

Allegany County Industrial Development Agency

October 13, 2022

Crossroads Conference Center, Belmont, New York 14813

ACIDA.org

OPENING REMARKS

Chairman, R. Ewell called the Board meeting to order at 10:01 A.M. and asked the Board if there were any conflicts of interest. No conflicts were declared.

- Present: Richard Ewell, Judith Hopkins, Randy Shayler, John Ricci and Douglas Frank.
- By Telephone: Bill Lee, Construction Manager AUI partner with OYA Renewables, Brian Goniger, AUI General Contractor, Ricardo Escamilla, Project Engineer, AUI partners, Mitch Karim, Construction Manager, OYA Renewables, John McDonough, Director of Development for OYA Renewables, Glenn Frank, Associate General Counsel, OYA Renewables Nadene Zeigler, Legal Counsel and Dan Spitzer, Legal Counsel, Hodgson Russ, for ACIDA
- Absent: None
- Guests: None
- Others present: Dr. Craig Clark, IDA Executive Director and Pamela Common, Recording Secretary.

Live streaming on YouTube at: <https://www.youtube.com/watch?v=pmmimizPmdps>

Chairman Ewell welcomed the guests from AUI and OYA Renewables and states, we received a memo, from our IDA attorney, stating three items we are going over today, including an extension of the sales tax exemption, from June 30 to December 31, 2023. OYA would like us to extend that exemption and correct the full-time, permanent job offers, for the Independence Road and Independence East projects, adjusting them downward. OYA would like the IDA to provide a waiver for local labor. Can you take those one at a time and explain why you are asking for them?

Glenn Frank introduced himself to the Board and acknowledged the members present on the phone, from AUI and OYA. These projects closed, originally, in March, 2021. Construction was going to start quickly, thereafter, but it did not. We are about to mobilize construction so, we are looking for an extension of the sales tax exemption, through the end of the year, 2023. It may not be needed, until end of the year but, we wanted to take advantage of the sales tax exemption. In each of the original resolutions, there was a requirement for a full-time job, post construction model properties. As you know, in all these circumstances, with solar projects, there are no full-time jobs. We will be hiring local people to do some landscaping and maintenance, for our operations and maintenance contract, once the property is up and running. What we are really looking for is, not an elimination of that but, put it down to a quarter of a job because it's going to be one of a full-time job, in order to help us operate and manage the property, going forward. On the labor waiver, we fully understand the IDA policy of ninety percent local labor use, in the construction of these projects. We have been working closely with AUI and UPC on this. They have provided a template to everyone showing the efforts made, in order to secure local labor, for the projects. There have been many, many emails regarding the jobs effort for local labor and I will say, their efforts have resulted in getting fifty percent of the jobs, on both sites, from local labor. The efforts are ongoing, as we proceed but, it looks like it will only be fifty percent. They have, also, looked in surrounding communities for local labor. Any questions?

Nadene Zeigler states, you have already been approved an extension. Do you want the IDA to, again, grant an extension from June to December of 2023?

Glenn Frank answered, yes. We are concerned about the June deadline due to weather, equipment, construction, etc.

Mitch stated, yes, we would like that extension until the end of the year, 2023.

Glenn Frank stated, we could come back in May, 2023, if there was a need but, we really don't want to lose the sales tax exemptions available to us, in the case of a delay, weather wise.

Chairman Ewell asked, is someone from AUI going to address the local labor waiver?

Ricardo Escamilla states, our efforts are shown on the spreadsheet, provided. There are some local providers listed, such as inspectors and environmental monitors from a local firm, Tetrattech.

Glenn Frank states, as you work down the spreadsheet, the actual trades and manpower, for the work, will expand. An inspector, who is a one-man team, comes in once a week, to inspect installation and we have found a local employer.

J. Ricci asked, you can't find a local surveyor? I called a surveyor and I had a survey done in two weeks. There are many surveyors, even in the Wellsville area. Mike Canada is one of them.

Glenn Frank replied, we had a lot of surveyors but, they responded they were too busy and declined to schedule and we are waiting for replies that have not come back to us. We did reach out to a handful of them. Furthermore, the surveys for solar are more in depth and there is a skilled aspect to it for this type of surveying.

Bill Lee states, we appreciate your input. If you have someone you know, please get the information to Glenn Frank and he will pass that on to us. We are very much open to finding them locally and that meet our needs and technical qualifications.

C. Clark asked the Board if they had any questions? It would be good to go through some questions on the bigger areas versus individually. You show most jobs are mechanical and electrical; we would like to have answers for them versus the smaller jobs.

R. Ewell states, it is hard for me to believe that there is not a contractor, in all these counties, that wouldn't put a fence up. Your comment, on the spreadsheet says, you intend to award, due to them being cheaper than all the local outfits. That flies in the face of all of this regarding the local labor initiative. Do you want to address that specific entry on the spreadsheet?

Brian Goniger answered, yes, that is part of the comment Bill Lee made, as well. We have exhausted out avenues, searching for these companies and what we came up with, was three companies, which may have to be updated. I have a civil contractor that I plan on using on Independence Road and I am hoping you can recommend a fencer for me. The sub-contractor, for Independence East said, his friend is a contractor but, was too busy to perform the work, this year, himself. We are still working. If you have a fencing contractor, contact or list, point them to us and we will be willing to run that down.

R. Shayler states, you made the comment, you are not from here and I get that. You've, also, asked, in two, specific situations, if a member of the Board has a contact to forward to you. Can you describe the scope and the number of people involved in your efforts to find local contractors?

Bill Lee states, we have done Google searches, job postings in local town areas, local Indeed, labor exchange reviews and our HR team reaching out to local Facebook posts or local social media, in all the counties. A lot is based off past context from doing New York projects. Our team has made many cold calls and the HR department has been making local job postings, on social media, as well. We have exhausted numerous hours trying to find local labor here.

R. Ewell states, we do know a local contractor, in Wellsville, which is in our county, that does solar prep and has done solar projects. They have trained and qualified people and the machinery. They are a huge general contractor that builds streets, roads, bridges, etc. and they do solar work. If you sub this job to them, you would have 100% local labor. I am wondering if you have contacted L. C. Whitford?

Bill Lee states, if you go to the mechanical portion of the spreadsheet, we had contacted them a year ago.

C. Clark states, they were contacted by OYA, directly.

Bill Lee states, sometimes general contractors don't want to sub to other general contractors but, we will reach out to them and see if they would help perform some of this work. We have no problem giving them the opportunity to look at the work we have and the scope of the work.

Ricardo states, we have been getting hits from the job postings and have confirmed hiring two, permanent employees, from Whiteville. One is an Allegany County Foreman and another is a laborer. They will be involved with the ongoing project.

Bill Lee states, we used a temp agency, 360 and they have provided us some contacts, giving us numbers and employees that they've had on the payroll, in those areas. Once the mechanical starts to ramp up and we don't fill these positions, we will reach out, again, to 360, to try to reach those local labor contacts.

J. Hopkins states, she is not really involved in social media. She suggests AUI contact the Allegany County Employment and Training Center. They are connected with the Department of Labor. They have a good handle on the available labor, in the county and the various companies that are located here.

C. Clark states, he will send that contact along with L. C. Whitford contact information.

B. Starks states, we do reach out to those types of people. We start hiring the personnel on, to help us perform work, like the laborers, electrician and so forth. We try to reach out to those employment agencies because they know who is out of work, looking for work and they do a skills assessment, so you know what their abilities are.

Chairman Ewell thanked all the guests from AUI and OYA for being at the meeting, today and asked them to contact Craig Clark for any further questions. Addressing the Board, R. Ewell asked if anyone had any further questions or topics of discussion.

There was a period of Board questions and discussions, regarding the local labor waiver, for the two projects, noted above.

MINUTES

- **Minutes of the IDA Board Meeting of 09-08-2022-** A motion was made by R. Shayler, seconded by J. Ricci, to approve the September IDA Board minutes. There were no questions or discussion. All members were in favor of the approval of the minutes, by a vote of 5-0, with no opposition.

TREASURER'S REPORT

- **Abstract Report-** August, 2022 expenses-A motion was made by J. Hopkins, seconded by D. Frank, to approve the August, 2022 Abstract Report, by a vote of 5-0, with no questions, discussion or opposition.
- **Banking & Financial Summary-** August, 2022-A motion was made by J. Hopkins, seconded by D. Frank, to approve the Banking and Financial Summary for August, 2022, by a vote of 5-0. There were no questions, discussion or opposition

BUILDING MAINTENANCE REPORT-None

EXECUTIVE SESSION

At 10:38 am, a motion was made by J. Hopkins, seconded by J. Ricci, to go into Executive Session, for the discussion of contractual/legal issues. All members were in favor, by a vote of 5-0.

At 10:44 am, a motion was made by J. Ricci, seconded by D. Frank, to return to the IDA Board meeting. All members were in favor, by a vote of 5-0.

ACTION ITEMS

- **Approve Contracts with H. Sicherman Company for CBDG projects-**C. Clark explained the two grant programs, that were put out for bid, locally and with the NYS Contract Reporter, for the three hundred thousand-dollar, Microenterprise Grant and the one million-dollar, CBDG grant. We have the one million-dollar grant, at this point and we will hear about the Microenterprise grant, sometime, next week.

A motion was made by J. Ricci, seconded by J. Hopkins, to approve the H. Sicherman contract for support for the CBDG grant projects, by a vote of 5-0. There were no questions, discussions or opposition.

A motion was made by J. Ricci, seconded by D. Frank, to approve the H. Sicherman contract support for the \$1,000,000.00, CBDG grant project, by a vote of 5-0. There were no questions, discussions or opposition.

- **Request for Local Labor Exemption on OYA Solar Projects-** Tabled.

OLD BUSINESS

- **Update Crossroads engineering study – C. Clark:** We had another Planning & Development meeting where we approved moving forward at the Crossroads, based upon the report from Clark, Patterson, Lee, last month. I am working with the County and the new interim Economic Development Director, Tim Boyd, on how we can get started on road and other parts of the project. There will be an RFP, to do a strategic plan, for economic development in the county, too. Multiple things were passed by the Planning & Development Committee, directly related to the Crossroads and economic development. We have met with Carissa Knapp and will meet again, to make sure we get the road built. They are talking with Tom Windus and how we are going to work with Public Works. The first order of business will be, to draw up a transfer of the land to the County, to build the road because it will be a County road.
- **Solar project updates-C. Clark:** OYA will not only be doing the projects in Independence but, they will, also, be doing a project in Cuba. They all will be starting in the near future.
The Alfred project is on hold because they are still getting building permits. There is no closing information.
- **Microenterprise Grant – C. Clark** went over the grant information under the action items.

- **Status small business grant CBDG CARES act program-**C. Clark went over this grant information under the action items.

NEW BUSINESS-None

R. Shayler asked, when we talk about 90% of the labor, how do we define labor? Is that Social Security numbers, man hours? Is there a definition?

C. Clark states, everything we've already talked about is full-time equivalents (FTE). We don't count part-time people, it accounts part time people adding up to a person.

GOOD TO THE ORDER

CALENDAR

Next Meeting: November 10, 2022 @ 10:00 A.M.
The Crossroads Commerce Center, Belmont, NY

ADJOURNMENT

With no further business, at 10:54 am, a motion to adjourn was made by R. Shayler, seconded by D. Frank, to close the meeting. All members were in favor and the meeting was adjourned.

Respectfully submitted,
Pamela Common, Recording Secretary