

**ALLEGANY COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY**

Crossroads Commerce Center

February 9 , 2023

10 :00 am

[https://www.youtube.com/channel/UCXJ1KZ\\_F90Z77-JQxeHzDXQ?](https://www.youtube.com/channel/UCXJ1KZ_F90Z77-JQxeHzDXQ?)

**AGENDA**

**Approval of Minutes**

- Board Minutes January 12, 2023

**Treasurer's Report**

- Abstract Report – Expenses
- Banking & Financial Summary

**Building Maintenance Report**

**Executive Session- discussion of contractual/legal issue**

**Action Items**

- Resolution regarding ROW for county road 51
- Resolution for amendment to NY Alfred 1 LLC solar project

**Old Business**

- Micro enterprise updates - Mike Zimmerman
- Small business grant CBDG CARES act program - Mike Zimmerman
- Crossroads Development update
- Clean energy updates

**New Business**

- Officers

**Good of the Order**

**Adjournment**

**Allegany County Industrial Development Agency**

January 12, 2023

Crossroads Conference Center, Belmont, New York 14813

[ACIDA.org](http://ACIDA.org)

**OPENING REMARKS**

Chairman, Rich Ewell called the Board meeting to order at 2:00 P.M. He asked the Board if there were any conflicts of interest. No conflicts were declared.

- Present: Judith Hopkins, Douglas Frank. John Ricci and Randy Shayler
- By Telephone: None
- Absent: None
- Others present: Dr. Craig Clark, IDA Executive Director & Pam Common, recording secretary.

Live streaming on YouTube at: <https://www.youtube.com/watch?v=tb-3IO-5TZA>

**MINUTES**

➤ **Approval of Minutes-December 8, 2022 and December 22, 2022**

A motion was made by J. Ricci, seconded by J. Hopkins, to approve the December 8, 2022 minutes, by a vote of 5-0. There were no questions, comments or further discussion.

A motion was made by D. Frank, seconded by R. Shayler, to approve the December 22, 2022 minutes, by a vote of 5-0. There were no questions, comments or further discussion.

**TREASURER'S REPORT**

- **Abstract Report-** January 2023 expenses-A motion was made by J. Hopkins, seconded by
- J. Ricci, to approve the January abstract report, by a vote of 5-0, with no further discussion.
- **Banking & Financial Summary-**January 2023-A motion was made by J. Ricci, seconded by D. Shayler, to approve the banking & financial summary, for January, 2023, by a vote of 5-0.
- J. Hopkins asked how the QuickBooks training is going.
- P. Common states she has good news. She was able to convert the Quicken files into the new QuickBooks program. Everything is in the program from the beginning of the Quicken program.

**BUILDING MAINTENANCE REPORT-None**

**EXECUTIVE SESSION**

At 2:04 pm, a motion was made by J. Ricci, seconded by R. Shayler, to enter into Executive session, for contractual issues.

At 2: 44, a motion was made by J. Hopkins, seconded by R. Ricci, to end the Executive session and resume the regular IDA meeting.

## ACTION ITEMS

- **Update for Local Labor Exemptions on OYA Solar Projects**

Per C. Clark, for the next meeting, we will list this item under old business because there is no real action. He states, yesterday, he received a report from OYA. They are starting in Independence. It shows the number of current jobs they have put in place for the last quarter, both the full-time equivalents, as well as the local labor. It is much better than what they told us, originally. We will receive another quarterly report, once they are up and running. He told them, the Board would still want them to meet the target of 90% and let us know if there are any issues. There were no questions or comments from the Board.

## OLD BUSINESS

- **Crossroads development update-**C. Clark states he just received the information from the surveyor, for the IDA for the right of way and Dan Spitzer has the information. We will be able to develop the right of way, so we can sign off for the right of way for the County road. In the last meeting, we approved the temporary easement. They will be able to start the clearing and grubbing soon. And the last order of business is RG&E. I will keep on them every week, as they have the information, from our engineers, as to the load analysis, regarding the power needed for the restaurants and hotel. They said they would, hopefully, get that done this month. They will know if there are upgrades needed to the transformers.  
R. Ewell asked if the County is going to move forward with the road, before we have the information from RG&E.  
C. Clark states, they will still do the clearing and grubbing. They won't be doing the road until it is, actually, designed by the engineers. That will be a couple of months.  
J. Ricci asked what is the timeline?  
C. Clark states it shouldn't take long, a month or two. The same for the natural gas. We have the loads and National Fuel will be pretty quick on that. They would do that in a week or two.
- **Solar Updates-**C. Clark states, we don't have any information on the Cuba OYA project. They haven't closed that one, yet. As far as the paperwork, Alfred is not done. They have a building permit and they will be moving forward, sometime this spring. This is the small project. The bigger Alfred project has not come back to us with a reasonable offer. When they give us another offer, we will bring it to the Board.
- **Microenterprise updates-**C. Clark states, the Microenterprise grant is in the last phase of approvals. There is a lot of paperwork. The last thing that has to be done is the environmental SEQRA, which is in the process. Once the County has done that, we will be ready to move on it.
- **Small business grant CBDG CARES act program-**C. Clark states, the one-million-dollar grant is ready to go. The County is going to send out an official announcement, in the paper. We should get some replies, from businesses, by the deadline of February 17<sup>th</sup>. In our March meeting, we will be able to review those applications.

**OLD BUSINESS-None**

**NEW BUSINESS-None**

**GOOD OF THE ORDER-None**

**CALENDAR**

**Next Meeting:** February 9, 2023 @ 10:00 A.M.  
The Crossroads Commerce Center, Belmont, NY

**ADJOURNMENT**

With no further business, at 2:49 pm, a motion to adjourn was made by D. Frank, seconded by R. Shayler, to close the meeting. All members were in favor, by a vote of 5-0 and the meeting was adjourned.

Respectfully submitted,  
Pamela Common, Recording Secretary

# Profit & Loss

January through February 2023

	Jan - Feb 23
<b>Income</b>	
ACUC - Income	
Waterline Customer payments	1,222.43
<b>Total ACUC - Income</b>	<b>1,222.43</b>
Crossroads-Income	
Crossroads Refunds	36.19
Rental Income	
AC Area Foundation	1,725.00
AC DEV-PLN-TOURISM	3,371.00
AC EMS-EMT's	3,005.00
Audio Care	800.00
Venture Forthe	800.00
<b>Total Rental Income</b>	<b>9,801.00</b>
<b>Total Crossroads-Income</b>	<b>9,837.19</b>
IDA Income	
Park-n-Ride Mowing-County Share	10.00
Rental Income - PM Research Bul	51,000.00
<b>Total IDA Income</b>	<b>51,010.00</b>
OFA - Income	
Rental Income	
Allegany County	17,400.00
<b>Total Rental Income</b>	<b>17,400.00</b>
<b>Total OFA - Income</b>	<b>17,400.00</b>
<b>Total Income</b>	<b>79,469.62</b>
<b>Expense</b>	
ACUC - Expense	
Professional fees- Permits	220.00
Professional Fees-Accounting	1,400.00
Waterline Fees	
Utilities-Electric	
20029438684 Hot Box 6689	216.42
20031525411 ACUC Hot Box 6404	84.77
Utilities-Electric - Other	302.46
<b>Total Utilities-Electric</b>	<b>603.65</b>
Waterline Supplies	614.58
Waterline Water Usage	7,668.00
<b>Total Waterline Fees</b>	<b>8,886.23</b>
<b>Total ACUC - Expense</b>	<b>10,506.23</b>
Crossroads-Expense	
Cleaning	
Supplies	21.80
Cleaning - Other	667.87
<b>Total Cleaning</b>	<b>689.77</b>
Insurance	
Property	804.38
<b>Total Insurance</b>	<b>804.38</b>
Maintenance	
Other	461.23
Maintenance - Other	1,017.56
<b>Total Maintenance</b>	<b>1,478.79</b>
Refuse	225.05
Utilities	
Electric	2,281.77
Heat	2,667.08
Water Machine	80.00
Water Yr Equipment Maintenance	1,110.00
<b>Total Utilities</b>	<b>6,348.85</b>
<b>Total Crossroads-Expense</b>	<b>9,646.84</b>
IDA-Expense	
Insurance	
Directors & Officers	2,515.00
<b>Total Insurance</b>	<b>2,515.00</b>
Office Supplies	129.50
Professional fees	
Accounting	6,200.00
Consulting	12,338.00

**Profit & Loss**  
January through February 2023

	Jan - Feb 23
Legal	980.80
Total Professional fees	19,518.80
Tax	
County & Town Taxes	368.18
Total Tax	368.18
Total IDA-Expense	22,531.48
OFA - Expense	
Cleaning	
Supplies	143.73
Cleaning - Other	681.46
Total Cleaning	825.19
Insurance	
Property	904.38
Total Insurance	904.38
Maintenance	
Other	332.51
Maintenance - Other	750.00
Total Maintenance	1,082.51
Refuse	225.05
supplies	60.00
Utilities	
Heat	882.21
Water Machine	90.00
Water Testing	1,110.00
Total Utilities	2,082.21
Total OFA - Expense	5,179.34
Utilities	
Electric	1,537.85
Total Utilities	1,537.85
VOIDED CHECK	
Error in check run	0.00
Error on check	0.00
Total VOIDED CHECK	0.00
Total Expense	49,401.74
Net Income	30,067.88

Register: Community Checking IDA

From 02/01/2023 through 02/28/2023

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
02/01/2023	Dep	Stone Audiology	Crossroads-Income:Rental Inco...	2023-Jan Lese ck#61...			450.00	82,813.06
02/01/2023	Dep	Venture Forthe	Crossroads-Income:Rental Inco...	Deposit			400.00	83,213.06
02/01/2023	EFT	Community Bank #1	Crossroads Mortgage	2023-Feb Mtg pymt	3,123.51			80,089.55
02/06/2023	2085	Buffamonte, Whipple & Butt...	Accounts Payable	Professional Account...	6,200.00			73,889.55
02/08/2023	ACH	Allegany County Treasurer's ...	-split-	Deposit			14,501.00	88,390.55
02/09/2023	2086	La Forge Disposal Service, Inc	Accounts Payable	Acct 951 Monthly Re...	229.46			88,161.09
02/09/2023	2087	VOID	VOIDED CHECK>Error in che...			X		88,161.09
02/09/2023	2088	Rinker Oil Company	Accounts Payable	Propane Jan '23	1,122.83			87,038.26
02/09/2023	2089	Root-Water Well Specialists	Accounts Payable	Yearly Operator fee	2,220.00			84,818.26
02/09/2023	2090	Stephen-Thorpe	Accounts Payable	Maintenance Service...	1,295.00			83,523.26
02/09/2023	2091	Wilkins Ultra Pure-LLC	Accounts Payable	Water Filtration Syst...	90.00			83,433.26
02/09/2023	2092	Belmont Lumber and Hardw...	Accounts Payable	Crossroads/OFA Sup...	62.71			83,370.55
02/09/2023	2093	Argentieri Brothers, Incorpor...	-split-		67.20			83,303.35
02/09/2023	2094	Evans Insurance Agency	Accounts Payable	Greenwich Ins #POL...	2,515.00			80,788.35
02/09/2023	2095	RG&E Crossroads	Accounts Payable	VOID: 20022506867		X		80,788.35
02/09/2023	2096	Hodgson, Russ, LLP	Accounts Payable	VOID: Legal Fees ID...		X		80,788.35
02/09/2023	2097	Hodgson, Russ, LLP	Accounts Payable	Legal Fees IDA Busi...	490.40			80,297.95
02/21/2023	EFT	Community Bank #6	OFA Mortgage	2023-Feb Mtg pymt	5,070.04			75,227.91

**AMENDED APPROVING RESOLUTION  
NY ALFRED I, 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 February 9, 2023 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

**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. 0222-01

**RESOLUTION AMENDING A RESOLUTION ENTITLED "RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT FOR NY ALFRED I, 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 industrial, manufacturing, warehousing, commercial, research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and



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

WHEREAS NY Alfred I, LLC, a New York State 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, requesting 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 an approximately 30.9 acre portion of an approximately 162 acre parcel of land located at 5568 Jericho Hill Road (tax map number 164.-1-8.1) in the Town of Alfred, Allegany County, New York (the “Land”), (2) the construction on the Land of an approximately 5 MWAC solar energy generating facility, comprised of solar modules, racking, inverters, transformers, equipment pads, a gravel access road, security fencing, new electrical equipment and 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, the 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; and

WHEREAS, on July 14, 2022, the members of the Agency adopted a resolution (the “Approving Resolution”) entitled “Resolution Authorizing Execution of Documents in Connection with a Lease/Leaseback Transaction for a Project for NY Alfred I, LLC Project”; and

WHEREAS, subsequent to the adoption of the Approving Resolution, the Agency was informed that the Financial Assistance being provided by the Agency to the Company increased, in that (A) the cost of the Project increased from \$8,125,000 to \$9,112,000 and (B) the loan amount increased from \$4,200,000 to \$13,499,300; resulting in the mortgage recording tax exemption benefit increasing from \$42,000 to \$134,993 (collectively, the “Amendment”);

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

Section 1. Based upon an examination of the Amendment, the Agency hereby determines that since compliance by the Agency with the Amendment does not result in the Agency providing more than \$100,000 of “financial assistance” (as such quoted term is defined in the Act) to the Company, Section 859-a of the Act does not require a public hearing to be held with respect to the Amendment.

Section 2. The recital clauses to the Approving Resolution are hereby amended to include the following recital clauses:

“WHEREAS, on or about January 30, 2023, the Agency was notified that the cost of the Project increased, as well as the amount of the mortgage recording tax exempt benefit (collectively, the “Amendment”); and

WHEREAS, pursuant to the Amendment, Exhibit A of the Approving Resolution needs to be revised;”

Section 3. Section 3(E) of the Approving Resolution is hereby amended to read as follows:

“(E) It is estimated at the present time that the costs of the planning, development, acquisition, construction, reconstruction and installation of the Project Facility (collectively, the “Project Costs”) will be approximately \$9,112,000;”

Section 4. Exhibit A of the Approving Resolution is hereby amended as reflected in the attached Exhibit A to this Resolution.

Section 3. Except as amended by this Resolution, the Approving Resolution, as amended shall remain in full force and effect and the terms and conditions thereof are hereby confirmed.

Section 4. 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	_____

The foregoing Resolution was thereupon declared duly adopted.

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

I, the undersigned Secretary of County of Allegany Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on February 9, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

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 9<sup>th</sup> day of February, 2023.

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Secretary

(SEAL)

## EXHIBIT A

### DESCRIPTION OF THE EXPECTED PUBLIC BENEFITS

In the discussions had between the Project Beneficiary and the Agency with respect to the Project Beneficiary's request for Financial Assistance from the Agency with respect to the Project, the Project Beneficiary has represented to the Agency that the Project is expected to provide the following benefits to the Agency and/or to the residents of Allegany County, New York (the "Public Benefits"):

Description of Benefit		Applicable to Project (indicate Yes or NO)		Expected Benefit
1.	Existing jobs on project site	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Property is currently vacant.
2.	Creation of new permanent jobs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	4 part-time equivalent new jobs at the Project Facility, plus construction jobs
3.	Estimated value of tax exemptions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The estimated amount of the tax exemptions are described as follows: \$134,993 Mortgage Recording Tax exemptions and \$3,514,263.16 in form of Real Property Tax exemption (net of PILOT and additional special district taxes).
4.	Private sector investment	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	\$9,112,000 private investment.
5.	Likelihood of project being accomplished in a timely fashion	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	High likelihood of project being completed in a timely manner.
6.	Extent of new revenue provided to local taxing jurisdictions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The Project involves further development in the Town of Alfred, so there will be new tax revenue generated by the Company and made available to the local taxing jurisdictions.
7.	Any additional public benefits	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	This Project creates 30-35 local construction jobs and promotes the State's energy goals as expressed in the State Energy Plan and the Climate Leadership and Community Protection Act.
8.	Local labor construction jobs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The Company has estimated that at least 90% of the construction jobs will be regional labor (Western NY).
9.	Regional wealth creation (% of sales/customers outside of the County)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Approximately thirty percent of the project costs will be local sourced materials The facility's customers – consumers saving on energy costs – must be local in the same NYISO Zone
10.	Located in a highly distressed	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	The Project is not located in a

	census tract			highly distressed census tract, as defined in the IDA Statute.
11.	Alignment with local planning and development efforts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The Project is consistent with local planning and development efforts.
12.	Promotes walkable community areas	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	The Project site is not located in an urban setting with sidewalks.
13.	Elimination or reduction of blight	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	The Project site is not a blighted area, but the site is currently vacant.
14.	Proximity/support of regional tourism attractions/facilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No	N/A
15.	Local or County official support	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Yes
16.	Building or site has historic designation	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	The site does not have historical significance.
17.	Provides brownfield remediation	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	No brownfields present.

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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

**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. 0222-01

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

WHEREAS NY Alfred I, LLC, a New York State 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, requesting 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 an approximately 30.9 acre portion of an approximately 162 acre parcel of land located at 5568 Jericho Hill Road (tax map number 164.-1-8.1) in the Town of Alfred, Allegany County, New York (the "Land"), (2) the construction on the Land of an approximately 5 MWAC solar energy generating facility, comprised of solar modules, racking, inverters, transformers, equipment pads, a gravel access road, security fencing, new electrical equipment and 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, the 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; and

WHEREAS, on July 14, 2022, the members of the Agency adopted a resolution (the "Approving Resolution") entitled "Resolution Authorizing Execution of Documents in Connection with a Lease/Leaseback Transaction for a Project for NY Alfred I, LLC Project"; and

WHEREAS, subsequent to the adoption of the Approving Resolution, the Agency was informed that the Financial Assistance being provided by the Agency to the Company increased, in that (A) the cost of the Project increased from \$8,125,000 to \$9,112,000 and (B) the loan amount increased from \$4,200,000 to \$13,499,300; resulting in the mortgage recording tax exemption benefit increasing from \$42,000 to \$134,993 (collectively, the "Amendment");

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

Section 1. Based upon an examination of the Amendment, the Agency hereby determines that since compliance by the Agency with the Amendment does not result in the Agency providing more than \$100,000 of "financial assistance" (as such quoted term is defined in the Act) to the Company, Section 859-a of the Act does not require a public hearing to be held with respect to the Amendment.

Section 2. The recital clauses to the Approving Resolution are hereby amended to include the following recital clauses:

"WHEREAS, on or about January 30, 2023, the Agency was notified that the cost of the Project increased, as well as the amount of the mortgage recording tax exempt benefit (collectively, the "Amendment"); and

WHEREAS, pursuant to the Amendment, Exhibit A of the Approving Resolution needs to be revised;"

Section 3. Section 3(E) of the Approving Resolution is hereby amended to read as follows:

“(E) It is estimated at the present time that the costs of the planning, development, acquisition, construction, reconstruction and installation of the Project Facility (collectively, the “Project Costs”) will be approximately \$9,112,000;”

Section 4. Exhibit A of the Approving Resolution is hereby amended as reflected in the attached Exhibit A to this Resolution.

Section 3. Except as amended by this Resolution, the Approving Resolution, as amended shall remain in full force and effect and the terms and conditions thereof are hereby confirmed.

Section 4. 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	_____

The foregoing Resolution was thereupon declared duly adopted.



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

I, the undersigned Secretary of County of Allegany Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on February 9, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

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 9<sup>th</sup> day of February, 2023.

---

Secretary

(SEAL)

## EXHIBIT A

### DESCRIPTION OF THE EXPECTED PUBLIC BENEFITS

In the discussions had between the Project Beneficiary and the Agency with respect to the Project Beneficiary's request for Financial Assistance from the Agency with respect to the Project, the Project Beneficiary has represented to the Agency that the Project is expected to provide the following benefits to the Agency and/or to the residents of Allegany County, New York (the "Public Benefits"):

Description of Benefit		Applicable to Project (indicate Yes or NO)		Expected Benefit
1.	Existing jobs on project site	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Property is currently vacant.
2.	Creation of new permanent jobs	x Yes	<input type="checkbox"/> No	4 part-time equivalent new jobs at the Project Facility, plus construction jobs
3.	Estimated value of tax exemptions	x Yes	<input type="checkbox"/> Nos	The estimated amount of the tax exemptions are described as follows: \$134,993 Mortgage Recording Tax exemptions and \$3,514,263.16 in form of Real Property Tax exemption (net of PILOT and additional special district taxes).
4.	Private sector investment	x Yes	<input type="checkbox"/> No	\$9,112,000 private investment.
5.	Likelihood of project being accomplished in a timely fashion	x Yes	<input type="checkbox"/> No	High likelihood of project being completed in a timely manner.
6.	Extent of new revenue provided to local taxing jurisdictions	x Yes	<input type="checkbox"/> No	The Project involves further development in the Town of Alfred, so there will be new tax revenue generated by the Company and made available to the local taxing jurisdictions.
7.	Any additional public benefits	x Yes	<input type="checkbox"/> No	This Project creates 30-35 local construction jobs and promotes the State's energy goals as expressed in the State Energy Plan and the Climate Leadership and Community Protection Act.
8.	Local labor construction jobs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The Company has estimated that at least 90% of the construction jobs will be regional labor (Western NY).
9.	Regional wealth creation (% of sales/customers outside of the County)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Approximately thirty percent of the project costs will be local sourced materials The facility's customers – consumers saving on energy costs – must be local in the same NYISO Zone
10.	Located in a highly distressed	<input type="checkbox"/> Yes	x No	The Project is not located in a

	census tract			highly distressed census tract, as defined in the IDA Statute.
11.	Alignment with local planning and development efforts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The Project is consistent with local planning and development efforts.
12.	Promotes walkable community areas	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	The Project site is not located in an urban setting with sidewalks.
13.	Elimination or reduction of blight	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	The Project site is not a blighted area, but the site is currently vacant.
14.	Proximity/support of regional tourism attractions/facilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No	N/A
15.	Local or County official support	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Yes
16.	Building or site has historic designation	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	The site does not have historical significance.
17.	Provides brownfield remediation	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	No brownfields present.

**RESOLUTION AUTHORIZING DEDICATION OF PROPERTY TO ALLEGANY  
COUNTY FOR RIGHT-OF-WAY**

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 February 9, 2023 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

**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. 0222-\_\_

**RESOLUTION AUTHORIZING DEDICATION OF PROPERTY TO ALLEGANY  
COUNTY FOR RIGHT-OF-WAY**

WHEREAS, Allegany County Industrial Development Agency (the "Agency") as for number of years worked to develop the Crossroads of State Route 19 and I-86/NY-17 as a commercial center in the County, and

WHEREAS, to accomplish this goal, the Agency has acquired land at the Crossroads including the property known as Truck Stop property and property acquired from Gerald Van Dyke, Jr north of County Route 20.; and worked to develop the infrastructure to support development of the area with Allegany County; and

WHEREAS Allegany County has agreed to support the continued development by constructing a road off of County Route 20 to support development in the area.

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

Section 1. The Agency hereby approves the dedication of property to Allegany County for purposes of building and maintaining a right-of-way off of County Route 20 in accordance with the legal description in Exhibit A and as shown on the survey attached as Exhibit B and incorporated herein to this Resolution.

Section 2. The Chair, Vice-Chair, Secretary of the Board and the Executive Director and Agency Counsel are hereby authorized to take all steps necessary to carry out the dedication of the roadway, including but not limited to executing and recording any deeds or other transfer documents.

Section 3. 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	_____

The foregoing Resolution was thereupon declared duly adopted.

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

I, the undersigned Secretary of the Allegany County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on February 9, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

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 9<sup>th</sup> day of February, 2023.

---

Secretary

(SEAL)

**EXHIBIT A**  
**LEGAL DESCRIPTION OF LAND TO BE DEICATED**

**ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of Amity; County of Allegany; State of New York and being more particularly bounded and described as follows;

**BEGINNING AT** a point in the centerline of County Road No. 20; said point being 1204± feet northeasterly from the intersection of the lands of Vandyke on the northeast and Lockwood on the southwest; thence through the lands of the County of Allegany

1. N 44°13'18" W a distance of 69.70 feet to a point, thence with a curve turning to the right with an
2. arc length of 220.77', a delta angle of 72°41'25", and a radius of 174.01' to a point, thence ;
3. N 30°14'39" E a distance of 801.08 feet to a point, thence with a curve turning to the left with an
4. arc length of 6.95', a delta angle of 02°23'04", and a radius of 167.00' to a point, thence;
5. N 27°51'33" E a distance of 472.99 feet to a point, thence with a curve turning to the right with an
6. arc length of 284.93', a delta angle of 70°04'38", and a radius of 232.96' to a point, thence;
7. S 82°03'49" E a distance of 86.05 feet to a point, thence
8. thence with a curve turning to the right with an
9. arc length of 185.52', a delta angle of 48°14'46", and a radius of 220.32' to a point, thence;
10. S 33°49'03" E a distance of 437.74 feet to a point in the centerline of County Road No 20; thence along said centerline
11. S 56°10'57" W a distance of 66.00 feet to a point, thence through the lands of County of Allegany
12. N 33°49'03" W a distance of 437.74 feet to a point, thence with a curve turning to the left with an
13. arc length of 129.95', a delta angle of 48°14'46", and a radius of 154.32' to a point, thence;

14. N 82°03'49" W a distance of 86.05 feet to a point, thence with a curve turning to the left with an

15. arc length of 204.21', a delta angle of 70°04'38", a radius of 166.96' to a point, thence;

16. S 27°51'33" W a distance of 472.99 feet to a point, thence with a curve turning to the right with an arc length of 9.70', with a delta angle of 02°23'04", with a radius of 233.00' to a point, thence;

17. S 30°14'39" W a distance of 800.50 feet to a point, thence with a curve turning to the left with an

18. arc length of 136.13', with a delta angle of 72°12'44", with a radius of 108.01' to a point, thence;

19. S 44°13'18" E a distance of 69.13 feet to a point in the centerline of County Road No. 20, thence along said centerline

20. S 45°46'42" W a distance of 66.00 feet to the POINT AND PLACE OF BEGINNING

CONTAINING 3.721 acres of land.



## EXHIBIT B