

**COUNTY OF CATTARAUGUS  
INDUSTRIAL DEVELOPMENT AGENCY**

**BOARD MEETING MINUTES**

**October 6, 2020  
CCIDA Offices  
Ellicottville, New York  
11:30 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. James Snyder  
Mr. Brent Driscoll  
Mr. John Stahley  
Ms. Ginger Schroder

**Excused:**

Mr. Michael Wimer (business)

**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*  
  
Mr. Rick Miller – *Olean Times Herald*  
Mr. John Thomas – *The Villager Newspaper*  
  
Mrs. Lisa Worth – *Worthy Pharmacy, Inc.*

Chairman, Thomas Buffamante called the meeting to order at 11:32 a.m.

Mr. Wiktor stated that because of the COVID19 Pandemic we are holding this Special CCIDA Board Meeting via conference call.

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

**\*New Applications/Projects\***

**(1.) Worthy Pharmacy, LLC.:**

Worthy Pharmacy, LLC. has asked the County of Cattaraugus Industrial Development Agency (CCIDA) to consider their application for the complete renovation of the building (3,900 Sq. ft.) located at 202 Main Street in the City of Olean, New York. Worthy Pharmacy is looking to start the reconstruction of this building later this year month and be open in the late Fall of 2020.

The Adaptive Reuse project centers on the redevelopment of the former “Jones Realty Company” in the City of Olean. The building has been largely vacant and unoccupied over the past 5 years. Currently, the building has been vacant.

Worthy Pharmacy is headed up by licensed Pharmacist, Lisa Worth who was most recently with Vic Vena Pharmacy prior to his sale and retirement. Lisa wants to incorporate an independent, customer-oriented pharmacy that will offer a variety of homeopathic and a full line of services to offer customers, including Pill Packs. The location offers walkability to the Downtown Business District, near the Hospital, senior housing, etc. Also, this proposed project is very important in the overall landscape of the overhaul and redevelopment of Downtown Olean. The “**Walkable Olean Project**” Phase II.

**Total project cost/investment of roughly \$500,000(+,-) for cost of the reconstruction, furnishings and equipment, etc. related to this proposed project.**

Corey Wiktor next introduced Lisa Worth whom is looking to open up a new Pharmacy within the City of Olean. Mrs. Worth stated that she grew up in Olean, NY and lived here most of her life and has been a Pharmacist in the area for 20 years. She had worked at Vic Vena Pharmacy for a number of years and enjoys practicing independently and is not interested in working for a big box Pharmacy. She loves to take care of her customers along with offering pill pack strips to keep the elderly in their homes and independent. Vic Vena Pharmacy recently closed and been sold which has opened this opportunity up for an independent pharmacy in the area.

Mr. Wiktor stated that this project is in a distressed census track which would give us the option of offering various incentives. Mr. Wiktor has met with Mayor Aiello and the legislatures in Olean, NY are all in favor of this project. Mrs. Worth is proposing 3-5 jobs to start which would be a net new employment and also, they will be using local contractors for the renovations. This would be an adaptive reuse project because this project will be using a building that has been vacant since 2015. Mr. Driscoll stated that this is a great downtown project and will enhance the redevelopment of the Walkable Olean Project. The benefits associated with this project would be NYS Sales tax abatement, PILOT – 10-year adaptive reuse, and

Mrs. Worth is looking at a very tight time-frame to complete this project. Therefore, Mr. Wiktor asked the board to forgo the Public Hearing process as the benefits for this project would be under the \$100,000 that would require a public hearing. Mr. Wiktor stated that in a perfect world they are looking to open sometime in December 2020. Mr. Wiktor and the Board wished Mrs. Worth all the best in this new endeavor.

## **RESOLUTIONS:**

**A Motion** was made by Brent Driscoll, seconded by Joseph Higgins, **RESOLUTION DETERMINING THAT ACTION TO UNDERTAKE A PROJECT FOR THE BENEFIT OF WORTHY PHARMACY, LLC IS A “TYPE II ACTION” AND NO FURTHER ACTION IS REQUIRED UNDER SEQRA WITH RESPECT THERETO.** A Roll Call vote was taken, Mr. Buffamante, Mr. Driscoll, Mr. Higgins, Mr. Stahley, Mr. Snyder, and Ms. Schroder voted yes. Mr. Michael Wimer was excused. **Motion Carried.**

**A Motion** was made by Brent Driscoll, seconded by Joseph Higgins, **RESOLUTION (A) DETERMINING THEAT A PROPOSE WORTHY PHARMACY, LLC PROJECT IS A COMMERCIAL PROJECT AND (B) MAKING CERTAIN FINDINGS REQUIRED UNDER THE GENERAL MUNICIPAL LAW.** A Roll Call vote was taken, Mr. Buffamante, Mr. Driscoll, Mr. Higgins, Mr. Stahley, Mr. Snyder, and Ms. Schroder voted yes. Mr. Michael Wimer was excused. **Motion Carried**

**A Motion** was made by Brent Driscoll, seconded by Ginger Schroder **RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT FOR WORTHY PHARMACY, LLC (THE “COMPANY”).** A Roll Call vote was taken, Mr. Buffamante, Mr. Driscoll, Mr. Higgins, Mr. Stahley, Mr. Snyder, and Ms. Schroder voted yes. Mr. Michael Wimer was excused. **Motion Carried.**

### **\*Resolutions from a Prior Applications/Projects that are in Process\***

Kieran Siao was on the conference call representing Dimension Energy and the three (3) projects being considered. Mr. Siao stated that all three (3) of these projects are in the town of Portville, NY and are 4.5 MW of Community Solar. Dimension is working very close with the Town of Portville which does not have any zoning. Kieran stated that a letter of support from the Town of Portville has been secured for these three projects. Dimension is looking forward to working with the CCIDA in regards to negotiating a PILOT for these Projects.

Mr. Wiktor stated that there was a resident meeting held and he asked Mr. Siao if any decisions or changes have been made to accommodate the neighbor’s concerns. Mr. Siao stated that tree clearing on Haskell Parkway was a concern for residents along with shade removal and being able to see the project from their homes. These concerns are being addressed by redesigning the project which would cancel the need for tree removal and also installing a vegetive screen along the fence line to further conceal the panels. All of these things are being done to ensure that the project will not be visible for the neighbors.

Mr. Joe Snyder stated that with the number of Solar Projects that we have coming at us it is looking like we are going to have some 1,000 acres of solar projects scattered across Cattaraugus County. It has come to mind of what kind of liability are we placing on the Cattaraugus County residents? In 25years when the Solar Panels are no longer working or profitable what is going to happen in regards to decommissioning?

An example is what if the owners go bankrupt or disappear where is the money going to come from to do the decommissioning and clean up?

Mr. Snyder asked if the County would have to foreclose because the developers don't want to pay taxes anymore are, we placing all the burden on the taxpayers in Cattaraugus County? Mr. Snyder stated that he is just trying to protect the residents of Cattaraugus County from having to pay for clean up of 1,000 acres of dead solar panels 25 years from now.

Mrs. Schroder stated that she agreed with Mr. Snyder in regards to who is going to be responsible for clean up when the solar projects are no longer viable. Mrs. Schroder also stated that these projects are not subject to Article 10 because they are under the megawatts. If these renewable projects were subject to Article 10, they would have assurances such as letter of credit and or financial securities for decommissioning of these projects. Mrs. Schroder was in agreement with Mr. Snyder and felt the points raised by Mr. Snyder are very valid items to consider. Mrs. Schroder is wondering if there is a way to protect the Town's and County against having this burden put on their backs.

Mr. Wiktor asked George Cregg, Jr and Chris Canada if there is anything that we can do to protect the Town and County from potential liability after these projects have come to an end. Chris Canada has had this discussion with other IDA's and Chris Canada will look into building the decommissioning subject and liability into the documents.

Mr. Snyder said there are some real bad materials in some of these panels and could be potentially hazardous waste that would have to be disposed of in the proper manner and not just hauled to the land fill. The main concern is to not have an Environmental issue on our hands in 25 years.

Mr. George Cregg, Jr. suggested that if the Board wanted to make a requirement for a Bond and figure out the monetary amount, it would be added to the Solar Policy and imposed in future Lease/Leaseback Documents.

Mr. Driscoll stated that Corey Wiktor and Hodgson Russ should work together in regards to reviewing the Article 10 website to put together what should be added to our Solar Project Policy for decommissioning of these Solar Projects.

Ms. Crystal Abers, Director of Economic Development, Planning and Tourism said that she would like the Planning Board for Cattaraugus County to be involved in regards to the Solar Projects. Abers stated that most of these projects are being done in Towns with no zoning so therefore they are by passing the Planning Board and in turn the County is losing several hundred acres of prime farmland. Ms. Abers stated that all the Economic Development Planning & Tourism is trying to do is assist the Municipalities with these types of projects.

Mr. Buffamante directed Corey Wiktor to work with Hodgson/Russ in regards to developing a plan for the decommissioning of the Solar Projects that would be added to our Solar Policy. Mr. Wiktor said that he would look at this and make a presentation to the Board at the December Board Meeting.

Mr. Buffamante stated that something should be included in our documents at closing in regards to a bond or some other financial responsibility that would make the County and Town's involved more comfortable about the future of these projects.

Mr. Snyder stated that there are some very toxic materials that are in these solar panels and his main concern is that these projects will be walked away from and the burden of cleanup of toxic waste will would fall back on the Cattaraugus County Citizens.

Mr. Wiktor stated that this decommissioning issue is a real concern for everyone involved. Mr. Driscoll had a question in regards to making this new criteria part of the projects that are already in the process, which would add additional costs to each project. Mr. Wiktor said that he believes that several Solar Companies that we are dealing with are aware that the decommissioning is an ongoing issue, so this is nothing new to the Solar Developers.

Mr. Wiktor also brought up the local labor issue in regards to Projects being Approved by the CCIDA. Ginger Schroder had sent the Board Members an article in regards to the Wind Farm in Cassadaga, NY and the use of out of town labor for that project. Mr. Wiktor stated that he would provide each Board Member a copy of our Claw Back Policy that the CCIDA currently has in use.

Mr. Buffamante stated that he feels we should have stronger verbiage included in our Labor Policy in regards to local labor being used as much as possible for all CCIDA Projects.

### **(1.) Portville CSG 1 LLC.:**

Portville CSG 1, LLC. had submitted an application to the CCIDA at the May 7<sup>th</sup>, 2020, Board of Directors Meeting regarding their proposed project in Olean, NY. A Public Hearing was held at the CCIDA offices in Ellicottville via conference call on May 29, 2020 at 10:00 a.m. Minutes were included in the Board Packets for the Board members review.

#### **Resolution:**

**A Motion** was made by Joseph Higgins, seconded by Brent Driscoll, **RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT FOR PORTVILLE CSG 1 LLC (THE “COMPANY”)** A Roll Call vote was taken, Mr. Buffamante, Mr. Driscoll, Mr. Higgins, Mr. Snyder, Mr. Stahley, and Ms. Schroder voted yes. Mr. Wimer was excused. **Motion Carried**

### **(2.) Portville CSG 3 LLC.:**

Portville CSG 3, LLC. had submitted an application to the CCIDA at the May 7<sup>th</sup>, 2020, Board of Directors Meeting regarding their proposed project in Olean, NY. A Public Hearing was held at the CCIDA offices in Ellicottville via conference call on May 29, 2020 at 10:30 a.m. Minutes were included in the Board Packets for the Board members review.

#### **Resolution:**

**A Motion** was made by Joseph Higgins, seconded by Brent Driscoll, **RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT FOR PORTVILLE CSG 3 LLC (THE “COMPANY”)** A Roll Call vote was taken, Mr. Buffamante, Mr. Driscoll, Mr. Higgins, Mr. Snyder, Mr. Stahley, and Ms. Schroder voted yes. Mr. Wimer was excused. **Motion Carried**

**(3.) Portville CSG 4 LLC.:**

Portville CSG 4, LLC. had submitted an application to the CCIDA at the May 7<sup>th</sup>, 2020, Board of Directors Meeting regarding their proposed project in Olean, NY. A Public Hearing was held at the CCIDA offices in Ellicottville via conference call on May 29, 2020 at 11:00 a.m. Minutes were included in the Board Packets for the Board members review.

**Resolution:**

**A Motion** was made by Joseph Higgins, seconded by Brent Driscoll, **RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT FOR PORTVILLE CSG 4 LLC (THE “COMPANY”)** A Roll Call vote was taken, Mr. Buffamante, Mr. Driscoll, Mr. Higgins, Mr. Snyder, Mr. Stahley, and Ms. Schroder voted yes. Mr. Wimer was excused. **Motion Carried**

**Adjournment:**

**A Motion** was made by James Snyder seconded by Brent Driscoll to adjourn the meeting at 11:30 a.m. All in Favor – **Motion Carried.**

**\* Next CCIDA Board of Directors Meeting: Tuesday, October 20, 2020 at 11:15 a.m. at the CCIDA Offices in Ellicottville, New York via conference call\***