLC project not to exceed \$19,980 contingent upon receipt of the deposit from the project; the motion was seconded by C. Kemp. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**4.7 e3communications Contract.** – e3communications, a professional media and public relations firm/consultant, has submitted a proposal for 2023 services related to public relations and social media marketing for the Genesee County Economic Development Center (GCEDC).

In 2022, e3communications supported GCEDC staff with GCEDC planning, sales and marketing, and government/stakeholder relations; including support of the GLOW With Your Hands, Genesee CARES and events/groundbreakings for Ellicott Station, New York Buss Sales, Brickhouse Commons, and related activities. e3communications also maintains an expanded social media presence to audiences in project development and the greater public.

**Fund Commitment:** \$24,000 fund commitment. Funding is available and budgeted in the GCEDC Marketing – Operations budget for the full contract.

J. Krencik confirmed that this contract is an increase of \$2,400 over last year's contract.

This was recommended for approval by the Committee.

**M. Gray made a motion to approve the 2023 e3Communications contract not to exceed \$24,000; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

**4.8 Greater Rochester Enterprise Contract** – Greater Rochester Enterprise (GRE) is our non-profit regional economic development organization supported by a team of private and public-sector leaders in the Finger Lakes Region to grow the economy in Genesee County and our eastern neighbors.

This funding request supports GRE staff partnerships with the GCEDC's business development, sales and marketing efforts, site development, and talent attraction efforts. The GCEDC also receives an active role on Greater Rochester Enterprise's board of directors.

GRE staff directly enhance the GCEDC's active sales funnel at STAMP and our shovel-ready sites. Notably, GRE has provided critical regional connections that further company due diligence, including work that lead to Edwards Vacuum's \$319 million, 600-job project announced in November.

Included with the meeting materials was a memo from GRE President and CEO Matt Hurlbutt for a full report of his organization's support to the GCEDC.

**Fund Commitment:** An investment renewal of \$52,000 for continued marketing and business development support for one year. This is an increase of \$2,000 over last year's commitment.

This was recommended for approval by the Committee.

**M. Clattenburg made a motion to approve the 2023 Greater Rochester Enterprise Contract, not to exceed \$52,000; the motion was seconded by M. Gray. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

**4.9 Invest Buffalo Niagara Contract** – Invest Buffalo Niagara (InBN) is our non-profit regional economic development organization supported by a team of private and public-sector leaders in the Western New York region to grow the economy in Genesee County and our western neighbors.

This funding request supports InBN staff partnerships with the GCEDC's business development, sales and marketing efforts, site development, and talent attraction efforts. The GCEDC also receives an active role on InBN's board of directors.

InBN staff directly enhance the GCEDC's active sales funnel at stamp and our shovel-ready sites. Notably, InBN has provided critical data analysis that further company due diligence, including work that lead to Edwards Vacuum's \$319 million, 600-job project announced in November.

Included with the meeting materials was a memo from Invest Buffalo Niagara Chief Operating Officer Jenna Kavanaugh for a full report of her organization's support to the GCEDC.

**Fund Commitment:** An investment renewal of \$25,000 for continued marketing and business development support for one year. This investment cost was anticipated and contained in the 2023 budget.

This was recommended for approval by the Committee.

**M. Gray made a motion to approve the 2023 Invest Buffalo Niagara Contract not to exceed \$25,000; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**4.10 Workforce Consulting Agreement** – Included with the meeting materials was a consulting agreement for the period of January 1, 2023 through December 31, 2023. This agreement is between Sheila Eigenbrod, retired Pavilion High School Principal / current Interim Principal, and the GCEDC. This is the same agreement that was used for John Jakubowski. Services to be provided by Sheila Eigenbrod include the following:

1. Perform consulting services to assist in the development and implementation of workforce development programs and training initiatives relative to the goals of the Company and its affiliates.
2. Consult with the VP of Business Development of the GCEDC and staff relative to the application, development and deployment of its workforce programs.
3. Consult with educational institutions who may serve as partners in the development, implementation and delivery of training programs. Specifically, interface with Genesee Community College and its BEST Center, other institutions of higher learning, the Genesee Valley Educational Partnership and local secondary schools as appropriate.
4. Provide consulting services as requested by the GCEDC / GGLDC.

This contract is not to exceed \$29,800 and was included in the 2023 GCEDC budget. The County increased their funding amount in 2022 by \$25,000 to support administration of a workforce development program. These funds will be used for this contract.

This was recommended for approval by the Committee.

**M. Gray made a motion to approve the Workforce Development Agreement with Sheila Eigenbrod, not to exceed \$29,800; the motion was seconded by T. Bender. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

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

5.1 Nothing at this time.

**6.0 STAMP Committee – P. Zelif**

**6.1 NYISO Deposit Increase from \$5,000 to \$10,000** – In 2017 the GCEDC applied to the NYSIO with an interconnection request to draw down 500 MW from the 345 kV lines to the north of the STAMP site. Upon completion of the Systems Impact Study (SIS) and the facility study, the NYISO determined that the GCEDC could draw down 300 MW without having to pay for any improvement to the overall electrical grid. Upon conversations with NYPA, if the GCEDC would like to draw down 600 MW we need to submit another interconnection request to get in the interconnection queue. This is a four- step process:

Step 1: The GCEDC submits an interconnection request. The project description is to increase the load at the STAMP location. NYPA believes that there is a deposit required of \$5,000.

Step 2: NYISO holds a meeting with all affected parties to confirm the request as well as to discuss the scope.

Step 3: System Impact Reliability Study. NYISO performs this study and provides recommendations for any needed upgrade.

Step 4: Facility Study: The transmission Owner develops detailed scope and cost estimate for the scope. After this point, the project can be considered firm if you decide to move forward.

Potential future costs: The total cost of the SRIS may be between \$30,000 to \$100,000, depending on the scope. They require a \$150,000 deposit but you pay the actual study cost.

**Fund Commitment:** \$10,000 to be covered under the \$8 million grant. The Board previously approved up to \$5,000.

This was recommended for approval by the Committee.

**P. Zelif made a motion to approve the interconnection request to NYISO and to increase the deposit from \$5,000 to a not to exceed amount of \$10,000 as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**6.2 CPL Final Design & Bid Packet for WWTF Contract** – The GCEDC is currently looking at sizing the WWTF appropriately for the current tenants locating at STAMP. The GCEDC had previously worked with the DEC for the better part of a year and half to get the 1 MGD plant approved. We are still awaiting final

DEC comments on that design. We need to look at options and flows for construction since we have tenant commitments that would require the construction of the WWTF. CPL recommends to design and permit a 150,000 GPD Onsite SBR WWTF base project that will be expandable at treatment capacity levels of 150,000, 300,000 and 450,000 GPD. The upstream and downstream infrastructure will be designed to accommodate a full build out capacity of 450,000 GPD. A low flow 25,000 GPD treatment option will be included for budgetary flexibility. The phased solution will provide significant bidding flexibility to right size the WWTF to meet STAMP's operational needs and budget.

**Fund Commitment:** Not to exceed \$225,000 to be covered under the \$33 million grant.

This was recommended for approval by the Committee.

**P. Zeliff made a motion to approve the CPL contract for the final design and engineering of the WWTF not to exceed \$225,000 as presented; the motion was seconded by M. Gray. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**6.3 STAMP Maintenance of Common Space Areas** – We have been working with Phillips Lytle on the best structure to ensure that the common areas are maintained at the STAMP site. Phillips Lytle has prepared a memo, included with the meeting materials, outlining our findings and conclusions. Staff believes that the best option is for the GCEDC to transfer the undevelopable land at STAMP to an existing 501(c)(3), such as NY Green, of which the GCEDC maintains a Board position. The GCEDC would not transfer the protected areas to NY Green, however. STAMP tenants, as part of the business park association, would be charged a common area fee based on the developable acreage at the STAMP site that would be paid to NY Green. In turn, NY Green would be responsible for the contractible obligations for mowing, etc. of common areas at the STAMP site.

**Fund Commitment:** None.

This was recommended for approval by the Committee.

**P. Zeliff made a motion to approve the form and function of the maintenance of the common areas as outlined above; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**6.4 Access License Agreement for Edwards Vacuum and/or affiliates for due diligence work** - Phillips Lytle has prepared for the GCEDC an Access License Agreement to allow Edwards Vacuum and



their agents to enable their due diligence on GCEDC owned property for their proposed manufacturing facility until that work is complete or a Purchase and Sale Agreement is executed. Any contractors would be required to sign indemnity agreements, provide proof of insurance and list the GCEDC as an additional insured on their policy with the applicable coverage limits as set forth by the GCEDC.

**Fund Commitment:** None.

This was recommended for approval by the Committee.

**P. Zeliff made a motion to approve the Access License Agreement as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**6.5 CPL Proposal for SEQR Preparation for Infrastructure at STAMP** - The GCEDC is currently preparing to complete a SEQR review of a couple of projects that are looking at the STAMP site. As a part of this review, the GCEDC has decided to include as much of the short-term and long-term infrastructure that is being contemplated at STAMP. This will enable less delays in permitting in the future when this infrastructure becomes necessary. To ensure that the SEQR analysis takes a hard look at the potential environmental impacts of this infrastructure, there is some design and engineering that needs to be completed. Clark Patterson Lee has prepared a proposal to reflect that work to support the SEQR analysis.

**Fund Commitment:** Not to exceed \$25,000 to be covered under the \$33 million grant.

This was recommended for approval by the Committee.

**P. Zeliff made a motion to approve the CPL proposal for SEQR preparation for infrastructure at STAMP not to exceed \$25,000.00 as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**6.6 e3communications STAMP Contract** – e3communications, a professional media and public relations firm/ consultant, has submitted a proposal for 2023 services related to public relations and social

media marketing for the Western New York Science and Technology Advanced Manufacturing Park (STAMP).

In 2022, e3communications supported GCEDC staff with STAMP planning, sales and marketing, and government/stakeholder relations; including support of the Edwards Vacuum project announcement, Plug Power's construction, and related activities. e3communications also maintains an expanded social media presence to audiences in project development and the greater public.

**Fund Commitment:** \$24,000 fund commitment. Funding is available and budgeted in the 2023 GCEDC Operations/Marketing budget for the full contract.

This was recommended for approval by the Committee.

**P. Zeliff made a motion to approve the 2023 e3communications STAMP Contract not to exceed \$24,000; the motion was seconded by C. Yunker. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

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

**7.1 CEO Merit / COLA – T. Bender** stated that a thorough review process has been completed. He also commended the staff for the success realized by the Agency this year.

**T. Bender made a motion to approve a CEO Merit /COLA Adjustment of 3.4%; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

**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 5:37 p.m., which was seconded by P. Battaglia and passed unanimously.



Project Name: RPNY Solar 6, LLC

Board Meeting Date: November 1, 2022

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

### PROJECT DESCRIPTION:

RPNY Solar 6, LLC is proposing to construct a community solar farm project on Alexander Road in the Town of Batavia. The project will utilize 8,346 solar panels and 24 string inverters on approximately 17 of 29 acres on the property to convert the sun's energy into 3 MW of AC power. The project will utilize single axis tracking technology to allow the modules to efficiently track the sun throughout the day to maximize the efficiency of solar collection.

The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project's PILOT will contribute \$4,000/MWAC + a 2% annual escalator in payments to the Genesee County and Alexander Central School District in addition to revenue in a separate host benefit agreement with the town of Batavia. The PILOT is estimated to generate \$207,521 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

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

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

Project details: N/A

Board Discussion: None.

**Criteria #2**- Completion of the Project will enhance the long -term tax base and/or make a significant capital investment.

**Project details:** The project will enhance long term tax base with a planned new community solar farm and \$5,975,019 in capital investment. A fixed 15-year pilot with a 2% annual escalator priced at \$4,000/MWAC is proposed which is above the top end of the NYSERDA recommended range for projects located in National Grid territory in Western NY. The 3 MW solar farm will generate in excess of \$207,521 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.

Board Discussion: None.

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

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

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

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

Board Discussion: None.

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

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

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

The 3 MW solar farm will generate \$447,748 in PILOT payments, host payments, and real property taxes over the 15-year term, which is far greater than the current assessed value of this ag/vacant land. This calculates to a rate of return based on the original property taxes of \$15.47 to 1.

**Project details:** For every \$1 of public benefit the company is investing \$15.47 into the local economy

Board Discussion: None.

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes

M. Clattenburg – Yes  
C. Kemp - Yes

M. Gray - Yes

The item was approved as presented.

Board Concurrence:  YES NO If no, state justification:

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

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

Board Discussion: None.

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

Board Concurrence:  YES NO If no, state justification:

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

**Project details:** The project is planning to begin construction in 12/2022 and be operational within 10 months

Board Discussion: None.

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

Board Concurrence:  YES NO If no, state justification:



Project Name: RPNY Solar 7, LLC

Board Meeting Date: November 1, 2022

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

### PROJECT DESCRIPTION:

RPNY Solar 7, LLC is proposing to construct a community solar farm project on Alexander Road in the Town of Batavia. The project will utilize 6,214 solar panels and 20 string inverters on approximately 13 of 69 acres on the property to convert the sun's energy into 2.5 MW of AC power. The project will utilize single axis tracking technology to allow the modules to efficiently track the sun throughout the day to maximize the efficiency of solar collection.

The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project's PILOT will contribute \$4,000/MWAC + a 2% annual escalator in payments to the Genesee County and Batavia City School District in addition to revenue in a separate host benefit agreement with the town of Batavia. The PILOT is estimated to generate \$172,934 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

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

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

Project details: N/A

Board Discussion: None.

**Criteria #2**- Completion of the Project will enhance the long -term tax base and/or make a significant capital investment.

**Project details:** The project will enhance long term tax base with a planned new community solar farm and \$3,552,186 in capital investment. A fixed 15-year pilot with a 2% annual escalator priced at \$4,000/MWAC is proposed which is above the top end of the NYSERDA recommended range for projects located in National Grid territory in Western NY. The 2.5 MW solar farm will generate in excess of \$172,934 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.

Board Discussion: None.

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

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

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

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

**Board Discussion: None.**

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

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

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

The 2.5 MW solar farm will generate \$373,124 in PILOT payments, host payments, and real property taxes over the 15-year term, which is far greater than the current assessed value of this ag/vacant land. This calculates to a rate of return based on the original property taxes of \$28.91 to 1.

**Project details:** For every \$1 of public benefit the company is investing \$29 into the local economy

**Board Discussion: None.**

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes

M. Clattenburg – Yes  
C. Kemp - Yes

M. Gray - Yes

**The item was approved as presented.**

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

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

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

**Board Discussion: None.**

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeff -	Yes
M. Clattenburg –	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

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

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

**Project details:** The project is planning to begin construction in 12/2022 and be operational within 10 months

**Board Discussion: None.**

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeff -	Yes
M. Clattenburg –	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

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





Project Name: AES Rt 5 Storage, LLC

Board Meeting Date: November 1, 2022

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

### PROJECT DESCRIPTION:

AES Rt 5 Storage, LLC is proposing to construct a community solar farm project on West Main Road in the Town of Le Roy. The project will utilize ground-mounted solar panels to convert the sun's energy into 5 MW of AC power. The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project's PILOT will contribute \$4,000/MWAC + a 2% annual escalator in payments to the Genesee County, Town of Le Roy, and Le Roy Central School District. The PILOT is estimated to generate \$345,868 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

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

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

**Project details:** N/A

**Board Discussion:** None.

**Criteria #2**- Completion of the Project will enhance the long -term tax base and/or make a significant capital investment.

**Project details:** The project will enhance long term tax base with a planned new community solar farm and \$11,017,119 in capital investment. A fixed 15-year pilot with a 2% annual escalator priced at \$4,000/MWAC is proposed which is above the top end of the NYSERDA recommended range for projects located in National Grid territory in Western NY. The 5 MW solar farm will generate \$345,868 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

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

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

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

**T. Bender made a motion to concur with Criteria #3; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

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

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

The 5 MW solar farm will generate \$597,180 in PILOT payments, host payments and real property taxes over the 15-year term, which is far greater than the current assessed value of this ag/vacant land. This calculates to a rate of return based on the original property taxes of \$6.43 to 1.

**Project details:** For every \$1 of public benefit the company is investing \$6.43 into the local economy

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

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

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

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

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

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

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

**Project details:** The project is planning to begin construction in early 2023 and be operational within 12 months

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

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



Project Name: Hecate Energy Cider Solar LLC

Board Meeting Date: December 1, 2022

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

### PROJECT DESCRIPTION:

Hecate Energy Cider Solar LLC is proposing to construct a utility scale solar farm project at various properties in the towns of Elba and Oakfield.

The \$550 million project will be located on 2,455 acres. The project will utilize solar panels mounted on tracking panel racks to convert the sun's energy into 500 MW of AC power, and will be interconnected with the electric grid.

The company is requesting assistance from the GCEDC with a property tax abatement estimated at \$92,091,309, a sales tax exemption estimated at \$44,000,000, and a mortgage tax exemption estimated at \$5,500,000.

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

**Project details:** In addition to requiring a significant construction workforce, the project estimates that operation and maintenance will create approximately 9 FTE jobs with an average annual compensation of approximately \$60,000. These jobs will be through direct employment by the project or through operations and maintenance contractors.

**Board Discussion:** None.

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

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

Board Concurrence:  YES  NO If no, state justification:

Criteria #2- Completion of the Project will enhance the long -term tax base and/or make a significant capital investment.

**Project details:** The project will provide enhanced property tax-type payments to the host municipalities through 30-year PILOT and Host Community Agreements that will contribute fiscally at a significantly greater level (\$35.23 million PILOT payments, \$38.35 Host Community Agreement Payments) than the current agricultural-vacant land property tax payments generated by the project's properties.

**Board Discussion: None.**

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

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

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

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

**Project details:** 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.

**Project details:** The project has an estimated \$87.9 million fiscal impact (PILOT payments, Host Community Agreement payments, fire district payments, elimination of ag-exemptions on acreage used for solar panels, and Residential Utility Bill Credits). This results in an estimated return of \$22 in fiscal impacts vs \$1 of existing fiscal impacts from the land's prior use.

**Board Discussion: None.**

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

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

Board Concurrence:  YES NO If no, state justification:

**Criteria #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 a "downstream" developer/installer of photovoltaic (solar) energy generation systems, which is a target industry cluster / strategic industry focused on by the Agency to attract photovoltaic (solar) manufacturing at STAMP.

**Board Discussion:** None.

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

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Yes (Video Conference*)	P. Zeff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

Board Concurrence:  YES NO If no, state justification:

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

**Project details:** The project is planning to begin procurement in December 2022, with construction commencing in 2023 and commercial operations in mid-2024.

**Board Discussion:** None.

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

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Yes (Video Conference*)	P. Zeff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

Board Concurrence:  YES NO If no, state justification:



**GCEDC Board Meeting**  
**Thursday, December 15, 2022**  
**Location: 99 MedTech Drive, Innovation Room**  
**4:00 PM**

**GCEDC MINUTES**

**Attendance**

Board Members: C. Yunker, M. Gray, T. Bender, C. Kemp, M. Clattenburg  
 Staff: L. Farrell, M. Masse, S. Hyde, L. Casey, J. Krencik, C. Suozzi  
 Guests: D. Cunningham (GGLDC Board Member), T. Felton (GGLDC Board Member), R. Gaenzle (Harris Beach/Video Conference), R. Crossen (Town of Alabama Supervisor), Pamela LaGrou (Town of Alabama Councilperson)  
 Absent: P. Battaglia, P. Zeliff

**1.0 Call to Order**

M. Gray called the meeting to order at 4:05 p.m. in the Innovation Zone.

**1.1 Enter Executive Session**

C. Yunker made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:06 p.m. for the following reasons:

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

The motion was seconded by T. Bender and approved by all members present.

**1.2 Enter Public Session**

C. Yunker made a motion to enter back into public session at 4:45 p.m., seconded by M. Clattenburg and approved by all members present.

**2.0 Chairman's Report & Activities**

**2.1 Upcoming Meetings:**

- Next Scheduled Board Meeting: Thursday, January 12<sup>th</sup> at 4:00 p.m.**
- Audit & Finance Committee Meeting: Tuesday, January 10<sup>th</sup> at 8:30 a.m.
- STAMP Committee Meeting: Wednesday, January 11<sup>th</sup> at 8:00 a.m.
- Board Meeting: Thursday, January 12<sup>th</sup> at 4 p.m.

**2.2 Agenda Additions / Deletions / Other Business –**

C. Yunker made a motion to add Agenda Item 6.1 – STAMP Force Main Easements; the motion was seconded by T. Bender. Roll call resulted as follows:

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

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

The agenda item was added.

**3.0 Report of Management**

**3.1 Nothing at this time.**

**4.0 Audit & Finance Committee**

**4.1 Insurance Renewal -** J. Teresi from Tompkins Insurance attended the Audit and Finance Committee meeting to discuss the proposal for general liability insurance for 2023 from Selective. As requested by the Board of Directors, Tompkins "shopped insurance". Tompkins aggressively went after two municipal markets; however, because we are a quasi-governmental agency, they do not want to cover our entities. Additionally, per J. Teresi many carriers are not in the business of covering land development. Historically, Selective has only charged for the exposure associated with the MedTech Centre building and has not charged for other development efforts. Last year, the insurance premium was approximately \$40,000. However, with the development of the STAMP site there is an expectation that infrastructure development efforts will only increase and a change in land classification has been made. Vacant land is approximately \$3/acre while land under development is approximately \$20/acre. Selective has provided a quote that is reflective this change and increased risk exposure. This year, the insurance premium across all entities, including the STAMP Water and Sewer Works Corps, is approximately \$71,000. This does not include the \$10 million umbrella. Despite this increase, Selective is still the *only and best* option. The pricing included in the proposal disbursed today and presented is fairly accurate. J. Teresi is working with Selective to clean up the charges, exposures and acreage listed. He is also working to put together an alternative umbrella program. He hopes to have this pricing by next week.

C. Yunker stated that he is a Corporate Director of Tompkins and to avoid the appearance of any conflict he recused himself. He left the meeting at 4:51 p.m.

This was recommended for approval by the Committee.

**T. Bender made a motion to move forward with the 2023 insurance renewal with Selective; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

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

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

The item was approved as presented.

C. Yunker rejoined the meeting at 4:56 p.m.



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

5.1 Nothing at this time.

**6.0 STAMP Committee – P. Zeliff**

**6.1 STAMP Force Main Easements** – In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, there are several easements needed. We have received an offer from the owner of the property (Judith Clonan-Smith) where the outfall location of the force main will be installed. They are looking for \$20,000 for the three easements that we are requesting. These easements are different than the previous ones. The main easement needed goes from the roadside through the middle of their property to the creek.

- 1. Temporary Easement 16
- 2. Permanent Easement 8
- 3. Permanent Easement 9

Fund Commitment: \$20,000 from the \$33 million.

This was not recommended for approval by the Committee because the STAMP Committee did not meet prior to this agenda item coming to the full Board.

**M. Clattenburg made a motion to approve the ROW easement payments not to exceed \$20,000 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

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

**The item was approved as presented.**

In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, we will need an easement with Daniel Michauel.

- 1. Temporary Easement 6

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

This was not recommended for approval by the Committee because the STAMP Committee did not meet prior to this agenda item coming to the full Board.

**C. Yunker made a motion to approve the ROW easement payment not to exceed \$1,000 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

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

The item was approved as presented.

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

**7.1 Administrative Guidelines** – A red-line version of the Administrative Guidelines and Procedures was included with the meeting materials. L. Farrell provided an overview of the proposed changes:

- An employee may take up to five days of sick leave in the event of the death of a family member. Sick leave may be used as bereavement leave in the event of the death of a non-family member if approved by the employee's direct supervisor.

- The Center provides health, dental and vision plans for its permanent full-time employees. The Center currently pays 100% of the subscriber-only premium for permanent full-time employees. Employees will be responsible for any premium costs for higher levels of coverage.

M. Gray asked if the guidelines were reviewed by legal counsel. L. Farrell stated that they had not been reviewed by counsel. M. Gray stated that there have been many changes within the last two years related to leave benefits. He stated that it *may* not be permissible for the employer to require the employee to provide the reason for leave. L. Farrell will work with counsel regarding this question and report back to the Board if any changes are needed.

This was recommended for approval by the Committee.

**T. Bender made a motion to approve the changes to the Administrative Guidelines as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

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

The item was approved as presented.

The item was approved as presented.

**8.0 Housing Committee – P. Battaglia**

8.1 Nothing at this time.

**9.0 Other Business**

9.1 Nothing at this time.

**10.0 Adjournment**

As there was no further business, C. Yunker made a motion to adjourn at 5:00 p.m., which was seconded by M. Clattenburg and passed unanimously.

11/18/22

# GCEDC Opportunity Summary

Created On: 11/22/2022

## Customer Information

Potential Customer:	NY CDG Genesee 4, LLC	Opportunity Type:	Attraction
Project Street Address:	6464 Shepard Rd	Opportunity Product:	Property Sales & Mortgage Recording Taxes Only
City/Town/Village:	Pavilion	Type of Project:	Attraction
Project Description:	Pavilion Solar Project 4.275 MW New Jobs:		
Total Capital Investment:	\$6,438,798	Retained Jobs:	
Incentive Amount:	\$999,084	School District:	Pavilion
Benefited Amount:	\$6,438,798	PILOT Applicable:	Increase in assessed value of land and/or buildings

## Project Information

Organization:	GCEDC		
Opportunity Source:	Direct/Personal Contact	Date of Public Hearing:	TBD
Initial Acceptance Date:	12/1/2022	Inducement Date:	TBD

### Opportunity Summary:

NY CDG Genesee 4, LLC is proposing to construct a community solar farm project on Shepard Road in the Town of Pavilion. The solar project will be located on approximately 31 of 39 acres on the property to convert the sun's energy into 4.275 MW of AC power.

The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project's PILOT will contribute \$6,000/MWAC + a 2% annual escalator in payments to Genesee County, the Town of Pavilion and the Pavilion School District. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

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

### Economic Impact:

The 4.275 MW solar farm will generate \$491,811 in PILOT payments and real property taxes over the 15-year term, which is far greater than the current assessed value of this ag/vacant land. This calculates to a rate of return based on the original property taxes of \$7.1 to 1.

## Project Detail (Total Capital Investment)

Building Cost (Construction):	\$2,886,480	Capital Improvements:	\$0
Equipment (non-taxable):	\$1,881,000	Equipment (Taxable) / Other Project Investment:	\$1,671,318
Land Cost (Real Estate):	\$0		
Total Capital Investment:	\$6,438,798		

## Estimated Benefits Provided

Sales Tax Exempt:	\$515,104 ✓
Mortgage Tax Exempt:	\$20,604 ✓
Property Tax Exempt:	\$463,376 ✓
Total Estimated Tax Incentives Provided:	\$999,084
Total Amount Finance:	\$2,060,415
Mortgage Amount:	\$2,060,415

Nov 11/18/12



Project: NY CDG Genesee 4 LLC

Capex:	\$ 6,438,798	Savings	
Sales Taxable (est.)	\$ 6,438,798	\$ 515,104	
Mortgage (est.)	\$ 2,060,415	\$ 20,604	1% of 1.25%
Property Tax	below	\$ 463,376	
Total		\$ 999,084	

	Fixed \$ per MW AC	MW AC	from Assessor Assessed Value	Assessed Value
Escalator	\$ 6,000	4.275	\$ 450,000.00	\$ 1,923,750
	2.0%			

	Increase In PILOT Payment
	Divided by Current Property
Economic Impact	\$ 489,698
ROI	\$ 7.29

Year of Exemption	tax rate:	\$ 1.44	\$ 9.95	\$ 20.04	\$ 31.43				
	Fixed Payment \$6000 per MW	Town of Pavilion	Genesee County	Pavilion School	Total Payments	Increase in property taxes due to loss of ag exemption	Total PILOT payments and property taxes to be received	Current property taxes on base land (including increase due to loss of ag exemption)	Total Payments to municipality upon project completion
1	\$ 25,650	\$ 1,175	\$ 8,120	\$ 16,355	\$ 25,650	\$ 3,075	\$ 28,725	\$ 4,479	\$ 28,742
2	\$ 26,163	\$ 1,199	\$ 8,283	\$ 16,682	\$ 26,163	\$ 3,075	\$ 29,238	\$ 4,479	\$ 29,255
3	\$ 26,686	\$ 1,223	\$ 8,448	\$ 17,015	\$ 26,686	\$ 3,075	\$ 29,761	\$ 4,479	\$ 29,778
4	\$ 27,220	\$ 1,247	\$ 8,617	\$ 17,356	\$ 27,220	\$ 3,075	\$ 30,295	\$ 4,479	\$ 30,312
5	\$ 27,764	\$ 1,272	\$ 8,790	\$ 17,703	\$ 27,764	\$ 3,075	\$ 30,839	\$ 4,479	\$ 30,856
6	\$ 28,320	\$ 1,297	\$ 8,965	\$ 18,057	\$ 28,320	\$ 3,075	\$ 31,394	\$ 4,479	\$ 31,411
7	\$ 28,886	\$ 1,323	\$ 9,145	\$ 18,418	\$ 28,886	\$ 3,075	\$ 31,961	\$ 4,479	\$ 31,978
8	\$ 29,464	\$ 1,350	\$ 9,328	\$ 18,786	\$ 29,464	\$ 3,075	\$ 32,539	\$ 4,479	\$ 32,556
9	\$ 30,053	\$ 1,377	\$ 9,514	\$ 19,162	\$ 30,053	\$ 3,075	\$ 33,128	\$ 4,479	\$ 33,145
10	\$ 30,654	\$ 1,404	\$ 9,704	\$ 19,545	\$ 30,654	\$ 3,075	\$ 33,729	\$ 4,479	\$ 33,746
11	\$ 31,267	\$ 1,433	\$ 9,898	\$ 19,936	\$ 31,267	\$ 3,075	\$ 34,342	\$ 4,479	\$ 34,359
12	\$ 31,893	\$ 1,461	\$ 10,096	\$ 20,335	\$ 31,893	\$ 3,075	\$ 34,967	\$ 4,479	\$ 34,984
13	\$ 32,530	\$ 1,490	\$ 10,298	\$ 20,742	\$ 32,530	\$ 3,075	\$ 35,605	\$ 4,479	\$ 35,622
14	\$ 33,181	\$ 1,520	\$ 10,504	\$ 21,156	\$ 33,181	\$ 3,075	\$ 36,256	\$ 4,479	\$ 36,273
15	\$ 33,845	\$ 1,551	\$ 10,714	\$ 21,580	\$ 33,845	\$ 3,075	\$ 36,919	\$ 4,479	\$ 36,936
Total	\$ 443,576	\$ 20,323	\$ 140,426	\$ 282,827	\$ 443,576	\$ 46,121	\$ 489,698	\$ 67,181	\$ 489,953

\* no Pilots on Ad Valerom Taxes

The value of Ag Exemption elimination due to permanent conversion of farm land	
Town Tax Rate	\$ 1.44
Total tilable acres	39.8
Solar acres	31.03
Total Ag Exemption	\$ 97,829
Current ag exemption amount (add from OARS)	\$ 97,829
County and School Taxes on Ag Exemption	\$ 2,934
Town of Pavilion (only) Taxes on Ag Exemption	\$ 141
Total taxes due based on the elimination of Ag Exemption	\$ 3,075
Current Property Taxes on Property	\$ 1,404

1.250% GCEDC fee	\$ 80,485
Workforce Community Benefit	\$ 25,000
Subtotal	\$ 105,485
GCEDC Legal	\$ 12,500
Total Fee	\$ 117,985

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

Property Taxes at 100% assessed value (assessor)	\$ 60,463
Term	15
Total PILOT	\$ 906,952
Savings	\$ 463,376

Net Savings	\$ 881,099
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Project Name: NY CDG Genesee 4, LLC

Board Meeting Date: December 1, 2022

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

### PROJECT DESCRIPTION:

NY CDG Genesee 4, LLC is proposing to construct a community solar farm project on Shepard Road in the Town of Pavilion. The solar project will be located on approximately 31 of 39 acres on the property to convert the sun's energy into 4.275 MW of AC power.

The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project's PILOT will contribute \$6,000/MWAC + a 2% annual escalator in payments to the Genesee County, Town of Pavilion and the Pavilion School District. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

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

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

Project details: N/A

Board Discussion:

Board Concurrence: YES NO If no, state justification:

**Criteria #2**- Completion of the Project will enhance the long -term tax base and/or make a significant capital investment.

**Project details:** The project will enhance long term tax base with a planned new community solar farm and \$6,438,798 in capital investment. A fixed 15-year pilot with a 2% annual escalator priced at \$6,000/MWAC is proposed which is above the top end of the NYSERDA recommended range for projects located in National Grid territory in Western NY. The 4.275 MW solar farm will generate in excess of \$443,576 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

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

**Board Discussion:**

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

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

The 4.275 MW solar farm will generate \$491,811 in PILOT payments and real property taxes over the 15-year term, which is far greater than the current assessed value of this ag/vacant land. This calculates to a rate of return based on the original property taxes of \$7.29 to 1.

**Project details:** For every \$1 of public benefit the company is investing \$7.29 into the local economy

**Board Discussion:**

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

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

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

**Board Discussion:**

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

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

**Project details:** The project is planning to begin construction in Spring 2023 and be operational within 12 months

**Board Discussion**

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

**FINAL RESOLUTION**  
*(NY CDG Genesee 4 LLC Project)*

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, January 12, 2023.

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

Resolution No. 01/2023 - \_\_\_\_\_

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 JANUARY 4, 2023, WITH RESPECT TO THE NY CDG GENESEE 4 LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF THE STATE OF NEW YORK; (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT AND (vi) AUTHORIZING THE PROSPECTIVE ASSIGNMENT OF MEMBERSHIP INTERESTS IN THE COMPANY.

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

WHEREAS, **NY CDG GENESEE 4 LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain real property located at 6464 Shepard Road in the Town of Pavilion, New York and all other lands in the Town of Pavilion where, by

license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly described as a portion of tax parcel No. 15.-1-38.11, as may be subdivided); (ii) the planning, design, construction and operation of a 4.275MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as agent of the Agency for the purpose of undertaking the Project pursuant to a project agreement (the "Project Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents with the Company, (iii) take or title to or a leasehold interest in the Land, the Improvements, the Equipment and personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (iv) provide financial assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Project, (b) a partial real property tax abatement structured through the Tax Agreement and (c) a partial mortgage recording tax exemption as authorized by the laws of the State (collectively, the "Financial Assistance"); and

WHEREAS, on December 1, 2022, the Agency adopted a resolution (the "Initial Resolution") pursuant to which the Agency (i) accepted the Application of the Company, (ii) directed that a public hearing be held, and (iii) described the forms of financial assistance being contemplated by the Agency with respect to the Project; and

WHEREAS, pursuant to Section 859-a of the Act, on Wednesday, January 4, 2023 at 3:30 p.m., the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views. A copy of the Notice of Public Hearing published and forwarded to the affected taxing jurisdictions at least ten (10) days prior to said Public Hearing are attached hereto as Exhibit A; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project; and

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



WHEREAS, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement and related documents will be negotiated and presented to the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency for approval and execution subject to adoption of the resolutions contained herein; and

WHEREAS, pursuant to the Application submitted by the Company, the Company is wholly owned and controlled by BW Solar Holding Inc. (the "Original Company Parent"); and

WHEREAS, it is contemplated, following the closing date, pursuant to a certain membership interest purchase agreement or like agreement, by and between the Original Company Parent and Catalyze Holding, LLC (the "Purchaser"), the Original Company Parent will assign 100% of its membership interest in the Company to the Purchaser (the "Assignment"); and

WHEREAS, the Agency desires to approve the prospective Assignment.

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. No such appointment shall become effective until the execution and delivery of the Project Agreement; and

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

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

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

and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(F) The Town of Pavilion Planning Board (the "Planning Board") has conducted a review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"). In addition to classifying the Project as a "Type I" action pursuant to SEQRA, the Planning Board issued a Negative Declaration on May 25, 2022 (the "Negative Declaration"), determining that the Project does not pose a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, including, but not limited to, the Full Environmental Assessment Form and the Negative Declaration, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Planning Board pursuant to 6 N.Y.C.R.R. Part 617.7. A copy of the Negative Declaration issued by the Planning Board is attached hereto as **Exhibit B.**; and

(G) The Agency's consent and approval of the prospective Assignment is subject to payment by the Company of all costs and fees of the Agency in connection with its review, consideration and authorization of the prospective Assignment.

Section 2. The Public Hearing held by the Agency on Wednesday, January 4, 2023, at 3:30 p.m., concerning the Project and the Financial Assistance was duly held in accordance with the Act, including but not limited to the giving of at least ten (10) days published notice of the Public Hearing (such notice also provided to the Chief Executive Officer of each affected tax jurisdiction), affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

Section 3. The Agency is hereby authorized to provide to the Company the Financial Assistance in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Project, (b) a partial real property tax abatement structured through the Tax Agreement and (c) a mortgage recording tax exemption as authorized by the laws of the State.

Section 4. Based upon representations and warranties made by the Company in the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project, that would otherwise be subject to State and local sales and use tax in an amount up to **\$6,438,798.00**, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$515,104.00**. The Agency agrees to consider any requests by the Company for an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 5. Pursuant to Section 875(3) of the Act, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any Sales and Use Tax Exemption Benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors,

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

Section 6. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, reconstruct, renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; *provided, however*, the Project Agreement shall expire on **December 31, 2024** (unless extended for good cause by the President/CEO of the Agency) if the Lease Agreement, the Leaseback Agreement and the Tax Agreement contemplated have not been executed and delivered.

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

Section 8. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record the Mortgage securing an aggregate principal amount of up to a maximum principal amount not to exceed **\$2,060,415.00**, and any security agreement, UCC-1 Financing Statements

and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") to assist with the undertaking of the Project, the acquisition of the Facility and/or the finance or re-finance the Facility or equipment and other personal property and related transactional costs (hereinafter, with the Project Agreement, Lease Agreement, Leaseback Agreement, Tax Agreement and the Mortgage, collectively called the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency shall approve, the execution thereof by the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 9. The Agency is hereby authorized to provide the Company with an exemption from mortgage recording taxes as permitted by New York State law in an amount not to exceed Twenty Thousand Six Hundred Four and 00/100 Dollars (\$20,604.00).

Section 10. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

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

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

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

The Resolutions were thereupon duly adopted.

**SECRETARY'S CERTIFICATION**  
*(NY CDG Genesee 4 LLC Project)*

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

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

That I have compared the annexed extract of minutes of the meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on January 12, 2023, with the original thereof on file in the offices of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Secretary



PUBLIC HEARING NOTICE LETTER  
(NY CDG Genesee 4 LLC – Town of Pavilion)

December 6, 2022

To: Chief Executive Officers Listed  
on Schedule A attached hereto

Re: Genesee County Industrial Development Agency d/b/a Genesee County  
Economic Development Center and NY CDG Genesee 4 LLC

**Notice of Public Hearing**

Ladies and Gentlemen:

On Wednesday, January 4, 2023, at 3:30 p.m., local time, at Town of Pavilion Town Hall, 1 Woodrow Drive, Pavilion, New York 14525, the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") will conduct a public hearing regarding the above-referenced project. Attached is a copy of the Notice of Public Hearing describing the project and the financial assistance contemplated by the Agency. The Notice has been submitted to *The Daily News* for publication.

The Agency will broadcast the public hearing live at <https://vimeo.com/event/2673792>.

You are welcome to attend such hearing at which time you will have an opportunity to review the project application and present your views, both orally and in writing, with respect to the project. We are providing this notice to you, pursuant to General Municipal Law Section 859-(a), as the chief executive officer of an affected tax jurisdiction within which the project is located.

Very truly yours,

GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY d/b/a  
GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER

SCHEDULE A

GENESEE COUNTY

Certified Mail No.

7020 2450 0001 6551 9124

Genesee County Manager  
Old Courthouse  
7 Main Street  
Batavia, New York 14020

Certified Mail No.

7020 2450 0001 6551 9131

Genesee County Legislature  
Attn: Chair  
Old Courthouse  
7 Main Street  
Batavia, New York 14020

TOWN OF PAVILION

Certified Mail No.

7020 2450 0001 6551 9148

Town of Pavilion  
Attn: Supervisor  
1 Woodrow Drive  
Pavilion, New York 14525

PAVILION CENTRAL SCHOOL DISTRICT

Certified Mail No.

7020 2450 0001 6551 9155

Pavilion Central School District  
Attn: Superintendent  
7014 Big Tree Road  
Pavilion, New York 14525

Certified Mail No.

7020 2450 0001 6551 9162

Pavilion Central School District  
Attn: President, Board of Education  
7014 Big Tree Road  
Pavilion, New York 14525

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Wednesday, January 4, 2023, at 3:30 p.m., local time, at Town of Pavilion Town Hall, 1 Woodrow Drive, Pavilion, New York 14525, in connection with the following matter:

**NY CDG GENESEE 4 LLC**, for itself or on behalf of an entity formed or to be formed (the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain real property located at 6464 Shepard Road in the Town of Pavilion, New York (the "Land", being more particularly described as a portion of tax parcel No. 15.-1-38.11, as may be subdivided); (ii) the planning, design, construction and operation of a 4.275MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility").

The Agency will acquire title to, or a leasehold interest in, the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions, a mortgage recording tax exemption consistent with the policies of the Agency, and a partial real property tax abatement.

The Agency will broadcast the public hearing live at <https://vimeo.com/event/2673792>.

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

Dated: December 10, 2022

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



**AFFIDAVIT OF PUBLICATION**

*Batavia Daily News*

**State of New York,**

**County of, Genesee,**

The undersigned is the authorized designee of **Batavia Daily News**, a **Daily** Newspaper published in **Genesee** County, **New York**. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates:

December 10, 2022

This newspaper has been designated by the County Clerk of **Genesee** County, as a newspaper of record in this county, and as such, is eligible to publish such notices.



Signature

Eliot T. Putnam

Printed Name

Subscribed and sworn to before me,

This 15 day of December 2022



Notary Signature

Notary Public Stamp



**AFFIDAVIT OF PUBLICATION**

*Batavia Daily News*

GENESEE COUNTY

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Wednesday, January 4, 2023, at 3:30 p.m., local time, at Town of Pavilion Town Hall, 1 Woodrow Drive, Pavilion, New York 14525, in connection with the following matter:

NY CDG GENESEE 4 LLC, for itself or on behalf of an entity formed or to be formed (the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain real property located at 6464 Shepard Road in the Town of Pavilion, New York (the "Land", being more particularly described as a portion of tax parcel No. 15.-1-38.11, as may be subdivided); (ii) the planning, design, construction and operation of a 4.275MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility").

The Agency will acquire title to, or a leasehold interest in, the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions, a mortgage recording tax exemption consistent with the policies of the Agency, and a partial real property tax abatement.

The Agency will broadcast the public hearing live at <https://vimeo.com/event/2673792>.

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

Dated: December 10, 2022

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

**REPORT OF THE GENESSEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S PUBLIC HEARING OF NY CDG GENESSEE 4, LLC., HELD ON WEDNESDAY, JANUARY 4, 2023 3:30 P.M. AT THE PAVILION TOWN HALL, 1 WOODROW DRIVE, PAVILION, NEW YORK, GENESSEE COUNTY, NEW YORK**

**I. ATTENDANCE**

Jim Krencik, Director of Marketing and Communications – GCEDC  
Lauren Casey, Finance Assistant – GCEDC  
John Rudgers, Town of Pavilion Board Member

**II. CALL TO ORDER**

The public hearing of NY CDG Genesee 4, LLC was opened at 3:30 p.m. at the Pavilion Town Hall, 1 Woodrow Drive, in Pavilion, New York, Genesee County, New York.

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

**III. PROJECT SUMMARY**

NY CDG Genesee 4, LLC is proposing to construct a community solar farm project on Shepard Road in the Town of Pavilion. The solar project will be located on approximately 31 of 39 acres on the property to convert the sun's energy into 4.275 MW of AC power.

The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project's PILOT will contribute \$6,000/MWAC + a 2% annual escalator in payments to the Genesee County, Town of Pavilion and the Pavilion School District. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

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

**IV. COMMENTS**

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

There was no public comment.

**V. ADJOURNMENT**

As there were no other comments, the public hearing was closed at 3:40 p.m.



**Exhibit B**

Negative Declaration of Town of Pavilion Planning Board

[Attached Hereto]

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

**Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No".** If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Genesee 4 Solar Project		
Project Location (describe, and attach a general location map): Located at 6464 Shepard Road, Pavilion, NY, 14525 within Genesee County (See attached map)		
Brief Description of Proposed Action (include purpose or need): The proposed Project involves the construction of an approximately 4.275-Megawatt (MWAC) solar facility in a fallow agricultural field located at 6464 Shepard Road in the Town of Pavilion (see Project Location Map). The Project Boundary is approximately 31.03-acres of a 39.8-acre parcel (parcel id# 15.-1-38.11). The facility will include one (1) porous gravel access road, ground-mounted solar photovoltaic (PV) arrays a perimeter fence, and an equipment pad for inverters/transformers. PV panels will be mounted on racking systems that will be pile-driven into the ground and then the solar facilities will be connected to the National Grid electric grid. Existing roads will also be utilized to access the site. No cutting of trees is proposed for this project. Landscaping with proposed trees/bushes will be installed in the northeast portion of the Project to reduce the view of panels from the adjacent residences and public roads. The 31.03-acres Project Boundary includes all of the ancillary features such as the panel/array area, the fenced area, the access road, vegetative buffer/landscaping area, and work areas. However, the solar array area which includes the panel the fence area and panel/array area is only 19.6-acres of that. This is under the Town zoning limit of 20.0-acres and so the Project would not need a variance.		
Name of Applicant/Sponsor: NY CDG Genesee 4 LLC		Telephone: 416-953-3495
		E-Mail: bogdan.dinu@bwsolar.com
Address: 850 New Burton Road, Suite 201		
City/PO: Dover	State: Delaware	Zip Code: 19904
Project Contact (if not same as sponsor; give name and title/role): Bogdan Dinu, Director of Corporate Development at BW Solar		Telephone: 416-953-3495
		E-Mail: bogdan.dinu@bwsolar.com
Address: 850 New Burton Road, Suite 201		
City/PO: Dover	State: Delaware	Zip Code: 19904
Property Owner (if not same as sponsor): Douglas and Suzanne Waite		Telephone:
		E-Mail:
Address: 6464 Shepard Road		
City/PO: Pavilion	State: New York	Zip Code:14525

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Planning Board- Site Plan Approval, SEQR Negative Declaration	February 2022
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Zoning Board of Appeals - Special Use Permit	February 2022
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County Planning Board - Agricultural Statement	February 2022
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	General SPDES Permit; SHPO; NYS DAM;	February 2022
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
Parcel is within Agricultural District Genesee 3 (GENE003) under the Genesee County Agricultural and Farmland Protection Plan.	
_____	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
 The parcel is zoned as Agricultural Residential- 1 (AR-1)

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Pavilion Central School District

b. What police or other public protection forces serve the project site?  
Genesee County Sheriff

c. Which fire protection and emergency medical services serve the project site?  
Pavilion Fire Department

d. What parks serve the project site?  
Genesee County Park & Forest located approximately 3.5 miles from site

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Commercial renewable solar energy utility project

b. a. Total acreage of the site of the proposed action? 31.03 acres  
 b. Total acreage to be physically disturbed? 19.6 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 31.03 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: \_\_\_\_\_ months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



f. Does the project include new residential uses?  Yes  No

If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No

If Yes,  Total number of structures \_\_\_\_\_  Electrical Equipment Only, no habitable buildings

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ 8 height; \_\_\_\_\_ 8 width; and \_\_\_\_\_ 15 length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ N/A square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No

If Yes,

i. Purpose of the impoundment: \_\_\_\_\_  
ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

### D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  Yes  No

If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_  
The Project has been designed to avoid all streams and wetlands. See Section F for more details.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres: The Project has been designed to avoid all streams and wetlands. See Section F for more details.

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No  
If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No  
If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No  
If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No  
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No  
If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

- Do existing sewer lines serve the project site?  Yes  No
  - Will a line extension within an existing district be necessary to serve the project?  Yes  No
- If Yes:
- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

- iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No
- If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

- v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):
- \_\_\_\_\_

- vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_
- \_\_\_\_\_

- e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No

If Yes:

- i. How much impervious surface will the project create in relation to total size of project parcel?

\_\_\_\_\_ Square feet or 0.02 acres (impervious surface)

\_\_\_\_\_ Square feet or 31.03 acres (parcel size)

- ii. Describe types of new point sources. Electrical equipment pads will be impervious.
- \_\_\_\_\_

- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

Existing drainage patterns will be retained for post-construct operations. Standard stormwater practices will be used (i.e. silt fence, all disturbed areas/soils will be stabilized according to the SWPPP) during construction. BMPs will be utilized.

- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_

- Will stormwater runoff flow to adjacent properties?  Yes  No

- iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

- f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No

If Yes, identify:

- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
- \_\_\_\_\_

- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
- \_\_\_\_\_

- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)
- \_\_\_\_\_

- g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No

If Yes:

- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No

- ii. In addition to emissions as calculated in the application, the project will generate:

- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
- \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
- \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7:00am-7:00pm</li> <li>• Saturday: _____ 7:00am-7:00pm</li> <li>• Sunday: _____ None under normal circumstance</li> <li>• Holidays: _____ None</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 24 hours</li> <li>• Saturday: _____ 24 hours</li> <li>• Sunday: _____ 24 hours</li> <li>• Holidays: _____ 24 hours</li> </ul>
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 Increase of noise will be temporary during Project construction time-frames on weekdays. After construction the Project will not produce discernible noise. See Section F for more details.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: No tree clearing will be required for this Project. Additional landscaping of trees/bushes are proposed to be added in the site plan in the northeast corner of the Project.

n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_  
 \_\_\_\_\_

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing: \_\_\_\_\_

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe:

The project consists primarily of a fallow agricultural field located within the center of the parcel. Forested areas are located within the southeast and northwest corner, and a pond and wetland were observed on the overall parcel. The surrounding community is heavily agricultural with rural residential.

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.0	0.02+/-	+0.02
• Forested	1.67+/-	1.67+/-	0.0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	29.36+/-	29.08+/-	-0.28
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0	0.0	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.0	0.0	0.0
• Wetlands (freshwater or tidal)	0.0	0.0	0.0
• Non-vegetated (bare rock, earth or fill)	0.0	0.0	0.0
• Other Describe: porous gravel access road	0.0	0.26+/-	+0.26

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
 i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
 If Yes,  
 i. Identify Facilities: \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
 If Yes:  
 i. Dimensions of the dam and impoundment:  
 • Dam height: \_\_\_\_\_ feet  
 • Dam length: \_\_\_\_\_ feet  
 • Surface area: \_\_\_\_\_ acres  
 • Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
 ii. Dam's existing hazard classification: \_\_\_\_\_  
 iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
 If Yes:  
 i. Has the facility been formally closed?  Yes  No  
 • If yes, cite sources/documentation: \_\_\_\_\_  
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
 iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
 If Yes:  
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
 If Yes:  
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
 ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
 If yes, provide DEC ID number(s): \_\_\_\_\_  
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

### E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ 6.6 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Burdett silt loam, 3 to 8 % slopes	52.9 %
Nunda silt loam, 8 to 15 % slopes	18.3 %
Burdett silt loam, 0 to 3 % slopes	13.8 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 0.5 - 2.0 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ 0 % of site  
 Moderately Well Drained: \_\_\_\_\_ 19.1 % of site  
 Poorly Drained \_\_\_\_\_ 80.9 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 80.9 % of site  
 10-15%: \_\_\_\_\_ 19.1 % of site  
 15% or greater: \_\_\_\_\_ 0 % of site

g. Are there any unique geologic features on the project site?  Yes  No  
If Yes, describe: \_\_\_\_\_

#### h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site? See Section F  Yes  No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No

If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No

If Yes:

i. Name of aquifer: \_\_\_\_\_



m. Identify the predominant wildlife species that occupy or use the project site:  
See Section F. \_\_\_\_\_  
\_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
If Yes:  
i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
ii. Source(s) of description or evaluation: \_\_\_\_\_  
iii. Extent of community/habitat:  
• Currently: \_\_\_\_\_ acres  
• Following completion of project as proposed: \_\_\_\_\_ acres  
• Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
If Yes:  
i. Species and listing (endangered or threatened): \_\_\_\_\_  
According to a review of the USFWS IPaC the Northern Long-eared Bat, a federally and state listed threatened species maybe within the Project Boundary. However, this species did not show up within the NYSDEC Environmental Resource Mapper review. See Section F for more details.

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
If Yes:  
i. Species and listing: \_\_\_\_\_

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
If Yes, provide county plus district name/number: Genesee 003

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
i. If Yes: acreage(s) on project site? See Section F.  
ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
If Yes:  
i. Nature of the natural landmark:  Biological Community  Geological Feature  
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
If Yes:  
i. CEA name: \_\_\_\_\_  
ii. Basis for designation: \_\_\_\_\_  
iii. Designating agency and date: \_\_\_\_\_

e. 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?  Yes  No

If Yes:

i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

---

f. 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?  Yes  No

---

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

---

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No

If Yes:

i. Identify resource: \_\_\_\_\_

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_

iii. Distance between project and resource: \_\_\_\_\_ miles.

---

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?  Yes  No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

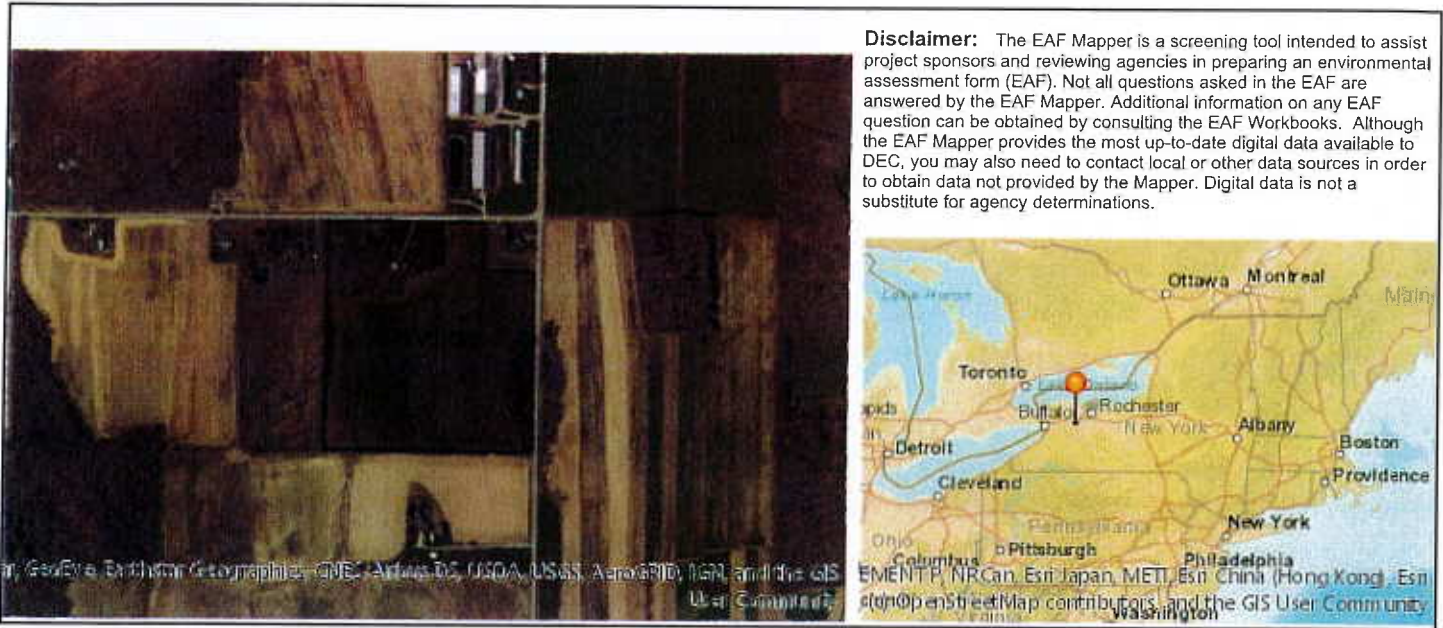
**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Bogdan Dinu Date 2022-01-28

Signature  Title Director of Corporate Development

PRINT FORM



**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.

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes

3.1

E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	GENE003
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

*Full Environmental Assessment Form  
Part 1 - Project and Setting*

**F. Additional Information**

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- Figure 2: Agriculture Data Map
- Figure 3: NRCS Soils Map
- Figure 4: Wetland and Watercourse Map
- Figure 5: Aquifer Map

**Agency Consultations:**

U.S. Fish and Wildlife Service, Information for Planning and Consultation  
NYSDEC & Natural Heritage Program (NHP), Environmental Resource Mapper  
NY State Historic Preservation Office (SHPO)

## **C. PLANNING AND ZONING**

### **C.2. Adopted Land Use Plans**

#### **C.2.a. Comprehensive Plan**

The Town of Pavilion adopted a new Comprehensive Plan in 2017, to address the long-range future of the community. According to the Zoning Map, the land use for this parcel is classified as Rural Agricultural. This Plan anticipates maintaining current levels of farming activity, support agricultural related businesses, and preserve open space and farmland throughout the Town. Additionally, as indicated in the Energy Section of the Plan, the Town encourages clean energy through the development of solar panels and wind technology. The Plan supports residents to install personal solar panels for personal use, and to take advantage of the is unique way of attaining clean energy.

Additionally, the Town of Pavilion has developed a specific Solar Policy. According to the Solar Policy, solar farms and solar energy systems may be allowed in Agricultural Residential 1 Zones with the issuance of a Special Use Permit. As mentioned previously the Project site is located within an Agricultural Residential 1 Zone, indicating that with an approval of a Special Use Permit, solar energy systems shall be allowed.

### **C.3. Zoning**

#### **C.3.c. Zoning Variance**

The parcel is zoned as Agricultural Residential 1 (AR-1). The proposed development is a permitted use pursuant to the Town's issuance of a Special Use Permit based on Town Solar Policy. No zoning variances or changes are anticipated to be needed.

The 31.03-acres Project Boundary includes all of the ancillary features such as the panel/array area, the fenced area, the access road, vegetative buffer/landscaping area, and work areas. However, the solar array area which includes the panel the fence area and panel/array area is only 19.6-acres of that. This is under the Town zoning limit of 20.0-acres and so the Project would not need a variance.

## **D. PROJECT DETAILS**

### **D.1. Proposed and Potential Development**

#### **D.1.g. New Non-residential Construction**

The Project includes the construction of electrical equipment housed on either concrete pads or mounted on posts. These contain electrical components necessary to process the electricity generated from the solar panels. There are no buildings proposed that are intended for human entry.

### **D.2. Project Operations**

#### **D.2.f. Air emissions and associated permits**

The proposed action will involve the use of mobile construction equipment and vehicles that will emit a small amount of air pollutants during construction. Any potential air quality impacts will be de minimis and localized to the area of construction equipment. Construction equipment will use ultra-low sulfur diesel and, where practicable, diesel exhaust filters will be utilized. Once the Project has been completed, there

will not be additional air emissions. Due to the nature of construction, a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit will not be required.

**D.2.m. Noise**

The proposed action will include the creation of noise or noise sources during construction. Noise sources are expected to be generated from construction equipment and vehicles during the weekdays Monday through Saturday, 7am – 7pm, as needed. Due to the temporary nature of the proposed action, noise barriers or screens are not practical. Existing trees around the edge of the property will remain to the best extent practicable to act as a noise and visual barrier.

**E. SITE AND SETTING OF PROPOSED DEVELOPMENT**

**E.1. Land Uses on and Surrounding the Project Site**

**E.2. Natural Resources on or Near Project Site**

**E.2.a-f Bedrock, soils, water table, drainage, and slopes**

Table 1 displays the soil types that occur within the proposed Project area. Information was gathered from the USDA National Resources Conservation Service (NRCS) Soil Survey Geographic (SSURGO) Database (see Figure 3 attached).

**Table 1: Soils Table**

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI	Depth to Bedrock (inches)	Depth to Water Table (inches)	Drainage Class	Slope%	Prime Farmland?
ApA	Appleton silt loam, 0 to 3 percent slopes	1.83	5.9%	>80"	6-18"	Somewhat poorly drained	0-3%	Prime Farmland if Drained
BuA	Burdett silt loam, 0 to 3 percent slopes	4.28	13.8%	>80"	6-18"	Somewhat poorly drained	0-3%	Prime Farmland if Drained
BuB	Burdett silt loam, 3 to 8 percent slopes	16.41	52.9%	>80"	6-18"	Somewhat poorly drained	3-8%	Prime Farmland if Drained
CaA	Canandaigua silt loam, 0 to 2 percent slopes	1.12	3.6%	>80"	0-6"	Poorly drained	0-2%	Farmland of Statewide Importance
CoC	Conesus silt loam, 8 to 15 percent slopes	0.25	0.8%	>80"	18-24"	Moderately well drained	8-15%	Farmland of Statewide Importance
DaA	Darien silt loam, 0 to 3 percent slopes	1.09	3.5%	>80"	6-18"	Somewhat poorly drained	0-3%	Prime Farmland if Drained
DaB	Darien silt loam, 3 to 8 percent slopes	0.34	1.1%	>80"	6-18"	Somewhat poorly drained	3-8%	Prime Farmland if Drained
NuC	Nunda silt loam, 8 to 15 percent slopes	5.66	18.3%	>80"	18-24"	Moderately well drained	8-15%	Farmland of Statewide Importance
Pd	Palms muck	0.03	0.1%	>80"	0-12"	Very poorly drained	0-6%	Not prime farmland
<b>Totals for Area of Interest</b>		<b>31.03</b>	<b>100.00%</b>					

Note: these are the soils within the Project Boundary area.



#### **E.2.h. Surface Water Features**

Based on a review of the NYSDEC Environmental Resource Mapper there are no NYSDEC mapped wetlands and streams on the project parcel. There are two (2) USFWS National Wetland Inventory (NWI) wetlands mapped within the parcel (see Figure 4 attached). According to aerial image review and a field delineation conducted in September 2021 there is one (1) wetland and one (1) waterbody (pond) located on the parcel. None of the identified aquatic resources fall under NYSDEC jurisdiction. There are no recorded NYS water quality-impaired waterbodies on or within the vicinity of the Project parcel.

Even though, one wetland and one pond were delineated during the field survey on the parcel, the site plans show that the project boundary is excluding these areas thus there are no wetland nor streams within the project boundary. According to the Site Plans, there will be no impacts to the wetlands or streams.

#### **E.2.m. Predominant wildlife species**

Wildlife species likely to occur within the Project include common mammals, amphibians, and birds found in forested and rural settings including eastern chipmunk (*Tamias striatus*), eastern cottontail (*Sylvilagus floridanus*), eastern gray squirrel (*Sciurus carolinensis*), northern raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), white-tailed deer (*Odocoileus virginianus*), woodchuck (*Marmota monax*), American toad (*Bufo americanus*), green frog (*Rana clamitans*), American crow (*Corvus brachyrhynchos*), American kestrel (*Falco sparverius*), American robin (*Turdus migratorius*), barn swallow (*Hirundo rustica*), blue jay (*Cyanocitta cristata*), Canada goose (*Branta canadensis*), downy woodpecker (*Picoides pubescens*), eastern bluebird (*Sialia sialis*), field sparrow (*Spizella pusilla*), northern cardinal (*Cardinalis cardinalis*), red-tailed hawk (*Buteo jamaicensis*), turkey vulture (*Cathartes aura*), and wild turkey (*Meleagris gallopavo*).

#### **E.2.n. Significant Natural Community**

According to NYSDEC Environmental Resource Mapper there are no significant natural communities on or in the vicinity of the Project Boundary.

#### **E.2.o-p. Endangered, Threatened and Rare Plants and Animals**

According to NYSDEC Environmental Resource Mapper there are no New York State rare or species of concern plants or animals in the vicinity of the Project Boundary.

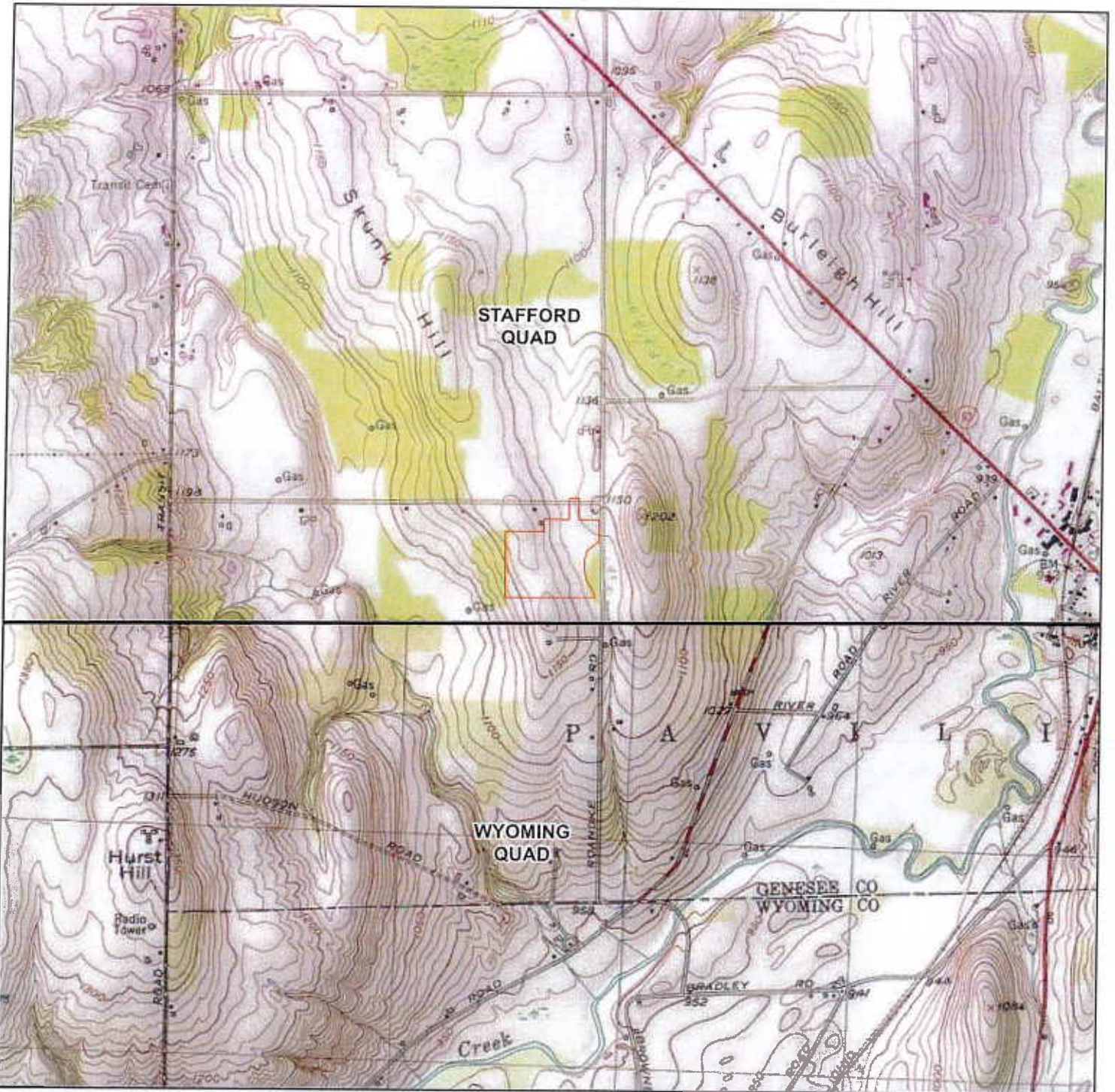
According to a review of the USFWS Information for Planning and Consultation (IPaC) on January 21, 2022, there is one (1) federally and state listed threatened species, the Northern Long-eared Bat (NLEB) (*Myotis septentrionalis*) in the vicinity of the Project Boundary. However, this species did not come up on the NYSDEC Environmental Resource Mapper review. Additionally, according to NY Natural Heritage Program there are no know summer or winter occurrences of NLEB within the Town of Pavilion. It is unlikely that this Project will impact this species since there is no cutting of trees proposed. Additionally, the Monarch Butterfly (*Danaus plexippus*) is noted on the USFWS IPaC report, however this is a candidate species and not yet listed or proposed for listing, thus consultation with USFWS under Section 7 of the Endangered Species Act is not required.

**E.3. Designated Public Resources on or Near Project Site**

**E.3.b Agricultural lands consisting of highly productive soil.**

According to the USDA NRCS Soil Survey Geographic (SSURGO) Database, the Project Boundary consists of 31.00+/- acres (99.9%) of land with highly productive soils. These soils include farmland classifications of “all areas are prime farmland”, “farmland of statewide importance”, and “prime farmland if drained”. An agricultural Data Statement has been completed for the Project.

# Figures



Project USGS Quad(s):

Stafford

Project Watershed(s):

Lower Genesee (HUC 04130003)

Center of Project Limits:  
42.877835 N, 78.053574 W  
North American Datum 1983



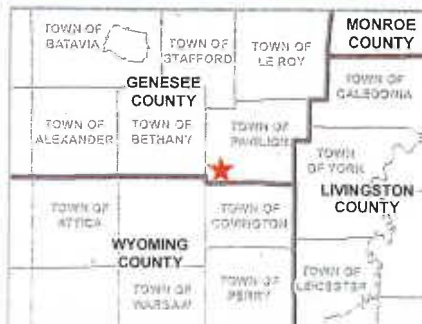
- Project Area
- USGS 24K Quad Boundary

Data Sources:

United States Geological Survey 24k Topo Quad Map - usgs.gov

Author: CM

Revision Date: 1/25/2022



0 1,000 2,000 Feet



**NY CDG GENESEE 4 LLC**  
**GENESEE 4 SOLAR PROJECT**  
**PROJECT LOCATION MAP**  
**GENESEE COUNTY, NY**

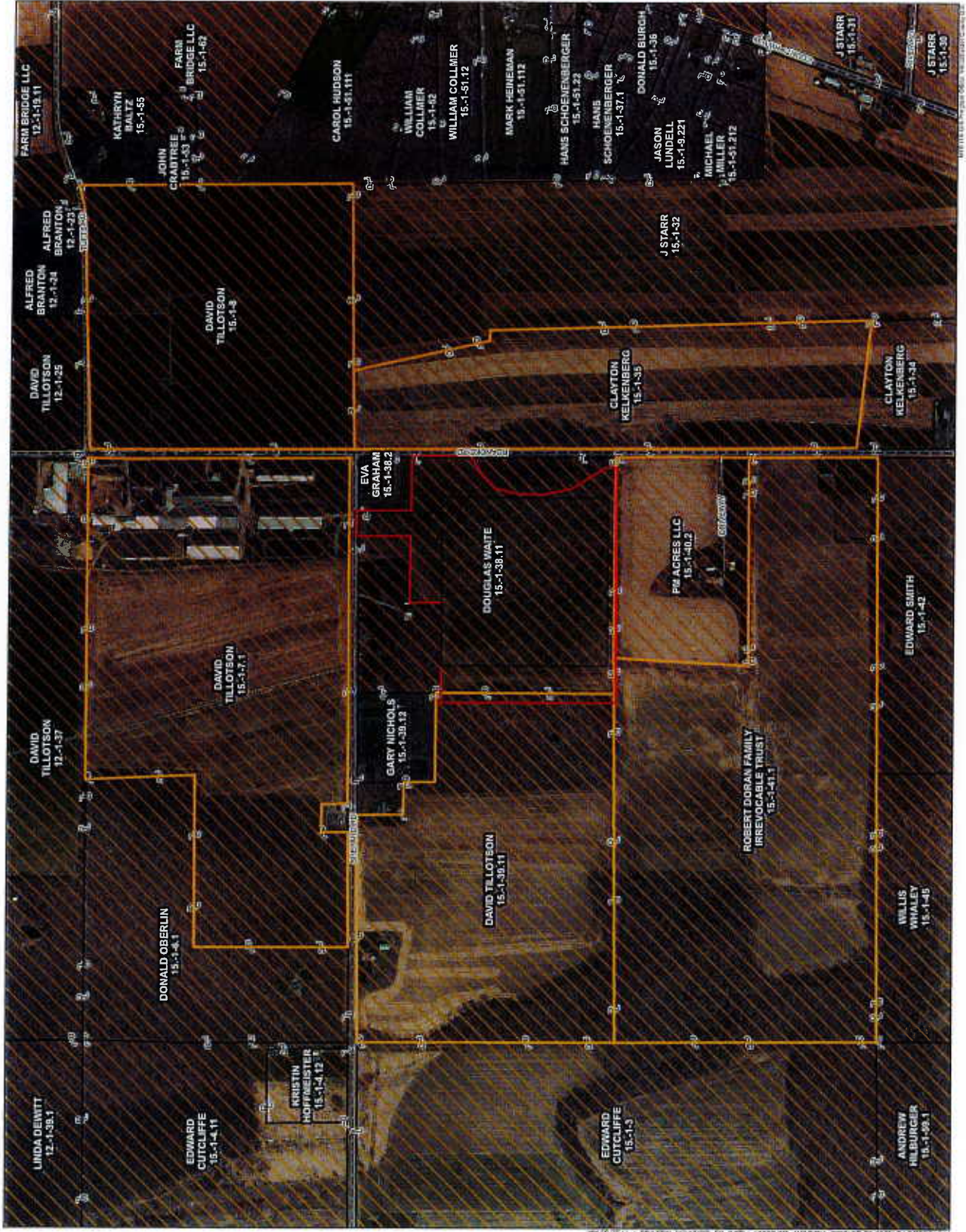
I:\Projects\121122\04-03\Genesee-4CDG\Genesee-4CDG\Project\_Location\_Map.mxd - 11:25:06 AM

Road  
 Project Boundary  
 Parcel Boundary  
 Parcels with Agriculture within 500m of Project  
 Acrey Workspaces  
 Agricultural District (GENE003)

Map Navigation: (Map) (Layers) (Help) (Home) (Print) (Full Screen)



Genesee County  
 Wyoming County





NY CDG GENESEE 4 LLC  
 GENESEE 4 SOLAR PROJECT  
 NRCS SOILS MAP  
 GENESEE COUNTY, NY

Local Road  
 County Route  
 State Highway  
 Interstate Highway

NRCS Soils  
 Proposed Boundary  
 Towns  
 Villages  
 Counties

Map File: NY\_GDP\_11027202 - 11027202.dwg  
 1:125,000  
 0 125 250 Feet



Genesee County  
 Wyoming County

Data Source:  
 Aerial: NYSGIS Clearinghouse Chironography, 2021



**NY CDG GENESSEE 4 LLC  
GENESSEE 4 SOLAR PROJECT  
WETLAND AND WATERCOURSE MAP  
GENESSEE COUNTY, NY**

Local Road  
County Route  
State Highway  
Interstate Highway  
Delineated Continuation Line  
NWI Wetland  
NYSDEC Wetland  
NYSDEC Wetland 100' Adjacent Area  
Centrally Located  
Delineated Wetland  
Project Boundary  
Town  
Villages  
Route

Map Revision Date: 7/25/2022 | Map Author: CM



Genesee County  
Wyoming County

**Notes:**

1. Project located in the Lower Genesee (HUC 04130003)
2. Parcel was delineated in September 2021

**Data Sources:**

Aerial: NYSGIS Clearinghouse Orthomogery, 2021

# **Agency Consultations**

**U.S. Fish and Wildlife Service,  
Information for Planning and Consultation**





## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:  
Consultation Code: 05E1NY00-2022-SLI-1019  
Event Code: 05E1NY00-2022-E-03869  
Project Name: BW Genesee 4 Solar

January 21, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the Services wind

energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

## **Official Species List**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New York Ecological Services Field Office**  
3817 Luker Road  
Cortland, NY 13045-9385  
(607) 753-9334

## Project Summary

Consultation Code: 05E1NY00-2022-SLI-1019

Event Code: Some(05E1NY00-2022-E-03869)

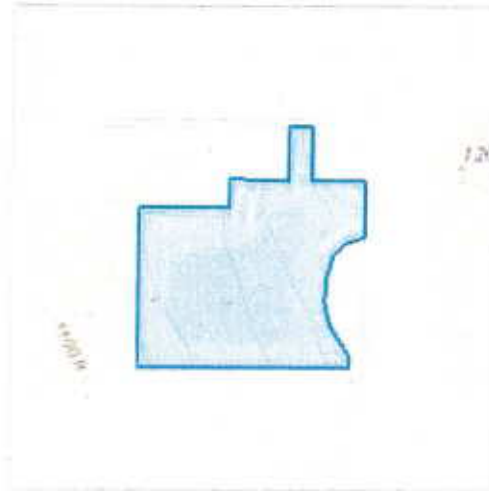
Project Name: BW Genesee 4 Solar

Project Type: \*\* OTHER \*\*

Project Description: The project area is located in the Town of Pavilion, in Genesee County, NY. The project involves the construction of a new solar array. The existing site consists of agricultural lands. Proposed improvements include the installation of the solar arrays, and associated electrical equipment, gravel access roads, and perimeter fencing.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.8780101,-78.05375584237737,14z>



Counties: Genesee County, New York

## Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

### Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

## **Agency Consultations**

**NYSDEC & Natural Heritage Program (NHP),  
Environmental Resource Mapper**

### BW Genesee 4 Solar Project Town of Pavilion, Genesee County, NY

NYSDEC Environmental Resource Mapper  
Review of Rare Plants or Animals, Significant Natural Communities, and Imperiled Mussels

The screenshot displays the NYSDEC Environmental Resource Mapper interface. On the left, the 'Layers and Legend' panel is active, showing the following layers:

- State Regulated Wetland Checkzone
- Imperiled Mussels
- Mussel Screening Ponded Waters
- Mussel Screening Streams
- Significant Natural Communities
- Natural Communities Near This Location
- Rare Plants or Animals
- Rice Flood Elevation Plus 77/75 Inches Sea Level

The main map area shows an aerial view of a solar project site. The map includes a search bar at the top left, zoom in (+) and zoom out (-) buttons, and a home button. The map area is overlaid with various colored polygons representing the environmental layers listed in the legend. The site is located in the Town of Pavilion, Genesee County, NY.

## **Agency Consultations**

**NY State Historic Preservation Office (SHPO)**



# BW Solar Genesee 4 Solar Project (Project)

NY SHPO Cultural Resources Inventory System (CRIS)



HOME SUBMIT SEARCH COMMUNICATE

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]  
 Project: NY CDG Genesee 4 Solar Project  
 Date: May 25, 2022

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>I. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: <u>N/A</u>		<input type="checkbox"/>	<input type="checkbox"/>

**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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**4. Impact on groundwater**

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.

NO

YES

(See Part I. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

*If "Yes", answer questions a - h. If "No", move on to Section 5.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**5. Impact on Flooding**

The proposed action may result in development on lands subject to flooding.

NO

YES

(See Part I. E.2)

*If "Yes", answer questions a - g. If "No", move on to Section 6.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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**6. Impacts on Air**

The proposed action may include a state regulated air emission source. (See Part I. D.2.f., D.2.h, D.2.g)

NO

YES

*If "Yes", answer questions a - f. If "No", move on to Section 7.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**7. Impact on Plants and Animals**

The proposed action may result in a loss of flora or fauna. (See Part I. E.2. m.-q.)

NO

YES

*If "Yes", answer questions a - j. If "No", move on to Section 8.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: <u>N/A</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b>			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b>			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

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**13. Impact on Transportation**  
 The proposed action may result in a change to existing transportation systems.  NO  YES  
 (See Part 1. D.2.j)  
*If "Yes", answer questions a - f. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**  
 The proposed action may cause an increase in the use of any form of energy.  NO  YES  
 (See Part 1. D.2.k)  
*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

**15. Impact on Noise, Odor, and Light**  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES  
 (See Part 1. D.2.m., n., and o.)  
*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)  
*If "Yes", answer questions a - m. If "No", go to Section 17.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

**17. Consistency with Community Plans**  
 The proposed action is not consistent with adopted land use plans.  
 (See Part 1. C.1, C.2. and C.3.)  
*If "Yes", answer questions a - h. If "No", go to Section 18.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**  
 The proposed project is inconsistent with the existing community character.  
 (See Part 1. C.2, C.3, D.2, E.3)  
*If "Yes", answer questions a - g. If "No", proceed to Part 3.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FULL FORM**

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The Planning Board, as the designated lead agency for this Action, under the provisions of Part 617 of the State Environmental Quality Review Regulations, has given a thorough and comprehensive evaluation of the impacts likely to result from the proposed Action. Based upon this evaluation, the Planning Board, in a separate resolution adopted on Wednesday, March 25, 2022 has determined the proposed Action will not likely result in a significant adverse impact upon the environment and that a Negative Declaration is issued.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:       Type 1                       Unlisted

Identify portions of EAF completed for this Project:     Part 1             Part 2             Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information  
EAF Supporting Information and project maps

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Pavilion Planning Board as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: NY CDG Genesee 4 Solar Project

Name of Lead Agency: Town of Pavilion Planning Board

Name of Responsible Officer in Lead Agency: Bill Fuest

Title of Responsible Officer: Planning Board Chairperson

Signature of Responsible Officer in Lead Agency:

*William F Fuest*

Date: May 25, 2022

Signature of Preparer (if different from Responsible Officer)

Jon Hinman, PE - MRB Group

Date: May 25, 2022

**For Further Information:**

Contact Person: Lucinda Starr, Town Clerk

Address: 1 Woodrow Drive, Pavilion, NY 14525

Telephone Number: 585-584-3850

E-mail: [clerk@townofpavilion.com](mailto:clerk@townofpavilion.com)

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)  
Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

TOWN OF PAVILION PLANNING BOARD RESOLUTION  
NY CDG GENESEE 4 LLC SOLAR PROJECT – 6464 SHEPARD ROAD  
SPECIAL USE PERMIT & PRELIMINARY/FINAL SITE PLAN APPLICATIONS

**SEQR – DETERMINATION OF SIGNIFICANCE RESOLUTION**

**WHEREAS**, the Town of Pavilion Planning Board (hereinafter referred to as Pavilion Planning Board), is considering a Special Use Permit & Site Plan approval for the construction of a 4.275 megawatt (MW) alternating current (AC) solar photovoltaic facility on approximately 31.03-acres of a ±39.8-acre property parcel with parcel ID 15.-1-38.11, located at 6464 Shepard Road in the Town of Pavilion, Genesee County, New York, and as described in the Site Plans dated January 2022 and all other relevant information submitted as of March 30, 2022 (the current application); and

**WHEREAS**, the Planning Board has determined the above referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) regulations; and

**WHEREAS**, the Planning Board determined that said Action to be subject to a coordinated review and approval by other involved agencies under SEQR Regulations; and

**WHEREAS**, the Planning Board has been designated the lead agency, under the provisions of Part 617.6 (3) and (4) of article 8 of the State Environmental Conservation Law; and

**WHEREAS**, the Planning Board has given consideration to the comments provided by the involved agencies and interested agencies at tonight's meeting; and

**WHEREAS**, the Planning Board has completed its review of Parts 2 and 3 of the Full Environmental Assessment Form (EAF); and

**WHEREAS**, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) of the SEQR Regulations and the information contained in Parts 1, 2 and 3 of the Full EAF.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby accept the findings contained in Parts 2 and 3 of the Full EAF and directs the Planning Board Chairperson to sign and date the Full EAF Part 3.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action;
- (iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations;
- (v) the site is will not negatively impact an identified archaeological sensitive area;

TOWN OF PAVILION PLANNING BOARD RESOLUTION  
 NY CDG GENESEE 4 LLC SOLAR PROJECT – 6464 SHEPARD ROAD  
 SPECIAL USE PERMIT & PRELIMINARY/FINAL SITE PLAN APPLICATIONS

**SEQR – DETERMINATION OF SIGNIFICANCE RESOLUTION**

- (vi) there will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;
- (ix) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site absent the Action;
- (x) there will not be created a material demand for other Actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related Actions which would have a significant impact on the environment.

**BE IT FURTHER RESOLVED**, based upon the information and analysis above and the supporting documentation referenced above, the proposed Action **WILL NOT** result in any significant adverse environmental impacts.

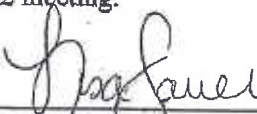
**BE IT FINALLY RESOLVED**, that the Planning Board does hereby make a Determination of Non-Significance on the proposed development, and the Planning Board Chairman is hereby directed to sign the Full Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Planning Board's determination.

The above Resolution was offered by Liz Conway and seconded by Don Brooks at the scheduled Planning Board meeting held on May 25, 2022. Following discussion, a voice vote was recorded:

Bill Fuest  
 Patrick Boyd  
 Don Brooks  
 Liz Conway  
 Gary Kingsley  
 Lisa Schiske  
 Tim Welch

[~~AYE~~, NAY]  
 [~~AYE~~, NAY]  
 [~~AYE~~, NAY]  
 [~~AYE~~, NAY]  
 [AYE, NAY] -absent  
 [~~AYE~~, NAY]  
 [AYE, NAY] -absent

I, Lisa Sauer, Clerk to the Planning Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Pavilion Planning Board for the May 25, 2022 meeting.

  
 \_\_\_\_\_  
 Lisa Sauer, Planning Board Clerk

MEM  
1/5/23

**ASSIGNMENT AUTHORIZING RESOLUTION**  
*(NY CDG Genesee 1 LLC Project – Assignment Authorization)*

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center convened on Thursday, January 12s, 2023.

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

Resolution No. 01/2023 -     

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) AUTHORIZING AN ASSIGNMENT REQUEST RECEIVED FROM NY CDG GENESEE 1 LLC (THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW) TO BE UNDERTAKEN BY THE AGNECY AND THE COMPANY; AND (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS WITH RESPECT TO SAME.

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, pursuant to a Final Resolution adopted on August 5, 2021 (the "Authorizing Resolution"), the Agency appointed **NY CDG GENESEE 1 LLC** (the "Company"), as agent of the Agency to undertake a certain Project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain real property located at 7209 Oak Orchard Road in the Town of Elba, New York (the "Land", being more particularly described as a portion of tax parcel No. 11.-1-5.12, as may be subdivided); (ii) the planning, design, construction and operation of a 5MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and

WHEREAS, as of the date of the Company's Application for Financial Assistance (the "Original Application"), the Original Application was submitted by and through BW Solar Holding Inc. as the original owner of the Company (the "Original Company Parent"); and

WHEREAS, pursuant to a certain Membership Interest Purchase Agreement, by and between the Original Company Parent and Catalyze Holdings, LLC (the "Purchaser"), the



Original Company Parent assigned 100% of its membership interest in the Company to the Purchaser (the "Assignment"); and

WHEREAS, the Company has requested the Agency's approval of the Assignment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

Section 1. Based upon the representations made by the Company, the Agency hereby consents to, authorizes and approves the Assignment subject to the terms and conditions set forth herein.

Section 2. The Agency's consent and approval of the Assignment is subject to payment by the Company of all costs and fees of the Agency in connection with review, consideration and authorization of the Assignment.

Section 3. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any documents and agreements necessary to effectuate the Assignment, with such changes as shall be approved by the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations and counsel to the Agency upon execution.

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

Section 5. These Resolutions shall take effect immediately upon adoption.

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

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

The Resolutions were thereupon duly adopted.

STATE OF NEW YORK                    )  
COUNTY OF GENESEE                ) SS:

I, the undersigned Secretary of 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 Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on January 12, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Secretary

[SEAL]

*man*  
1/5/23

**Customer Information**

Potential Customer:	Horizon Acres Associates, Inc.	Opportunity Type:	Attraction
Project St. Address:	8524 Alleghany Road	Opportunity Product:	Property Sales & Mortgage Recording Taxes Only
City/Town/Village:	//Pembroke	Type of Project:	Attraction
Project Description:	2023 Pembroke Horizon Acres Associates	New Jobs:	400
Total Capital Investment:	\$142,000,000	Retained Jobs:	N/A
Incentive Amount:	\$19,337,000	School District:	Pembroke
Benefited Amount:	\$142,000,000	PILOT Applicable:	Increase in assessed value of land and/or other buildings (pre-project value of land and/or buildings excluded).

**Project Information**

Organization:	GCEDC
Opportunity Source:	Third-Party Professional Date of Public Hearing: TBD
Initial Acceptance Date:	1/12/2023 Inducement Date: TBD

**Opportunity Summary:** Horizon Acres Associates, Inc. is seeking to develop six flex commercial/industrial facilities that will total 1,500,000 square feet in the Town of Pembroke on 115 buildable acres near the NYS Thruway exit.

Horizon Acres Associates, Inc. is a developer that will offer the buildings for sale or lease to tenants fitting the current Pembroke Interchange zoning.

The \$142 million total project will be completed in phases, and projects to create 400 FTE's at full build-out.

Horizon Acres Associates, Inc. is requesting assistance from the GCEDC with a sales tax exemption estimated at \$6,240,000, a property tax abatement estimated at \$11,961,000 based on incremental increase in assessed value via new traditional PILOT, and a mortgage tax exemption estimated at \$1,136,000.

**Economic Impact:** The economic impacts (discounted value) on Local Benefits totals \$227,544,538 (\$218,379,342 in payroll and \$9,165,196 to the public in tax revenues). See attached MRB Cost Benefit Calculator. For every \$1 of public benefit the company is investing \$16 into the local economy.

**Project Detail (Total Capital Investment)**

Building Cost (Construction):	\$130,000,000 ✓
Land Cost (Real Estate):	\$6,000,000 ✓
Other:	\$6,000,000 ✓
Total Capital Investment:	\$142,000,000

**Estimated Benefits Provided**

Sales Tax Exempt:	\$6,240,000 ✓
Mortgage Tax Exempt:	\$1,136,000 ✓
Property Tax Exempt:	\$11,961,000 ✓
Total Estimated Tax Incentives Provided:	\$19,337,000



# Client Company Investment Project Financial Assistance PROPOSAL

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

**Project Profile:**

**Company:** Horizon Acres - Pembroke

**Project Description:** building cost \$130,000,000 non-mfg equipment \$0

**Project Cost:** \$142,000,000

**Project Cost subject to Sales Tax:** \$78,000,000

**Project Cost to be Financed via Mortgage:** \$113,600,000

**Estimated Assessed value of Real Property/Building upon completion\*:** \$75,000,000

**Jobs Created:** next 3 years

**Jobs Retained:** next 3 years

**Inputs:** building cost \$130,000,000 non-mfg equipment \$0

**Date:** 12/16/22

**Start Date:**

60% bldg cost + non mfg equipt

1,500,000 sq ft

50.00 Assessed \$/sq/ft

	1 Year View	3 Year View	Project Lifetime
<b>Applicable GCEDC Products:</b>			
<b>Financial Assistance: Cost Reduction Through Tax Savings:</b>			
<b>Sale/Leaseback (SLB):</b>			
Sales Tax Exemption (Savings):	8.00%	\$ 6,240,000	\$ 6,240,000
Mortgage Tax Exemption (Savings):	1.00%	\$ 1,136,000	\$ 1,136,000
Real Property Tax Abatement (PILOT):	40%		
Average Abatement (savings %) over project life:	10		
PILOT Term in years:	25.58		
Gross Property Tax Costs:	\$ 1,993,500	\$ 5,980,500	\$ 6,240,000
Payment Schedule (% Real Property Taxes Paid):			60%
Net Required Property Tax payments per PILOT:	\$ 1,993,500	\$ 5,980,500	\$ 11,961,000
PILOT Real Property Tax Savings (Next taxable year):	\$ 9,369,500	\$ 13,356,500	\$ 19,337,000
Total Tax Savings via Sale/Leaseback (SLB):			
<b>Financing: Cost Reduction via low cost financing (below prime rate):</b>			
<b>Revolving Loan Fund (RLF):</b>			
Loan Factors:	\$ Financed	Term in mo	RLF APR
Interest Rate Savings:	\$ -	\$ -	Prime + 1%
<b>Gross Cost Savings via GCEDC programs:</b>	\$ 9,369,500	\$ 13,356,500	\$ 19,337,000
<b>Participation Fees (Costs):</b>			
GCEDC Application Fee (non-refundable):	\$ 250		
GCEDC Project Fee (% Total Project Cost):	1.25%	\$ 1,775,000	
Legal Fees: SLB (Contract Development, Documentation, Filing fees):		\$ 20,500	
Legal Fees: RLF (Contract Development, Documentation, Filing fees):			
Total Participation Fees:	\$ 1,795,750		
<b>Summary:</b>			
Total Costs Savings / Benefits via GCEDC programs(after participation f	\$ 7,573,750	\$ 11,560,750	\$ 17,541,250
Total Benefits as % Total Project Cost:	5%	8%	12%
Return on Investment (ROI) = Net Savings / Participation Fees:	422%	644%	977%
		National Grid	Total Savings
		\$ 250,000	\$ 17,791,250

**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 IS SUBSEQUENT TO MUNICIPALITIES 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 \$ 1,993,500				Pembroke		\$ 1.32
Year of Exemption	% of Paid Taxes	Net Savings	Municipalities Tax to be Paid	Total	To be paid	100%
1	20%	\$1,594,800	\$ 398,700	\$1,993,500	\$	99,000
2	20%	\$1,594,800	\$ 398,700	\$1,993,500	\$	99,000
3	20%	\$1,594,800	\$ 398,700	\$1,993,500	\$	99,000
4	30%	\$1,395,450	\$ 598,050	\$1,993,500	\$	99,000
5	30%	\$1,395,450	\$ 598,050	\$1,993,500	\$	99,000
6	30%	\$1,395,450	\$ 598,050	\$1,993,500	\$	99,000
7	50%	\$996,750	\$ 996,750	\$1,993,500	\$	99,000
8	50%	\$996,750	\$ 996,750	\$1,993,500	\$	99,000
9	70%	\$598,050	\$ 1,395,450	\$1,993,500	\$	99,000
10	80%	\$398,700	\$ 1,594,800	\$1,993,500	\$	99,000
<b>Total</b>	<b>40%</b>	<b>\$11,961,000</b>	<b>\$7,974,000</b>	<b>\$19,935,000</b>	<b>\$</b>	<b>990,000</b>

# Genesee County Industrial Development Agency

## MRB Cost Benefit Calculator

Date: December 29, 2022  
 Project Title: Horizon Acres  
 Project Location: Pembroke, NY



### Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

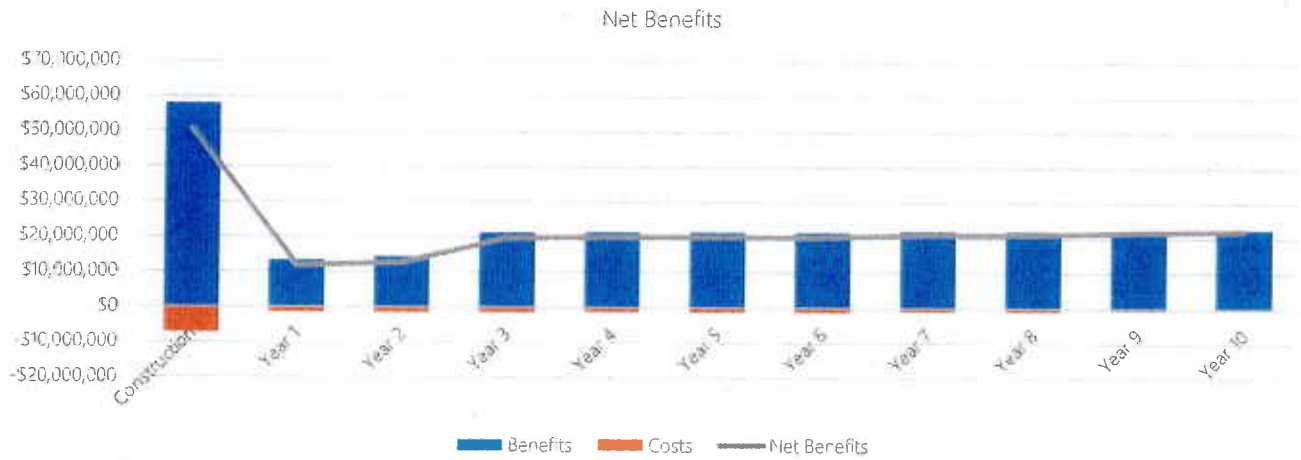
Project Total Investment

\$142,000,000

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	558	164	722
Earnings	\$46,977,778	\$7,882,833	\$54,860,610
Local Spend	\$113,600,000	\$28,288,343	\$141,888,343

	Ongoing (Operations)		
	Direct	Indirect	Total
Jobs	400	103	503
Earnings	\$143,960,000	\$33,194,775	\$177,154,775

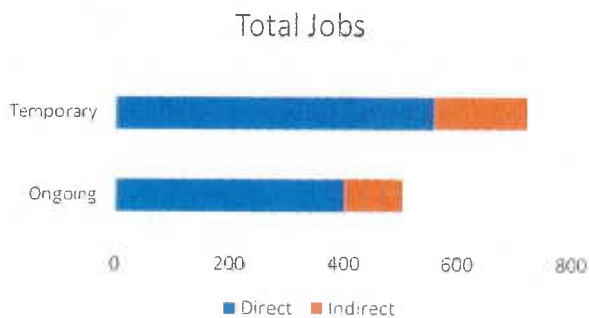
Figure 1



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

Figure 2

Figure 3



# Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$11,961,000 ✓	\$10,937,361
Sales Tax Exemption	\$6,240,000 ✓	\$6,240,000
Local Sales Tax Exemption	\$3,120,000	\$3,120,000
State Sales Tax Exemption	\$3,120,000	\$3,120,000
Mortgage Recording Tax Exemption	\$1,136,000 ✓	\$1,136,000
Local Mortgage Recording Tax Exemption	\$568,000	\$568,000
State Mortgage Recording Tax Exemption	\$568,000	\$568,000
<b>Total Costs</b>	<b>\$19,337,000</b>	<b>\$18,313,361</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$248,402,013</b>	<b>\$227,544,538</b>
<b>To Private Individuals</b>	<b>\$238,015,385</b>	<b>\$218,379,342</b>
Temporary Payroll	\$54,860,610	\$54,860,610
Ongoing Payroll	\$177,154,775	\$157,636,379
Other Payments to Private Individuals	\$6,000,000	\$5,882,353
<b>To the Public</b>	<b>\$10,386,628</b>	<b>\$9,165,196</b>
Increase in Property Tax Revenue	\$7,772,520	\$6,788,441
Temporary Jobs - Sales Tax Revenue	\$384,024	\$384,024
Ongoing Jobs - Sales Tax Revenue	\$1,240,083	\$1,103,455
Other Local Municipal Revenue	\$990,000	\$889,276
<b>State Benefits</b>	<b>\$12,064,800</b>	<b>\$11,049,843</b>
<b>To the Public</b>	<b>\$12,064,800</b>	<b>\$11,049,843</b>
Temporary Income Tax Revenue	\$2,468,727	\$2,468,727
Ongoing Income Tax Revenue	\$7,971,965	\$7,093,637
Temporary Jobs - Sales Tax Revenue	\$384,024	\$384,024
Ongoing Jobs - Sales Tax Revenue	\$1,240,083	\$1,103,455
<b>Total Benefits to State &amp; Region</b>	<b>\$260,466,813</b>	<b>\$238,594,382</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$227,544,538	\$14,625,361	16:1
State	\$11,049,843	\$3,688,000	3:1
<b>Grand Total</b>	<b>\$238,594,382</b>	<b>\$18,313,361</b>	<b>13:1</b>

\*Discounted at 2%

### Additional Comments from IDA

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

man  
1/1/23

## MRB Cost Benefit Calculator

Genesee County Industrial Development Agency

Date

Project Title

Project Location

### Construction Phase - Project Assumptions

**Project Costs**

Enter total project costs:  Value

Local Construction Spending\*  %

% of locally sourced materials and labor  Value

In-region construction spending

**Construction Economic Impacts**

Industry	NAICS	% of Total Investment	Investment by Type
Industrial Building Construction	236210	100%	\$113,600,000
[Not Applicable]	0		\$0
[Not Applicable]	0		\$0
		100%	\$113,600,000

*Most projects will only have one line related to construction type.*

### Operation Phase - Project Assumptions

**Jobs and Earnings from Operations**

NAICS Lookup

Year 1 - Enter NAICS

	NAICS	Count	Per Job Annual Earnings	Total Earnings
General Warehousing and Storage	493110	133	\$40,000	\$5,320,000
	0			\$0
	0			\$0
	0			\$0
	0			\$0
	0			\$0
<b>Total</b>		<b>133</b>		<b>\$5,320,000</b>

Year 2

	NAICS	Count	Per Job Annual Earnings	Total Earnings
General Warehousing and Storage	493110	266	\$40,000	\$10,640,000
	0			\$0
	0			\$0
	0			\$0
	0			\$0
	0			\$0
<b>Total</b>		<b>266</b>		<b>\$10,640,000</b>

Year 3+ (Full Employment)

	NAICS	Count	Per Job Annual Earnings	Total Earnings
General Warehousing and Storage	493110	400	\$40,000	\$16,000,000
	0			\$0
	0			\$0
	0			\$0
	0			\$0
	0			\$0
<b>Total</b>		<b>400</b>		<b>\$16,000,000</b>

### Fiscal Impact Assumptions

**Estimated Costs of Incentives**

Sales Tax Exemption	%	Value	
Local Sales Tax Rate	4.00%	\$3,120,000	✓
State Sales Tax Rate	4.00%	\$3,120,000	✓
Mortgage Recording Tax Exemption		\$1,136,000	✓
Local	0.50%	\$568,000	
State	0.50%	\$568,000	
<b>Total Costs</b>		<b>\$19,337,000</b>	includes PILOT exemption, calculated below

PILOT Term (Years)	<input type="text" value="10"/>
Escalation Factor	<input type="text" value="0%"/>
Discount Factor	<input type="text" value="2%"/>







may 11/23



Project Name: Horizon Acres Associates, Inc.

Board Meeting Date: January 12, 2023

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

### PROJECT DESCRIPTION:

Horizon Acres Associates, Inc. is seeking to develop six flex commercial/industrial facilities that will total 1,500,000 square feet in the Town of Pembroke on 115 buildable acres near the NYS Thruway exit.

Horizon Acres Associates, Inc. is a developer that will offer the buildings for sale or lease to tenants fitting the current Pembroke Interchange zoning.

The \$142 million total project will be completed in phases, and projects to create 400 FTE's at full build-out.

Horizon Acres Associates, Inc. is requesting assistance from the GCEDC with a sales tax exemption estimated at \$6,240,000, a property tax abatement estimated at \$11,961,000 based on incremental increase in assessed value via new traditional PILOT, and a mortgage tax exemption estimated at \$1,136,000.

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 400 direct jobs between \$40,000-52,000 annual plus benefits.

**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 \$142 million and 1.5 million sq. ft. The project is also estimated to contribute \$7,974,000 in PILOT payments compared to the project parcel's usage, which is estimated to generate \$201,480 in property taxes if not developed.

**Board Discussion:**

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

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

**Project details:** N/A

**Board 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 economic impacts (discounted value) on Local Benefits totals \$227,544,538 (\$218,379,342 in payroll and \$9,165,196 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

**Project details:** For every \$1 of public benefit the company is investing \$16 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 2023 and be operational for first phase within 18 months

**Board Discussion**

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

MAN  
1/5/23

**INITIAL RESOLUTION**  
*(Horizon Acres Associates Inc. Project)*

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, January 12, 2023.

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

Resolution No. 01/2023 - \_\_\_\_\_

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF HORIZON ACRES ASSOCIATES INC. 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, **HORIZON ACRES ASSOCIATES INC.**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in certain property located on Alleghany Road, Town of Pembroke, Genesee County, New York and all other lands in the Town of Pembroke where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly identified as tax parcel number 15.-1-2); (ii) the phased planning, design; construction, operation and leasing by the Company of approximately 1,500,000 square feet of commercial industrial space to be leased as single or multi-tenanted commercial industrial space, along with utility and site improvements, parking lots, loading docks, access and egress improvements, signage, curbage, sidewalks, landscaping and stormwater retention improvements (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and

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

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

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

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

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

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

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

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

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

plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries.

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

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

Section 4. These Resolutions shall take effect immediately.

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

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

The Resolutions were thereupon duly adopted.

**CERTIFICATION**  
*(Horizon Acres Associates Inc. Project)*

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

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

That I have compared the annexed extract of minutes of the meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on January 12, 2023, 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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Secretary



msm  
1/6/23

**Customer Information**

Potential Customer:	Atlas Copco USA Holdings Inc & Subsidiaries	Opportunity Type:	Attraction
Project St. Address:	Crosby Road	Opportunity Product:	Property & Sales Taxes Only
City/Town/Village:	Alabama	Type of Project:	Attraction
Project Description:	2023 Edwards Vacuum Phase I	New Jobs:	343 ✓
Total Capital Investment:	\$212,000,000	Retained Jobs:	
Incentive Amount:	\$17,199,790	School District:	Oakfield-Alabama
Benefited Amount:	\$84,800,000	PILOT Applicable:	Pre-project value of land and/or buildings, plus added value of land and/or buildings that results from project improvements (total taxable value)

**Project Information**

Organization:	GCEDC
Opportunity Source:	3rd Party Professional Date of Public Hearing: TBD
Initial Acceptance Date:	1/12/2023 Inducement Date:

**Opportunity Summary:** Edwards Vacuum is planning on building a dry pump manufacturing facility and two-story office building at STAMP for Phase I of their semiconductor supply chain factory of the future.

The new facility will produce approximately 20,000 dry pumps by 2026 at current forecast levels. The project aims to reshore the vacuum pump manufacturing to STAMP to support the company's US customers and the ambition behind the federal CHIPS Act program.

The Phase I capital investment will be \$212 million and plans to create 343 FTE's.

Edwards Vacuum is requesting assistance from the GCEDC with a sales tax exemption estimated at \$4,344,000, and a property tax abatement estimated at \$12,855,790 via a 20-year fixed 50% PILOT.

**Economic Impact:** The economic impacts (discounted value) on Local Benefits totals \$644,100,763 (\$628,707,932 in payroll and \$15,392,831 to the public in tax revenues). For every \$1 of public benefit the company is generating \$39 into the local economy.

**Project Detail (Total Capital Investment)**

Building Cost (Construction):	\$60,000,000 ✓
Equipment (non-taxable):	\$127,200,000 ✓
Equipment (Taxable) / Other Project Investment:	\$18,300,000 ✓
Land Cost (Real Estate):	\$6,500,000 ✓
Total Capital Investment:	\$212,000,000

**Estimated Benefits Provided**

Sales Tax Exempt:	\$4,344,000 ✓
Property Tax Exempt:	\$12,855,790 ✓
Total Estimated Tax Incentives Provided:	\$17,199,790
Total Amount Finance:	\$212,000,000

May 1/6/23

# Genesee County Industrial Development Agency

## MRB Cost Benefit Calculator

Date: January 4, 2023  
 Project Title: Atlas Copco USA Holdings Inc & Subsidiaries  
 Project Location: STAMP - Alabama, NY



### Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

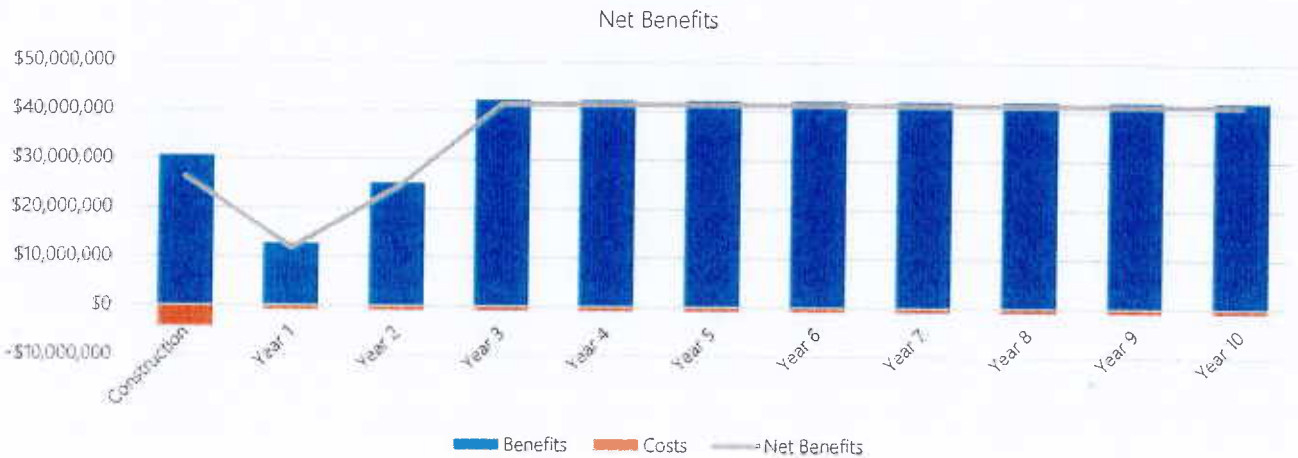
Project Total Investment  
 \$212,000,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	295	87	381
Earnings	\$24,812,206	\$4,163,468	\$28,975,674
Local Spend	\$60,000,000	\$14,941,026	\$74,941,026

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	343	141	484
Earnings	\$557,162,660	\$184,772,045	\$741,934,705

Figure 1

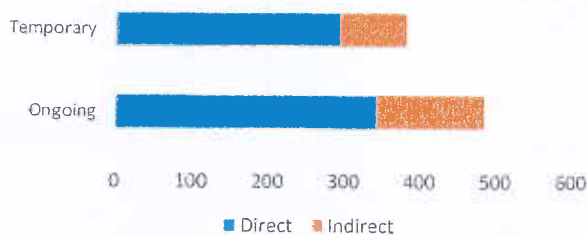


Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

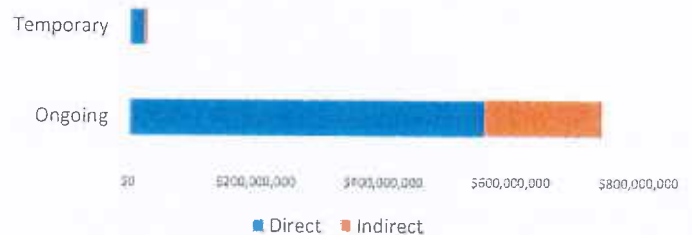
Figure 2

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	\$18,455,800	\$14,467,928
Sales Tax Exemption	\$4,344,000	\$4,344,000
Local Sales Tax Exemption	\$2,172,000	\$2,172,000
State Sales Tax Exemption	\$2,172,000	\$2,172,000
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
<b>Total Costs</b>	<b>\$22,799,800</b>	<b>\$18,811,928</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$789,751,292</b>	<b>\$644,100,763</b>
To Private Individuals	\$770,910,379	\$628,707,932
Temporary Payroll	\$28,975,674	\$28,975,674
Ongoing Payroll	\$741,934,705	\$599,732,258
Other Payments to Private Individuals	\$0	\$0
To the Public	\$18,840,913	\$15,392,831
Increase in Property Tax Revenue	\$7,255,780	\$5,932,120
Temporary Jobs - Sales Tax Revenue	\$202,830	\$202,830
Ongoing Jobs - Sales Tax Revenue	\$5,193,543	\$4,198,126
Other Local Municipal Revenue	\$6,188,760	\$5,059,755
<b>State Benefits</b>	<b>\$40,087,340</b>	<b>\$32,692,812</b>
To the Public	\$40,087,340	\$32,692,812
Temporary Income Tax Revenue	\$1,303,905	\$1,303,905
Ongoing Income Tax Revenue	\$33,387,062	\$26,987,952
Temporary Jobs - Sales Tax Revenue	\$202,830	\$202,830
Ongoing Jobs - Sales Tax Revenue	\$5,193,543	\$4,198,126
<b>Total Benefits to State &amp; Region</b>	<b>\$829,838,632</b>	<b>\$676,793,575</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$644,100,763	\$16,639,928	39:1
State	\$32,692,812	\$2,172,000	15:1
<b>Grand Total</b>	<b>\$676,793,575</b>	<b>\$18,811,928</b>	<b>36:1</b>

\*Discounted at 2%

### Additional Comments from IDA

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

# MRB Cost Benefit Calculator

Genesee County Industrial Development Agency

Date   
 Project Title   
 Project Location

## Construction Phase - Project Assumptions

Project Costs	
	Value
Enter total project costs:	<input type="text" value="\$212,000,000"/>
Local Construction Spending*	<input type="text" value="28%"/>
% of locally sourced materials and labor	<input type="text" value="28%"/>
In-region construction spending	<input type="text" value="\$60,000,000"/>

## Construction Economic Impacts

Industry	NAICS	% of Total Investment	Investment by Type
Industrial Building Construction	236210	100%	\$60,000,000
[Not Applicable]	0		\$0
[Not Applicable]	0		\$0
		100%	\$60,000,000

*Most projects will only have one line related to construction type.*

## Operation Phase - Project Assumptions

### Jobs and Earnings from Operations

Year 1 - Enter NAICS	NAICS	Count	Per Job Annual Earnings	Total Earnings
Air and Gas Compressor Manufacturing	333912	100	\$86,035	\$8,603,500
	0			\$0
	0			\$0
	0			\$0
	0			\$0
	0			\$0
<b>Total</b>		<b>100</b>		<b>\$8,603,500</b>

Year 2	NAICS	Count	Per Job Annual Earnings	Total Earnings
Air and Gas Compressor Manufacturing	333912	202	\$86,035	\$17,379,070
	0			\$0
	0			\$0
	0			\$0
	0			\$0
	0			\$0
<b>Total</b>		<b>202</b>		<b>\$17,379,070</b>

Year 3+ (Full Employment)	NAICS	Count	Per Job Annual Earnings	Total Earnings
Air and Gas Compressor Manufacturing	333912	343	\$86,035	\$29,510,005
	0			\$0
	0			\$0
	0			\$0
	0			\$0
	0			\$0
<b>Total</b>		<b>343</b>		<b>\$29,510,005</b>

## Fiscal Impact Assumptions

### Estimated Costs of Incentives

Sales Tax Exemption	%	Value	PILOT Term (Years)	<input type="text" value="20"/>
Local Sales Tax Rate	4.00%	\$2,172,000	Escalation Factor	<input type="text" value="0%"/>
State Sales Tax Rate	4.00%	\$2,172,000	Discount Factor	<input type="text" value="2%"/>
Mortgage Recording Tax Exemption		<input type="text" value="\$0"/>		
Local	0.50%	\$0		
State	0.50%	\$0		
<b>Total Costs</b>		<input type="text" value="\$22,799,800"/>	Includes PILOT exemption, calculated below	

3.4

124







Project Name: Atlas Copco USA Holdings Inc. & Subsidiaries  
(Edwards Vacuum)

Board Meeting Date: January 12, 2023

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

### PROJECT DESCRIPTION:

Edwards Vacuum is planning on building a dry pump manufacturing facility and two-story office building at STAMP for Phase I of their semiconductor supply chain factory of the future.

The new facility will produce approximately 20,000 dry pumps by 2026 at current forecast levels. The project aims to reshore the vacuum pump manufacturing to STAMP to support the company's US customers and the ambition behind the federal CHIPS Act program.

The Phase I capital investment will be \$212 million and plans to create 343 FTE's.

Edwards Vacuum is requesting assistance from the GCEDC with a sales tax exemption estimated at \$4,344,000, and a property tax abatement estimated at \$12,855,790 via a 20-year fixed 50% PILOT.

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

**Project details:** The project is planning on creating 343 direct jobs between \$51,000 - \$174,200 annual (weighted average \$86,035) plus benefits.

### 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 \$212 million and build 248,000 sq ft manufacturing and related office space.

### Board Discussion:

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

man  
1/6/1

**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:**

**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 economic impacts (discounted value) on Local Benefits totals \$644,100,763 (\$628,707,932 in payroll and \$15,392,831 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

**Project details:** For every \$1 of public benefit the company is investing \$39 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:** Yes, the project is a Semiconductor equipment supplier at STAMP

**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 2023 and be operational for first phase within 18 months

**Board Discussion**

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



may  
1/6/23

**INITIAL RESOLUTION**  
*(Atlas Copco USA Holdings Inc. Project)*

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, January 12, 2023.

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

Resolution No. 01/2023 - \_\_\_\_\_

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF ATLAS COPCO USA HOLDINGS INC. 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, **ATLAS COPCO USA HOLDINGS INC.**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in certain property located on Crosby Road and Alleghany Road, each in the Town of Alabama, Genesee County, New York and all other lands in the Town of Alabama where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly described as a portion of tax parcel Nos. 10.-1-13.1 and 10.-1-15.11, as may be subdivided and subsequently merged); (ii) the planning, design and construction of an approximately 248,000 square foot manufacturing facility and related office space to be leased by the Company to **EDWARDS VACUUM LLC** for operation as a dry pump manufacturing facility, along with utility and site improvements, parking lots, loading docks, access and egress improvements, signage, curbage, landscaping and stormwater retention improvements (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and

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

WHEREAS, it is contemplated that the Agency will (i) hold a public hearing, (ii) designate the Company as agent of the Agency for the purpose of undertaking the Project pursuant to a project agreement (the "Project Agreement"), (iii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents, (iv) take a leasehold interest in the Land, the Improvements, the Equipment and the personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (v) provide Financial Assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Facility and (b) a partial real property tax abatement structured through the Tax Agreement (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	[	]	[	]	[	]	[	]
Chandy Kemp	[	]	[	]	[	]	[	]
Marianne Clattenburg	[	]	[	]	[	]	[	]

The Resolutions were thereupon duly adopted.

**CERTIFICATION**  
*(Atlas Copco USA Holdings Inc. Project)*

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

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

That I have compared the annexed extract of minutes of the meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on January 12, 2023, 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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Secretary

## GCEDC

Chris Suozzi- Vice President of Business & Workforce Development

### Report of Management

January 12, 2023

#### RPNY Solar 7 Project

##### Discussion:

RPNY Solar 7 noticed an error from the previously approved application for Financial Assistance, located in the Town of Batavia, New York.

Their cover 8/16/22 letter and the project description in Section II.A of the application each indicate a project size of 2.5 MWac. The correct project size should be 1.6 MWac.

This was a clerical error and a QA/QC failure on their part when we filled out the application.

Please note that the error is restricted to the project description only. All of the economic information (project costs, project investment, funding, etc.) described throughout the application remain accurate and are reflective of a 1.6 MWac project.

They apologize for any confusion this error may have caused and they are appreciative of our understanding and assistance in rectifying this error before the project PILOT is closed.

##### Direction from Harris Beach:

Russ Gaenzle and Stephen Maier spoke with the applicant's counsel last week about this. Given this is a reduction in project scope, no need for a formal resolution. Simply having the board acknowledge will suffice.

## **GCEDC**

Lezlie Farrell – Finance & Operations  
**Audit & Finance Committee Report**  
January 10, 2023

### **General Liability Insurance – Umbrella Coverage**

Please see the attached quote for \$5M of umbrella coverage. Breakout of layers \$1M - \$5M is as follows:

\$1M - \$15,300  
\$2M – \$22,950  
\$3M – \$26,775  
\$4M – \$28,775  
\$5M - \$30,775

An additional \$5M in excess of this coverage would be available for \$10,500 from Westchester Fire Insurance Company, part of the Chubb Group.

The board previously approved moving forward with a renewal for General Liability coverage with Selective Insurance for approximately \$71,000.

Joe Teresi will attend the Audit & Finance Committee to discuss.



W H Greene Associates Inc 400 Quaker Rd \* East Aurora, NY 14052

Phone: (716) 805-1090 \* Web: <http://www.whgreene.com/>

In California, dba WH Greene & Associates Insurance Brokers

### INSURANCE QUOTE

THE TERMS AND CONDITIONS OF THIS QUOTATION MAY NOT COMPLY WITH THE SPECIFICATIONS SUBMITTED FOR CONSIDERATION. PLEASE READ THIS QUOTE CAREFULLY AND COMPARE IT AGAINST YOUR SPECIFICATIONS.

IN ACCORDANCE WITH THE INSTRUCTIONS OF THE BELOW-MENTIONED INSURER, WHICH HAS ACTED IN RELIANCE UPON THE STATEMENTS MADE IN THE RETAIL BROKER'S SUBMISSION FOR THE INSURED, THE INSURER HAS OFFERED THE FOLLOWING QUOTATION.

THIS QUOTATION EXPIRES 30 DAYS FROM THE ISSUE DATE OR ON THE PROPOSED EFFECTIVE DATE LISTED BELOW.

**DATE ISSUED:** 12/22/2022

**PRODUCER:** Tompkins Insurance Agencies, Inc. (Batavia) \*  
90 Main Street  
Batavia NY 14020

**INSURED:** Genesee County Economic Development,  
99 Med Tech Dr Suite 106  
Batavia, NY 14020

**INSURER:** Merchants Mutual Ins Co  
Admitted

**COVERAGE:** Umbrella Liability

**POLICY PERIOD:** 01/01/2023 TO 01/01/2024

**TERM:** 1 Year

12:01 A.M. STANDARD TIME AT THE LOCATION ADDRESS OF THE NAMED INSURED. THIS INSURANCE BINDER WILL BE TERMINATED AND SUPERSEDED UPON DELIVERY OF THE FORMAL POLICY(IES) ISSUED TO REPLACE IT.

**LIMITS OF LIABILITY:** \$ 5,000,000 Occurrence  
\$ 5,000,000 Aggregate

**EXCESS OF:**

1mm	Auto Liability	Selective Ins Co of the Southeast
1mm/2mm/2mm/1mm	General Liability	Selective Ins Co of the Southeast

**DEDUCTIBLES/SIR:** \$ 10,000 Self Insured Retention

<b>PREMIUM:</b>	\$ 30,775.00	Annual Premium
	\$ 923.00	TRIA Premium
	\$ 31,698.00	Total Gross Amount

TERRORISM COVERAGE IS AVAILABLE AS INDICATED ABOVE. WE MUST BE ADVISED IN WRITING AT TIME OF BINDING IF COVERAGE IS ACCEPTED OR DECLINED.

**POLICY FORM:** Occurrence



W H Greene Associates Inc 400 Quaker Rd \* East Aurora, NY 14052

Phone: (716) 805-1090 \* Web: <http://www.whgreene.com/>

In California, dba WH Greene & Associates Insurance Brokers

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**TERMS / CONDITIONS:**

(a) **THE PREMIUM SHOWN IS THE ANNUAL MINIMUM AND DEPOSIT PREMIUM SUBJECT TO 25.0% MINIMUM EARNED PREMIUM FULLY EARNED AT INCEPTION.**

(b) **ENDORSEMENTS / NOTABLE EXCLUSIONS:**

EXCLUSIONS INCLUDE BUT ARE NOT LIMITED TO:

Absolute Pollution  
Silica  
Asbestos  
Lead  
Known Injury or Damage  
CCC  
War / Terrorism  
ERISA  
Discrimination  
EPL  
EIFS  
Fungi / Bacteria  
Cross Suits  
Cyber Exclusion  
Communicable Disease  
Abuse & Molestation

**FOLLOW FORMS:**

CGL Follow Form Endt

**ATTACHMENTS:**

Non Concurrent - Unimpaired Aggr Endt  
Named Insured Endt  
Contractors limitation  
Waiver of Subrogation (Blkt wording)  
Sublimit Endt  
Primary/ Non-Contributory (Blkt wording)  
State Amend. Endt.





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(c) **ATTACHMENTS / SUBJECT TO:**

PRIOR TO BINDING - Completed HNOA auto safety supplement

PRIOR TO BINDING - If Terrorism Coverage is Rejected, a signed & dated Terrorism form is required

PRIOR TO BINDING - Receipt and acceptable review of a completed Policy Verification form that includes POLICY NUMBERS for scheduled underlying policies and copies of binders once they are available.

PRIOR TO BINDING - Receipt and acceptable review of Signed/completed Acord 125 & 131 Applications by Insured

PRIOR TO BINDING - Receipt and acceptable review of Signed State Fraud Warning - Signed 125 (if included) or equivalent

WITHIN 25 DAYS OF BINDING - COMPLETE copy - Underlying Automobile Policy

WITHIN 25 DAYS OF BINDING - COMPLETE copy - Underlying General Liability Policy

At a minimum, we require a **signed ACORD 125 Form, Umbrella/Excess 131 Form**, and any applicable state fraud warranty form.

**NOTE:** If we do not receive a copy of the underlying policies, our policy will be canceled. If the terms of any underlying policy differ from those advised to us, the insurer reserves the right to endorse the policy with additional exclusions or limitation endorsements.

**NOTICE:** THESE POLICY FORMS AND THE APPLICABLE RATES ARE EXEMPT FROM THE FILING REQUIREMENTS OF THE NEW YORK STATE INSURANCE DEPARTMENT. HOWEVER SUCH FORMS AND RATES MUST MEET THE MINIMUM STANDARDS OF THE NEW YORK INSURANCE LAW AND REGULATIONS.

NY FTZ 2-13000

**Bind Request must be received prior to the effective date of coverage. Coverage cannot be back dated.**

All underlying carriers AM Best rated A-VI , B+VII or better.

(d) **ALL OTHER TERMS AND CONDITIONS APPLY PER FORM**

**FAILURE TO COMPLY WITH ANY OF THE ABOVE MAY RESULT IN THE TERMINATION OF YOUR COVERAGE.**

**COMMISSION:** 10.00%

This quote is issued based upon the insurer's agreement to quote and is issued by the undersigned without any liability whatsoever as an insurer. This quote may be withdrawn by the insurer at any time prior to binding.

**NOTE: WE CANNOT BIND COVERAGE WITHOUT THE CONSENT OF THE INSURER. COVERAGE IS NOT EFFECTED UPON YOUR ORDER TO BIND BUT UPON OUR CONFIRMATION TO YOU THAT COVERAGE HAS**



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INDEED BEEN BOUND BY THE INSURER.

PREMIUM PAYMENT IS DUE WITHIN 20 DAYS FROM EFFECTIVE DATE

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AUTHORIZED REPRESENTATIVE

Will Tredo

INSURED: Genesee County Economic Development

DATE ISSUED: 12/22/2022



Policy Number:

Policy Period:

## NOTICE - OFFER OF TERRORISM COVERAGE NOTICE - DISCLOSURE OF PREMIUM

### **A. Disclosure Of Premium**

In accordance with the federal Terrorism Risk Insurance Act, we are required to provide you with a notice disclosing the portion of your premium, if any, attributable to coverage for terrorist acts certified under the Terrorism Risk Insurance Act. The portion of your premium attributable to such coverage is shown below and in the policy Declarations.

If you accept this offer, the premium for terrorism coverage is \$ 923.00.

To reject this offer, please complete the REJECTION STATEMENT below.

### **B. Disclosure Of Federal Participation In Payment Of Terrorism Losses**

The United States Government, Department of the Treasury, will pay a share of terrorism losses insured under the federal program. The federal share equals 85% through 2015; 84% beginning on January 1, 2016; 83% beginning on January 1, 2017; 82% beginning on January 1, 2018; 81% beginning on January 1, 2019; and 80% beginning on January 1, 2020, of that portion of the amount of such insured losses that exceeds the applicable insurer retention. However, if aggregate insured losses attributable to terrorist acts certified under the Terrorism Risk Insurance Act exceed \$100 billion in a calendar year, the Treasury shall not make any payment for any portion of the amount of such losses that exceeds \$100 billion.

### **C. Cap On Insurer Participation In Payment Of Terrorism Losses**

If aggregate insured losses attributable to terrorist acts certified under the Terrorism Risk Insurance Act exceed \$100 billion in a calendar year and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.

#### **REJECTION STATEMENT**

I hereby reject the offer of terrorism coverage. I understand that an exclusion of certain terrorism losses will be made part of this policy

Policyholder's Signature:

Date:

\_\_\_\_\_

\_\_\_\_\_

Print Name

\_\_\_\_\_

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

DRAFT

	<u>11/30/22</u>	<u>10/31/22</u>	[Per Audit] <u>12/31/21</u>
<b>ASSETS:</b>			
Cash - Unrestricted	\$ 6,538,325	\$ 6,605,391	\$ 7,339,508
Cash - Restricted (A)(1)	9,510,226	9,416,135	11,674,315
Cash - Reserved (B)	795,629	794,162	792,739
Cash - Subtotal	16,844,180	16,815,688	19,806,562
Grants Receivable (2)	60,728	60,728	65,327
Accounts Receivable (3)	65,190	33,249	337,456
Deposits	2,832	2,832	2,832
Prepaid Expense(s) (4)	7,283	21,361	42,651
Loans Receivable - Current	54,493	55,832	52,489
<b>Total Current Assets</b>	<b>17,034,706</b>	<b>16,989,690</b>	<b>20,307,317</b>
Land Held for Dev. & Resale (5)	22,060,953	22,060,953	19,467,282
Furniture, Fixtures & Equipment	71,257	71,257	71,257
Total Property, Plant & Equip.	22,132,210	22,132,210	19,538,539
Less Accumulated Depreciation	(69,129)	(69,074)	(68,528)
<b>Net Property, Plant &amp; Equip.</b>	<b>22,063,081</b>	<b>22,063,136</b>	<b>19,470,011</b>
Loans Receivable- Non-current (Net of \$47,429 Allow. for Bad Debt)	142,914	147,749	195,885
<b>Other Assets</b>	<b>142,914</b>	<b>147,749</b>	<b>195,885</b>
<b>TOTAL ASSETS</b>	<b>39,240,701</b>	<b>39,200,575</b>	<b>39,973,213</b>
<b>DEFERRED OUTFLOWS OF RESOURCES</b>			
Deferred Pension Outflows (10)	597,836	597,836	597,836
<b>Deferred Outflows of Resources</b>	<b>597,836</b>	<b>597,836</b>	<b>597,836</b>
<b>LIABILITIES:</b>			
Accounts Payable (6)	96,744	6,423	548,813
Loan Payable - Genesee County - Current (7)	305,000	305,000	295,000
Accrued Expenses	66,978	66,618	29,545
Unearned Revenue (8)	9,200,963	9,198,382	10,993,355
<b>Total Current Liabilities</b>	<b>9,669,685</b>	<b>9,576,423</b>	<b>11,866,713</b>
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
<b>Total Noncurrent Liabilities</b>	<b>8,024,099</b>	<b>8,024,099</b>	<b>8,329,099</b>
<b>TOTAL LIABILITIES</b>	<b>17,693,784</b>	<b>17,600,522</b>	<b>20,195,812</b>
<b>DEFERRED INFLOWS OF RESOURCES</b>			
Deferred Pension Inflows (10)	791,742	791,742	791,742
<b>Deferred Inflows of Resources</b>	<b>791,742</b>	<b>791,742</b>	<b>791,742</b>
<b>NET ASSETS</b>	<b>\$ 21,353,011</b>	<b>\$ 21,406,147</b>	<b>\$ 19,583,495</b>

## Significant Events:

1. Restricted Cash - Includes cash deposited by ESD into imprest accounts related to the \$8M and \$33M STAMP grants. Expenditures out of these accounts are pre-authorized by ESD. 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 were used to pay for qualifying expenditures; Zero balance at 10/31/22 forward.
2. Grants Receivable - National Grid grants support marketing and development activities for STAMP and the LeRoy Food & Tech Park.
3. Accounts Receivable - Econ. Dev. Program Support Grant, MedTech Centre Property Management, etc.
4. Prepaid Expense(s) - General Liability, Cyber, D&O, Life, long-term and short-term disability insurance, property insurance, etc.
5. Land Held for Dev. & Resale - Additions are related to STAMP development costs.
6. Accounts Payable - PIF payments received in November that will be disbursed in December, e3communications expenses, dental insurance 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 - Annual administration fees; 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 = GAIN! Loan Funds, Municipal Funds, Grant Funds Received in Advance.

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

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

DRAFT

	Month to Date		YTD		2022	2022
	11/30/22	11/30/21	2022	2021	Board Appr. Budget	YTD % of Budget
<b><u>Operating Revenues:</u></b>						
Genesee County	\$ 19,459	\$ 19,459	\$ 214,051	\$ 214,050	\$ 233,513	92%
Genesee County - WFD	2,083	-	22,915	-	-	N/A
Fees - Projects	250	29,075	383,093	3,408,824	411,500	93%
Fees - Services	7,099	6,961	78,090	76,572	85,192	92%
Interest Income on Loans	211	258	2,540	3,057	2,744	93%
Rent	-	3,086	16,393	19,892	21,071	78%
Common Area Fees - Parks	-	-	373	355	360	104%
Grants (1)	82,809	(1,000)	4,231,366	6,322,616	8,891,710	48%
GGLDC Grant- Econ. Dev. Program Support	25,000	25,000	275,000	275,000	300,000	92%
GCFC Grant - Econ. Dev. Program Support	-	-	328,388	-	-	N/A
Land Sale Proceeds	-	-	67,500	2,091,880	-	N/A
BP <sup>2</sup> Revenue	-	-	22,693	1,342	27,454	83%
Other Revenue	-	-	1,390	2,159	5,000	28%
<b>Total Operating Revenues</b>	<b>136,911</b>	<b>82,839</b>	<b>5,643,792</b>	<b>12,415,747</b>	<b>9,978,544</b>	<b>57%</b>
<b><u>Operating Expenses</u></b>						
General & Admin	119,397	224,915	1,243,454	1,274,149	1,506,112	83%
Professional Services	1,500	8,044	61,663	52,944	108,500	57%
Site Maintenance/Repairs	-	501	5,171	5,333	39,500	13%
Property Taxes/Special District Fees	-	-	3,518	5,850	2,690	131%
PIF Expense	82,809	-	126,105	102,174	143,157	88%
Site Development Expense (2)	-	-	2,456,204	4,392,139	2,393,289	103%
Cost of Land Sales	-	-	5,775	611,303	-	N/A
Real Estate Development (3)	-	-	2,593,671	2,580,573	6,060,211	43%
Balance Sheet Absorption	-	-	(2,593,671)	(2,580,573)	-	N/A
<b>Total Operating Expenses</b>	<b>203,706</b>	<b>233,460</b>	<b>3,901,890</b>	<b>6,443,892</b>	<b>10,253,459</b>	<b>38%</b>
<b>Operating Revenue (Expense)</b>	<b>(66,795)</b>	<b>(150,621)</b>	<b>1,741,902</b>	<b>5,971,855</b>	<b>(274,915)</b>	
<b><u>Non-Operating Revenue</u></b>						
Other Interest Income	13,659	1,030	27,614	7,702	5,500	502%
<b>Total Non-Operating Revenue</b>	<b>13,659</b>	<b>1,030</b>	<b>27,614</b>	<b>7,702</b>	<b>5,500</b>	<b>502%</b>
<b>Change in Net Assets</b>	<b>(53,136)</b>	<b>(149,591)</b>	<b>1,769,516</b>	<b>5,979,557</b>	<b>\$ (269,415)</b>	
<b>Net Assets - Beginning</b>	<b>21,406,147</b>	<b>18,004,903</b>	<b>19,583,495</b>	<b>11,875,755</b>		
<b>Net Assets - Ending</b>	<b>\$ 21,353,011</b>	<b>\$ 17,855,312</b>	<b>\$ 21,353,011</b>	<b>\$ 17,855,312</b>		

**Significant Events:**

1. Grants - PIF from RJ Properties (Liberty Pumps) supports Apple Tree Acres Infrastructure improvements (school portion); PIF from Yancey's Fancy supports Infrastructure Fund Agreement with the Town of Pembroke (School PILOT portion); YTD includes \$448K Community Benefit Agreement payment dedicated to STAMP by sourcing debt service payments to the County; PIF payments from RJ Properties (Liberty Pumps) and Yancey's Fancy (County/Town portion); National Grid grant supports marketing and development activities for STAMP; ESD \$33M & \$8M Grants support STAMP engineering, environmental, legal, infrastructure, etc.

2. Site Development Expense - Installation of, or improvements to, infrastructure that is not owned by the GCEDC, or will be dedicated to a municipality in the foreseeable future, is recorded as site development expense when costs are incurred.

3. Real Estate Development Costs - Includes STAMP development costs.

**Genesee County Economic Development Center  
November 2022 Dashboard  
Statement of Cash Flows**

DRAFT

	November 2022	YTD
<b>CASH FLOWS PROVIDED (USED) BY OPERATING ACTIVITIES:</b>		
Genesee County	\$ 21,542	\$ 258,509
Fees - Projects	2,750	701,993
Fees - Services	-	63,892
Interest Income on Loans	292	2,435
Rent	-	18,802
Common Area Fees - Parks	-	373
Grants	82,809	2,439,135
BP <sup>2</sup> Revenue	-	22,693
GGLDC Grant - Economic Development Program Support	-	225,000
GCFC Grant - Economic Development Program Support	-	328,388
Land Sale Proceeds - Net	-	61,725
Other Revenue	-	1,390
Repayment of Loans	6,174	50,967
General & Admin Expense	(99,330)	(1,184,439)
Professional Services	(1,500)	(72,480)
Site Maintenance/Repairs	-	(5,171)
Site Development	-	(2,595,129)
Property Taxes/Special District Fees	-	(3,518)
PIF Expense	-	(43,296)
Improv/Additions/Adj to Land Held for Development & Resale	-	(2,970,311)
Net Cash Provided (Used) By Operating Activities	12,737	(2,699,042)
<b>CASH FLOWS USED BY NONCAPITAL FINANCING ACTIVITIES:</b>		
Principal Payments on Loan	-	(295,000)
Net Cash Used By Noncapital Financing Activities	-	(295,000)
<b>CASH FLOWS PROVIDED BY INVESTING ACTIVITIES:</b>		
Interest Income (Net of Remittance to ESD)	15,755	31,660
Net Change in Cash	28,492	(2,962,382)
Cash - Beginning of Period	16,815,688	19,806,562
Cash - End of Period	\$ 16,844,180	\$ 16,844,180
<b>RECONCILIATION OF NET OPERATING REVENUE (EXPENSE) TO NET CASH USED BY OPERATING ACTIVITIES:</b>		
Operating Revenue (Expense)	\$ (66,795)	\$ 1,741,902
Depreciation Expense	55	601
(Increase) Decrease in Operating Accounts/Grants Receivable	(31,941)	276,865
Decrease in Prepaid Expenses	14,078	35,368
Decrease in Loans Receivable	6,174	50,967
Increase in Land Held for Development & Resale	-	(2,593,671)
Increase (Decrease) in Operating Accounts Payable	88,225	(456,115)
Increase in Accrued Expenses	360	37,433
Increase (Decrease) in Unearned Revenue	2,581	(1,792,392)
Total Adjustments	79,532	(4,440,944)
Net Cash Provided (Used) By Operating Activities	\$ 12,737	\$ (2,699,042)

**AGREEMENT BETWEEN  
GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER  
AND  
COUNTY OF GENESEE  
FOR 2023**

THIS AGREEMENT made effective the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
by and between the **COUNTY OF GENESEE**, a municipal corporation organized and existing un-  
der and by virtue of the laws of the State of New York and having its principal office at 15 Main  
Street, Batavia, New York, 14020, (hereinafter "County"), and the **GENESEE COUNTY  
ECONOMIC DEVELOPMENT CENTER**, organized pursuant to Section 895-3 of the General  
Municipal law, with its principal office located at 99 MedTech Drive, Suite 106, Batavia, New York,  
14020 (hereinafter "GCEDC").

WHEREAS, it is in the best interest of the County that the many advantages of Genesee  
County be promoted to those who may be interested in establishing, maintaining or expanding busi-  
ness and industry in the County of Genesee, in order to create new employment opportunities and to  
maintain a healthy economy and,

WHEREAS, equally as important is the ability to retain within the County the employment  
already located there and,

WHEREAS, the GCEDC is organized for the purpose of promoting and encouraging eco-  
nomic development within the County and,

WHEREAS, the Genesee County Legislature and the Genesee County Economic Develop-  
ment Center are desirous of consummating a partnership agreement for continuing an energetic and  
continuing program of promoting industrial and economic development and enhancing the economic  
climate of Genesee County and,

WHEREAS, the purpose of this Agreement is to carry out in a legal and proper manner the



provisions of Section 852 of the General Municipal Law of the State of New York, which Section does authorize the County to appropriate funds for the purpose of encouraging industrial development within the County.

NOW, THEREFORE, in consideration of the agreements and promises herein contained the parties hereto do hereby agree as follows:

1. The GCEDC agrees that it will continue to employ a professional staff which will maintain a continuing program of identifying, locating and contacting business and industrial prospects who may be interested in establishing or expanding their business, manufacturing and/or industrial facilities within the County of Genesee and in connection therewith the GCEDC agrees that it will maintain up-to-date factual data on all aspects of the County of Genesee for use in promoting the advantages of the County.
2. The GCEDC will, through its professional staff, conduct an ongoing local business and industry expansion and retention program. As part of this program, the GCEDC will maintain close and frequent contact and communication with local businesses including industrial firms.
3. The GCEDC will assist prospective business and industrial employers in packaging financial assistance from a variety of public and private sources as appropriate for the construction of new or expanded facilities which will result in additional employment opportunities for residents of Genesee County.
4. The GCEDC will keep the County informed of its operations through the County Legislature's representative member of the GCEDC, by means of joint meetings which either party might request and through the submission of its proposed annual budget and annual report as set forth more particularly in Paragraph 7 herein.
5. The GCEDC will, through its professional staff, coordinate with the Director of the Genesee County Planning Department in implementing this program of economic development, particularly as it relates to a Land Use Plan which has been developed for Genesee County.
6. In full payment for the services to be performed by GCEDC as set forth herein, the County hereby agrees to pay and GCEDC hereby agrees to accept from the County, the sum of Two Hundred Thirty-Three Thousand Five Hundred and Thirteen Dollars (\$233,513.00), plus an additional sum of Twenty-five Thousand dollars (\$25,000.00) to be used only for Administration of a workforce development program, which are currently the amounts designated to be paid to GCEDC in the County's 2023 budget.
7. Said payments will be made to the GCEDC upon submission of vouchers by the GCEDC in the form required by the County monthly in equal amounts.
8. Notwithstanding the total amount due to GCEDC as set forth above that was budgeted by the County, the County shall have the right in its sole discretion, upon twenty-one days

- (21) prior written notice to GCEDC, to be delivered by first class postal mail and/or electronic mail, to prospectively increase or decrease any or all of the monthly payments due and owing; provided however, that no such financial revisions shall be effective retroactively for any amounts already paid by the County to GCEDC.
9. It is intended by both GCEDC and the County that the GCEDC's status shall be that of an independent contractor, and that nothing in this Agreement shall be construed to create an employer/employee relationship between GCEDC and the County.
  10. GCEDC, in accordance with its status as an independent contractor, covenants and agrees that it will conduct itself consistent with such status, that it will neither hold itself out as, nor claim to be, an officer or employee of the County by reason hereof, and that GCEDC will not, by reason hereof, make any claim, demand or application to or for any right or privilege applicable to any officer or employee of the County including, but not limited to worker's compensation coverage, unemployment insurance benefits, social security coverage or retirement membership or credit; and GCEDC will be completely legally responsible for all of its employees.
  11. If the Internal Revenue Service or any other governmental agency questions or challenges the GCEDC's independent contractor status, then it is agreed that both the County and GCEDC shall have the right to participate in any conference, discussion, or negotiation with the governmental agency, irrespective of with whom, or by whom, such discussion or negotiations are initiated.
  12. GCEDC shall perform all of its duties and services as set forth in this Agreement in compliance with all applicable federal, state and local laws, rules and regulations.
  13. GCEDC hereby agrees to indemnify, defend and hold harmless the County from and against all claims, losses, costs and damages (hereinafter collectively "Claims") arising out of any activities of GCEDC pursuant to the terms and conditions of this Agreement, including the cost of settling and defending any actions brought against the County. Each party shall provide the other party with timely notice of any Claims received and shall fully cooperate with each other to defend the same.
  14. This Agreement and any transactions between the parties hereunder shall be governed by, construed and interpreted in accordance with the laws of the State of New York.

15. There are no other agreements or understandings, either oral or written, between the parties affecting this Agreement. No changes, additions or deletions of any portions of this Agreement shall be valid or binding upon the parties hereto, unless approved in writing by the parties.
16. The term of this Agreement shall commence on January 1, 2023 and will end on December 31, 2023.
17. The GCEDC agrees to submit to the County its Proposed Annual Budget for the year 2024 not later than September 1, 2023.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed by their duly authorized officers and their corporate seals to be affixed as of the day and year first above written.

COUNTY OF GENESEE

GENESEE COUNTY  
ECONOMIC DEVELOPMENT CENTER

By: Rochelle M. Stein, Chair  
Genesee County Legislature

By: \_\_\_\_\_, Chairman  
Genesee County Economic Development Center

STATE OF NEW YORK )  
COUNTY OF GENESEE ) SS:

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_\_\_, before me the undersigned, personally appeared Rochelle M. Stein \_\_\_\_\_, Genesee County Legislature Chair, 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 she executed the same in her capacity, and that by her signature on the instrument, the entity or individual upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK )

COUNTY OF GENESEE ) SS:

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_\_\_, before me the undersigned, personally appeared \_\_\_\_\_, Genesee County Economic Development Center Chairman, 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 entity or individual upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**GCEDC**  
**Audit & Finance Committee Meeting Report**  
**January 10, 2023**

**3f. Shared services agreement with Erie County Industrial Development Agency**

**Discussion:** The GCEDC has a shared services agreement with Erie County Industrial Development Agency (ECIDA) for on call IT support services. The GCEDC had this agreement since 2016 and has been very pleased with the service and response time to our issues. We would like to continue this agreement in 2023. The agreement is at an hourly rate of \$95. They also provide website hosting services for the GCEDC (\$600 annually), anti-virus software (\$720 annually), CRM Hosting (\$2,200 annually) and any version upgrade would be \$500 each occurrence as required. There has been no increase in the hourly rate since 2016 and there was a \$10 per hour increase from 2021 to 2022. There are no changes from 2022 to 2023. All other amounts have remained the same as last year.

The following amounts were included in the 2023 budget:

Professional Services - \$6,500 for ECIDA IT consultant (web hosting, anti-virus, hourly IT support)  
Dues & Subscriptions - \$2,500 for ECIDA CRM Hosting

**Fund commitment:** Not to exceed \$6,500 as included in the Professional Services, and \$2,500 as included in Dues & Subscriptions line items of the 2023 budget.

**Committee action request:** Recommend approval of not to exceed \$9,000 for on call IT support services, website hosting, anti-virus software, CRM hosting and upgrades with ECIDA for 2023.



**Service Agreement**  
*For*  
***Information Technology Support***

January 1, 2023

## Purpose

The purpose of this Service Agreement is to formalize an arrangement between ECIDA and GCEDC to deliver specific support services at an agreed-upon cost. The mission of the ECIDA is to provide resources that encourage investment, innovation and international trade – creating a successful business climate that improves the quality of life for the residents of the region. We feel that this agreement serves to further that mission. This document is intended to provide details of the provision of support services to GCEDC. This Service Agreement will evolve over time, with additional knowledge of the client requirements, as well as the introduction of new hardware, software and services into the support portfolio provided to and from GCEDC.

## Scope of Agreement

The following services are provided in response to the initiation of a support ticket from GCEDC staff to ECIDA support staff:

- 1.) Helpdesk support
- 2.) Software and hardware maintenance
- 3.) Security review and support
- 4.) Backup system review and support
- 5.) Server systems review, maintenance and support
- 6.) Network systems management and support
- 7.) Additional specialized software support
  - a. Peachtree
  - b. Microsoft CRM
  - c. Sophos Endpoint Protection
  - d. Others
- 8.) Website
  - a. Online application
  - b. FTP
  - c. Hosting
- 9.) Overall monitoring of hardware, software and network

Services and requests NOT covered under this agreement:

- 1.) Procurement of software or hardware
- 2.) Training
- 3.) Assistance with non-licensed or illegally obtained software

## Changes to the Agreement

### *Termination*

In the event that GCEDC or ECIDA wishes to terminate this agreement, 30-day notice of intent to terminate must be delivered to the opposite party. Any termination of the agreement prior to the conclusion of a project will not relieve GCEDC of the obligation to pay the fees owed to ECIDA for services performed and other charges owed to the ECIDA as agreed to in this Service Agreement.

### *Amendments*

This agreement may be amended at any time. Any amendments must be agreed upon by designated management from GCEDC and ECIDA.

## Process

In order to initiate a support ticket, GCEDC may use the following methods:

- 1.) Phone Call – Please leave the following information if you reach voicemail
  - a. Name
  - b. Best contact number
  - c. Available contact times
  - d. Short description of issue
  - e. Preferred method of return contact (email/phone)
  
- 2.) Email – Please include the following information
  - a. Best contact number
  - b. Available contact times
  - c. Detailed description of issue
  - d. Preferred method of return contact (email/phone)

Any major service requests requiring more than 8 hours will need approval from designated management at each organization.

ECIDA management reserves the right to prioritize any support requests.

## Metrics

ECIDA will keep a log of support requests and resolutions. This log shall include the following information:

- 1.) Service summary
- 2.) Current status (In progress/complete)
- 3.) Service start date
- 4.) Service completed date
- 5.) Client contact (user requesting the service)

Upon request, the ECIDA will make a copy of this log available as an Excel spreadsheet.

## Availability

Support staff will be available during normal ECIDA hours of operation. Any requests for service outside of designated hours must be approved by designated ECIDA management. Support staff will make their best effort to notify GCEDC main point of contact when vacation or personal time is scheduled in advance.



## Costs

**Hourly Rate:** \$95, minimum charge of ½ hour. **(Quarterly Billing)**

**Travel:** Current Federal mileage reimbursement rate for privately owned vehicle.

### **Website Hosting:**

\$50/mo for hosting **(\$600 Annual Invoice)**

- 1 Virtual Server instance (1 virtual processor, 1GB of RAM)
- 50GB of storage
- 1 x Concrete5 Site
- 1 x SQL Database
- Nightly Backup
- Off-Site Disaster Recovery Backup
- Lease of 1 static public IP address

*\*\*Upon notice of termination of hosting from either contracted entity, client will have 90 days to move the site(s) to a new host.*

### **Anti-Virus Software:**

\$720/yr for the use of Endpoint Protection Software (Anti-Virus) licenses. **(\$720 Annual Invoice)**

- Coverage for up to 10 PCs
- Installation and software support
- Management of alerts, remediation and license renewals

**Microsoft CRM Hosting (Appendix A):** \$2200 **(Annual Invoice)**, \$500 major version upgrade fee **(as required)**

Billing will occur as noted above for each item. Invoices are payable within thirty (30) days of receipt.

## Key Contacts

ECIDA – 95 Perry Street, Suite 403, Buffalo, NY 14203

716-856-6525

Brian Krygier – Systems Analyst (Support requests) x 501

Atiqa Abidi – Senior Accountant (Billing requests) x 122

Mollie Profic – Chief Financial Officer (Approval and change requests) x 123

GCEDC – 99 MedTech Drive, Suite 106, Batavia, NY 14020

585-343-4866

\_\_\_\_\_ (Main point of contact)

\_\_\_\_\_ (Billing contact)

\_\_\_\_\_ (Approval and change requests)

GCEDC

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

ECIDA

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

## Appendix A

### Microsoft CRM Hosting Detail (3-year term)

The Erie County Industrial Development Agency agrees to host a live instance of Microsoft CRM for Genesee County Economic Development Center according to the terms outlined below.

GCEDC will pre-pay \$2200 annually to ECIDA which will include:

- 1.) Security updates and software patches
- 2.) Nightly backup to ECIDA on-site storage
- 3.) Twice a week backup to encrypted off-site storage
- 4.) Server maintenance (other than software)
- 5.) Power and cooling
- 6.) Internet bandwidth

GCEDC will pay a \$500 version upgrade fee, as applicable, to ECIDA which will include:

- 1.) Major version upgrade of GCEDC CRM instance
- 2.) 6 non-transferrable user client access licenses for ECIDA's Windows Server, SQL Database Server and CRM Server
- 3.) Configuration of backup to include upgraded GCEDC CRM data
- 4.) Configuration of DNS for external access changes to <https://gcedc.ecidany.com>
- 5.) Upgrade and configuration assistance of Outlook CRM plug-in
- 6.) Import of customizations into upgraded GCEDC CRM instance

Additional users beyond the initial setup will be assessed and charged on a per user basis using current pricing information. Additional users may impact the annual fee. Notice of such an increase will be given along with cost information prior to setting up any additional users.

A copy of the ECIDA backup policy is available by request.

These terms will be in effect for 3 years, at which time ECIDA reserves the right to re-evaluate the annual fee based on system usage and backup capacity. If either party must terminate this agreement during the 3-year term, ECIDA agrees to provide GCEDC with their exported CRM customizations and SQL data. 30-day written notice must be provided by the party wishing to terminate the agreement. The file(s) will be provided within 7 days of termination and would allow GCEDC to continue running their instance either in-house or with CRM online. Licensing is non-transferrable from ECIDA and would not accompany the two files. If either party must terminate the agreement, a portion of the \$2200 annual fee will be returned on a prorated basis.

## **STAMP Site visualization Services**

**Discussion:** In conjunction with the March 2021 Letter of Resolution between NYSDEC, SHPO and the GCEDC, any project at STAMP that requires a discharge permit for stormwater from NYSDEC must complete an assessment of potential impacts to the Nation's Territory. This proposal will be to prepare a visual assessment for the construction of the substation. This will include photo simulations along with line-of-sight profiles. This will also include the visual assessment for the GCEDC in connection with certain proposed and future infrastructure improvements and facilities at STAMP.

**Fund Commitment:** \$4,750 from the \$33 million.

**Board Action Request:** Approval of payment of \$4,750 to Saratoga Associates for the visual assessment and profiles.

# SARATOGA ASSOCIATES

Landscape Architects, Architects,  
Engineers, and Planners, P.C.

November 22, 2022

Matthew Fitzgerald  
Associate  
Phillips Lytle, LLP  
One Canalside  
125 Main Street  
Buffalo, NY 14203-2887

**Re:** Proposal Submission – Additional Project Visualization Services – GCEDC STAMP Site

Dear Mr. Fitzgerald:

Saratoga Associates is pleased submit this proposal to provide additional project visualization services for the Genesee County Economic Development Council (GCEDC) Science & Technology Advanced Manufacturing Park (STAMP) site. We understand the primary need is to depict the degree of potential visibility and general visual character of structures depicted on the “STAMP – Master Utility Plan – Onsite Infrastructure” (“Master Plan”), dated November 2022. We further understand that the primary emphasis of the assessment will be on views from the abutting Tonawanda Seneca Nation’s Territory (“Nation’s Territory”), with secondary emphasis on views from the Hamlet of Alabama and Routes 63 and 77.

## **PRIMARY SCOPE OF SERVICES**

### **Project 1 – Visualization of Substation from Nation’s Territory**

Saratoga Associates previously provided virtual visualizations of the proposed “112 Line” as viewed from the Nations Territory. To simulate the degree of visibility of structures envisioned in the Master Plan we would revise the previously prepared 3D model data and provided visualizations from the same vantage points. Visualizations would depict proposed buildings from three vantage points at four incremental vegetative setback distances; no setback, 50-foot setback, 100-foot setback and 200-foot set-back from the STAMP/Nation’s Territory property line.

### **Project 2 – Visualization from Hamlet of Alabama and Routes 63 and 77**

Saratoga Associates will provide conceptual photo simulations illustrating the likely degree of visibility and general visual character of the proposed building two off-site vantage points to the northeast of the STAMP property.

Photo simulations will be prepared by superimposing a rendering of a three-dimensional computer model of proposed buildings into existing conditions photographs taken previously. This proposal does not contemplate need for additional site photography.

# SARATOGA ASSOCIATES

Matthew Fitzgerald

November 22, 2022

Page 2 of 3

The 3D computer model of the Master Plan Structures will be developed in AutoDesk Civil 3D® and 3D Studio Max® software. The 3D model will be built to a conceptual level of detail commensurate with the best design information currently available for this project.

Simulated perspectives will be aligned with the corresponding base photograph by matching the precise X, Y, and Z coordinates of the field camera position (as recorded by GPS) and the focal length of the camera lens used. The camera's target position will be established by aligning common elements visible in both the digital model and actual photograph (e.g., existing regional topography and/or structures within view). The 3D model will be rendered using sunlight settings approximating the date and time of day the base photograph was taken. To the extent practicable, design details (e.g., precise location, elevation, dimension, form and color) of the proposed facility will be built into the 3D model and incorporated into the photo simulation.

Simulations will be provided in PDF format. Page size will be 11"x17" format on a descriptive title block. One (1) draft will be submitted to the project sponsor for review prior to the final document.

For the purpose of this proposal, we assume up to three (3) simulated vantage points representative of views from the hamlet of Alabama and Routes 63 and 77 will be provided.

Task 3 – Summary Document - Saratoga Associates will provide a brief written report documenting the methodology used to develop project visualizations and summarizing potential project visibility from the adjacent property.

## ESTIMATED FEE AND TERMS

Project 1 – Visualization from Nation's Territory	\$2,000
Task 2 – Visualization from Hamlet of Alabama and Routes 63 and 77	\$2,000
Task 3 – Summary Document	<u>\$750</u>
Total	\$4,750

Saratoga Associates will complete the above scope of service on a time and materials basis with a not-to-exceed budget as presented above. Any work requested exceeding the Scope of Work, or beyond the fee proposed above, must be approved in writing by an authorized representative of the project sponsor before such work is undertaken by Saratoga Associates. Reimbursable expenses will be invoiced at cost plus 10%.

**SARATOGA**  
ASSOCIATES

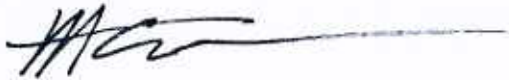
Matthew Fitzgerald  
November 22, 2022  
Page 3 of 3

**PROJECT SCHEDULE**

Saratoga Associates anticipates that the proposed Scope of Services shall be completed no later than January 5, 2023.

If you have any questions or require clarification, please do not hesitate to call.

Very truly yours,



Matthew W. Allen, RLA  
Principal  
Saratoga Associates  
SARATOGA ASSOCIATES  
Landscape Architects, Architects, Engineers, and Planners, P.C.