



REPORT OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY’S PUBLIC HEARING OF EXCELSIOR ENERGY CENTER, LLC PROJECT, HELD ON MONDAY, APRIL 19, 2021 3:00 P.M. AT THE GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER, 99 MEDTECH DRIVE, BATAVIA, NEW YORK, GENESEE COUNTY, NEW YORK AND ELECTRONICALLY VIA VIDEO CONFERENCE

I. ATTENDANCE

- Mark Masse, Sr. VP of Operations – GCEDC
- Penny Kennett, Operations Manager - GCEDC
- Jim Krencik, Director of Marketing and Communications – GCEDC
- Lauren Casey, Finance Assistant – GCEDC
- Eric Zuber (Town of Byron Councilman)
- Jim Lamkin
- Patty Andalora Kent
- Peter Yasses (Town of Byron Supervisor)
- Richard Colby (Landowner participating with Excelsior Energy Center, LLC Project)
- Barbie Starowitz (Farmer & Landowner participating with Excelsior Energy Center, LLC Project)
- James Vincent (Retired President & CEO of L-Brooke Farms)
- Paul Boylan
- D. Leaton
- Chuck Hoover
- (585) 738-0726
- (607) 331-4800
- (646) 469-6695
- (585) 739-5609

II. CALL TO ORDER

The public hearing of Excelsior Energy Center, LLC Project was opened at 3:00 pm electronically via video conference.

PLEASE NOTE SPECIAL PUBLIC HEARING CONDUCT INSTRUCTIONS AND INFORMATION:

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company’s project Application, which is also available for viewing on the Agency’s website at: <https://www.gcedc.com/index.php/news/gcedc-approved-projects>

However, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the Agency will not be able to accommodate any in-person public attendance or participation at this hearing. Nonetheless, and in furtherance of the provisions of Section 859-a of the Act requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, the Agency will broadcast the Public Hearing live: <https://zoom.us/j/96249279547>, with written comments accepted on that platform in real time. In addition, the Agency will provide public access to provide oral comments in real time via conference bridge at telephone number: 1-929-205-6099, passcode 962 4927 9547. The Agency also encourages all interested parties to submit written comments to the Agency, which will be included within the public hearing record. Any written comments may be sent to GCEDC, Attention: Mark Masse, Senior Vice President of

Operations, 99 MedTech Drive, Suite 106, Batavia, New York 14020, and/or via email at mmasse@gcedc.com no later than Wednesday, April 21, 2021.

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**

Excelsior Energy Center, LLC project is a 280MW (AC) solar generation system located in the Town of Byron that will be interconnected with the electric grid. The estimated capital investment of this large-scale renewable energy project is \$345.55M.

The project will provide enhanced property tax payments via a 20-year PILOT and host benefit agreements that will contribute fiscally at a significantly greater level than the current agricultural-vacant land property tax payments currently being made that are associated with the project. The project will contribute \$6,500/MW in total PILOT/host benefit payments annually with a 2% annual escalator over the 20-year term.

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

Incentives are estimated at \$32,786,600 over the 20-year project horizon. Benefits to the project include a sales tax exemption of \$11,288,287 and property tax exemption of \$21,498,313.

IV. **COMMENTS**

M. Masse began the public hearing by introducing himself as the Sr. VP of Operations of the Genesee County Economic Development Center. He then stated the purpose and guidelines for the public hearing. The purpose of the public hearing is to solicit comments and feedback from the public regarding the proposed incentives on the above outlined project. It is not a question-and-answer session.

Prior to the public hearing, M. Masse received letters from Barbie Starowitz and Richard Colby, as well as an email from James Vincent. M. Masse read these comments for those in attendance. Copies of the letters and email are attached to the minutes.

Richard Colby stated that in addition to his comments that he previously submitted, he also sent pictures of solar farms that he would like to be included as a supplement to the public hearing. Copies of the pictures are attached to the minutes.

Eric Zuber from Byron stated his dissatisfaction about the solar project as well as his overall concern for transparency regarding the project. He stated that he did not have sufficient time to prepare a written comment because he did not know that the public hearing was taking place until the day before its scheduled date. He cited this as example to illustrate the lack of transparency. Eric Zuber also stated that he had several concerns about the project, which are outlined below:

- 1) Environmental impact due to the location of the solar project
- 2) Impact on dairy
- 3) Waste coming out of OATKA
- 4) Negative carbon effect
- 5) Overall negative impact to the Town, County and State.

Barbie Starowitz made comments in response to Eric Zuber's concerns. She stated that there are

options/solutions to mitigate some of the concerns that he cited, and these have been discussed with him prior to the public hearing.

M. Masse stated that comments should relate to the proposed incentives.

J. Krencik provided ample opportunity for all attendees to speak. There were no additional comments made.

M. Masse concluded by stating that any additional written comments may be sent via email to gcedc@gcedc.com until Wednesday, April 21, 2021. Any additional comments received by this time will be presented to the Board, in addition to those comments stated tonight.

On Monday, April 19, James Vincent submitted comments that he intended to make at the public hearing but was not able to due to technical difficulties. These comments are attached to the minutes.

V. ADJOURNMENT

The public hearing was closed at 3:25 pm.



NOTICE LETTER
EXCELSIOR ENERGY CENTER, LLC PROJECT

April 2, 2021

VIA CERTIFIED MAIL

To: Chief Executive Officers of
Affected Taxing Jurisdiction Listed on Attached Schedule A

Re: Genesee County Industrial Development Agency d/b/a Genesee County
Economic Development Center and Excelsior Energy Center, LLC:
Public Hearing

Ladies and Gentlemen:

On Monday, April 19, 2021, at 3:00 p.m., local time, 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. Enclosed is a copy of the Notice of Public Hearing describing the project and the financial assistance being contemplated by the Agency. The Notice has been submitted to *The Daily News* for publication.

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application, which is also available for viewing on the Agency's website at: gcedc.com/index.php/news/gcedc-approved-projects.

However, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the Agency will not be able to accommodate any in-person public attendance or participation at this hearing. Nonetheless, and in furtherance of the provisions of Section 859-a of the Act requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, the Agency will broadcast the Public Hearing live on a video conference at: <https://zoom.us/s/96249279547>, with written comments accepted on that platform in real time. In addition, the Agency will provide public access to provide oral comments in real time via conference bridge at telephone number: 1 929 205 6099, Meeting ID 962 4927 9547. Online livestreaming of the public hearing will be available at <https://vimeo.com/531792653>.

The Agency also encourages all interested parties to submit written comments to the Agency, which will be included within the public hearing record. Any written comments may be sent to GCEDC, Attention: Mark Masse, Senior Vice President of Operations, 99 MedTech Drive, Suite 106, Batavia, New York 14020, and/or via email at gcedc@gcedc.com, with the subject line being "Excelsior Energy", no later than Wednesday, April 21, 2021.

The public hearing is being conducted pursuant to Section 859-a of the General Municipal Law. 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

Enclosure

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law (the "Act") will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Monday, April 19, 2021, at 3:00 p.m., local time, in connection with the matter described below. **PLEASE NOTE THE SPECIAL PUBLIC HEARING LOGISTICS AND INSTRUCTIONS INCLUDED AT THE END OF THIS NOTICE.**

Excelsior Energy Center, 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") requesting the Agency's assistance with a project (the "Project") consisting of: (i) the acquisition by the Agency of fee title to or a leasehold interest in certain parcels of real property located in the Town of Byron, Genesee County, New York (the "Land", being more particularly described as a portion of certain tax parcels more fully identified on Schedule 1 below, as may be subdivided and/or modified from time to time); (ii) the planning, design, construction and operation of a 280MWac PV solar electrical generation system and a 20MWac/4-hour duration energy storage 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 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 leasehold interests will be terminated. The Agency contemplates that it will 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 Facility and (b) a mortgage recording tax exemption as authorized by the laws of the State of New York, consistent with the policies of the Agency, and (c) a partial real property tax abatement structured within a Tax Agreement (collectively, the "Financial Assistance").

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Schedule A

Chief Executive Officers
of Affected Tax Jurisdictions

Via Certified Mail

No. 9489-0090-0027-6207-3503-19

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

Via Certified Mail

No. 9489-0090-0027-6207-3503-26

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

Via Certified Mail

No. 9489-0090-0027-6207-3503-33

Town of Byron
Attn: Town Supervisor
P.O. Box 9
7028 Byron Holley Road
Byron, New York 14422

Via Certified Mail

No. 9489-0090-0027-6207-3503-40

Byron-Bergen Central Schools
Attn: Superintendent
6917 West Bergen Road
Bergen, New York 14416

Via Certified Mail

No. 9489-0090-0027-6207-3503-57

Byron-Bergen Central Schools
Attn: Board of Education President
6917 West Bergen Road
Bergen, New York 14416

The Agency also encourages all interested parties to submit written comments to the Agency, which will be included within the public hearing record. Any written comments may be sent to GCEDC, Attention: Mark Masse, Senior Vice President of Operations, 99 MedTech Drive, Suite 106, Batavia, New York 14020, and/or via email at gcedc@gcedc.com, with the subject line being "Excelsior Energy", no later than Wednesday, April 21, 2021.

Dated: April 6, 2021

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

Schedule 1

SBL: 4.-1-11.1 Address: Tower Hill Road	SBL: 6.-1-16.111 Address: Caswell Road	SBL: 8.-1-4 Address: Byron Road
SBL: 4.-1-27.11 Address: Route 262	SBL: 6.-1-19.213 Address: 7271 Byron Road	SBL: 8.-1-5 Address: Byron Road
SBL: 6.-1-6 Address: Route 262	SBL: 6.-1-25.1 Address: Cockram Road	SBL: 8.-1-38.1 Address: Walkers Corners Road
SBL: 6.-1-5.1 Address: Route 262	SBL: 6.-1-33.111 Address: Cockram Road	SBL: 8.-1-19.12 Address: Walkers Corners Road
SBL: 6.-1-43.1 Address: Byron Road	SBL: 6.-1-28.111 Address: Cockram Road	SBL: 8.-1-17.12 Address: Walkers Corners Road
SBL: 6.-1-42.1 Address: Byron Road	SBL: 6.-1-26.2 Address: Bank Street Road	SBL: 8.-1-10.2 Address: Caswell Road
SBL: 6.-1-42.2 Address: Byron Road	SBL: 6.-1-26.1 Address: Bank Street Road	SBL: 7.-1-73.1 Address: Caswell Road
SBL: 6.-1-37.1 Address: Bank Street Road	SBL: 8.-1-1.2 Address: Bank Street Road	SBL: 9.-1-2.2 Address: Caswell Road
SBL: 6.-1-15.2 Address: Cockram Road	SBL: 6.-1-22 Address: Byron Road	SBL: 5.-2-58.11 Address: Route 262
SBL: 6.-1-44 Address: Cockram Road	SBL: 8.-1-2.2 Address: Byron Road	SBL: 5.-2-54.1 Address: Route 262
SBL: 6.-1-14 Address: Byron Road	SBL: 8.-1-29 Address: Walkers Corners Road	SBL: 7.-1-46.111 Address: Route 237
SBL: 6.-1-13.12	SBL: 8.-1-28	SBL: 7.-1-47.11

Address: Caswell Road	Address: Walkers Corners Road	Address: 6548 Route 262
SBL: 6.-1-13.111 Address: 7022 Caswell Road	SBL: 8.-1-26.1 Address: Walkers Corners Road	SBL: 7.-1-103.1 Address: 6902 Ivison Road
SBL: 6.-1-52 Address: Byron Road	SBL: 8.-1-3 Address: Byron Road	SBL: 7.-1-65.12 Address: Route 237
SBL: 7.-1-66.1 Address: Route 237	SBL: 7.-1-60.113 Address: Gillett Road	SBL: 7.-1-111 Address: Ivison Road
SBL: 6.-1-37.2 Address: 6999 Bank Street Road		

STAR GROWERS FARM LLC
7500 Starowitz Road
Elba NY 14058
(585) 343-1443

April 19, 2021

Dear GCIDA:

I am a farmer and landowner participating with the Excelsior Energy Center.

After graduating Byron-Bergen high school I invested in farmland and so did members of my family here in Byron, NY. I have made a good life working on my family's farm and hope that I can continue to do so and that the generations that follow me can as well. The Excelsior Energy Center will not only support our farm for generations to come, but it will also provide new local revenue and new local jobs for our community.

Over the next 20 years, the Excelsior Energy Center anticipates providing approximately \$37.4 million to the Town of Byron, the Byron-Bergen Central School District and Genesee County.

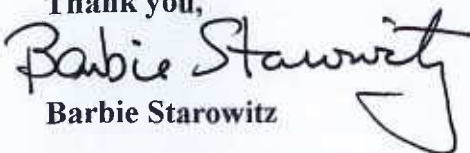
In addition, the project anticipates creating approximately 290 full-time equivalent jobs during construction and has committed to hiring 90% of the employees working on the project site, excluding construction project management, from the local labor force as defined by Genesee County Economic Development Center.

Farmers are trying to diversify so they can continue to stay in business in the future. Each crop year we rely heavily on the weather. But for so many of these years it is either too wet or too dry. Crops have been suffering, low yields, bad quality and so on. But a farmer must still come up with the money to pay the expenses. The advantage of a clean solar energy income will help the farms to survive. It will help reduce economic pressures faced by farmers and encourage an approach that does not permanently remove land from agricultural production. Excelsior Energy Center supports farmers' right to use their land appropriately to support the viability of their businesses.

Lastly, the Excelsior team's commitment to community input is unmatched. Project representatives have attended and hosted many community events, such as monthly meetings at the Byron Hotel, general information session with the Genesee County First Responders, talking to neighbors to obtain local feedback and so on. All of this in an effort to help make this the best possible project for our community.

The Byron community of over 2,300 people can and will benefit from the Solar Project. Working together is a positive thing for the whole community and our future generations.

Thank you,


Barbie Starowitz

Richard Colby GCEDC Statement

Good afternoon. My name is Richard Colby. I am a landowner participating with the Excelsior Energy Center.

I grew up on a large family run diversified farm. In my teens and early 20's, I occasionally tilled the soil and harvested crops from the some of the very land that is being developed for solar. Colby Homestead Farms is still going strong with the 8th generation producing fresh market milk and potatoes in addition to many other crops.

Farming along with the land use has changed over the decades. Technological improvements, improved plant varieties, fertilizers, and the tractors made further changes to the land use and viewscape of the town of Byron. Today every home I know of in Byron has electricity. 100 years (or so) ago, no one had electricity in their home.

I see using solar to produce electricity as another export crop converting sunshine to usable energy. The Excelsior Energy Center is a good and necessary change, and it will provide new local revenue and new local jobs for our community.

But, *"It will impact our home values!"* the neighbors exclaim. I agree, over the next 20 years, the Excelsior Energy Center will provide the Town, Byron-Bergen Central School District and Genesee County with significant funding. This will enable many public enhancements to the community, which I believe, will drive up the values and make it not only that people want to live, but also stay in Byron.

And, the project anticipates creating approximately 290 full-time equivalent jobs during construction and has committed to hiring 90% of the employees working on the project site, excluding construction project management. This would be a short term inconvenience but a significant "boon" to local businesses (restaurants ect.). I see it as adding a bit of excitement to the town.

Furthermore, the entire town isn't going to be covered with solar panels, on my property as an example, about 1/3 of the land will be outside the fence, much of it highly accessible along existing roads. In total, Excelsior Energy Center's solar panels will cover less than half of the Project's fenced area. I am looking at new and different uses of these strips and buffers, from U-pick fruits to nursely stock and I have even researched installing a Hopps yard to have a locally sourced input for beer brewing.

Once built, Excelsior will be complementary to the rural residential and existing agricultural land uses. Not to mention it will bring tremendous benefits to our community through new revenue, new local construction jobs and support for farms in our community.

I would like to thank you again for the chance to speak on behalf of this project today. I also want to thank all of those who dialed in to listen to my remarks and others. Thank you for your time.

Penny Kennett

From: lbrookefarms@rochester.rr.com
Sent: Monday, April 19, 2021 1:23 PM
To: 'gcedc@gcedc.com'
Cc: 'Ed@consultgemini.com'
Subject: Excelsior Energy

We would like to submit the following comment to the GCIDA - Excelsior Public Hearing:

We are advocates of green energy, integrated technology and the many advantages the Excelsior Solar Project represents. Not just because of having some of our lands involved in these solar leases, but what a dynamic and steady income stream means to our farm business model, providing for a vehicle for long term reinvestment, succession planning and diversification.

Agriculture is challenged by low commodity prices, global trade policy, a diminishing labor pool, government regulation and an unfair tax burden. Alternative sources of income are absolutely essential if our farm businesses and the associated land base are to be sustained and provide opportunity for future generations.

Respectfully,

Jim Vincent
L-Brooke Farms & Affiliates

Penny Kennett

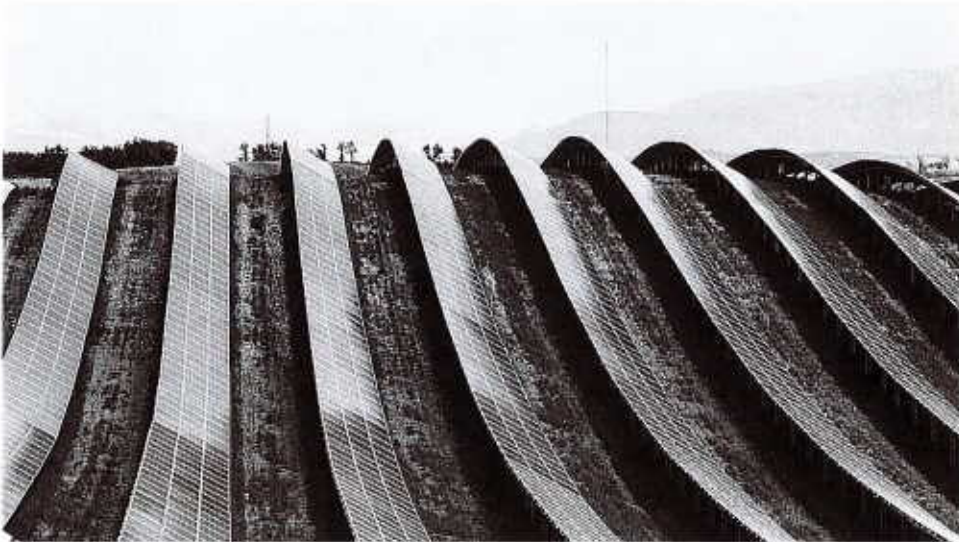
From: Richard Colby <rcolby85@gmail.com> on behalf of Richard Colby
Sent: Monday, April 19, 2021 1:45 PM
To: gcedc@gcedc.com
Subject: Re: Excelsior Energy Apr 19

Thanks, another add for today as pictures can quickly communicate a lot, quickly, if this could be included:

<https://www.euronews.com/living/2021/04/15/these-are-the-11-most-beautiful-solar-farms-in-the-world>

1st my comparison:

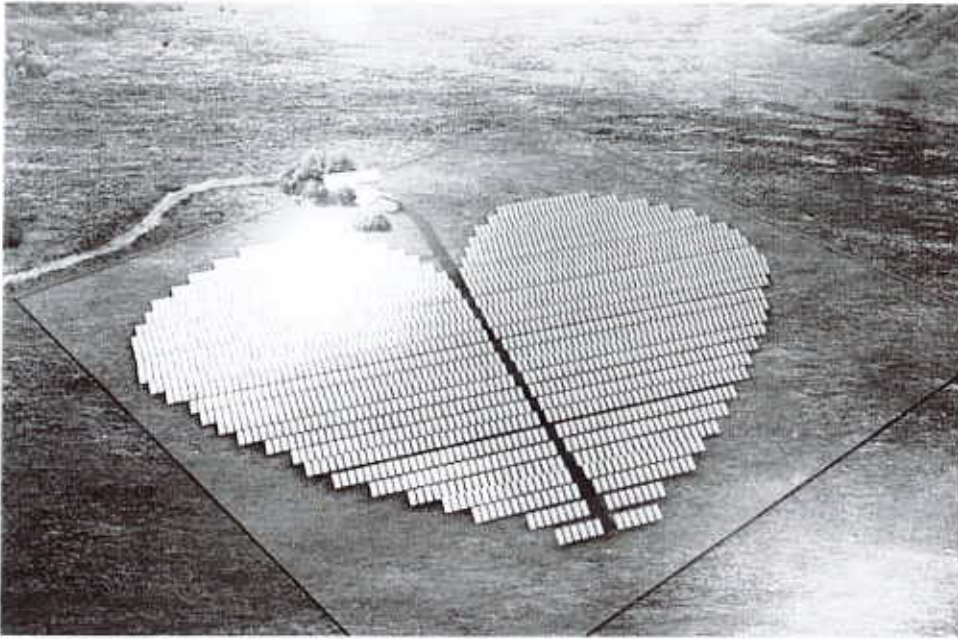
Alpes-de-Haute-Provence, France



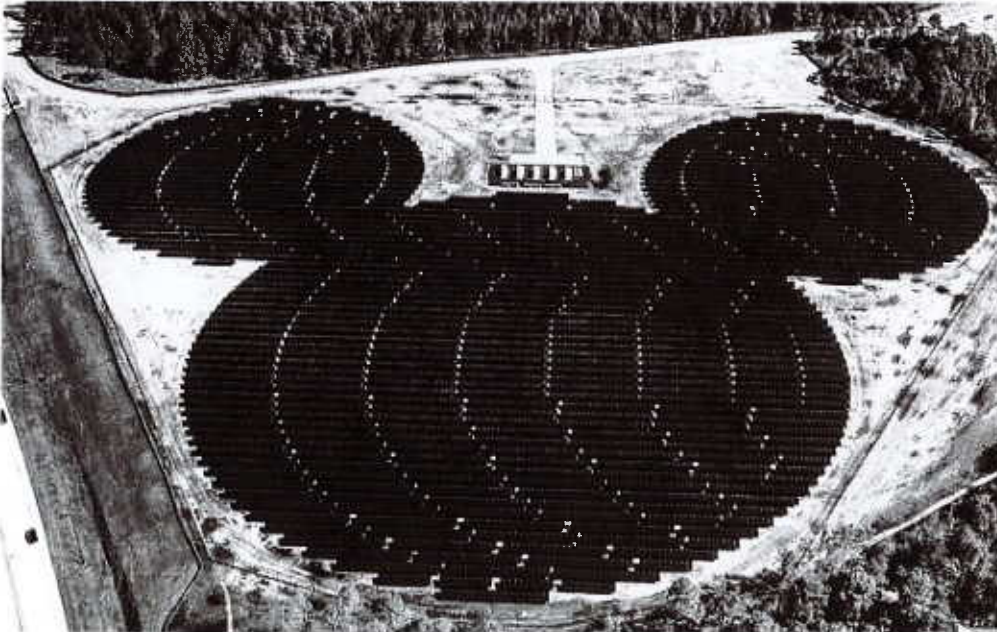
vs: Western New York Vineyard



Artwork



Advertising - Good Mickey



On Mon, Apr 19, 2021 at 1:38 PM <gcedc@gcedc.com> wrote:

This will be presented at the public hearing.

**Excelsior Energy Center
Public Hearing
Monday, April 19 at 3 p.m.**

Video Conferencing

<https://zoom.us/j/96249279547>

Audio Conferencing

Dial +1 929 205 6099

Webinar ID: 962 4927 9547

Vimeo Livestreaming

<https://vimeo.com/531792653>

Thank you,

Penny C. Kennett

Operations Manager

Genesee County Economic Development Center

99 MedTech Drive | Batavia, New York 14020-3141

Office: (585) 343-4866, Ext. 19 | Fax: (585) 343-0848

Email: pkennett@gcedc.com | Website: www.gcedc.com



From: Richard Colby <rcolby85@gmail.com>

Sent: Monday, April 19, 2021 1:28 PM

To: gcedc@gcedc.com

Subject: Excelsior Energy Apr 19

I plan on connecting with today's meeting and make comments along the line of the attached statement.

Richard Colby
7 Chesterbrook Lane

(585) 352-1455

Richard Colby
7 Chesterbrook Lane
(585) 352-1455

Excelsior Public Statement Hearing

My name is James Vincent, retired President and CEO of L-Brooke Farms, Inc. and associated companies. During my tenure of over 55 + years our farming operation has grown from 500 acres to over 7500 acres encompassing lands in six counties of Western NY. We are advocates of green energy, integrated technology and the many advantages the Excelsior Solar Project represents. Not just because of having some of our lands involved in these solar leases, but what a dynamic and steady income stream means to our farm business model, providing for a vehicle for long term reinvestment, succession planning and diversification.

It goes without saying these are unprecedented and challenging times, not only for our farm business, the Town of Byron, Byron-Bergen School District, Genesee County but for our economy and rural lifestyle. As a former town Supervisor and my numerous County positions in planning, infrastructure resources and economic development; I know first-hand the driver that a diverse and healthy agriculture can provide to local economies. We pay over \$200,000 in local and school district taxes each year. We understand that in New York we will have good education, great medical care and strong social services, but basing it on real estate taxation puts us at an unfavorable competitive position. The community will benefit with this project providing benefits that should translate into less tax burden for agriculture, Host Benefit Packages and a PILOT Agreement.

The importance of having solar for agriculture and associated services furthers our history of success in having diversity for our farm business. Our involvement in many different agriculture sectors: dairy, fruit, vegetables, equipment and associated services both for the production and processing of our land's bounty have provided opportunity for growth and sustainability.

Today that growth, sustainability and the very survival of agriculture is challenged by low commodity prices, global trade policy, a diminishing labor pool, government regulation and an unfair tax burden. Alternative sources of income are absolutely essential if our farm businesses and the associated land base are to be sustained and provide opportunity for future generations. My experience on bank board's leadership roles with the Farm Service Agency of USDA and The Farm Credit System have taught me the value of defined income streams and budgeting for reinvestment for fragile family farm businesses.

Land use planning and the preservation of agriculture lands are paramount to farm and community sustainability. As former Chair of the New York State Advisory Council on Agriculture, I see a tremendous parallel these solar leases provide to land conservation and the investment New York State makes yearly in the Purchase of Development Rights, ensuring future generations will have land to farm, when leases are terminated or technology makes them obsolete.

I see solar farms as additional technology that has driven US Agriculture to be the envy of the World. The Green revolution is here to stay and climate change is real, through 25 plus years; culminating as Chairman of the National Council of Agricultural Research Extension and Teaching, has exposed me to the promise and opportunities that we must garner to remain viable for our farms and communities.

My Grandfather said the most important thing a farmer can put on his land, is his shadow. It capitalizes on light from the sun, I hope we and our community are allowed to do the same.

Penny Kennett

From: lbrookefarms@rochester.rr.com
Sent: Monday, April 19, 2021 4:10 PM
To: 'gcedc@gcedc.com'
Subject: RE: Excelsior Energy
Attachments: GCEDC - NEXT ERA HEARING COMMENTS.docx

Good Afternoon,

I was planning on speaking during the public statement hearing today, but I could not get my phone off mute to read my statement, so I am attaching it. My cell phone was joined in as (585) 738-0726.

Thank you,

Jim Vincent

From: gcedc@gcedc.com
To: lbrookefarms@rochester.rr.com
Cc:
Sent: Monday April 19 2021 1:38:26PM
Subject: RE: Excelsior Energy

This will be presented at the public hearing.

**Excelsior Energy Center
Public Hearing
Monday, April 19 at 3 p.m.**

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Agriculture is challenged by low commodity prices, global trade policy, a diminishing labor pool, government regulation and an unfair tax burden. Alternative sources of income are absolutely essential if our farm businesses and the associated land base are to be sustained and provide opportunity for future generations.

Respectfully,

Jim Vincent

L-Brooke Farms & Affiliates