

BOARD OF DIRECTORS MEETING

County of Chautauqua Industrial Development Agency
Via Zoom Meeting
May 24, 2022
10:01 a.m.

Michael Metzger	Chairman
Hans Auer	Treasurer
Gary Henry	Secretary
Steven Thorpe	Member
Brad Walters	Member
Kevin Muldowney	Member
Rhonda Jonson	Member

Also in attendance:

Mark Geise	Administrative Director/CEO
Richard E. Dixon	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel
Greg Peterson	Counsel
Carol Rasmussen	CCIDA Staff
Kristine Morabito	CCIDA Staff
Crystal Erhard	CCIDA Staff
Jeanette Lo Bello	CCIDA Staff
Rosie Strandburg	CCIDA Staff
Kayla Strandburg	CCIDA Staff
Jason Toczydlowski	CCIDA Staff
Greg Bacon	Post Journal
Matthew Longman	Seaboard Solar, LLC
Adam Rizzo	Solar Liberty Portland Community, LLC
Nathan Rizzo	Solar Liberty Portland Community, LLC
Peter McAuliffe	Omni Navitas Solar Energy
Lisa Rohloff	Silver Creek Central School District Administrator

Absent Board Member(s):

Dennis Rak	Vice Chairman
Jay Churchill	Member

Meeting was called to order by Mike Metzger, Chairman, at 10:01 a.m.

Mike Metzger

I would like to call the County of Chautauqua Industrial Development Agency Board of Director's Meeting to order. We are at two locations. BWB Building – 201 West Third Street, Jamestown New York, second floor Board Room and the Fredonia Technology Incubator, 214 Central Avenue, Dunkirk New York, second floor conference room. We are electronically via livestream on YouTube and Zoom. Its May 24, 2022 and its 10:01 a.m. Roll call please. Let the record show that there are seven members present and we do have quorum. I would like to accept a motion to approve the May 13, 2022 minutes, which thanks to Jeanette, you have already received and reviewed.

Kevin Muldowney

Motion.

Mike Metzger

Kevin made the motion. Do I have a second?

Rhonda Johnson

Second.

Mike Metzger

Motion made by Kevin and seconded by Rhonda. Any discussion, corrections or questions? Hearing none, all those in favor?

Board

Aye – Unanimous.

Mike Metzger

Opposed? Abstained? Let the record show, motion carried unanimously. Before we move to New Business, we have one of our staff members receiving a very prestigious award tomorrow. I would like for the record, for our Executive Director, Mark to introduce them.

Mark Geise

Rich, tomorrow, will be receiving the Lifetime Achievement Award at the New York State Economic Development Council Meeting He is very deserving, over deserving, - it's about time he got that. He is going to be among all of his peers – between three hundred to five hundred people there. I want to thank Nate, Rose and others that have contributed to the nomination, which was pretty thorough. When you look at it, your like wow, Rich has been involved in a lot. So we are grateful to have Rich and all that he does. Can't wait until tomorrow night.

Mike Metzger

Congratulations Rich.

Rich Dixon

Thank you everyone. I appreciate it. Really overwhelmed by that. Thank you.

Mike Metzger

I will have New Business A introduced by Rosie and Milan.

Rosie Strandburg

Before you today, we have the Barnes Road East and the Barnes Road West projects, owned by Seaboard Solar LLC. We received Tax Lease PILOTS applications for a 9.35 megawatt AC Solar Farm split with 4.375 megawatt AC solar allocated to Barnes Road East and 4.95 megawatt AC allocated to Barnes Road West. The proposed project will be on Barnes Road, in the Town of Stockton New York over approximately 59.5 acres. We have spoken with the Town Supervisor, Dave Wilson and he has expressed that the Town is favor of the projects, and they have agreed for us to move forward considering tax lease PILOT applications. The Town has also had their Public Hearing and the Town Board has approved a Special Use Permit. The Town has also completed SEQR which resulted in a Type 1 Action with a negative

declaration. The applications you have before you today are PILOT Tax Lease Applications each requesting a 25 year abatement on real property tax, sales and tax abatement, and mortgage recording tax abatement. Reviewed project costs for both projects. Today we have Matt Longman here with us who is the Project Manager for Seaboard Solar. Matt would you please provide an overview of your projects including transfer visual effects mitigation and decommissioning with our Board today.

Matthew Longman

Of course. You described it well. They are two separate projects. They are going to be right next to one another. It's really one large project. You guys have the site plan images where you can see the overall layout. It's just that because of interconnection with the utility, we have to separate it into two projects as far as the utility is concerned. It's really that one large, just about 9 megawatt project. Most of the site is, because of how it's sited naturally, is not viable from any of the abutters or the roads. There is a small portion, I understand in the southwest part of the array that is viable. I think it's about 120 feet –t he array that's viable from the road. The Town and the abutters agreed on the mitigation for that portion and it's included in the plan. So it's only that small portion on the southwest side I understand that is going to require any kind of screening. As I understand, I think what they agreed is three rows of pine that will be planted right in front there. As far as I know, that's all the screening that will be involved for the project and the rest can't really be seen from any of the roads or by the abutters. Other than that, I'm not sure what more to explain or if you have any specific questions that you might want me to answer – I would be happy to hear.

Mark Geise

Matthew can you speak to the decommissioning portion of the plan?

Matthew Longman

As far as the municipal approval process goes, the decommissioning plan is, as I understand, is the last thing that hasn't been finalized. Although, I think that the Town and the Project Manager for this project have basically come to an agreement. I think they are hammering out just the last details. I understand that Gwendel Engineering was the peer review architects and engineers for the Town that reviewed our site plan. They came up with a figure for each of these projects and as I understand they are just hammering out the last details of it now, but it is after a 25 year life span of the system, each system, east and west, is going to have a bonded \$270,000 decommissioning plan. What I understand is that some portion of the decommissioning plan are set out for each particular contingency that Gwendel Engineering proposed. I'm not sure that I would be the best person to explain what they are specifically, although I do have the decommissioning plan and can share and share that with the Board if you would like. As I understand is that the thrust of it is \$270,000 per system has a bond over a twenty-five year life span of the system.

Rich Dixon

What are your feelings on recycling of these panels in twenty- five years? I would imagine that there is going to be a lot of them. Will there be a market? Are there valuable minerals or metals in these panels? What do you see in the future of recycling? What will it look like for these solar panels?

Matthew Longman

To be honest, I really can't answer that questions with any competency. I'm not an engineer. I think of it, just the way that you describe. I imagine that there are valuable minerals in the panels themselves and what I understand is the Gwendal Engineering considered that aspect when coming up with the figure for these two systems for the decommissioning plan. I honestly don't know anything about the logistics of how that is extensively to be handled or how any recycling would be managed. What I do know is that these systems can often last longer than the twenty-five year stipulated lifespan. We have to replace the systems inverters after about ten to fifteen years. I think for this system we are expecting to replace the inverters after fifteen years. So I think theoretically after about thirty years we would have to replace the inverters again and it might not be worthwhile based on the amount of energy that the panels will be producing at that point. Just as far as the twenty-five year expectancy life span and the twenty-five year decommissioning plan goes, the system might still be producing after that twenty-five years at which point we wouldn't, or the system owner at that

point wouldn't decommission the plan immediately because it would continue to be generating energy. Although, at year thirty extensively where the inverters would have to be replaced again - at that point I seems likely that the system would be decommissioned fully and honestly I don't know how they would manage recycling the panels. I hope they would because I know the minerals they use to make the panels are valuable. Honestly, based on how they deteriorate, and how much less able they are to continue producing energy, I don't know how they would continue to reuse them.

Rich Dixon

Thank you.

Mike Metzger

Matt what are the advantages of having two solar arrays adjacent to each other?

Matthew Longman

Like I was saying before, the only reason why they are divided into two is because that is what we have to do for the interconnection. They have to be smaller than five megawatts to interconnect into the utilities lines there. Otherwise, just speaking practically, putting a large system like that in one spot next to each other rather than just distributing it around, say on rooftops, means that we can bring a lot more resources to bare to actually construct and operate the facility. So it will just be that much simpler and we can produce that much more energy with a concentrated system like that, right in one place, as opposed to distributed.

Mike Metzger

Thank you.

Milan Tyler

Mr. Chairman, if I can add to that while that we be separate projects for IDA purposes, and two sets of documents, I will check with my SEQRA guys, but since they came in together, and are likely to rise and fall together, from a standpoint of a SEQRA perspective, they are likely to be combined, so we don't run an issue of segmentation of dividing it up. For IDA purposes other than SEQRA, they will be two separate projects as Matt described.

Matthew Longman

Right. We did go through the SEQRA process and I think it was all one project as far as SEQRA was concerned. There weren't two separate SEQRA processes.

Mike Metzger

Good. Milan, would you like to please describe the resolutions that we are going to be voting on.

Milan Tyler

This is a due diligence only resolution. This is the first step in your process and if authorized and directed to do so, staff and counsel will start the due diligence process including looking at SEQRA, holding a public hearing, holding a deviation on and generally doing the due diligence possibly looking at the decommissioning plan and after the public hearing and SEQRA is signed off then back to the Board for a final approval once all the questions and all the issues have been resolved to staff and counsels satisfaction then we come back to Board. So this is just a first step to due diligence only resolution just authorizing us to go forward with that process.

Mike Metzger

Thank you. Any other questions for Matt, Rosie, or Milan? Hearing none, I will ask Kevin if you could move New Business A2.

Kevin Muldowney

Resolution 05-24-22-01 -Due Diligence Resolution and Agreement for Barnes Road East

Mike Metzger

Thank you. Do I have a second?

Gary Henry

Second.

Mike Metzger

Motion made my Kevin and seconded by Gary. Any further discussion? Roll call vote please.

Board

Aye - Unanimous

Mike Metzger

Let the motion show seven votes in the affirmative. Motion carried unanimously. Gary if you could please move New Business A3.

Gary Henry

Resolution 05-24-22-02 -Due Diligence Resolution and Agreement for Barnes Road West

Mike Metzger

Thank you. Do I have a second?

Steven Thorpe

Second

Mike Metzger

Motion made by Gary and seconded by Steve. Roll call please.

Board

Aye - Unanimous

Mike Metzger

Let the motion show seven votes in the affirmative. Motion carried unanimously.

Rosie Strandburg

Matt, thank you for joining us. Your welcome to stay on, but if your schedule doesn't allow it, you can disconnect.

Matthew Longman

I'm excited. Thank you for hearing me. I hope I answered your questions appropriately.

Mike Metzger

Thank you and good luck with your project. Thank you for thinking of Chautauqua County. Let's move to New Business B, again its Rosie and Milan please.

Rosie Strandburg

We have Adam and Nate Rizzo here with us today. We have Solar Liberty Portland Community, Fay Street and Route 20 Projects, owned by Solar Liberty. We received a tax lease PILOT application for a total of 7.52 megawatt AC solar farm split between Fay Street and Route 20 with 3.6 megawatt AC allocated to Fay Street and 3.92 allocated to Route 20. The proposed projects will be in the Town of Portland to be located on Route 20 and 8682 Fay Street in Portland NY for approximately 33.6 acres. We've spoken with the Town Supervisor, Richard Lewis, and he has expressed that the Town is in favor of these projects, and agreed for us to move forward with considering tax lease PILOT applications. The Town has also had their public hearing and the projects have gone through the Town's Planning Board and the Town Board which will approve a Special Use Permit. The Town has also completed SEQRA which resulted in a Type 1 Action with a negative declaration. The applications you have before you are a PILOT Tax Lease Application requesting a twenty-five year abatement of real property tax, sales tax abatement and mortgage recording tax abatement. Projects costs are split. Reviewed projects costs. As I said before, we have Adam and Rizzo here today from Solar Liberty. Would you like to provide an overview of your projects, including your plans for visual mitigation and decommissioning with our Board?

Nathan Rizzo

Sure. Thank you very much for that introduction. I am Nathan Rizzo with Solar Liberty. We worked with the Town of Portland for approximately two years to develop two solar systems that both met their zoning requirements but also worked nicely with their desire to not have systems located in Chenango gravelly loam soil, which is prime soil for growing grapes. The two systems from a visual standpoint – we put together visual assessments for the two projects – the system that's located on Route 20 will have very little visual impact on both the Town and views from Route 20, but because of the existing vegetative grapes and just the existing vegetation and also the topography - Fay Street again, pretty much the same case – existing vegetation, whether it be grapes, trees, or shrubs really has limited impact on any of the bordering neighbors. We've worked with the Town and part of Town and the Special Use Permit is we've left the visual screening open for a year after the completion of the project. So what that means is after a year, of the system being installed, we can evaluate the system with the Town of Portland and see if there are any areas that they would like screened, and we will do so. It's a little bit more unique, we're looking to really get feedback from the Town after the system has been installed and they have a chance to really evaluate the system. From a rendering perspective, we didn't see any points that could be seen but I think that's a good mitigation process from the Town's perspective. From a decommissioning bond we together a cost estimate for removal of the system in year one and then we escalated it 2% over the course of 25, 30 and thirty-five years. Our estimated cost of removal at year 25 is \$262, 000 and at year 35 it is \$319,000. We've been working on the Town to finalize that bond. The system itself – it's a fix tilt system – maybe some developers propose tracking which utilizes much more ground space – our systems will be at a fixed tilt of approximately 20 degrees. We will follow the contours and topography of the land.

Mike Metzger

Both are yielding the same output. Why is one more expensive than the other?

Nathan Rizzo

One system is slightly larger from a DC capacity. So it's a slightly larger system, hence the higher cost and higher production.

Mike Metzger

Ok. Thank you.
Rosie Strandburg

Are there any additional questions for Adam and Nathan?

Rich Dixon

I was wondering if Nate or Adam had a little better idea about the recycling of these panels.

Adam Rizzo

I do. First and foremost, congratulations on your upcoming award. That is very exciting and well deserved.

Rich Dixon

Thank you Adam.

Adam Rizzo

We have been seeing and uptick in requests to our company for – there are a couple recycling companies that are asking to buy solar panels from us – either used solar panels or solar panels that have a little bit lower wattage because they are older – that is fairly new. A lot of them are being sold into newer markets – developing world – markets like Africa and other countries where they are fine with accepting a slightly used solar module because they are still producing electricity. So, we have actually seen an uptick in those requests from outside parties. We also think there is quite a bit of, as the other gentlemen mentioned – there is valuable commodities in those solar panels - your aluminum and recycling the silicon, those types of things – We believe by the time our solar are coming at time to decommission them that they will definitely have a high value of what those solar panels will be worth. We are also fortunate we have a non-profit entity called Solar Liberty Foundation – there’s been a couple of times where the customers for some reason or another wanted the solar panels removed because maybe they were selling the building or some reason and we have been able to repurpose those on some of our Solar Liberty Foundation projects and actually use them in Haiti or things of that nature. If they are still producing electricity, they definitely still have a value. If they are being recycled, they will have a value with the raw materials there.

Rich Dixon

Thank you.

Mike Metzger

Solar Liberty has done many great projects in our County. We appreciate you for that. Milan would like to describe the resolutions please.

Milan Tyler

Again, there are two diligence resolutions for SEQR purposes we will treat them together but for IDA purposes in terms of documents we will take them separately. This is due diligence only, authorizing staff and counsel to do the due diligence. Public Hearing, SEQRA, negotiate a PILOT, deviation notices, etc...and we will do all of that, assemble all that information, make sure it’s acceptable to at least staff and counsel, and that all of our questions are addressed including a decommissioning plan before we come back to the Board either at next month’s meeting or the meeting after. So this due diligence, must like the last one that we just did, and others they have done before.

Mike Metzger

Thank you Milan. Any questions of Rosie, Milan, Nathan or Adam? If we could please have Hans move New Business B2.

Hans Auer

Resolution 05-24-22-03 -Due Diligence Resolution and Agreement for SL Portland Community – Fay Street

Mike Metzger

Thank you. I have a motion. Do I have a second?

Kevin Muldowney

Second.

Mike Metzger

Thank you Kevin. Motion made by Hans and seconded by Kevin. Any further discussion? Roll call.

Board

Aye - Unanimous

Mike Metzger

Let the motion show seven votes in the affirmative. Motion carried unanimously. Steven if you could please move New Business B3.

Steven Thorpe

Resolution 05-24-22-04 Due Diligence Resolution and Agreement for SL Portland Community – Route 20

Mike Metzger

Thank you. Do I have a second?

Brad Walters

Second.

Mike Metzger

Thank you. Motion made by Steven and seconded by Brad. Any further discussion? Hearing none. Roll call vote please.

Board

Aye - Unanimous

Mike Metzger

Let the motion show seven votes in the affirmative. Motion carried unanimously.

Rosie Strandburg

Thank you Nathan and Adam. You are more than welcome to stay on if you would like but you can disconnect if your schedule doesn't allow.

Nathan Rizzo

Thank you very much.

Mike Metzger

Thank you. Good Luck to you.

Adam Rizzo

Thank you and thank you for all of your support.

Mike Metzger

If I could have New Business C. Carol if you would like to present.

Carol Rasmussen

I will introduce you. This is Peter McAuliffe. He's been on calls with us before. He is the Director of Development for Omni Navitas Solar out of Boston. The project that we're presenting today is Omni Solar Project for French Creek. Discussed project costs, construction cost, site work cost, machinery and equipment – inverters, transformers, poles, fencing - and engineering cost - reviewed equity investment from the company and private loans. Omni French Creek Solar is in French Creek, it's going to be on twenty-three acres of the property on sixty-five acres. The property is located at 10256 Old Road, French Creek. It's a solar system comprised of tier one modules and a single access, tracker set up, equipment pads, transformers and a gravel road access on Old Road. The solar system is producing electricity that will be sent to the grid and directly sold to consumers in the area. It's sold to the consumers in the form of energy credits. A little bit about what his request was – we have had a public hearing in French Creek on May 16, 2022 – there were no issues with that – which I reported to Peter – there was just a question on the angle of the solar panel so during winter weather the snow that would fall off- which was answered and approved – we've had the due diligence resolution at the April Board Meeting which prompted the public hearing – The IDA was lead agency for the SEQRA and today that is one of the resolutions we will approve. We've gone through our thirty day window period and there were no comments from the involved agencies on the SEQRA. Today, there will be a deviation hearing for this twenty-five year PILOT. Its 3.33 megawatts. There is a host agreement in place, which is approximately 30%. Discussed PILOT payment. There are construction jobs, a decommissioning plan in place and an estimated sales tax value for \$266.134 and a mortgage tax benefit of \$23,296. Reviewed property tax savings. Discussed cost analysis. I will open it up to questions right now. Peter would you like to talk a little bit more about the project?

Peter McAuliffe

Carol. Thank you for the introduction. Carol has been a huge help throughout this process. As she mentioned, the project is located in the Town of French Creek. The site is pretty well screened both from an existing vegetation standpoint around the North and South parts of the property. The existing grade on the West side from Old Road is screened pretty nicely. We are proposing some additional mitigation along that Western side closest to Old Road, again to go above and beyond, in order to mitigate any visual impact, even though I don't think there will be any. Obviously, there will be a decommissioning plan – pretty standard for these communities – solar projects – at the end of the projects end life the property will be returned to its existing condition which is currently just a hay field. The panels will obviously be recycled or will be sent to underdeveloped countries as they still will be producing electricity. There is a significant or fair amount of steel associated that can be recycled and reused. With the Town we are going with a Special Use Permit. They did hold a public hearing back in February. There was very little comments so that hearing was closed. Obviously, they have asked the IDA to act as lead agency as far as SEQR. I want to thank everyone for the support on this project and we look forward to this project, as well as future projects in Chautauqua County. We appreciate it as always.

Carol Rasmussen

Thank you Peter. Does anyone have any further questions?

Gary Henry

As we have gone through all of these, we have talked about them having an expected 25 or 30 year life expectancy. But then, at some point they decommission, and maybe they will send the panels someplace else or whatever. Is there a point at which the efficiency is no longer? Do we know what that point is? At what point do we decide that they are not worth keeping in place?

Peter McAuliffe

That's a good question. I think every year they probably produce – I've seen anywhere between ½ a percent to ¾ percent or in some cases a percent less each year. I don't think there is a hard draw the line after twenty-five years, once it hits that point it's not worth it for the project to continue on. Both the capital investment is up front so I think that is probably a still worthwhile asset to keep even after the twenty-five years. At that point it's up to the property owner. Most of these leases are kind of for a standard twenty-five year term. They probably have one or two extensions at the back end, so once the lease is over, in this case, with our project in French Creek, we are leasing the property from the existing property owner. Once that comes to an end it's really up to the owner if he would like to renew the lease. In some cases the property owner can take over ownership of the project or if he would like us to come in and just decommission the project, we would really have no choice but to do so. I don't know if there is a hard draw the line in the sand after twenty-five years or thirty years but I think the panels will still be producing, but it will just be at a lower efficiency.

Gary Henry

Thank you.

Rich Dixon

I know it's in your application but could you talk about the construction jobs. How many in the duration and also the permanent jobs, while it might not be a direct hire of your company, there will be some people required for maintenance on this ongoing operation.

Peter McAuliffe

I believe we specified five construction jobs. Again, we are absolutely going to look to hire as many jobs as we can. Some are specialized but we do have general contractors who oversee the builds of these projects but I know that they do make their best efforts in each county to hire as many local labor employers that they can. So, it's probably from a time line perspective, for a project of this size, about twenty-three acres, 3.33 megawatt AC. Weather dependent I think, best case it's about a four or so month build maybe with some delays from the weather or unknown circumstances that could be six or so months. At the end of construction the project is operational there will be a couple part-time jobs that will be required for maintaining the vegetation or the weeds that are growing not only in between the rows of panels but outside along the fence. There will be, hopefully not frequently, but if a panel goes down or there is a hail storm or whatever we'll need local electricians or people in the area to come out at a moment's notice. I think the main part-time job is going to be for that vegetation management, but again there will be some replacements or fixes that are needed on the technical side as well that we will also contract out locally.

Rich Dixon

Thank you.

Carol Rasmussen

Anyone else have any questions? Thank you Peter. Now, Milan will go over the resolutions please.

Milan Tyler

First things first. We need to hold the deviation hearing, so I would ask if there is any members, representatives from the affecting taxing jurisdictions who would like to speak on this project and post financial assistance. Hearing none we close the deviation hearing and again we sent notice to all the affected taxing jurisdictions, telling them when and where this meeting was going to be and of the proposed financial assistance. So there are three resolutions, much in the form that you have seen before. Described resolutions being presented to the Board.

Mike Metzger

Thank you Milan. Any questions of Carol, Milan or Peter? Hearing none, Rhonda if you could please move New Business C3 please.

Rhonda Johnson

Resolution 05-24-22-06 -Deviation Resolution for Omni French Creek Solar, LLC

Mike Metzger

Thank you. Do I have a second?

Hans Auer

Second.

Mike Metzger

Motion made by Rhonda and seconded by Hans. Any further discussion? Roll call please.

Board

Aye - Unanimous

Mike Metzger

Let the motion show seven votes in the affirmative. Motion carried unanimously. Gary, if you could please move New Business C4.

Gary Henry

Resolution 05-24-22-07 -SEQRA Resolution for Omni French Creek Solar, LLC

Mike Metzger

Thank you. I have a motion. Do I have a second?

Rhonda Johnson

Second.

Mike Metzger

Thank you. Motion made by Gary and seconded by Rhonda. Any further discussion? Roll call please.

Board

Aye - Unanimous

Mike Metzger

Let the motion show seven votes in the affirmative. Motion carried unanimously. Brad, if you could please move New Business C5.

Brad Walters

Resolution 05-24-22-08 -Final Resolution for Omni French Creek Solar, LLC

Mike Metzger

Thank you. Do I have a second?

Kevin Muldowney

Second.

Mike Metzger

Motion made by Brad and seconded by Kevin. Roll call please.

Board

Aye - Unanimous

Mike Metzger

Let the motion show seven votes in the affirmative. Motion carried unanimously. Now, I would like to have Rosie introduce New Business D.

Rosemarie Strandburg

Thank you. We had a special Loan Committee Meeting last Thursday for an application from Bemus Point Inn Restaurant. I'm sure a lot of you are familiar with the restaurant. They are located at 4958 Main Street in Bemus Point New York. The request is for \$88,000 in machinery and equipment and \$162,000 in working capital for a total investment of \$250,000. Again, the purpose of this request is that machinery and equipment and that working capital itself will be used for payroll, inventory and operations. There are currently six full-time employees, eleven part-time, and with the addition of a drive-thru for what she is calling Buns on the Run there will be four more employees hired after construction. Interest rate for this loan would be at 2.44% at seven years with the first six months at interest only. The applicant, Laurie Miller owner of Bemus Point Inn Restaurant is also working with M& T Bank for a \$280,000 loan that will cover her cost of construction and she has also injected \$200,00 of her own funds into this project. Reviewed collateral and life insurance. As you know a lot of restaurants had to close during covid multiple times resulting in loss of business and loss of revenue. During the closures though, Mrs. Miller found it upon herself to start construction on the restaurant – increasing the kitchen size so she could serve more customers on a daily basis as well as add in a drive-thru again for what would be called Buns on the Run – which will also increase the number of customers served daily. She has already started the construction. Prior to applying here at the IDA, she did have an SBA loan approved, she was going through the final process for those funds which would cover her cost but unfortunately the SBA ran out of funds and her application was pulled last minute. That's why she has come to us as well as M & T for those funds. Again, our working capital will be used towards operating expenses as some of her funds have already gone towards construction and equipment. The loan committee did recommend this for approval with those collateral requirements again second to the bank with mortgage, general UCC filing and personal guarantee. Are there any questions from the Board?

Mike Metzger

Are they going to identify the additional rental potential?

Rosie Strandburg

Yes. In the next two to three years in Mrs. Miller's business plan, she did identify that there is currently an apartment upstairs above the restaurant, which is currently operating, but she would like to make upgrades to turn that into an Airbnb. A lot of her cost have been allocated right now to construction to get the business back up and running, but should be open next month for operations. Her plan is once that is settled she will then do renovations to do the upstairs so then it could be an Airbnb for her guests which will obviously bring in more income.

Mike Metzger

Thank you. Any questions of Rosie? I'll entertain a motion. Hans if you could please move New Business D1.

Hans Auer

Resolution 05-24-22-05 - EDA Cares Act Loan Approval for Bemus Point Inn Restaurant

Mike Metzger

Thank you. Do I have a second?

Brad Walters

Second.

Mike Metzger

I have a motion made by Hans and seconded by Brad. Any further discussion? Roll call please.

Board

Aye - Unanimous

Mike Metzger

Let the motion show seven votes in the affirmative. Motion carried unanimously. Now we will move to New Business E presented by Kristine please.

Kristine Morabito

I'm presenting today the Pomfret II PV LLC project. As you know, we have received a PILOT and tax lease application requesting real property tax, sales tax and mortgage recording tax exemptions. This is for new construction of a 4.699 megawatt AC solar farm on 28.91 acres leased from A Sam Farms at 10026 Farrell Road in Fredonia in the Town of Pomfret. The total project cost is estimated at a little over \$5.6 million dollars. This project is owned by RIC Development LLC, a company that we have received applications from before and approved projects for. At our April 26, 2022 Board Meeting we saw a full presentation by Jon Rappe who is the CEO of RIC Development and also from Ivo Tomchev, who is the Director of Development. Once again, the town status, at their April Board Meeting, the Town Council approved a Special Use Permit for this project and requested that the CCIDA move forward with a PILOT application for consideration. The benefits requested include real property tax abatement for twenty-five years, mortgage tax abatement for a period of eighteen months, mortgage recording tax abatement and as Milan mentioned earlier, on one of our previous projects discussed, there should be a deviation from our Uniform Tax Exemption Policy. Following the due diligence resolution and agreement that was approved on April 26. Public hearing notices were distributed and posted according to the general municipal law requirements. The public hearing was held on May 17th. No members of the public attended and no written comments were received. Deviation notices were also distributed to the Chief Executive Officer of each affected taxing jurisdiction on May 9th. A deviation hearing will be conducted by Milan today as part of our agenda. Once again the Town of Pomfret requested that the CCIDA act as lead agency for SEQR review. Notices were issued and information was gathered and reviewed and Milan will present those findings in the proposed resolution

in just a few minutes. Reviewed cost benefit analysis and jobs projected. I now ask Milan to conduct the deviation hearing and then to review the three resolutions on the agenda for this project.

Milan Tyler

I would be happy to. As Kristine mentioned, notice was sent to each of the affected tax jurisdictions about the deviation hearing that would be held here and now. So, if there are any members of the affected tax jurisdictions or representatives who would like to speak on this project for financial assistance being contemplated I would ask them to make their comments now. Hearing none, let's close the hearing. Mr. Chairman, I am happy to describe the resolutions if you would like or take questions.

Mike Metzger

Yes, please.

Milan Tyler

Ok. There are three resolutions just like we have previously done. Deviation resolution is approving the deviation from your UTEP, and as you have just heard, no members of the affected tax jurisdiction commented either the public hearing or the deviation hearing we just held. The second is the SEQRA resolution, and again the Town of Pomfret has asked the IDA to be lead agency, so we conducted the due diligence, looked at an EAF, asked some more questions, had an amendment to the EAF, and as you see in your resolution, there are seventeen specific factors that were analyzed and we have come to the conclusion, with the input from staff, that there are no significant negative effects on the environment and therefore recommend that you adopt this resolution and a negative declaration. The third resolution is the final approving resolution which if passed by the IDA authorizes and instructs the staff and counsel to draft documents and to close the transaction and award the financial assistance.

Mike Metzger

Thank you Kristine and Milan. Any questions from the Board? Hearing none, if Steven could please move New Business E2.

Steven Thorpe

Resolution -05-24-22-09- Deviation Resolution for Pomfret II PV, LLC

Mike Metzger

Thank you. I have a motion. Do I have a second?

Gary Henry

Second.

Mike Metzger

Thank you. Motion made by Steven and seconded by Gary. Any further discussion? Roll call vote please.

Board

Aye - Unanimous

Mike Metzger

Let the motion show seven votes in the affirmative. Motion carried unanimously. Kevin if you could please move New Business E3.

Kevin Muldowney

Resolution -05-24-22-10 -SEQRA Resolution for Pomfret II PV, LLC

Mike Metzger

Thank you. I have a motion. Do I have a second?

Hans Auer

Second.

Mike Metzger

Thank you Hans. Motion made by Kevin and seconded by Hans. Any further discussion? Roll call vote please.

Board

Aye - Unanimous

Mike Metzger

Let the motion show seven votes in the affirmative. Motion carried unanimously. Rhonda if you could please move New Business E4.

Rhonda Johnson

Resolution- 05-24-22-11-Final Resolution for Pomfret II PV, LLC

Mike Metzger

Thank you. I have a motion. Do I have a second?

Steven Thorpe

Second

Mike Metzger

Thank you. Motion made by Rhonda and seconded by Steven. Any further discussion? Roll call vote please.

Board

Aye - Unanimous

Mike Metzger

Let the motion show seven votes in the affirmative. Motion carried unanimously. Kristine, you are up again. New Business F please.

Kristine Morabito

Thank you Mr. Chairman. The resolutions before you for NY Hanover II, LLC, also known as Angell Road Solar, are mirroring the ones we just reviewed for Pomfret II PV. Just to refresh everyone's memory, we received a PILOT and Tax

Leas application for real property tax, sales tax and mortgage recording tax abatements for a proposed 2.2 megawatt AC Community Solar Farm on 12.82 acres owned by Luke Bell in the town of Hanover for development of an approximately \$3.9 million dollar project. The developing entity is owned by NYDRS FINCO IV, LLC, and we saw a full presentation at our April 26th Board Meeting provided by Daniel Compitello, who is the Project Developer from Delaware River Solar – the developer for the project. The Town had approved an area variance for adjusted setbacks in March and then requested the CCIDA proceed with a PILOT and Tax Lease Application. Benefits requested include real property tax abatement, for a period of twenty-five years, sales tax abatement for a period of eighteen months, mortgage recording tax abatement and also this would be a deviation from our Uniform Tax Exemption Policy, as with the other solar projects that we’re reviewing. Following the due diligence resolution and agreement that was approved on April 26th public hearing notices were distributed and posted with NY General Municipal Law requirements. That hearing was held on May 16th and no members of the public attended and no written comments were received. Deviation notices were distributed the Chief Executive Officer of the affecting taxing jurisdictions on May 9th and Milan will conduct the deviation hearing momentarily. Again, the Town of Hanover requests that the CCIDA act as lead agency for SEQR review. Notices were issued, information gathered and reviewed and Milan will also discuss those findings. Reviewed Cost Benefit Analysis and jobs. At this time I would like to ask Milan to conduct the deviation hearing and also to review and answer any questions related to the proposed resolutions.

Milan Tyler

Happy to. Again, as Kristine mentioned, notice of the deviation hearing was sent to each of the affected tax jurisdictions and we received not written comments or any attendance from any of the affected taxing jurisdictions at the public hearing or so far yet today. So, I would ask if there is any members from the affecting tax jurisdictions or representatives that would like to speak on the project or proposed financial assistance please do so now.

Kristine Morabito

Milan, I will note that earlier in the meeting Lisa Rohloff the District Business Administrator for Silver Creek Central School was on this zoom meeting. She had subsequently disconnected. I hadn’t heard from anyone at Silver Creek Central School to receive any comments in writing or verbally related to the deviation notices or public hearing notices for the project.

Milan Tyler

Ok. Hearing nothing from the affected tax jurisdictions I’ll close the hearing. Mr. Chairman, I’m happy to talk about the three resolutions if you would like.

Mike Metzger

Yes please.

Milan Tyler

Ok. Same three as we have just done before. Deviation resolution approving the deviation from your UTEP. We’ve received nothing from the affecting tax jurisdictions and in fact the Town of Hanover affirmatively asked the IDA to handle SEQRA – that’s the second resolution. It’s a Type 1 as were all the others, so it was a coordinated review and we have analyzed with staff and the applicant these seventeen factors that are remunerated in the resolution and have come to the conclusion and can recommend to you that there should be now significant adverse effect on the environment and therefore that you pass the SEQRA resolution and adopt the negative declaration. The third is the final resolution approving and authorizing staff to document and close the transaction. I would like to offer one other comment. This seems like it’s almost cookie cutter at this point, but what I’m not sure is what the members can appreciate is that there is an awful lot of staff work that goes into this. So that by the time we come to you, the PILOT is all wrapped up, the public hearing has been held, we’ve talked to the town and we’ve gone through SEQR. So, it seems very routine and mundane and that’s probably the way it should be. If staff and council have done our job, we only bring it to you when all of the ends have been tied up. So those are the three resolutions for your consideration.

Mike Metzger

Thank you Milan and also thank you for properly recognizing staff, for all their hard work and effort, bringing these to fruition and yourself for all the excellent work that you have done on these very beneficial projects to Chautauqua County. Any questions of Kristine or Milan?

Brad Walters

I have one but it's in general though. How many of these actually come to fruition?

Rich Dixon

I've got a spreadsheet with nineteen of these. Two of them have closed. Three of them have been built. Not a lot of them have been closed though, as far as executed in the actual paperwork. We're waiting for NYSEDA, there waiting for panels – there is a big back log of panels Brad. I've read in the Journal that they are thinking about tariffs on these panels coming from China which would exorbitantly increase the cost. They want solar energy. Everybody wants it here but they want them to make the panels here, but they don't make the panels here because it's cheaper to make them somewhere else. So there is a lot going on in the supply chain.

Brad Walters

Fair to say 20%?

Rich Dixon

Right now. These companies have spent a lot of money on the landowners either purchasing the land or leasing the land. We see mostly leasing the land some purchase the land. So they've got a lot invested in this and we're pretty sure that they are all going to come to fruition. Just things slowing them down right now.

Brad Walters

You're confident that they are all going to go to fruition?

Rich Dixon

All of them. By the time they get to this point, they've spent a fortune Brad.

Brad Walters

I guess that's what I was wondering. How far along are they in the process when they get here?

Rich Dixon

Quite a ways down the road. They've done all the environmental, the site work, they've got their permits – the only thing left to do is get the shovel in the ground and go. They've got it all drawn up. Like I said, they have spent a fortune.

Hans Auer

Rich, then the process – then it closes after it's up, approved, everybody checks off.

Rich Dixon

Well, once we do this, then Milan will work with the attorney for the company, sign the documents and execute them. Mark or I will sign them. We give them their tax exempt letter and then they are ready to go – start buying or purchasing –

now they have ordered some of the panels – a lot of these projects are tax exempt to begin with Hans because it's just like manufacturing. Manufacturing equipment is exempt from sales tax. A large portion of these solar projects are exempt too because they are creating energy and that's the law, but their concrete, steel and everything in the ground is not tax exempt, so they come to us for the sales tax. The supply chain is affecting them just like it affects everybody else.

Milan Tyler

There was a delay probably of six months or more because there was a bill in Albany passed that changed the method of assessment and I think a lot of these developers were thinking well maybe we don't need the IDA – with the legal fees and the IDA fees and everything else – if this new real-estate assessment methodology was going to result in lower taxes – that has not been the case – I think they all realized that what an IDA can do is a longer PILOT and more certainty and probably at a lower cost than paying full taxes – which the other alternative would be – and when they go pay full taxes, it's a guess every single year. So, there are a lot of benefits coming to the IDA – on top of real-estate taxes we give sales tax, mortgage recording tax – but there is a long delay while they were wondering what was going to happen in Albany. We've now seen that play out and now I think the sort of delay is, as Rich said, the price of panels, the supply chain and that kind of thing – so understand that that's settling down so I think we are optimistic that over the next few months they are going to start closing. As Rich said, we've got a huge back log of them but from our perspective assuming these pass we're probably close to twenty but the documentation is fairly straight forward and we are ready to close when they are.

Hans Auer

From a process standpoint when do the payments start?

Milan Tyler

Good question. After it's up and constructed.

Hans Auer

They pay the current tax rate if they acquire the property not the new?

Milan Tyler

Exactly. So what the assessor does is – has a sort of sub parcel for the solar arrays so the land and the farm – whatever is there now continues to pay its full taxes and when the solar array is up and built then they put that on as a special, now exempt, separate sub parcel. So the answer is that they pay after it's up and built.

Rich Dixon

The landowners are going to see the payments from the very beginning though.

Hans Auer

Rich, you and I have talked about what's the delta between the current tax rate and then the net end when you get the PILOT payments. That's significant for everyone involved.

Rich Dixon

Very significant.

Milan Tyler

And these are only – it's a long time – but for twenty-five years. So assuming that the panels still have some life after twenty-five years –we sort of think they will because as one of our guests said – there's some cost – there's no additional cost other than the land payment costs through leasing it – and if a panel is 75% effective let's say, then it's still worth

keeping them there. So after twenty –five years the IDA PILOT burns off and they pay whatever the going rate is – presumably higher.

Hans Auer

Thank you.

Mike Metzger

Good discussion. Thank you. Any other questions for Kristine or Milan? Hearing none, Brad if you could move New Business New Business F2.

Brad Walters

Resolution 05-24-22-12-Deviation Resolution for NY Hanover II, LLC (Angell Road Solar)

Mike Metzger

Thank you. I have a motion. Do I have a second?

Kevin Muldowney

Thank you. Motion made by Brad and seconded by Kevin. Any discussion? Roll call vote please.

Board

Aye - Unanimous

Mike Metzger

Let the motion show seven votes in the affirmative. Motion carried unanimously. Hans if you could move New Business F3.

Hans Auer

Resolution 05-24-22-13-SEQRA Resolution for NY Hanover II, LLC (Angell Road Solar)

Mike Metzger

Thank you. Do I have a second?

Steven Thorpe

Thank you. Motion made by Hans and seconded by Steven. Any further discussion? Roll call vote please.

Board

Aye - Unanimous

Mike Metzger

Let the motion show seven votes in the affirmative. Motion carried unanimously. Steven if you could move New Business F4.

Steven Thorpe

Mike Metzger

Thank you. Do I have a second?

Hans Auer

Second.

Mike Metzger

Motion made by Steven and seconded by Hans. Any further discussion?

Milan Tyler

Mr. Chairman, I think that's a typo, I would like to fix it. I think its 05-24-22-14. If that was my typo, I apologize.

Mike Metzger

Thank you for noticing that. Steven and Hans would you as amended?

Steven Thorpe

Yes. Mr. Chairman. I will amend the motion 05-24-22-14.

Hans Auer

That was Gary that seconded.

Mike Metzger

Oh. I'm sorry. Roll call vote please.

Board

Aye - Unanimous

Mike Metzger

Let the motion show seven votes in the affirmative. Motion carried unanimously. Mark if you could please introduce New Business G.

Mark Geise

Yes, so this is a resolution approving entry by the IDA into various grant agreements with Chautauqua County. The County desires to contract with the IDA to carry out and manage a number of projects, some of which we've been doing for many years and some new ones. I'm just going to very briefly talk through what those are. Chautauqua County shall provide a sum of \$161,107 for Business Development Assistance in a Promotion. This is an annual allocation that the IDA received from the County – it's for things like listing sites, promoting the IDA in the county, providing information and technical assistance, working with the SBDC and a number of other things. Chautauqua County shall provide a sum of \$68,000 for Tourism Business and Destination Development and Promotion – this is an annual allocation we've been getting for several years from the County's 3% Occupancy Tax Budget and this is to promote and work with Tourism and Hospitality related businesses to locate here in Chautauqua County. The third one is Chautauqua County shall provide a sum of \$400,000 in an American Rescue Plan Act Funding to implement the Chautauqua Business Assistance Program – the IDA is working with the SBDC at JCC, the Chautauqua County Chamber of Commerce, Insyte and Invest Buffalo

Niagara –we’re providing grants for businesses to upgrade their marketing presence and we’ve done an online application, promoting it and this again is coming out of one of the forty-three projects that was approved by the legislature from the American Rescue Plan Act \$24.6 million that the County received. Chautauqua County shall provide a sum of \$2.5 million again in American Rescue Plan Act Funding to implement broadband projects – this is a project that is looking to expand broadband to the unserved and underserved populations – we are at the tip of the iceberg on this – we will be contracting with a consultant to help us with this because it’s not really in our skillset and we are going to figure out how to roll this out –what makes the most sense – how we can leverage this funding especially when it comes to the infrastructure bill monies – so we will be working with the County on that as well. Last but not least, Chautauqua County shall provide a sum of \$1,830,000 in an amended and restated agreement with funding from both the County’s Capital Project Budget and the ARPA funding award to develop a new North County Industrial Park. So again, it was \$1.4 million dollars that was approved from ARPA and about \$433,000 that was approved over the course of a couple of years from the County’s Capital Projects Funding – again to create a North County Industrial Park and we have been working diligently with Clark Patterson Lee and others to kind of do a systematic approach to identifying prime sites, evaluating those sites, working with the property owners to acquire – as we all know, we are almost out of land – a very small parcel up in the Chadwick Bay Industrial Park and about thirty or so acres of usable land in Mason Industrial Park is all we have left, so we really need to get up to speed here and purchase land and get it shovel ready. So that’s the just of it, I don’t know if anyone has any questions?

Mike Metzger

I don’t want to sway the Board in any way, but how can you turn down \$5 million dollars from the County. It’s incredible and these projects are going to be transformative for this County. Very strategic and well done Mark and your team and staff. Any questions for Mark?

Hans Auer

Mark, no capacity issues for your team, right? You guys can cover all this without any problem.

Mark Geise

Yeah we can. Of course we are all working hard and it certainly does expand our efforts. But no, we can handle it and we have already been working on some of these things. Like, I talked about the site selection process, that’s been underway for a couple of years already. So, we have a whole lot of work that’s behind this that’s already been done in terms of getting ready for this. So, yeah, we can handle it.

Hans Auer

Thank you.

Mike Metzger

Good question. Any other questions?

Kayla Strandburg

I’ll just add that hiring Cyrstal has really helped especially with some of these newer projects. She is working with Mark and Nate directly so that helps.

Mark Geise

We hired Crystal Erhard – she is working on kind of the finance side of things and is a stickler for the contracts and making sure everything is in place and that we are following through on all that. So, that’s been a real help. Thank you for brining that up Kayla.

Mike Metzger

Any other questions or comments? Kevin, if you could please move New Business G1.

Kevin Muldowney

Resolution – 05-24-22-15-Resolution of the members of the County of Chautauqua Industrial Development Agency approving entry into various grant agreements with Chautauqua County

Mike Metzger

Thank you. Do I have a second?

Rhonda Johnson

Second.

Mike Metzger

Thank you. Motion made by Kevin and seconded by Rhonda. Any further discussion? Roll call vote please.

Board

Aye - Unanimous

Mike Metzger

Let the motion show seven votes in the affirmative. Motion carried unanimously. Rich, if you could please introduce New Business H.

Rich Dixon

The IDA CRC Agreement Resolution - its Resolution-05-24-22-16-IDA CRC Agreement Resolution – This stemmed out of a review by the Controller’s Office of our 2020 CRC PARIS Report and informally the IDA has been recognizing all the revenue and expense from the Capitol Resource Corporation – as you remember the Capitol Resource Corporation was formed because the Civic Facilities Law – which allowed us to do Tax Exempt Bonds for non-for-profits – the work around was to create the CRC – so the Controller’s Office said that was fine but they thought we should have a formal document in place – so George Cregg did this – I know George spoke to the Governance Committee back in December when I was out with my knee – I didn’t think it would be necessary for George to come out today to explain all thirteen pages so we had a Governance Committee meeting before the Board meeting, we reviewed the document and it was unanimously adopted. It’s more of just a house keeping item then anything.

Mike Metzger

Thank you Rich. Any questions for Rich? Hearing none, Rhonda if you could please move new Business H1.

Rhonda Johnson

Resolution-05-24-22-16-IDA CRC Agreement Resolution

Mike Metzger

I have a motion. Do I have a second?

Gary Henry

Second.

Mike Metzger

Motion made by Rhonda and seconded by Gary. Any further discussion? Roll call vote.

Board

Aye - Unanimous

Mike Metzger

Let the motion show seven votes in the affirmative. Motion carried unanimously. Thank you and thank you all for going through all of these resolutions and for the incredible work of the staff and Milan on all these projects. Let's now move to the Executive Director's Report please.

Mark Geise

I have nothing pressing so I am going to reserve my updates for the next meeting, unless anyone has any questions.

Mike Metzger

Thank you Mark. In the interest of time that's great. Let's hope that the Treasurer's Report by Rich can be as concise.

Rich Dixon

We are in good shape. I know this is tough to see (screen). We will be distributing to everyone on paper now. The zoom meeting is not a place to look at these when you are at a distance. We are in good shape. We have added a few funds here for the North County Industrial Park that Mark talked about – and also some ARPA money for some other things. I want to commend Nate, Crystal, Mark on getting this money and I really want to say what a great job Kayla has done tracking this. This is not easy stuff. You can just see all the grants we have. Kayla has done an exceptional job working with Nate and Crystal to keep track of all of this. We are in good shape. I will just point out that our Administrative Fees are way behind, but that's going to catch up really quick. We closed one this month that will substantially increase that. As you saw with those solar projects, when they start to close, some of those projects, our fees are over \$100,000. Once they close we are going to be fine. We are in good shape Mike. Again, I just want to thank the Board for all of their support for me over the years. Thank you.

Mike Metzger

Thank you Rich. Once again, a well-deserved award and we couldn't be happier to have the best Treasurer in New York State. Thank you. Any questions of Rich? Since there were no financials distributed, we won't be accepting the report. Is there a need for an Executive Session? Alright, I would accept a motion to move into Executive Session for discussion of particular loans and or personnel matters or property.

Executive Session

Start Time: 11:30 a.m.

Executive Session

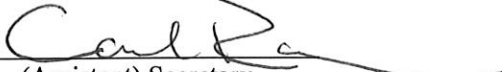
End Time: 11:35 a.m.

Mike Metzger

Thank you Jeanette. For Milan's purposes only, let the record show that no official actions were taken during Executive Session. Any Old Business to come before this forum? Hearing none, our next CCIDA Board Meeting will be June 28,

2022 at 10:00 a.m. It will be a dual meeting again at both the BWB building in Jamestown and the Fredonia Technology Incubator in Dunkirk New York. Again, I want to thank the staff for all their hard work and effort and also the Board Members for their volunteerism and all their work and effort.

The meeting is adjourned. This meeting is adjourned at 11:37 a.m.



(Assistant) Secretary



(Vice) Chairman