

Genesee County Economic Development Center Meeting Agenda

Thursday, September 7, 2023

Location: 99 MedTech Drive, Innovation Zone

PAGE #

- 1.0 Call to Order 4:00 pm**
 - 1.1 Enter Executive Session 4:00 pm**
 Motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 for the following reasons:
 - 1. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
 - 2. Discussions regarding proposed, pending or current litigation.
 - 1.2 Enter Public Session 4:50pm**
- 2.0 Chairperson’s Report & Activities 4:50pm**
 - 2.1 Upcoming Meetings:
 Next Scheduled Board Meeting: Thursday, October 5th at 4 p.m.
 Audit & Finance Committee Meeting: Tuesday, October 3rd at 8:30 a.m.
 STAMP Committee Meeting: Wednesday, October 4th at 8 a.m.
 - 2.2 Agenda Additions / Deletions / Other Business ****Vote**
 - 2.3 Minutes: August 3, 2023 ****Vote**
 - 2.4 Committee Member Appointments
- 3.0 Report of Management – 4:55pm**
 - 3.1 Excelsior Energy Center, LLC – Authorizing Resolution ****Vote** – S. Hyde
 - 3.2 Oak Orchard Solar 3 – Final Resolution ****Vote** – M. Masse
 - a. UTEP ****Vote** – M. Masse
 - b. Final Resolution ****Vote** – M. Masse
 - 3.3 HP Hood – Initial Resolution ****Vote** – M. Masse
 - 3.4 Project Milestones: Rochester Regional Health & NEXgistics – J. Krencik
 - 3.5 Resolution of Support: Buffalo-Rochester-Syracuse Tech Hub – J. Krencik
- 4.0 Audit & Finance Committee – M. Gray 5:15pm**
 - 4.1 July 2023 Financial Statements ****Vote**
 - 4.2 2023 GCEDC Budget ****Vote**
 - 4.3 Local Labor Monitoring & Reporting Proposal ****Vote**
- 5.0 Governance & Nominating Committee – C. Yunker 5:25pm**
 - 5.1 Nothing at this time.
- 6.0 STAMP Committee – P. Zeliff 5:25pm**
 - 6.1 STAMP Payment for Easement ****Vote**
 - 6.2 STAMP Payment for Easements – Installation of Water Lines From Curb Box to House ****Vote**
 - 6.3 G. DeVincentis & Son Change Order – Force Main Contract ****Vote**
 - 6.4 Host Community Investment Agreement ****Vote**
- 7.0 Employment & Compensation Committee – T. Bender 5:35pm**
 - 7.1 Nothing at this time.
- 8.0 Housing Committee – P. Battaglia 5:35pm**
 - 8.1 Nothing at this time.
- 9.0 Other Business 5:35pm**
 - 9.1 Nothing at this time.
- 10.0 Adjournment 5:35pm**

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**GCEDC Board Meeting
Thursday, August 3, 2023
Location: 99 MedTech Drive, Innovation Room
3:00 PM**

GCEDC MINUTES

Attendance

Board Members: M. Gray, C. Kemp, P. Battaglia, P. Zeliff, K. Manne
Staff: M. Masse, S. Hyde, L. Farrell, P. Kennett, C. Suozzi, J. Krencik
Guests: R. Gaenzle (Harris Beach/Video Conference), D. Cunningham (GGLDC Board Member), M. Brooks (GGLDC Board Member), M. Fitzgerald (Phillips Lytle), S. Maier (Harris Beach), G. Torrey (GGLDC Board Member)
Absent: M. Clattenburg, C. Yunker

1.0 Call to Order

P. Zeliff called the meeting to order at 3:02 p.m. in the Innovation Zone.

S. Hyde welcomed Kati Manne to the GCEDC Board of Directors.

1.1 Enter Executive Session

P. Battaglia made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 3:03 p.m. for the following reasons:

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

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

1.2 Enter Public Session

M. Gray made a motion to enter back into public session at 3:52 p.m., seconded by P. Battaglia and approved by all members present.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, September 7th at 4:00 p.m.

Audit & Finance Committee Meeting: Tuesday, September 5th at 8:30 a.m.

STAMP Committee Meeting: Wednesday, September 6th at 8:00 a.m.

2.2 Agenda Additions / Deletions / Other Business –

M. Gray made a motion to add agenda item 3.2 – Ellicott Station Discussion; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The agenda item was added.

2.3 Minutes: June 29, 2023 –

M. Gray made a motion to accept the June 29, 2023 minutes as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

2.4 Committee Member Appointments – This discussion will take place at the September Board Meeting.

3.0 Report of Management

3.1 Oak Orchard Solar 3 – Initial Resolution - Oak Orchard Solar 3 LLC is proposing to construct a community solar farm project on Route 98 in the Town of Batavia. The project will utilize ground-mounted solar panels to convert the sun’s energy into 5 MW of AC power. The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project’s PILOT will contribute \$4,000/MWAC + a 2% annual escalator in payments to Genesee County and Elba Central School District. The PILOT is estimated to generate \$319,088 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

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

Resolution No. 08/2023 – 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF OAK ORCHARD SOLAR 3, LLC WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW, THE "PROJECT"), (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT, AND (iii) DESCRIBING THE

FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT.

P. Battaglia made a motion to accept Initial Resolution #08/2023-01, authorizing the acceptance of the application and scheduling of a public hearing as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

3.2 Ellicott Station Discussion – At the GCEDC Board meeting held on June 29th, the Board declared the Ellicott Station project in default for failing to provide sufficient information from the housing lottery. S. Hyde previously requested “blind” demographic information to ascertain 1) where the lottery winners are from and 2) what percentage of the lottery winners are gainfully employed. Despite numerous efforts, there has only been partial information received back from the developer. On July 13th a demand letter was issued to provide the information requested to assess if the project meets the requirements of Workforce Housing. The developer provided the response on July 31st. After careful analysis, it has been determined that they remain in default for performance reasons. There is an insufficient number of lottery winners that meet the GCEDC definition of workforce housing, which is aligned with the industry definition as well.

P. Battaglia made a motion that authorizes 1) staff and counsel to continue discussions with the developer and gives 30 days’ notice of default and 2) tables the developer’s request for an increase in sales tax exemption; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

4.0 Audit & Finance Committee

4.1 June 2023 Financial Statements – L. Farrell reviewed the June 2023 financial statements with the Board. The following was noted:

- On the balance sheet, accounts receivable increased for the monthly accrual amounts for the MedTech Centre Property Management Fee and Economic Development Support Grant that is paid by the GGLDC to the EDC quarterly.
- On the P&L, we received an origination fee of \$16,250 from LandPro for the sales tax exemption increase.
- There is normal monthly activity.

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

M. Gray made a motion to approve the June 2023 Financial Statements as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

4.2 2023 Budget Timeline – The 2024 Budget is due to the County Manager on September 8th. The next Board meeting is on September 7th. If any Board members foresee any issues with attending the next Board meeting, they were asked to notify staff as soon as possible so that arrangements can be made to have the Budget approved timely.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Nothing at this time.

6.0 STAMP Committee – P. Zeliff

6.1 CC Environment & Planning Part 182 Mitigation Oversight Contract - With the issuance of the site wide Part 182 for the STAMP site, there are obligations the GCEDC has under the permit conditions as it relates to the mitigation. CC Environment & Planning has proposed a contract that they will implement and oversee all aspects of the required monitoring and management of the grassland mitigation at STAMP per the DEC approved mitigation plan and permit conditions.

This scope of this contract will cover the first 15 years of the permit requirements.

Fund Commitment: \$213,112 to be covered under the escrow account established for the Part 182 permit.

This was recommended for approval by the Committee.

P. Zeliff made a motion to approve the CC Environment & Planning Part 182 Mitigation Oversight Contract not to exceed \$213,112 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

6.2 Survey Quotes for Business Park Association - The GCEDC requested bids from three companies for a subdivision boundary survey map which includes the following:

- a. A metes and bounds legal description for all developable property at the STAMP site as highlighted on the attached map.
- b. Separate highlighting or identification of each parcel located the STAMP Site (Plug Power Site, Edwards Vacuum Site, GCEDC Site and NY Green Site) as identified on the attached map including the acreage of each tax lot located within each Site and the record or anticipated owner of each Site. Separate surveys and legal descriptions for the Plug Power Site and the Edwards Vacuum Site are complete and can be provided.
- c. A metes and bounds legal description for the portion of the STAMP Site that will be transferred to NY Green, Inc. as can be discussed on a call.
- d. A metes and bounds legal description for the portion of the STAMP Site that will be retained by GCEDC as highlighted on the attached map as "STAMP Utility area".
- e. A metes and bounds legal description and subdivision map for approximately 33 acres of a mitigation area to be transferred to NYS.

The survey will be used to identify property that will be used in a business park association model, to be able to bill companies based on the acreage they own, for any common charges at the STAMP site.

The results of the bids are as follows:

- 1. Bid of \$15,000 – Frandina Engineering and Land Surveying
- 2. Bid of \$17,000 - Welch & O'Donoghue
- 3. Townsend & Lamendola declined to bid

Fund Commitment: Not to exceed \$15,000 to Frandina Engineering and Land Surveying for STAMP survey work from \$33 million.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the Frandina Engineering & Land Surveying contract not to exceed \$15,000 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

6.3 Access Agreement for Plug Power – As part of their construction of their hydrogen facility, Plug Power would like to utilize the previously constructed marshalling yard directly to the north of their site as an additional construction parking area.

Fund Commitment: None.

This was recommended for approval by the Committee.

P. Zeliff made a motion to approve the Access Agreement for Plug Power as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

7.0 Employment & Compensation – T. Bender

7.1 Nothing at this time.

8.0 Housing Committee – P. Battaglia

The Housing Committee met on Tuesday, August 1st. There was a presentation by Housing Developer, Michael Schmitt. He is proposing a project that includes six buildings on 8.5 acres, with 24 units (8 single bedroom units and 16 two-bedroom units) in each building. Each building will be built in phases. There will be 144 market rate units when complete. The GCEDC plans to receive an application from the developer for the Board's review and consideration at the September 2023 meeting.

8.1 Batavia Home Fund Policy – The Town and City of Batavia and the GCEDC approved the Batavia Home Fund Agreement in November of 2022. The agreement is that the GCEDC can utilize Host Benefit Agreements on housing projects to put money into the fund. The GCEDC would be the custodian of the funds, and any project would complete an application to request the money. There would be a three-person committee (GCEDC, Town and City) that would review the applications and make approvals/disapprovals. The allowable uses of the funds are as follows:

- i. Extraordinary development costs related to hazardous material abatement, remediation, flood hazard areas, etc.
- ii. Demolition / rehabilitation of vacant residential structures that cause community and neighborhood blight.
- iii. Provide incentives to the conversion of rental properties to single family homes.
- iv. Infrastructure modernization and improvements including all costs related to planning, design and constructing roadways, multi-modal, water, sewer, gas, electric, telecommunication enhancements, storm water management facilities and related green infrastructure including landscaping and streetscape improvements related to redevelopment projects.
- v. Expansion of sewer capacity at Wastewater Treatment Plant for Studies, Engineering, Construction and Expansion.
- vi. Matching funds to secure other grant resources to further capitalize redevelopment projects in the BOA area.

- vii. Land assemblage, property acquisition and due diligence for Agency Projects consistent with Section 2 of this Agreement.
- viii. Marketing expenses for existing programs such as 421-F, 485-R and Core Housing Owner Incentive Exemption (CHOICE).
- ix. Grants to support CHOICE program.

The City and Town of Batavia, along with the GCEDC, have drafted a policy that governs the application process, eligible applicants, and eligible uses.

Fund Commitment: None.

The Committee recommended the following changes to the policy:

- 1) The policy should include the definition of market rate as it relates to the *Eligible Activities* criterion.
- 2) The *Policy Exception for City Use* may not be used until funds from Host Agreements have flown through to the fund, as opposed to using initial seed money.

P. Battaglia made a motion to recommend the approval of the Batavia Home Fund Policy with the above-mentioned changes; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

9.0 Other Business

9.1 Nothing at this time.

10.0 Adjournment

As there was no further business, P. Battaglia made a motion to adjourn at 4:02 p.m., which was seconded by C. Yunker and passed unanimously.

Excelsior Energy Center, LLC
Extension of Project Agreement
S. G. Hyde, President and CEO
September 7, 2023

3.1 We are in receipt of a letter dated August 17, 2023 serving as an amendment to their 2021 application for financial assistance from NextEra Energy Resources and their Excelsior Energy Center, LLC legal entity. This letter relates to the 280MW Utility Scale Solar project planned for construction in Byron New York which was induced for benefits by GCEDC board resolution # 06/2021-01 on June 3rd, 2021.

The project has experienced delays for several reasons including:

- 1) Supply Chain Constraints for materials availability and considerable inflation due to the COVID-19 Pandemic.
- 2) An anti-circumvention investigation by the U.S. Department of Commerce with respect to the importation of solar panels and related supplies/materials through Malaysia, Vietnam, Thailand and Cambodia. This investigation was seeking to determine if Chinese materials were finding their way into solar panels and systems identified as being wholly produced outside of China in order to avoid Chinese related duties/tariffs (“circumvention investigation”). Due to this investigation, nearly all solar panels stopped entering the U.S. for several months during 2022 further exacerbating supply and costs of solar energy generation systems.

The letter provided updates on the project as follows:

- Capital Investment has increased to \$519.05M from \$345.56M (+50%) with no request for additional IDA benefits.
- The Sales and Use Tax benefits approved in 2021 at \$11.29M are requested to remain the same. However, an analysis of the likely sales and use tax exemption needed is actually less (\$7.52M) given the project developer’s more detailed understanding of New York sales tax law and regulations for projects of this nature.
- The IDA fee negotiated in 2021 was agreed to remain fixed at the established policy level at the time. The fee remains within the allowable fee range for projects exceeding \$450M per current policy.
- Construction is expected to commence in the Spring of 2024 as they await a final ruling from NYSERDA related to adjustments in state level project funding given inflation.
- They expect to complete construction and begin operations in late 2025 (December).

As a result, Excelsior Energy Center, LLC is requesting an extension to the GCEDC Project Agreement and related tax assistance documents from December 31, 2023 (original resolution) to December 31, 2026 (amended resolution) per the attached.

CEO Recommendation: Approval

AUTHORIZING RESOLUTION
(Excelsior Energy Center, LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, September 7, 2023.

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

Resolution No. 09/2023 - ____

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) AUTHORIZING AN EXTENSION OF THE COMPANY'S (DEFINED HEREIN) RIGHT TO ACT AS AGENT OF THE AGENCY AND (ii) IF NECESSARY, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS

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

WHEREAS, pursuant to resolution adopted on June 3, 2021 (the "Final Resolution"), the Agency authorized certain Financial Assistance (as defined in the Final Resolution) with respect to a certain project (the "Project") to be undertaken by **EXCELSIOR ENERGY CENTER, LLC** (the "Company"), as agent of the Agency, consisting of: (i) the acquisition by the Agency of fee title to or a leasehold interest in certain parcels of real property located in the Town of Byron, Genesee County, New York (the "Land", being more particularly described as a portion of certain tax parcels more fully identified on Schedule 1 attached hereto, as may be subdivided and/or modified from time to time); (ii) the planning, design, construction and operation of a 280MWac PV solar electrical generation system and a 20MWac/4-hour duration energy storage system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and

WHEREAS, the Company informed the Agency that construction of the Facility has experienced certain delays, and as such, is requesting an extension of the date on which the Company may act as the true and lawful agent of the Agency with respect to the acquisition, construction and equipping of the Project (hereinafter referred to as the "Termination Date"); and

WHEREAS, the Company too has requested that the Agency's Administrative Fee as set forth in its Application submitted on March 22, 2021 remain fixed at \$4,319,458, despite an increase in total project costs to approximately \$519,045,000 (hereinafter referred to as the "Administrative Fee Request"), such fee remaining within the allowable fee range for projects exceeding \$450,000,000 per the Agency's current Pricing Policy; and

WHEREAS, the Agency desires to adopt a resolution (i) authorizing the extension of the Termination Date through December 31, 2026, (ii) approving the Administrative Fee Request, (iii) ratifying and confirming the findings made by the Agency in the Final Resolution adopted, and (iv) if necessary, authorizing the execution and delivery of related documents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

Section 1. The Agency hereby authorizes the extension of the Termination Date through December 31, 2026.

Section 2. The Agency hereby approves the Administrative Fee Request.

Section 3. Unless amended by the terms hereof, the Agency hereby ratifies, confirms and reaffirms the findings made in the Final Resolution and hereby re-approves the Project, as amended, and the Financial Assistance.

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

Section 5. These Resolutions shall take effect immediately upon adoption.

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

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

The resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION
(Excelsior Energy Center, 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 September 7, 2023, with the original thereof on file in the offices of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

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

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

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

Secretary

may
8/16/23

GCEDC Opportunity Summary

Created On: 8/3/2023

Customer Information

Potential Customer:	Oak Orchard Solar 3 LLC	Opportunity Type:	Attraction
Project Street Address:	7755 Oak Orchard Road	Opportunity Product:	Property Sales & Mortgage Recording Taxes Only
City/Town/Village:	//Batavia	Type of Project:	Attraction
Project Description:	5 MW Solar Project	New Jobs:	N/A
Total Capital Investment:	\$9,358,166	Retained Jobs:	N/A
Incentive Amount:	\$1,393,104	School District:	Elba
Benefited Amount:	\$9,358,166	PILOT Applicable:	Increase in assessed value of land and/or other buildings (pre-project value of land and or buildings excluded)

Project Information

Organization:	GCEDC
Opportunity Source:	3rd Party Professional
Initial Acceptance Date:	8/3/2023
Date of Public Hearing:	TBD
Inducement Date:	TBD

Opportunity Summary: Oak Orchard Solar 3 LLC is proposing to construct a community solar farm project on Route 98 in the Town of Batavia. The project will utilize ground-mounted solar panels to convert the sun's energy into 5 MW of AC power. The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

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

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

The 5 MW solar farm will generate \$593,380 in PILOT payments, host payments and real property taxes over the 15-year term, which is far greater than the current assessed value of this ag/vacant land. This calculates to a fiscal impact rate of return based on the original property taxes of \$43.66 to 1.

Economic Impact: This project will generate \$43.66 of property tax-type payments for every \$1 of property taxes under the land's current use.

Project Detail (Total Capital Investment)

Total Capital Investment: \$9,358,166

Estimated Benefits Provided

Sales Tax Exempt:	\$748,653 ✓
Mortgage Tax Exempt:	\$93,582 ✓
Property Tax Exempt:	\$550,869 ✓
Total Estimated Tax Incentives Provided:	\$1,393,104

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8/16/23



Project:	Oak Orchard Solar 3, LLC	Town of Batavia
Capex:	\$ 9,358,166	Savings
Sales Taxable (est.)	\$ 9,358,166	\$ 748,653
Mortgage (est.)	\$ 9,358,166	\$ 93,582 1% of 1.25%
Property Tax below		\$ 550,869
Total		\$ 1,393,104

Note: Includes Town Host Agreement

	Fixed \$ per MW AC	MW AC	from Assessor Assessed Value		Increase In PILOT Payment + Host Divided by Current Property
Escalator	\$ 4,000	5.0	\$ 450,000.00	\$ 2,250,000	
	2.0%				

Fiscal Impact \$ 593,380
ROI \$ 43.66

Year of Exemption	tax rate:	Fixed Payment \$4000 per MW	Town of Batavia	Genesee County	Elba School	Total Payments	Increase in property taxes due to loss of ag exemption	Total PILOT payments and property taxes to be received	Current property taxes	Total Payments to municipality upon project completion
1	\$ 8.43	\$ 20,000	\$ -	\$ 6,346	\$ 13,654	\$ 20,000	\$ 2,090	\$ 22,090	\$ 906	\$ 22,996
2	\$ 18.14	\$ 20,400	\$ -	\$ 6,472	\$ 13,928	\$ 20,400	\$ 2,090	\$ 22,490	\$ 906	\$ 23,396
3	\$ 26.57	\$ 20,808	\$ -	\$ 6,602	\$ 14,206	\$ 20,808	\$ 2,090	\$ 22,898	\$ 906	\$ 23,804
4		\$ 21,224	\$ -	\$ 6,734	\$ 14,490	\$ 21,224	\$ 2,090	\$ 23,314	\$ 906	\$ 24,220
5		\$ 21,649	\$ -	\$ 6,869	\$ 14,780	\$ 21,649	\$ 2,090	\$ 23,738	\$ 906	\$ 24,644
6		\$ 22,082	\$ -	\$ 7,006	\$ 15,076	\$ 22,082	\$ 2,090	\$ 24,171	\$ 906	\$ 25,077
7		\$ 22,523	\$ -	\$ 7,146	\$ 15,377	\$ 22,523	\$ 2,090	\$ 24,613	\$ 906	\$ 25,519
8		\$ 22,974	\$ -	\$ 7,289	\$ 15,685	\$ 22,974	\$ 2,090	\$ 25,063	\$ 906	\$ 25,969
9		\$ 23,433	\$ -	\$ 7,435	\$ 15,998	\$ 23,433	\$ 2,090	\$ 25,523	\$ 906	\$ 26,429
10		\$ 23,902	\$ -	\$ 7,583	\$ 16,318	\$ 23,902	\$ 2,090	\$ 25,991	\$ 906	\$ 26,897
11		\$ 24,380	\$ -	\$ 7,735	\$ 16,645	\$ 24,380	\$ 2,090	\$ 26,470	\$ 906	\$ 27,376
12		\$ 24,867	\$ -	\$ 7,890	\$ 16,978	\$ 24,867	\$ 2,090	\$ 26,957	\$ 906	\$ 27,863
13		\$ 25,365	\$ -	\$ 8,048	\$ 17,317	\$ 25,365	\$ 2,090	\$ 27,454	\$ 906	\$ 28,360
14		\$ 25,872	\$ -	\$ 8,209	\$ 17,664	\$ 25,872	\$ 2,090	\$ 27,962	\$ 906	\$ 28,868
15		\$ 26,390	\$ -	\$ 8,373	\$ 18,017	\$ 26,390	\$ 2,090	\$ 28,479	\$ 906	\$ 29,385
Total		\$ 345,868	\$ -	\$ 109,735	\$ 236,133	\$ 345,868	\$ 31,344	\$ 377,213	\$ 13,590	\$ 390,803

* no Pilots on Ad Valorem Taxes

Total tilable acres	62	Current ag exemption amount (add from OARS)	\$ 72,556
Solar acres	21.3	County and School Taxes on Ag Exemption	\$ 1,928
Total Ag Exemption	\$ 211,197	Town (only) Taxes on Ag Exemption	\$ 162
% solar vs total ag land	34%	Total taxes due based on the elimination of Ag Exemption	\$ 2,090
		Current Property Taxes on Property	\$ 906

1.250%	GCEDC fee	\$ 116,977
	Workforce Community Benefit	\$ 25,000
	Subtotal	\$ 141,977
	GCEDC Legal	\$ 12,500
	Total Fee	\$ 154,477

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

Property Taxes at 100% assessed value (assessor)	\$ 59,783
Term	15
Total PILOT	\$ 896,738
Savings	\$ 550,869

Net Savings \$ 1,238,627

Fixed \$ per MW AC	\$ 2,500	MW AC	5.0
Escalator	2.0%		

Town	Escalator
Year of Exemption	Fixed Payment \$2000 per MW
1	\$ 12,500
2	\$ 12,750
3	\$ 13,005
4	\$ 13,265
5	\$ 13,530
6	\$ 13,801
7	\$ 14,077
8	\$ 14,359
9	\$ 14,646
10	\$ 14,939
11	\$ 15,237
12	\$ 15,542
13	\$ 15,853
14	\$ 16,170
15	\$ 16,493
Total	\$ 216,168

MAN
8/16/23



Project Name: Oak Orchard Solar 3

Board Meeting Date: August 3, 2023

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

PROJECT DESCRIPTION:

Oak Orchard Solar 3 LLC is proposing to construct a community solar farm project on Route 98 in the Town of Batavia. The project will utilize ground-mounted solar panels to convert the sun's energy into 5 MW of AC power. The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

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

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

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

Project details: N/A

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: The project will enhance long term tax base with a planned new community solar farm and \$9,358,166 in capital investment. A fixed 15-year pilot with a 2% annual escalator priced at \$4,000/MWAC is proposed which is above the top end of the NYSERDA recommended range for projects located in National Grid territory in Western NY. The 5 MW solar farm will generate \$345,868 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

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

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

The 5 MW solar farm will generate \$593,380[✓] in PILOT payments, host payments and real property taxes over the 15-year term, which is far greater than the current assessed value of this ag/vacant land. This calculates a fiscal impact rate of return based on the original property taxes of \$43.66 to 1.

Project details: This project will generate \$43.66[✓] of property tax-type payments for every \$1 of property taxes under the land's current use.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

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

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: The project is planning to begin construction in Fall 2023 and be operational within 9 months

Board Discussion

Board Concurrence: YES NO If no, state justification:

MM
8/10/23

FINAL RESOLUTION
(Oak Orchard Solar 3, LLC)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, September 7, 2023.

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

Resolution No. 09/2023 - _____

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON AUGUST 30, 2023, WITH RESPECT TO THE OAK ORCHARD SOLAR 3, LLC (THE "PROJECT"); (ii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iii) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF THE STATE OF NEW YORK; (iv) 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, **OAK ORCHARD SOLAR 3, 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 approximately 21.30 acres located at Oak Orchard Road in the Town of Batavia, New York (the "Land", being more particularly described as a portion of tax parcel No. 4.-1-16, as may be subdivided); (ii) the planning, design, construction and operation of a 5MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework,

3.2b

18

landscaping, fencing, security and related improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and

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

WHEREAS, on August 3, 2023, the Agency adopted a resolution (the "Initial Resolution") pursuant to which the Agency (i) accepted the Application of the Company, (ii) directed that a public hearing be held, and (iii) described the forms of financial assistance being contemplated by the Agency with respect to the Project; and

WHEREAS, pursuant to Section 859-a of the Act, on Wednesday, August 30, 2023, at 11:00 a.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"). In addition to classifying the Project as a "Type I" action pursuant to SEQRA, the Planning Board issued a Negative Declaration on June 20, 2023 (the "Negative Declaration"), determining that the Project does not pose a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, including, but not limited to, the Full Environmental Assessment Form and the Negative Declaration, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Planning Board pursuant to 6 N.Y.C.R.R. Part 617.7. A copy of the Negative Declaration issued by the Planning Board is attached hereto as **Exhibit B**.

Section 2. The Public Hearing held by the Agency on Wednesday, August 30, 2023, at 11:00 a.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 partial 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 \$9,358,166.00, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed \$748,653.00. The Agency agrees to consider any requests by the Company for an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 5. Pursuant to Section 875(3) of the Act, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any Sales and Use Tax Exemption Benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the Sales and Use Tax Exemption Benefits; (ii) the Sales and Use Tax Exemption Benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the Sales and Use Tax Exemption Benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the Sales and Use Tax Exemption Benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving Sales and Use Tax Exemption Benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any Sales and Use Tax Exemption Benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 6. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, reconstruct, renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings

and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; *provided, however*, the Project Agreement shall expire on **December 31, 2024** (unless extended for good cause by the President/CEO of the Agency) if the Lease Agreement, the Leaseback Agreement and the Tax Agreement contemplated have not been executed and delivered.

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

Section 8. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record any mortgage, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") (collectively, the "Mortgage") up to a maximum principal amount not to exceed **\$9,358,166.00**, to acquire the Facility and/or finance or refinance the Facility or equipment and other personal property and related transactional costs (hereinafter, with the Project Agreement, Lease Agreement, Leaseback Agreement, Tax Agreement and the Mortgage, collectively called the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency shall approve, the execution thereof by the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 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	[]	[]	[]	[]
Marianne Clattenburg	[]	[]	[]	[]
Chandy Kemp	[]	[]	[]	[]
Kathleen Manne	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION
(Oak Orchard Solar 3, LLC)

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 September 7, 2023, with the original thereof on file in the offices of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

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

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

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

Secretary

Exhibit A

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

[Attached Hereto]

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Wednesday, August 30, 2023, at 11:00 a.m., local time, at Batavia Town Hall in the Meeting/Court Room, at 3833 West Main Street Road, Batavia, New York 14020, in connection with the following matter:

OAK ORCHARD SOLAR 3, 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 approximately 21.30 acres located at Oak Orchard Road in the Town of Batavia, New York (the "Land", being more particularly described as a portion of tax parcel No. 4.-1-16, as may be subdivided); (ii) the planning, design, construction and operation of a 5MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility").

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

The Agency will broadcast the public hearing **live** on the Agency's website at www.gcedc.com.

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

Dated: August 18, 2023

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

REPORT OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S PUBLIC HEARING OF OAK ORCHARD SOLAR 3, LLC ON WEDNESDAY, AUGUST 30, 2023 11:00 A.M. AT THE TOWN OF BATAVIA TOWN HALL, 3833 WEST MAIN STREET ROAD, BATAVIA, NEW YORK, GENESEE COUNTY, NEW YORK

I. ATTENDANCE

Chris Suozzi, VP of Business & Workforce Development – GCEDC
Lauren Casey, Finance Assistant – GCEDC

II. CALL TO ORDER

The public hearing of Oak Orchard Solar 3, LLC opened at 11:00 a.m. at the Batavia Town Hall, 3833 West Main Street Road, in Batavia, New York, Genesee County, New York.

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

III. PROJECT SUMMARY

Oak Orchard Solar 3 LLC is proposing to construct a community solar farm project on Route 98 in the Town of Batavia. The project will utilize ground-mounted solar panels to convert the sun's energy into 5 MW of AC power. The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

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

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

IV. COMMENTS

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

There was no public comment.

V. ADJOURNMENT

As there were no other comments, the public hearing was closed at 11:10 a.m.

Exhibit B

Negative Declaration of the Town of Batavia Planning Board

[See Attached]

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

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: 7755 Oak Orchard Rd., Batavia NY Solar Project		
Project Location (describe, and attach a general location map): 7755 Oak Orchard Rd., Batavia, NY 14020 (Tax Map No. 4.-1-16)		
Brief Description of Proposed Action (include purpose or need): Construct and operate a 5.0 Mw (AC) ground mounted, utility grade solar energy system.		
Name of Applicant/Sponsor: Oak Orchard Solar 3, LLC. c/o New Leaf Energy, Inc. [contact - Will Peregoy]		Telephone: (978) 995 - 3054
		E-Mail: wperegoy@newleafenergy.com
Address: 55 Technology Drive, Suite 102		
City/PO: Lowell	State: MA	Zip Code: 01851
Project Contact (if not same as sponsor; give name and title/role): Erdman Anthony Consulting Engineers [contact - Marc Kenward, PE]		Telephone: (585) 427 - 8888
		E-Mail: KenwardMD@erdmananthony.com
Address: 145 Culver Road, Suite 200		
City/PO: Rochester	State: New York	Zip Code: 14620
Property Owner (if not same as sponsor): Call Farms, Inc. [contact - Tim Call, President]		Telephone: (716) 560 - 1822
		E-Mail: timc@empiretractor.com
Address: 8127 Lewiston Rd		
City/PO: Batavia	State: NY	Zip Code: 14020

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Town of Batavia Planning Board: Special Use Permit and Site Plan Approvals	
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Genesee County Planning Board	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC GP 0-15-001 for Stormwater Discharges	
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

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

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?

Agricultural - Residential

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

c. Is a zoning change requested as part of the proposed action? Yes No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

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

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

New York State Police, Genesee County Sheriff, Batavia Police Department

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

Batavia Fire Protection District, Genesee County Emergency Management, Mercy Flight for EMS/Ambulance

d. What parks serve the project site?

None

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Construct and Operate a Utility grade (large scale) solar energy project.

b. a. Total acreage of the site of the proposed action? _____ 83.5 acres

b. Total acreage to be physically disturbed? _____ 2.2 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 83.5 acres

Project will encompass approximately 20.6 +/- acres of the total parcel area

c. Is the proposed action an expansion of an existing project or use? Yes No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____

ii. Is a cluster/conservation layout proposed? Yes No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

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

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

i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

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

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

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

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____
 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____
 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

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

If Yes:

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

v. Describe any proposed reclamation/mitigation following disturbance: _____

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

If Yes:

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

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

If Yes:

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

iii. Will line extension within an existing district be necessary to supply the project?

If Yes:

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

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

If Yes:

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

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

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

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

If Yes:

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

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

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

If Yes:

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

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

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

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

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ 504 Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. Electrical Equipment Pads and equipment. Note that solar arrays are considered disconnected roof-top draining onto grass meadow. New access drive is permeable stone.

 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
Sheet flow across grass meadow. Proposed stormwater run-off is equal to the existing conditions with an overall composite (run-off) curve number (CN) of 78 compared to the existing curve number (CN) of 78.
 • If to surface waters, identify receiving water bodies or wetlands: _____
Spring Creek
 • Will stormwater runoff flow to adjacent properties? Yes No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

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

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

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

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

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

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

If Yes:

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

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

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

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

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

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

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

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

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

If Yes:

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

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

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

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

i. During Construction:

- Monday - Friday: 7:00 am - 6:00 pm
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____ Daylight Hours
- Saturday: _____ Daylight Hours
- Sunday: _____ Daylight Hours
- Holidays: _____ Daylight Hours

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration: _____

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
Describe: _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____

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

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

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

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

If Yes:

i. Describe proposed treatment(s): _____

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

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): Existing Ground Mounted Solar Energy System

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.489	0.479	-0.010
• Forested	2.529	2.512	-0.016
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	4.019	32.527	+28.508
• Agricultural (includes active orchards, field, greenhouse etc.)	28.970	0.000	-28.970
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	1.810	1.810	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Pervious Driveway</u>	0	0.489	+0.489

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

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

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

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

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

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

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ >6.67 feet

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

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

Palmyra gravelly loam	_____	38.9 %
Lima silt loam	_____	25.4 %
Romulus silt loam	_____	15.7 %

d. What is the average depth to the water table on the project site? Average: 0 to >6.67 feet

e. Drainage status of project site soils: Well Drained: _____ 39.8 % of site
 Moderately Well Drained: _____ 33.9 % of site
 Poorly Drained _____ 26.2 % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

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

h. Surface water features.

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

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

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

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

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

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

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

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

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

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

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

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

If Yes:

i. Name of aquifer: _____



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<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p><u>Deer, possum, raccoon, skunk</u> <u>Fox, woodchucks</u></p> <p><u>Songbirds, Turkey, Hawks, blackbirds</u> <u>Meadow Moles, Field Mice</u></p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
E.3. Designated Public Resources On or Near Project Site	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: <u>GENE002</u></p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? <u>Prime Farmland - 25.8 AC, Farmland of Statewide Importance - 5.5 AC</u></p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): <u>USDA NRCS Web Soil Survey</u></p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

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e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:

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

ii. Name: _____

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

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: MacArthur Park, Lambert Park, Centennial Park, Austin Park, Williams Park & Trail, Lions Park, Batavia Town Park

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

iii. Distance between project and resource: 2.05, 2.06, 2.37, 2.72, 2.92, 3.80, & 4.03 miles

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

If Yes:

i. Identify the name of the river and its designation: _____

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

F. Additional Information

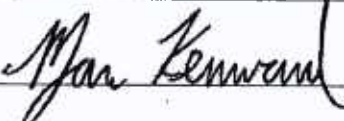
Attach any additional information which may be needed to clarify your project.

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

G. Verification

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

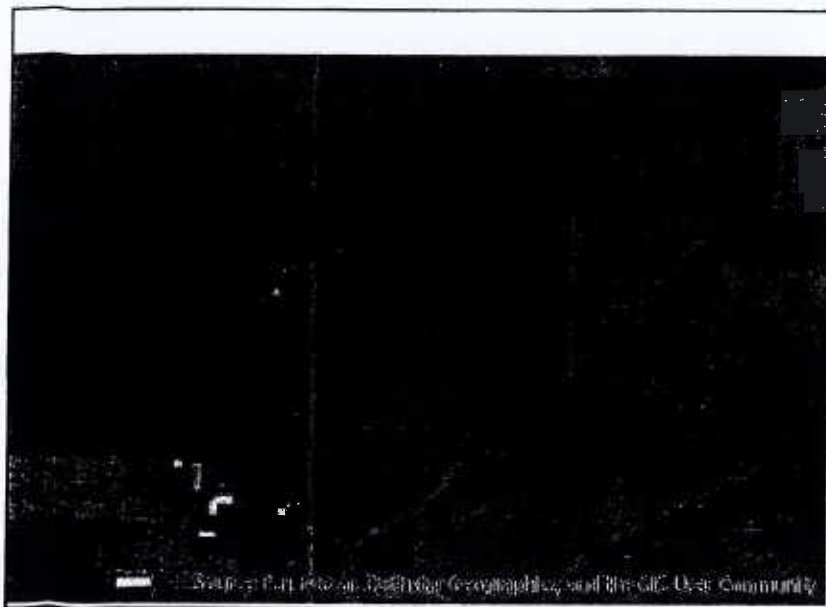
Applicant/Sponsor Name Marc Kenward Date December 12, 2022

Signature  Title Senior Associate
 Erdman Anthony Consulting Engineers
 145 Culver Road, Suite 200
 Rochester, NY 14620 (585) 427 - 8888
 KenwardMD@erdmananthony.com

PRINT FORM

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



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

E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	GENE002
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

Town of Batavia Planning Board Meeting

Batavia Town Hall, 3833 W Main St. Rd., Batavia, NY

Tuesday, March 7, 2023 7:00 pm

PUBLIC HEARINGS (3)

Request for a 4-lot subdivision with proposed right of way to be dedicated to the Town of Batavia by Hix Snedeker Companies (Call Farms, Inc) for the Tractor Supply Store and three lots that do not have proposed uses at this time.

. Application for a Special Use Permit by Oak Orchard Solar 3 c/o New Leaf Energy for the installation of a 5mw solar system on 20.6 acres of farm land on Route 98.

Application for a Special Use Permit by Joshua Piscitelli for a self-storage facility on a vacant lot approx. 3.9 acres on Lewiston Road Town of Batavia, NY.

AGENDA

Call Regular Planning Board Meeting to Order

Roll Call

Designation of Alternate Member(s) for voting purposes if necessary

Approval of Minutes of the previous meeting (2/21/23)

Public Comment on Agenda Items

1. Request for a 4-lot subdivision with proposed right of way to be dedicated to the Town of Batavia by Hix Snedeker Companies (Call Farms, Inc) for the Tractor Supply Store and three lots that do not have proposed uses at this time. Vote on request for subdivision.

2. Application for a Special Use Permit for a self-storage facility on Lewiston Rd., Town of Batavia, by Joshua Piscitelli – vote on request for SUP.

3. Application for a Special Use Permit by Oak Orchard Solar 3 c/o New Leaf Energy for the installation of a 5mw solar system on 20.6 acres of farm land on Route 98. SEQR Review at next meeting 3/21/23.

4. Zoning Officer Report

5. Chairman Report

6. Adjournment

Planning Board Members – please contact Chairman if you cannot attend

kjasinski@townofbatavia.com or 762-8239

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

Agency Use Only [If applicable]
 Project: Leicester Road Solar 0946070407
 Date: June 20, 2023

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.

1. Impact on Land		<input checked="" type="checkbox"/> NO	<input 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 type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input 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 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 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 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 type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

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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"/>

1. 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.
 (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.

NO YES

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

5. Impact on Flooding
 The proposed action may result in development on lands subject to flooding.
 (See Part 1. E.2)
 If "Yes", answer questions a - g. If "No", move on to Section 6.

NO YES

	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"/>

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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. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	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 ₂)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<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.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	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"/>

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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"/>

8. Impact on Agricultural Resources
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) NO YES
If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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 the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: <u>Archaeological Report Showed No Impact</u>		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation

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. NO YES

(See Part 1. C.2.c, E.1.c., E.2.q.)
 If "Yes", answer questions a - e. If "No", go to Section 12.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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"/>

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) NO YES

If "Yes", answer questions a - c. If "No", go to Section 13.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

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

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

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

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

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"/>

3.2b

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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: <u>During construction</u>		<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: _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part 1. C.1, C.2. and C.3.)

NO

YES

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.
(See Part 1. C.2, C.3, D.2, E.3)

NO

YES

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"/>

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3.2b

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

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

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

Reasons Supporting This Determination:

To complete this section:

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

The Town of Batavia Planning Board took a hard look at the SEQR Review for the Oak Orchard Road Solar Project and have declared no significant negative impact on the land and surrounding community.

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

3.2b

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 _____ as lead agency that:

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

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

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

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

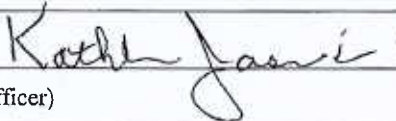
Name of Action: Oak Orchard Solar Project

Name of Lead Agency: Town of Batavia Planning Board

Name of Responsible Officer in Lead Agency: Kathleen Jasinski

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:



Date: 6/20/2023

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Steven Mountain, Town Engineer

Address: 3833 West Main St. Rd., Batavia, NY 14020

Telephone Number: 585-343-1729 Ext. 220

E-mail: SMountain@townofbatavia.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>

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8/31/23

Customer Information

Potential Customer:	HP Hood	Opportunity Type:	Expansion
Project Street Address:	5140 Ag Park Drive	Opportunity Product:	Property Sales & Mortgage Recording Taxes Only
City/Town/Village:	//Batavia	Type of Project:	Expansion
Project Description:	HP Hood Expansion	New Jobs:	48 ✓
Total Capital Investment:	\$120,000,000	Retained Jobs:	455
Incentive Amount:	\$5,613,705	School District:	Batavia
Benefited Amount:	\$67,000,000	PILOT Applicable:	Increase in assessed value of land and/or other buildings (pre-project value of land and or buildings excluded)

Project Information

Organization:	GCEDC		
Opportunity Source:	Direct/Personal Contact	Date of Public Hearing:	TBD
Initial Acceptance Date:	9/7/2023	Inducement Date:	TBD
Opportunity Summary:	HP Hood is planning to expand at the Ag Park in Batavia, NY.		

The \$120 million project consists of a 32,500 sq ft expansion to accommodate approximately 7,500 more pallet positions in its automatic storage and retrieval system (ASRS) refrigerated warehouse. The project will also include the addition of new batching and processing systems, along with other upgrades which will allow the company to increase capacity and production of additional extended-shelf-life (ESL) beverage products at the Batavia facility.

The project proposes creating 48 new full-time equivalent (FTE) positions and retaining 455 FTE's.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$4,528,000, a property tax abatement estimated at \$549,705 based on incremental increase in assessed value via new traditional PILOT, and a mortgage tax exemption estimated at \$536,000.

Economic Impact: The Fiscal impacts (discounted value) on Local Benefits totals \$49,873,411 (\$49,140,810 in payroll and \$732,601 to the public in tax revenues). For every \$1 of public benefit the company is investing \$16 into the local economy

Project Detail (Total Capital Investment)

Building Cost (Construction):	\$26,000,000 ✓
Equipment (non-taxable):	\$53,000,000 ✓
Equipment (Taxable) / Other Project Investment:	\$41,000,000 ✓
Total Capital Investment:	\$120,000,000 ✓

Estimated Benefits Provided

Sales Tax Exempt:	\$4,528,000 ✓
Mortgage Tax Exempt:	\$536,000 ✓
Property Tax Exempt:	\$549,705 ✓
Total Estimated Tax Incentives Provided:	\$5,613,705
 Total Amount Finance:	 \$120,000,000

Genesee County Industrial Development Agency

MRB Cost Benefit Calculator

Date August 24, 2023
 Project Title HP Batavia Expansion
 Project Location 5140 Ag Park Dr Batavia, NY 14020

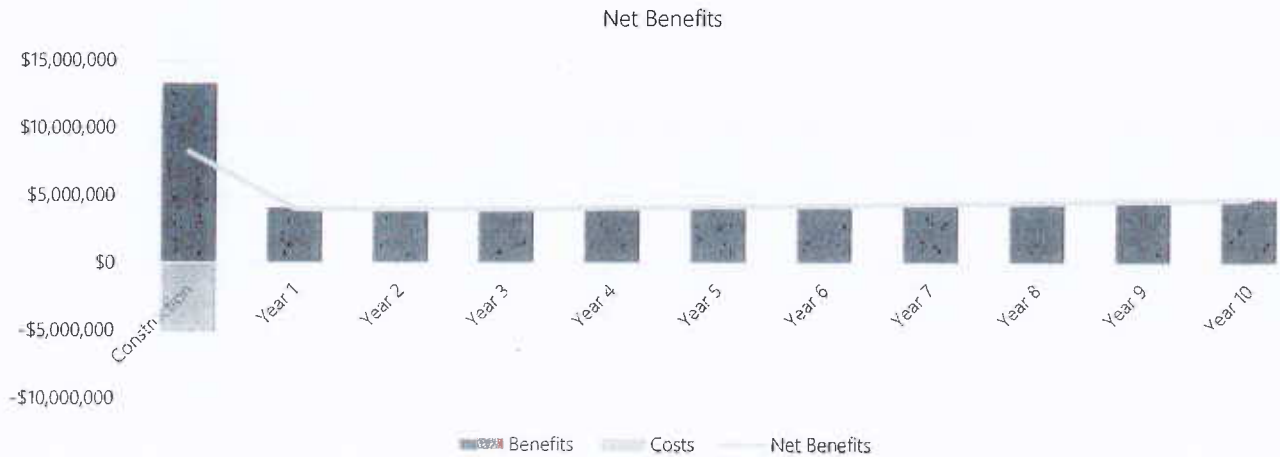
Economic Impacts

Summary of Economic Impacts over the Life of the PILOT
 Project Total Investment
 \$120,000,000

		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		128	38	165
Earnings		\$10,751,956	\$1,804,169	\$12,556,126
Local Spend		\$26,000,000	\$6,474,445	\$32,474,445

		Ongoing (Operations)		
		Aggregate over life of the PILOT		
		Direct	Indirect	Total
Jobs		48	77	125
Earnings		\$22,859,213	\$17,981,386	\$40,840,600

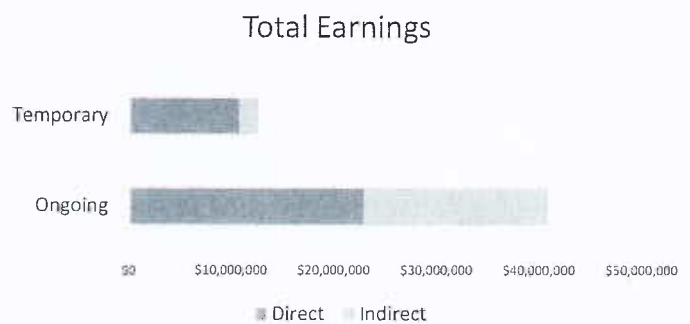
Figure 1



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

Figure 2

Figure 3



Fiscal Impacts

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$549,709 ✓	\$502,664
Sales Tax Exemption	\$4,528,000 ✓	\$4,528,000
Local Sales Tax Exemption	\$2,264,000	\$2,264,000
State Sales Tax Exemption	\$2,264,000	\$2,264,000
Mortgage Recording Tax Exemption	\$536,000	\$536,000
Local Mortgage Recording Tax Exemption	\$268,000	\$268,000
State Mortgage Recording Tax Exemption	\$268,000	\$268,000
Total Costs	\$5,613,709	\$5,566,664

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$54,213,023	\$49,873,411
To Private Individuals	\$53,396,725	\$49,140,810
Temporary Payroll	\$12,556,126	\$12,556,126
Ongoing Payroll	\$40,840,600	\$36,584,685
Other Payments to Private Individuals	\$0	\$0
To the Public	\$816,298	\$732,601
Increase in Property Tax Revenue	\$366,471	\$320,303
Temporary Jobs - Sales Tax Revenue	\$87,893	\$87,893
Ongoing Jobs - Sales Tax Revenue	\$285,884	\$256,093
Other Local Municipal Revenue	\$76,050	\$68,313
State Benefits	\$2,776,630	\$2,555,322
To the Public	\$2,776,630	\$2,555,322
Temporary Income Tax Revenue	\$565,026	\$565,026
Ongoing Income Tax Revenue	\$1,837,827	\$1,646,311
Temporary Jobs - Sales Tax Revenue	\$87,893	\$87,893
Ongoing Jobs - Sales Tax Revenue	\$285,884	\$256,093
Total Benefits to State & Region	\$56,989,653	\$52,428,733

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$49,873,411	\$3,034,664	16:1
State	\$2,555,322	\$2,532,000	1:1
Grand Total	\$52,428,733	\$5,566,664	9:1

*Discounted at 2%

Additional Comments from IDA

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

MRB Cost Benefit Calculator

Genesee County Industrial Development Agency

Date
 Project Title
 Project Location

Construction Phase - Project Assumptions

Project Costs

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

Project Costs	
Value	
<input type="text" value="\$120,000,000"/>	
<input type="text" value="22%"/>	
<input type="text" value="\$26,000,000"/>	

Construction Economic Impacts

Industry	NAICS	% of Total Investment	Investment by Type
Industrial Building Construction	236210	100%	\$26,000,000 ✓
[Not Applicable]	0		\$0
[Not Applicable]	0		\$0
		100%	\$26,000,000

Most projects will only have one line related to construction type.

Operation Phase - Project Assumptions

Jobs and Earnings from Operations

Year 1 - Enter NAICS		NAICS	Count	Per Job Annual Earnings	Total Earnings
Fluid Milk Manufacturing	311511	48 ✓	\$45,000 ✓	\$2,160,000	
	0			\$0	
	0			\$0	
	0			\$0	
	0			\$0	
	0			\$0	
Total		48		\$2,160,000	

Year 2		NAICS	Count	Per Job Annual Earnings	Total Earnings
Fluid Milk Manufacturing	311511	48 ✓	\$45,000 ✓	\$2,160,000	
	0			\$0	
	0			\$0	
	0			\$0	
	0			\$0	
	0			\$0	
Total		48		\$2,160,000	

Year 3+ (Full Employment)		NAICS	Count	Per Job Annual Earnings	Total Earnings
Fluid Milk Manufacturing	311511	48 ✓	\$45,000 ✓	\$2,160,000	
	0			\$0	
	0			\$0	
	0			\$0	
	0			\$0	
	0			\$0	
Total		48		\$2,160,000	

Fiscal Impact Assumptions

Estimated Costs of Incentives

Sales Tax Exemption	%	Value	PILOT Term (Years)	<input type="text" value="10"/>
Local Sales Tax Rate	4.00%	\$4,528,000 ✓	Escalation Factor	<input type="text" value="2%"/>
State Sales Tax Rate	4.00%	\$2,264,000	Discount Factor	<input type="text" value="2%"/>
Mortgage Recording Tax Exemption		<input type="text" value="\$536,000"/>		
Local	0.50%	\$268,000		
State	0.50%	\$268,000		
Total Costs		<input type="text" value="\$5,613,709"/> <small>Includes PILOT exemption, calculated below.</small>		

Property Tax Exemption

Year #	Year	Property Tax WITHOUT Project	Estimated PILOT	Property Tax on Full Assessment	Difference in Current vs. PILOT	Difference PILOT vs Full Taxes
1	2024	✓	\$18,324 ✓	\$91,618 ✓	\$18,324 ✓	-\$73,294 ✓
2	2025	✓	\$18,324 ✓	\$91,618 ✓	\$18,324 ✓	-\$73,294 ✓
3	2026	✓	\$18,324 ✓	\$91,618 ✓	\$18,324 ✓	-\$73,294 ✓
4	2027	✓	\$27,485 ✓	\$91,618 ✓	\$27,485 ✓	-\$64,133 ✓
5	2028	✓	\$27,485 ✓	\$91,618 ✓	\$27,485 ✓	-\$64,133 ✓
6	2029	✓	\$27,485 ✓	\$91,618 ✓	\$27,485 ✓	-\$64,133 ✓
7	2030	✓	\$45,809 ✓	\$91,618 ✓	\$45,809 ✓	-\$45,809 ✓
8	2031	✓	\$45,809 ✓	\$91,618 ✓	\$45,809 ✓	-\$45,809 ✓
9	2032	✓	\$64,132 ✓	\$91,618 ✓	\$64,132 ✓	-\$27,486 ✓
10	2033	✓	\$73,294 ✓	\$91,618 ✓	\$73,294 ✓	-\$18,324 ✓
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Total		\$0	\$366,471 ✓	\$916,180 ✓	\$366,471	-\$549,709
				Discounted->	\$320,303	-\$502,664

3.3

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Client Company Investment Project Financial Assistance PROPOSAL

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

Project Profile:			
Company:	<u>inputs</u> HP Hood 2023		Date: 8/23/23
Project Description:		building cost	non-mfg equipment
Project Cost	\$ 67,000,000	\$ 26,000,000	\$41,000,000
Project Cost subject to Sales Tax	\$ 56,600,000	60% bldg cost + non mfg equipt	
Project Cost to be Financed via Mortgage	\$ 53,600,000	80%	
Estimated Assessed value of Real Property/Building upon completion*	\$ 3,250,000	-	32,500 sq ft
Jobs Created: next 3 years	48.0	-	\$ 100.00 * Assessed \$/sq/ft
Jobs Retained: next 3 years	455		

Applicable GCEDC Products:	1 Year View	3 Year View	Project Lifetime	
Financial Assistance: Cost Reduction Through Tax Savings:				45,103,000 ✓ assessed
Sale/Leaseback (SLB):				448,185 ✓ sf
Sales Tax Exemption (Savings):	8.00% \$ 4,528,000 ✓	\$ 4,528,000	\$ 4,528,000	\$ 100.63 ✓
Mortgage Tax Exemption (Savings):	1.00% \$ 536,000	\$ 536,000	\$ 536,000	
Real Property Tax Abatement (PILOT):				
Average Abatement (savings %) over project life	40%		40%	
PILOT Term in years	10 ✓			
Gross Property Tax Costs	\$ 28.19 ✓ \$ 91,618 ✓	\$ 274,853	\$ -	
Payment Schedule (% Real Property Taxes Paid)			60%	
Net Required Property Tax payments per PILOT	\$ -	\$ -	\$ -	
PILOT Real Property Tax Savings (Next taxable year)	\$ 91,618	\$ 274,853	\$ 549,705	
Total Tax Savings via Sale/Leaseback (SLB):	\$ 5,155,618	\$ 5,338,853	\$ 5,613,705	
Financing: Cost Reduction via low cost financing (below prime rate):				
Revolving Loan Fund (RLF):	\$ Financed	Term in mo	RLF APR	Prime + 1%
Loan Factors:				
Interest Rate Savings:	\$ -	\$ -	\$ -	
Gross Cost Savings via GCEDC programs:	\$ 5,155,618	\$ 5,338,853	\$ 5,613,705	

Participation Fees (Costs):			
GCEDC Application Fee (non-refundable):	\$ 250		
GCEDC Project Fee (% Total Project Cost):	1.25% \$ 837,500	term 5 years \$167,500 per year	
Legal Fees: SLB (Contract Development, Documentation, Filing fees)	\$ 53,500		
Legal Fees: RLF (Contract Development, Documentation, Filing fees):			
Total Participation Fees:	\$ 891,250		
Summary:			
Total Costs Savings / Benefits via GCEDC programs(after participation f	\$ 4,264,368	\$ 4,447,603	\$ 4,722,455
Total Benefits as % Total Project Cost:	6%	7%	7%
Return on Investment (ROI) = Net Savings / Participation Fees:	478%	499%	530%

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 CLOSES 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!

12/31

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Gross Property Tax Per Year \$ 91,618

\$2.34

Year of Exemption	% of Paid Taxes	Net Savings	Municipalities	
			Tax to be Paid	Total
1	20%	\$73,294	\$ 18,324	\$91,618
2	20%	\$73,294	\$ 18,324	\$91,618
3	20%	\$73,294	\$ 18,324	\$91,618
4	30%	\$64,132	\$ 27,485	\$91,618
5	30%	\$64,132	\$ 27,485	\$91,618
6	30%	\$64,132	\$ 27,485	\$91,618
7	50%	\$45,809	\$ 45,809	\$91,618
8	50%	\$45,809	\$ 45,809	\$91,618
9	70%	\$27,485	\$ 64,132	\$91,618
10	80%	\$18,324	\$ 73,294	\$91,618
Total	40%	\$549,705	\$366,470	\$916,175

To be paid 100%

Fire District fee

\$ 7,605
 \$ 7,605
 \$ 7,605
 \$ 7,605
 \$ 7,605
 \$ 7,605
 \$ 7,605
 \$ 7,605
 \$ 7,605
 \$ 7,605
 \$ 76,050

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Project Name: HP Hood

Board Meeting Date: September 7, 2023

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

PROJECT DESCRIPTION:

HP Hood is planning to expand at the Ag Park in Batavia, NY.

The \$120 million project consists of a 32,500 sq ft expansion to accommodate approximately 7,500 more pallet positions in its automatic storage and retrieval system (ASRS) refrigerated warehouse. The project will also include the addition of new batching and processing systems, along with other upgrades which will allow the company to increase capacity and production of additional extended-shelf-life (ESL) beverage products at the Batavia facility.

The project proposes creating 48 new full-time equivalent (FTE) positions and retaining 455 FTE's.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$4,528,000, a property tax abatement estimated at \$549,705 based on incremental increase in assessed value via new traditional PILOT, and a mortgage tax exemption estimated at \$536,000.

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

Project details: The project is planning on creating 48 direct jobs between \$45,000-60,000 annual plus benefits and retaining 455 FTE's.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: The project will enhance long term tax base with an investment of \$120,000,000 and construct a 32,500 sq. ft. expansion to their refrigerated warehouse.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: N/A

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

The Fiscal impacts (discounted value) on Local Benefits totals \$49,873,411 (\$49,140,810 in payroll and \$732,601 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

Project details: For every \$1 of public benefit the company is investing \$16 into the local economy

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: Yes, it is in the Food Processing industry.

Board Discussion:

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

Project details: The project is planning to begin construction in 2024 and be operational by the first quarter of 2025.

Board Discussion

Board Concurrence: YES NO If no, state justification:

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INITIAL RESOLUTION
(HP Hood LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, September 7, 2023.

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

Resolution No. 09/2023 - _____

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

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

WHEREAS, **HP HOOD 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 and/or retention by the Agency of a leasehold or other interest in certain property located at 5140 Ag Park Drive, Town of Batavia, Genesee County, New York and all other lands in the Town of Batavia where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly described as tax parcel No. 13.-1-165.111/P) and the existing improvements located thereon consisting principally of an approximately 448,185 square foot facility (the "Existing Facility"); (ii) the planning, design, construction and operation of an approximately 32,500 square foot addition to the existing improvements, along with utility and site improvements, parking lots, loading docks, access and egress improvements, signage, curbage, landscaping and stormwater retention improvements (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Existing Improvements, the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land, the Existing Improvements and the Improvements, the "Facility"); and

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

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

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

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

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

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

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

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

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

plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries.

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

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

Section 4. These Resolutions shall take effect immediately.

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

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

The Resolutions were thereupon duly adopted.

CERTIFICATION
(HP Hood 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 September 7, 2023, with the original thereof on file at the Agency's office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

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

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

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

Secretary

GCEDC Board of Directors

Report of Management

Project Milestones for Rochester Regional Health & NEXgistics

September 7, 2023



Rochester Regional Health held a ribbon cutting on Friday, August 18 at the Batavia Medical Campus. We toured the facility, which was supported by the GCFC along with Rochester Regional Health's facility in St. Lawrence County.

NEXgistics completed a milestone in the construction of the 140,000 square-foot third-party logistics facility in Pembroke. We joined the Town of Pembroke, Montante Construction, and the energetic workers at NEXgistics in a Topping-Out Ceremony on Tuesday, August 22.

This event brought attention to the success of our long-term vision for Route 77 with hubs of activity in Pembroke and at STAMP. \$1 billion of capital investment announced in the past few years will grow into 1,000+ manufacturing and logistics careers.

This project enabled a western New York logistics provider the ability to build their headquarters and operations in an ideal location. NEXgistics President Steve Northman's comments are below.

"I'd be remiss not to begin by thanking our friends in Genesee County for welcoming us so genuinely.

"Steve Hyde, Chris Suozzi and the entire GCEDC team, along with Pembroke Supervisor Tom Schneider have opened their arms as well as countless doors for us. When things got tough, these folks got cracking and I cannot genuinely thank them enough for all they have done and all they continue to do.

"To be direct as I am able, we are just so excited to become part of your community."

GCEDC Board of Directors

Report of Management

Support for New York Semiconductor Manufacturing and Research Technology Innovation Corridor

September 7, 2023

Last month, leaders from the Finger Lakes, Western New York and Central New York regions, along with Senate Majority Leader Charles Schumer, announced a joint effort to advance a CHIPS & Science Bill application for a multi-region federally-designated Tech Hub.

Funding the projects proposed in the NY SMART I-Corridor Tech Hub application would accelerate the activities that the GCEDC has encouraged through the work of our board and staff to build a complete semiconductor ecosystem around STAMP. A Phase 1 award to the Buffalo-Rochester-Syracuse corridor would enable funding and eligibility for a Phase 2 award of multi-tens of millions of dollars.

As noted by Senator Schumer in an Aug. 15 letter to U.S. Commerce Secretary Gina Raimondo, the Tech Hub would propel the Buffalo-Rochester-Syracuse corridor to become a semiconductor and electromechanical supply-chain hub across multiple goals, including the below.

- Attracting new tier 1, 2, and 3 suppliers to locate to the region, including onshoring companies from overseas
- Providing early-stage funding, technical assistance, and commercialization support to incubate new semiconductor supply chain companies, while helping existing advanced manufacturers make the transition to sell to the semiconductor industry
- Creating a common platform across labs and universities to share R&D to advance the semiconductor manufacturing innovations needed to make cutting-edge microchips and help fulfill our national security and economic goals of reducing our reliance on overseas microchips by producing more domestically.
- Aligning the efforts of workforce development and higher education partners to develop the skills-based certifications, STEM education, and training needed to prepare workers for new careers filling the tens of thousands of anticipated jobs needed by the Hub's semiconductor supply chain businesses

As evidenced by Edwards semiconductor's commitment to generate 343 high-quality jobs and over \$200 million of investment into semiconductor dry-pump manufacturing with their Phase I project at STAMP, these activities would have significant results for our community and region.

Edwards, along with our partners at Greater Rochester Enterprise; Rochester Institute of Technology, University at Buffalo, University of Rochester and Cornell University; Rochester Technology and Manufacturing Association, Monroe Community College and Northland Workforce Training Center; and ROC 2025 among many other business, training, and research institutions are in support of this application.

Requested Action: Authorize GCEDC staff to issue a formal letter of support for the NY SMART I-Corridor Tech Hub application to supporting entities.

**Genesee County Economic Development Center
July 2023 Dashboard
Balance Sheet - Accrual Basis**

DRAFT

	<u>7/31/23</u>	<u>6/30/23</u>	[Per Audit] <u>12/31/22</u>
ASSETS:			
Cash - Unrestricted	\$ 6,184,393	\$ 6,167,150	\$ 6,428,049
Cash - Restricted (A)(1)	8,220,915	8,326,212	8,955,862
Cash - Reserved (B)	810,225	808,277	797,149
Cash - Subtotal	15,215,533	15,301,639	16,181,060
Grants Receivable (2)	82,582	61,119	67,663
Accounts Receivable (3)	36,182	98,238	105,672
Deposits	2,832	2,832	2,832
Prepaid Expense(s) (4)	36,225	43,101	25,691
Loans Receivable - Current	56,252	56,205	54,539
Total Current Assets	15,429,606	15,563,134	16,437,457
Land Held for Dev. & Resale (5)	23,237,665	23,103,659	22,615,924
Furniture, Fixtures & Equipment	71,257	71,257	71,257
Total Property, Plant & Equip.	23,308,922	23,174,916	22,687,181
Less Accumulated Depreciation	(69,565)	(69,511)	(69,183)
Net Property, Plant & Equip.	23,239,357	23,105,405	22,617,998
Loans Receivable- Non-current (Net of \$47,429 Allow. for Bad Debt)	104,083	108,951	138,073
Right to Use Assets, Net of Accumulated Amortization	30,078	30,078	30,078
Net Pension Asset (10)	200,580	200,580	200,580
Other Assets	334,741	339,609	368,731
TOTAL ASSETS	39,003,704	39,008,148	39,424,186
DEFERRED OUTFLOWS OF RESOURCES			
Deferred Pension Outflows (10)	416,930	416,930	416,930
Deferred Outflows of Resources	416,930	416,930	416,930
LIABILITIES:			
Accounts Payable (6)	24,714	20,295	218,950
Loan Payable - Genesee County - Current (7)	315,000	315,000	305,000
Accrued Expenses	30,894	23,223	30,879
Lease Payable - Current	12,167	12,167	12,167
Unearned Revenue (8)	7,921,170	8,038,516	8,533,938
Total Current Liabilities	8,303,945	8,409,201	9,100,934
Loans Payable - ESD (9)	5,196,487	5,196,487	5,196,487
Loan Payable - Genesee County - Noncurrent (7)	2,510,000	2,510,000	2,825,000
Lease Payable - Noncurrent	17,911	17,911	17,911
Total Noncurrent Liabilities	7,724,398	7,724,398	8,039,398
TOTAL LIABILITIES	16,028,343	16,133,599	17,140,332
DEFERRED INFLOWS OF RESOURCES			
Deferred Pension Inflows (10)	712,344	712,344	712,344
Deferred Inflows of Resources	712,344	712,344	712,344
NET ASSETS	\$ 22,679,947	\$ 22,579,135	21,988,440

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.
2. Grants Receivable - National Grid grants support marketing and development activities for STAMP and the LeRoy Food & Tech Park.
3. Accounts Receivable - Econ. Dev. Program Support Grant, MedTech Centre Property Management, etc.
4. Prepaid Expense(s) - Cyber, D&O, life, general liability, umbrella, workers compensation and short-term disability insurance, etc.
5. Land Held for Dev. & Resale - Additions are related to STAMP development costs.
6. Accounts Payable - e3communications 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. Net Pension Asset / Deferred Pension Outflows / Deferred Pension Inflows - Accounts related to implementation of GASB 68.

(A) Restricted Cash = GAIN! Loan Funds, Municipal Funds, Grant Funds Received in Advance.

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

**Genesee County Economic Development Center
July 2023 Dashboard
Profit & Loss - Accrual Basis**

DRAFT

	Month to Date		YTD		2023	2023
	7/31/23	7/31/22	2023	2022	Board Appr. Budget	YTD % of Budget
Operating Revenues:						
Genesee County	\$ 19,459	\$ 19,459	\$ 136,214	\$ 136,215	\$ 233,513	58%
Genesee County - WFD	2,083	2,083	14,582	14,583	25,000	58%
Fees - Projects	2,500	39,625	164,938	342,843	487,000	34%
Fees - Services	7,262	7,099	50,834	49,694	87,146	58%
Interest Income on Loans	179	227	1,336	1,672	2,170	62%
Rent	-	-	7,507	16,393	32,910	23%
Common Area Fees - Parks	-	-	391	373	380	103%
Grants (1)	138,807	3,825	1,140,167	3,306,105	4,600,459	25%
GGLDC Grant- Econ. Dev. Program Support	25,000	25,000	175,000	175,000	300,000	58%
GCFC Grant - Econ. Dev. Program Support	-	328,388	-	328,388	-	N/A
Land Sale Proceeds	-	67,500	-	67,500	-	N/A
BP ² Revenue	-	-	7,503	3,532	52,819	14%
Other Revenue	25	568	5,271	1,125	5,000	105%
Total Operating Revenues	195,315	493,774	1,703,743	4,443,423	5,826,397	29%
Operating Expenses						
General & Admin	106,212	101,483	859,913	820,855	1,519,303	57%
Professional Services	3,988	1,500	50,073	41,516	206,620	24%
Site Maintenance/Repairs	447	-	2,683	2,683	38,000	7%
Property Taxes/Special District Fees	-	-	5,275	3,518	3,030	174%
BP ² Expense	-	-	-	-	17,244	0%
PIF Expense	-	-	48,162	43,296	151,906	32%
Site Development Expense (2)	5,176	2,000	165,828	2,371,137	3,532,271	5%
Cost of Land Sales	-	5,775	-	5,775	-	N/A
Real Estate Development (3)	134,006	181,458	621,742	1,027,588	611,229	102%
Balance Sheet Absorption	(134,006)	(181,458)	(621,742)	(1,027,588)	-	N/A
Total Operating Expenses	115,823	110,758	1,131,934	3,288,780	6,079,603	19%
Operating Revenue (Expense)	79,492	383,016	571,809	1,154,643	(253,206)	
Non-Operating Revenue						
Other Interest Income (4)	21,320	1,775	119,698	8,508	5,900	2029%
Total Non-Operating Revenue	21,320	1,775	119,698	8,508	5,900	2029%
Change in Net Assets	100,812	384,791	691,507	1,163,151	\$ (247,306)	
Net Assets - Beginning	22,579,135	20,361,855	21,988,440	19,583,495		
Net Assets - Ending	\$ 22,679,947	\$ 20,746,646	\$ 22,679,947	\$ 20,746,646		

Significant Events:

1. Grants - 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; \$448K Community Benefit Agreement payment dedicated to STAMP by sourcing debt service payments to the County; National Grid grant supports marketing and development activities for STAMP; ESD \$33M & \$8M Grants support STAMP engineering, environmental, legal, infrastructure, etc.
2. Site Development Expense - Installation of, or improvements to, infrastructure that is not owned by the GCEDC, or will be dedicated to a municipality in the foreseeable future, is recorded as site development expense when costs are incurred.
3. Real Estate Development Costs - Includes STAMP development costs.
4. Other Interest Income - Interest rates have increased substantially; invested funds into a 3-month CD for additional interest income.

4.1

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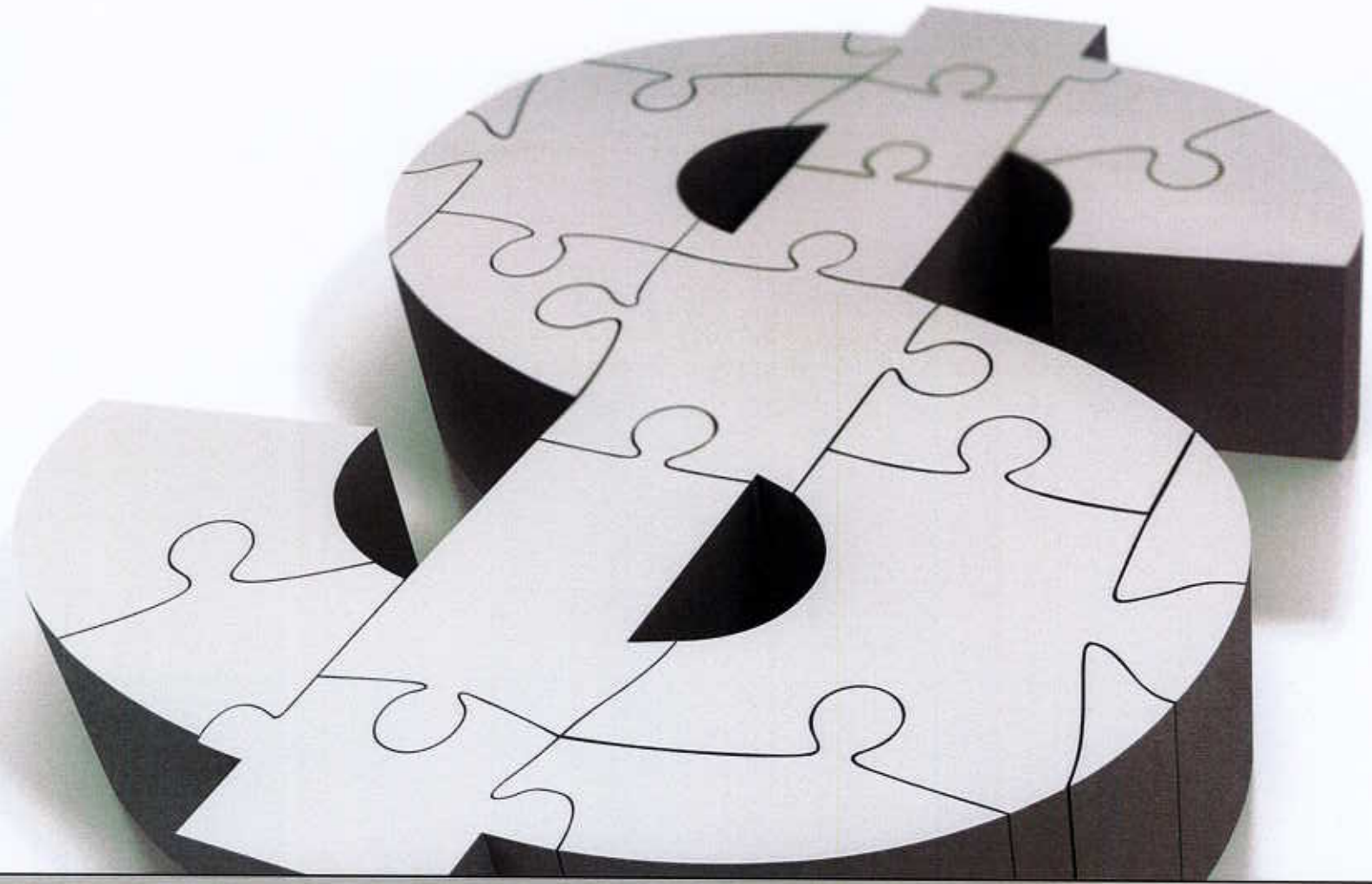
**Genesee County Economic Development Center
July 2023 Dashboard
Statement of Cash Flows**

DRAFT

	July 2023	YTD
CASH FLOWS USED BY OPERATING ACTIVITIES:		
Genesee County	\$ 21,542	\$ 172,338
Fees - Projects	2,500	142,438
Fees - Services	21,786	64,870
Interest Income on Loans	177	1,246
Rent	-	15,756
Common Area Fees - Parks	-	391
Grants	-	513,528
BP ² Revenue	-	7,503
GGLDC Grant - Economic Development Program Support	75,000	225,000
Other Revenue	25	5,271
Repayment of Loans	4,821	32,277
General & Admin Expense	(91,519)	(873,975)
Professional Services	(3,988)	(64,613)
Site Maintenance/Repairs	-	(2,236)
Site Development	(7,676)	(271,765)
Property Taxes/Special District Fees	-	(5,275)
PIF Expense	-	(48,162)
Improv/Additions/Adj to Land Held for Development & Resale	(134,006)	(704,678)
Net Cash Used By Operating Activities	(111,338)	(790,086)
CASH FLOWS USED BY NONCAPITAL FINANCING ACTIVITIES:		
Principal Payments on Loan	-	(305,000)
Net Cash Used By Noncapital Financing Activities	-	(305,000)
CASH FLOWS PROVIDED BY INVESTING ACTIVITIES:		
Interest Income (Net of Remittance to ESD)	25,232	129,559
Net Change in Cash	(86,106)	(965,527)
Cash - Beginning of Period	15,301,639	16,181,060
Cash - End of Period	\$ 15,215,533	\$ 15,215,533
RECONCILIATION OF NET OPERATING REVENUE TO NET CASH USED BY OPERATING ACTIVITIES:		
Operating Revenue	\$ 79,492	\$ 571,809
Depreciation Expense	54	382
Decrease in Operating Accounts/Grants Receivable	40,593	54,571
Decrease (Increase) in Prepaid Expenses	6,876	(10,534)
Decrease in Loans Receivable	4,821	32,277
Increase in Land Held for Development & Resale	(134,006)	(621,741)
Increase (Decrease) in Operating Accounts Payable	507	(204,097)
Increase in Accrued Expenses	7,671	15
Decrease in Unearned Revenue	(117,346)	(612,768)
Total Adjustments	(190,830)	(1,361,895)
Net Cash Used By Operating Activities	\$ (111,338)	\$ (790,086)

4.1

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2023 Budget

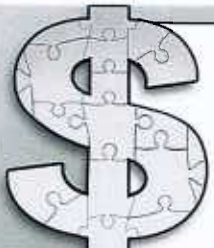
Overview of Budget Assumptions
September 5, 2023



Budget Timeline

Genesee County Economic Development Center

- June/July ✓ Planning Assumptions / Preliminary Inputs
- Aug 1 Budget Workshop - Audit & Finance Committee Meeting
*Review / Discuss Budget Assumptions and Preliminary Inputs
- Sept 5 Audit & Finance Committee Review of Draft Budget & Recommendation
- Sept 7 Board Review & Approval
- Sept 8 Submission to Genesee County Manager
- By Nov 1 Budget to ABO/Post on GCEDC Web Site



Departments

- ❖ Operations
- ❖ Revolving Loan Fund
- ❖ Real Estate Development & Mgmt
 - Apple Tree Acres, OATKA Hills, LeRoy Food & Tech Park
- ❖ STAMP
- ❖ Workforce Development
- ❖ GAIN! Loan Fund
- ❖ Batavia Pathway to Prosperity Fund



Operations

- ❖ County contribution included in preliminary budget at 2023 level (\$233,513).
- ❖ Balance of funding needed will be primarily generated by GCEDC project origination fee revenue.
 - ❖ Budgeted Project Origination Fees (Total = \$450k)
 - ❖ Appropriated Fund Balance – Carry over of cash from project origination fees collected in previous years (\$426,954).
- ❖ Controlled expenditures; reduced expenditures where possible.
- ❖ We have been covering funding gaps with grants from the GGLDC to support the Economic Development Program as well as property management transfers from GGLDC's MedTech Centre.
- ❖ GGLDC's Strategic Investment Analysis assumes \$300k for 2024 support of the overall Economic Development Program. GGLDC Board approval and commitment pending.
 - ❖ Continuous increases in compliance requirements by New York State.
 - ❖ Significant increases in the complexity of our business – GCEDC, GGLDC, GAB LLC, GCFC & the STAMP Project. In 2021, formed Water and Sewer Works Transportation Corps.
- ❖ J-Rental Land Sale (2018) – 2024 Cash Carryover Allocation = \$139,945.



Operations - Continued

❖ Expenditure Assumptions:

- ❖ Base employee wages – Includes 5% increase and an additional placeholder.
- ❖ Employer contribution to NYS Retirement System projected at the following percentages of wages for the Dec. 2023 invoice.
 - ❖ 14.8% for Tier 4
 - ❖ 12.8% for Tier 5
 - ❖ 9.4% for Tier 6
- ❖ An increase of 13.66% to the premium for our current health insurance plan has been included. The Notice of Proposed Premium Rate Change letter that was received reflects this level of an increase. This is Independent Health's requested premium rate change. This request is an average and the actual rate increase may be less or slightly higher. Currently, all 7 full-time employees are participating in the GCEDC's group health insurance plan. A placeholder has been included for the Operations Assistant position, which is currently vacant.
- ❖ Allowed for a 6% increase in insurance premiums for all current policies.



RLF #1

- ❖ No active loans.
- ❖ Funds were deemed de-federalized in 2009.
- ❖ A portion of these funds will be borrowed internally to cover STAMP development costs. The balance will be used to support a NYS DEC cash reserve requirement related to a Part 182 Permit (STAMP).
- ❖ Cash Balance @ 6/30/23 = \$807,605
- ❖ Cash Due From Other Funds @ 6/30/23 = \$104,482
- ❖ Loans Receivable Balance @ 6/30/23 = \$0



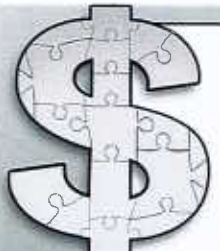
Real Estate Development & Management

- ❖ Parks owned by GCEDC:
 - ❖ Apple Tree Acres (Bergen)
 - ❖ Oatka Hills (LeRoy)
 - ❖ LeRoy Food & Tech Park (LeRoy)
 - ❖ STAMP (Alabama) – Accounted for in a separate fund dedicated to this project.

- ❖ PILOT Increment Financing (PIF) payments:
 - ❖ Genesee County Legislature, Town of Bergen and Byron-Bergen School District committed funds to support an Apple Tree Acres Infrastructure Fund.
 - ❖ Genesee County Legislature, Town of Pembroke and Pembroke School District committed funds to support expansion of the Corfu Wastewater Treatment Plant.

- ❖ No land sales included in budget – conservative.

- ❖ Full sales efforts continue for all parks.



STAMP

- ❖ Base operating activity for STAMP has been included (insurance, utilities, maintenance, special district fees).
- ❖ Any project activity at STAMP and corresponding investment of fee and land sale revenue will be presented as an overlay on a case by case basis.
- ❖ The projected balances of the \$33M and \$8M Empire State Development grants have been included as grant revenue and grant expense.
- ❖ Empire Pipeline CBA payments support development at STAMP (pays debt service to the County).



Workforce Development

- ❖ Cash on hand in the Workforce Development Fund is anticipated to be spent in 2024 toward Workforce Development Initiatives.
- ❖ Genesee County has committed \$25,000 towards workforce development initiatives for 2022 and 2023. This is anticipated to continue through 2024.



GAIN! Loan Fund

❖ In 2016, the GCEDC entered into an agreement whereby the GCEDC is acting as a sub-recipient to the Genesee/Finger Lakes Regional Planning Council (G/FLRPC) for a portion of a \$3,000,000 ESD grant. Under the agreement with G/FLRPC, the GCEDC is authorized to administer a GAIN! Loan Fund for the purpose of lending funds to eligible agricultural businesses in Genesee County.

❖ 5 loans currently active.

❖ Cash Balance @ 6/30/23 = \$255,281

❖ Loan Receivable Balance @ 6/30/23 = \$212,585



Batavia Pathway to Prosperity Fund

- ❖ The Batavia Pathway to Prosperity Capital and Reinvestment Fund (BP2) intermunicipal agreement was put into place in 2016 between the City of Batavia, Genesee County, the Batavia City School District, the Batavia Development Corporation and the GCEDC.
- ❖ The fund is capitalized by a portion of new City PILOT payments, County PILOT payments and School PILOT payments on all projects that utilize a PILOT agreement within the City of Batavia.
- ❖ The BP2 funds will be used for infrastructure improvements for future economic and brownfield redevelopment investments targeted within the City's designated BOA.
- ❖ Projected 2023 deposits into this fund include 50% of all PILOT payments made by 11 companies located in the City of Batavia.

Genesee County Economic Development Center

Consolidated
Interfund Activity Eliminated

Approved:

	A	B	C	D	E
	2024 Budget	2023 Budget	% Change from 2023 Budget	Projected at 12/31/23	Change from 2023
1 Revenues					
2 GENESEE COUNTY - OPS	\$233,513	\$233,513	0 %	\$233,513	0 %
3 GENESEE COUNTY CONT WFD OPS	\$25,000	\$25,000	0 %	\$25,000	0 %
4 ORIGATION FEE - OPS	\$450,000	\$450,000	0 %	\$1,461,679	(69) %
5 APPLICATION FEE - OPS	\$2,000	\$2,000	0 %	\$2,000	0 %
6 FEES SERVICES GGLDC - OPS	\$88,168	\$87,146	1 %	\$87,146	1 %
7 ANNUAL ADMIN FEES - OPS	\$36,000	\$35,000	3 %	\$33,500	7 %
8 INTEREST INCOME - OPS	\$100,000	\$3,000	3233 %	\$73,612	36 %
9 CD INTEREST INCOME - OPS	\$0	\$0	N/A	\$50,000	(100) %
10 BANK INTEREST INCOME - RLF#1	\$0	\$1,000	(100) %	\$7,500	(100) %
11 CD INTEREST INCOME - RLF	\$0	\$0	N/A	\$5,169	(100) %
12 INTEREST INCOME - RED	\$15,000	\$900	1567 %	\$14,000	7 %
13 CD INTEREST INCOME - RED	\$0	\$0	N/A	\$6,000	(100) %
14 INTEREST INCOME - STAMP	\$10,000	\$1,000	900 %	\$12,000	(17) %
15 CD INTEREST INCOME - STAMP	\$0	\$0	N/A	\$8,500	(100) %
16 INTEREST INCOME CBA STAMP	\$0	\$0	N/A	\$600	(100) %
17 INTEREST INC-WFD RES	\$0	\$0	N/A	\$205	N/A
18 INTEREST INCOME - GLF	\$2,000	\$0	N/A	\$4,000	(50) %
19 INTEREST INCOME - BP2	\$1,000	\$0	N/A	\$400	150 %
20 PROGRAM / LOAN INTR - GLF	\$1,590	\$2,170	(27) %	\$2,169	(27) %
21 RENT INCOME - RED	\$6,405	\$9,485	(32) %	\$9,485	(32) %
22 CAM RED ATA	\$410	\$380	8 %	\$391	5 %
23 RENT INCOME - STAMP	\$22,404	\$23,425	(4) %	\$22,404	0 %
24 MISC - OPS	\$800	\$0	N/A	\$800	0 %
25 MISC ANNUAL MEETING - OPS	\$5,000	\$5,000	0 %	\$4,858	3 %
26 MISC - STAMP	\$0	\$0	N/A	\$5,000	(100) %
27 EC DEV GRANT GGLDC - OPS	\$300,000	\$300,000	0 %	\$300,000	0 %
28 EC DEV GRANT GCFC - OPS	\$0	\$0	N/A	\$0	N/A
29 PIF GRANT INC - RED BETP	\$129,395	\$127,226	2 %	\$107,132	21 %
30 PIF GRANT INC- RED ATA	\$26,899	\$24,680	9 %	\$22,128	22 %
31 ESD GRANT - \$33M STAMP	\$8,000,000	\$2,000,000	300 %	\$3,057,066	162 %
32 ESD GRANT - \$8M STAMP	\$500,000	\$2,000,000	(75) %	\$1,391,109	(64) %
33 NATIONAL GRID - STAMP	\$0	\$0	N/A	\$27,835	(100) %
34 GRANT CBA - STAMP	\$448,553	\$448,553	0 %	\$448,553	0 %
35 LAND SALE PROCEEDS RED ATA - Remlap	\$0	\$0	N/A	\$0	N/A
36 LAND SALE PROCEEDS RED ATA - Oxbo	\$0	\$0	N/A	\$1,500,000	(100) %
37 LAND SALE PROCEEDS RED ATA - J-Rental	\$0	\$0	N/A	\$850,000	N/A
38 LAND SALE PROCEEDS RED ATA	\$0	\$0	N/A	\$0	N/A
39 LAND SALE PROCEEDS - Edwards Vacuum	\$0	\$0	N/A	\$3,750,000	(100) %
40 LAND SALE PROCEEDS - Scannell	\$0	\$0	N/A	\$0	N/A
41 BP2 INCOME	\$70,864	\$52,819	34 %	\$49,099	44 %
42 LEASE EXP INTR GASB - OPS	\$0	\$0	N/A	\$0	N/A
43 LEASE EXP AMORT GASB - OPS	\$0	\$0	N/A	\$0	N/A
44					
45 Total Revenues	\$10,475,001	\$5,832,297	78 %	\$13,572,853	(22) %
46					
49 Expenses					
50 PAYROLL - OPS	\$983,000	\$868,250	13 %	\$890,000	10 %
51 F/B PHONE ALLOWANCE - OPS	\$3,000	\$3,000	0 %	\$3,000	0 %
52 BENEFITS - OP MEDICARE	\$15,000	\$13,200	14 %	\$13,550	11 %
53 BENEFITS - OP- BILLING	\$2,700	\$2,700	0 %	\$2,500	8 %
54 BENEFITS - OP- DENTAL	\$1,800	\$1,965	(8) %	\$1,480	22 %
55 BENEFITS - OP- FICA	\$53,200	\$46,950	13 %	\$48,160	10 %
56 BENEFITS - OP- HEALTH INS	\$63,200	\$108,855	(42) %	\$51,550	23 %
57 BENEFITS - OP- VISION INS	\$400	\$748	(47) %	\$385	4 %

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Genesee County Economic Development Center

Consolidated

Interfund Activity Eliminated

58	BENEFITS - OP- FSA / MRA / HSA	\$27,300	\$29,400	(7) %	\$21,700	26	%
59	BENEFITS - OP- LTD DISABILITY	\$2,600	\$2,128	22 %	\$2,310	13	%
60	BENEFITS - OP- LIFE INSURANCE	\$500	\$570	(12) %	\$460	9	%
61	BENEFITS - OP- NYS DISABILITY	\$130	\$127	2 %	\$75	73	%
62	BENEFITS - OP- WORKERS COMP	\$4,000	\$4,500	(11) %	\$3,000	33	%
63	UNEMPLOYMENT INSURANCE - OPS	\$3,000	\$3,000	0 %	\$2,615	15	%
64	NYS RET. ANNUAL CONT - OPS	\$116,000	\$90,000	29 %	\$103,000	13	%
65	PENSION EXP - OPS	\$0	\$0	N/A	\$0	N/A	
66	INSURANCE - OPS	\$5,715	\$9,150	(38) %	\$5,400	6	%
67	INSURANCE - UMBRELLA - OPS	\$20,710	\$0	N/A	\$19,531	6	%
68	D&O INSURANCE - OPS	\$10,850	\$9,005	20 %	\$10,235	6	%
69	CYBER LIABILITY INSURANCE OPS	\$5,000	\$6,000	(17) %	\$4,165	20	%
70	INSURANCE SITES - RED	\$1,110	\$850	31 %	\$1,045	6	%
71	INSURANCE - STAMP	\$36,250	\$2,350	1443 %	\$37,285	(3)	%
72	UTILITIES - OPS	\$6,500	\$6,500	0 %	\$6,500	0	%
73	UTILITIES - OPS IZ	\$3,000	\$3,000	0 %	\$3,000	0	%
74	UTILITIES - STAMP	\$500	\$500	0 %	\$500	0	%
75	DEPRECIATION - OPS	\$655	\$655	0 %	\$655	0	%
76	TELECOM / INTERNET / PHONE- OPS	\$8,000	\$8,000	0 %	\$7,510	7	%
77	RENT - OPS	\$20,300	\$19,400	5 %	\$19,333	5	%
78	POSTAGE - OPS	\$1,500	\$1,500	0 %	\$1,350	11	%
79	DUES/SUBSCRIPTIONS - OPS	\$98,000	\$96,000	2 %	\$96,000	2	%
80	CONFERENCE/MEETINGS - OPS	\$34,000	\$34,000	0 %	\$32,000	6	%
81	CONFERENCE/MEETINGS - NG STAMP	\$0	\$0	N/A	\$3,835	(100)	%
82	PROF SERVICES - OPS	\$46,500	\$46,500	0 0	\$46,500	0	\$0
83	PROF SERVICES LLR - OPS	\$18,270	\$47,120	(61) %	\$24,215	(25)	%
84	GOV RELATIONS - OPS	\$51,000	\$51,000	0 %	\$4,500	1033	%
85	PROF SERVICES - \$33M STAMP	\$0	\$0	N/A	\$0	N/A	
86	PROF SERVICES - STAMP	\$0	\$0	N/A	\$36,257	N/A	
87	PROF SERVICES / MARKETING - WFD	\$57,000	\$62,000	(8) %	\$29,800	N/A	
88	TRAVEL/VEHICLE - OPS	\$35,000	\$35,000	0 %	\$35,000	0	%
89	TRAVEL - LODG - STAMP NG	\$0	\$0	N/A	\$0	N/A	
90	TRAVEL - FLIGHT/TRAIN - STAMP NG	\$0	\$0	N/A	\$0	N/A	
91	MARKETING PROGRAM - OPS	\$90,000	\$90,000	0 %	\$90,000	0	%
92	MARKETING PROGRAM - NG STAMP	\$0	\$0	N/A	\$24,000	(100)	%
93	SUPPLIES/MATERIALS - OPS	\$4,000	\$4,000	0 %	\$4,000	0	%
94	MAINT /REPAIR / CLEANING - OPS	\$28,500	\$28,500	0 %	\$28,500	0	%
95	MAINTENANCE/REPAIR - RED	\$2,500	\$2,500	0 %	\$2,500	0	%
96	MAINT /REPAIR - STAMP	\$7,500	\$7,000	7 %	\$7,300	3	%
97	SITE DEVELOPMENT - STAMP	\$0	\$0	N/A	\$859,170	(100)	%
98	SITE DEVELOPMENT - \$4M STAMP	\$0	\$0	N/A	\$0	N/A	
99	SITE DEVELOPMENT - \$8M STAMP	\$0	\$0	N/A	\$201,283	(100)	%
100	SITE DEVELOPMENT - \$33M STAMP	\$0	\$0	N/A	\$31,909	(100)	%
101	FURNITURE/EQUIP - OPS	\$15,000	\$15,000	0 %	\$15,000	0	%
102	MISC - OPERATE	\$800	\$0	N/A	\$800	0	%
103	CEO's DISCRETNRY FUND- OPS	\$3,000	\$3,000	0 %	\$3,000	0	%
104	CLOSING COSTS - RED ATA Oxbo	\$0	\$0	N/A	\$10,000	(100)	%
105	CLOSING COSTS - RED ATA J-Rental	\$0	\$0	N/A	\$8,000	(100)	%
106	COST OF SALES - RED ATA	\$0	\$0	N/A	\$651,235	N/A	
107	CLOSING COSTS - RED ATA	\$0	\$0	N/A	\$0	N/A	
108	Closing Costs - STAMP	\$0	\$0	N/A	\$0	N/A	
109	Cost Of Sales - STAMP	\$0	\$0	N/A	\$601,824	N/A	
110	CLOSING COSTS - STAMP Edwards Vacuum	\$0	\$0	N/A	\$25,000	(100)	%
111	CLOSING COSTS - Scannell	\$0	\$0	N/A	\$0	N/A	\$0
112	SALES PARTNER FEES - OPS	\$0	\$0	N/A	\$0	N/A	
113	FEES - OPS	\$250	\$0	N/A	\$250	0	%
114	FEES -STAMP	\$0	\$0	N/A	\$188,377	N/A	
115	FEES - \$33G STAMP	\$0	\$0	N/A	\$330	N/A	
116	SPECIAL DISTRICT FEES - RED ATA	\$450	\$485	(7) %	\$409	10	%
117	SPECIAL DISTRICT FEES- RED OATKA	\$65	\$65	0 %	\$60	8	%

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Genesee County Economic Development Center

Consolidated

Interfund Activity Eliminated

118	SPECIAL DISTRICT FEES- RED LER	\$500	\$480	4 %	\$466	7 %
119	SPECIAL DISTRICT FEE - STAMP	\$4,600	\$2,000	130 %	\$4,340	6 %
120	INTEREST DURING CONSTR-STAMP \$4M	\$133,500	\$143,500	(7) %	\$143,500	(7) %
121	DEV COSTS - STAMP	\$0	\$0	N/A	\$10,513	(100) %
122	P/S ENG/ENVIRO/ARCHEO- STAMP \$33M	\$0	\$0	N/A	\$31,522	(100) %
123	P/S ENG/ENVIRO/ARCHEO- STAMP \$8M	\$0	\$0	N/A	\$215,530	(100) %
124	P/S LEGAL - STAMP \$8M	\$0	\$0	N/A	\$481,678	(100) %
125	P/S APPR/SURVEY/TITLE- \$33M STAMP	\$0	\$0	N/A	\$0	N/A
126	P/S WATER/SEWER - STAMP	\$0	\$0	N/A	\$275,424	(100) %
127	P/S WATER/SEWER - \$33M STAMP	\$0	\$0	N/A	\$2,968,961	(100) %
128	P/S WATER/SEWER - \$8M STAMP	\$0	\$0	N/A	\$492,618	(100) %
129	P/S ELECTRIC - \$33M STAMP	\$0	\$0	N/A	\$14,220	(100) %
130	P/S OTHER - STAMP	\$0	\$0	N/A	\$0	N/A
131	P/S OTHER - \$33M STAMP	\$0	\$0	N/A	\$10,124	(100) %
132	BSA DEV COSTS - STAMP	\$0	\$0	N/A	(\$4,500,589)	(100) %
133	PIF EXPENSE - RED BETP	\$129,395	\$127,226	2 %	\$107,132	21 %
134	PIF EXPENSE - RED ATA	\$26,899	\$24,680	9 %	\$22,128	22 %
135	GRANT EXP ESD \$33M - STAMP	\$8,000,000	\$2,000,000	300 %	\$0	N/A
136	GRANT EXP ESD \$8M - STAMP	\$500,000	\$2,000,000	(75) %	\$0	N/A
137	BP2 EXPENSE	\$31,432	\$17,244	N/A	\$17,244	N/A
138						
139	Total Expenses	\$10,714,081	\$6,079,603	75 %	\$4,616,159	135 %
142						
144	Net Profit / (Loss)	(\$239,080)	(\$247,306)	(3) %	\$8,956,694	(103) %
147						
148	Cash from Prev. Yr Rev. Collected in Current Yr	\$0				
149	Appropriated Fund Balance	\$426,954	\$433,119			
150	2018 J-Rental Land Sale - Cash Carry Over Allocation	\$139,945	\$139,945			
151	NET PROFIT / (LOSS) w/ Cash Adjustments	\$327,819	\$325,758			

Land Sales

2018 J-Rental Land Sale Proceeds	\$304,941
Closing Costs	(\$9,519)
Net Proceeds	\$295,422
2019 Allocation	(\$155,477)
Balance Forward	\$139,945
2020 Allocation	\$0
Balance Forward	\$139,945
2021 Allocation	\$0
Balance Forward	\$139,945
2022 Allocation	\$0
Balance Forward	\$139,945
2023 Allocation	\$0
Balance Forward	\$139,945
2024 Allocation	(\$139,945)
Balance Forward	\$0

* \$113,808 was used for 2020 budget purposes, but cash transfer was not

* \$139,945 was used for 2021 budget purposes, but cash transfer was not

* \$139,945 was used for 2022 budget purposes, but cash transfer was not

* \$139,945 was used for 2023 budget purposes, but cash transfer was not

Appropriated Fund Balance

Plug Power - 2021 Project Origination Fee	\$2,908,874
2023 Budget Allocation	\$0
Balance Forward	\$2,908,874
2024 Budget Allocation	(\$426,954)
Balance Forward	\$2,481,920

GCEDC
Audit & Finance Committee Meeting Report

3c. Consulting assistance on local labor policy reporting and conformity for projects

Loewke Brill Consulting Group, Inc. has been the GCEDC's consultant who assists with the monitoring and reporting of company's compliance with the local labor policy. The Board has determined that companies need to provide the GCEDC with a deposit that will cover the costs of these services. Any amount not utilized will be returned to the company.

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

Project: HP Hood

Fund Commitment: \$26,300.

Committee Action Request: Recommend to the full Board approval of the contract with Loewke Brill contingent upon receipt of the deposit from the project.

STAMP Payment for easement

Discussion: In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, the following easement is needed:

1. Temporary Easement 20 – \$1,300

Fund Commitment: \$1,300 from the \$33 million.

Board Action Request: Approval of payment of \$1,300 to the holder of the easement number listed above.

STAMP Payment for easements

Discussion: In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, the Board previously approved the payment of the following easements:

1. Temporary Easement 27 – Installation of water line from curb box to house - Estimated at \$2,500
2. Temporary Easement 16 – Installation of water line from curb box to house - Estimated at \$2,500

The GCEDC solicited quotes from the following contractors who had done residential water line installations in the Town of Alabama:

- a. Derrick Cassiano - \$9,680
- b. Rusty Hoffmeister - \$9,250

Fund Commitment: \$9,250 from the \$33 million.

Board Action Request: Approval of payment of \$9,250 to the contractor listed above for the installation of a water line to the holders of the easement numbers identified above.

D.G. Cassiano Excavating, LLC

2613 Judge Road
Oakfield, NY 14125
(585) 948-9042

Date: 07/23/2023
Quote No.: 10026

Bill To:
GCEDC
99 MedTech Dr.
Batavia, NY 14020

Qty	Description	Rate	Total
1	Install new water service at 6154 Alleghany Rd Alabama. Excavate and connect at road and bring into house and hook-up inside per Town of Alabama Specs. Excavation, material, labor and backfilling. Then return and restore Excavation with topsoil and re-seed **This is only an estimate price subject to change**	\$4,120.00	\$4,120.00
1	Install new water service at 1318 Lewiston Rd Alabama. Excavate and connect at road and bring into house and hook-up inside per Town of Alabama Specs. Excavation, material, labor and backfilling. Then return and restore Excavation with topsoil and re-seed. **This is only an estimate price subject to change**	\$5,560.00	\$5,560.00

Total \$9,680.00

Please contact us for more information about payment options.

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H6



RUSTY HOFFMEISTER

4859 East Shelby Rd, Medina
585-703-6264

Estimate

Name/Address

Date

Genesee County EDC
ATTN: Mark Masse
RE:
Jenn Schnauffer
6154 Alleghany Rd
Basom, NY 14013

7/23/2023

Complete water service installation.

- Install meter pit at curb stop in front of property
- Install 250psi waterline, with tracer wire, from meter pit into laundry room
- Install right angle shut off valve, dual check valve, PRV and expansion tank per Town of Batavia regulations.

TOTAL \$4,500.00

THANK YOU

Dig Safe # _____ Date _____

Job Started _____ Job Completed _____

Paid \$ _____ Date _____



RUSTY HOFFMEISTER

4859 East Shelby Rd, Medina
585-703-6264

Estimate

Name/Address

Date

Genesee County EDC
ATTN: Mark Masse
RE:
Don
1318 Lewiston Rd
Basom, NY 14013

7/23/2023

Complete water service installation.

- Install meter pit at curb stop in front of property
- Install 250psi waterline, with tracer wire, from meter pit into the utility room at rear of house
- Install right angle shut off valve, dual check valve, PRV and expansion tank per Town of Batavia regulations

TOTAL \$4,750.00

THANK YOU

Dig Safe # _____ Date _____
 Job Started _____ Job Completed _____
 Paid \$ _____ Date _____

STAMP Change order for the force main contract through the INWR

Discussion: When the bids were submitted for this project in 2021, the crude oil and resin markets were highly volatile. Contractors at the pre bid conference were stating that the pipe suppliers would only give them a daily price for the pipe and would not guarantee it beyond that which is not usually customary in the construction business. The time difference between when the bid was submitted, and when it was awarded for them to order pipe, there had been an overall increase in the pipe price of \$150,547 as compared to the amount for that line item in the submitted bid.

Fund Commitment: An additional \$150,547 from the \$33 million.

Board Action Request: Approval of increase in change order of \$150,547 to G.DeVincentis & Son Construction Co., Inc.

Date of Issuance: _____ Effective Date: _____
 Owner: Genesee County Economic Development Center Owner's Contract No.: _____
 Contractor: G. DeVincentis & Son Construction Co., Inc. Contractor's Project No.: _____
 Engineer: CPL Engineer's Project No.: 15981.00
 Project: STAMP Force Main Contract Name: Contract A: Central Area

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

Description:

Increase in Contract Price to compensate for HDPE Material Price Increase. \$150,547.00

Attachments: *Letter dated April 1, 2021 from G. DeVincentis & Son Construction Co., Inc.*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>9,777,000.00</u>	Original Contract Times: Substantial Completion: <u>October 1, 2021</u> Ready for Final Payment: <u>October 31, 2021</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. ___ to No. ___: NA \$ _____	[Increase] [Decrease] from previously approved Change Orders No. ___ to No. ___: NA Substantial Completion: _____ Ready for Final Payment: _____ days
Contract Price prior to this Change Order: \$ <u>9,777,000.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>October 1, 2021</u> Ready for Final Payment: <u>October 31, 2021</u> days or dates
Increase of this Change Order: \$ <u>150,547.00</u>	[Increase] [Decrease] of this Change Order: NA Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Contract Price incorporating this Change Order: \$ <u>9,927,547.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>October 1, 2021</u> Ready for Final Payment: <u>October 31, 2021</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (if required)	By: _____ Owner (Authorized Signature)	By: <u>[Signature]</u> Contractor (Authorized Signature)
Title: <u>Project Engineer</u>	Title: <u>Sr. Vice President of Operations</u>	Title: <u>Vice President</u>
Date: _____	Date: _____	Date: <u>03 August 2023</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
 Title: _____



G. DEVINCENTIS & SON CONSTRUCTION CO., INC.

GENERAL CONTRACTORS

7 BELDEN STREET
BINGHAMTON, NEW YORK 13903

TELEPHONE (607) 723-9971
FAX (607) 723-9964

01 April 2021

Mr. Thomas A. Carpenter, P.E.
CPL Team Engineers
205 St. Paul Street
Suite 500
Rochester, New York 14604

Re: Change Order Request No. 1
HDPE Material Price Increase
STAMP FORCEMAIN
Contract A – Central Area

Dear Mr. Carpenter,

In accordance with Articles 11, 12 & 13 of the general conditions of the contract between the Genesee County Economic Development Center and G. DeVincentis & Son Construction Co., Inc., (GDV), dated 25 March 2021, ("Contract"), GDV hereby submits a claim for which it deems to be an additional expense incurred through no fault of our own.

On 16 February 2021 a Pre-bid Conference was held, and an in-length discussion took place regarding the volatility of the crude oil and resin market that was for lack of a better word "exploding". Over the past month the situation has worsened. Pursuant to yesterday afternoon's discussions, GDV was able to secure the HDPE pipe for the above referenced contract and avoid today's price increase. Below, is a cost accounting of the additional costs incurred. Attached to this letter are three quotes:

- ISCO quote at bid time
- ISCO quote dated 3/31/2021
- Core & Main quote dated 3/31/2021

PURCHASE PRICE	15,100 LF @ \$67.67 PER LF	\$1,021,817.00
BID PRICE	15,100 LF @ \$57.70 PER LF	< \$ 871,270.00 >
	INCREASE DUE GDV	\$ 150,547.00
	ADD 15% OH & P	\$ <u>WAIVED</u>
	TOTAL CHANGE ORDER No. 1	\$ 150,547.00

Sincerely,
G. DeVincentis & Son Construction Co. Inc.


Joseph S. DeVincentis
Vice President

cc: project file (changeorderno.1)

An Equal Opportunity Employer

Host Community Investment Agreement

Discussion: Atlas Copco Holdings USA, Inc. is looking to construct a 240,000 square foot dry vacuum pump manufacturing facility at the STAMP site. In connection with that development, Atlas Copco Holdings, USA, Inc. is seeking to enter into a Host Community Investment Agreement with the GGLDC. The revenues paid by the Company to the Corporation, which shall be utilized at the sole and absolute discretion of the Corporation, are to be provided (i) to facilitate future development and public infrastructure improvements within Genesee County related to the STAMP site; (ii) as a source of funding for prospective costs and expenses associated with and related to anticipated transportation corporation services and additional infrastructural improvements to be provided as a result of the STAMP needs in Genesee County; (iii) debt service and (iv) other economic development purposes.

Fund Commitment: None.

Committee Action Request: Recommend approval and execution of the Host Community Investment Agreement with Atlas Copco Holdings, USA, Inc.

HOST COMMUNITY INVESTMENT AGREEMENT

THIS HOST COMMUNITY INVESTMENT AGREEMENT (the "Community Investment Agreement"), dated as of the [] day of July 2023, by and between the **GENESEE GATEWAY LOCAL DEVELOPMENT CORPORATION**, a not-for-profit local development corporation of the State of New York (the "State"), with offices at 99 MedTech Drive, Suite 106, Batavia, New York 14020 (the "Corporation") and **ATLAS COPCO USA HOLDINGS INC.**, a Delaware business corporation having an address at 6 Century Drive, Suite 310, Parsippany, New Jersey 07054 (the "Company"), with acknowledgment hereof by **STAMP WATER WORKS, INC.**, a business corporation of the State, with offices at 99 MedTech Drive, Suite 106, Batavia, New York 14020 ("STAMP Water") and **STAMP SEWER WORKS, INC.**, a business corporation of the State, with offices at 99 MedTech Drive, Suite 106, Batavia, New York 14020 ("STAMP Sewer").

WITNESSETH:

WHEREAS, pursuant to the purposes and powers contained within Section 1411 of the Not-for-Profit Corporation Law ("N-PCL") of the State, as amended (hereinafter collectively called the "Act"), and pursuant to its certificate of incorporation filed on September 20, 2004, as amended (the "Certificate"), the Corporation was established as a not-for-profit local development corporation of the State with the authority and power to own, lease and sell personal and real property for the purposes of, among other things, acquiring, constructing and equipping certain projects exclusively in furtherance of the charitable or public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs, by encouraging the development of, or retention of, an industry in the community or area, and lessening the burdens of government and acting in the public interest; and

WHEREAS, pursuant to a resolution duly adopted by the members of the Corporation on June 29, 2023 (the "Resolution"), the Corporation determined to enter into this Community Investment Agreement with the Company; and

WHEREAS, the Company has agreed to undertake a capital project (the "Project") at the WNY STAMP site (the "STAMP site") in the Town of Alabama, Genesee County consisting of: (i) the acquisition by the Company of certain real property located on Crosby Road and Alleghany Road, each in the Town of Alabama, New York (the "Land", being more particularly described as all or a portion of tax parcel Nos. 10.-1-13.1 and 10.-1-15.11, as may be subdivided and subsequently merged), (ii) the planning, design and construction of an approximately 240,000 square foot manufacturing facility and related office space for operation as a dry pump manufacturing facility, along with utility and site improvements, parking lots, loading docks, access and egress improvements, signage, curbage, landscaping and stormwater retention improvements (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, the Company recognizes that such Project has impacted and will impact the surrounding community, particularly the STAMP site, Genesee County, New York; and

WHEREAS, in consideration for the impacts on the community and the support and participation of Genesee County with respect to the Project, the Company has agreed to provide twenty (20) annual payments to the Corporation, as set forth within this Community Investment Agreement (collectively, the "Community Investments"); and

WHEREAS, in furtherance of satisfying the Community Investments, the Corporation shall administer the community Investment fund (the "Fund") established pursuant to the terms and conditions contained herein; and

WHEREAS, the Corporation and the Company wish to memorialize the terms and conditions associated with the Fund in order to satisfy the Community Investments.

NOW, THEREFORE, in consideration of the covenants herein contained, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, it is mutually agreed as follows:

Article I – Representations and Covenants

Section 1.1. Representations and Covenants of the Corporation.

The Corporation makes the following representations and covenants as the basis for the undertakings on its part herein contained:

(a) The Corporation is duly established and validly existing under the provisions of the Act and has the power to enter into the transaction contemplated by this Community Investment Agreement and to carry out its obligations hereunder.

(b) The Corporation has been duly authorized to execute and deliver this Community Investment Agreement.

(c) Neither the execution and delivery of this Community Investment Agreement, the consummation of the transactions contemplated hereby nor the fulfillment of or compliance with the provisions of this Community Investment Agreement will conflict with or result in a breach of any of the terms, conditions or provisions of the Act or of any corporate restriction or any agreement or instrument to which the Corporation is a party or by which it is bound, or will constitute default under any of the foregoing.

Section 1.2. Representations and Covenants of the Company.

The Company makes the following representations and covenants as the basis for the undertakings on its part herein contained:

(a) The Company is a business corporation duly formed, validly existing and in good standing under the laws of the State of Delaware, is authorized to do business in the State, has the authority to enter into this Community Investment Agreement and has duly authorized the execution and delivery of this Community Investment Agreement.

(b) To the best of the Company's knowledge, neither the execution and delivery of this Community Investment Agreement, the consummation of the transactions contemplated hereby nor the fulfillment of or compliance with the provisions of this Community Investment Agreement will conflict with or result in a breach of any of the terms, conditions or provisions of any restriction or any agreement or instrument to which the Company is a party or by which it is bound, or will constitute a default under any of the foregoing, or result in the creation or imposition of any lien of any nature upon any of the property of the Company under the terms of any such instrument or agreement.

(c) To the best of the Company's knowledge, there is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, public board or body pending or, to the knowledge of the Company, threatened against or affecting the Company, to which the Company is a party, and in which an adverse result would materially diminish or adversely impact on the Company's ability to fulfill its obligations under this Community Investment Agreement.

Article II - Payee/Payment of Annual Community Investment Fee.

Section 2.1. (a) *Payee.* For so long as this Community Investment Agreement is in effect, the Company agrees to pay to the Corporation (at its address noted above) an annual Investment fee (the "Annual Investment Fee") on or before January 1 of each calendar year commencing on January 1, 2026 (the "Payment Date"), an amount correlating to the Total Payment Amount, as set forth within **Schedule A** hereto. The Company hereby agrees to pay all such amounts due pursuant to this Community Investment Agreement on or before each Payment Date in accordance with the terms hereof.

(b) *Payment of Annual Investment Fee.* The Company, pursuant to the terms of this Community Investment Agreement, shall remit to the Corporation an Annual Investment Fee equal to an amount correlating to the Total Payment Amount, as set forth within **Schedule A** hereto. The Company's failure to remit any Annual Investment Fee due pursuant to this Community Investment Agreement within thirty (30) days following notice from the Corporation that the Company failed to make the applicable payment by the corresponding Payment Date shall require additional payment by the Company of a late payment penalty equal to five percent (5%) of the amount due and (ii) for each month, or any part thereof, that any such Annual Investment Fee is delinquent beyond the first month, interest on the total amount due plus the late payment penalty, in an amount equal to ten percent (10%) per annum.

(c) *Use of Fund; Public Purposes.* The parties agree and acknowledge that payments made hereunder are to provide revenues for public purposes to be undertaken by the Corporation and/or any duly appointed agent or assignee thereof. The revenues paid by the Company to the Corporation, which shall be utilized at the sole and absolute discretion of the Corporation, are to be provided (i) to facilitate future development and public infrastructure improvements within

Genesee County related to the STAMP site; (ii) as a source of funding for prospective costs and expenses associated with and related to anticipated transportation corporation services and additional infrastructural improvements to be provided as a result of the STAMP needs in Genesee County; (iii) debt service and (iv) other economic development purposes.

Article III - Transfer of Facility; Termination; Default; Remedies.

Section 3.1. This Community Investment Agreement shall be for a term of twenty (20) years to commence as of the date hereof, unless otherwise terminated by the written agreement of the parties hereto or as otherwise provided herein. Any such termination hereunder shall require the Company to make a pro-rated payment of Annual Investment Fee as of the date of termination, such pro-rated payment to be reflective of the number of days within the calendar year of termination that this Community Investment Agreement was in effect. Notwithstanding anything contained herein to the contrary, should that certain Tax Agreement, dated as of the date hereof, by and between the Company and Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (as such agreement may be amended from time to time), terminate, expire or otherwise be cancelled, this Community Investment Agreement and the Company's payment obligations hereunder shall also terminate and expire.

Section 3.2. Each of the following shall be an "Event of Default" under this Community Investment Agreement: (a) the failure by the Company to make any payment due and owing the Corporation or its duly authorized agent and/or assignee within sixty (60) days of written demand therefore and such failure continued for ten (10) days following the Company's receipt of written notice thereof; or (b) the failure by the Company to observe or perform any other covenant, condition or agreement required by this Community Investment Agreement to be observed or performed and such failure shall have continued for a period of thirty (30) days after the Corporation gives written notice to the Company, specifying that failure and stating that it be remedied, or in the case of any such default which can be cured with due diligence but not within such thirty (30) day period, the Company's failure to proceed promptly to cure such default and thereafter prosecute the curing of such default with due diligence.

Section 3.3. Whenever any Event of Default shall have occurred and be continuing, the Corporation may take, to the extent permitted by law, any one or more of the following remedial steps: (a) terminate this Community Investment Agreement; (b) [intentionally omitted]; and (c) take any other action at law or in equity which may appear necessary or desirable to collect the payments then due or thereafter to become due hereunder, and to enforce the obligations, agreements or covenants of the Company under this Community Investment Agreement.

Section 3.4. In the event that the Facility is transferred from the Agency (as hereinafter defined) to the Company (i.e., the lease/leaseback agreements are terminated), and the Company is ineligible for a continued tax exemption, the obligations of the Company to make payments hereunder shall, to such extent, be null and void.

Article IV - Changes in Law.

Section 4.1. To the extent the Facility is declared to be subject to taxation or assessment by an amendment to the Act, other legislative change, or by final judgment of a Court of competent jurisdiction, the obligations of the Company hereunder shall, to such extent, be null and void.

Article V - Miscellaneous.

Section 5.1. This Community Investment Agreement may be executed in any number of counterparts each of which shall be deemed an original but which together shall constitute a single instrument.

Section 5.2. All notices, claims and other communications hereunder shall be in writing and shall be deemed to be duly given if personally delivered or mailed first class, postage prepaid or by national overnight courier service, or by e-mail, addressed as follows:

To the Corporation:

Genesee Gateway Local Development Corporation
99 MedTech Drive, Suite 106
Batavia, New York 14020
Attention: Donald Cunningham, President
E-mail: gcedc@gcedc.com

To Corporation Counsel:

Harris Beach PLLC
99 Garnsey Road
Pittsford, New York 14534
Attn: Russell E. Gaenzle, Esq.
E-mail: rgaenzle@harrisbeach.com

To the Company:

Atlas Copco USA Holdings Inc.
6 Century Drive, Suite 310
Parsippany, New Jersey 07054
Attn: [REDACTED]
E-mail: [REDACTED]

To Company Counsel:

Hodgson Russ LLP
The Guaranty Building
140 Pearl Street, Suite 100
Buffalo, New York 14202
Attn: Rafael F. Pignataro, Esq.
E-mail: rpignataro@hodgsonruss.com

or at such other address as any party may from time to time furnish to the other party by notice given in accordance with the provisions of this Section. A hand-delivered notice shall be effective upon delivery; a notice sent by certified mail shall be effective three (3) days after mailing; a notice by overnight delivery service shall be effective as of the date of delivery as confirmed by the delivery receipt; and a notice sent by e-mail shall be effective as of the date of delivery as confirmed by the delivery receipt.

Section 5.3. This Community Investment Agreement shall be governed by, and all matters in connection herewith shall be construed and enforced in accordance with, the laws of the State of New York applicable to agreements executed and to be wholly performed therein and the parties hereto hereby agree to submit to the personal jurisdiction of the federal or state courts located in Genesee County, New York.

Section 5.4. The Corporation, in its exclusive discretion, may assign this Community Investment Agreement to a third-party for purposes of administering the undertakings outlined herein; however, no such assignment shall relieve the Corporation of its obligations hereunder. In the event of such assignment, the Corporation shall notify the Company in writing at least thirty (30) days in advance of the effective date of any such assignment.

Notwithstanding anything to the contrary, the Company may sell, assign, or dispose of all or substantially all of its property, and may assign this Community Investment Agreement, to any permitted assignee of, or sublessee under, that certain Leaseback Agreement dated as of the date hereof between Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, as lessor, and the Company (the "Agency"), as lessee (the "Leaseback Agreement"). In such event, the Corporation will accept the assignee of this Community Investment Agreement as the "Company" for all purposes of this Community Investment Agreement and will release the original Company from any and all liabilities under this Community Investment Agreement with respect to acts, events or omissions occurring after such assignment. The Company and/or the assignee shall notify the Corporation in writing in the event of such assignment.

Section 5.5. (a) The obligations and agreements of the Corporation contained herein shall be deemed the obligations and agreements of the Corporation, and not of any member, officer, agent or employee of the Corporation in his individual capacity, and the members, officers, agents and employees of the Corporation shall not be liable personally hereon or thereon or be subject to any personal liability or accountability based upon or in respect hereof or thereof or of any transaction contemplated hereby or thereby.

(b) The obligations and agreements of the Corporation contained herein and in the other related documents shall not constitute or give rise to an obligation of the State of New York or of Genesee County, New York and neither the State of New York nor Genesee County, New York shall be liable hereon or thereon.

The obligations and agreements of the Company contained herein shall be deemed the obligations and agreements of the Company, and not of any member, officer, agent or employee of the Company in his or her individual capacity, and the members, officers, agents and employees of the Company shall not be liable personally hereon or thereon or be subject to any personal liability or accountability based upon or in respect hereof or thereof or of any transaction contemplated hereby or thereby.

(c) No order or decree of specific performance with respect to any of the obligations of the Corporation hereunder shall be sought or enforced against the Corporation unless (1) the party seeking such order or decree shall first have requested the Corporation in writing to take the action sought in such order or decree of specific performance, and ten (10) days shall have elapsed from the date of receipt of such request, and the Corporation shall have refused to comply with such request (or, if compliance therewith would reasonably be expected to take longer than ten (10) days, shall have failed to institute and diligently pursue action to cause compliance with such request) or failed to respond within such notice period, (2) if the Corporation refuses to comply with such request and the Corporation's refusal to comply is based upon its reasonable expectation that it will incur fees and expenses, the party seeking such order or decree shall place, in an account with the Corporation, an amount or undertaking sufficient to cover such reasonable fees and expenses, and (3) if the Corporation refuses to comply with such request and the Corporation's refusal to comply is based upon its reasonable expectation that it or any of its members, officers, agents or employees shall be subject to potential liability, the party seeking such order or decree shall (A) agree to indemnify and hold harmless the Corporation and its members, officers, agents (other than the Company) and employees against any liability incurred as a result of its compliance with such demand, and (B) if requested by the Corporation, furnish to the Corporation satisfactory security to protect the Corporation and its members, officers, agents (other than the Company) and employees against all liability reasonably expected to be incurred as a result of compliance with such request.

Section 5.6. Each of the Corporation and the Company waives claims against each other for, and neither shall be liable to the other for, consequential, incidental, special or punitive damages in connection with the performance or failure to perform this Community Investment Agreement

[Remainder of Page Intentionally Left Blank]

[Signature Page to Community Investment Agreement]

IN WITNESS WHEREOF, the parties hereto have executed this Community Investment Agreement as of the day and year first above written.

**GENESEE GATEWAY LOCAL
DEVELOPMENT CORPORATION**

By: _____
Donald Cunningham, President

ATLAS COPCO USA HOLDINGS INC.

By: _____
[REDACTED], [REDACTED]

**ACKNOWLEDGMENT OF CORPORATION'S
RIGHTS UNDER COMMUNITY INVESTMENT AGREEMENT**

The undersigned hereby acknowledges receipt of notice of the Community Investment Agreement (the "Community Investment Agreement") by and between the GENESEE GATEWAY LOCAL DEVELOPMENT CORPORATION (the "Corporation") and ATLAS COPCO USA HOLDINGS INC. (the "Company"), including the right of the Corporation to collect and receive all amounts payable in such amounts and at such times as set forth in Schedule A to the Community Investment Agreement. The foregoing shall not be construed, however, as a waiver or release of any claims or rights that the undersigned may at any time have against the Corporation or the Company, and the undersigned expressly reserves any such claims or rights and the right to pursue the same at law or in equity.

IN WITNESS WHEREOF, the undersigned has caused this Acknowledgment to be duly executed as of [REDACTED] 1, 2023.

STAMP WATER WORKS, INC.

By: _____
Name: [REDACTED]
Title: [REDACTED]

STAMP SEWER WORKS, INC.

By: _____
Name: [REDACTED]
Title: [REDACTED]

SCHEDULE A
TO
HOST COMMUNITY INVESTMENT AGREEMENT
DATED AS OF [REDACTED] 1, 2023
BETWEEN
GENESEE GATEWAY LOCAL DEVELOPMENT CORPORATION
AND
ATLAS COPCO USA HOLDINGS INC.

<u>Payment Year</u>	<u>Payment Due Date</u>	<u>Total Payment Amount</u>
Year 1	January 1, 2026	\$ 150,000
Year 2	January 1, 2027	\$ 150,000
Year 3	January 1, 2028	\$ 150,000
Year 4	January 1, 2029	\$ 150,000
Year 5	January 1, 2030	\$ 150,000
Year 6	January 1, 2031	\$ 150,000
Year 7	January 1, 2032	\$ 150,000
Year 8	January 1, 2033	\$ 150,000
Year 9	January 1, 2034	\$ 150,000
Year 10	January 1, 2035	\$ 150,000
Year 11	January 1, 2036	\$ 150,000
Year 12	January 1, 2037	\$ 150,000
Year 13	January 1, 2038	\$ 150,000
Year 14	January 1, 2039	\$ 150,000
Year 15	January 1, 2040	\$ 150,000
Year 16	January 1, 2041	\$ 150,000
Year 17	January 1, 2042	\$ 150,000
Year 18	January 1, 2043	\$ 150,000
Year 19	January 1, 2044	\$ 150,000
Year 20	January 1, 2045	\$ 150,000
TOTAL		\$3,000,000

6.4

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