

**PUBLIC HEARING
FREDONIA TECHNOLOGY INCUBATOR
214 Central Avenue
Dunkirk, NY 14048
February 7, 2019
2:00 p.m.**

DFT LOCAL SERVICE CORPORATION

**PUBLIC HEARING PURSUANT TO
SECTION 859-a OF
THE GENERAL MUNICIPAL LAW**

Agency	County of Chautauqua Industrial Development Agency (the "Agency")
Project Beneficiary:	DFT Local Service Corporation (the "Company")
Project Location:	City of Dunkirk, Town of Arkwright, Town of Charlotte, Town of Chautauqua, Town of Sheridan, Village of Cassadaga, Town of Stockton and the Town of Pomfret, Chautauqua County, New York
Hearing Date:	February 7, 2019
Hearing Time:	2:00 o'clock p.m.
Hearing Location:	SUNY Fredonia Technology Incubator, in the Large Conference Room located at 214 Central Avenue in the City of Dunkirk, Chautauqua County, New York

Opening Remarks

Good afternoon.

My name is Kristine Morabito, and I am acting as Public Hearing Officer to County of Chautauqua Industrial Development Agency (the "Agency") in connection with the project which is the subject of this public hearing.

Today I am holding this Public Hearing to allow citizens to make a statement, for the record, relating to the involvement of the Agency with a project (the "Proposed Project") for the benefit of DFT Local Service Corporation, a State of Delaware corporation (the "Company").

The Proposed Project consists of the following: (A) (1) the acquisition of an interest in several parcels of land scattered amongst the City of Dunkirk, the Town of Arkwright, the Town of Charlotte, the Town of Chautauqua, the Town of Sheridan, the Village of Cassadaga, the Town of Stockton and the Town of Pomfret, Chautauqua County, New York (collectively, the "Land"), together with approximately 2,400 existing utility poles located thereon (collectively, the "Existing Utility Poles"), (2) the installation on the Land of approximately 600 new utility poles (collectively, the "New Utility Poles" and with the Existing Utility Poles, sometimes referred to as the "Utility Poles"), (3) the installation on the Utility Poles of approximately 145 miles of fiber optic cables (collectively, the "Cables"), (4) the connection of the Cables to individual residences and businesses (collectively, the "Connection") and (5) the acquisition and installation thereon and therein of certain related machinery and equipment (the "Equipment") (the Land, the Utility Poles, the Cables, the Connection and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to constitute a broadband/fiber optic route; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain real property taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

I intend to provide general information on the Agency's general authority and public purpose to provide assistance to this Proposed Project. I will then open the comment period to receive comments from all present who wish to comment on either the Proposed Project or the Financial Assistance contemplated by the Agency with respect to the Proposed Project.

Legal Authorization and Powers of the Agency

The provisions of Chapter 1030 of Laws of 1969 of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York as amended, and Chapter 71 of the 1972 Laws of the State of New York, as amended, codified as Section 895-h of said General Municipal Law (collectively, the "Act"), authorize the Agency to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining and equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others.

Purpose of this Public Hearing

Pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the "Act"), prior to the Agency providing any "financial assistance" (as defined in the Act) of more than \$100,000 to any project, the Agency, among other things, must hold a public hearing pursuant to Section 859-a of the Act with respect to said project. Since the proposed "financial assistance" to be provided by the Agency with respect to the Proposed Project may exceed \$100,000, then prior to providing any "financial assistance" (as defined in the Act) of more than \$100,000 to the Proposed Project, the Agency must hold a public hearing on the nature and location of the Project Facility and the proposed "financial assistance" to be provided by the Agency with respect to the Proposed Project.

After consideration of the Application received from the Company, the members of the Agency adopted a resolution on October 26, 2017 (the "Public Hearing Resolution") authorizing, the Chief Executive Officer of the Agency to conduct this Public Hearing with respect to the Proposed Project pursuant to Section 859-a(2) of the Act.

The Chief Executive Officer of the Agency caused notice of this Public Hearing to be (A) mailed on January 24, 2019 to the chief executive officers of Chautauqua County, the Cassadaga Valley Central School District, the Dunkirk City School District, the Fredonia Central School District, the Chautauqua Lake Central School District, the Forestville Central School District, the Village of Cassadaga Mayor, the City of Dunkirk Mayor, the Town of Sheridan Supervisor, the Town of Arkwright Supervisor, the Town of Charlotte Supervisor, the Town of Pomfret Supervisor, the Town of Stockton Supervisor and the Town of Chautauqua Supervisor (B) published on January 26, 2019 in The Observer, a newspaper of general circulation available to the residents of Chautauqua County, New York. In addition, the Chief Executive Officer of the Agency caused notice of this Public Hearing to be posted on January 24, 2019 on the Agency's website and also on a public bulletin board located at the offices of the Agency located at 201 West 3rd Street, Suite 115 in the City of Jamestown, Chautauqua County, New York and a public bulletin board located at 214 Central Avenue in the City of Dunkirk, Chautauqua County, New York.

Copies of the notice of this Public Hearing are available on the table.

Now, unless there is any objection, I am going to suggest waiving the full reading of the notice of this Public Hearing, and instead request that the full text of the notice of this Public Hearing be inserted into the record of this Public Hearing.

The comments received today at this Public Hearing will be presented to the members of the Agency at or prior to the meeting at which the members of the Agency will consider whether to approve the undertaking of the Proposed Project by the Agency and the granting by the Agency of any "financial assistance" in excess of \$100,000 with respect to the Proposed Project.

Written Comments

The notice of this Public Hearing indicated that written comments could be addressed to: Mark Geise, the Administrative Director/Chief Executive Officer of the Agency. No written comments have been received by the Agency prior to this Public Hearing.

Open Public Hearing to the Floor for Comments

I will now open this Public Hearing for public comment at 2:15 p.m.

By way of operating rules, if you wish to make a public comment, please raise your hand, and I will call on you. Please wait to be recognized, once recognized, please stand and state your name and address for the record.

When everyone has had the opportunity to speak, I will conclude this Public Hearing. A record of this Public Hearing will be prepared and reviewed by the members of the Agency in connection with the Agency's consideration of the Proposed Project.

Again, the purpose of this Public Hearing is to solicit public comment. We are not here to answer questions. However, we will in the course of this Public Hearing consider questions if we have the information to answer the questions and there is sufficient time to consider such questions.

I will now ask if there is anyone in attendance who wishes to comment on either on the nature and location of the Project Facility or the proposed "financial assistance" being contemplated by the Agency with respect to the Proposed Project.

For the record, please state your name and indicate your comments on either the Proposed Project or the proposed "financial assistance" being contemplated by the Agency with respect to the Proposed Project.

Is there anyone wishing to be heard with respect to the proposed project?

Hearing none, I will now close this Public Hearing at 2:17 p.m.

Thank you for attending.

NOTICE OF PUBLIC HEARING
ON PROPOSED PROJECT
AND FINANCIAL ASSISTANCE
RELATING THERETO

Notice is hereby given that a public hearing pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the "Act") will be held by County of Chautauqua Industrial Development Agency (the "Agency") on the 7th day of February, 2019 at 2:00 o'clock p.m., local time, at the SUNY Fredonia Technology Incubator, in the Large Conference Room located at 214 Central Avenue in the City of Dunkirk, Chautauqua County, New York in connection with the following matters:

DFT Local Service Corporation, a State of Delaware corporation (the "Company"), has presented an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in several parcels of land scattered amongst the City of Dunkirk, the Town of Arkwright, the Town of Charlotte, the Town of Chautauqua, the Town of Sheridan, the Village of Cassadaga, the Town of Stockton and the Town of Pomfret, Chautauqua County, New York (collectively, the "Land"), together with approximately 2,400 existing utility poles located thereon (collectively, the "Existing Utility Poles"), (2) the installation on the Land of approximately 600 new utility poles (collectively, the "New Utility Poles" and with the Existing Utility Poles, sometimes referred to as the "Utility Poles"), (3) the installation on the Utility Poles of approximately 145 miles of fiber optic cables (collectively, the "Cables"), (4) the connection of the Cables to individual residences and businesses (collectively, the "Connection") and (5) the acquisition and installation thereon and therein of certain related machinery and equipment (the "Equipment") (the Land, the Utility Poles, the Cables, the Connection and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to constitute a broadband/fiber optic route; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain real property taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

The Agency is considering whether (A) to undertake the Project, and (B) to provide certain exemptions from taxation with respect to the Project, including, in the event that the Project Facility would be subject to real property taxation if owned by the Company but shall be deemed exempt from real property taxation due to the involvement of the Agency therewith, exemption from real property taxes (but not including special assessments and special ad valorem levies), if any, with respect to the Project Facility, subject to the obligation of the Company to make payments in lieu of taxes with respect to the Project Facility. If any portion of the Financial Assistance to be granted by the Agency with respect to the Project is not consistent with the Agency's uniform tax exemption policy, the Agency will follow the procedures for deviation from such policy set forth in Section 874(4) of the Act prior to granting such portion of the Financial Assistance.

If the Agency determines to proceed with the Project, the Project Facility will be acquired, constructed, reconstructed and installed by the Agency and will be leased (with an obligation to purchase) or sold by the Agency to the Company or its designee pursuant to a project agreement (the "Agreement") requiring that the Company or its designee make certain payments to the Agency.

The Agency has not yet made a determination pursuant to Article 8 of the Environmental Conservation Law (the "SEQR Act") regarding the potential environmental impact of the Project.

The Agency will at said time and place hear all persons with views on either the location and nature of the proposed Project, or the Financial Assistance being contemplated by the Agency in connection with the proposed Project. A copy of the Application filed by the Company with the Agency with respect to the Project, including an analysis of the costs and benefits of the Project, is available for public inspection during business hours at the offices of the Agency. A transcript or summary report of the hearing will be made available to the members of the Agency.

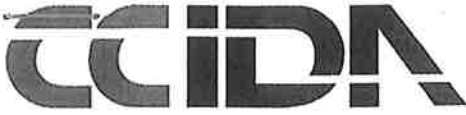
Copies of the Application, including an analysis of the costs and benefits of the Project, are available for review by the public online at www.ccida.com, or at the offices of the Agency located at 201 West Third Street, Suite 115, Jamestown, NY 14701 and 214 Central Avenue, Suite 124, Dunkirk NY 14048 by appointment. To schedule an appointment, or for additional assistance, contact the Agency at (716) 661-8900.

Dated: January 24, 2019.

COUNTY OF CHAUTAUQUA INDUSTRIAL
DEVELOPMENT AGENCY

BY: 

Mark Geise, Chief Executive Officer



County of Chautauqua Industrial Development Agency

Public Hearing Attendance Sheet

Project: DFT Local Service Corporation

Public Hearing Location: Fredonia Technology Incubator, 214 Central Ave., Dunkirk, NY 14048

Public Hearing Date and Time: February 7, 2019, 2:00 p.m.

Full Name (Please Print)

Signature

Affiliation

Full Name (Please Print)	Signature	Affiliation
1. Cynthia M. Mackowiak	Cynthia M. Mackowiak	Dunkirk City School
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