



# Genesee County Economic Development Center Meeting Agenda

Thursday, October 7, 2021

Location: Innovation Zone Conference Room, Suite 107

**PAGE #**

- 1.0 Call to Order 4:00pm**
  - 1.1 Enter Executive Session 4:00pm**

Motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 for the following reasons:

    - 1. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
    - 2. Discussions regarding proposed, pending or current litigation.
  - 1.2 Enter Public Session 4:40pm**
- 2.0 Chairperson's Report & Activities 4:40pm**
  - 2.1 Upcoming Meetings:**

**Next Scheduled Board Meeting: Thursday, October 28<sup>th</sup> at 4:00 p.m.**  
Audit & Finance Committee Meeting: Tuesday, October 26<sup>th</sup> at 8:30 a.m.  
STAMP Committee Meeting: Tuesday, October 26<sup>th</sup> at 10:30 a.m.
  - 2.2 Agenda Additions / Deletions / Other Business \*\*Vote**
  - 2.3 Minutes: September 9, 2021 \*\*Vote**
- 3.0 Report of Management – 4:45pm**
  - 3.1 J&R Fancher Property Holdings – Final Resolution \*\*Vote – C. Suozzi**
  - 3.2 Gateway GS, LLC – Scrivner's Error – M. Masse**
  - 3.3 GLOW With Your Hands Recap– J. Krencik**
- 4.0 Audit & Finance Committee – M. Gray 4:55pm**
  - 4.1 August 2021 Financial Statements \*\*Vote**
  - 4.2 Land Lease Rates \*\*Vote**
- 5.0 Governance & Nominating Committee – C. Yunker 5:00pm**
  - 5.1 Pricing Policy – PILOT Assignment \*\*Vote**
- 6.0 STAMP Committee – P. Zeliff 5:05pm**
  - 6.1 Survey Bids for Work at STAMP \*\*Vote**
  - 6.2 Proposal to Update the Land Management Plan \*\*Vote**
  - 6.3 STAMP Substation Letter of Intent \*\*Vote**
- 7.0 Employment & Compensation Committee – T. Bender 5:10pm**
  - 7.1 Nothing at this time.**
- 8.0 Housing Committee – P. Battaglia 5:10pm**
  - 8.1 Nothing at this time.**
- 9.0 Other Business 5:10pm**
  - 9.1 Nothing at this time.**
- 10.0 Adjournment 5:10pm**

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**GCEDC Board Meeting  
Thursday, September 9, 2021  
Location: Innovation Zone  
4:00 PM**

**GCEDC MINUTES**

**Attendance**

Board Members: C. Yunker, M. Clattenburg, P. Zeliff, M. Gray  
Staff: L. Farrell, M. Masse, J. Krencik, S. Hyde, C. Suozzi, P. Kennett, L. Casey  
Guests: S. Noble-Moag (GGLDC Board Member), G. Torrey (GGLDC Board Member), D. Cunningham (GGLDC Board Member), M. Landers (County Manager)  
R. Crossen (Town of Alabama Supervisor), B. Quinn (Daily News), M. Pettinella (The Batavian) John Johnston & Jeff Purdy (NY Bus Sales), C. Cook (Liberty Pumps)  
Via Video Conference - A. Walters (Phillips Lytle)  
Absent: A. Vanderhoof, P. Battaglia, T. Bender

**1.0 Call to Order**

P. Zeliff called the meeting to order at 4:02 p.m. in the Innovation Zone.

**Presentation – Valiant Real Estate** - Valiant Real Estate USA, Inc. is proposing to build a new 20,000 sq. ft. facility on the corner of Saile Drive and Call Parkway in the Town of Batavia.

The project is investing \$4.5 million and is pledging to create 24 FTEs with an average salary range of \$30,000-\$75,000 annually plus benefits.

The company currently has a location in Rochester that they lease but is small and does not have the ability to expand. Constructing a new building in Genesee County will allow them to be centrally located between Buffalo and Rochester.

G.Torrey entered the meeting at 4:12 p.m.

**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 4:14 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.

B. Quinn (Daily News), M. Pettinella (The Batavian), John Johnston and Jeff Purdy (NY Bus Sales) left the meeting at 4:14 p.m.

A. Walters with Phillips Lytle video conferenced into the meeting and spoke with the Board during executive session. A. Walters left the meeting at 4:22 p.m.

**1.2 Enter Public Session**

M. Clattenburg made a motion to enter back into public session at 4:52 p.m., seconded by M. Gray and approved by all members present.

**2.0 Chairman’s Report & Activities**

**2.1 Upcoming Meetings:**

**Next Scheduled Board Meeting: Thursday, October 7<sup>th</sup> at 4:00 p.m.**

Audit & Finance Committee Meeting: Tuesday, October 5<sup>th</sup> at 8:30 a.m.

STAMP Committee Meeting: Tuesday, October 5<sup>th</sup> at 10:30 a.m.

Charlie Cook (Liberty Pumps) joined the meeting at 4:52 p.m.

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

**C. Yunker made a motion to remove agenda item 5.3, Pricing Policy – PILOT Assignment; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Battaglia - Absent	C. Yunker - Yes
T. Bender - Absent	P. Zelif - Yes
M. Clattenburg - Yes	M. Gray - Yes
A. Vanderhoof – Absent	

**The item was approved as presented.**

**2.3 Minutes: August 5, 2021**

**C. Yunker made a motion to approve the August 5, 2021 minutes as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Battaglia - Absent	C. Yunker - Yes
T. Bender - Absent	P. Zelif - Yes
M. Clattenburg - Yes	M. Gray - Yes
A. Vanderhoof – Absent	

**The item was approved as presented.**

**3.0 Report of Management**

P. Zelif asked staff to begin the Report of Management portion of the agenda with a *discussion only* item as M. Gray briefly left the meeting.

**3.4 GLOW With Your Hands – September 28, 2021** - J. Krencik provided an overview of the career exploration event that will be held on September 28, 2021, at the Genesee County Fairgrounds in Batavia. The event will host about 700 students and introduce them to local manufacturers, agricultural

businesses, skilled trades organizations, and the food and beverage industry to learn about career paths and do hands-on demonstrations.

M. Gray returned to the meeting at 4:54 p.m.

**3.1 Liberty Pumps - Final Resolution** - Liberty Pumps is expanding their operation in the Town of Bergen at Apple Tree Acres industrial park.

The company is planning on constructing a warehouse and manufacturing space of 107,138 sf to support continuing growth of Liberty Pumps.

The project is investing \$13.7 million and is pledging to create 30 FTEs with an average salary of \$52,000 annually plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$911,273), and a sales tax abatement (\$578,160).

A public hearing was held on August 26, 2021. No written or oral comments were received.

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

Resolution No. 09/2021 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON AUGUST 26, 2021, WITH RESPECT TO THE LIBERTY PUMPS, INC. (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, AND (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

**C. Yunker made a motion to accept final resolution #09/2021-01, authorizing incentives as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

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

**The item was approved as presented.**

**3.2 Valiant Real Estate – Initial Resolution** - Valiant Real Estate USA, Inc. is proposing to build a new 20,000 sq. ft. facility on the corner of Saile Drive and Call Parkway in the Town of Batavia.

The project is investing \$4.5 million and is pledging to create 24 FTEs with an average salary range of \$30,000-\$75,000 annually plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$160,320), a sales tax abatement (\$224,800), and a mortgage tax exemption (\$45,000).

Resolution No. 09/2021 - 02

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

M. Masse stated that in accordance with general municipal law, a notice of abandonment was sent to the Town Supervisor of the Town of Henrietta because Valiant Real Estate (NY Bus Sales) is vacating a facility there.

**C. Yunker made a motion to accept initial resolution #09/2021-02, authorizing the acceptance of the application and scheduling of a public hearing; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

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

**The item was approved as presented.**

**3.3 J&R Fancher Property Holdings – Initial Resolution** - J&R Fancher Property Holdings, LLC is proposing to construct a two-story mixed-used building on 2.6 buildable acres at Buffalo East Technology Park in Pembroke, NY.

The \$1.7 million project includes the following:

1. Create 6 market rate 1-bedroom and 2-bedroom apartments on the second floor plus a detached 6 bay garage.
2. Create a "vanilla" box interior space on the first floor (7,000 sq. ft.) to attract commercial tenants that will comprise less than 1/3 of total project cost\*.

Total planned square footage of new construction is 14,000 sq. ft.

Two recent studies, one by LaBella Associates, the Genesee County Housing Needs Assessment, and one by The Rockefeller Institute of Government (SUNY's Think Tank), Generating Growth in Genesee County, identify housing availability as Genesee County's biggest challenge to fully realize the value of

the economic development strategy that is in-place and being implemented. LaBella reported that 4,800 units are needed in next 20 years across multiple sectors, including rental units and single-family homes.

The GCEDC is assisting the project with Sales tax exemption (\$72,000), Mortgage Tax Exemption (\$14,000) and Property Tax abatement (\$168,336).

\*Note: The project is allowable Under § 862-a of GML. An IDA is limited in its ability to provide financial assistance to projects where facilities "that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost". The housing portion of this project will be greater than two-thirds of the total project cost.

Resolution No. 09/2021 - 03

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

**M. Gray made a motion to accept initial resolution #09/2021-03, authorizing the acceptance of the application and the scheduling of a public hearing; the motion was seconded by C. Yunker. Roll call resulted as follows:**

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

**The item was approved as presented.**

**4.0 Audit & Finance Committee**

**4.1 July 2021 Financial Statements** - L. Farrell reviewed the July 2021 financial statements with the Board. The following was noted:

- The Ellicott Station Project closed in July. Unrestricted cash increased because we collected \$285,000 in origination fees.
- There were no GURFs submitted in July.
- Other than the above-mentioned items, there is normal monthly activity on the income statements for all funds.

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

**M. Gray made a motion to approve the July 2021 Financial Statements as presented; the motion was seconded by T. Bender. Roll call resulted as follows:**

P. Battaglia - Absent	C. Yunker - Yes
T. Bender - Absent	P. Zeliff - Yes

M. Clattenburg - Yes  
A. Vanderhoof – Absent

M. Gray - Yes

**The item was approved as presented.**

**4.2 2022 GCEDC Budget** – L. Farrell stated that the Board packet included a PowerPoint presentation that summarizes the assumptions that were made in the 2022 Budget. She also noted that the County funding request will remain at the same level.

The Audit & Finance Committee completed a detailed review of 2022 budget assumptions and 2021 projections.

This was recommended for approval by the Committee.

**M. Gray made a motion to approve the 2022 GCEDC Budget; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Battaglia - Absent	C. Yunker - Yes
T. Bender - Absent	P. Zelif - Yes
M. Clattenburg - Yes	M. Gray - Yes
A. Vanderhoof – Absent	

**The item was approved as presented.**

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

The GCEDC Staff had requested a quote for the costs related to the LandPro project. A copy of the application for incentives was sent to Loewke Brill for them to calculate the fee. They submitted a proposal that totaled \$13,060 which included 16 site inspections, monthly reporting, one-time set up fee and estimated waiver processing fees.

These prices are based on estimated schedules. The period was determined by what the projects listed for the duration of construction in their applications. After reviewing these numbers, staff has the following recommendation:

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

Fund Commitment: \$11,910.

This was recommended for approval by the Committee contingent upon receiving clarification that 1) LandPro will be responsible for paying their portion of the costs directly to Loewke Brill or 2) those costs will run through the GCEDC.

M. Masse determined that LandPro will pay the costs that they will be responsible for directly to Loewke Brill. Those costs will not run through the GCEDC.

**M. Gray made a motion to approve the proposal from Loewke Brill Consulting for the LandPro Project; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

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

**The item was approved as presented.**

**4.4 Loewke Brill Consulting Contract for Liberty Pumps Project** – At the October 1, 2019 meeting, the GCEDC staff presented a sample proposal from Loewke Brill Consulting Group, Inc. on how they could assist companies that will have to report to the GCEDC under the local labor reporting requirements, including assistance with waiver requests and finding local contractors to bid their projects.

The GCEDC Staff had requested a quote for the costs related to the Liberty Pumps project. A copy of the application for incentives was sent to Loewke Brill for them to calculate the fee. They submitted a proposal that totaled \$8,925, which included 15 site inspections, monthly reporting, one-time set up fee and estimated waiver processing fees.

These prices are based on estimated schedules. The period was determined by what the projects listed for the duration of construction in their applications. After reviewing these numbers, staff has the following recommendation:

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

Fund Commitment: \$7,775.

This was recommended for approval by the Committee contingent upon receiving clarification that 1) Liberty Pumps will be responsible for paying their portion of the costs directly to Loewke Brill or 2) those costs will run through the GCEDC.

M. Masse determined that Liberty Pumps will pay the costs that they will be responsible for directly to Loewke Brill. Those costs will not run through the GCEDC.

**M. Gray made a motion to approve the proposal from Loewke Brill Consulting for the Liberty Pumps Project; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

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



A. Vanderhoof – Absent

The item was approved as presented.

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

**5.1 GGLDC Board Member Appointment** – C. Yunker stated that there is a vacancy on the GGLDC Board due to Phil Call's resignation. C. Yunker stated that the Committee recommends that Jonathan Tretter, Director and CPA at Freed Maxick, is appointed to the GGLDC Board to replace Phil Call.

**C. Yunker made a motion to appoint Jonathan Tretter to the GGLDC Board to replace P. Call as an independent member; the motion was seconded by M. Gray. Roll call resulted as follows:**

P. Battaglia - Absent	C. Yunker - Yes
T. Bender - Absent	P. Zelif - Yes
M. Clattenburg - Yes	M. Gray - Yes
A. Vanderhoof – Absent	

The item was approved as presented.

**5.2 Travel & Discretionary Funds Policy** – The policy has been redlined to denote the recommended changes. Section 4C - Appropriate Expenditure Guidance as it relates to Food and Beverage and Special Events / Employee Recognition has been amended. Currently, per policy, the Agency's food and beverage purchases are limited to business travel and during the conduct of Agency Board and Committee meetings. The recommended changes will allow the Agency to provide food & beverages to board members, officers, employees, guests, or visitors to support the mission of the Agency in addition to travel and meetings. Authorized officials must continue to exercise prudent business judgement when reviewing and approving expenditures for food and beverages.

**C. Yunker made a motion to approve the amended Travel & Discretionary Funds Policy as presented; the motion was seconded by M. Gray. Roll call resulted as follows:**

P. Battaglia - Absent	C. Yunker - Yes
T. Bender - Absent	P. Zelif - Yes
M. Clattenburg - Yes	M. Gray - Yes
A. Vanderhoof – Absent	

The item was approved as presented.

**5.3 Pricing Policy – PILOT Assignment** – This agenda item was removed.

**6.0 STAMP Committee – P. Zelif**

**6.1 Nothing at this time.**

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

**7.1 Nothing at this time.**

**8.0 Housing Committee – P. Battaglia**

**8.1 Nothing at this time.**

**9.0 Other Business**

**10.0 Adjournment**

As there was no further business, M. Gray made a motion to adjourn at 5:06 p.m., which was seconded by C. Yunker and passed unanimously.



Project Name: Liberty Pumps/RJ Properties

Board Meeting Date: August 5, 2021

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

### PROJECT DESCRIPTION:

Liberty Pumps is expanding their operation in the Town of Bergen at Apple Tree Acres industrial park.

The company is planning on constructing a warehouse and manufacturing space of 107,138 sf to support continuing growth of Liberty Pumps.

The project is investing \$13.7 million and is pledging to create 30 FTEs with an average salary of \$52,000 annually plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$911,273), and a sales tax abatement (\$578,160).

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

**Project details:** The project will create 30 FTEs with an average salary of \$52,000 annually + benefits

**Board Discussion:** None.

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

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Absent	P. Zelff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Absent		

**The item was approved as presented.**

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

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

**Project details:** The project will enhance long term tax base with an investment of \$13.7 million and build an additional 107,000 sf facility.

**Board Discussion:** None.

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

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

**The item was approved as presented.**

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

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

**Project details:** N/A

**Board Discussion:** None.

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

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

**Board Discussion:** None.

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

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

**The item was approved as presented.**

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

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

**Project details:** N/A

**Board Discussion:** None.

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

**Project details:** The project is planning to begin construction in Fall of 2021 and be operational by end of 2022.

**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 -	Absent	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Absent		

**The item was approved as presented.**

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

MM  
8/20/2021

**Customer Information**

Potential Customer:	J & R Fancher Property Holding, LLC	Opportunity Type:	Attraction
Proj. St. Address:		Opportunity Product:	Property Sales & Mortgage Recording Taxes Only
City/Town/Village:	//Pembroke	Type of Project:	Attraction
Proj. Description:	2021 Fancher Lot 3	New Jobs:	
Total Capital Investment:	\$1,700,000	Retained Jobs:	
Incentive Amount:	\$254,336	School District:	Pembroke
Benefited Amount:	\$1,700,000	PILOT Applicable:	

**Project Information**

Organization:			
Opportunity Source:	Direct/Personal Contact	Date of Public Hearing:	tbd
Initial Acceptance Date:	9/9/2021 12:00:00 AM	Inducement Date:	9/9/2021 12:00:00 AM

**Opportunity Summary:** J&R Fancher Property Holdings, LLC is proposing the to construct a two-story mixed-used building on 2.6 buildable acres at Buffalo East Technology Park in Pembroke, NY. The \$1.7 million project includes the following:

1. Create 6 market rate 1-bedroom and 2-bedroom apartments on the second floor plus a detached 6 bay garage.
2. Create a "vanilla" box interior space on the first floor (7,000 sq. ft.) to attract commercial tenants that will comprise less than 1/3 of total project cost\*.

Total planned square footage of new construction is 14,000 sq. ft. Two recent studies by LaBella Associates – the Genesee County Housing Needs Assessment - and The Rockefeller Institute of Government (SUNY's Think Tank) – Generating Growth in Genesee County – identify housing availability as Genesee County's biggest challenge in order to fully realize the value of the economic development strategy that is in-place and being implemented. LaBella reported that 4,800 units are needed in next 20 years across multiple sectors, including rental units and single-family homes. The GCEDC is assisting the project with Sales tax exemption (\$72,000), Mortgage Tax Exemption (\$14,000) and Property Tax abatement (\$168,336).

\*Note: The project is allowable Under § 862-a of GML, an IDA is limited in its ability to provide financial assistance to projects where facilities "that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost".

**Economic Impact:** For every \$1 of public benefit, the company is investing \$4 into the local economy

**Project Detail (Total Capital Investment)**

Building Cost (Construction):	\$1,500,000	Capital Improvements:	\$0
Equipment (non-taxable):	\$0	Equipment (Taxable) / Other Proj Investment:	\$0
Land Cost (Real Estate):	\$200,000		
Total Capital Investment:	\$1,700,000		

**Estimated Benefits Provided**

Sales Tax Exempt:	\$72,000	Tax Exempt Bond:	\$0
Mortgage Tax Exempt:	\$14,000	Land Sale Subsidy:	\$0
Property Tax Exempt:	\$168,336		
Total Estimated Tax Incentives Provided:	\$254,336		
Total Amount Finance:	\$1,400,000		
Mortgage Amount:	\$1,400,000		

Based on an analysis of existing conditions, community and stakeholder input, as well as market data, the following recommendations provide short, medium and long term solutions to address Genesee County's housing and community development needs.

1. **Establish a single family, moderate income, owner occupied Countywide Housing Rehabilitation Program:** While some communities have applied independently for these programs, and some agencies provide funding for extremely low income individuals, there is a significant demand for individuals to upgrade their homes as there is limited supply of homes for those earning between 51-80% of HAMFI. The program should be county-wide to have the greatest impact and also realize efficiencies with administration.
2. **Establish a Rental Unit Rehabilitation Program County-Wide:** There are an estimated 2,975 renter units with housing problems. While a rental rehabilitation program is administratively difficult because it involves tracking incomes of renters who often move, it may be easier to start with larger landlords that have the capacity to help in obtaining income information.
3. **Require Aging in Place or Accessibility Improvements with Rehabilitation Programs:** As a minimum requirement of all rehabilitation programs require an assessment and implementation of improvements that will make units accessible for the population as it ages. This may be simple improvements like adding grab bars to more involved improvements like installing ramps. There should also be a focus on making those improvements in first floor apartments that limit the number of steps.
4. **Construct or Rehabilitate Accessible Apartments for Extremely Low Income Households, Elderly, and Veterans.** The demand exceeds the supply of extremely low income housing and there are multiple grant, funding and tax incentive programs that support very low income projects.
5. **Construct Market Rate Apartments:** There is a significant demand for market rate (non-subsidized) apartments for those households earning 80% or more of HAMFI. Moreover, all growth scenarios predict a change in consumer preferences for apartments.
6. **Construct New Moderate Income to Market Rate Owner Occupied Housing or Rehabilitate Older Units to Meet the Need:** There is significant demand for owner occupied units above \$100,000 (2015 dollars), with the exception of those in the \$200,000 - \$250,000 range.
7. **Prepare for and Support the Development of Smaller Owner Occupied Lots:** Both national trends and the study's community survey suggest that more residents are looking for smaller lots to reduce costs and maintenance.

8. **Construct/Rehabilitate Transitional Housing for Veterans** – With the exception of a handful of units available at the Veteran’s Administration campus, there is no transitional housing available in the County for Veterans.
9. **Build New Housing in Downtowns and Main Streets with sidewalks, trails, internet and amenities** – Almost 500 residents participated in County wide survey and a large majority indicated they would look for Downtown/Main Street locations if they were to move. Amenities such as trails, sidewalks and public transit were among the highest amenities requested. While not all housing options are appropriate or scalable to downtown, multi-family, townhome, small lot and rehabbed or re-repurposed housing options are suitable for downtown.
10. **Update Zoning Procedures and Prepare for Future Housing** – While a comprehensive review of municipal zoning ordinances and Comprehensive Plans suggested most communities promote most housing types, the reality is that some housing types, including multi-family housing, often gets rejected at the Planning, Zoning or Municipal board levels for various reasons. If the market demand for specific housing recommended in this report is not met, it could potentially stunt economic development efforts and promote out migration of current residents.
11. **Provide Incentives for Market Rate Housing** – Grants or tax incentives should be provided to promote new construction and rehabilitation. The Return on Investment to build new and rehabilitate existing housing units is low or negative.





# Client Company Investment Project Financial Assistance PROPOSAL

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

**Project Profile:**  
**Company:** Fancher 2021 Lot 3  
 Date: 8/25/21  
 Start Date:

**Inputs:**

building cost	\$ 1,500,000	non-mfg equipment	\$ 0
60% bldg cost + non mfg equip	\$ 900,000		
14,000 sq ft		Assessed \$/sqft	60.00

Project Cost subject to Sales Tax  
 Project Cost to be Financed via Mortgage  
 Estimated Assessed value of Real Property/Building upon completion\*  
 Jobs Created: next 3 years  
 Jobs Retained: next 3 years

**Applicable GCEDC Products:**  
**Financial Assistance: Cost Reduction Through Tax Savings: Sale/Leaseback (SLB):**

	1 Year View	3 Year View	Project Lifetime
Sales Tax Exemption (Savings):	\$ 72,000	\$ 72,000	\$ 72,000
Mortgage Tax Exemption (Savings):	\$ 14,000	\$ 14,000	\$ 14,000
Real Property Tax Abatement (PILOT):			
Average Abatement (savings %) over project life	40%		40%
PILOT Term in years	10		
Gross Property Tax Costs	\$ 28,056	\$ 84,168	\$ -
Payment Schedule (% Real Property Taxes Paid)			60%
Net Required Property Tax payments per PILOT	\$ -	\$ -	\$ -
PILOT Real Property Tax Savings (Next taxable year)	\$ 28,056	\$ 84,168	\$ 168,336
Total Tax Savings via Sale/Leaseback (SLB):	\$ 114,056	\$ 170,168	\$ 254,336

**Financing: Cost Reduction via low cost financing (below prime rate):  
 Revolving Loan Fund (RLF):**

	Term in mo	RLF APR	Prime + 1%
Loan Factors			
Interest Rate Savings	\$ -	\$ -	\$ -
Gross Cost Savings via GCEDC programs:	\$ 114,056	\$ 170,168	\$ 254,336

**Participation Fees (Costs):**

GCEDC Application Fee (non-refundable):	\$ 250
GCEDC Project Fee (% Total Project Cost)	\$ 21,250
Legal Fees: SLB (Contract Development, Documentation, Filing fees)	\$ 5,000
Legal Fees: RLF (Contract Development, Documentation, Filing fees):	\$ -
Total Participation Fees:	\$ 26,500

**Summary:**

Total Costs Savings / Benefits via GCEDC programs(after participation f	\$ 87,556	\$ 143,668	\$ 227,836	National Grid	Total Savings
Total Benefits as % Total Project Cost:	5%	8%	13%	\$ -	\$ 227,836
Return on Investment (ROI) = Net Savings / Participation Fees:	330%	542%	860%		

**NOTE: PILOT REAL PROPERTY TAX ABATEMENT EFFECTIVE DATE DEPENDS UPON DATE OF SALE LEASE BACK (SLB) CLOSING COMPARED TO MUNICIPALITIES TAXABLE STATUS DATE.**  
 1) IF SLB CLOSING PRIOR TO TAXABLE STATUS DATE - PILOT WILL BE EFFECTED IN FOLLOWING TAXABLE YEAR AND CURRENT YEAR TAX BILLS WILL BE ADJUSTED ACCORDINGLY.  
 2) IF SLB CLOSING IS SUBSEQUENT TO MUNICIPALITIES TAXABLE STATUS DATE - THERE WILL BE A 12 MONTH DELAY IN PILOT IMPLEMENTATION

**PLEASE PLAN CASH FLOW NEEDS ACCORDINGLY!**

Gross Property Tax Per Year \$ 28,056

Year of Exemption	% of Paid Taxes	Net Savings	Municipalities	
			Tax to be Paid	Total
1	20%	\$22,445	\$ 5,611	\$28,056
2	20%	\$22,445	\$ 5,611	\$28,056
3	20%	\$22,445	\$ 5,611	\$28,056
4	30%	\$19,639	\$ 8,417	\$28,056
5	30%	\$19,639	\$ 8,417	\$28,056
6	30%	\$19,639	\$ 8,417	\$28,056
7	50%	\$14,028	\$ 14,028	\$28,056
8	50%	\$14,028	\$ 14,028	\$28,056
9	70%	\$8,417	\$ 19,639	\$28,056
10	80%	\$5,611	\$ 22,445	\$28,056
Total	40%	\$168,336	\$112,224	\$280,560

## Cost-Benefit Analysis for Fancher Lot 3

Prepared by Genesee County Economic Development Center using informAnalytics

MAN  
8/24/20

# Executive Summary

## INVESTOR

J & R Fancher  
Property Holding  
LLC

## TOTAL JOBS

0 Ongoing;  
15 Temporary

## TOTAL INVESTED

\$1.7 Million

## LOCATION

Route 5 and  
Brickhouse Rd,  
Pembroke, NY  
14036

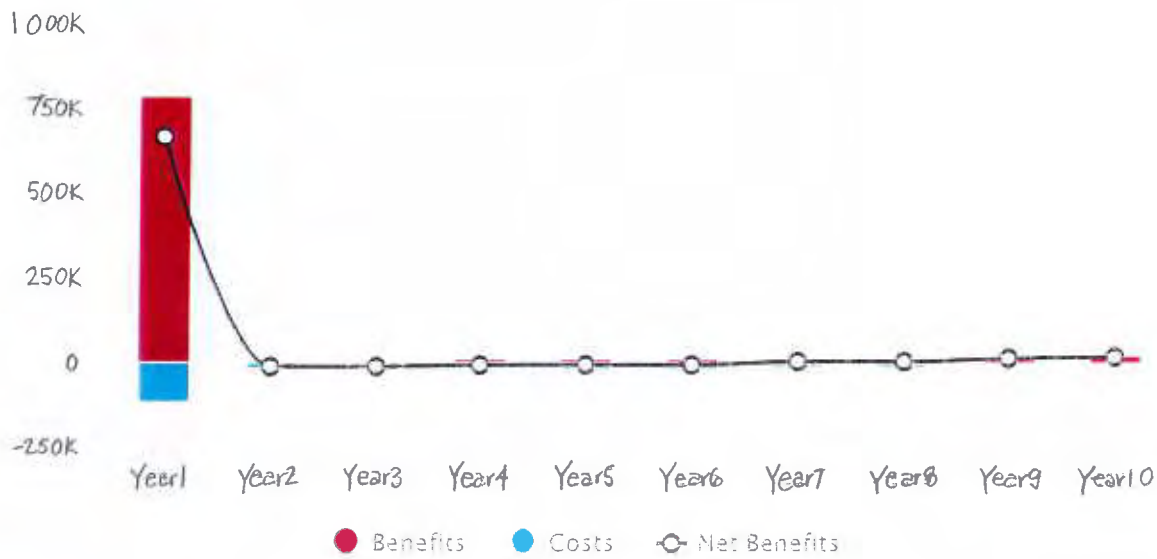
## TIMELINE

10 Years

FIGURE 1

Discounted\* Net Benefits for Fancher Lot 3 by Year

Total Net Benefits: \$638,000



Discounted at 2%

FIGURE 2

Total Jobs



FIGURE 3

Total Payroll



# Proposed Investment

J & R Fancher Property Holding LLC proposes to invest \$1.7 million at Route 5 and Brickhouse Rd, Pembroke, NY 14036 over 10 years. Genesee County Economic Development Center staff summarize the proposed with the following: Constructing a mixed used 2 story building with 6 apartments on the 2nd floor comprising over 70% of the capital investment and 7,000 sq. ft. "vanilla box" for commercial space on the first floor. The project will include a detached 6 bay garage.



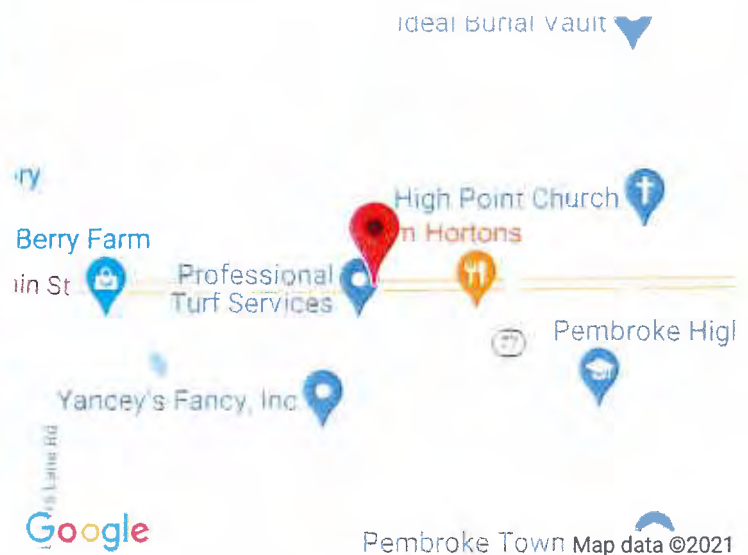
## Proposed Investments

Description	Amount
<b>CONSTRUCTION SPENDING</b>	
14,000 sq. ft.	\$1,500,000
<b>OTHER SPENDING</b>	
Land and soft cost	\$200,000
<b>Total Investments</b>	<b>\$1,700,000</b>
Discounted Total (2%)	\$1,700,000

May not sum to total due to rounding.



## Location of Investment



# Cost-Benefit Analysis

A cost-benefit analysis of this proposed investment was conducted using InformAnalytics, an economic impact model developed by CGR. The report estimates the impact that a potential project will have on the local economy based on information provided by Genesee County Economic Development Center. The report calculates the costs and benefits for specified local taxing districts over the first 10 years, with future returns discounted at a 2% rate.



## Estimated Costs or Incentives

Genesee County Economic Development Center is considering the following incentive package for J & R Fancher Property Holding LLC.

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$150,000	\$140,000
Sales Tax Exemption	\$87,000	\$87,000
Mortgage Recording Tax Exemption	\$14,000	\$14,000
<b>Total Costs</b>	<b>\$251,000</b>	<b>\$241,000</b>

May not sum to total due to rounding.

\* Discounted at 2%

## State &amp; Regional Impact (Life of Project)

The following table estimates the total benefits from the project over its lifetime.

Description	Direct	Spillover	Total
<b>REGIONAL BENEFITS</b>	<b>\$660,000</b>	<b>\$177,000</b>	<b>\$837,000</b>
To Private Individuals	\$553,000	\$175,000	\$728,000
Temporary Payroll	\$553,000	\$175,000	\$728,000
To the Public	\$107,000	\$2,000	\$109,000
Property Tax Revenue	\$100,000	N/A	\$100,000
Temporary Sales Tax Revenue	\$7,000	\$2,000	\$9,000
<b>STATE BENEFITS</b>	<b>\$32,000</b>	<b>\$11,000</b>	<b>\$42,000</b>
To the Public	\$32,000	\$11,000	\$42,000
Temporary Income Tax Revenue	\$25,000	\$8,000	\$33,000
Temporary Sales Tax Revenue	\$7,000	\$2,000	\$9,000
<b>Total Benefits to State &amp; Region</b>	<b>\$692,000</b>	<b>\$188,000</b>	<b>\$880,000</b>
Discounted Total Benefits (2%)	\$692,000	\$188,000	\$880,000

May not sum to total due to rounding.

**Benefit to Cost Ratio**

The following benefit to cost ratios were calculated using the discounted totals.

Description	Benefit*	Cost*	Ratio
Region	\$837,000	\$190,000	4:1
State	\$42,000	\$51,000	1:1
<b>Grand Total</b>	<b>\$880,000</b>	<b>\$241,000</b>	<b>4:1</b>

**May not sum to total due to rounding.**

\* Discounted at 2%

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CGR has exercised reasonable professional care and diligence in the production and design of the InformAnalytics™ tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.



# Incentives for Fancher Lot 3

T1 TABLE

## Estimated Incentives & Fees

Description	Amount
Property Tax Exemption	\$150,000
Sales Tax Exemption	\$87,000
Mortgage Recording Tax Exemption	\$14,000
<b>Total Project Incentives</b>	<b>\$251,000</b>
Discounted Total (2%)	\$241,000

FY FIGURE

## Incentives & Investments



May not sum to total due to rounding.

T2 TABLE

## Estimated Property Tax Paid by Year\*

Year	Total
1	\$5,000
2	\$5,000
3	\$5,000
4	\$8,000
5	\$8,000
6	\$8,000
7	\$13,000
8	\$13,000
9	\$18,000
10	\$20,000

May not sum to total due to rounding. \* Figures assume constant property tax rates and are not discounted.

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MSH  
8/26/2021



Project Name: J&R Fancher Property Holdings, LLC

Board Meeting Date: September 9, 2021

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

### PROJECT DESCRIPTION:

J&R Fancher Property Holdings, LLC is proposing the to construct a two-story mixed-used building on 2.6 buildable acres at Buffalo East Technology Park in Pembroke, NY.

The \$1.7 million project includes the following:

1. Create 6 market rate 1-bedroom and 2-bedroom apartments on the second floor plus a detached 6 bay garage.
2. Create a "vanilla" box interior space on the first floor (7,000 sq. ft.) to attract commercial tenants that will comprise less than 1/3 of total project cost\*.

Total planned square footage of new construction is 14,000 sq. ft.

Two recent studies by LaBella Associates – the Genesee County Housing Needs Assessment - and The Rockefeller Institute of Government (SUNY’s Think Tank) – Generating Growth in Genesee County – identify housing availability as Genesee County’s biggest challenge in order to fully realize the value of the economic development strategy that is in-place and being implemented. LaBella reported that 4,800 units are needed in next 20 years across multiple sectors, including rental units and single-family homes.

The GCEDC is assisting the project with Sales tax exemption (\$72,000), Mortgage Tax Exemption (\$14,000) and Property Tax abatement (\$168,336).

\*Note: The project is allowable Under § 862-a of GML, an IDA is limited in its ability to provide financial assistance to projects where facilities “that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost”.

**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 make a \$1.7 million investment and enhance the long-term tax base when completed.

**Board Discussion**

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

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

**Project details:** The Project is part of a county wide housing deficit (see Genesee County 2018 Housing Study by LaBella Associates) and is providing market rate housing and other services to Pembroke and Genesee County.

**Board Discussion:**

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

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

**Project details:** For every \$1 of public benefit offered, the company is investing and helping generate an economic contribution/economic impact of \$4 into the local/regional/state economy. See economic impact report for further details.

**Board Discussion:**

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

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

**Project details:** While the project is not defined within the Agency’s strategic industries, this project is a strategic project within GCEDC’s placemaking initiative and important to Genesee County’s broader objectives. Recent studies by LaBella Associates and an economic strategy study by The Rockefeller Institute of Government (SUNY’s Thinktank) suggest this is Genesee County’s biggest challenge in order to fully realize the value of the economic development strategy that is in-place and being implemented. Some 4,800 units needed in next 20 years across multiple sectors including rental units and single-family homes.

**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 Winter of 2021 and be operational in 2021.

**Board Discussion**

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

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9/23/2021

**FINAL RESOLUTION**  
*(J & R Fancher Property Holdings, LLC Project)*

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, October 7, 2021.

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

Resolution No. 10/2021 - \_\_\_\_\_

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 OCTOBER 5, 2021, WITH RESPECT TO THE J & R FANCHER PROPERTY HOLDINGS, LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT, AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS 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.

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, **J & R FANCHER PROPERTY HOLDINGS, 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 Allegheny Road (Route 5) in the Town of Pembroke, Genesee County, New York (the "Land", being identified as a portion of TMID No. 19.-1-74, as may be subdivided and assigned a new

3.1

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TMID No. and address), (ii) the planning, design, engineering, construction and operation of an approximately 14,000 square foot, two-story mixed-use building, consisting of (a) approximately 7,000 square feet of retail related space, (b) six (6) residential apartment units, (c) a detached, six (6) bay garage, and (d) related site and exterior 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, 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 mortgage recording tax exemption as authorized by the laws of the State (collectively, the "Financial Assistance"); and

WHEREAS, on September 9, 2021, 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 Tuesday, October 5, 2021, at 4:00 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.

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

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

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

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

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

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

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

(F) The Town of Pembroke Planning Board (the "Board") has conducted a review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"). The Board issued a Negative Declaration on June 29, 2020 (the "Negative Declaration"), determining that the Project does not pose a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, including, but not limited to, the Full Environmental Assessment Form and the Negative Declaration, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Board pursuant to 6 N.Y.C.R.R. Part 617.7. A copy of the Negative Declaration issued by the Board is attached hereto as **Exhibit B**.

Section 2. The Public Hearing held by the Agency on Tuesday, October 5, 2021, at 4:00 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 **\$900,000**, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$72,000**. 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 **October 31, 2022** (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 maximum principal amount not to exceed **\$1,400,000.00**, 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 officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 10. 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	[ ]	[ ]	[ ]	[ ]
Amy Vanderhoof	[ ]	[ ]	[ ]	[ ]
Marianne Clattenburg	[ ]	[ ]	[ ]	[ ]

The Resolutions were thereupon duly adopted.

**SECRETARY'S CERTIFICATION**  
*(J & R Fancher Property Holdings, 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 October 7, 2021, 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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
Secretary

**Exhibit A**

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

[Attached Hereto]



**NOTICE LETTER  
J & R FANCHER PROPERTY HOLDINGS, LLC PROJECT**

September 17, 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 J & R Fancher Property Holdings, LLC:  
Public Hearing

Ladies and Gentlemen:

On Tuesday, October 5, 2021, at 4:00 p.m., local time, at Pembroke Town Hall, 1145 Main Road, Corfu, New York 14036, 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 Batavia Daily News* for publication.

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

Genesee County Economic Development Center  
99 MedTech Drive, Suite 106, Batavia, New York 14020  
Phone: 585-343-4866 Fax: 585-343-0848  
Email: [gcedc@gcedc.com](mailto:gcedc@gcedc.com) Web: [www.gcedc.com](http://www.gcedc.com)  
The GCEDC / GGLDC is an equal opportunity provider & employer

Schedule A

Chief Executive Officers  
of Affected Tax Jurisdictions

**Via Certified Mail**

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

**Via Certified Mail**

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

**Via Certified Mail**

Town of Pembroke  
Attn: Town Supervisor  
1145 Main Road  
Corfu, New York 14036

**Via Certified Mail**

Pembroke Central School District  
Attn: Board of Education President  
8750 Allegheny Road  
Routes 5 and 77  
Corfu, New York 14036

**Via Certified Mail**

Pembroke Central School District  
Attn: Superintendent  
8750 Allegheny Road  
Routes 5 and 77  
Corfu, New York 14036

## 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 Tuesday, October 5, 2021, at 4:00 p.m., local time, at Pembroke Town Hall, 1145 Main Road, Corfu, New York, 14036, in connection with the following matter:

J&R Fancher Property Holdings, 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 Allegheny Road (Route 5) in the Town of Pembroke, Genesee County, New York (the "Land", being identified as a portion of TMID No. 19.-1-74, as may be subdivided and assigned a new TMID No. and address), (ii) the planning, design, engineering, construction and operation of an approximately 14,000 square foot, two-story mixed-use building, consisting of (a) approximately 7,000 square feet of retail related space, (b) six (6) residential apartment units, (c) a detached, six (6) bay garage, and (d) related site and exterior 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").

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

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.

The Agency will provide additional access to the public hearing by broadcasting the public hearing in real time online at <https://vimeo.com/605761641>.

Dated: September 21, 2021

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



**Exhibit B**

Negative Declaration of Town of Bergen Planning Board

[Attached Hereto]

**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.

**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

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Pembroke 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.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: Brickhouse Commons

Name of Lead Agency: Town of Pembroke Planning Board

Name of Responsible Officer in Lead Agency: James Uebelhoer

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency: 

Date: 06/29/2020

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: James Uebelhoer

Address: 1145 Main Road, Corfu, NY 14036

Telephone Number: 585-599-4892

E-mail: jbulb@yahoo.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

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

Agency Use Only [If applicable]  
 Project : Brickhouse Commons  
 Date : 8/24/2020

**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>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
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>			
	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: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3.1

44

**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 1. 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 checked="" 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: <u>Monroe County Water Authority</u>	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1 a, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 1. 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.  NO  YES  
 (See Part 1. D.2.f., D.2.h, D.2.g)  
*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 1. 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 checked="" type="checkbox"/> NO	<input 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 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 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 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 type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input 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 type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>



**9. Impact on Aesthetic Resources**  
 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.)  
*If "Yes", answer questions a - g. If "No", go to Section 10.*

NO       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"/>

**10. Impact on Historic and Archeological Resources**  
 The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)  
*If "Yes", answer questions a - e. If "No", go to Section 11.*

NO       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 or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National 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 "Yes", 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. <span style="float: right;"><input checked="" type="checkbox"/> NO      <input type="checkbox"/> YES</span> (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>			
	<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) <span style="float: right;"><input checked="" type="checkbox"/> NO      <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - c. If "No", go to Section 13.</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 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"/>

**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 - g. 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"/>

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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 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.)  NO  YES

*If "Yes", answer questions a - m. If "No", go to Section 17.*

	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.  NO  YES  
 (See Part 1. C.1, C.2. and C.3.)  
 If "Yes", answer questions a - h. If "No", go to Section 18.

	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.  NO  YES  
 (See Part 1. C.2, C.3, D.2, E.3)  
 If "Yes", answer questions a - g. If "No", proceed to Part 3.

	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**

**FINAL RESOLUTION**  
*(Gateway GS, LLC Project)*

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, August 5, 2021.

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

Resolution No. 08/2021 - 05

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 JULY 23, 2021, WITH RESPECT TO THE GATEWAY GS, LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) AN EXEMPTION FROM MORTGAGE RECORDING TAXES IMPOSED ON THE FINANCING RELATED TO THE PROJECT; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

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

WHEREAS, **GATEWAY GS, LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in certain real property located at 8003 Call Parkway, Town of Batavia, Genesee County, New York (the "Land"); (ii) the planning design, construction and equipping upon the Land of an approximately 27,000 square foot warehouse/distribution center for a single logistics-distribution tenant, together with related infrastructure improvements,

curbing, roadways, parking, landscaping and other 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, 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 mortgage recording tax exemption as authorized by the laws of New York State (collectively, the "Financial Assistance"); and

WHEREAS, on July 1, 2021, 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 Friday, July 23, 2021, at 4:00 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.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY

ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

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

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

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

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

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

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

(F) The Town of Batavia Planning Board (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"). The Planning Board issued a Negative Declaration (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 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.

Section 2. The Public Hearing held by the Agency on Friday, July 23, 2021, at 4:00 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) an exemption from mortgage recording taxes imposed on the financing related to the Project.

Section 4. Based upon representations and warranties made by the Company in the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project, that would otherwise be subject to State and local sales and use tax in an amount up to **\$1,362,000**, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$108,960**. 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 August 31, 2022 (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 **\$2,000,000**, 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 officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 10. 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	[ X ]	[ ]	[ ]	[ ]
Matthew Gray	[ ]	[ ]	[ X ]	[ ]
Paul Battaglia	[ X ]	[ ]	[ ]	[ ]
Craig Yunker	[ X ]	[ ]	[ ]	[ ]
Todd Bender	[ X ]	[ ]	[ ]	[ ]
Amy Vanderhoof	[ ]	[ ]	[ X ]	[ ]
Marianne Clattenburg	[ X ]	[ ]	[ ]	[ ]

The Resolutions were thereupon duly adopted.

**SECRETARY'S CERTIFICATION**  
*(Gateway GS, 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 August 5, 2021, 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 14<sup>th</sup> day of September, 2021.

  
Secretary

GCEDC

GLOW With Your Hands Wrap-Up

Jim Krencik, Director of Marketing & Communications

October 7, 2021



GLOW With Your Hands 2021 successfully introduced 700 students from 30 local school districts to the growing careers available in Genesee County and in our neighboring communities.

Students demonstrated their talent and eagerness to learn how they can join the skilled trades, manufacturing, and agriculture industries. These experiences are linked to their school work and training programs available in high school and in post-graduation environments, as well as resources found at [GLOWWithYourHandsVirtual.com](http://GLOWWithYourHandsVirtual.com)

Mechatronics training equipment at the Genesee Valley BOCES was a popular booth, demonstrating the investments made by the GGLDC and our partners for an expanding electro-mechanical program in Batavia. Booths by O-AT-KA Milk Products, Liberty Pumps, Bonduelle, Oxbo, Turnbull HVAC and many other local companies also made lasting impressions.

The event was made possible by the volunteer organizers, led by event co-chairs Chris Suozzi and Jay Lazarony, committee members Jim Krencik and John Jakubowski, and event volunteers, including Leslie Farrell, Penny Kennett and Krista Galdun.

Pictured above are, clockwise from left, students engaging with Liberty Pumps representatives; students from Elba High School that attended the event; students testing out the GV BOCES mechatronics training equipment; and students participate in a hands-on activity in the agricultural careers area.

**Genesee County Economic Development Center  
August 2021 Dashboard  
Balance Sheet - Accrual Basis**

	<u>8/31/21</u>	<u>7/31/21</u>	<u>[Per Audit] 12/31/20</u>
<b>ASSETS:</b>			
Cash - Unrestricted	\$ 2,432,457	\$ 2,423,230	\$ 2,257,813
Cash - Restricted (A)(1)	4,766,950	5,663,903	8,089,027
Cash - Reserved (B)	796,839	792,209	791,347
Cash - Subtotal	7,996,246	8,879,342	11,138,187
Grants Receivable (2)	110,330	97,100	86,350
Accts Receivable- Current (3)	344,217	312,274	280,042
Deposits	2,832	2,832	2,832
Prepaid Expense(s) (4)	14,200	13,368	26,223
Loans Receivable - Current	55,184	56,100	52,923
<b>Total Current Assets</b>	<b>8,523,009</b>	<b>9,361,016</b>	<b>11,586,557</b>
Land Held for Dev. & Resale (5)	17,528,009	16,617,383	15,930,796
Furniture, Fixtures & Equipment	67,982	67,982	67,982
Total Property, Plant & Equip.	17,595,991	16,685,365	15,998,778
Less Accumulated Depreciation	(67,982)	(67,982)	(67,982)
<b>Net Property, Plant &amp; Equip.</b>	<b>17,528,009</b>	<b>16,617,383</b>	<b>15,930,796</b>
Accts Receivable- Non-current	-	-	279,650
Loans Receivable- Non-current (Net of \$47,429 Allow. for Bad Debt)	215,028	219,803	253,122
<b>Other Assets</b>	<b>215,028</b>	<b>219,803</b>	<b>532,772</b>
<b>TOTAL ASSETS</b>	<b>26,266,046</b>	<b>26,198,202</b>	<b>28,050,125</b>
<b>DEFERRED OUTFLOWS OF RESOURCES</b>			
Deferred Pension Outflows (10)	492,700	492,700	492,700
<b>Deferred Outflows of Resources</b>	<b>492,700</b>	<b>492,700</b>	<b>492,700</b>
<b>LIABILITIES:</b>			
Accounts Payable (6)	4,169	5,224	222,159
Loan Payable - Genesee County - Current (7)	295,000	295,000	290,000
Accrued Expenses	40,893	32,817	22,736
Unearned Revenue (8)	4,341,914	5,236,763	6,751,032
<b>Total Current Liabilities</b>	<b>4,681,976</b>	<b>5,569,804</b>	<b>7,285,927</b>
Loans Payable - ESD (9)	5,196,487	5,196,487	5,196,487
Loan Payable - Genesee County - Noncurrent (7)	3,130,000	3,130,000	3,425,000
Aggregate Net Pension Liability (10)	704,674	704,674	704,674
<b>Total Noncurrent Liabilities</b>	<b>9,031,161</b>	<b>9,031,161</b>	<b>9,326,161</b>
<b>TOTAL LIABILITIES</b>	<b>13,713,137</b>	<b>14,600,965</b>	<b>16,612,088</b>
<b>DEFERRED INFLOWS OF RESOURCES</b>			
Deferred Pension Inflows (10)	54,982	54,982	54,982
<b>Deferred Inflows of Resources</b>	<b>54,982</b>	<b>54,982</b>	<b>54,982</b>
<b>NET ASSETS</b>	<b>\$ 12,990,627</b>	<b>\$ 12,034,955</b>	<b>\$ 11,875,755</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 are being used to pay for qualifying expenditures.
2. Grants Receivable - National Grid grants support marketing and development activities for STAMP and the LeRoy Food & Tech Park.

3. Accounts Receivable (Current) - Econ. Dev. Program Support Grant; MedTech Centre Property Management; termed out Project Origination Fees from HP Hood to be collected in the next 12 months, etc.
4. Prepaid Expense(s) - General Liability, Cyber, D&O, Life, long-term and short-term disability insurance.
5. Land Held for Dev. & Resale - Additions are related to STAMP development costs.
6. Accounts Payable - e3communications expenses and interest earned on imprest accounts that will be remitted to ESD.
7. Loan Payable - Genesee County (Current & Noncurrent) - Per a Water Supply Agreement with Genesee County, the County remitted \$4M to the GCEDC to put towards water improvements located in the Town of Alabama and the Town of Pembroke and other Phase II improvements as identified by the County. GCEDC started making annual payments to the County of \$448,500 beginning in January 2020.
8. Unearned Revenue - Interest received in advance; Genesee County contribution received in advance; Funds received from municipalities to support park development; Funds received to support workforce development; ESD Grant funds to support STAMP development, not actually earned until eligible expenditures are incurred.
9. Loans Payable - ESD - Loans from ESD to support STAMP land acquisition and related soft costs.
10. Deferred Pension Outflows / Aggregate Net Pension Liability / Deferred Pension Inflows - Accounts related to implementation of GASB 68.

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

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

**Genesee County Economic Development Center  
August 2021 Dashboard  
Profit & Loss - Accrual Basis**

	Month to Date		YTD		2021	2021
	8/31/21	8/31/20	2021	2020	Board Approved Budget	YTD % of Budget
<b><u>Operating Revenues:</u></b>						
Genesee County	\$ 19,459	\$ 19,459	\$ 155,673	\$ 155,673	\$ 233,513	67%
Fees - Projects (1)	116,250	45,562	424,000	180,341	399,500	106%
Fees - Services	6,961	6,707	55,689	53,656	83,387	67%
Interest Income on Loans	270	317	2,271	2,647	3,313	69%
Rent	-	200	12,906	7,321	24,790	52%
Common Area Fees - Parks	-	-	355	700	500	71%
Grants (2)	912,627	701,660	5,125,498	2,655,691	21,692,668	24%
GGLDC Grant- Econ. Dev. Program Support	25,000	25,000	200,000	200,000	300,000	67%
BP <sup>2</sup> Revenue	-	-	701	50,000	8,634	8%
Other Revenue	-	-	1,907	7,171	5,000	38%
<b>Total Operating Revenues</b>	<b>1,080,567</b>	<b>798,905</b>	<b>5,979,000</b>	<b>3,313,200</b>	<b>22,751,305</b>	<b>26%</b>
<b><u>Operating Expenses</u></b>						
General & Admin	114,494	84,922	850,270	826,458	1,415,425	60%
Professional Services	2,964	4,352	28,119	28,435	108,000	26%
Site Maintenance/Repairs	473	901	3,154	3,720	17,200	18%
Property Taxes/Special District Fees	-	-	4,597	2,533	3,320	138%
PIF Expense	-	-	35,042	28,410	134,115	26%
Site Development Expense (3)	7,550	409,276	3,948,570	1,407,653	3,515,736	112%
Real Estate Development (4)	910,627	701,660	1,597,214	1,360,142	18,073,471	9%
Balance Sheet Absorption	(910,627)	(701,660)	(1,597,214)	(1,360,142)	-	N/A
<b>Total Operating Expenses</b>	<b>125,481</b>	<b>499,451</b>	<b>4,869,752</b>	<b>2,297,209</b>	<b>23,267,267</b>	<b>21%</b>
<b>Operating Revenue (Expense)</b>	<b>955,086</b>	<b>299,454</b>	<b>1,109,248</b>	<b>1,015,991</b>	<b>(515,962)</b>	
<b><u>Non-Operating Revenue (Expense)</u></b>						
Other Interest Income	586	2,231	5,624	17,413	7,000	80%
<b>Total Non-Operating Revenue (Expense)</b>	<b>586</b>	<b>2,231</b>	<b>5,624</b>	<b>17,413</b>	<b>7,000</b>	<b>80%</b>
<b>Change in Net Assets</b>	<b>955,672</b>	<b>301,685</b>	<b>1,114,872</b>	<b>1,033,404</b>	<b>\$ (508,962)</b>	
<b>Net Assets - Beginning</b>	<b>12,034,955</b>	<b>11,604,247</b>	<b>11,875,755</b>	<b>10,872,528</b>		
<b>Net Assets - Ending</b>	<b>\$ 12,990,627</b>	<b>\$ 11,905,932</b>	<b>\$ 12,990,627</b>	<b>\$ 11,905,932</b>		

**Significant Events:**

1. Fees Projects - Closed on the Landpro Equipment project in August.
2. Grants - \$448K Community Benefit Agreement payment dedicated to STAMP by sourcing debt service payments to the County; PIF from RJ Properties (Liberty Pumps) supports Apple Tree Acres Infrastructure improvements; PIF from Yancey's Fancy supports Infrastructure Fund Agreement with the Town of Pembroke; ESD \$33M & \$8M Grants support STAMP engineering, environmental, legal, infrastructure, etc.
3. 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.
4. Real Estate Development Costs YTD - Includes STAMP development costs; house at the STAMP site purchased in 1st Quarter of 2021.



**Genesee County Economic Development Center**  
**August 2021 Dashboard**  
**Statement of Cash Flows**

	August 2021	YTD
<b>CASH FLOWS USED BY OPERATING ACTIVITIES:</b>		
Genesee County	\$ 19,459	\$ 175,132
Fees - Projects	116,250	688,645
Fees - Services	-	41,767
Interest Income on Loans	318	2,117
Rent	-	13,106
Common Area Fees - Parks	-	355
Grants	4,500	2,688,095
BP <sup>2</sup> Revenue	-	701
GGLDC Grant - Economic Development Program Support	-	150,000
Other Revenue	-	1,907
Repayment of Loans	5,691	35,833
General & Admin Expense	(107,681)	(822,701)
Professional Services	(2,964)	(49,330)
Site Maintenance/Repairs	(473)	(3,154)
Site Development	(7,550)	(4,018,218)
Property Taxes/Special District Fees	-	(4,597)
PIF Expense	-	(35,042)
Improv/Additions/Adj to Land Held for Development & Resale	(910,626)	(1,721,909)
Net Cash Used By Operating Activities	(883,076)	(2,857,293)
<b>CASH FLOWS USED BY NONCAPITAL FINANCING ACTIVITIES:</b>		
Principal Payments on Loan	-	(290,000)
Net Cash Used By Noncapital Financing Activities	-	(290,000)
<b>CASH FLOWS PROVIDED (USED) BY INVESTING ACTIVITIES:</b>		
Interest Income (Net of Remittance to ESD)	(20)	5,352
Net Change in Cash	(883,096)	(3,141,941)
Cash - Beginning of Period	8,879,342	11,138,187
Cash - End of Period	\$ 7,996,246	\$ 7,996,246
<b>RECONCILIATION OF NET OPERATING REVENUE TO NET</b>		
<b>CASH USED BY OPERATING ACTIVITIES:</b>		
Operating Revenue	\$ 955,086	\$ 1,109,248
(Increase) Decrease in Operating Accounts/Grants Receivable	(45,173)	191,495
(Increase) Decrease in Prepaid Expenses	(832)	12,023
Decrease in Loans Receivable	5,691	35,833
Increase in Land Held for Development & Resale	(910,626)	(1,597,213)
Decrease in Operating Accounts Payable	(449)	(217,718)
Increase in Accrued Expenses	8,076	18,157
Decrease in Unearned Revenue	(894,849)	(2,409,118)
Total Adjustments	(1,838,162)	(3,966,541)
Net Cash Used By Operating Activities	\$ (883,076)	\$ (2,857,293)

Mark Masse

**GCEDC Audit & Finance Committee**

**4b. Agricultural Farm Land Lease Rates for 2022**

**Discussion:** See attached summary.

**Fund commitment:** None.

**Committee action request:** Recommend approval to the full Board of the 2022 agricultural land lease rates.

**2022 Land Lease Rates**  
**Agricultural leases**

**Genesee County Economic Development Center**

Lessee	Location	Term	Rate / acre
Charles Augello	AppleTree Acres	One year	\$ 70.00
Stein Farms	Oatka Hills	One year	\$ 70.00
Englerth Farms	Leroy	One year	\$ 70.00
Norm Geiss	STAMP	One year	\$ 70.00
Del Mar Farms	STAMP	One year	\$ 70.00
Lamb Farms	STAMP	One year	\$ 75.00
Lamb Farms	STAMP	One year	\$ 3.98
Call Farms	STAMP	One year	\$ 3.35

## **Pricing Policy Revision for Transfer of a PILOT**

**Discussion:** The GCEDC's current pricing policy allows an origination fee to be charged on any request to transfer a PILOT from one entity to another (copy attached and the pertinent section is highlighted). This will usually occur when a company would sell their building to another company. Under the terms of the PILOT agreement any transfer of a PILOT must be approved by the GCEDC Board. The pricing policy is very open ended as far as how to charge a fee. The Governance Committee met to discuss this and decided on charging a fee based on the prorated amount of benefits remaining on the original incentives. The Committee feels like this will give the staff the necessary direction when discussing this with companies. Based on this discussion the Committee decided that a sample project could be calculated and taken directly to the full Board for discussion and consideration. There is a sample project attached so you can see how it will be calculated. The sample assumes that the PILOT was based on a 100,000 square foot building that is assessed at \$3.5 million. It received a standard 10 year PILOT and they are selling the facility after five years on the PILOT have expired, for \$8 million. The calculation is attached.

**Fund Commitment:** None.

**Board Action Request:** Recommend approval of revision to Pricing & Fee Policy as presented.



**Genesee County Economic Development Center Pricing & Fee Policy**

Effective Date: May 2, 2019

**Financial Assistance - Tax Savings\*\*\***

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

## Financing\*\*\*

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

## Transfer/Assignment of PILOT

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

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

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

## Financing/ Grants/ Consulting

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

5.1

Benefits remaining on original incentives		Incentives granted		sales price of facility		Total original incentives		Benefits remaining on original incentives		Total original incentives		Origination fee to be charged for PILOT Assignment	
Year	Rate	PILOT Savings	Sales Tax	Mortgage Tax	Total Incentives	Rate	Amount	Rate	Amount	Rate	Amount	Rate	Amount
1	80.00%	\$ 99,848	\$ 600,000	\$ 12,500	\$ 712,348	20.17%	\$ 144,810	1.25%	\$ 8,000,000	20.17%	\$ 1,613,660	1.25%	\$ 20,169.68
2	80.00%	99,848	-	-	99,848								
3	80.00%	99,848	-	-	99,848								
4	70.00%	87,367	-	-	87,367								
5	70.00%	87,367	-	-	87,367								
6	70.00%	87,367	-	-	87,367								
7	50.00%	62,405	-	-	62,405								
8	50.00%	62,405	-	-	62,405								
9	30.00%	37,443	-	-	37,443								
10	20.00%	24,962	-	-	24,962								
Total		\$ 748,860	\$ 600,000	\$ 12,500	\$ 1,361,360								

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5.1

**SAMPLE PILOT**

Project: **Manufacturing facility**

bldg equipt

Capex:  
 Sales Taxable (est.) \$ -  
 Mortgage (est.) \$ -

80%

\$ - \$ -



Square footage breakdown:  
 Manufacturing 35,000  
 Research and development 60,000  
 Other 95,000  
 Total square footage 190,000

Square Footage: 100,000  
 Assessed per sq ft: 35.00  
 Assessed Value (est): 3,500,000

see assessment below less current assessment

Year of Exemption	Payment @ 100% Taxation	Standard PILOT Payment Schedule	tax rate	Town of Bergen	Genesee County	Beligen Central School	Total PILOT Payments
1	\$ 124,810.00	20%	\$ 2,39	\$ 1,673.00	\$ 7,007.00	\$ 16,282.00	\$ 24,962.00
2	\$ 124,810.00	20%		\$ 1,673.00	\$ 7,007.00	\$ 16,282.00	\$ 24,962.00
3	\$ 124,810.00	20%		\$ 1,673.00	\$ 7,007.00	\$ 16,282.00	\$ 24,962.00
4	\$ 124,810.00	30%		\$ 2,509.50	\$ 10,510.50	\$ 24,423.00	\$ 37,443.00
5	\$ 124,810.00	30%		\$ 2,509.50	\$ 10,510.50	\$ 24,423.00	\$ 37,443.00
6	\$ 124,810.00	30%		\$ 2,509.50	\$ 10,510.50	\$ 24,423.00	\$ 37,443.00
7	\$ 124,810.00	50%		\$ 4,182.50	\$ 17,517.50	\$ 40,705.00	\$ 62,405.00
8	\$ 124,810.00	50%		\$ 4,182.50	\$ 17,517.50	\$ 40,705.00	\$ 62,405.00
9	\$ 124,810.00	70%		\$ 5,855.50	\$ 24,524.50	\$ 56,987.00	\$ 87,367.00
10	\$ 124,810.00	80%		\$ 6,692.00	\$ 28,028.00	\$ 65,128.00	\$ 99,848.00
<b>Total</b>	<b>\$ 1,248,100.00</b>	<b>36%</b>		<b>\$ 33,460.00</b>	<b>\$ 140,140.00</b>	<b>\$ 325,640.00</b>	<b>\$ 499,240.00</b>

\$ 748,860.00 Total property tax abatement

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## Approval of survey contract for STAMP

**Discussion:** The GCEDC asked four companies for bids to survey the following at STAMP.

Base Bid:

1. Boundary survey with legal description, metes and bounds for new substation at north end of site. That boundary survey will then be split into two parcels with National Grid and NYPA being the two parties who will take ownership of the parcels upon subdivision. The survey work will need to be completed according to NYPA and National Grid specifications. See attachment A.
2. Boundary survey with legal description, metes and bounds for new 100 foot easement for National Grid for new 115 kV transmission line. The survey work will need to be completed according to National Grid specifications. See attachment B-1 and B-2.
3. Boundary survey with legal description, metes and bounds to be used to subdivide out the "Utility area" on the STAMP site. See attachment C.

Bid Alternate A:

4. Boundary survey with legal description, metes and bounds for an approximate 178 acres adjacent to the Tonawanda Seneca Nation Territory to be used for the filing of a conservation easement on four separate land parcels. All work needs to be coordinated with a representative from the Tonawanda Seneca Nation. See attachment C.

The results of the bids are as follows:

1. Base bid of \$10,450 and bid alternate of \$4,810 (total of \$15,260) – Frandina Engineering and Land Surveying
2. Welch & O'Donoghue no bid submitted
3. Townsend & Lamendola no bid submitted
4. Ravi Engineering and Land Surveying declined to bid

**Fund Commitment:** Not to exceed \$15,260 to Frandina Engineering and Land Surveying for STAMP survey work to be covered under the \$8 million.

**Board Action Request:** Approval of survey contract for STAMP.



PROPOSAL

1701 HERTEL AVENUE  
BUFFALO, NEW YORK 14216  
716.883.1299  
[www.FRANDINA.com](http://www.FRANDINA.com)

September 29, 2021

Mark Masse  
Genesee County Economic Development Center  
99 MedTech Drive  
Suite 106  
Batavia NY 14020

Sent via email to: [mmasse@gcedc.com](mailto:mmasse@gcedc.com)

**RE: STAMP Utility and Easement survey quotes  
Alabama, NY**

Dear Mr. Masse,

We have been preparing surveys at the STAMP site since its inception when the first parcels were assembled to create this world class industrial park. We are thoroughly familiar with every parcel and can be trusted to continue to provide accurate surveys as the project progresses.

We already have the field work for the boundary surveys so that will be a substantial savings. We did include field time in our estimate to stake out the easements once the maps are approved. We know what is involved to prepare complete maps of the proposed substation and easements, with legal descriptions, to be approved by the utilities.

Our scope for the base bid is:

1. Prepare new boundary survey with legal description for the new substation at the north end of the site
  - a. Create 2 new maps to split new substation parcel into 2 parcels for conveyance to National Grid and NYPA. Includes field stakeout of the approved layout.
2. Prepare new boundary survey with legal description for new 100-foot easement for National Grid and the new 115 kV transmission line. We will need the design CAD file for placement. This will be prepared according to National Grid specifications. Includes field stakeout of the approved layout.
3. Prepare new boundary survey with legal description to subdivide out the proposed Utility Area. Includes field stakeout of the approved layout.

Our scope for Bid Alternate A is:

1. Boundary survey with legal description for an approximate 178 acres adjacent to the Tonawanda Seneca Nation Territory to be used for the filing of a conservation easement on four separate land parcels. All work will be coordinated with a representative from the Tonawanda Seneca Nation. When we prepared the initial boundary surveys, we did have an escort from the Nation accompany our field crew. Includes field stakeout of the approved layout.



**FRANDINA ENGINEERING AND LAND SURVEYING, PC**  
CIVIL ENGINEERS AND LAND SURVEYORS  
*NYS Certified WBE and DBE Firm*

1701 HERTEL AVENUE  
BUFFALO, NEW YORK 14216  
716.883.1299  
[www.FRANDINA.com](http://www.FRANDINA.com)

Our quotes, using NYS Prevailing wage rates are good until June 30, 2022.

Base Bid: \$10,450

Alternate A: \$4,810

Thank you for requesting this quote from us and please sign below if you want to proceed.  
Please confirm receipt of this quote.

Very truly yours,

Rosanne Frandina, PE, LS  
President

CC: Proposals #3923

Accepted by:

Accepted by:		
Printed Name and title	Signature	Date

## Mark Masse

---

**From:** Sean Baldwin <sbaldwin@ravieng.com> on behalf of Sean Baldwin  
**Sent:** Tuesday, September 28, 2021 10:55 AM  
**To:** Mark Masse; Peter Morton; Dave Honnick  
**Cc:** Nancy Van Dussen  
**Subject:** RE: Genesee County : Bid quote

Mark,

We are going to have to respectfully decline to propose on this one. With our current & forecasted workload, we would not be able to take on this work.

Please keep us in mind for future surveying services.

Thanks,  
Sean

Sean J. Baldwin, Survey Department Manager  
Ravi Engineering & Land Surveying, P.C.  
2110 South Clinton Avenue, Suite 1 Rochester, New York 14618  
Direct: 585.697.2061 Office: 585.223.3660 x336 Cell: 585.755.0390  
[sbaldwin@ravieng.com](mailto:sbaldwin@ravieng.com) [www.ravieng.com](http://www.ravieng.com)

**From:** Mark Masse <mmasse@gcedc.com>  
**Sent:** Wednesday, September 22, 2021 12:09 PM  
**To:** Peter Morton <pmorton@ravieng.com>; Sean Baldwin <sbaldwin@ravieng.com>; Dave Honnick <dhonnick@ravieng.com>  
**Cc:** Nancy Van Dussen <nvandussen@ravieng.com>  
**Subject:** RE: Genesee County : Bid quote

As a follow up I will need the bid proposal by the close of business on Thursday, September 29, 2021.  
Thanks,

Mark A. Masse, CPA



Senior Vice President of Operations  
Genesee County Economic Development Center  
Leadership Genesee Class of 2002  
99 MedTech Drive  
Suite 106  
Batavia, NY 14020  
Phone: (585) 343-4866, ext. 17  
Cell: (585) 343-2166  
Fax: (585) 343-0848

Email: [mmasse@gcedc.com](mailto:mmasse@gcedc.com)

Web site: [gcedc.com](http://gcedc.com)

**From:** Peter Morton <[pmorton@ravieng.com](mailto:pmorton@ravieng.com)>

**Sent:** Wednesday, September 22, 2021 12:07 PM

**To:** Sean Baldwin <[sbaldwin@ravieng.com](mailto:sbaldwin@ravieng.com)>; Dave Honnick <[dhonnick@ravieng.com](mailto:dhonnick@ravieng.com)>

**Cc:** Mark Masse <[mmasse@gcedc.com](mailto:mmasse@gcedc.com)>; Nancy Van Dussen <[nvandussen@ravieng.com](mailto:nvandussen@ravieng.com)>

**Subject:** Genesee County : Bid quote

Dave & Sean, see below and attached:

**From:** Mark Masse <[mmasse@gcedc.com](mailto:mmasse@gcedc.com)>

**Sent:** Wednesday, September 22, 2021 12:04 PM

**To:** Peter Morton <[pmorton@ravieng.com](mailto:pmorton@ravieng.com)>

**Subject:** Bid quote

Peter,

Attached is a bid request for a substantial amount of survey work that is needed at the STAMP site in Alabama, NY. Please do not hesitate to contact me with any questions.

Thanks,

Mark A. Masse, CPA



Senior Vice President of Operations  
Genesee County Economic Development Center  
Leadership Genesee Class of 2002  
99 MedTech Drive  
Suite 106  
Batavia, NY 14020  
Phone: (585) 343-4866, ext. 17  
Cell: (585) 343-2166  
Fax: (585) 343-0848  
Email: [mmasse@gcedc.com](mailto:mmasse@gcedc.com)  
Web site: [gcedc.com](http://gcedc.com)

**STAMP Committee  
October 5, 2021**

**4b. Land Management Plan for STAMP**

**Discussion:** In July of 2017, as part of the Incentive Zoning Agreement and to satisfy mitigation action proposed during SEQR review and identified in Findings Statements, the GCEDC agreed to put together a Long Term Management Plan (LTP) to guide management of natural resources and land use on the STAMP site before, during and after development. This document was required to be updated every five years. As the first project is locating at STAMP there are a number of things that should be revisited and revised in the LTP before the next tenant commits. The Town of Alabama Planning Board is utilizing this document as part of their review process.

**Fund Commitment:** \$22,600 to be covered under the \$8 million.

**Committee Action request:** Recommend approval to the full Board the proposal for CC Environment and Planning to update and revise the LTP.



## CC Environment & Planning

Sheila S. Hess  
Principal Ecologist/CEO

September 21, 2021

Genesee County Economic Development Center  
Attn: Mark Masse, Vice President of Operations  
99 MedTech Drive, Suite 106  
Batavia, NY 14020

### Re: STAMP Land Management Plan 5-Year Update Proposal

Dear Mark:

I am pleased to submit the following proposal for CC Environment & Planning to develop a five-year update to the 2017 Land Management Plan for STAMP (Science & Technology Advanced Manufacturing Park) in the Town of Alabama, Genesee County, NY. As a member of the STAMP Technical Team for the past six years, CC Environment & Planning has the background, project expertise, and relationships to ensure efficient and effective delivery of the services described below. I am looking forward to continuing our work with Genesee County Economic Development Center.

This Letter Agreement (hereinafter referred to as "Agreement") is a proposal for consulting services by CC Environment & Planning (hereinafter named as "Contractor") for Genesee County Economic Development Center (hereinafter referred to as "Client"). This Agreement shall commence upon signature. The following services and terms of the Agreement between the Client and the Contractor are as follows:

#### **Objective**

The overall objective of this proposal is to complete a five-year update to the 2017 Land Management Plan for STAMP as required/requested by NYS Department of Environmental Conservation and as per Section 7.3 of the 2017 Land Management Plan which states:

*"The goals and objectives of the LMP should be reviewed every five years. Review should include GCEDC, members of the Technical Team, implementation partners, Site tenants, and the Town of Alabama. This review should include a summary of Annual Work Plans to date, results of management actions and monitoring activities, and the status of objectives. Modifications to the LMP will include adjustments to objectives, addition or removal of strategies and techniques necessary to reach goals, and contingencies for unforeseen changes to project development plans. The LMP Implementation Team should communicate substantive project changes with Site tenants, project partners, and the local community assist with preconstruction design, review, planning, and permitting activities to enable on and off-site infrastructure development and site construction."*

### **Scope of Services**

1. Review and Summary of Plan Objectives and Management Actions to Date
2. Review and Description of Changes to Natural Resources and Habitats
  - a. Field data collection including listed species review and winter raptor surveys
  - b. Preparation of updated maps and figures
3. Recommendations for Adaptive Management and Updates to Objectives and Strategies
4. Draft Updated Plan for Tech Team and Agency Review and Comment
5. Revisions and Final Plan Document

### **Schedule**

Project activities will commence immediately upon receipt of a signed contract. The proposed completion date for all tasks is March 31, 2021.

### **Fee**

The Contractor proposes to provide the above scope of services and associated deliverables for a lump sum fee of \$22,600. Invoices will be submitted monthly based on the percent of services completed.

### **Conditions**

The Contractor guarantees the quality of this work. Once this offer is accepted payments are to be made at times specified upon presentation of an invoice by Contractor. However, the Client and the Contractor may mutually decide to reschedule, postpone or delay this project as business needs may suddenly dictate without penalty and without time limit, subject only to mutually agreeable time frames in the future.

### **Assumptions**

The proposed schedule and fee for this project are based on the following assumptions:

1. The Client and the project team will provide appropriate, timely access to contacts and information and provide requested feedback necessary to complete the scope of services as scheduled.
2. All parties will make every effort to ensure timely answers to questions as related to the scope of services and progress.
3. All parties will inform each other immediately of any unforeseen changes, new developments, or other issues that affect and influence this project so necessary adjustments can be made.
4. Adjustments to the total fee based on unforeseen circumstances, an adjusted timeline, or additional services outside the stated scope will require negotiation and written consent of both parties.



**ACCEPTANCE**

If this proposal meets with your approval, please countersign below and return one copy for our records. If you have any questions, please contact me. We appreciate the opportunity to provide you with these services toward the continued development of STAMP.

Sincerely,



Sheila S. Hess, Principal Ecologist/CEO  
CC Environment & Planning

**AUTHORIZATION**

CC Environment & Planning is hereby authorized by Genesee County Economic Development Center to proceed with the services described herein in accordance with the terms and conditions proposed herein.

\_\_\_\_\_  
Genesee County Economic Development Center

\_\_\_\_\_  
Date

**STAMP Main Campus Substation Letter of Intent (LOI)**  
**Memo to the GCEDC STAMP Committee / GCEDC Board of Directors**  
**S. G. Hyde, President and CEO**  
**October 5, 2021 / October 7, 2021**

6.3 STAMP Main Substation – Letter of Intent (LOI)

Consistent with agreements made while negotiating the transaction to secure Plug Power’s investment to construct North America’s largest “Green Hydrogen” production facility at STAMP – Plug Power has agreed to advance the funds and build the 500MW main campus electric substation at STAMP that will energize their facility as well as future projects locating at the site.

A Master Development Agreement (MDA) among four parties is currently being negotiated to document key facets of the transaction in terms of funding, construction, ownership, operations, and maintenance as well as risk management aspects associated with the transaction. Given the effort to develop this document among four parties is rather unique – it is quite time consuming and will not be complete for some time. Since other aspects of the project are moving into the “legal closing” phase enabling ground-breaking – it was discussed by the parties to the STAMP main campus substation transaction that developing an LOI as an interim measure conveys a level of commitment by several of the parties to complete this effort.

Given the above, I respectfully request the GCEDC STAMP Committee and GCEDC Board of Directors to review the LOI\* between Plug Power and/or its affiliate Yellowtail Energy LLC, The New York Power Authority and The Genesee County Economic Development Center and vote to affirm GCEDC’s commitment to this transaction which significantly advances the infrastructure development and construction at STAMP.

CEO Recommendation: Approval

\*Please note – the LOI is being drafted as of the publishing of this board packet; it will be distributed the week of October 3<sup>rd</sup> by email under separate cover as soon as it’s available.