

BOARD OF DIRECTORS MEETING

County of Chautauqua Industrial Development Agency

**Center for Innovation & Economic Development
214 Central Avenue, Dunkirk NY
1st Floor Conference Room**

**&
Electronically via Live Stream on YouTube**

September 23, 2025
10:30 a.m.

PRESENT:

Daniel Heitzenrater	Vice Chairman
Sagan Sheffield-Smith	Treasurer
Amy Harding	Secretary
John Healy	Member
Kevin Muldowney	Member
Ted Wightman	Member

Also in attendance:

Mark Geise	Administrative Director/CEO
Milan K. Tyler, Esq.	Counsel
Lisa Cole	Counsel
Kristine Morabito	IDA Staff
Rosie Strandburg	IDA Staff
Kayla Strandburg	IDA Staff
Nate Aldrich	IDA Staff
Jeanette Lo Bello	IDA Staff
Jason Sample	IDA Staff
Monica Simpson	CCPEG Staff
Crystal Erhard	IDA Staff
Paul Wendel	County Executive
Matt Effler	Catalyze
Greg Bacon	Post Journal/Observer

Absent Board Member(s):

Gary Henry	Chairman
Daniel DeMarte	Member
Tom Harmon	Member

Meeting was called to order by Dan Heitzenrater, Vice-Chairman, at 10:30 a.m.

Dan Heitzenrater

Good Morning Everybody. We'll call the Board of Directors Meeting for the County of Chautauqua Industrial Development Agency to order for September 23, 2025 at 10:30 a.m. We're at the Center for Innovation & Economic Development in Dunkirk as well as electronic via livestream on YouTube and Zoom. I'm no Gary Henry but I'll do my best. We'll start with Roll Call.

Board

Aye – Unanimous. (6 Members in Attendance)

Dan Heitzenrater

Just jump right into New Business next on the Agenda.

Mark Geise

Approval of minutes.

Dan Heitzenrater

Oh, I'm sorry I did skip the minutes. So, we have in the packet the minutes from August 26, 2025, as well as September 11th, 2025. Do we have a motion to approve the minutes?

Kevin Muldowney

Motion.

Dan Heitzenrater

Kevin.

Ted Wightman

Second.

Dan Heitzenrater

Ted. All in favor say Aye.

Board

Aye – Unanimous.

Dan Heitzenrater

Anyone opposed? Alright caried. Now, we'll jump into New Business – I.A - SL Dunkirk LLC - Presented by Rosie and Milan.

Rosie Strandburg

Thank you. So, this is going to be a refresher for some, and brand new for some of the other Board Members. We received an application in April of 2021 from Solar Liberty, or SL Dunkirk LLC, which was a 5 Megawatt AC Solar Farm on approximately 19. acres located in the town of Dunkirk at 10653 Brigham Road with a total project cost of just over \$6.5 million.

In late 2021, the project kind of went silent with Solar Liberty. Early 2025, Catalyze, which we've done quite a few projects with them now, has purchased the project from Solar Liberty. I do have Matt Effler with Catalyze here on Zoom. I will pass it on to him to provide any updates, on the project, but Catalyze, in place of Solar Liberty is asking for a 25-year PILOT on the increased assessment, which is a deviation from our UTEP policy. Sales tax abatement, no mortgage reporting taxes being requested on this project. The PILOT will produce payments to the affected taxing jurisdiction over the life of the project in the amount of \$560,530 with a tax exemption of just over \$1.3 million, and sales tax abandonment in the amount of \$350,000. We did hold a Public Hearing for this project in August of this year. There was no public comment, no written comment received.

So, the Resolutions today are for SEQRA, Deviation, and Final Approval, but before I give that to Milan to talk about, Matt could you provide us updates since Catalyze has taken over the project?

Matt Effler

Yeah, sure and thank you for having me at the meeting today. We purchased these projects a few months ago through, I think you knew HEP Global and Solar Liberty. We will be contracting with Solar Liberty to end up building the projects for us, but we will be the long-term owner.

The site plan and system size has not really changed, maybe a little bit with the modules changing over the years, but it's still a 5MW AC project. It's going on the Chautauqua County Agriculture and Fair Association property which prior to this project has been a tax-exempt from property tax, so the additional PILOT costs and revenue from that is kind of a bonus, as they weren't paying taxes on the property before and I think we submitted a site plan, but it's pretty centered on their parcel, and we did have to, as part of the SUP through the town combine two parcels that they had. They used to have a small parcel, I think, in the top left corner of the site plan, and we combined it to make one parcel, but again, both parcels were tax exempt prior.

Rosie Strandburg

Thank you, Matt. Does any of the Board Members have a question for Matt before I pass it on to Milan?

Mark Geise

I just have a question, maybe it's for Milan more than anything. I know that we had sent out or had a conversation with Catalyze about paying their fees - their past fees for all the work that we've done on the various projects, and I am wondering, number one, did we - have they paid those fees? Maybe we could talk about that - what they've communicated to us about that first, and I might have a follow-up question.

Milan Tyler

The answer is yes. A few weeks ago, we said we were - we would expect payment on all of the SL slash Catalyze matters. both the legal fees and the IDA's administrative fees. I got an email last night, saying that they objected to doing that, so that's sort of up in the air. I will note that your form of application - it has been changed, so that your Approving Resolutions are good for one year.

After that, it's what your application says is that it's expected that they would pay some, most or all of the legal fees and administrative fees. So, I think then obviously, with the exception of one today, are over a year old.

Mark Geise

I might want to suggest, and it's up to the Board, of course, that we, you know bake into this approval, if we do approve it, that we don't close on this or any other Catalyzed projects until they pay those past fees.

Milan Tyler

That certainly seems fair to me, and I'll take that up with Matt and Brandon.

Matt Effler

So, just a question on that. I know we have closed a number with you guys, right, from the Sherman to Fredonia's to Dunkirk One and Two and legal and IDA fees have always been paid at closing, once the closing package - signature packages have been delivered, right? We then pay it, we sign it, and we close.

I do know some of these, especially like, these, as you said, started in 2021, or even 2020. I know we are working on Portland One and Two, and I know there's an issue with some of the tax ID numbers, but those are pretty close to closing. We just got the Jamestown One and Two signature packages, and the invoices, I think, last night. Hoping to close those this month.

So, with Jamestown One and Two closing, hopefully Portland's closing, in my mind, next month, if we can get through the tax ID mistake that I put on the applications, and then we're looking at just this Dunkirk, and the Asheville One and Two, right? which typically, as I said, we have been paying these at closing, and I don't think, besides that these projects started years ago, you know, there's nothing past due in... in our minds, but you know, we don't have any of the invoices, but typically, again, I don't see the issue with paying at closing, but - to close, or to pay prior seems not how we've done anything in the past with you guys, or any other IDA.

Milan Tyler

I think Matt, that the concern is that it's been several years for a number of fees, and there are substantial administrative time and legal fees and the fear would be that, you know, some close and some don't close. So, I think the suggestion is that, you guys come current on all of them at the next closing.

Matt Effler

I think the next closing is hopefully Jamestown in this next week.

Milan Tyler

That'd be fine.

Matt Effler

Well, but, you know, a week, and I don't - you're saying invoices for the last couple years, which we've never seen any of those costs, right? but to come current on those in a week sounds a little unrealistic to me - while we have been trying to get these Jamestown signature packages for a while, in my opinion.

Mark Geise

Do we have an idea of what those - how much - What the fees are that are - have accrued off the top of our head?

Milan Tyler

I'd have to ask Shelby. You know, I think for the IDA, it's - for both, the IDA and between the Devon matters, right? It's 2 for Asheville, 2 for Portland, 2 for Jamestown, 1 for Dunkirk. I'm certain it's a 6-digit number.

Mark Geise

Yep. Yeah, we - I mean, we feel like we're being strung out, and expending all this time and effort, and, you know. We don't know. It's been years. So, at some point we gotta sort of say, okay fish or cut bait here.

Matt Effler

No, I understand, and I again, as I said, right, we only bought these a few months ago. I think our track record with you guys on - as soon as we bought Shermans, as soon as we bought Fredonia, we closed on those.

Jamestown has taken a lot longer than I was hoping for, and ideally, if we can get - we can figure out the tax on Portland - tax ID numbers on Portland, we're ready to close that one, which would close four of the open seven I would say pretty quickly.

And Asheville - the only issue there is the Town won't support it, because we've been trying for five months to sign an HCA with them, and I don't want to throw them under the bus, but their legal counsel has been a lot slower than we would hope for, and that one is also, I think, already through the board resolution process and public hearing, where as soon as we get the town, I think those are ready to execute - hopefully rinse and repeat our previous agreements with you guys, and sign that as soon as we can as well, but again, I'm stuck with the Town of Harmony approving it, right?

Mark Geise

Start over he was talking.

Rosie Strandburg

In reference to SL Asheville, the town is in support of that project. John Brown, Town Supervisor, was just in my office last week. You're right that their counsel has been a bit slow. She's had some personal stuff going on, but I know they're eager, just as much as you are, to get the host community agreement finalized. It's just a matter of the town attorney getting caught back up.

Matt Effler

Understood. I mean, I'm happy to show you emails from.

Rosie Strandburg

Oh, no, yep, I don't think so.

Matt Effler

But, I mean, ideally, I mean, if they're supportive now, besides for executing the HCA, I'm not sure there's much stopping us from executing with you guys, right?

Milan Tyler

Suggestion -instead of negotiating this here and now, my suggestion would be for the Board to act on SL Dunkirk however they see fit, and give Mark the authority to negotiate or settle this matter, you know, in whatever way he deems appropriate rather than, you know, negotiate this, sort of live, right here and now.

Kayla Strandburg

I can get all the fees (difficulty hearing audio)

Milan Tyler

Sorry?

Kayla Strandburg

I can get all the fees.

Mark Geise

Okay, yep, we'll put those together, we'll look at it, we'll come up with a strategy, and we'll talk to you, Matt.

Matt Effler

Yeah, that works and as I said, I'm - I mean in my mind, we're hopefully closing all seven matters in the next two to three months, if we get through some of the HCAs, and hopefully that is - we put them all behind us, right? Is my goal.

Dan Heitzenrater

Thanks Matt, and everyone.

Milan Tyler

Okay, so if that's the case, the first thing is the Deviation Hearing. So, I'm going to open up the Deviation Hearing. Notice of this hearing has been given to each of the affected tax jurisdictions by letter dated September 2nd. We've not received any response from any of the affected tax jurisdictions. As Rosie pointed out, it's a 25-year proposed PILOT at \$3,500 per megawatt increasing by 2% per year, which is sort of what you've done for a number of other solar projects. So, are there any members, or any representatives from any tax jurisdictions who would like to speak? Hearing none, we'll close the, Public Hearing.

So, as Rosie pointed out, there's three Resolutions. The Deviation Resolution approving the deviation that I just described, and we just had the Public Hearing for. The second is the SEQRA Resolution. The Town of Dunkirk also did SEQRA when they approved the project. They did not name the IDA as an involved agency. Because of the size of this project, it is a Type 1 action which means that's sort of the highest level of environmental review. The Town issued a, what they call a NEG DEC, a negative declaration, meaning there's no significant adverse effects on the environment.

In your Resolution, we've listed the 13 or so documents that we and staff have looked at. I think back 12 and if you look, we go on for several pages as to what the impact would be on water, land, disadvantaged communities, etc, and have come to the same conclusion, or recommended that you come to the same conclusion that the Town did, that this project will not have a significant adverse effect on the environment.

The third Resolution, and, Mr. Vice Chair, I'm suggesting maybe you take them all at the same time, is the Approving Resolution, which approves... doesn't require us to close, but approves this matter, and gives authority to the staff to actually sign documents and close. As Rosie pointed out, it's sales tax in the amount of up to \$350,000, and the PILOTS, the value of which is estimated at \$1,361,288. That's it.

Dan Heitzenrater

Very good. Just to clarify, are we looking to potentially amend the Resolution, or we're saying, if the Board is good, to just, you know, instruct CEO and staff to negotiate and execute operationally as they see fit?

Milan Tyler

The latter would be my suggestion. So, it's a clean Resolution when it goes, you know, and then the book's clean, but since Mark is in charge of actually doing the closing, it'd be up to him as to what fees, if any, or, you know, how he negotiates this issue, but we wanted to make sure that, you know, the members are aware that this is an issue that, you know, needs to get addressed one way or another.

Kayla Strandburg

Catalyze has been good as far as their other projects that they have with us currently. So, I just wanted to say that.

Dan Heitzenrater

Thanks Kayla. All right. Sagan would you move New Business 1B please?

Sagan Sheffield-Smith

Absolutely. Resolution 09-23-25-01 Deviation Approval, Resolution 09-23-25-02 SEQRA Approval, and Resolution 09-23-25-03 Approving Resolution

Dan Heitzenrater

Do we have a second?

John Healy

Second.

Dan Heitzenrater

Thanks John. Any comments, discussion, questions? Alright. Call the Roll.

Board

Aye – Unanimous.

Dan Heitzenrater

Resolution is approved. Thank you very much Matt and Rosie, Milan, Mark, and Kayla. Appreciate it.

Rosie Strandburg

Matt, Thank you.

Mark Giese

Matt, we'll be in touch.

Matt Effler

Thank you, everyone, for your time, and we'll be in touch. Thank you, guys.

Mark Geise

Thank you.

Dan Heitzenrater

All right, there's no other New Business. We'll move to the Executive Director's CEO Report.

Mark Geise

I just have, really, two things. Probably all heard about the, Serta Simmons closing. They announced it in early September. You know, they're in the Town of Ellicott in our Industrial Park. We helped them 20 years ago, with a... you know, a PILOT to build the facility. Very disappointing. You know, really is a result of, sort of, their corporate consolidation. They've closed six or seven plants across the country. They're consolidating, they're, they're taking, I think they put it sort of like, maximizing their assets and, so we're a casualty of that.

Eighty-three employees - the date of the layoffs is going to be, early December. The wage range is between \$19 and \$32 per hour. Two things. They're listing - they've listed the building, they have CBRE as their listing agent. Rose and I have been involved, in conversations with Serta Simmons about the facility. We've had several calls from various people, local manufacturers that are interested in the facility. So, we're, you know, keeping our fingers crossed, and we're optimistic that that building will get, get purchased, and, you know, and we'll be right there to assist them. There also is a job fair

that the Department of Labor is holding on Friday, the 10th of October, between 10 and 1 and there's at least a dozen companies that have signed up that are very interested in those employees and we've received several calls as well from local manufacturers that are looking for people that have open jobs, that are interested in those employees. So, we'll stay on top of it, and hopefully, it comes to a good conclusion. I don't know if you wanted to add anything PJ.

County Executive Wendel

Yeah, you know, first of all you know, even going on the record, a lot of concern, a lot of comments saying, where was the County, where was the IDA in this closure? I think what people have to realize, Rosie's done a, you know, a remarkable job trying to reach out when she took over the account, if you will from Carol and this is a decision that was made at the corporate level and unfortunately, just like this and other closures we're hearing, these decisions are made not in concert with the County, saying, hey, how can you help us? It's we're making a decision, and then at the end of the day, the concern from the community is, why aren't you there to help? Well, unfortunately, the best we can do now is pick up the pieces and help. You know, we just - I spoke to our recruiter today, the county's meeting with SERTA and their employees for opportunities here with the County, but yeah, I just, you know, for clarification, the IDA works at best when we know - when you know what's happening. If you're kept in the dark at the eleventh hour and they make this announcement what's the IDA supposed to do, other than react? So, the efforts were there to reach out. I just want to make, you know, that perfectly clear, you know, for those here, and, you know, and obviously the media.

You know, we're reaching out. If the company doesn't reach out and return phone calls, aside from going there banging on the door, asking to speak to somebody. This is how corporate, unfortunately, corporate business goes. And sometimes we are you know, we're just a victim of a larger, you know, situation. It's very concerning we lost 83 jobs, without a doubt. But the sad part is, is at no time did they say, hey, we need help with something, can you talk to us about - no, it's the decision was made, and we're walking. And, you know, it's just unfortunate for all of us, actually.

Mark Geise

Yup. Any other questions? The other thing is we, Nate and I and Josiah went to Detroit last week for the International Economic Development Council meeting. We were invited by the Ralph Wilson Foundation to go. We went. We had a really exclusive incredible dinner with the Ralph Wilson Foundation, including their President, Dave Egner and, they had really good things to say about, the Partnership for Economic Growth and continued support, and we're kind of their poster child, so it felt pretty good, and you know, it was good to hang out with Josiah and Nate as well. So that was really a positive thing. I'm sure there's a bunch of other stuff, but that's all I have for now, unless anybody has any questions.

Dan Heitzenrater

Thanks Mark. We'll move into the Treasurer's Report.

Kayla Strandburg

So, since Mrs. Shelby is in fraction, well, now she's in surgery right now.

Mark Geise

Yeah, for anybody that doesn't know, I mean, I don't know if any - she broke her ankle. Scattered her ankle. Already had one operation, where they - she's in that contraption, that - that metal contraption that holds it in place, and she, has another operation this morning. She's in it right now, to do some more stuff, and, so she's laid up. We wish her the best but I just wanted to give you all a little background on that.

Kayla Strandburg

She joked that if she was feeling squirrely, she'd join in via Zoom, but then she thought (difficulty hearing audio)

Milan Tyler

Mark, is it true that she was doing an MMA, contest?

Mark Geise

No, she said there was a mountain lion that was attacking the boys. Yeah, she protected them and threw it off the cliff, but ended up going over herself.

Dan Heitzenrater

Before my meeting goes over a cliff –

Kayla Strandburg

Kayla reviewed and discussed the Treasurer's Report.

Dan Heitzenrater

Questions, comments? I'll entertain a motion to approve the Finance Report.

Sagan Sheffield-Smith

So moved.

Dan Heitzenrater

Sagan. Second?

Kevin Muldowney

Second.

Dan Heitzenrater

Kevin. All if favor?

Board

Aye – Unanimous.

Dan Heitzenrater

Anyone opposed? Carried. Do we need an Executive Session to review the Loan Portfolio?

Mark Geise

What's the verbiage?

Milan Tyler

(difficulty hearing audio) credit or financial history of particular people and in particular some of your loan recipients and their specific credit and financial history.

Dan Heitzenrater

So, I would entertain the motion for Executive Session to discuss financial credit history in particular person or corporation. In particular the status of our loan portfolio, financial and credit status of some of our borrowers. Do I hear such a motion?

Ted Wightman

Yup.

Dan Heitzenrater

Ted Thanks.

John Healy

Second.

Dan Heitzenrater

All in favor?

Board

Aye – Unanimous.

Dan Heitzenrater

Opposed? Ok. We'll go into Executive Session.

Executive Session

Start Time: 10:56 a.m.

Executive Session

End Time: 11:31 a.m.

Dan Heitzenrater

We are back in open session. I would like to report that there were no actions or votes taken during Executive Session and therefore no minutes of the meeting were taken. Is there any Old Business to come before the Board? No Old Business. We would just like to send our best wishes to Shelby, so we'll get that on the record formally and, with that, our next IDA board meeting is scheduled for October 28th at 10.30 at the BWB Building in Jamestown.

County Executive Wendel

Real quick, for those interested, tomorrow night is the County's Budget Presentation. All those interested - It'd be worth your while – 6:30 in the Legislative Chamber.

Dan Heitzenrater

Thank you County Executive. Thank you. Anything else? I'll entertain a motion to adjourn.

Kevin Muldowney

I'll make that motion. Appreciate everybody coming to the City of Dunkirk.

Dan Heitzenrater

Kevin.

Amy Harding

I'll second.

Dan Heitzenrater

Thanks Amy. All in favor?

Board

Aye – Unanimous.

Dan Heitzenrater

Opposed? Alright we're adjourned.

The meeting is adjourned at 11:33a.m.

Amy S. Hardy

(Assistant) Secretary

[Signature]
(Vice) Chairman