

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

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| <b>Agency</b>               | Allegany County Industrial Development Agency (the “Agency”)   |
| <b>Project Beneficiary:</b> | OYA Chenunda Creek LLC (the “Company”)   |
| <b>Project Location:</b>    | Town of Independence, Allegany County, New York  |
| <b>Hearing Date:</b>        | May 9, 2022  |
| <b>Hearing Time:</b>        | 6:00 o’clock p.m.  |
| <b>Hearing Location:</b>    | Independence Emergency Squad located at 508 Main Street in the Town of Independence, Allegany County, New York |

### **Opening Remarks**

Good Evening. My name is Dr. Craig R. Clark and I am the Executive Director to Allegany County IDA (the “Agency”) in connection with the project which is the subject of this public hearing (the “Public Hearing”), which is OYA Chenunda Creek, LLC, in the Town of Independence. It is now six o’clock and we’re in the Independence Emergency Squad building, located at 508 Main Street.

Today I am holding this Public Hearing to allow citizens to make a statement, for the record, relating to the involvement of the Agency with a project (the “Proposed Project”) for the benefit of OYA Chenunda Creek LLC, a State of Delaware limited liability company (the “Company”).

The Proposed Project consists of the following: (A) (1) the acquisition of an interest in a portion of an approximately 138 acre parcel of land (tax map number 254.-3-24.1) located at 1542 Hallsport-Independence Road in the Town of Independence ,(2) the construction on the Land of an approximately 2.4 MW AC solar energy generating facility including panels, racking, inverters, electrical cables, battery storage, grid interconnection, site preparation, access roads and any other required improvements, on said property and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the “Equipment”), all of the foregoing to constitute a solar energy generating facility owned and operated by the Company; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes; and the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

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

### **Amount of Financial Assistance Being Considered by the Agency**

The estimated costs of the Proposed Project are equal to approximately \$7,654,225 and the estimated benefits being considered by the Agency are described briefly as follows

1. Sales Tax Exemption: \$383,755.00
2. Mortgage Recording Tax Exemption: \$25,000.00
3. Real Property Tax Exemption: \$3,778,000.00

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**Legal Authorization and Powers of the Agency**

The provisions of Chapter 1030 of Laws of 1969 of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York as amended, and Chapter 99 of the 1973 Laws of the State of New York, as amended, codified as Section 906-a of said General Municipal Law (collectively, the “Act”), authorize the Agency to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining and equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others.

**Purpose of this Public Hearing**

This Public Hearing is pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the “Act”), prior to the Agency providing any “financial assistance” (as defined in the Act) of more than \$100,000 to any project, the Agency, among other things, must hold a public hearing pursuant to Section 859-a of the Act.

After consideration of the Application received from the Company, the members of the Agency adopted a resolution on April 14, 2022 (the “Public Hearing Resolution”) authorizing the Executive Director of the Agency to conduct this Public Hearing with respect to the Proposed Project pursuant.

Basically, this has, also, been in the paper and I have the Public Hearing here, if anyone wants a copy of it. We will record it as part of the actual Public Hearing but, I am not going to ready the whole Public Hearing Notice.

Comments received today, at the Public Hearing, will be presented to the member of the Agency, at or prior to the meeting of which, the members of the Agency will consider to approve the undertaking of the Proposed Project, by the Agency and granting by the Agency, of any financial assistance, in excess of \$100,000.00.

Notice of this Public Hearing has indicated, that written comments could addressed to myself and no written comments have been received, by the agency prior to the Public Hearing, But, if we do receive some, they will still be a part of the Public Hearing.

**Open Public Hearing to the Floor for Comments**

I will now open this Public Hearing for public comment at 06:05o’clock, p.m.

By way of operating rules, if you wish to make a public comment, please raise your hand, and I will call on you. Since it’s not a large group, just let me know and please keep your comments to three minutes. There are three or four people here and we can go a little longer, if you’d like. Again, the purpose of the Public Hearing is to solicit public comment and, we will, in the course of this Public Hearing, consider questions, if we have the information to answer these questions and sufficient time is available.

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

For the record, please state your name, as this session is, both, online, recorded on YouTube (<https://www.youtube.com/watch?v=Krs082iwbK0>) and posted. I will entertain keeping this open for, at

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least, 15 minutes, to assure anyone coming in late has the change to speak. Other than that, we will go until 6:21 p.m. but, we could go longer, if people have questions. So, are there any questions or statements to be made this evening?

**Dave Pullen:** No, I am just anxious to be here and see what the public response is.

**Craig Clark:** Well, we have three Board members here, right?

**Dave Pullen:** Are all your meetings this well attended?

**Craig Clark:** Actually, the one in Wellsville was less attended.

**Kim Howe:** Dave, before you came, we had asked the question, when will it be ready to go? And, Craig explained, the first two have been through the paperwork.

**Craig Clark:** All the paperwork has been through the lawyers and, the third one of OYA's, they did say, they are ready to close. I think they are anxious to get this last one closed. We won't be operating and closing it from our point of view, even from the Board, until the SEQR has enough time. We have to have a full thirty days. That'll be done before your next Board meeting but, we won't be able to actually act on this until you're next Board meeting.

**Thomas Bissett:** Our meeting is this Thursday, so it'd be the following one.

**Craig Clark:** Yes, the following one in June because we are Lead Agency, like before. Nobody has said, we can't be Lead Agency but, we have to go for a full 30 days if there's any comments. It's close but, we can't quite do that this week. It will be next week.

**Dave Pullen:** Alright.

**Bill Meunier:** One of the hold ups was a road use agreement, on the first project. I don't know if that has come to fruition yet or not.

**Dave Pullen:** I believe that is, technically, separate from this project. That was the road use agreement that we did for one of the earlier projects.

**Bill Meunier:** Right, that is the same exact issue.

**Kim Howe:** Excuse me, didn't we have a question on what direction they were going to come and who would be responsible or which township? Why am I pulling Willing out of my?

**Bill Meunier:** Because, part of that road is in Willing and if they come in from the Wellsville area, they are going to cross Willing.

**Kimberly Rounds-Howe:** So, will Willing be responsible for any?

**Bill Meunier:** Well, that is not our problem. Willing has to do their own host agreement.

**Dave Pullen:** Technically, it would be an agreement between OYA and Willing.

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**Kimberly Rounds-Howe:** So, that has nothing to do with us? So that we decided, they must be, they're going to come all the way up and go up 22 and then, into Casey, right?

**Bill Meunier:** They indicated that is what they are going to do.

**Dave Pullen:** My understanding is, that, at this point, my partner, Richard Buck, is planning on being at the meeting, this Thursday and that someone from OYA will be present, to discuss the road use issue.

**Bill Meunier:** Yes, it is going to be a long meeting and you will have Dollar General there, too.

**Thomas Bissett:** I am sure they're super interested in getting this streamlined because they two projects, actually, tie into each other, really.

**Bill Meunier:** Plus, there are two other ones that are there too.

**Thomas Bissett:** And, they were talking about using that access road, instead of the original access road, they were going to use.

**Bill Meunier:** The access road they have on this project, they told us on the last meeting, that they wanted to use this access road, for that other project too.

**Craig Clark:** Anymore on the actual public hearing?

**Dave Pullen:** No, I don't have any questions.

**Attendees**

**Craig Clark**-Executive Director, Allegany County Industrial Development Agency.

**Kimberly Rounds-Howe**-Council Member

**Dave Pullen**-Attorney, Town of Independence Council.

**Bill Meunier**-Council Member

**Thomas Bissett**-Council Member

**Formal closure of the public hearing**

**Craig Clark:** After ascertaining there's no one else present who wishes to comment and it has been, at least 15 minutes, unless there are any further comments, I'll, now, close this Public Hearing at 06: 21 o'clock, p.m. Are there any other comments from the public? With that said, we're done.

**Public Hearing Notice**

**CORRECTED**

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

**RESCHEDULED FROM MAY 2, 2022 TO MAY 9, 2022**

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Notice is hereby given that a public hearing (the “Public Hearing”) pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the “Act”) will be held by the Allegany County Industrial Development Agency (the “Agency”) on the 9th day of May, 2022 at 6:00 o’clock p.m., local time, at Independence Emergency Squad located at 508 Main Street, in the Town of Independence, Allegany County, New York in connection with the following matters:

OYA Chenunda Creek LLC, a State of Delaware limited liability company (the “Company”), submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in a portion of an approximately 138.10 acre parcel of land (tax map number 254.-3-24.1) located at 1542 Hallsport-Independence Road in the Town of Independence, Allegany County, New York (the “Land”), (2) the construction on the Land of an approximately 2.4 MW AC solar energy generating facility including panels, racking, inverters, electrical cables, battery storage, grid interconnection, site preparation, access roads and any other required improvements (all said improvements being collectively referred to as the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the “Equipment”), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the “Project Facility”); (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

The Agency is considering whether (A) to undertake the Project, and (B) to provide certain exemptions from taxation with respect to the Project, including (1) exemption from mortgage recording taxes with respect to any documents, if any, recorded by the Agency with respect to the Project in the office of the County Clerk of Allegany County, New York or elsewhere, (2) exemption from deed transfer taxes on any real estate transfers, if any, with respect to the Project, (3) exemption from sales taxes relating to the acquisition, construction, renovation and installation of the Project Facility, and (4) in the event that the Project Facility would be subject to real property taxation if owned by the Company but shall be deemed exempt from real property taxation due to the involvement of the Agency therewith, exemption from real property taxes (but not including special assessments and special ad valorem levies), if any, with respect to the Project Facility, subject to the obligation of the Company to make payments in lieu of taxes with respect to the Project Facility. If any portion of the Financial Assistance to be granted by the Agency with respect to the Project is not consistent with the Agency’s uniform tax exemption policy, the Agency will follow the procedures for deviation from such policy set forth in Section 874(4) of the Act prior to granting such portion of the Financial Assistance.

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

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

The Agency will at said time and place hear all persons with views on either the location and nature of the proposed Project, or the Financial Assistance being contemplated by the Agency in connection with the proposed Project. A copy of the Application filed by the Company with the Agency with respect to the Project, including an analysis of the estimated costs and benefits of the Project, is available for public

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inspection during business hours at the offices of the Agency. A transcript or summary report of the hearing will be made available to the members of the Agency.

Additional information can be obtained from, and written comments may be addressed to: Dr. Craig R. Clark, P.E., Ph.D., Executive Director, Allegany County Industrial Development Agency, Crossroads Center, 6087 State Route 19 N., Suite 100, Belmont, New York 14813; Telephone: 585-268-7445.

Dated: April 25, 2022.

ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
Dr. Craig R. Clark, P.E., Ph.D., Executive Director