

**ALLEGANY COUNTY
INDUSTRIAL DEVELOPMENT AGENCY**

Crossroads Commerce Center

August 11, 2022

10:00 a.m.

https://www.youtube.com/channel/UCXJ1KZ_F90Z77-JQxeHzDXQ?

AGENDA

Approval of Minutes

- Board Minutes July 14, 2022

Treasurer's Report

- Abstract Report – Expenses January
- Banking & Financial Summary January

Building Maintenance Report

Executive Session- discussion of contractual/legal issue

Action Items

- Approve 2021 financial audit
- Resolution on Retail Findings – Running Supply Inc Project Wellsville
- Resolution to approve financial Assistance for Running Supply Inc project, Wellsville
- Resolution for Pilot Deviation Notice Arvos Ljungstrom LLC Project , Wellsville

Old Business

- Solar project updates
- Microenterprise Grant – next phase
- Update Crossroads engineering study
- Status small business grant CBDG CARES act program

New Business

Good of the Order

Adjournment

Allegany County Industrial Development Agency

July 14, 2022

Crossroads Conference Center, Belmont, New York 14813

ACIDA.org

OPENING REMARKS

Vice Chairman J. Hopkins called the Board meeting to order, in person, and welcomed anyone watching, at 10:00 A.M. and asked the Board if there were any conflicts of interest. No conflicts were declared.

- Present: Judith Hopkins, John Ricci, Randy Shayler and Douglas Frank.
- By Telephone: Richard Ewell
- Absent: Ward "Skip" Wilday
- Others present: Dr. Craig Clark, IDA Executive Director
Pamela Common, Recording Secretary

Live streaming on YouTube at: https://www.youtube.com/watch?v=XSo0_9wpVbl

MINUTES

- **Minutes of the IDA Board Meeting of 06-09-2022-** A motion was made by R. Shayler and seconded by J. Ricci, to approve the June 9th IDA Board minutes. There was no discussion. All members present were in favor of the approval of the minutes, by a vote of 5-0, with no opposition.

Treasurer's Report

- **Abstract Report-** June, 2022 expenses-A motion was made by D. Frank, seconded by R. Shayler, to approve the June, 2022 Abstract Report, by a vote of 5-0. P. Common stated she has found a report, on Quicken, showing information for the Abstract in a better format. It is a neater report. It has a payment, deposit and balances columns so, you can see how everything is paid. It is a better report of the Abstract you have printed out in your package.
C. Clark: It has more detail and information on it.
J. Hopkins: Perhaps we can have Doug Frank take a look at it, for the next meeting and tell us what he thinks. Should we change to this new format until we get QuickBooks program?
C. Clark: We spoke to BWB but the person who does the training is off this week. When she gets back, we will get the training started.
J. Hopkins: We don't seem to have any questions with that form. If we have any questions, we can check with Pam and perhaps next month, we may make a change.
- **Banking & Financial Summary-** June, 2022-A motion was made by J. Ricci and, seconded by D. Frank, to approve the Banking and Financial Summary for June, 2022, by a vote of 5-0. There were no questions or discussion.

Building Maintenance Report

P. Common states one of the Office for the Aging's air conditioners needed repair, twice, this past month and the issues have been resolved. A condenser was replaced, as well as a loose wire in their thermostat.

- **Resolution to hold Public Hearing for financial Assistance for Runnings project, Wellsville-** A motion was made by D. Frank, seconded by J. Ricci, to hold a public hearing for financial assistance for the Runnings project. All members approved the resolution, by a vote of 5-0. There was no opposition. R. Shayler recommended the use of the library for the public hearing.

Roll call vote, as follows:

R. Ewell-Aye	J. Hopkins-Aye	R. Shayler-Aye
D. Frank-Aye	J. Ricci-Aye	

OLD BUSINESS

- **Other Solar project updates-C. Clark:** We are working with the Northland group and the large project in Alfred. They are not ready to move forward because they are still going through their 94C but, they are starting to discuss the host agreement with the town. I will bring back some discussions with the Board, when we get closer to how much per megawatt and development of a PILOT. It is a large project, not in our UTEP. So, we will have to do a PILOT deviation on that. Another one of the projects has recently closed in Independence and finalized. As far as construction, I have not gotten back any word on any of them. I don't know what the status is for the one in Cuba but, it is still moving forward.
- **Microenterprise Grant – next phase-C. Clark:** As you know, we closed the last Microenterprise Grant. It was very successful, spending all the money, in the time frame, with one extension. Now, we are officially closing it. They've asked for a little more paperwork from the County. We will be putting in a second application, sometime this month, for two hundred thousand dollars. We give out one hundred and seventy thousand dollars and another part for administration of the grant. That is for companies that are startups or smaller than five or less employees. It will be a similar process as the last time, which worked out very well. They came to us with very good business plans and they did a good job. We are now ready to put in for another one. I have just talked with them, yesterday, about doing that some time this month.
J. Hopkins: Do we have a calendar, as to when it will be?
C. Clark: Last time, it took one to two months. It doesn't take long to get it approved. We should have money early this fall.
- **Update Crossroads engineering study -C. Clark:** When I last reported, I thought the engineering was done. Monday, Andrew told me they are still working on some of the delineation of some of the wetlands, with the DEC, to make sure it is all done correctly. It might be another month before we have that all finalized. Then, we can start talking about the design because the design is affected by the wetlands. I don't think there are any major issues. It is just taking longer than we'd hoped.
- **Status small business grant CBDG CARES act program-C. Clark:** The last part, which they have never requested before, was a list of potential companies, in the area, that could take part in this grant. We gave them a list of companies we thought would be potentially eligible, without going out and getting eligibility. They are approving the grant, today and, as far as I know, it is for the million dollars we requested. As soon as I know for sure, I will let you know. It is a grant to the County but, we would administer that very similarly. We would take the applications and review them, then dole the money out. We have one year to spend the million dollars. As soon as I get anything from our consultants, what the application process looks like, I will share it with the Board.

2022-08 August IDA Account Balances - As of 8/18/2022

Account	8/18/2022 Balance
Bank Accounts	
Community Checking IDA	100,104.85
First Citizens-IDA	299,554.88
TOTAL Bank Accounts	399,659.73
Liability Accounts	
Crossroads Mortgage	-186,886.56
OFA Mortgage	-416,329.98
TOTAL Liability Accounts	-603,216.54
OVERALL TOTAL	-203,556.81

2022-08 August IDA Banking Summary

1/1/2022 through 8/18/2022

8/5/2022

Category	1/1/2022- 8/18/2022
INCOME	
Crossroads-Income	
Conference Room Fees	2,225.00
Rental Income	
AC Area Foundation	5,250.00
AC DEV-PLN-TOURISM	22,368.00
AC EMS-EMT's	30,050.00
Audio Care	5,200.00
Venture Forthe	1,600.00
TOTAL Rental Income	64,468.00
TOTAL Crossroads-Income	66,693.00
IDA Income	
ACIDA Admin Fee	37,800.00
Microenterprise Grant Award	38,147.24
Park N Ride Parking Lot	10.00
PILOT Application fee payment	3,000.00
Project Waiver Fee	5,000.00
Refunds	9,461.91
Rental Income - PM Research Building	50,000.00
TOTAL IDA Income	143,419.15
IDA PILOT Fees	1,000.00
OFA - Income	
Rental Income	52,200.00
Allegany County	17,400.00
TOTAL Rental Income	69,600.00
TOTAL OFA - Income	69,600.00
TOTAL INCOME	280,712.15
EXPENSES	
Uncategorized	2,324.61
ACUC - Expense	
Professional fees- Permits	110.00
Water Line Contractor Fees	78,722.14
Waterline Fees	
Utilities-Electric	1,190.99
Waterline Supplies	10,896.71

2022-08 August IDA Banking Summary

1/1/2022 through 8/18/2022

8/5/2022

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Category	1/1/2022- 8/18/2022
Waterline Water Usage	7,668.00
TOTAL Waterline Fees	19,755.70
TOTAL ACUC - Expense	98,587.84
Crossroads-Expense	
Annual Inspection	243.00
Cleaning	5,502.42
Supplies	1,069.55
TOTAL Cleaning	6,571.97
Insurance	
Property	1,824.36
TOTAL Insurance	1,824.36
Interest Expense	
Mortgage	5,188.37
TOTAL Interest Expense	5,188.37
Maintenance	6,647.42
Other	1,692.30
TOTAL Maintenance	8,339.72
Refuse	832.07
Utilities	
Electric	12,615.10
Heat	7,218.30
Water Machine	474.95
Water Maintenance Chlorine-Salt	1,172.50
Water Yr Equipment Maintenance	
Water Service Equipment replac...	74.75
TOTAL Water Yr Equipment Mai...	74.75
TOTAL Utilities	21,555.60
TOTAL Crossroads-Expense	44,555.09
IDA-Expense	
Advertising	1,171.67
Awards-Grants	3,134.74
Microenterprise Grant Draw #6	2,600.00
Microenterprise Grant Draw #8	35,012.50
TOTAL Awards-Grants	40,747.24
Insurance	
Directors & Officers	2,348.00
Truck Stop; Parking Lot; Friendship	5,312.57

2022-08 August IDA Banking Summary

1/1/2022 through 8/18/2022

8/5/2022

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Category	1/1/2022- 8/18/2022
TOTAL Insurance	7,660.57
Interest Expense	
Equity Loan #6	3,269.20
TOTAL Interest Expense	3,269.20
Maintenance	
Belmont School Parking Lot	280.00
TOTAL Maintenance	280.00
Office Supplies	61.94
Professional fees	
Accounting	15,621.68
Consulting	66,090.00
Legal	83,515.30
Permits	110.00
TOTAL Professional fees	165,336.98
Tax	
County & Town Taxes	33.74
Fire Protection Tax	496.62
TOTAL Tax	530.36
TOTAL IDA-Expense	219,057.96
OFA - Expense	
Annual Inspection	243.00
Cleaning	5,399.26
Supplies	1,363.02
TOTAL Cleaning	6,762.28
Insurance	907.50
Property	916.86
TOTAL Insurance	1,824.36
interest	
mortgage	10,453.32
TOTAL interest	10,453.32
Maintenance	3,462.50
Other	1,561.03
TOTAL Maintenance	5,023.53
Refuse	832.07
supplies	589.00
Utilities	
Heat	4,375.53

2022-08 August IDA Banking Summary

1/1/2022 through 8/18/2022

Category	1/1/2022- 8/18/2022
Water Machine	474.95
Water Maintenance-Chlorine & Salt	1,172.50
TOTAL Utilities	6,022.98
TOTAL OFA - Expense	31,750.54
VOIDED CHECK	
Duplicate payment	0.00
Error on check	0.00
TOTAL VOIDED CHECK	0.00
TOTAL EXPENSES	396,276.04
TRANSFERS	
FROM Community Checking IDA	27,925.80
TO Crossroads Mortgage	-11,228.08
TO OFA Mortgage	-16,697.72
TOTAL TRANSFERS	0.00
OVERALL TOTAL	-115,563.89

Community Checking IDA

Community Checking IDA

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8/8/2022

Date	Num	Transaction	Payment	C	Deposit	Balance
7/21/2022	ACH	Allegany County Treasurer memo: EMS.OES July '22 ACH cat: Crossroads-Income:Rental Income:AC EMS-EMT's			3,005.00	111,368.26
7/22/2022	EFT	RG&E memo: Acct#2002-2506-867(5/24 to 5623/22) Crossrds Electric cat: Crossroads-Expense:Utilities:Electric	1,611.34			109,756.92
7/29/2022	DEP	AudioCare Inc memo: Lease Aug 2022-ck#5666 cat: Crossroads-Income:Rental Income:Audio Care			450.00	110,206.92
7/29/2022	DEP	Allegany County Area Foundation memo: July/Aug/Sept/Oct 2022 payment Ck#3048 cat: Crossroads-Income:Rental Income:AC Area Found...			2,100.00	112,306.92
8/4/2022	DEP	Venture Forthe memo: Lease:Aug 2022 ck#112824 cat: Crossroads-Income:Rental Income:Venture Forthe			400.00	112,706.92
8/10/2022	ACH	Allegany County Treasurer memo: OFA-VETS Lease - Aug 2022 ACH cat: OFA - Income:Rental Income:Allegany County			8,700.00	121,406.92
8/10/2022	ACH	Allegany County Treasurer memo: PLN/DEV/TOURISM Crossroads Lease - Aug '22 ACH cat: Crossroads-Income:Rental Income:AC DEV-PLN-T...			2,796.00	124,202.92
8/10/2022	ACH	Allegany County Treasurer memo: EMS.OES Aug '22 ACH cat: Crossroads-Income:Rental Income:AC EMS-EMT's			3,005.00	127,207.92
8/11/2022	2007	Argentieri Brothers memo: Linens / Rugs July 2022:564241/565633 cat: Crossroads-Expense:Cleaning	37.20			127,170.72
8/11/2022	2008	Belmont Lumber & Hardware memo: Transaction#A304990/A305056-Acct#279(GFI) cat: Crossroads-Expense:Maintenance	39.92			127,130.80
8/11/2022	2009	CPL ARCHITECTURE ENGINEERING PLANNING memo: Inv#83695-Hotel site development/SEQR/Traffic counts & study cat: IDA-Expense:Professional fees:Consulting	22,930.00			104,200.80
8/11/2022	2010	F & F Electric, Inc memo: Inv#996 Mowing Belmont School lot 5/31-7/14/22 cat: IDA-Expense:Maintenance:Belmont School Parking...	140.00			104,060.80
8/11/2022	2011	LaForge Disposal memo: Acct#951-Disposal Service-Aug 2022 SPLIT	220.64			103,840.16
		OFA - Expense:Refuse	110.32			

Community Checking IDA

Community Checking IDA

8/8/2022

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Date	Num	Transaction	Payment	C	Deposit	Balance
		Crossrds Jun'22 spls				
		OFA - Expense:Cleaning:Supplies	93.01			
		OFA Jun'22 Spls				

2022-08 Aug IDA Abstract

7/18/2022 through 8/18/2022 (Accrual Basis)

Page 1

8/5/2022

Date	Acco...	Num	Category	Memo	Amount
INCOME					
Allegany County Area Foundation					
7/29/2022	Com...	DEP	Crossroads-Income:Rental Income:AC Area Foundation July/Aug/Sept/Oct 2022 payment Ck#3048		58,256.00
Allegany County Treasurer					
7/21/2022	Com...	ACH	Crossroads-Income:Rental Income:AC EMS-EMT's EMS.OES July '22 ACH		2,100.00
8/10/2022	Com...	ACH	OFA - Income:Rental Income:Allegany County OFA-VETS Lease - Aug 2022 ACH		2,100.00
8/10/2022	Com...	ACH	Crossroads-Income:Rental Income:AC DEV-PLN-TOU... PLN/DEV/TOURISM Crossroads Lease - Aug '22 ACH		17,506.00
8/10/2022	Com...	ACH	Crossroads-Income:Rental Income:AC EMS-EMT's EMS.OES Aug '22 ACH		3,005.00
AudioCare Inc					
7/29/2022	Com...	DEP	Crossroads-Income:Rental Income:Audio Care Lease Aug 2022-ck#5666		8,700.00
Renesola Power Holdings, LLC					
7/20/2022	First ...	Wire ...	IDA Income:ACIDA Admin Fee ACIDA 1% project fee-NY Independence SR 248 Solar		2,796.00
Venture Forthe					
8/4/2022	Com...	DEP	Crossroads-Income:Rental Income:Venture Forthe Lease:Aug 2022 ck#112824		3,005.00
EXPENSES					
Argentieri Brothers					
8/11/2022	Com...	2007	Crossroads-Expense:Cleaning Linens / Rugs July 2022564241/565633		450.00
Belmont Lumber & Hardware					
8/11/2022	Com...	2008	Crossroads-Expense:Maintenance Transaction#A304990/A305056-Acct#279(GFI)		37,800.00
CPL ARCHITECTURE ENGINEERING PLANNING					
8/11/2022	Com...	2009	IDA-Expense:Professional fees:Consulting Inv#83695-Hotel site development/SEQR/Traffic counts & study		37,800.00
F & F Electric, Inc					
8/11/2022	Com...	2010	IDA-Expense:Maintenance:Belmont School Parking Lot Inv#996 Mowing Belmont School lot 5/31-7/14/22		400.00
LaForge Disposal					
8/11/2022	Com...	2011 ...	Split-- Acct#951-Disposal Service-Aug 2022		400.00
Lindsay's Plumbing & Heating					
8/11/2022	Com...	2012	OFA - Expense:Maintenance:Other Invoice#12091-Troubleshoot & trace water leak		-28,714.41
8/11/2022	Com...	2013	OFA - Expense:Maintenance:Other Invoice#12071-Troubleshoot A/C-shorted wire repair/fuse repl...		-37.20
Pro Clean Solutions					
8/11/2022	Com...	2018 ...	Split-- INV52695 Spls-July Cleaning & spls/June spls 2022		-39.92
RG&E					
7/22/2022	Com...	EFT	Crossroads-Expense:Utilities:Electric Acct#2002-2506-867(5/24 to 5623/22) Crossrds Electric		-22,930.00
Spectator-Evening Tribune					
8/11/2022	Com...	2014	IDA-Expense:Advertising Public Hearing Notice CBDG Grant 7/28-8/4/22		-22,930.00
8/11/2022	Com...	2015	IDA-Expense:Advertising Public Hearing Notice Runnings Supply, Inc 7/22/22		-140.00
Stephen Thorpe					
					-140.00
					-220.64
					-220.64
					-201.25
					-86.00
					-115.25
					-1,879.31
					-1,879.31
					-1,611.34
					-1,611.34
					-164.75
					-56.97
					-107.78
					-1,400.00

2022-08 Aug IDA Abstract
7/18/2022 through 8/18/2022 (Accrual Basis)

8/5/2022	Date	Acco... Num	Category	Memo	Amount
	8/11/2022	Com... 2016 ...--Split--		Contractual Bldg Maint/Repairs:Jul'22 & spls	-1,400.00
		Wilkins Ultra Pure, LLC			-90.00
	8/11/2022	Com... 2017 ...--Split--		Acct#951-Inv#27024-Water Machine Sept'22 Mo Maintenanc	-90.00
OVERALL TO...					29,541.59

8/5/2022

2022-08 August CRC Account Balances - As of 8/18/2022

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Account	8/18/2022 Balance
Bank Accounts	
CRC (Capital Resource Corp)	114,276.42
TOTAL Bank Accounts	114,276.42
OVERALL TOTAL	114,276.42

**RETAIL FINDINGS RESOLUTION
RUNNING SUPPLY, INC. PROJECT**

A regular meeting of Allegany County Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at Crossroads Commerce & Conference Center located at 6087 State Route 19 North in the Town of Angelica, Allegany County, New York on August 11, 2022 at 10:00 o'clock a.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Richard Ewell	Chairman
Judy Hopkins	Vice Chairperson
Randy Shayler	Secretary
Douglas Frank	Treasurer
John Ricci	Member
Ward "Skip" Wilday	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Craig R. Clark, P.E., Ph.D.	Executive Director
Pam Common	Chief Finance Officer

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. 0822-

**RESOLUTION MAKING RETAIL FINDINGS FOR A CERTAIN COMMERCIAL
PROJECT FOR RUNNING SUPPLY INC.**

WHEREAS, Allegany County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws 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 99 of the 1973 Laws of New York, as amended, constituting Section 906-a 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 manufacturing, warehousing, research, commercial and industrial 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

9506, which is considered to be a distressed census tract and therefore is in a “highly distressed area”, as that term is defined in Section 854(18) of the Act; and

WHEREAS, pursuant to Section 862(2)(b) of the Act, the Agency would be authorized to provide financial assistance in respect of the Project provided that the obligation of the Agency to proceed with the Project was subject to certain conditions, including (1) following compliance with the procedural requirements of Section 859-a of the Act, a finding by the Agency that the Project would preserve permanent, private sector jobs in the State of New York or increase the overall number of permanent, private sector jobs in the State of New York and (2) confirmation by the Chairman of the Allegany County Board of Legislators of the proposed action by the Agency with respect to the Project; and

WHEREAS, having complied with the requirements of SEQRA and Section 859-a of the Act with respect to the Project, the Agency now desires, pursuant to Section 862(2)(c) of the Act, to make its final findings with respect to the Project and its final determination whether to proceed with the Project;

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

Section 1. Having reviewed the Application and such other items as the Agency deems pertinent pursuant Section 862(2) of the Act (the “Project Qualification Documents”), the Agency hereby finds and determines as follows:

Section 2. Based upon the foregoing review of the Project Qualification Documents and based further upon the Agency’s knowledge of the area surrounding the Project Facility and such further investigation of the Project and its economic effects as the Agency has deemed appropriate, the Agency makes the following determinations with respect to the Project:

(A) Although the Project does constitute a project where facilities or property that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost, the Project is located within census tract 9511, which is contiguous to census tract 9506, which is considered to be a distressed census tract and therefore is in a “highly distressed area”, as that term is defined in Section 854(18) of the Act;

(B) The granting of the Financial Assistance by the Agency with respect to the Project, through the granting of the various tax exemptions, will promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of Allegany County, New York and the State of New York and improve their standard of living, and thereby serve the public purposes of the Act;

(C) The completion of the Project will serve the public purposes of the Act by preserving permanent, private sector jobs or increasing the overall number of permanent, private sector jobs in the State of New York; and

(D) The chief executive officer of Allegany County, New York shall confirm the proposed action of the Agency.

Section 3. Based upon the findings made in Section 2 above, the Agency hereby determines that undertaking the Project will serve the public purposes of the Act by increasing the overall number of permanent, private sector jobs in the State of New York.

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

I, the undersigned Secretary of Allegany County Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on August 11, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I 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, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I 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, I have hereunto set my hand and affixed the seal of the Agency this 11th day of August, 2022.

Secretary

(SEAL)

**APPROVING RESOLUTION
RUNNING SUPPLY, INC. PROJECT**

A regular meeting of Allegany County Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at Crossroads Commerce & Conference Center located at 6087 State Route 19 North in the Town of Angelica, Allegany County, New York on August 11, 2022 at 10:00 o'clock a.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Richard Ewell	Chairman
Judy Hopkins	Vice Chairperson
Randy Shayler	Secretary
Douglas Frank	Treasurer
John Ricci	Member
Ward "Skip" Wilday	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Craig R. Clark, P.E., Ph.D.	Executive Director
Pam Common	Chief Finance Officer

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. 0822-

**RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION
WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT FOR RUNNING
SUPPLY, INC. (THE "COMPANY").**

WHEREAS, Allegany County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws 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 99 of the 1973 Laws of New York, as amended, constituting Section 906-a 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 manufacturing, warehousing, research, commercial and industrial 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

a project where facilities or properties that are primarily used in making the retail sales of goods or services to customers who personally visit such facilities may constitute more than one-third of the costs of the Project, the Agency is authorized to provide financial assistance in respect of the Project pursuant to Section 862(2)(a) of the Act because the Project Facility is located in a highly distressed area, (B) determined, following a review of the Public Hearing Report, that the Project would serve the public purposes of the Act by preserving permanent private sector jobs in the State of New York and (C) determined that the Agency would proceed with the Project and the granting of the Financial Assistance; provided however, that no financial assistance would be provided to the Project by the Agency unless and until the Chairman of Allegany County Board of Legislators, as chief executive officer of Allegany County, New York, pursuant to Section 862(2)(c) of the Act, confirmed the proposed action of the Agency with respect to the Project; and

WHEREAS, the Agency has given due consideration to the Application, and to representations by the Company that (A) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Company to undertake the Project in Allegany County, New York and (B) the completion of the Project will not result in the removal of a plant or facility of any proposed occupant of the Project Facility from one area of the State of New York to another area in the State of New York and will not result in the abandonment of one or more plants or facilities of any occupant of the Project Facility located in the State of New York; and

WHEREAS, the Agency desires to encourage the Company to preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of Allegany County, New York by undertaking the Project in Allegany County, New York; and

WHEREAS, in order to consummate the Project and the granting of the Financial Assistance described in the notice of the Public Hearing, the Agency proposes to enter into the following documents (hereinafter collectively referred to as the "Agency Documents"): (A) a certain lease to agency (the "Lease to Agency" or the "Underlying Lease") by and between the Company, as landlord, and the Agency, as tenant, pursuant to which the Company will lease to the Agency a portion of the Land and all improvements now or hereafter located on said portion of the Land (collectively, the "Leased Premises"); (B) a certain license agreement (the "License to Agency" or the "License Agreement") by and between the Company, as licensor, and the Agency, as licensee, pursuant to which the Company will grant to the Agency (1) a license to enter upon the balance of the Land (the "Licensed Premises") for the purpose of undertaking and completing the Project and (2) in the event of an occurrence of an Event of Default by the Company, an additional license to enter upon the Licensed Premises for the purpose of pursuing its remedies under the Lease Agreement (as hereinafter defined); (C) a lease agreement (and a memorandum thereof) (the "Lease Agreement") by and between the Agency and the Company, pursuant to which, among other things, the Company agrees to undertake the Project as agent of the Agency and the Company further agrees to lease the Project Facility from the Agency and, as rental thereunder, to pay the Agency's administrative fee relating to the Project and to pay all expenses incurred by the Agency with respect to the Project; (D) a payment in lieu of tax agreement (the "Payment in Lieu of Tax Agreement") by and between the Agency and the Company, pursuant to which the Company will agree to pay certain payments in lieu of taxes with respect to the Project Facility; (E) a uniform agency project agreement (the "Uniform Agency Project Agreement") by and between the Agency and the Company regarding the granting of the financial assistance and the potential recapture of such assistance; (F) a certain recapture agreement (the "Section 875 GML Recapture Agreement") by and between the Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes; (G) a sales tax exemption letter (the "Sales Tax Exemption Letter") to ensure the granting of the sales tax exemption which forms a part of the Financial Assistance; (H) a New York State Department of Taxation and Finance form entitled "IDA Appointment of Project Operator or Agency for Sales Tax Purposes" (the form required to be filed pursuant to Section 874(9) of the Act) (the "Thirty-Day Sales Tax Report") and any additional report to the

area in the State of New York and will not result in the abandonment of one or more plants or facilities of any occupant of the Project Facility located in the State of New York;

(F) Although the Project constitutes a project where facilities or property that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost, the Company has represented to the Agency that (i) the Project is located within census tract 9511, which is contiguous to distressed census tract 9506 and therefore is considered to be a distressed census tract, as that term is defined in Section 854(18) of the Act, and (ii) completion of the Project will serve the public purposes of the Act by increasing the overall number of permanent, private sector jobs in the State of New York;

(G) The granting of the Financial Assistance by the Agency with respect to the Project will promote and maintain the job opportunities, general prosperity and economic welfare of the citizens of Allegany County, New York and the State of New York and improve their standard of living, and thereby serve the public purposes of the Act;

(H) The Agency has reviewed the Public Hearing Report and has fully considered all comments contained therein;

(I) The Project should receive the Financial Assistance in the form of exemptions from sales tax, mortgage recording tax and real property tax based on the description of expected public benefits to occur as a result of this Project, as described on Exhibit A attached hereto; and

(J) It is desirable and in the public interest for the Agency to enter into the Agency Documents.

Section 4. In consequence of the foregoing, the Agency hereby determines to: (A) accept the License Agreement; (B) lease the Project Facility to the Company pursuant to the Lease Agreement; (C) acquire, construct and install the Project Facility, or cause the Project Facility to be acquired, installed and constructed; (D) enter into the Payment in Lieu of Tax Agreement; (E) enter into the Uniform Agency Project Agreement; (F) enter into the Section 875 GML Recapture Agreement; (G) secure the Loan by entering into the Mortgage; and (H) grant the Financial Assistance with respect to the Project, provided, however, that no financial assistance shall be provided to the Project by the Agency unless and until the Chairman of the County Board of Legislatures of Allegany County, New York, as chief executive officer of the Allegany County, New York, shall, pursuant to Section 862(2)(c) of the Act, confirm the proposed action of the Agency with respect to the Project.

Section 5. The Agency is hereby authorized (A) to acquire a license in the Licensed Premises pursuant to the License Agreement, (B) to acquire a leasehold interest in the Leased Premises pursuant to the Underlying Lease, (C) to acquire title to the Equipment pursuant to a bill of sale (the "Bill of Sale to Agency") from the Company to the Agency, and (D) to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisitions are hereby approved, ratified and confirmed, provided, however, that no financial assistance shall be provided to the Project by the Agency unless and until the Chairman of the County Board of Legislatures of Allegany County, New York, as chief executive officer of Allegany County, New York, shall, pursuant to Section 862(2)(c) of the Act, confirm the proposed action of the Agency with respect to the Project.

Section 6. The Agency is hereby authorized to acquire, construct and install the Project Facility as described in the Lease Agreement and to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition, construction and installation are hereby ratified, confirmed and approved, provided, however, that no

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

I, the undersigned Secretary of Allegany County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on August 11, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I 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, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I 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, I have hereunto set my hand and affixed the seal of the Agency this 11th day of August, 2022.

Secretary

(SEAL)

13.	Promotes walkable community areas	<input type="checkbox"/> Yes	<input type="checkbox"/> No	N/A
14.	Elimination or reduction of blight	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	The Project site is in a blighted area
15.	Proximity/support of regional tourism attractions/facilities	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	N/A
16.	Local or County official support	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Yes
17.	Building or site has historic designation	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	N/A.
18.	Provides brownfield remediation	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	No brownfields present.

**PILOT DEVIATION NOTICE RESOLUTION
ARVOS LJUNGSTROM LLC PROJECT**

A regular meeting of Allegany County Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at Crossroads Commerce & Conference Center located at 6087 State Route 19 North in the Town of Angelica, Allegany County, New York on August 11, 2022 at 10:00 o'clock a.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Richard Ewell	Chairman
Judy Hopkins	Vice Chairperson
Randy Shayler	Secretary
Douglas Frank	Treasurer
John Ricci	Member
Ward "Skip" Wilday	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Craig R. Clark, P.E., Ph.D.	Executive Director
Pam Common	Recording Secretary

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. 0822-_____

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO SEND A LETTER TO THE CHIEF EXECUTIVE OFFICERS OF THE AFFECTED TAXING ENTITIES INFORMING THEM OF A PROPOSED DEVIATION FROM THE AGENCY'S UNIFORM TAX EXEMPTION POLICY IN CONNECTION WITH THE PROPOSED ARVOS LJUNGSTROM LLC PROJECT.

WHEREAS, Allegany County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws 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 99 of the 1973 Laws of New York, as amended, constituting Section 906-a 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 manufacturing, warehousing, research, commercial and industrial 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

proportion to the amount of real property tax and other taxes which would have been received by each Affected Tax Jurisdiction had the Project Facility not been tax exempt due to the status of the Agency;

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

Section 1. Having considered both the Application and the PILOT Request, the Agency hereby authorizes the Executive Director of the Agency to send a written notice to the chief executive officers of each of the Affected Tax Jurisdictions informing them that the Agency is considering a proposed deviation from the Policy with respect to the Project and the reasons therefore (in substantially the form of the draft of said letter attached hereto as Exhibit A), and soliciting any comments that such Affected Tax Jurisdictions may have with respect to said proposed deviation.

Section 2. 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:

Richard Ewell	VOTING	_____
Judy Hopkins	VOTING	_____
Randy Shayler	VOTING	_____
Douglas Frank	VOTING	_____
John Ricci	VOTING	_____
Ward "Skip" Wilday	VOTING	_____

The foregoing Resolution was thereupon declared duly adopted.

EXHIBIT A

PROPOSED FORM OF PILOT DEVIATION LETTER

- SEE ATTACHED -

In connection with the Application, the Company has made a request to the Agency (the "PILOT Request") to enter into a payment in lieu of tax agreement (the "Proposed PILOT Agreement") which terms would deviate from the Agency's Uniform Tax Exemption Policy (the "Policy"). Capitalized terms not otherwise defined herein are defined in the Policy.

The Proposed PILOT Agreement would not provide any abatements for any special assessments levied on the Project Facility. The Proposed PILOT Agreement would be for a term of fifteen (15) years with the following abatement schedule:

100% Abatement for first 10 years
80% Abatement in Year 11
60% Abatement in Year 12
40% Abatement in Year 13
20% Abatement in Year 14
0% Abatement in Year 15

The Policy provides that, for a facility similar to the Project Facility, payments in lieu of taxes will normally be determined as follows: the Company would have the benefit of a 100% abatement in real property taxes on the Facility and any portion of the Equipment assessable as real property pursuant to the New York Real Property Tax Law (collectively with the Facility, the "Improvements") in years 1 to 5 of the payment in lieu of tax agreement with a twenty percent per year increase over the remaining term of the ten year payment in lieu of tax agreement.

The purpose of this letter is to inform you of such PILOT Request and that the Agency is considering whether to grant the PILOT Request and to approve the Proposed PILOT Agreement conforming to the terms of the PILOT Request. The Agency expects to consider whether to approve the terms of the Proposed PILOT Agreement at its meeting scheduled for September 8, 2022 at 10 a.m., local time at the offices of the Agency located at Crossroads Commerce & Conference Center, 6087 State Route 19 North – Suite 100, Belmont, New York 14813 (the "Meeting"). As described in this letter, during the Meeting the Agency will review the terms of the PILOT Request and, based on the discussions during such Meeting, the terms of the PILOT Request may be modified.

The Agency considered the following factors in considering the proposed deviation:

1. **The nature of the Project:** Rehab of manufacturing facility, including the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property.

2. **The present use of the property:** The property is currently a former manufacturing facility,

3. **The economic condition of the area at the time of the request of the Company and the economic multiplying effect that the Project will have on the area:** The Project is located in the Town of Wellsville and it will both retain and replace manufacturing jobs lost. Additional benefits created by the Project are described in the Application.

4. **The extent to which the Project will create or retain permanent, private sector jobs and the number of jobs to be created or retained and the salary range of such jobs:** Up to 25 full-time construction jobs are expected to be created in connection with the Project. After

If you have any questions or comments regarding the foregoing, please do not hesitate to contact me at the above telephone number.

Sincerely yours,

Craig R. Clark, P.E., Ph.D.
Executive Director