

COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY

BOARD MEETING MINUTES

January 8, 2021
CCIDA Offices
Ellicottville, New York
10:00 a.m.

** Please note this Board Meeting was conducted via Teleconference due to the Covid-19 Restrictions placed by N.Y.S. **

Roll Call: -Taken-

Members

Present:

Mr. Thomas Buffamante - Chairman
Mr. Joseph Higgins
Mr. Michael Wimer
Ms. Ginger Schroder
Mr. James Snyder
Mr. Brent Driscoll
Mr. John Stahley

Excused:

CCIDA Staff/Counsel:

Mr. Corey R. Wiktor, Executive Director CCIDA

Mr. George Cregg, Jr. – Legal Counsel, Hodgson Russ
Mr. Christopher Canada - Legal Counsel, Hodgson Russ
Ms. Nadene Zeigler, Esq. - Legal Counsel, Hodgson Russ

Presenters/Guests (Teleconference):

Ms. Crystal Abers – *Catt. County Economic Dev. Planning & Tourism*

Chairman, Thomas Buffamante called the meeting to order at 10:03 a.m.

A roll call of the Board of Directors of the CCIDA was taken Mr. Buffamante, Mr. Higgins, Mr. Wimer and Ms. Schroder, Mr. Driscoll, Mr. Stahley, and Mr. Snyder were present.

APPROVAL OF MINUTES:

A **Motion** was made by Joseph Higgins with a second by Brent Driscoll to accept the December 8, 2020 CCIDA Board Minutes as prepared. **Motion Carried**

New Application/Project

-Ava Grace Eco Fashions:

Local business owner Jessica Maynard is looking to purchase a property located at 24 Monroe Street (the former **Public House Restaurant**) in the Village of Ellicottville to relocate her current existing business, Ava Grace Fashions! The IDA is happy to offer Jessica our “Small Business Sales Tax Program”, to help her bring this project to fruition.

Jessica, the founder and CEO at Ava Grace Fashions is also working with the *SBDC* and *Southern Tier West* to obtain a *STEDO Loan*; who she will be obtaining a small business loan through. Ava Grace Fashions primarily sells women wear – such as dresses, tops, leggings, lingerie, jewelry, bags, and shoes. A very unique shopping experience in the Village!

They also carry uniquely designed home products mostly in our in-store experience! If you remember a brand and cannot find it online, email then and if they still carry that brand, they will email you a list of what is currently in stock and ship it to you even though it's not listed on their online store.

-Total project cost/investment into the Resort: \$500,000 (+,-)

RESOLUTIONS:

A **Motion** was made by James Snyder, seconded by Joseph Higgins, **RESOLUTION (A) DETERMINING THAT ACTION TO UNDERTAKE A PROJECT FOR THE BENEFIT OF AVA GRACE ECO FASHIONS IS A “TYPE II ACTION” AND NO FURTHER ACTION IS REQUIRED UNDER SEQRA WITH RESPECT THERETO, (B) DETERMINING THAT THE PROPOSED PROJECT IS A COMMERCIAL PROJECT AND MAKING CERTAIN FINDINGS REQUIRED UNDEER THE GENERAL MUNICIPAL LAW AND (C) AUTHORIZING EXECUTION OF DOCUMENTS RELATING TO THE PROJECT IN CONNECTION WITH THE SMALL BUSINESS SALES TAX PROGRAM.** A Roll Call vote was taken, Mr. Buffamante, Mr. Higgins, Mr. Wimer, Mr. Stahley, Mr. Driscoll, Mr. Snyder and Ms. Schroder voted yes. **Motion Carried**

Resolutions from Prior Applications/Projects that are in Process

(#1.) 8613 Dake Hill Road – Parcel A:

Omni Navitas Renewables LLC submitted an application to the CCIDA at the **September 8, 2020**, Board of Directors Meeting regarding their proposed project in Otto, NY. A Public Hearing was held at the Otto Town Hall and also conference call on **October 6, 2020 at 5:15 p.m.**

Minutes were included in the Board of Directors packets for Board Members review. We have also included the Letter of Support from the Town of Otto and Mr. Ronald Wasmund, Supervisor of the Town of Otto in regards to this particular project.

Resolution:

A Motion was made by James Snyder seconded by Joseph Higgins, **RESOLUTION CONCURRING IN THE DETERMINATION BY THE OTTO TOWN PLANNING BOARD, AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE OMNI NAVITAS RENEWABLES, LLC (THE “APPLICANT”) O/B/O AN ENTITY TO BE FORMED (8613 DAKE HILL ROAD-PARCEL A) PROPOSED PROJECT.** A Roll Call vote was taken, Mr. Buffamante, Mr. Higgins, Mr. Wimer, Ms. Schroder, Mr. Stahley, Mr. Driscoll and Mr. Snyder voted yes. **Motion Carried.**

A Motion was made by James Snyder seconded by Joseph Higgins, **RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT FOR THE OMNI NAVITAS RENEWABLES, LLC (THE “COMPANY”) O/B/O AN ENTITY TO BE FORMED (8613 DAKE HILL ROAD-PARCEL A) (THE “COMPANY”).** A Roll Call vote was taken, Mr. Buffamante, Mr. Higgins, Mr. Wimer, Ms. Schroder, Mr. Stahley, Mr. Driscoll, and Mr. Snyder voted yes. **Motion Carried**

(#2.) 8609 DAKE HILL ROAD – PARCEL B:

Omni Navitas Renewables LLC submitted an application to the CCIDA at the **September 8, 2020**, Board of Directors Meeting regarding their proposed project in Otto, NY. A Public Hearing was held at the Otto Town Hall and also conference call on **October 6, 2020 at 5:30 p.m.**

Minutes were included in the Board of Directors packets for Board Members review. We have also included the Letter of Support from the Town of Otto and Mr. Ronald Wasmund, Supervisor of the Town of Otto in regards to this particular project.

A Motion was made by James Snyder seconded by Joseph Higgins, **RESOLUTION CONCURRING IN THE DETERMINATION BY THE OTTO TOWN PLANNING BOARD, AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE OMNI NAVITAS RENEWABLES, LLC (THE “APPLICANT”) O/B/O AN ENTITY TO BE FORMED (8609 DAKE HILL ROAD-PARCEL B) PROPOSED PROJECT.** A Roll Call vote was taken, Mr. Buffamante, Mr. Higgins, Mr. Wimer, Ms. Schroder, Mr. Stahley, Mr. Driscoll and Mr. Snyder voted yes. **Motion Carried.**

A **Motion** was made by James Snyder seconded by Joseph Higgins, **RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT FOR THE OMNI NAVITAS RENEWABLES, LLC (THE “COMPANY”) O/B/O AN ENTITY TO BE FORMED (8609 DAKE HILL ROAD-PARCEL B) (THE “COMPANY”)**. A Roll Call vote was taken, Mr. Buffamante, Mr. Higgins, Mr. Wimer, Ms. Schroder, Mr. Stahley, Mr. Driscoll, and Mr. Snyder voted yes. **Motion Carried**

(#3.) 8609 DAKE HILL ROAD – PARCEL C:

Omni Navitas Renewables LLC submitted an application to the CCIDA at the **September 8, 2020**, Board of Directors Meeting regarding their proposed project in Otto, NY. A Public Hearing was held at the Otto Town Hall and also conference call on **October 6, 2020 at 5:45 p.m.**

Minutes were included in the Board of Directors packets for Board Members review. We have also included the Letter of Support from the Town of Otto and Mr. Ronald Wasmund, Supervisor of the Town of Otto in regards to this particular project.

A **Motion** was made by James Snyder seconded by Joseph Higgins, **RESOLUTION CONCURRING IN THE DETERMINATION BY THE OTTO TOWN PLANNING BOARD, AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE OMNI NAVITAS RENEWABLES, LLC (THE “APPLICANT”) O/B/O AN ENTITY TO BE FORMED (8609 DAKE HILL ROAD-PARCEL C) PROPOSED PROJECT**. A Roll Call vote was taken, Mr. Buffamante, Mr. Higgins, Mr. Wimer, Ms. Schroder, Mr. Stahley, Mr. Driscoll and Mr. Snyder voted yes. **Motion Carried.**

A **Motion** was made by James Snyder seconded by Joseph Higgins, **RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT FOR THE OMNI NAVITAS RENEWABLES, LLC (THE “COMPANY”) O/B/O AN ENTITY TO BE FORMED (8609 DAKE HILL ROAD-PARCEL C) (THE “COMPANY”)**. A Roll Call vote was taken, Mr. Buffamante, Mr. Higgins, Mr. Wimer, Ms. Schroder, Mr. Stahley, Mr. Driscoll, and Mr. Snyder voted yes. **Motion Carried**

***County of Cattaraugus IDA – Policy Review – Commercial Wind Projects:**

We have included a copy of the current *CCIDA Wind Policy (UTEP)* for the Board Members to review. We have also included a “*redline version*” and also the *Amended and Restated Eligible Projects Policy* to include changes to the Wind Projects, prepared by the IDA’s Counsel for Board Review as well.

The Agency will use this time on the Agenda to start the process of updating our current Wind PILOT/Terms/Conditions, focusing on decommissioning, local laws, local support, the Article X Process etc. We anticipate much discussion on this topic, and look forward to addressing and updating the Agency’s UTEP relating to commercial wind.

Mr. Wiktor stated that the current Wind Policy is over 10 years old and needs to be looked at revised in accordance with the changes to the Wind Projects. It was brought to the CCIDA Board’s attention that if we are going to include a decommissioning element into our Solar Policy, we should also look at adding a decommissioning into our Wind Policy. Mr. Wiktor discussed that these discussions and changes to the Wind Policy may take several board meetings to arrive at the newly added legal verbiage and other items that we need to add to our Policy prior to accepting any Wind Application.

Mr. George Cregg, Jr. stated that the main item that is currently missing from the Uniform Tax Exemption Policy is that we would require a letter of approval from the hosting municipality and also from the County for any application to be accepted.

Ms. Schroder stated that Wind is so very different from our current Solar Projects. Ms. Schroder stated that the Wind Projects impact several land owner's property and a very large area of property for these projects to be competed. The height of the towers ranges from 400 ft. to 800 ft. tall. These types of projects effect the entire Community not just a few landowners who will be affected. This type of project affects miles and miles of visual impact and also possible property value declines in the area surrounding the Wind Turbines.

Ms. Schroder gave an example in the Alle Catt Wind Project that surrounding towns are impacted and the Article 10 proceeding has stated that a ten (10) mile radius will be affected by these projects. There are at least three contiguous towns in Cattaraugus County to the host towns for the project. Ms. Schroder also asked how many years is a Wind Pilot? It was noted that the Wind PILOT is 15 years and the Solar PILOT is 25 years. Ms. Schroder stated that she thinks the opinion of Cattaraugus County does carry a lot of weight on these types of projects.

Mr. Wiktor stated that Ms. Schroder brought up several points are very relevant to this topic and we should include in our Wind Policy. Mr. Buffamante stated that he agreed with Ms. Schroder with the adjoining towns to have some say in a project that is coming to a Town near or adjoining them however, they possibly should not have the same say as the affected Towns.

Ms. Schroder suggested three (3) steps to be completed prior to the CCIDA taking an application for said project. The three (3) steps are, letter of support from the host Community, next is the Cattaraugus County letter of support and third are comments from adjoining towns as the CCIDA should consider their comments as part of the approval process.

It was discussed that unless a letter of support is received from the Host Community a Public Hearing will not even be held in regards to the proposed project. All of the above steps would have to be completed prior to granting any tax exemptions

Mr. George Cregg, Jr. stated that he would add the points of discussion today and would have the redlined Policy available for the IDA meeting in February.

Ms. Schroder also had a question in regards to the Solar Policy in regards to not holding of Public Hearing in regards to a Solar Project unless a letter has of support from the Host Community and also the 15-day waiting period to pass without any comments prior to setting the public hearing. Mr. George Cregg, Jr. stated that he was happy that Ms. Schroder brought to his attention that he did not make this section as clear as he could have. Mr. Cregg, Jr. will make an adjustment to this section in regards to Solar Projects and have it ready for the next CCIDA Board Meeting.

Mr. Buffamante also asked about the Wind Policy which has been set at \$5,000 per MW for 10+ years. Mr. Buffamante wanted to get the Boards take on, it is time to revisit this amount as it is less than the Solar MW amount at this point. Ms. Schroder stated that she has heard that most developers currently are looking at \$8,000 per MW at this time.

Mr. Wiktor advise the Board that he would put together some dollar amounts and figures for the next CCIDA Board Meeting. Mr. Wiktor stated that he has done extensive research and also contacted other IDA's in regards to what PILOTS they have issued for Wind PILOTS. Mr. Wiktor will use the information gathered to bring the CCIDA Board his recommendations at the February Meeting.

Mr. Cregg, Jr. stated that when the original amounts were arrived at for the Wind Policy a Committee was formed with representatives from the County, School and Local Towns to discuss what an acceptable amount would be for a per MW price. This Committee worked for 1-2 years fine tuning and putting this Policy together so that all parties would be agreeable to the Policy.

This Committee agreed that the IDA should stay out of the Host Community Agreement and just come up with a fair number for the PILOT dollars for distribution. This would leave each Town the ability to negotiate their own Host Community Agreement with the Developer.

No action was taken. Mr. Wiktor stated that he will have the adjustments/revisions made to the Resolution Approving Amended and Restated Eligible Projects Policy and have it included on the Agenda for the February 2, 2021 CCIDA Board Meeting.

Mr. Wiktor asked if anyone had any other comments in regards to this topic. If anyone thinks of any further comments please email Mr. Wiktor so that they can be incorporated into the language of the newly amended Eligible Projects Policy.

Mr. Higgins stated that he had a problem with page A8 of the Amended and Restated Eligible Project Policy under the Wind Decommissioning section. Section iii should read blades, towers, and hubs which should be removed. What is listed under this section is for the decommissioning of solar panels. Mr. Wiktor thanked Mr. Higgins for catching this mistake and advised that this change will be reflected in the revised Policy at the February Meeting.

FINANCIAL REPORT:

In lieu of the formal Financial Statements of December 2020 (which will be presented at the February IDA Board Meeting), we will instead give an overview of the Income and net profit position of the Agency at this meeting, **which appears to have the Agency in “the black” of roughly \$250,000 (+,-).**

-In addition to this, the Agency is also working on closing documents relating to eighteen (18) active projects at this time. *Furthermore, we should have 3 of these 18 projects close within the First Quarter of 2021; as these projects are in “Final Document” stage.*

***Executive Directors Reports:**

-External (Points of Interest relating to the CCIDA):

- ✓ **Olean Times Herald Article:** Letter to the Editor on *“Cattaraugus County business climate poised to emerge stronger in 2021.”* Recently appeared in the OTH, prepared by the CCIDA reflecting Year 2020.
- ✓ **Olean Times Herald Article:** *“Olean Center Mall sold to Rochester developer”* A specialist in restoring old malls to economic vibrancy has purchased the Olean Center Mall. Mayor Aiello reported that Angelo Ingrassia of Rochester has bought the 44-year-old mall from its original owner, Zamias Group.
- ✓ **Innovation Article** – *“Another Look at Rural Economies.”* To better support rural communities, an understanding of their unique situations is needed.
- ✓ **NYSEDC Article:** Congress has passed H.R. 133, the coronavirus Response and relief Supplemental Appropriations Act. This \$900 billion for coronavirus assistance will include additional funds for

Paycheck Protection Program, debt relief payments for small business loans, extension and expansion of Employee retention Tax Credit, additional \$300 per week unemployment benefits,

full federal financing of state work-share programs, and one-time direct payments of \$600 for individuals earning up to \$75,000 and \$1,200 for couples making up to \$150,000, as well as an extra \$600 per eligible child dependent.

- ✓ **NYSEDC:** *“COVID-19 Emergency Relief Package – Detailed Summary of New Legislation”* A complete detailed summary of what the new legislation includes.
- ✓ **Bipartisan Emergency COVID Relief Act of 2020:** Framework Summary dated December 9, 2020 Total of \$908 Billion being distributed among various programs. Please see the attached handout for a summary of the Bill.
- ✓ **Zoom Meeting:** On December 30 at 9:30 a.m. Congressman Reed held a Zoom meeting to discuss provisions within the most recent COVID – relief legislation, we were part of that meeting.
- ✓ **NYSEDC:** 2021 NYSEDC Economic Development Conference being held Virtually on *January 20 & 21*. Featured Session is Site selection trends, industries, and Community Development. *2021 NYSEDC Board meeting being held on Tuesday, Jan. 19, 2021 from 2 – 3:30 p.m.*
- ✓ **Erick Laine Fund for Entrepreneurship:** Thank you letter from Olean Business Development for the memorial donation made by the CCIDA with respect to the Erick Laine Fund that has been established for new business startups in Olean.
- ✓ **Invest Buffalo Niagara:** IBN 12/10/20 Board Meeting which includes the Zoom meeting Agenda. Recent IBN Board meeting and discussion 2021.
- ✓ **Buffalo Niagara Partnership:** Employing DE&I in WNY. Buffalo Niagara employers are overwhelmingly committed to the issues of diversity, equity, and inclusion, but there is a mixed track record of successful implementation. A recent meeting and study that we were happy to take part in.
- ✓ **Buffalo Niagara Partnership:** December 2020 Newsletter – Development Advisory Council. Some key information included in this Summary.
- ✓ **Buffalo Niagara Partnership:** Member Pulse Report for Fall 2020 which highlights the Buffalo Niagara Partnership’s Annual Advocacy & Member Survey.
- ✓ **Forbes Article:** *Why is Solar Energy Getting 250 Times More in Federal Tax Credits Than Nuclear?* An interesting read which tells us that lots of tax credit and subsidy rich renewables will be coming our way.
- ✓ **Billings Sheet Metal Inc.:** December 2020 Monthly Market Bulletin for Billings Sheet Metal Inc.

***Executive Session:**

A **Motion** made by James Snyder seconded by Michael Wimer to go into Executive Session to discuss a personnel matter and to seek advice of counsel. All in Favor – Motion Carried.

A **Motion** was made by James Snyder seconded by Thomas Buffamante to return from Executive Session. All in

Favor – Motion Carried.

A Motion made by Ginger D. Schroder seconded by John Stahley to increase the Executive Director's pay from \$102,000 to \$106,000 per year.

Adjournment:

A Motion was made by James Snyder seconded by Brent Driscoll to adjourn the meeting at 12:11 p.m. All in Favor – Motion Carried.

*** Next CCIDA Board of Directors Meeting: Tuesday, February 2, 2021 at 11:15 A.M. at the CCIDA Offices in Ellicottville, N.Y. and via Conference Call**