

**POMFRET III PV LLC -
Deviation Approval Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the “Agency”) was convened in public session on May 27, 2025, at 10:30 A.M., local time, at the offices of the Agency located at 201 West 3rd Street, Jamestown, County of Chautauqua, New York (the “IDA Office”).

The meeting was called to order by the _____ and, upon roll being called, the following members of the Agency were:

PRESENT:

Gary Henry	Chairman
Dan Heitzenrater	Vice Chairman
Sagan Sheffield-Smith	Treasurer
Amy Harding	Secretary
Daniel DeMarte	Member
Tom Harmon	Member
Kevin Muldowney	Member
John Healy	Member
Ted Wightman	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Mark Geise	Administrative Director/CEO
Shelby Bilskie	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel
Gregory L. Peterson, Esq.	Counsel

The attached resolution no. 05-27-25-01 was offered by _____, seconded by _____:

RESOLUTION AUTHORIZING A DEVIATION FROM THE UNIFORM
TAX EXEMPTION POLICY OF THE COUNTY OF CHAUTAUQUA
INDUSTRIAL DEVELOPMENT AGENCY WITH RESPECT
TO A PROJECT FOR POMFRET III PV, LLC
AND/OR ITS AFFILIATES

WHEREAS, the County of Chautauqua Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the Laws of 1969 of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-h of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, POMFRET III PV, LLC, a limited liability company duly organized and existing under the laws of the State of Delaware and qualified to do business in the State of New York as a foreign limited liability company (the “Applicant”), presented an application for financial assistance (the “Application”) to the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) consisting of the following: (A)(1) the acquisition of an interest in an approximately 11.98 acre portion of a parcel of land located at 4825 Webster Road, Town of Pomfret, Chautauqua County, New York (collectively, the “Land”), (2) the acquisition, construction, installation, and equipping on the Land of: (i) solar photovoltaic modules mounted on a tracking steel structure, (ii) inverters, (iii) transformers, (iv) underground and overhead electrical lines, (v) fencing, and (vi) a system of access roads, parking, landscaping and related improvements to the Land (collectively, the “Improvements”), and (3) the acquisition and installation of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the “Equipment” and together with the Land and the

Improvements, collectively, the “Project Facility”), all of the foregoing for use by the Applicant and/or its affiliates as an approximately 1.4 megawatt A/C solar-powered electrical generation facility; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes, mortgage recording taxes and sales and use taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, the Application states that the Applicant is seeking an exemption from real property taxes with respect to the Improvements that, if granted, would constitute a deviation from the Agency’s established Uniform Tax Exemption Policy and Guidelines (the “Tax Exemption Policy”) that is published on the Agency’s website; and

WHEREAS, in accordance with Section 874(4) of the Act, (A) the Administrative Director/CEO of the Agency caused letters dated May 2, 2025 (the “Pilot Deviation Notice Letters”) to be mailed to the chief executive officer of each affected tax jurisdiction and to all other persons required by applicable law, informing said individuals that the Agency would, at its meeting on May 27, 2025 (the “IDA Meeting”), consider a proposed deviation from the Tax Exemption Policy with respect to the payment in lieu of taxes agreement to be entered into by the Agency with respect to the Improvements; and (B) the members of the Agency conducted the IDA Meeting on the date hereof and reviewed any comments and correspondence received with respect to the proposed deviation from the Tax Exemption Policy; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 874(4) of the Act with respect to the proposed deviation from the Tax Exemption Policy;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE COUNTY OF CHAUTAUQUA INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby determines that the Agency has fully complied with the requirements of Section 874(4) of the Act relating to the proposed deviation from the Tax Exemption Policy.

Section 2. Prior to making the determinations set forth in this Resolution, the members of the Agency have considered and weighed all of the factors set forth in the Tax Exemption Policy.

Section 3. Having reviewed all written comments and correspondence received at or prior to the IDA Meeting, the Agency hereby approves the proposed deviation from the Tax Exemption Policy as described in the Pilot Deviation Notice Letters (copies of which are attached hereto as Exhibit A) because the Property Tax Exemption (as defined in the Pilot

Deviation Notice Letters) is necessary to induce the Applicant to undertake the Project in Chautauqua County. Deviating from the Policy in this instance will advance the job opportunities, general prosperity and economic welfare of the people of the State of New York and Chautauqua County.

Section 4. The Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer of the Agency are each hereby authorized and directed, acting individually or jointly, to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution. If the Agency hereafter adopts appropriate final approving resolutions with respect to the proposed straight-lease transaction with the Applicant (the "Transaction"), the Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer of the Agency are each hereby authorized and directed, acting individually or jointly, to cause the Agency to (A) enter into a Payment in Lieu of Taxes Agreement providing for, among other things, the making of payments in lieu of property taxes consistent with the Pilot Deviation Notice Letters, and (B) file an application for real property tax exemption with the appropriate assessor(s) with respect to the Improvements.

Section 5. This Resolution shall take effect immediately, but is subject to and conditioned upon the closing of the Transaction.

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

Gary Henry	VOTING
Dan Heitzenrater	VOTING
Sagan Sheffield-Smith	VOTING
Amy Harding	VOTING
Kevin Muldowney	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING
John Healy	VOTING
Ted Wightman	VOTING

The foregoing resolution was thereupon declared duly _____.

STATE OF NEW YORK)
) SS.:
COUNTY OF CHAUTAUQUA)

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on May 27, 2025 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

WE FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, we have hereunto set our hand this 27th day of May, 2025.

[Assistant] Secretary

[Vice] Chairman

EXHIBIT A

Pilot Deviation Notice Letters

See Attached



County of Chautauqua Industrial Development Agency



ChooseCHQ.com

Board of Directors

Gary Henry
Chairman
Owner
Fancher Chair Co., Inc.

Tom Harmon
Member
PED Chair

Dan Heitzenrater
Vice Chairman
President & CEO
Chautauqua County
Chamber of Commerce

Sagan Sheffield-Smith
Treasurer
Chief Financial Officer
Double A Vineyards

Amy Harding
Secretary
Vice President
Lake Shore Savings Bank

John Healy
Member
Executive Director
Builders Exchange of the
Southern Tier

Daniel DeMarte
Member
President
Jamestown Community
College

Kevin Muldowney
Member
President
Muldowney
Development

May 2, 2025

CERTIFIED MAIL,
RETURN RECEIPT REQUESTED
AND FIRST CLASS MAIL

Paul Wendel, County Executive
Chautauqua County
County Executive's Office
Gerace Office Building
3 N. Erie St.
Mayville, NY 14757

Brad Zilliox, Superintendent
Superintendent's Office
Fredonia Central School District
425 East Main Road
Fredonia, NY 14063

Dan Pacos, Town Supervisor
Town of Pomfret
9 Day Street
Fredonia, NY 14063

**NOTICE OF PROPOSED DEVIATION FROM UNIFORM
TAX EXEMPTION POLICY AND GUIDELINES**

Gentlemen:

Notice is hereby given that at a meeting of the County of Chautauqua Industrial Development Agency (the "Agency") to be held on May 27, 2025, at 10:30 a.m., local time, from the offices of the Agency, 201 West Third Street, Jamestown, County of Chautauqua, New York, the Agency will consider whether to approve the application of POMFRET III PV, LLC, a limited liability company duly organized and existing under the laws of the State of Delaware and qualified to do business in the State of New York as a foreign limited liability company (the "Company"), for certain "financial assistance" which, if granted, would deviate from the Agency's Uniform Tax Exemption Policy and Guidelines (the "Policy") with respect to the payment of real property taxes.

The Company submitted an application for financial assistance (the "Application") to the Agency, which Application requested that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in an approximately 11.98 acre portion of a parcel of land located at 4825 Webster Road, Town of Pomfret, Chautauqua County, New York (collectively, the "Land"), (2) the acquisition, construction, installation, and equipping on the Land of: (i) solar photovoltaic modules mounted on a tracking steel structure, (ii) inverters, (iii) transformers, (iv) underground and overhead electrical lines, (v) fencing, and (vi) a system of access roads, parking, landscaping and related improvements to the Land (collectively, the "Improvements"), and (3) the acquisition and installation of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the "Equipment" and together with the Land

and the Improvements, collectively, the “Project Facility”), all of the foregoing for use by the Applicant and/or its affiliates as an approximately 1.4 megawatt A/C solar-powered electrical generation facility; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes, mortgage recording taxes and sales and use taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Company or such other entity(ies) as may be designated by the Company and agreed upon by the Agency.

The Project Facility would be initially owned, operated and/or managed by the Company (or such other entity(ies) as may be designated by the Company and agreed upon by the Agency).

The Application states that the Company is seeking an abatement of real property taxes with respect the Project Facility. Based upon negotiations between representatives of the Company and the Agency, the parties contemplate that the Agency may agree to grant a real property tax exemption with respect to the Project Facility (the “Property Tax Exemption”) that would result in a payment in lieu of taxes (“PILOT”) agreement between the Agency and the Company and/or its affiliate or designee having a term of twenty-five (25) fiscal tax years (the “PILOT Term”), with annual PILOT payments with respect to the Project Facility as follows:

<u>PILOT Year</u>	<u>Annual PILOT Payment</u>
1	\$5,600
2	\$5,712
3	\$5,826
4	\$5,943
5	\$6,062
6	\$6,183
7	\$6,307
8	\$6,433
9	\$6,561
10	\$6,693
11	\$6,826
12	\$6,963
13	\$7,102
14	\$7,244
15	\$7,389

16	\$7,537
17	\$7,688
18	\$7,841
19	\$7,998
20	\$8,158
21	\$8,321
22	\$8,488
23	\$8,657
24	\$8,831
25	\$9,007

Thereafter, and through the end of the term of the lease or installment sale agreement with respect to the Project Facility, the payments would be equal to the real property taxes and assessments that would be payable as if the Project Facility was returned to the tax rolls as taxable property and subject to taxation at its then current, full assessed value, as the same may be reassessed from time to time, and subject to tax rate increases imposed by the affected tax jurisdictions.

The Property Tax Exemption, if approved by the Agency, would represent a deviation from the Policy.

The reason for the proposed deviation is that the Property Tax Exemption, if approved by the Agency, is necessary to induce the Applicant to undertake the Project in Chautauqua County. Deviating from the Policy in this instance will advance the job opportunities, general prosperity and economic welfare of the people of the State of New York and Chautauqua County.

The meeting will be streamed on the Agency's website in real-time and a recording of the meeting will be posted on the Agency's website, all in accordance with Section 857 of the New York General Municipal Law, as amended.

Copies of the Application, including the request for a deviation from the Policy, are available for review by the public online at www.ccida.com. For additional assistance, contact the Agency at (716) 661-8900.

COUNTY OF CHAUTAUQUA INDUSTRIAL
DEVELOPMENT AGENCY

By: 

Shelby Bilskie
Chief Financial Officer

**POMFRET III PV LLC -
Approving Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the “Agency”) was convened in public session on May 27, 2025, at 10:30 A.M., local time, at the offices of the Agency located at 201 West 3rd Street, Jamestown, County of Chautauqua, New York (the “IDA Office”).

The meeting was called to order by the _____ and, upon roll being called, the following members of the Agency were:

PRESENT:

Gary Henry	Chairman
Dan Heitzenrater	Vice Chairman
Sagan Sheffield-Smith	Treasurer
Amy Harding	Secretary
Daniel DeMarte	Member
Tom Harmon	Member
Kevin Muldowney	Member
John Healy	Member
Ted Wightman	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Mark Geise	Administrative Director/CEO
Shelby Bilskie	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel
Gregory L. Peterson, Esq.	Counsel

The attached resolution no. 05-27-25-02 was offered by _____, seconded by _____:

RESOLUTION TAKING OFFICIAL ACTION TOWARD AND APPROVING THE
STRAIGHT LEASE DOCUMENTS FOR A CERTAIN PROJECT FOR
POMFRET III PV, LLC AND/OR ITS AFFILIATES

WHEREAS, the County of Chautauqua Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the Laws of 1969 of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-h of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, POMFRET III PV, LLC, a limited liability company duly organized and existing under the laws of the State of Delaware and qualified to do business in the State of New York as a foreign limited liability company (the “Applicant”), presented an application for financial assistance (the “Application”) to the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) consisting of the following: (A)(1) the acquisition of an interest in an approximately 11.98 acre portion of a parcel of land located at 4825 Webster Road, Town of Pomfret, Chautauqua County, New York (collectively, the “Land”), (2) the acquisition, construction, installation, and equipping on the Land of: (i) solar photovoltaic modules mounted on a tracking steel structure, (ii) inverters, (iii) transformers, (iv) underground and overhead electrical lines, (v) fencing, and (vi) a system of access roads, parking, landscaping and related improvements to the Land (collectively, the “Improvements”), and (3) the acquisition and installation of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the “Equipment” and together with the Land and the Improvements, collectively, the “Project Facility”), all of the foregoing for use by the Applicant and/or its affiliates as an approximately 1.4 megawatt A/C solar-powered electrical generation facility; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes, mortgage recording taxes and sales and use taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, in accordance with Section 859-a of the Act, any approval of the Project is contingent upon, inter alia, a determination by the members of the Agency to proceed with the Project following a determination by the Agency that (A) the public hearing and notice requirements and other procedural requirements contained in the Act relating to the Project have been satisfied; and (B) the undertaking of the Project by the Agency and the granting of the Financial Assistance are and will be in compliance with all other applicable requirements of the Act, SEQRA (as hereinafter defined), and all other statutes, codes, laws, rules and regulations of any governmental authority having jurisdiction over the Project and/or the Project Facility (collectively, the “Applicable Laws”); and

WHEREAS, the Administrative Director/CEO of the Agency (A) caused notice of a public hearing of the Agency pursuant to Section 859-a of the Act (the “Public Hearing”) to hear all persons interested in the Project and the Financial Assistance contemplated by the Agency with respect to the Project, to be mailed on May 2, 2025 to the chief executive officer of the County of Chautauqua (the “County”) and of each other affected tax jurisdiction within which the Project Facility is or is to be located, and posted a copy of the Application on the Agency’s website; (B) caused notice of the Public Hearing to be published on May 3, 2025 in *The Observer*, a newspaper of general circulation available to residents of the County; (C) caused the Public Hearing to be conducted on May 19, 2025, at 11:00 a.m., local time, at 9 Day Street, Town of Pomfret, County of Chautauqua, New York; (D) caused the Public Hearing to be streamed on the Agency’s website in real-time and a recording of the Public Hearing to be posted on the Agency’s website, all in accordance with Section 857 of the Act, as amended; and (E) caused a written report of the Public Hearing to be prepared which fairly summarizes the views presented at the Public Hearing and collected written comments from the public (collectively, the “Report”) and distributed the Report to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (“NYSDEC”), being 6 N.Y.C.R.R. Part 617, et. seq., as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, the Town of Pomfret (“Town”) Town Board undertook a coordinated review of the Project in accordance with SEQRA in which it consulted with all other Involved and Interested Agencies, including the Agency; and

WHEREAS, the Town Board issued a “Negative Declaration” at its November 6, 2024, meeting with respect to the Project, and such Negative Declaration is binding upon the Agency; and

WHEREAS, in accordance with Section 874(4) of the Act, (A) the Administrative Director/CEO of the Agency caused letters dated May 2, 2025 (the “Pilot Deviation Notice Letters”) to be mailed to the chief executive officer of each affected tax jurisdiction and to all

other persons required by applicable law, informing said individuals that the Agency would, at its meeting on May 27, 2025 (the “IDA Meeting”), consider a proposed deviation from the Tax Exemption Policy with respect to the payment in lieu of taxes agreement to be entered into by the Agency with respect to the Improvements; and (B) the members of the Agency conducted the IDA Meeting on the date hereof and reviewed any comments and correspondence received with respect to the proposed deviation from the Tax Exemption Policy; and

WHEREAS, the Agency now desires to make its determination to proceed with the Project and to grant the Financial Assistance, subject to the terms hereof; and

WHEREAS, the Applicant and/or one (1) or more of its affiliates will (A) execute and deliver a certain Company Lease Agreement (the “Company Lease”), pursuant to which the Applicant and/or such affiliate(s) will grant to the Agency a leasehold interest in the Project Facility; (B) execute and deliver a certain Agency Lease Agreement (Uniform Project Agreement) (the “Agency Lease”), pursuant to which the Agency will grant to the Applicant and/or such affiliate(s) a subleasehold interest in the Project Facility; (C) execute and deliver a certain Payment in Lieu of Taxes Agreement (the “PILOT Agreement”) pursuant to which the Agency would grant an exemption from real property taxes with respect to the Improvements only; and (D) execute and deliver certain other certificates, documents, instruments and agreements related to the Project (together with the Company Lease, the Agency Lease and the PILOT Agreement, collectively, the “Transaction Documents”);

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE COUNTY OF CHAUTAUQUA INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. In accordance with Section 859-a of the Act, the Agency has prepared a written cost-benefit analysis with respect to the Project and the granting of the Financial Assistance (the “Analysis”). The Agency has reviewed the Application, the Report and the Analysis, and, based upon the representations made by the Applicant to the Agency and information obtained by the Agency, the Agency has reviewed and assessed all material information necessary to afford a reasonable basis for the Agency to make a determination to approve the Financial Assistance. In addition, the Agency hereby makes the following findings and determinations with respect to the Project:

(a) based on the proposed use of the Project Facility as set forth in the Application, the economic effects of the Project on the area in which it is situated, and the employment reasonably expected to be created and/or maintained by the Project, and an analysis of how the Project contributes to the realization of the public purposes of promoting employment opportunities in the County and the prevention of economic deterioration in the County, the Project will constitute a commercial facility with a significant impact on the area in which it is situated, and will advance the Agency’s purposes by promoting employment opportunities and preventing economic deterioration in the County. Therefore, the Project constitutes a “project” within the meaning of the Act;

(b) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Applicant to undertake the Project in the County;

(c) there is a likelihood that the Project would not be undertaken but for the granting of the Financial Assistance by the Agency to the Applicant;

(d) the completion of the Project Facility, the sublease thereof by the Agency to the Applicant and the operation thereof by the Applicant will not result in the removal of a facility or plant of the Applicant or any other occupant or user of the Project Facility from one area of the State of New York (the "State") to another area of the State or in the abandonment of one or more plants or facilities of the Applicant or any other occupant or user located within the State (but outside of the County). Therefore, the provisions of subdivision (1) of Section 862 of the Act are not and will not be violated as a result of the granting of the Financial Assistance by the Agency to the Applicant;

(e) the Project will serve the public purposes of the Act by preserving permanent, private sector jobs, and increasing the overall number of permanent, private sector jobs in the State;

(f) no funds of the Agency shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant, nor shall any funds of the Agency be given in connection with the Project to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State, nor shall any funds of the Agency be used for advertising or promotional materials which depict elected or appointed government officials in either print or electronic media;

(g) the Project Facility does not and will not constitute a project where facilities or property that are primarily used in making retail sales of goods and/or services to customers who personally visit such facilities constitute more than one-third of the total cost of the Project. For purposes of this finding, retail sales shall mean: (i) sales by a registered vendor under Article 28 of the New York Tax Law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of section 1101 of the New York Tax Law; or (ii) sales of a service to such customers;

(h) the granting of the Financial Assistance by the Agency with respect to the Project will encourage and assist the Applicant in undertaking the Project in the County, will promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of the County and the State and improve their standard of living, and thereby serve the public purposes of the Act; and

(i) the Project will not result in the removal or abandonment of a plant or facility of the Applicant or any other occupant or user of the Project Facility, currently located within the County.

Section 2. The Agency hereby ratifies, confirms and approves all actions heretofore taken by the Administrative Director/CEO, Chief Financial Officer and the staff of the Agency with respect to the Application, the Analysis and the Public Hearing, including, without limitation, (a) those actions required to ensure full compliance with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project, and (b) the appointment of the law firm of Phillips Lytle LLP as Counsel to the Agency with respect to all matters in connection with the Project.

Section 3. The Agency hereby determines that the Agency has fully complied with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project.

Section 4. Having considered fully all comments received at or in connection with the Public Hearing and the IDA Meeting, including correspondence received subsequent to the Public Hearing, the Agency hereby further determines to proceed with the Project and the granting of the Financial Assistance, subject to the terms hereof. The Agency hereby approves the granting of (a) an exemption from real property taxes having an estimated value of negative \$13,915, (b) an exemption from sales and use taxes in the maximum amount of \$72,442, and (c) an exemption from mortgage recording taxes having an estimated value of \$33,279.

Section 5. The Agency recognizes that due to the complexities of the proposed transaction it may become necessary that certain of the terms approved hereby may require modifications from time to time which will not affect the intent and substance of the authorizations and approvals by the Agency herein. The Agency hereby authorizes the Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer of the Agency, acting individually or jointly, to approve modifications to the terms approved hereby which do not affect the intent and substance of this Resolution, but may include adjustments to the Financial Assistance granted hereunder. The approval of such modifications shall be evidenced by the certificate of determination of an Agency officer or the execution and delivery by some or all such Agency officers of relevant documents containing such modified terms.

Section 6. The Agency is hereby authorized to (a) acquire an interest in the Project Facility pursuant to the Company Lease and the other Transaction Documents, (b) grant a subleasehold interest in the Project Facility pursuant to the Agency Lease and the other Transaction Documents, (c) grant the Financial Assistance, and (d) do all things necessary, convenient or appropriate for the accomplishment thereof. All acts heretofore taken by the Agency with respect to the foregoing are hereby approved, ratified and confirmed.

Section 7. The form and substance of the Transaction Documents, in the forms presented to the members of the Agency, together with such changes as the Chairman, the Vice Chairman, the Administrative Director/CEO or the Chief Financial Officer may hereafter deem necessary or appropriate, are hereby approved. The Chairman, the Vice Chairman, the Administrative Director/CEO and the Chief Financial Officer are hereby authorized, on behalf of the Agency, acting together or individually, to execute and deliver the Transaction Documents to which the Agency is a party and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same. The

execution and delivery of each such agreement, approval and consent by such person(s) shall be conclusive evidence of such approval.

Section 8. The Chairman, the Vice Chairman, the Administrative Director/CEO and the Chief Financial Officer of the Agency are hereby further authorized, on behalf of the Agency, acting together or individually, to designate any additional Authorized Representatives (as defined in the Agency Lease) of the Agency.

Section 9. The officers, employees and agents of the Agency are hereby authorized and directed, acting individually or jointly, for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Transaction Documents, to execute and deliver all such additional certificates, instruments, agreements 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, convenient or appropriate to effect the purposes of this Resolution and to cause compliance with all of the terms, covenants and provisions of the Transaction Documents to which the Agency is a party or which are binding on the Agency.

Section 10. The members of the Agency acknowledge the terms and conditions of Section 875(3) of the Act and the duties and obligations of the Agency thereunder with respect to granting of State Sales and Use Taxes (as such term is defined in Section 875 of the Act) with respect to the Project. The members hereby direct the officers of the Agency to comply with such terms and conditions with respect to the Project and hereby direct Counsel to the Agency to include such terms and conditions in all relevant Transaction Documents.

Section 11. The Chairman, the Vice Chairman, the Administrative Director/CEO and the Chief Financial Officer of the Agency are hereby authorized and directed to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 12. This Resolution 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:

Gary Henry	VOTING
Dan Heitzenrater	VOTING
Sagan Sheffield-Smith	VOTING
Amy Harding	VOTING
Kevin Muldowney	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING
John Healy	VOTING
Ted Wightman	VOTING

The foregoing resolution was thereupon declared duly _____.

STATE OF NEW YORK)
) SS.:
COUNTY OF CHAUTAUQUA)

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on May 27, 2025 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

WE FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, we have hereunto set our hand this 27th day of May, 2025.

[Assistant] Secretary

[Vice] Chairman

PUBLIC HEARING
Town of Pomfret Town Hall
9 Day Street
Fredonia, NY 14063
May 19, 2025
11:00 a.m.

Pomfret III PV, LLC

Attendees:

Kristine Morabito, CCIDA Staff

Jason Sample, CCIDA Staff

MS. MORABITO: Good morning. My name is Kristine Morabito. I am a Project Manager and a duly authorized hearing officer of the County of Chautauqua Industrial Development Agency (the "Agency") and I have been authorized to hold a public hearing pursuant to Section 859-a of the New York General Municipal Law, as amended (the "Act").

Today is May 19, 2025 and the time is now 11:07 a.m. We are at 9 Day Street, Town of Pomfret, County of Chautauqua, New York.

The Agency has received an application for financial assistance in connection with the following matter:

POMFRET III PV, LLC, a limited liability company duly organized and existing under the laws of the State of Delaware and qualified to do business in the State of New York as a foreign limited liability company (the "Applicant"), presented an application for financial assistance (the "Application") to the Agency, which Application requested that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in an approximately 11.98 acre portion of a parcel of land located at 4825 Webster Road, Town of Pomfret, Chautauqua County, New York (collectively, the "Land"), (2) the acquisition, construction, installation, and equipping on the Land of: (i) solar photovoltaic modules mounted on a tracking steel structure, (ii) inverters, (iii) transformers, (iv) underground and overhead electrical lines, (v) fencing, and (vi) a system of access roads, parking, landscaping and related improvements to the Land (collectively, the "Improvements"), and (3) the acquisition and installation of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the "Equipment" and together with the Land and the Improvements, collectively, the "Project Facility"), all of the foregoing for use by the Applicant and/or its affiliates as an approximately 1.4 megawatt A/C solar-powered electrical generation facility; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes, mortgage recording taxes and sales and use taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency.

The Project Facility would be initially owned, operated and/or managed by the Applicant (or such other designated entity(ies)).

The Applicant (or such other designated entity(ies)) would receive the Financial Assistance from the Agency in the form of potential exemptions or partial exemptions from real property taxes, mortgage recording taxes and sales and use taxes. The structure of this payment in lieu of taxes proposal is a deviation from the Agency's Uniform Tax Exemption Policy, has not yet been accepted by the Agency, and would still need to be approved by the Agency at a later date.

Notice of this public hearing was published in the Observer on May 3, 2025 and provided to the Chief Executive Officer of each affected tax jurisdiction within which the Project Facility is or will be located by letter dated May 2, 2025.

The purpose of this public hearing is to provide an opportunity for all interested parties to present their views, both orally and in writing, with respect to the granting of the Financial Assistance contemplated by the Agency or the location or nature of the Project. As set forth in the notice of this public hearing, comments may also be submitted to the Agency in writing or electronically at the following email address: morabitk@chqgov.com.

Subject to applicable law, 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.

This public hearing is being streamed on the Agency's website in real-time and a video recording of this public hearing is being made and will be posted on the Agency's website, all in accordance with Section 857 of the New York General Municipal Law, as amended. In addition, a report or summary of this hearing will be made and such report or summary of all comments received by the Agency shall be provided to the Agency's members and posted on the

Agency's website. Comments received in writing will be also be included in the report and any summary of this public hearing.

Is there anyone wishing to be heard with respect to the Project or the Financial Assistance?

MS. MORABITO: Please note that there are no members of the public in attendance.

MS. MORABITO: It is now 11:13 a.m. Let the record show that, no members of the public have indicated a desire to comment with respect to the Project or the Financial Assistance. Additionally, no written comments have been received by the Agency with respect to the Project or the Financial Assistance. I therefore call this hearing to a close.



County of Chautauqua Industrial Development Agency



APPLICATION FOR FINANCIAL ASSISTANCE

Please respond to all questions in this Application for Financial Assistance (the "Application") by, as appropriate: filling in blanks; checking the applicable term(s); attaching additional text (with appropriate notations, such as "see Schedule 2(A), etc.): or writing "N.A.", signifying "not applicable".

The following amounts are payable to the County of Chautauqua Industrial Development Agency (the "Agency") at the time this Application is submitted to the Agency: (i) a \$1,000 non-refundable application fee (the "Application Fee"); and (ii) a \$1,000 expense deposit for the Agency's Transaction/Bond Counsel fees and expenses (the "Counsel Fee Deposit"). The Application Fee will not be credited against any other fees or expenses which are or become payable to the Agency in connection with this Application or the project contemplated herein (the "Project"). In the event that the subject transaction does not close for any reason, the Agency may use all or any part of the Counsel Fee Deposit to defray the cost of Transaction/Bond Counsel fees and expenses with respect to the Project. In the event that the subject transaction closes, the Counsel Fee Deposit shall be credited against the applicable expenses incurred by the Agency with respect to the Project.

Any approval of financial assistance will be effective for one year. If the subject transaction has not closed within that time, reapproval may be required, which may be conditioned upon payment of some, most or all of the Agency's expected administrative fee and attorneys' fees accrued on that date.

Note: Please contact the CCIDA Main Office @ (716) 661-8900 with any questions relative to the application content and/or process.

PART I: APPLICANT

Name: Pomfret III PV, LLC
Address: c/o RIC Development, 17 State Street, Suite 2320, New York, NY 10004
Phone: (917) 463-0421
NY State Dept. of Labor Reg #: N/A
Federal Employer ID #: 93-2629768
NAICS Code #: 221114
NAICS Sector: Power Generation
NAICS Industry: Solar
Website: www.ric.energy
Nature of business (goods to be sold, manufactured, assembled or processed, services rendered):
 Production of solar photovoltaic energy

Contact Name: Jeremy Kauffman
Title: Project Manager, Development
Phone Number: (212) 574-8142
E-Mail: jkauffman@ric.energy

Business Type:

- ☐ Sole Proprietorship
☐ General Partnership
☐ Limited Partnership
☒ Limited Liability Company
☐ Privately Held Corporation
☐ Publicly Held Corporation
☐ Not-for-Profit Corporation

State/Year of Incorporation/Organization: 2023
Qualified to do Business in New York (Yes or No): Yes

Owners of 20% or more of Applicant:

Name	%
RIC Development, LLC	100%

PART II: PROJECT

Address of proposed project facility:
 4825 Webster Road, Fredonia, NY 14063

Tax Map Parcel Number(s): 146.00-2-3

City/Town/Village(s): Pomfret
School District(s): Brocton Central School District
Current Legal Owner: Charles W. Pierce Jr.
Contract to purchase (Yes or No): No
Date of purchase: N/A
Purchase price: \$ N/A

Present use of the Project site:

Agriculture

What are current real estate taxes on the Project site?

County/Town: \$ 983.20
City/Village: \$ 0
School: \$ 1,072.47

Are tax cert. proceedings currently pending with respect to the Project real property?

YES ☐ NO ☒

Proposed User(s)/Tenant(s) of the Facility

(Complete for each User/Tenant for additional User/Tenants of the Company, use space at the end of this section)

Company Name: _____
Address: _____
City/State/Zip: _____
Tax ID No.: _____
Contact Name: _____
Title: _____
Phone Number: _____
E-Mail: _____

% of facility to be occupied by User/Tenant:

Relationship to the Applicant:

OFFICERS OF APPLICANT

Name: Jonathan Rappe Title: CEO of Sole Member, RIC Development, LLC

Owners of 20% or more of User/Tenant:

Name	%	Corporate Title
_____	_____	_____
_____	_____	_____
_____	_____	_____

APPLICANT'S LEGAL COUNSEL:

Firm name: Young/Sommer, LLC
Address: Executive Woods, 5 Palisades Drive, Albany, NY 12205
Contact: Rob Panasci
Phone: (518) 438-9907
Fax: (518) 438-9914
E-Mail: rpanasci@youngsommer.com

Type of Proposed Project (check all that apply):

- ☐ New Construction of a Facility
Square footage: _____
- ☐ Addition to Existing Facility
Square footage of existing facility: _____
Square footage of addition: _____
- ☐ Renovation of Existing Facility
Square footage of area renovated: _____
Square footage of existing facility: _____
- ☐ Acquisition of Land/Building
Acreage/square footage of land: _____
Square footage of building: _____
- ☒ Acquisition of Furniture/Machinery/Equipment
List principal items or categories:
Equipment to include solar panels, steel trackers, inverters, transformer
switchgear, cabling, wiring, combiner boxers, etc
- ☒ Other (specify): New construction of a solar farm - 1.4 MW AC on approximately 11.98 acres.

Briefly describe the purpose of the proposed Project, the reasons why the Project is necessary to the Applicant and why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations:

The purpose of the project is to generate clean renewable solar energy to sell to the local community at a discount under National Grid's Community Distributed Generation program. The Agency's financial assistance is required because in order to finance the construction and operation of the system there has to be a known periodic payment to taxing jurisdictions. Additionally, the economics are marginal enough that the sales tax and mortgage recording abatements are required for profitability.

Please list Affiliates/Parents/Subsidiary Entities to Applicant (attach organization chart if necessary)

Renewable Investment Corporation (Delaware C Corporation) - sole member of RIC Development, LLC.

Will the Project provide on-site child daycare facilities? If so, please explain: No

PART III. CAPITAL COSTS OF THE PROJECT

A. Provide an estimate of Project Costs of all items listed below:

	<u>Item</u>	<u>Cost</u>
1.	Land and/or Building Acquisition:	\$ 96,600
2.	Building Demolition:	\$ -
3.	Construction/Reconstruction/Renovation:	\$ 672,000
4.	Site Work:	\$ 252,000
5.	Infrastructure Work:	\$ 287,075
6.	Furniture, Equipment & Machinery Acquisition (not included in 3. above):	\$ 1,176,000
7.	Architectural/Engineering Fees:	\$ 50,000
8.	Applicant's Legal Fees:	\$ 50,000
9.	Financial Fees:	\$ 151,200
10.	Other Professional Fees:	\$ -
11.	Other Soft Costs (describe): _____	\$ 223,248
12.	Other (describe): _____	\$ -
	Total Project Costs:	\$ 2,958,123

B. Estimated Sources of Funds for Project Costs:

	<u>Source</u>
1.	Tax-Exempt IDA Bonds: \$ 0
2.	Taxable IDA Bonds: \$ 0
3.	Conventional Mortgage Loans: \$ 0
4.	SBA or other Governmental Financing: \$ 0
	Identify: _____
5.	Other Public Sources (e.g., grants, tax credits): \$ 0
	Identify: _____
6.	Other Public Agency Loans: \$ 0
7.	Other Private Loans: \$ 2,662,310.7
8.	Equity Investment: \$ 295,812.30
	(Excluding equity attributable to grants/tax credits)
	Total Funding: \$ 2,958,123

What percentage of the total project costs are funded/financed from public sector sources: 0 %

C. Requested Financial Assistance

Tax-Exempt Bonds:	\$ 0
Taxable Bonds:	\$ 0
Estimated Value of Sales Tax Benefit: (i.e., gross amount of cost of goods and services that are subject to state and local sales and use taxes multiplied by [8.0%])	\$ 72,442
Estimated Value of Mortgage Tax Benefit: (i.e., principal amount of mortgage loans loans multiplied by [1.25%])	\$ 33,279

Estimated CCIDA PILOT Property Tax Benefit:

Type: PILOT

Term: 25 Years

Schedule Requested: Deviation

Deviation? Yes ☒ No ☐

Will the proposed Project utilize a property tax exemption benefit other than from the Agency: No
(if so, please describe requested type, term and schedule)

Existing Total Annual Property Taxes on Land and Building: \$ 2,055.67

Estimated Additional Property Taxes on completed Project over the requested PILOT term (without Agency financial assistance): \$ 165,455

Other (specify): _____

NOTE: Upon acceptance of this Application by the Agency, the Agency's staff will create a PILOT schedule and indicate the estimated amount of PILOT Benefit/Cost utilizing anticipated tax rates and assessed valuation, make an estimate of the allocation of PILOT payments among the affected tax jurisdictions, and attach such information as Exhibit A hereto.

The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to undertake and document the total amount of capital investment as set forth in this Application.

D. Status of Expenses

Have any of the above costs been paid or incurred (including contracts of sale or purchase orders) as of the date of this application? If YES, describe particulars on a separate sheet.

YES ☒

NO ☐

E. Existing Operations

Does the Applicant or any User(s)/Tenant(s) currently operate in the County? If YES, describe such operations, including whether the proposed Project will result in the relocation or abandonment of such other operation(s).

No.

PART IV: COST-BENEFIT ANALYSIS

Provide the current annual payroll in Chautauqua County. Then, estimate projected payroll in years 1, 2, 3, after completion of Project.

	<u>Present</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Full Time:	\$ 0	\$ 0	\$ 0	\$ 0
Part Time ¹ :	\$ 0	\$ 20,000	\$ 20,400	\$ 20,808

If the Applicant presently operates in Chautauqua County, provide the current number of employees in the following occupations. Then, estimate the projected Full Time Equivalent ("FTE") employees as indicated following completion of the Project:

Current and Planned Occupations	<u>Present Jobs Per Occupation</u>	Est. FTEs Post-Completion:			Est. # of County Residents. by yr. 3
		<u>1 year</u>	<u>2 years</u>	<u>3 years</u>	
Management	0				
Professional	0				
Administrative	0				
Production	0				
Supervisor	0				
Laborer	0				
Independent Contractor ²	0	.3	.3	.3	0
Other (describe)	0				

List the average salaries or provide ranges of salaries for the following categories of jobs (on a full-time equivalency basis) projected to be retained/created in Chautauqua County because of the proposed Project:

Category of Jobs to be Retained/Created:	Average Salary or Range of Salary:	Average Fringe Benefits or Range of Fringe Benefits:
Management		
Professional		
Administrative		
Production		
Supervisor		
Laborer		
Independent Contractor ²	\$80,000-\$90,000	Included in Salary
Other		

Please indicate the number of temporary construction jobs anticipated to be created in connection with the acquisition, construction, and/or renovation of the Project: ³⁰ _____

Please note that the Agency may utilize the foregoing employment projections, among other things, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to retain the above number of jobs, types of occupations and amount of payroll with respect to the proposed project.

¹ NOTE: The Agency converts part-time jobs into FTE's for evaluation and reporting purposes by dividing the number of part-time jobs by two (2).
² As used in this chart, this category includes employees of independent contractors.

What percentage of the Applicant's total dollar amount of production, sales or services (including production, sales or services rendered following completion of the Project) are made to customers outside the economic development region (i.e., Western New York)?

50 %

Describe any municipal revenues that will result from the Project (excluding any PILOT payments):

Fees associated with the issuance of ministerial permits and Host Community Agreement fees of \$2,800 in Year 1 escalating 2% per annum - \$2,000/MW X 1.4.

What is the estimated aggregate annual amount of goods and services to be purchased by the Applicant for each year after completion of the Project, and what portion will be sourced from businesses located in Chautauque County and the State:

	<u>Amount</u>	<u>% Sourced in Chautauque County</u>	<u>% Sourced in State</u>
Year 1	\$ 22,340	65%	90%
Year 2	\$ 22,787	65%	90%
Year 3	\$ 23,243	65%	90%

Describe, if applicable, other benefits to the Chautauque County anticipated as a result of the Project, including a projected annual estimate of additional sales tax revenue generated, directly and indirectly, as a result of undertaking the project:

There will be de minimus sales tax derived from the local purchase of parts to operate and maintain the facility.

If applicable, has construction/reconstruction/renovation work on the Project begun? If YES, indicate the percentage of completion:

I.	(a) Site clearance	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	% complete
	(b) Environmental Remediation	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	% complete
	(c) Foundation	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	% complete
	(d) Footings	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	% complete
	(e) Steel	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	% complete
	(f) Masonry	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	% complete
	(g) Interior	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	% complete
	(h) Other (describe below):	YES <input type="checkbox"/>	NO <input type="checkbox"/>	% complete

If NO to all of the above categories, what is the proposed date of commencement of construction, reconstruction, renovation, installation or equipping of the Project? Order equipment 12/1/25; construction commencement 4/1/25

Provide an estimated time schedule to complete the Project and when first use of the Project is expected to occur:

Mechanical completion: 10/1/26; Commercial operation: 2/1/27

PART V: QUESTIONS

Please answer the following questions. If an answer is "YES" to any question, please provide details in the space provided at the end of the section.

1. Would the completion of the Project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state or in the abandonment of one or more such plants?

YES ☐ NO ☒

**** If the answer is "No" please continue to question 3.**

2. If the answer is "Yes" please answer the two (2) following questions.

- a. Is the Project reasonably necessary to preserve the competitive position of the Applicant, or of a proposed user, occupant or tenant of the Project, in its industry?

YES ☐ NO ☐

- b. Is the Project reasonably necessary to discourage the Applicant, or a proposed user, occupant or tenant of the Project, from removing such plant or facility to a location outside of the State of New York?

YES ☐ NO ☐

3. Is there a likelihood that the proposed Project would not be undertaken by the Applicant but for the granting of the financial assistance by the Agency? (If yes, explain; if no, explain why the Agency should grant the financial assistance with respect to the proposed Project).

YES ☒ NO ☐

4. The Applicant certifies that the provisions of Section 862(1) of the General Municipal Law will not be violated if financial assistance is provided by the Agency for the proposed Project.

YES ☒ NO ☐

5. Is an environmental impact statement required by Article 8 of the N.Y. Environmental Conservation Law (i.e., the New York State Environmental Quality Review Act)? If "yes" please complete and attach to the Application.

YES ☐ NO ☒

**** Applicants should consult *Exhibit B* in order to determine which version of the New York State Environmental Assessment Form must be submitted with this Application.**

6. Will customers personally visit the Project site for "retail sales" of Goods and/or Services? "Retail Sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State primarily engaged in the retail sale of tangible personal property, as defined in section 1101(b)(4)(i) of the Tax Law of the State, or (ii) sales of a service to such customers.

Sales of Goods: YES ☐ NO ☒

Sales of Services: YES ☐ NO ☒

**** If the answer to both is "No" please continue to the next page; if the answer to either is "Yes" please answer the four (4) remaining questions.**

- a. What percentage of the cost of the Project (including that portion of the cost to be financed from equity or sources other than Agency financing) will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project?

_____ %

- b. Is the Project likely to attract a significant number of visitors from outside the economic development region (i.e., Western New York) in which the Project is or will be located?

YES ☐ NO ☐

- c. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services?

YES ☐ NO ☐

- d. Will the Project be located in one of the following: (a) an area designated as an empire zone pursuant to Article 18-B of the General Municipal Law; or (b) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has (i) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of the households receiving public assistance, and (ii) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates?

YES ☐ NO ☐

Details: _____

CERTIFICATIONS AND ACKNOWLEDGMENTS OF THE APPLICANT

The undersigned, being duly sworn, deposes and says, under penalties of perjury, as follows: that I am the chief executive officer or other representative authorized to bind the Applicant named in the attached application for financial assistance ("Application") and that I hold the office specified below my signature at the end of this Certification and Agreement, that I am authorized and empowered to deliver this Certification and Agreement and the Application for and on behalf of the Applicant, that I am familiar with the contents of said Application (including all schedules, exhibits and attachments thereto), and that said contents are true, accurate and complete to the best of my knowledge and belief.

The grounds of my belief relative to all matters in the Application that are not based upon my own personal knowledge are based upon investigations I have made or have caused to be made concerning the subject matter of this Application, as well as upon information acquired in the course of my duties and from the books and records of the Applicant.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that the Applicant hereby releases the County of Chautauqua Industrial Development Agency, its members, officers, servants, attorneys, agents and employees (collectively, the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend (with counsel selected by the Agency) and hold the Agency harmless from and against any and all liability, damages, causes of actions, losses, costs or expenses incurred by the Agency in connection with: (A) examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the financial assistance requested therein are favorably acted upon by the Agency, (B) the acquisition, construction, reconstruction, renovation, installation and/or equipping of the Project by the Agency, and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, (i) all fees and expenses of the Agency's general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants (if deemed necessary or advisable by the Agency), and (ii) all other expenses incurred by the Agency in defending any suits, actions or proceedings that may arise as a result of any of the foregoing. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails within a reasonable or specified period of time to take reasonable, proper or requested action or withdraws, abandons, cancels, or neglects the Application or if the Applicant is unable to find buyers willing to purchase the total bond issue required or is unable to secure other third party financing or otherwise fails to conclude the Project, then upon presentation of an invoice by the Agency, its agents, attorneys or assigns, the Applicant shall pay to the Agency, its agents, attorneys or assigns, as the case may be, all fees and expenses reflected in any such invoice.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that each of the Agency's general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants is an intended third-party beneficiary of this Certification and Agreement, and that each of them may (but shall not be obligated to) enforce the provisions of the immediately preceding paragraph, whether by lawsuit or otherwise, to collect the fees and expenses of such party or person incurred by the Agency (whether or not first paid by the Agency) with respect to the Application.

FIRST:

The Applicant hereby certifies that, if financial assistance is provided by the Agency for the proposed project, no funds of the Agency (i) shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant or for the purpose of advertising or promotional materials which depict elected or appointed government officials in either print or electronic media, (ii) be given to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State

SECOND:

The Applicant hereby certifies that no member, manager, principal, officer or director of the Applicant or any affiliate thereof has any blood, marital or business relationship with any member of the Agency (or any member of the family of any member of the Agency).

THIRD:

The Applicant hereby certifies that neither the Applicant nor any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners (other than equity owners of publicly-traded companies), nor any of their respective employees, officers, directors, or representatives (i) is a person or entity with whom United States persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control (OFAC) of the Department of the Treasury, including those named on OFAC's Specially Designated and Blocked Persons List, or under any statute, executive order or other governmental action, or (ii) has engaged in any dealings or transactions or is otherwise associated with such persons or entities.

FOURTH:

The Applicant hereby acknowledges that the Agency shall obtain and hereby authorizes the Agency to obtain credit reports and other financial background information and perform other due diligence on the Applicant and/or any other entity or individual related thereto, as the Agency may deem necessary to provide the requested financial assistance.

FIFTH:

The Applicant hereby certifies, under penalty of perjury, that each owner, occupant or operator that would receive financial assistance with respect to the proposed Project is in substantial compliance with applicable federal, state and local tax, worker protection and environmental laws, rules and regulations.

SIXTH:

The Applicant hereby acknowledges that the submission to the Agency of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the recapture from the Applicant of an amount equal to all or any part of any tax exemption claimed by reason of the Agency's involvement in the Project.

SEVENTH:

The Applicant hereby certifies that, as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the General Municipal Law, including, but not limited to, the provisions of Section 859-a and Section 862(1) thereof.

EIGHTH:

Upon successful closing of the required bond issue or other form of financing or Agency assistance, the Applicant shall pay to the Agency an administrative fee set by the Agency (which amount is payable at closing) in accordance with the following schedule:

- (A) All Initial Transactions - One-Hundred basis points (1.00%) of Total Project Costs
 - a. This fee applies to all Initial Transactions except for certain small solar or wind energy systems or farm waste energy systems under RPTL §487, for which the Agency collects no fee (other than Counsel fees).
- (B) Refundings/Assumptions/Modifications: Agency fee shall be determined on a case-by-case basis.

The Agency's bond counsel fees and expenses are payable at closing and are based on the work performed in connection with the Project.

The Agency's bond counsel's fees, general counsel fee and the administrative fees may be considered as a cost of the Project and included as part of any resultant financing, subject to compliance with applicable law.

Regardless of the success of this Application or whether the hoped-for Financial Assistance is realized, Applicant agrees to pay all costs in connection with any efforts by the Agency on behalf of the Applicant including any fees and expenses of the Agency's general counsel, bond counsel, and all applicable recording, filing or other related fees, taxes and charges upon receipt and review of the Application, securing necessary approvals, closing the necessary transaction, and/or terminating any transaction entered into by the Applicant and the Agency.


NINTH:

The Applicant authorizes the Agency to make inquiry of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation or any other appropriate federal, state or local governmental agency or authority as to whether the Project site or any property adjacent to or within the immediate vicinity of the Project site is or has been identified as a site at which hazardous substances are being or have been used, stored, treated, generated, transported, processed, handled, produced, released or disposed of. The Applicant will be required to secure the written consent of the owner of the Project site to such inquiries (if the Applicant is not the owner), upon request of the Agency.

I further acknowledge and agree on behalf of the Applicant that, in the event the Agency shall have used all of its available tax-exempt bond financing allocation from the State of New York, if applicable, and shall accordingly be unable to obtain an additional allocation for the benefit of the Applicant, the Agency shall have no liability or responsibility as a result of the inability of the Agency to issue and deliver tax-exempt bonds for the benefit of the Applicant.


Name: Jonathan H. Rappe
Title: Authorized Signatory

Subscribed and affirmed to me this 10th
day of April, 20 25


Notary Public



Jeffrey R Keeler
NOTARY PUBLIC
STATE OF NEW YORK
Registration No. 02KE0016450
Qualified in Suffolk County
My Commission Expires
November 15, 2027

The Agency's acceptance of this Application for consideration does not constitute a commitment on the part of the Agency to undertake the proposed Project, to grant any financial assistance with respect to the proposed Project, or to enter into any negotiations with respect to the proposed Project.

Information provided herein may be subject to disclosure under the New York Freedom of Information Law (New York Public Officers Law § 84 et seq.) ("FOIL"). If the Applicant believes that a portion of the material submitted with this Application is protected from disclosure under FOIL, the Applicant should mark the applicable section(s) or page(s) as "confidential" and state the applicable exception to disclosure under FOIL.

April 10, 2025

DATE

EXHIBIT A**Financial Assistance Schedule**

Agency staff will indicate the amount of PILOT, sales and mortgage recording tax benefits based on estimated Project Costs as contained herein, anticipated tax rates, and assessed valuation, including the annual PILOT Benefit abatement amount for the term of the PILOT as depicted below. This section of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of the completed Application.

A. PILOT Estimate Table Worksheet

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/\$1000	Local Tax Rate (Town/City/Village)/\$1000	School Tax Rate/\$1000	Total Current Annual Taxes
\$2,958,123	\$739,338	5.3233057	0.8641802	13.4422199	\$2,055.67

*Apply equalization rate to value

PILOT Year	% Payment	PILOT Amount	Full Tax Payment without PILOT	Estimated Net Exemption
1.	N/A	\$5,600	\$14,513	\$8,913
2.	N/A	\$5,712	\$13,739	\$8,027
3.	N/A	\$5,826	\$12,965	\$7,139
4.	N/A	\$5,943	\$12,191	\$6,248
5.	N/A	\$6,062	\$11,417	\$5,355
6.	N/A	\$6,183	\$10,643	\$4,460
7.	N/A	\$6,307	\$9,869	\$3,562
8.	N/A	\$6,433	\$9,095	\$2,662
9.	N/A	\$6,561	\$8,321	\$1,760
10.	N/A	\$6,693	\$7,547	\$854
11.	N/A	\$6,826	\$6,773	-\$53
12.	N/A	\$6,963	\$5,999	-\$964
13.	N/A	\$7,102	\$5,225	-\$1,877
14.	N/A	\$7,244	\$4,451	-\$2,793
15.	N/A	\$7,389	\$3,677	-\$3,712
16.	N/A	\$7,537	\$2,903	-\$4,634
17.	N/A	\$7,688	\$2,903	-\$4,785
18.	N/A	\$7,841	\$2,903	-\$4,938
19.	N/A	\$7,998	\$2,903	-\$5,095
20.	N/A	\$8,158	\$2,903	-\$5,255
21.	N/A	\$8,321	\$2,903	-\$5,418
22.	N/A	\$8,488	\$2,903	-\$5,585
23.	N/A	\$8,657	\$2,903	-\$5,754
24.	N/A	\$8,831	\$2,903	-\$5,928
25.	N/A	\$9,007	\$2,903	-\$6,104
TOTAL		\$179,370	\$165,455	-\$13,912

*Estimates provided are based on current property tax rates and assessment values

B. Sales Tax Exemption Benefit:

Estimated Sales Tax exemption for facility construction: \$ 72,442 - Includes FFE

Estimated Sales Tax exemption for fixtures and equipment: \$ N/A

Estimated Start Date: February 1, 2026

Estimated duration of Sales Tax exemption: 1 year

C. Mortgage Recording Tax Exemption Benefit:

Estimated value of Mortgage Recording Tax exemption: \$ 33,279

D. Other Benefit(s):**E. Solar Projects Only: Size ^{1.4}**

☐ kW or ☒ MW

☒ Community Distribution Facility

☐ Small Alternate Energy Project

F. Battery Energy Storage System Only: Size _____ MW**Parcel ID(s):**

1. 146.00-2-3

2.

3.

4.

5.

6.

7.

8.

9.

10.

Exhibit B

State Environmental Quality Review Act Compliance Checklist

The County of Chautauqua Industrial Development Agency ("CCIDA"), pursuant to the State Environmental Quality Review Act ("SEQRA"), must evaluate the environmental impacts of a project before deciding whether to undertake the project. The below checklist is intended to aid Applicants in determining which version of NYSDEC's Environmental Assessment Form ("EAF"), available on NYSDEC's website, to submit as a part of a complete application package to the CCIDA.

If one or more of the below items applies to the project, then a Full EAF must be prepared for submission. If none of the below items apply, then a Short EAF may be submitted. Please note that the below list is not exhaustive, and Applicants who have completed a short EAF may be required to fill out a Full EAF upon review of the project information by the CCIDA. Applicants should consult with their engineers and consultants to aid them in preparing the EAF.

Does the project involve:

- ☒ activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
 - ☒ a project or action that involves the physical alteration of 10 acres?
 - ☐ a project or action that would use ground or surface water in excess of 2,000,000 gallons per day?
 - ☐ parking for 500 vehicles?
 - ☐ a facility with more than 100,000 square feet of gross floor area?
- ☐ the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:
 - ☐ a project or action that involves the physical alteration of 5 acres?
 - ☐ a project or action that would use ground or surface water in excess of 1,000,000 gallons per day?
 - ☐ parking for 250 vehicles?
 - ☐ a facility with more than 50,000 square feet of gross floor area?

- ☒ activities which meet at least one of the criteria in both Columns A and B below:

☐ Column A:

- ☒ occurring wholly or partially within an agricultural district certified by Agriculture and Markets?
- ☐ occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the State or National Register of Historic Places, or has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing?
- ☐ occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks?

☐ Column B:

- ☐ activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
 - ☒ a project or action that involves the physical alteration of 2.5 acres?
 - ☐ a project or action that would use ground or surface water in excess of 500,000 gallons per day?
 - ☐ parking for 125 vehicles?
 - ☐ a facility with more than 25,000 square feet of gross floor area?
- ☐ the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:
 - ☐ a project or action that involves the physical alteration of 1.25 acres?
 - ☐ a project or action that would use ground or surface water in excess of 250,000 gallons per day?
 - ☐ parking for 63 vehicles?
 - ☐ a facility with more than 12,500 square feet of gross floor area?



County of Chautauqua Industrial Development Agency

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**RESOLUTION NUMBER 05-27-25-03
OF THE MEMBERS OF THE
COUNTY OF CHAUTAUQUA
INDUSTRIAL DEVELOPMENT AGENCY
TO APPROVE AN AL TECH LOAN, EDA CARES ACT FUNDS, OR CRLF LOAN TO
IVORY ACRES WEDDINGS, LLC**

May 27, 2025

Resolution authorizing an AL Tech Revolving Loan Fund, EDA Cares Act Fund or CRLF loan for Ivory Acres, LLC, in the amount of \$108,000.00 for the purchase of Ivory Acres Weddings, LLC.

WHEREAS, the County of Chautauqua Industrial Development Agency ("CCIDA") has been presented with an AL Tech Revolving Loan Fund, EDA Cares Act Fund or CRLF application from Ivory Acres Weddings, LLC (the "Company") to assist in the purchase of the Company, business assets including, but not limited to, furniture, fixtures, machinery, equipment, structures, and inventory.

WHEREAS The loan request is in the amount of **\$108,000.00**. The loan term is 15 years ("Term") at 4.00% interest (the "Loan") with principal and interest payments made monthly, and

WHEREAS, the loan shall be secured by (i) 2nd position behind the bank on the real estate located at 191 Ivory Street, Frewsburg, NY 14738, to include land and structures (SBL #s 406.19-1-2, 406.00-2-23.1, and 406.19-1-3.3,), (ii) assignment of rents and leases with respect to the Premises, (iii) 2nd position UCC filing, behind the bank, to include all business assets, but not limited to, furniture, fixtures, machinery, equipment (including future equipment), inventory, and accounts receivable, (iv) Key Man Life Insurance Assignments, each in the amount of the loan, provided by Stephen Bogart and Matthew Barie, (v) Unlimited Personal Guarantees of Stephen Bogart, Kristi Bogart and Matthew Barie, and Renae Barie, and

WHEREAS, the Company shall maintain fire and hazard insurance on all company assets, with CCIDA listed as assignee and loss payee in an amount equal to the outstanding indebtedness to CCIDA at all times over the course of the loan, and

WHEREAS, this loan request is contingent upon the financing of other lenders and the commitment and financing documents of other lenders are to be satisfactory to the CCIDA, and

NOW THEREFORE, BE IT RESOLVED, that the Administrative Director, Chairman, or any officer of CCIDA, are hereby authorized by the Members to sign any and all documents and other instruments necessary in order to effectuate the above.

By _____
Chairman

Date _____

CCIDA LOAN REVIEW COMMITTEE MEETING

County of Chautauqua Industrial Development Agency
BWB Building
201 W. 3rd Street, 2nd Floor Lawrence R. Taylor Board Room
Jamestown, NY 14701
Live Streamed via YouTube and Zoom
May 8, 2025
11:00 a.m.

Applicants: Ivory Acres Weddings, LLC

CCIDA Staff: Mark Geise, Shelby Bilskie, Rosie Strandburg, Kayla Strandburg, Jeanette Lo Bello

Loan Committee Members: Gary Henry, Scott Crist, Michele Calimeri, & Sagan Sheffield-Smith

Loan Committee Members Absent: Kevin Brombacher, Jim Domagola, Greg Noon

CCIDA Counsel: Greg Peterson

Guests:

Gary Henry

Good Morning. I'd like to welcome everybody to the CCIDA Loan Review Committee. We are at the BWB Building, 201 West Third Street, Jamestown NY. We are also streaming Live via YouTube and Zoom. It's May 8, 2025 at 11:03 a.m. We'll go ahead and start with Roll Call.

Loan Review Committee - (4 Members Present)

Gary Henry, Sagan Sheffield-Smith, Michele Calimeri, Scott Crist

Gary Henry

You should have already received the minutes from the April 10, 2025 minutes and had a chance to review those, do we have a motion to accept those minutes?

Michele Calimeri

So moved.

Gary Henry

Thank you. Do we have a second?

Sagan Sheffield-Smith

Second.

Gary Henry

Thank you. All those in favor say Aye.

Loan Review Committee

Aye (Unanimous)

Gary Henry

Opposed? The minutes have been approved. Do we have a motion to go into Executive Session.

Michele Calimeri

So moved.

Gary Henry

Thank you. Do we have a second?

Scott Crist

Second.

Gary Henry

Thank you. All those in favor say Aye.

Loan Review Committee

Aye (Unanimous)

Gary Henry

Opposed? Ok, we will enter into Executive Session.

Executive Session In: 11:04 a.m.

Executive Session Out: 11:14 a.m.

Gary Henry

We are back into open session and I'd like to report that no votes or actions were taken, therefore no notes. We'll go ahead and move New Business IV A. AL Tech, EDA Cares Act Funds, and/or CRLF Loans to Ivory Acres Weddings, LLC. Rosie, can you present that?

Rosie Strandburg

Thank you. I am presenting a resolution for recommendation of approval to the Loan Review Committee for an AL Tech Revolving Loan Fund, EDA Cares Act Fund or CRLF loan for Ivory Acres, LLC, in the amount of \$108,000.00 for the purchase of Ivory Acres Weddings, LLC. The loan request is in the amount of \$108,000.00, with a term of 15 years at 4.00% interest, with principal and interest payments made monthly. The loan would be secured by a 2nd position behind the bank on the real estate located at 191 Ivory Street, Frewsburg, NY 14738, assignment of rents and leases with respect to the Premises, 2nd position on UCC filing, behind the bank, to include all business assets, but not limited to, furniture, fixtures, machinery, equipment, including future equipment, inventory, and accounts receivable, Key Man Life Insurance Assignments, each in the amount of the loan, provided by Stephen Bogart and Matthew Barie, and Unlimited Personal Guarantees by Stephen Bogart, Kristi Bogart and Matthew Barie, and Renae Barie. And of course, this loan request is contingent on other financing.

Gary Henry

Thank you. Do we have any questions? Hearing none, do we have a motion to approve this recommendation?

Scott Crist

So moved.

Gary Henry

Thank you. Do we have a second?

Michele Calimerie

Second.

Gary Henry

Thank you. We'll go ahead and do a Roll Call Vote.

Loan Review Committee

Aye (Unanimous)

Gary Henry

So the recommendation is unanimously approved and this will be presented to the Board. Any other business to come before committee? Hearing none, we'll consider the meeting adjourned. Thank you.

Meeting Adjourned – 11:16 a.m.

Respectfully submitted by:

Rosie Strandburg, Project Manager