

County of Cattaraugus
Industrial Development Agency

BOARD OF DIRECTORS MEETING - AGENDA

Tuesday, June 21, 2022
CCIDA Office
9 E. Washington Street
Ellicottville, NY
11:15 a.m.

To access the Board meeting via Zoom/Conference Call, please see the applicable information at the end of the agenda to do so.

-Call the Meeting to Order-Time:

-Roll Call- Board of Directors of the CCIDA:

-Approval of May 24, 2022 CCIDA Board of Directors Meeting Minutes:

New Application/Project

(#1.) Olean Town Centre, LLC./Olean Center Mall:

The CCIDA has received a Sale/Leaseback Application and write up from the development team at Olean Town Centre, LLC. Relating to their proposed redevelopment of the Olean Center Mall. Mr. Angelo Ingrassia will be at the IDA's Board meeting to give a presentation and overview of the proposed project.

A proposal letter was also submitted by Mr. Stephen E. Hall, Attorney At Law for Mr. Ingrassia, which is on your placemat.

Resolutions from Prior Applications/Projects that are in Process

(#1.) Megalomania LLC (Marquee Brewing): *(Application was made to the IDA on 05/24/22, Sales Tax Only.)*

The Total Project Investment: \$130,000.

- ✓ Inducement Resolution – Megalomania LLC

(#2.) Lebanon Seaboard Corp (PennTurf): *(Application was made to the IDA on 04/26//22 – Public Hearing was held on June 20, 2022.)*
The Total Project Investment: \$4,025,000.

✓ Inducement Resolution – Lebanon Seaboard Corp.

(#3.) County Line Recovery, Inc.: *(Application was made to the IDA on 05/24/22 – Public Hearing was held on June 20, 2022.)*
The Total Project Investment: \$1,050,000.

✓ Inducement Resolution – County Line Recovery, Inc.

***Uniform Tax Exemption Policy Discussion and Review:**

-Review and discussion of the current CCIDA UTEP Policy in regards to the Agency's current Wind PILOT terms and rates. Copies of the current Policy have been included in your packet for review. *(The IDA has not adjusted the PILOT dollar amount based on installed MW for wind in over 10 years).*

***CCIDA Financial Report:**

-Approval of Financial Report – **May 2022**

-May 2022 CCIDA Income: \$65,251.00

*(Partial Admin. Fee – 351 Franklin Street –\$ 34,005)
(Admin. Fee – Win Sum Ski Corp. - \$31,246)*

In addition to the May Income as stated, the IDA has and or will be closing on the following projects in June:

-Otto CSG 1, LLC: **\$25,000.00** (Administrative Fee – Solar Project)
- Pivot Energy, Inc. **\$49,698.00** (Administrative Fee – Solar Project)

May 2022 CCCRC Income: \$225,000.00

(These fees were received and will be reflected in the June financials, equating the total income for May and June 2022 for both Agency's to: **\$364,949.00**).

-The Agency is also working on closing documents relating to f (12) active projects at this time. ***These projects are projected to close within this year; several of these projects are in "Final Document" stages.***

*Executive Directors Reports:

-Internal (IDA Meetings/Discussions):

- ✓ The CCIDA & Cattaraugus County hosted a CFA Training/informational session on June 8th at Holiday Valley relating to this years Round of possible project funding. The IDA is considering putting in an application or 2 on possible projects. More to come in the next few weeks.
- ✓ Met with JCC relating to the topic and discussion on Work-force Development. We are having 2 sessions in August as a roundtable with area businesses and Companies to discuss ideas, thoughts and strategies to keep working on the topic of Work-force Development.
- ✓ Corey was recently appointed to the STERA Board of Directors. I greatly appreciate the opportunity to be on the STERA Board!
- ✓ Met with Mayor Aiello in the City of Olean for a project and development update meeting.
- ✓ Attended WNYIDA Managers meeting to discuss proposed Budget items and various WNY projects, etc.
- ✓ Met with a WNY based Logistics Company who is considering a location in the Olean area for a new project and development. Sounds promising. We've had 2 meetings over the past month. More to follow.
- ✓ We spent a day with an out of state Manufacturing company that is looking for Industrial land in the Allegany/Olean, NY area. The business is looking to make a significant investment, we are hoping to land this Company. More details to follow as we work on the infrastructure needs of the proposed Company.
- ✓ Catch up Meeting in Buffalo with Legal Counsel to discuss active projects and closings.
- ✓ Had a few meetings relating to the redevelopment of the Olean Center Mall. More to follow in the next few weeks. This proposed project sounds very exciting.
- ✓ Met with Bob Dingman and Mel Shaw with the NYLE RR for a meeting on operations, train rides, events, projects, etc.
- ✓ Zoom meeting with a local developer/investor who is considering a Brownfield project in Olean. The developer is working through the possible clean up process and quotes and bids, and will be back in touch with me.
- ✓ Attended OBDC Monthly meeting.
- ✓ Met with a WNY Real Estate investor who is looking at a property and building in the western area of Cattaraugus County. The proposed buyer is very interested

in the property, and we discussed ways the IDA can help on the purchase and investment, adaptive reuse.

- ✓ Dinner meeting with Senator Borrello and Bill Paladino with Ellicott Development.
- ✓ Meeting with Greg Sehr to discuss several projects that we have in the works.
- ✓ Met with a WNY hotel developer who is considering a project in Cattaraugus County. More to come in July/August.
- ✓ Attended the IBN Board Meeting in Buffalo. Also outlined various project updates to the group on the County as well.
- ✓ Meeting with Sean Doyle from the Hamburg IDA to discuss a project that is looking to happen in both areas.
- ✓ Met with a tourism destination project who will be seeking IDA assistance on a proposal at our July Board meeting. More information to follow for the Board to review and discuss.
- ✓ We are having a "Great Lakes Cheese Development" meeting on Thursday June 23rd at 8:30 AM at the IDA comprised of various Leaders and Officials to discuss possible new projects and developments that could result in future development made possible by the GLC Project.
- ✓ Working with a local real estate commercial broker on finding a location within the County for a client of his.
- ✓ Met with 2 local project developers who are planning a summer application to the IDA with respect to their proposed Ag. Project. Sounds very promising and exciting.
- ✓ Met with Ed Giardini from Local Laborers' Local 621 to discuss area construction, workers, investment and the data collection of how positively the solar projects have been for area labor and construction. More to report to the Board.

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

- ✓ **WHAM:** Article "*Monroe County launches initiative to keep college graduates in area.*" Grants will be offered directly through employers. New hires must have at least a four-year degree directly related to their position in advanced manufacturing, life sciences, pics, photonics, imaging or software/information technology.
- ✓ **NY State of Politics:** Article. "*Fossil fuel giants would pay New York State \$30 Billion under new climate bill.*" Fossil fuel companies that have emitted significant greenhouse gases leading to the climate crisis would be required to pay a combined \$30 billion to the state for environmental upgrades under new legislation introduced.

- ✓ **2022 New York State Legislative Session Summary:** *“The 2022 legislative session concluded late last week with a record 1007 bills passing both the Senate and Assembly. The NYSEDC tracked, weighted in on, and/or helped edit language more than 80 bills this year that would impact our members and economic development efforts across New York State.”*
- ✓ **Steelbound Brewery:** Article relating to Steelbound Brewery’s proposed expansion projects and projects. This is excellent news!
- ✓ **Dr. Jeff Gingerich-St. Bonaventure’s 22ND President:** A recent news article from Business First highlighting SBU’s incoming President and Leader.
- ✓ **BisNow National:** *“High Housing Cost Challenging Corporations In Search of New Homes.”* Sky-high housing costs have hampered many would-be homeowners from finding the home of their dreams. Increasingly, companies looking for new sites for warehouses, manufacturing space and even offices are facing the same fate, as jarring double-digit jumps in home prices and rents have caused many to re-evaluate their site selection decisions.
- ✓ **Billings Sheet Metal:** June 2022 Monthly Market Bulletin.

Adjournment

Motion- :
:

Time:

*** Next CCIDA Board of Directors Meeting is scheduled for July 26, 2022 at 11:15 a.m. at the CCIDA Offices in Ellicottville, NY.**

Zoom Meeting access Information:

Topic: County of Cattaraugus IDA
Time: Jun 21, 2022 11:15 AM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/82378830136?pwd=aTZTdE9iSlowcjcwSVBxMVRWWUZIZz09>

Meeting ID: 823 7883 0136
Passcode: 094782
One tap mobile
+19292056099,,82378830136#,,,,*094782# US (New York)
Dial by your location
+1 929 205 6099 US (New York)

Meeting ID: 823 7883 0136
Passcode: 094782

**COUNTY OF CATTARAUGUS
INDUSTRIAL DEVELOPMENT AGENCY**

BOARD MEETING MINUTES

May 24, 2022
CCIDA Offices
9 East Washington Street
Ellicottville NY 14731
11:15 a.m. In Person or via Teleconference Call/Zoom

Roll Call: -Taken-

Members

Present:

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

Excused:

CCIDA Staff/Counsel:

Mr. Corey R. Wiktor, Executive Director CCIDA
Mr. Robert Murray, Harris Beach PLLC Legal Counsel

Presenters/Guests:

Mr. Greg Sehr – *Upstate Consultants LLC*
Mrs. Crystal Abers – *Director, Economic Development Planning & Tourism*

Chairman, Thomas Buffamante called the meeting to order at 11:21 a.m.

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

A Motion was made by Brent Driscoll seconded by Joseph Higgins to accept the Board Meeting Minutes from

April 26, 2022 as presented to the Board. All in favor. **Motion Carried.**

New Applications/Projects

(#1.) Marquee Brewing (Megalomania, LLC.):

The CCIDA has received a Sale/Leaseback Application from Marquee Brewing (Megalomania, LLC) with respect to their project of opening up a brewery in the Village of Portville (location is the former Portville Drug Store). The project consists of equipment purchases and several improvements and upgrades to the building.

Marquee Brewing will be brewing alcoholic versions of sodas, seltzers and tea, as well as non-alcoholic versions. The owner has over 6 years in making and selling these various drinks in Seattle, WA. Marquee Brewing will also sell other brewed beers and ciders.

The Total Project Investment: \$130,000.

(#2.) County Line Recovery, Inc.:

The CCIDA also received a Sale/Leaseback Application from County Line Recovery, Inc. with respect to their project of constructing a new 125 x 150 clear span building for material recycling. The project also includes various pieces of equipment which are all needed to operate a post-consumer recycling facility.

County Line Recovery, Inc. owns the nearly 5-acre parcel that is on Henrietta Road in the Town of Ashford. The Company is looking to construct a new, larger facility to recover, sort and recycle post-consumer recycling. They will be recovering recycling from Catt. County transfer stations, municipalities and numerous Towns, Villages etc. This new facility will add a much-needed component to Cattaraugus County and the surrounding area.

The Total Project Investment: \$1,050,000.

Resolution from Prior Application/Project in Process

1.) Win Sum Ski Corp.:

Resolution:

A Motion was made by Joseph Higgins seconded by Brent Driscoll RESOLUTION OF THE COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF WIN SUM SKI CORP. AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iii) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN

AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS. A Roll Call vote was taken, Mr. Buffamante, Mr. Driscoll, Ms. Schroder, Mr. Higgins, Mr. Snyder, Mr. Wimer and Mr. Stahley votes yes. **Motion Carried.** *(Mr. Buffamante stated that his firm does business with Win Sum Ski Corp. however he has no financial interest in the Company or this particular project.)*

2.) Otto CSG 1: (Mortgage Recording Tax Exemption)

Resolution:

AMENDATORY INDUCEMENT RESOLUTION OF THE COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE APPROVAL OF A MORTGAGE RECORDING TAX EXEMPTION BENEFIT. Roll Call vote was taken, Mr. Buffamante, Mr. Driscoll, Ms. Schroder, Mr. Higgins, Mr. Snyder, Mr. Wimer and Mr. Stahley votes yes. **Motion Carried.**

Mr. Wiktor discussed with the Board the Solar Projects that have been submitted to the CCIDA. Mr. Wiktor would like to request that the CCIDA Board put a **Moratorium on Solar Projects** which includes not accepting any additional Solar Applications as of today to through November 30, 2022 or until the Board deems that we should start taking Solar Applications again. Mr. Wiktor would like to pole other IDA's to get additional information on the Solar Projects in their Counties. When Mr. Wiktor has received this information, he will report back to the CCIDA Board with his findings and the Board will discuss at that time.

Mr. Wiktor also mentioned that any Solar Applications that we currently have that were previously submitted will be grandfathered in and will continue through our closing process.

A Motion was made by Brent Driscoll seconded by Michael Wimer to place a Moratorium on Solar Projects until November 30, 2022 or until the Board decides differently.

***CCIDA Financial Reports:**

A **Motion** was made by Joseph Higgins seconded by James Snyder to accept the April 2022 Operating Statement as presented to the Board. All in Favor **Motion Carried.**

April 2022 had income of \$1,500 from the Application Fee for Win Sum Ski Corp.

In addition to the April Income as stated, the IDA has and or will be closing on the following projects in May:

- St. Bonaventure University: **\$225,000.00** (CCRC Bond Deal)
- 351 Franklin Street Project: **\$34,005.00** (partial fee as agreed upon)
- Win-Sum Ski Corp. Project: **\$31,246.00** (2022 Project. Closing in May 2022)

The Agency is also working on closing documents relating to fourteen (14) active projects at this time. ***These projects are projected to close within this year; several of these projects are in "Final Document" stages.***

Executive Directors Reports:

-Internal (IDA Meetings/Discussions):

- ✓ Met with Mark Shaw (Cattaraugus County) with Crystal Abers and Richard Zink from STW to discussing loans and financing programs relating to a new recycling project in the Town of Ashford.
- ✓ Attended the groundbreaking event on Thursday April 28th in the Town of Farmersville and Franklinville. 230+ people were on hand for this historic event!
- ✓ Corey will be attending the NYSEDC Annual Conference in Cooperstown on May 25th through the 27th. A number of great topics are on the agenda.
- ✓ Met with Mayor Aiello in the City of Olean for a project and development update meeting.
- ✓ Attended WNYIDA Managers meeting to discuss proposed Budget items and various WNY projects, etc.
- ✓ Met with a Regional Brewer is who is considering a project in Cattaraugus County. This would be a great investment and growth in employment. Fingers crossed!
- ✓ We spent a day with an out of state Manufacturing company that is looking for Industrial land in the Allegany/Olean, NY area. The business is looking to make a significant investment, we are hoping to land this Company. More details to follow as we work on the infrastructure needs of the proposed Company.
- ✓ Catch up Meeting in Buffalo with Legal Counsel to discuss active projects and closings.
- ✓ Discussed with proposed warehousing project in Olean. More details to follow. Owner is proposing putting the building in the Brown Field Clean-up program.
- ✓ Met with Bob Dingman and Mel Shaw with the NYLE RR for a meeting on operations, train rides, events, projects, etc.
- ✓ Took part in the Buffalo Niagara Partnership, Transportation/Infrastructure meeting. Very good meeting, we are hoping to work with DOT on the requested road upgrades that are needed on Route 16, relating to the GLC Project.
- ✓ Attended OBDC Monthly meeting.
- ✓ Met with a WNY Real Estate investor who is looking at a property and building in Cattaraugus County. The proposed buyer is very interested in the property, and we discussed ways the IDA can help on the purchase and investment.
- ✓ Dinner meeting with Senator Borrello and Bill Paladino with Ellicott Development coming up in June to discuss projects, etc.
- ✓ Meeting with Greg Sehr to discuss several projects that we have in the works.

- ✓ Conference call with Senator Borrello and his Staff to review and update them on several projects that we are working on.
- ✓ I have a meeting on June 1st with Leaders at JCC to discuss the all-important topic of Workforce Development/Retention. I will report on this meeting to the Board at our June IDA meeting.
- ✓ On June 8th at 2:00 PM at Holiday Valley, the IDA will be sponsoring this educational event for this year's round of the CFA. Cattaraugus County, ESD and others will be part of this informative day.
- ✓ Continued weekly St. Bonaventure conference calls relating to their proposed \$25 Million Dollar Tax-exempt that is going through the CCCRC.
- ✓ Working with a local real estate commercial broker on finding a location within the County for a client of his.

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

- ✓ **Great Lakes Cheese breaks ground for \$500M Plant:** Olean Times Herald article on the Ground breaking held on April 28 in Farmersville for the new Great Lakes Cheese Manufacturing facility. There were more than 200 guests in attendance including the Epprecht Family that owns the Company.
- ✓ **Governor Kathy Hochul:** Governor Hochul Announces Great Lakes Cheese Breaks Ground on \$518M Manufacturing and Packaging Plant in Cattaraugus County. *"Family and Employee-Owned Company to Retain 228 Employees, add 215 Jobs in Western New York"*.
- ✓ **Buffalo Niagara Partnership:** *"Advocacy Day – Transportation Infrastructure"*, Zoom seminar participated in on May 10, 2022, very informative.
- ✓ **Governor Hochul:** *"Governor Hochul Announces creation of the New York State office of Strategic Workforce Development"*. This new office will target state's workforce development efforts toward regional businesses needs and workers' long-term success.
- ✓ **Empire State Development:** "Empire State Development-ESD holding a CFA Workshop in Cattaraugus County on June 8, 2022 at 2:00 p.m. at Holiday Valley.
- ✓ **Northland:** Annual Report 2020-2021 for Northland Workforce Training Center.

Adjournment:

Adjournment: *In Memory of James J. Snyder, who passed away on May 11, 2022. We will greatly miss Mr. Snyder and his Leadership within Cattaraugus County and his pure love of this County and Community. The IDA Board and Staff sends our deepest condolences to the entire Snyder family. Thank you for all that you've done for our County. GO Cuse'!*

A Motion was made by Brent Driscoll seconded by Michael Wimer to adjourn the meeting at 12:45 p.m. All in Favor – Motion Carried

*** Next CCIDA Board of Directors Meeting: Tuesday, June 21, 2022 at 11:15 a.m. at the CCIDA Offices, 9 E. Washington Street, Ellicottville, NY, and also via Zoom.**

**COUNTY OF CATTARAUGUS INDUSTRIAL
DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION**

**MEGALOMANIA LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S),
SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS
BEHALF**

A regular meeting of the County of Cattaraugus Industrial Development Agency was convened on Tuesday, June 21, 2022 at 11:15 a.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF MEGALOMANIA LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iii) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, AND (iv) AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

WHEREAS, County of Cattaraugus 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 536 of the 1971 Laws of New York, as amended, constituting Section 890-b 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 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, MEGALOMANIA LLC or on behalf of an affiliated entity formed or to be formed (the “Company”) has submitted an application to the Agency (the “Application”) requesting the Agency’s assistance with a certain project (the “Project”) consisting of a certain project located at 12 South Main Street, Town of Portville, New York (the “Land”) consisting of: the renovation on the Land of an approximately 3,000 square-foot facility to be utilized for alcoholic and non-alcoholic brewing/mixing of seltzers and sodas (the “Improvements”), and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”); and, together with the Land and the

WHEREAS, the Financial Assistance (as hereinafter defined) being contemplated by the Agency shall not exceed \$100,000, until a Public Hearing is held, if at all, and a subsequent resolution is passed pursuant to General Municipal Law Section 859-a; and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the “Agent Agreement”), and (ii) provide Financial Assistance to the Company in the form of an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility (“Financial Assistance”); and

WHEREAS, the Project is a “Type II action” as said term is defined in under the State Environmental Quality Review Act (“SEQRA”) and therefore no other determination or procedures under SEQRA are required; and

WHEREAS, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

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

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company’s application and any other correspondence submitted by the Company to the Agency, and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and/or renovating and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing and/or retaining employment opportunities in Cattaraugus County, New York while promoting the general prosperity and economic welfare of the citizens of Cattaraugus County, New York, and the State of New York and improving their standard of living and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries, and, to the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the Intermunicipal Movement procedures as required in the Countywide Industrial Development Agency Uniform Tax Exemption Policy; and

(F) The Agency has assessed all material information included in connection with the Application necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project as described herein; and

(G) The Agency has prepared a written cost-benefit analysis identifying the extent to which the Project will create or retain permanent, private sector jobs, the estimated value of any tax exemption to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the Project in a timely fashion, and the extent to which the Project will provide additional sources of revenue for municipalities and school districts, and any other public benefits that might occur as a result of the Project; and

(H) The Company has provided a written statement confirming that the Project as of the date of the Application is in substantial compliance with all provisions the Act.

(I) The Project qualifies for Agency Financial Assistance as it meets the Agency's general uniform criteria for project evaluation, said criteria established by New York State and the Agency as required under General Municipal Law Section 859-a(5) as evidenced by the following:

- (i) Extent to which the Project will create or retain jobs: The Project will retain 1 FTE and 3 PTE employee positions and create up to 3 new FTE employee positions.

- (ii) The estimated total value of Financial Assistance is approximately \$8,900.
- (iii) The estimated amount of private sector investment to be made by the Company is \$111,503.
- (iv) Likelihood of the Project being accomplished in a timely fashion: There is a high likelihood that the Project will be completed in a timely manner, by September, 2022.
- (v) Extent of new revenue provided to local taxing jurisdictions: It is expected that new local sales tax revenues will increase due to the undertaking of and the operations associated with the Project.
- (vi) Any additional public benefits: The Project will produce new annual payroll of approximately \$130,260.
- (vii) The extent to which the Project will create local construction jobs. Local construction laborers will be utilized to the extent construction work is undertake requiring use of such laborers.

Section 2. The Agency hereby authorizes the undertaking of the Project and the provision of the Financial Assistance to the Company as described herein.

Section 3. Subject to the Company executing an Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of insurance for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and/or renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the appointment of the Company as agent of the Agency, if utilized, shall expire one year from the date of this resolution (unless extended for good cause by the Chairman, the Vice Chairman, and/or the Executive Director).

A. Financial Assistance. With respect to the foregoing, and based upon the representations and warranties made by the Company in its application for Financial Assistance, the Agency hereby:

- (i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$111,503.00, and, therefore, the value of the sales and use tax exemption benefits (“sales and use tax exemption benefits”) authorized and approved by the Agency cannot exceed \$8,920.24, however, the Agency may consider any requests by the Company for increases to the

amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

B. Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for Financial Assistance; and/or (v) the New York State and local sales and use tax exemption benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment and/or the Employment Commitment as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

As a condition precedent of receiving Financial Assistance, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must cooperate with the Agency in its efforts to recover or recapture any Financial Assistance, and promptly pay over any such amounts to the Agency that the Agency demands.

(C) Commitments. As an additional condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the conclusion of the later of two (2) years following either (x) the construction completion date, or (y) the termination of the Agent Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment - the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$111,503.00, being the total project cost as stated in the Company's application for Financial Assistance.
- (ii) Employment Commitment – that there are at least 4 existing full time equivalent (“FTE”) employees and 3 part-time equivalent (“PTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and

- the number of current FTE and PTE employees in the then current year at the Facility.

Section 4. Subject to the terms of this Inducement Resolution, the Chairman, the Vice Chairman, and/or the Executive Director are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver the Agent Agreement, a sales tax exemption letter (the "Sales Tax Exemption Letter"), a bill of sale (the "Bill of Sale") whereby the Agency at the completion of the installation period transfers to the Company title to the Equipment acquired during the installation period by the Company as agent of the Agency, and related documents.

Section 5. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 6. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to payment by the Company of an administrative fee calculated in accordance with the Agency's policies.

Section 7. This resolution shall take effect immediately, and shall expire one (1) year from the date hereof unless extended for good cause by the Chairman, the Vice Chairman, and/or the Executive Director.

Dated: June 21, 2022

**COUNTY OF CATTARAUGUS INDUSTRIAL
DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION**

**LEBANON SEABOARD CORPORATION, AND/OR INDIVIDUAL(S) OR
AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED
ON ITS BEHALF**

A regular meeting of the County of Cattaraugus Industrial Development Agency was convened on Tuesday, June 21, 2022 at 11:15 a.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF LEBANON SEABOARD CORPORATION, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iv) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (v) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

WHEREAS, County of Cattaraugus 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 536 of the 1971 Laws of New York, as amended, constituting Section 890-b 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 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, the Company has submitted an application to the Agency (the “Application”) requesting the Agency’s assistance with a certain project (the “Project”) consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located at 30 Pennsylvania Avenue in the Town of Franklinville, Cattaraugus County, New York (the “Land”), (ii) renovations and improvements to the current 54,000+/-sq. ft. building as well as construction of an approximately 1,600+/- sq. ft. addition (the “Improvements”); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”); and, together with the Land and the Improvements, the “Project Facility”); and

WHEREAS, pursuant to General Municipal Law Section 859-a, on June 20, 2022 at 10:00 a.m., at the Village of Franklinville, 19 Pennsylvania Avenue, Franklinville, New York, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the “Public Hearing”) whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the “Agent Agreement”), (ii) negotiate and enter into a lease agreement (the “Lease Agreement”) and related leaseback agreement (the “Leaseback Agreement”) with the Company, pursuant to which the Agency will retain a leasehold interest in the Land, the Existing Improvements, the Improvements, the Equipment and personal property constituting the Facility; and (iii) provide Financial Assistance to the Company in the form of (a) an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility, and (b) a partial abatement from real property taxes benefit through a (15) fifteen year term PILOT Agreement for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption benefit and the partial abatement from real property taxes benefit, are hereinafter collectively referred to as the “Financial Assistance”); and

WHEREAS, the contemplated PILOT Agreement deviates from the Agency’s Policy standard Regular Manufacturing Facility PILOT as follows: (i) during years 1-10, the applicable 100% exemption will be applied to both the non-depreciable portion of all tax parcels comprising the Project (assessed as land) and to the depreciable portion of all tax parcels constituting the Project (assessed as buildings or other improvements), and (ii) during years 11-15, the Company shall pay a total annual PILOT payment amount of \$23,000, said total PILOT payment amount

to be allocated among the Affected Tax Jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each Affected Tax Jurisdiction had the Project not been tax exempt due to the status of the Agency.

WHEREAS, Notice Letters detailing the requested PILOT Agreement deviation as so described herein were mailed or delivered to the chief executive officers of each Affected Tax Jurisdiction on June 7, 2022; and

WHEREAS, at this June 21, 2022, meeting of the Agency, the Agency allowed representatives of all Affected Tax Jurisdictions present at the meeting to address the Agency with respect to the deviation from the Agency's Uniform Tax Exemption Policy; and

WHEREAS, because the Project involves the removal or abandonment of a facility or plant within the state, written notification of same was provided by the Agency on April 7, 2022, to the chief executive officer or officers of the municipality or municipalities located in the Town of Arcade, Wyoming County, New York, where the prior industrial facility of the Company is located; and

WHEREAS, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

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

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any, Agency board member review of the Project's cost-benefit ratio, and Agency board member review, discussion, and consideration of the foregoing, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and/or renovating and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing and/or retaining employment opportunities in Cattaraugus County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries, and, to the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the Intermunicipal Movement procedures as required under the Act; and

(F) The Agency has assessed all material information included in connection with the Application necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project as described herein; and

(G) The Agency has prepared a written cost-benefit analysis satisfactorily identifying the extent to which the Project will create or retain permanent, private sector jobs, the estimated value of any tax exemption to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the Project in a timely fashion, and the extent to which the Project will provide additional sources of revenue for municipalities and school districts, and any other public benefits that might occur as a result of the Project; and

(H) The Company has provided a written statement confirming that the Project as of the date of the Application is in substantial compliance with all provisions the Act; and

(I) The Project involves a "Type II action" as said term is defined in under the State Environmental Quality Review Act ("SEQRA") and therefore no other determination or procedures under SEQRA are required; and

(J) The Project qualifies for Agency Financial Assistance as it meets the Agency's general uniform criteria for project evaluation, said criteria established by New York State and the Agency as required under General Municipal Law Section 859-a(5) as evidenced by the following:

- (i) Extent to which the Project will create or retain jobs: The Project will retain 5 FTE employee positions and create 2 new FTE employee positions within two years of the Project Completion Date.
- (ii) The estimated total value of Financial Assistance over the 15-year term of the PILOT Agreement is approximately \$257,475.
- (iii) The estimated amount of private sector investment to be made by the Company is \$4,025,000.
- (iv) Likelihood of the Project being accomplished in a timely fashion: There is a high likelihood that the Project will be completed in a timely manner, by December 31, 2022.
- (v) Extent of new revenue provided to local taxing jurisdictions: It is estimated that local sales tax revenues will increase due to the undertaking

of the Project, due the retention and creation of a total of 7 FTE employee positions and the operations of the Project Facility.

- (vi) Any additional public benefits: Cattaraugus County will positively benefit due to the retention and creation of a total of 7 FTE employee positions, resulting in the maintenance of approximately \$9,885,000 in payroll over the term of the PILOT Agreement.

(K) The proposed Financial Assistance to be provided under the PILOT Agreement with respect to the Project partially deviates from the terms of the Agency's UTEP and the Agency hereby approves of the PILOT Agreement deviation as described herein. In making this determination, the Agency has considered the following factors as required by the Act and the Agency's UTEP, no single one of which is determinative:

- The nature of the proposed project (for example, manufacturing, commercial, civic, etc.). The Company is losing its lease after 30 years of operations at its current facility located within the Town of Arcade, Wyoming County, and is proposing to abandon its New York manufacturing operations and moving them closer to already existing facilities in Pennsylvania. The Project is a manufacturing project providing seven full time employee positions and proposes to retain these same positions, and also provides indirect secondary benefits (manufacturing supply side purchases, employee expenditures on local goods and services) to residents of Cattaraugus County.
- The nature of the property before the project begins. The Project will be located upon, abandoned property.
- The economic condition of the area at the time of the application and the economic multiplying effect the project will have on the area. The proposed new facility is currently abandoned and vacant. The Project involves an approximately \$4,025,000 investment/expenditure on acquisition and rehabilitation, and fit-out costs, to return the site to productive use, enable the Company to remain in Western New York, and allow for the retention and creation of jobs for the benefit of the families and Western New York community.
- The extent to which the project will create or retain permanent, private sector jobs, the number of jobs to be created/retained and/or the salary ranges of such jobs. The Project will retain seven existing full time employees positions. Salary/benefits range from \$36,000 to \$102,000.
- The estimated value of tax exemptions to be provided. Sales tax exemption benefits are estimated at \$12,320, and real property tax abatement benefits are estimated at \$245,255 over the term of the 15 year PILOT Agreement.
- The economic impact of the project and the proposed tax exemptions on affected tax jurisdictions. Per the Project's cost-benefit analysis, the Project

will produce \$10,214,417 million of economic benefits (local benefits to private individuals (payroll) and local and state tax revenues) over the term of the PILOT Agreement, and receive \$257,475 in total tax exemptions.

- The impact of the proposed project on existing and proposed businesses and economic development projects in the vicinity. See the second bullet, above. By maintaining its presence in Western New York, there will be no adverse impacts on existing and/or proposed businesses.
- The amount of private sector investment generated or likely to be generated by the proposed project. The Project involves over \$4,000,000 in private sector investment.
- The likelihood of accomplishing the propose project in a timely fashion. The Project is anticipated to be completed by December, 2022.
- The effect of the proposed project upon the environment and surrounding property. The Project is a Type II action under the New York State Environmental Quality Review Act (“SEQR”) and has been determined not to have a significant adverse impact on the environment.

Section 2. The Agency hereby authorizes the undertaking of the Project and the provision of the Financial Assistance to the Company as described herein.

Section 3. Subject to the Company executing an Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of insurance for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and/or renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the appointment of the Company as agent of the Agency, if utilized, shall expire one year from the date of this resolution (unless extended for good cause by the Chair, the Vice Chair, and/or the Executive Director).

A. Financial Assistance. With respect to the foregoing, and based upon the representations and warranties made by the Company in its application for Financial Assistance, the Agency hereby:

- (i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$154,000, and, therefore, the value of the sales and use tax exemption benefits (“sales and use tax

exemption benefits”) authorized and approved by the Agency cannot exceed \$12,320, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

(iii) authorizes and approves that the real property tax abatement benefits (“PILOT benefits”) to be provided over the term of the PILOT Agreement are estimated to be approximately \$245,255, resulting in estimated total PILOT payments of \$115,000 over the term of the PILOT Agreement.

B. Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits, and/or partial abatements from real property taxes benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for Financial Assistance; and/or (v) the New York State and local sales and use tax exemption benefits and/or the partial abatement from real property taxes benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment and/or the Employment Commitment, said commitments, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

As a condition precedent of receiving Financial Assistance, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must cooperate with the Agency in its efforts to recover or recapture any Financial Assistance, and promptly pay over any such amounts to the Agency that the Agency demands.

(C) Commitments. As an additional condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment - the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$4,025,000, being the total project cost as stated in the Company's application for Financial Assistance.
- (ii) Employment Commitment – that there are at least 5 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and
 - the number of current FTE employees in the then current year at the Facility; and
 - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 7 FTE employees [representing the sum of (x) 5 Baseline FTE employees and (y) 2 new FTE employees, (being the 2 new FTE employee positions proposed to be created by the Company as stated in its Application)].

Section 4. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, and/or the Executive Director, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver (A) an Agent Agreement, (B) the Lease Agreement whereby the Company leases the Project to the Agency, (C) the related Leaseback Agreement whereby the Agency leases the Project back to the Company, and (D) the PILOT Agreement and (E) related documents; provided, however, that (i) the rental payments under the Leaseback Agreement to the Company include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency's Uniform Tax Exemption Policy (“UTEP”), or procedures for deviation have been complied with accordingly.

Section 5. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, and/or the Executive Director, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the “Lender”) up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance acquisition and Project costs or equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement, and related documents, collectively called the “Agency Documents”); and, where appropriate, the Secretary or the Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair, the Vice Chair, and/or the Executive Director of the Agency shall approve, the execution thereof by the Chair, the Vice Chair, and/or the Executive Director of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 6. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required

and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 7. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the Agency's policies.

Section 8. This resolution shall take effect immediately, and shall expire one (1) year from the date hereof unless extended for good cause by the Chair, the Vice Chair, and/or the Executive Director.

Dated: June 21, 2022

**COUNTY OF CATTARAUGUS INDUSTRIAL
DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION**

**COUNTY LINE RECOVERY, INC., AND/OR INDIVIDUAL(S) OR AFFILIATE(S),
SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS
BEHALF**

A regular meeting of the County of Cattaraugus Industrial Development Agency was convened on Tuesday, June 21, 2022 at 11:15 a.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF COUNTY LINE RECOVERY, INC., AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

WHEREAS, County of Cattaraugus 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 536 of the 1971 Laws of New York, as amended, constituting Section 890-b 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 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, the Company has submitted an application to the Agency (the “Application”) requesting the Agency’s assistance with a certain project (the “Project”) consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located at 7023 Henrietta Road in the Town of West Valley, Cattaraugus County, New York (the “Land”), (ii) the construction of an additional 12,500+/- sq. ft. expansion to the Company’s existing facility for a clear span building for material recycling (the “Improvements”); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”; and, together with the Land and the Improvements, the “Project Facility”). The Facility will be initially operated and/or managed by the Company; and

WHEREAS, pursuant to General Municipal Law Section 859-a, on June 20, 2022, at 8:00 a.m., at the Town of Ashford’s offices located at 9377 Route 240, West Valley, New York, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the “Public Hearing”) whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the “Agent Agreement”), (ii) negotiate and enter into a lease agreement (the “Lease Agreement”) and related leaseback agreement (the “Leaseback Agreement”) with the Company, pursuant to which the Agency will retain a leasehold interest in the Land, the Existing Improvements, the Improvements, the Equipment and personal property constituting the Facility; and (iii) provide Financial Assistance to the Company in the form of (a) an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility, (b) a mortgage recording tax exemption benefit for the financing related to the Project, and (c) a partial abatement from real property taxes benefit through a ten (10) year term PILOT Agreement for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption benefit, the mortgage recording tax exemption benefit, and the partial abatement from real property taxes benefit, are hereinafter collectively referred to as the “Financial Assistance”); and

WHEREAS, pursuant to and in accordance with applicable provisions of Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto in 6 N.Y.C.R.R. Part 617 (collectively referred to as the “State Environmental Quality Review Act” and/or “SEQR”), the Company has submitted to the Agency a Short Environmental Assessment Form (the “EAF”) with respect to the Project; and

WHEREAS, the New York State Department of Environmental Conservation (the “NYSDEC”) in accordance with SEQR, undertook uncoordinated review with respect to the Project, determined that the Project was an Unlisted Action, and issued a negative declaration (the “NYSDEC Negative Declaration”) under SEQR on November 29, 2021 with respect to the Project as attached hereto as Exhibit A; and

WHEREAS, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

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

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company’s application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any, the Agency board member review of the Project’s cost benefit ratio, the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, as well as the Project’s contemplated community benefits, and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and/or renovating and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing and/or retaining employment opportunities in Cattaraugus County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the “State”) to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company’s application, to the extent occupants are relocating from one plant or facility to

another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries, and, to the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the Intermunicipal Movement procedures as required in the Countywide Industrial Development Agency Uniform Tax Exemption Policy; and

(F) The Agency has assessed all material information included in connection with the Application necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project as described herein; and

(G) The Agency has prepared a written cost-benefit analysis satisfactorily identifying the extent to which the Project will create or retain permanent, private sector jobs, the estimated value of any tax exemption to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the Project in a timely fashion, and the extent to which the Project will provide additional sources of revenue for municipalities and school districts, and any other public benefits that might occur as a result of the Project; and

(H) The Company has provided a written statement confirming that the Project as of the date of the Application is in substantial compliance with all provisions the Act.

(I) Based upon a thorough and complete review of the Application and its accompanying materials and information, the EAF submitted by the Company, the proceedings conducted by the NYSDEC and the NYSDEC Negative Declaration issued pursuant to SEQR, the Agency hereby:

(i) determines that the proceedings undertaken by the NYSDEC under SEQR with respect to the undertaking of the Project by the Company (as agent of the Agency) satisfy the requirements of SEQR;

(ii) affirms that the Project involves an “Unlisted Action” as that term is defined under SEQR;

(iii) reviews, considers, ratifies, and adopts such proceedings by the NYSDEC, including the NYSDEC Negative Declaration;

(iv) determines that the Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment, that the Project will not have a “significant effect on the environment” as such quoted terms are defined in SEQR, and that no “environmental impact statement” as such quoted term is defined in SEQR need be prepared for this action; and

(v) determines that all of the provisions of SEQR that are required to be complied with as a condition precedent to the approval of the Financial Assistance contemplated by the Agency with respect to the Project, and the participation by the Agency in undertaking the Project, have been satisfied. This determination constitutes a

“negative declaration” (as such quoted terms are defined under SEQR) for purposes of SEQR.

(J) The Project qualifies for Agency Financial Assistance as it meets the Agency’s general uniform criteria for project evaluation, said criteria established by New York State and the Agency as required under General Municipal Law Section 859-a(5) as evidenced by the following:

- (i) Extent to which the Project will create or retain jobs: The Project will retain 4 PTE employee positions and create 10 new PTE employee positions within two years of the Project Completion Date.
- (ii) The estimated total value of Financial Assistance over the 10-year term of the PILOT Agreement is approximately \$274,918.
- (iii) The estimated amount of private sector investment to be made by the Company is \$1,050,000.
- (iv) Likelihood of the Project being accomplished in a timely fashion: There is a high likelihood that the Project will be completed in a timely manner, by January, 2023.
- (v) Extent of new revenue provided to local taxing jurisdictions: Local sales tax revenues will increase due to local spending associated with the creation of 10 new PTE employee positions and new PILOT Agreement revenue, estimated at approximately \$103,000, will benefit the affected taxing jurisdictions who will realize this new revenue above and beyond what would otherwise, in the absence of the Project, be produced from collections on vacant land.
- (vi) Any additional public benefits: Cattaraugus County will positively benefit due to the retention of 4 PTE employee positions and the creation of a total of 10 new PTE employee positions, resulting in the maintenance and generation of approximately \$7,624,259 in payroll over the term of the PILOT Agreement.

Section 2. The Agency hereby authorizes the undertaking of the Project and the provision of the Financial Assistance to the Company as described herein.

Section 3. Subject to the Company executing an Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of insurance for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and/or renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things

which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the appointment of the Company as agent of the Agency, if utilized, shall expire one year from the date of this resolution (unless extended for good cause by the Chair, the Vice Chair, and/or the Executive Director).

A. Financial Assistance. With respect to the foregoing, and based upon the representations and warranties made by the Company in its application for Financial Assistance, the Agency hereby:

(i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$1,000,000, and, therefore, the value of the sales and use tax exemption benefits (“sales and use tax exemption benefits”) authorized and approved by the Agency cannot exceed \$80,000, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

(ii) authorizes and approves that the value of the mortgage recording tax exemption benefit (“mortgage recording tax exemption benefits”) shall not exceed \$12,500; and

(iii) authorizes and approves that the real property tax abatement benefits (“PILOT Benefits”) to be provided over the term of the PILOT Agreement are estimated to be approximately \$182,000, resulting in estimated total PILOT payments of \$247,194 over the term of the PILOT Agreement.

B. Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits, and/or mortgage recording tax exemption benefits, and/or partial abatements from real property taxes benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for Financial Assistance; and/or (v) the New York State and local sales and use tax exemption benefits and/or mortgage recording tax exemption benefits, and/or the partial abatement from real property taxes benefits are taken in cases where the Company, its agents, consultants,

subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment, the Employment Commitment, and/or the Construction Jobs and Local Labor Commitment, said commitments, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

As a condition precedent of receiving Financial Assistance, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must cooperate with the Agency in its efforts to recover or recapture any Financial Assistance, and promptly pay over any such amounts to the Agency that the Agency demands.

C. Commitments. As an additional condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment - the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$1,050,000, being the total project cost as stated in the Company's application for Financial Assistance.
- (ii) Employment Commitment – that there are at least 4 existing part time equivalent (“PTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline PTE”); and
 - the number of current PTE employees in the then current year at the Facility; and
 - that within two (2) years of Project completion, the Company has maintained and created PTE employment at the Facility equal to 14 PTE employees [representing the sum of (x) 4 Baseline PTE and (y) 10 PTE employees, (being the 14 new PTE employee positions proposed to be created by the Company as stated in its Application)].

Section 4. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, and/or the Executive Director, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver (A) an Agent Agreement, (B) the Lease Agreement whereby the Company leases the Project to the Agency, (C) the related Leaseback Agreement whereby the Agency leases the Project back to the Company, and (D) the PILOT Agreement and (E) related documents; provided, however, that (i) the rental payments under the Leaseback Agreement to the Company include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency's Uniform Tax Exemption Policy, or procedures for deviation have been complied with accordingly.

Section 5. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, and/or the Executive Director, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the “Lender”) up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance acquisition and Project costs or equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement, and related documents, collectively called the “Agency Documents”); and, where appropriate, the Secretary or the Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair, the Vice Chair, and/or the Executive Director of the Agency shall approve, the execution thereof by the Chair, the Vice Chair, and/or the Executive Director of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency’s interest in the Project.

Section 6. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 7. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the Agency’s policies.

Section 8. This resolution shall take effect immediately, and shall expire one (1) year from the date hereof unless extended for good cause by the Chair, the Vice Chair, and/or the Executive Director.

Dated: June 21, 2022

EXHIBIT A

NYSDEC Negative Declaration

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

DEC Application No. 9-0422-00062/00002
Solid Waste Facility Nos. 05TP0025 & 05R2002

The notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (the State Environmental Quality Review Act, SEQR) of the Environmental Conservation Law.

The New York State Department of Environmental Conservation (NYSDEC), as SEQR Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment.

TITLE OF ACTION: Solid Waste Management Facility
County Line Recovery, Inc.
Town of Ashford, Cattaraugus County

PERMITTEE: MRC Solutions, Inc.
71 Nason Boulevard
Springville, New York 14141

PERMIT JURISDICTION: Solid Waste Management Permit Article 27, Title 7 of the New York State Environmental Conservation Law.

SEQR STATUS: Unlisted Action. A coordinated review was performed.

LOCATION: 7023 Henrietta Road, Town of Ashford, Cattaraugus County

DESCRIPTION OF ACTION: The proposed action is the construction and operation of a municipal solid waste (MSW), construction & demolition (C&D) debris, and recyclables transfer facility, which will be regulated by NYSDEC as a Solid Waste Management Facility (SWMF). The facility will accept up to 300 tons per day of MSW and C&D combined and up to 50 tons per day of recyclables from commercial and residential sources. These materials will be delivered to the facility by route collection vehicles, deposited on a tipping floor, sorted as necessary, and transferred to trailers for transport to the Chautauqua County Landfill. The development of the site will include the construction of one 12,000 square foot building for MSW transfer and one 12,000 square foot building for recyclables and Construction & Demolition (C&D) debris transfer. An existing building on the site will be utilized as a maintenance and storage facility. Other site features will include a truck scale, scale house, and exterior storage area for full or empty transfer trailers.

Up to 62,400 tons per year (tpy) of MSW, 56,160 tpy of recyclables, 1,560 tpy of brush,

624 tpy of electronics, and 31,200 tpy of C&D debris are expected to be received at the facility. Equipment to be utilized in transfer operations will include a front-end loader, excavator, skid steer, and forklift. All transfer operations will occur inside of the facility buildings. Only brush and unadulterated wood will be authorized to be stored outdoors in a designated area.

REASONS SUPPORTING THIS DETERMINATION: During review of this project, the NYSDEC identified the following environmental concerns which are analyzed below:

1. **Land Use and Community Character:** The project site is a vacant but developed parcel located in an industrial and commercial area surrounded by mostly agricultural land uses. Disturbance to the site will include excavation for foundations for two new buildings and other site work (grading and paving) to develop the use of the site as a transfer station facility. While the development of the site will have an impact on the land, the impacts will be mitigated by the implementation of standard stormwater controls during construction. Since the disturbance of the site will exceed 1 acre, a NYSDEC Stormwater General Permit for Discharges Associated with Construction Activities (General Permit GP-0-20-001) will be required for the project. The site development will be screened from an adjacent farmstead by a line of trees to be planted along the northern property boundary. Overall, the scale of the site development is small considering preexisting adjacent industrial uses. Thus, the proposed use does not represent a significant change in land use. Based on this information, changes to the intensity of land use at this site will be minor and no significant impacts are anticipated to occur.
2. **Transportation:** Operations will result in approximately 28 one-way truck trips per day (approximately one per hour), which includes transfer trailers and Route Collection Vehicles (RCVs). Automobiles will contribute ten additional daily trips to the traffic impact from the facility. The facility will be in a commercial and industrial area with limited residential areas nearby. Henrietta Road is the primary local road that will be affected by the transfer facility. Based on the limited development along Henrietta Road and nearby areas, the road does not experience significant traffic. Henrietta Road connects to NYS Route 219 approximately 800 feet to the south of the site. NYS Route 219 is a rural highway with limited traffic in the area of the project site. Considering the small amount of truck traffic that will be generated from facility operations and the nearby connection to a larger roadway that can accommodate facility traffic, no significant, adverse transportation effects are anticipated to occur.
3. **Ground/Surface Waters:** The proposed facility will handle waste materials that have the potential to impact ground and surface waters if not appropriately managed. However, several designed and operational components of the facility will prevent these impacts. The transfer of MSW (including tipping from RCVs, sorting of tipped materials, and loading of materials onto transfer trailers) will occur entirely within the two transfer buildings. The transfer trailers will be lidded and inspected by facility personnel for uncontained waste materials prior to being removed from these buildings and

temporarily stored on-site in a designated area prior to off-site transport. The only material that will be authorized for outdoor storage in a designated area is brush and unadulterated wood. Therefore, there will be no exposure of MSW to stormwater. Additionally, general housekeeping procedures, such as sweeping and inspections for litter, as well as a fencing surrounding the facility, will also prevent any incidental solid waste from leaving site. Washwater from the MSW tipping floor, which will be cleaned on daily basis, will be directed to a floor drain, which will discharge to a holding tank. The holding tank will be equipped with a monitoring and alarm system, will be pumped out 2-3 times per month and will be inspected on a monthly basis. No process operations or waste materials will be exposed to stormwater, but stormwater from paved areas will be collected in catch basins and directed off-site. Drainage from the short-term transfer trailer storage area will be isolated and treated with a sand filter system prior to off-site discharge. Therefore, no adverse impact to either the quality or quantity of ground or surface waters is expected to result from this action.

4. Human Health and Safety Hazards:

The facility will accept MSW and recyclables from residential and commercial sources. While this waste does not present a significant health and safety concern, there is the potential that unauthorized waste (tires, batteries, medical waste, asbestos, hazardous waste, petroleum contaminated soil, etc.) will be collected and transported to the facility. The presence of the waste at the facility presents the potential for an environmental impact. The facility owner has incorporated components into their Waste Control Plan that minimize and mitigate the potential for the presence of unauthorized waste at the facility. Furthermore, the applicant has prepared a Contingency Plan, which outlines procedures and resources available in the case of any emergencies at the facility.

Signs posted at the entrance of the facility will inform waste transporters of the types of waste accepted at the facility. All vehicles transporting waste to the facility will check-in with a facility attendant, who will conduct a visual inspection of the waste and recyclables to ensure that they are recognizable and acceptable at the facility. Further inspection of the waste and recyclable loads will occur prior to further processing on tipping floor and any incidental unacceptable wastes found following deposition onto the tipping floor will be manually removed and placed in a designated area. Dangerous unauthorized wastes will be removed from the facility within 72 hours of discovery. Records of unauthorized wastes will be maintained at the facility and shared with NYSDEC during annual reporting. No intentional offloading of unacceptable waste (liquid wastes, asbestos, hazardous wastes, etc.) will be conducted at the facility and the applicant will reject entire loads if they are found to contain unacceptable waste. The transfer operations will occur entirely indoors, reducing the potential that unacceptable waste will be released at the facility. Covered transfer trucks will stay on site in a designated area for a maximum of 48 hours.

The applicant has prepared a closure plan for the facility. The closure plan includes the cessation of solid waste acceptance, removal of all wastes, equipment and supplies, the cleaning the facility, closure of the underground holding tank, the inspection of the

facility for vectors, and certification of completion of the closure to NYSDEC. The closure plan and costs for this facility will be approved by NYSDEC and financial surety will be provided by the applicant in the form of a bond.

Considering these measures that will be taken to prevent contaminated or hazardous materials from entering facility processes, the development of health and safety protocols by the applicant, and the development of acceptable closure plans for the facility, no significant adverse impacts to health and safety are anticipated to result from the proposed action.

5. Odors: Since recyclables and MSW will be handled at the facility, there is the potential that odors could be generated from operations. However, as indicated above, all of the transfer operations will occur entirely indoors at this facility, reducing the potential for odor impacts. Additionally, the tipping floor of the MSW building will be emptied, washed and deodorized at the end of every operating day and the floor of the recyclables building will also be cleaned daily. Paved, outdoor areas will be swept daily to remove any MSW or recyclables that may escape the enclosed facility and transfer trailers will be lidded and cleaned of any wastes that escaped during transfer before being moved to outdoor storage areas. These controls will reduce the potential for the generation of significant odors, but an odor complaint log will be maintained at the facility for the identification and remediation of any odor control issues.

Trucks and equipment that will be used indoors at the facility also have the potential to generate odors from exhaust fumes. The enclosed MSW and recyclable transfer buildings will be equipped with exhaust fans will sufficient capacity to properly ventilate buildings and remove exhaust odors.

Since the odor control measures described by the applicant are sufficient for the material accepted and processed at the facility, no significant adverse odor impacts are anticipated to result from the proposed action.

6. Air Quality: The applicant has indicated that potential sources of dust at the proposed facility will include sand used for deicing, vehicle tracking of road dirt, and the sweeping of paved areas. The applicant has identified that dust control will include dust suppression through the application of water. No significant adverse impacts to air quality are anticipated to occur as a result of the proposed action.

7. Noise: The applicant intends to ensure that noise resulting from equipment or operation at the Waste Transfer and Recycling Facility does not exceed specified equivalent steady state sound pressure levels (SPLs) beyond the property line. Within a one-mile radius of the facility, land use varies between industrial, commercial, agricultural, and residential. However, within its immediate proximity there is only one commercial farm/residential house located approximately 430 feet from the northern property line. Based on this information, no significant noise impacts are expected to result from the project.

8. Aesthetics: Transfer operations will be entirely indoors, reducing potential visual impacts from the facility. Additionally, the applicant has described general good housekeeping practices that will be utilized and resources that will be available to prevent releases of material and control litter and pests. A landscaping plan has been developed by the applicant as part of the application to reduce visual impacts. Considering these factors, no significant adverse visual impacts are expected to result from the proposed action.

The NYSDEC therefore concludes that the project will not adversely affect the natural resources of the State and/or the health, safety, and welfare of the public and is consistent with social and economic considerations. In reaching this decision, the NYSDEC carefully considered all "Criteria" for Determination of Significance listed in the SEQR Regulations (6 NYCRR 617.7). The Environmental Assessment Form completed for this project does not identify any potentially large and significant adverse impacts.



Dated: 11/29/2021

Mark F. Passuite
Environmental Analyst 2

FOR FURTHER INFORMATION:

Contact Person: Mark F. Passuite
NYS Department of Environmental Conservation
270 Michigan Avenue
Buffalo, New York 14203-2915
Telephone No. (716) 851-7177

(k) Adaptive Reuse Project: If a project qualifies as an Adaptive Reuse Project, (1) the Initial Period shall be ten years, (2) the Existing Assessment shall be frozen for a ten year period, and (3) the percentage of exemption in each tax year with respect to the New Assessment shall be as set forth in the following table:

Tax Year	Percentage of Exemption
1 through 5	100%
6 through 8	75%
9 through 10	50%
11 and thereafter	0%

(l) Wind Farms. If a project qualifies as a Wind Farm Facility, (1) the Initial Period shall be fifteen years, and (2) the project shall be required to make Guaranteed Pilot Payments equal to (i) \$5,000 per megawatt of installed capacity of the wind turbine generators which comprise a portion of the Wind Farm Facility (the "Wind Turbine Facilities") times (ii) the actual installed capacity of the Wind Turbine Facilities, calculated on the third (3rd) business day prior to the date on which the related payment is due pursuant to the Pilot Agreement; provided, that, the Guaranteed Pilot Payments are to be adjusted for inflation per annum using the lesser of the following: (x) five percent (5%); or (y) Bureau of Labor Statistics Consumer Price Index ("CPI") for the Northeast Region for the prior year (e.g., 2010 CPI to adjust the 2011 Guaranteed Pilot Payment). Each annual Guaranteed Pilot Payment will be payable on January 1 of each year (commencing on January 1 of the year following the year of expected substantial completion of the Wind Farm Facility), subject to a thirty (30) day grace period, and shall upon receipt shall be distributed to the Affected Tax Jurisdictions in accordance with a formula based on the tax rates of the Affected Tax Jurisdictions in effect as of the date of execution of the Pilot Agreement. Following the end of the Initial Period, each annual Pilot Payment to be paid by the project occupant pursuant to the terms of the Pilot Agreement shall be in an amount equal to the amount which would be payable to such Taxing Entity with respect to the Wind Farm Facility if such Wind Farm Facility was owned by the project occupant and not the Agency. The Guaranteed Pilot Payments shall be payable notwithstanding any termination of the term of the related Lease Agreement, and shall be secured by a Pilot Mortgage. The Pilot Mortgage associated with a Wind Farm Facility may also secure amounts due and payable pursuant to any host community agreement related to such Wind Farm Facility.

(m) Commercial Solar Facility. If a project qualifies as a Commercial Solar Facility, and if the Agency receives a letter of support for such project from the city, town or village in which such project is located, (1) the Initial Period shall be twenty-five years, (2) if the Existing Assessment of the underlying parcel and existing improvements does not remain fully taxable on the relevant assessment rolls, the Pilot Agreement shall require that Pilot payments be made with respect to such underlying parcel and existing improvements in an amount equal to 100% of the Normal Tax with respect thereto, and (3) the Commercial Solar Facility shall be required to make Guaranteed Pilot Payments equal to (i) the actual installed capacity of the Solar Panels, calculated on the third (3rd) business day prior to the date on which the related payment is due pursuant to the Pilot Agreement times (ii) the amount per megawatt of installed capacity of the solar panels which comprise a portion of the Commercial Solar Facility (the "Solar Panels") set forth in the following table:

Project Size (in Megawatts)	Amount per Megawatt
0 MW up to but not including 5.0 MW	\$6,000

	A	B	C	D	E	F
2	CCIDA May 2022		OPERATING STATEMENT			
3						
4						
5		2022	2022	2022	2022	2021
6		APPROVED	M-T-D	Y-T-D	BALANCE	Y-T-D
7		BUDGET	ACTUAL	ACTUAL	REMAINING	COMPARISON
8		ADJUSTED				
9	INCOME:					
10	Interest on Accounts	\$250	\$0	\$23	\$227	\$18
11	Apps & Fees	\$334,325	\$65,251	\$307,666	\$26,659	\$94,748
12	CCCRC/Other Misc. Income	\$0	\$225,002	\$226,778	-\$226,778	\$50
13	Total	\$334,575	\$290,253	\$534,467	-\$199,892	\$94,816
14						
15						
16	EXPENSES:					
17	Wages	\$157,250	\$13,680	\$72,139	\$85,111	\$54,174
18	Fringe Benefits	\$87,400	\$7,505	\$26,895	\$60,505	\$17,137
19						
20	Board Meeting/Operations	\$2,000	\$0	\$968	\$1,032	\$1,005
21	Business Development	\$15,000	\$3,559	\$17,234	-\$2,234	\$4,032
22	Office Supplies/Service Contracts	\$2,000	\$103	\$639	\$1,361	\$409
23	Office Maint./Repairs/Equip.*	\$5,000	\$3,634	\$9,530	-\$4,530	\$6,249
24	Office Phones/Cell/fax/internet service	\$6,000	\$738	\$3,089	\$2,911	\$2,323
25	Postage	\$1,500	\$173	\$1,049	\$451	\$610
26	Public Hearings**	\$800	\$54	\$1,534	-\$734	\$169
27	Travel/Mileage	\$4,500	\$803	\$818	\$3,682	\$1,264
28						
29	Rent	\$16,200	\$1,350	\$6,750	\$9,450	\$5,400
30	Real Estate Taxes	\$150	\$0	\$90	\$60	\$88
31	Utilities	\$2,500	\$376	\$1,862	\$638	\$1,133
32	Property/Fire/Liability Insurance	\$5,200	\$0	\$4,702	\$498	\$5,177
33						
34	Professional Associations	\$7,000	\$1,937	\$2,212	\$4,788	\$4,136
35	Professional Services *****	\$10,000	\$838	\$17,161	-\$7,161	\$9,261
36	Publications	\$200	\$0	\$0	\$200	\$0
37						
38	Railroad Services	\$25	\$0	\$0	\$25	\$0
39	Miscellaneous	\$100	\$0	\$36	\$64	\$0
40	Project Expenses *****	\$1,000	\$750	\$9,850	-\$8,850	\$4,000
41	Consulting Expense***	\$0	\$5,000	\$12,500	-\$12,500	\$0
42	Great Lakes Cheese Expenses****	\$0	\$1,314	-\$4,982	\$4,982	\$0
43	Total Expenses	\$323,825	\$41,814	\$184,076	\$139,749	\$116,567
44						
45	Net Difference	\$10,750	\$248,439	\$350,391	-\$339,641	-\$21,751
46						
47	* Overage due to Computer Repairs & Painting Office					
48	**Additional Public Hearings Held					
49	***Greg Sehr consultant services					
50	****Expenses for GLC Project - over amount funded by Catt. County.					
51	*****Professional Services for Paris Reporting/Policies and Procedures					
52	*****Project Expenses - GLC add'l development expense.					
53						

COUNTY OF CATTARAUGUS IDA

Balance Sheet

May 31, 2022

ASSETS

Current Assets		
CATT CO. BANK	\$	634,420.64
SAVINGS CCB		5,223.99
SAVINGS FT		8,291.71
CATT. CO. CAPITAL RES. CORP.		212,165.94
CD's		625,077.00
KeyBank Investment		103,031.63
PETTY CASH		120.40
SECURITY DEPOSIT - RENT		1,350.00
Deferred Outflows		127,554.00
ACCTS RECEIVABLE		267.53
PREPAID EXPENSES		3,000.00
		<hr/>
Total Current Assets		1,720,502.84
Property and Equipment		
EQUIPMENT		38,423.95
LEASEHOLD IMPROVEMENTS		22,173.08
LAND		149,298.92
RAILROAD/IMPROVEMENTS		907,199.96
ACCUM DEPRECIATION		(869,286.65)
		<hr/>
Total Property and Equipment		247,809.26
Other Assets		
		<hr/>
Total Other Assets		0.00
		<hr/>
Total Assets	\$	<u>1,968,312.10</u>

LIABILITIES AND CAPITAL

Current Liabilities		
NYS RETIREMENT LOAN ACCT.	\$	348.00
Employee Health Ins Payable		(2,365.88)
Federal Payroll Taxes		(7,689.12)
NYS WITHHOLDING		9,466.69
NYS Retirement Employer Portio		30,090.00
Deferred Inflows		14,768.00
ACCOUNTS PAYABLE		5,281.38
ACCRUED PAYROLL		3,504.81
		<hr/>
Total Current Liabilities		53,403.88
Long-Term Liabilities		
Pension Liability		175,874.00
		<hr/>
Total Long-Term Liabilities		175,874.00
		<hr/>
Total Liabilities		229,277.88
Capital		
Retained Earnings		1,078,570.59
CONTRIBUTED CAPITAL		310,072.06
Net Income		350,391.57
		<hr/>
Total Capital		1,739,034.22

Unaudited - For Management Purposes Only

COUNTY OF CATTARAUGUS IDA

Balance Sheet

May 31, 2022

Total Liabilities & Capital

\$ 1,968,312.10

COUNTY OF CATTARAUGUS IDA
Balance Sheet
May 31, 2021

ASSETS

Current Assets		
CATT CO. BANK	\$	174,334.44
SAVINGS CCB		5,242.94
SAVINGS FT		8,290.88
CATT. CO. CAPITAL RES. CORP.		207,100.28
CD's		625,077.00
KeyBank Investment		103,031.63
PETTY CASH		120.40
SECURITY DEPOSIT - RENT		1,350.00
Deferred Outflows		127,554.00
ACCTS RECEIVABLE		265.24
PREPAID EXPENSES		3,000.00
		<hr/>
Total Current Assets		1,255,366.81
Property and Equipment		
EQUIPMENT		38,423.95
LEASEHOLD IMPROVEMENTS		22,173.08
LAND		149,298.92
RAILROAD/IMPROVEMENTS		907,199.96
ACCUM DEPRECIATION		(869,286.65)
		<hr/>
Total Property and Equipment		247,809.26
Other Assets		
		<hr/>
Total Other Assets		0.00
		<hr/>
Total Assets	\$	<u>1,503,176.07</u>

LIABILITIES AND CAPITAL

Current Liabilities		
NYS RETIREMENT LOAN ACCT.	\$	348.00
Employee Health Ins Payable		(2,365.88)
Federal Payroll Taxes		(3,351.07)
NYS WITHHOLDING		2,401.78
NYS Retirement Employer Portio		9,350.00
Deferred Inflows		14,768.00
ACCOUNTS PAYABLE		1,206.04
ACCRUED PAYROLL		3,504.81
		<hr/>
Total Current Liabilities		25,861.68
Long-Term Liabilities		
Pension Liability		175,874.00
		<hr/>
Total Long-Term Liabilities		175,874.00
		<hr/>
Total Liabilities		201,735.68
Capital		
Retained Earnings		1,034,211.22
CONTRIBUTED CAPITAL		310,072.06
Net Income		(42,842.89)
		<hr/>
Total Capital		1,301,440.39

Unaudited - For Management Purposes Only

COUNTY OF CATTARAUGUS IDA
Balance Sheet
May 31, 2021

Total Liabilities & Capital

\$ 1,503,176.07

LIVE

71°

91°

78°

Search Site



Monroe County launches initiative to keep college graduates in area

by WHAM

Tuesday, June 14th 2022



Rochester skyline (WHAM file photo)

Monroe County is launching a new initiative that aims to keep local college graduates in the area after they graduate.

LIVE

anced the Rochester
;day.

71°

91°

78° S

Search Site



network in Monroe County for one year.

The grants will be offered directly through employers. New hires must have at least a four-year degree directly related to their position in advanced manufacturing, life sciences, optics, photonics, imaging or software/information technology.

“This valuable recruitment tool will help our local companies promote awareness of local opportunities, develop a more skilled talent pipeline and strengthen the county’s relationship with local businesses,” Bello said in a statement. “Other communities are bidding for our best and brightest — it’s time we demonstrate that Monroe County provides local college graduates the best opportunities for career and quality of life.”

The program is open to businesses in Monroe County with 100 or fewer employees. RETAIN Monroe will have \$100,000 available to distribute to up to 50 recipients in its first year. [Click here](#) for a full list of eligibility criteria and an application.

Funding is supplied by the Monroe County Industrial Development Corporation.

(AP Photo)

CAPITAL TONIGHT

Fossil fuel giants would pay New York state \$30 billion under new climate bill

BY [KATE LISA](#) | NEW YORK STATE

PUBLISHED 7:30 PM ET MAY. 27, 2022

When someone makes a mess, they're expected to clean it up.

Fossil fuel companies that have emitted significant greenhouse gases leading to the climate crisis would be required to pay a combined \$30 billion to the state for environmental upgrades under new legislation introduced Thursday.

[The Climate Change Superfund Act](#) would require coal, oil and natural gas companies pay a share of the cost for green infrastructure projects to remediate

learning this lesson. These companies are still insisting on privatizing their billions and billions of dollars in gains but socializing the grave damage, death and destruction they are causing the rest of us."

Companies would pay damages based on their share of total greenhouse gas emissions since the year 2000.

The state Department of Environmental Conservation would use industry-specific formulas for each fossil fuel company to calculate their emissions and identify those responsible. Proving negligence or wrongdoing is not required for companies to be obligated to pay damages.

The DEC would use publicly peer-reviewed formulas based on decades of research to determine a pollutant's share of the carbon dioxide released into the atmosphere, making it possible to accurately determine a company's liability, according to the bill.

A similar formula is used to calculate fixed costs for polluters financially liable under the state's hazardous waste management program. The proposed law would create the Climate Change Adaption Cost Recovery Program — equivalent to a state superfund program to clean up toxic waste sites.

"Who should pay? The oil companies should pay because they're the ones who are behind the problem," New York Public Interest Research Group Executive Director Blair Horner said Friday.

Many fossil fuel companies have waged decades-long campaigns to deceive the public about scientific evidence showing the danger of the globe's increasing temperatures, Horner said.

"We know they knew," he added. "They caused a problem, they created waste, and they need to be on the hook for it."

Companies would be notified of their total amount owed to New York up front to be paid in a fixed cost over 10 years. Twenty percent of the damages would be owed the first year.

Damage costs will widely vary company to company, so the penalty is not expected to impact the cost of sold products. Bill sponsors say a corporation's desire to stay competitive with other companies should prevent cost increases for services.

"The fossil fuel industry has to take some responsibility for creating this crisis," said bill sponsor Sen. Liz Krueger, a Manhattan Democrat. "There is irrefutable evidence that as far back as the 1970s, many of the biggest fossil fuel companies knew much more about the disastrous long-term impacts of burning fossil fuels than they had acknowledged or admitted to the public."

Infrastructure projects to curb climate change is estimated to cost New York \$10 billion annually by 2050.

The nation's top 25 fossil fuel companies made almost \$100 billion in combined profits in the first three months of 2022. Exxon Mobile pocketed nearly \$6 billion in profits in the first quarter of the year.

With three days left of legislative session, the Climate Change Superfund Act will not advance before lawmakers leave Albany for the year. But lawmakers forged ahead and introduced the bill Thursday in anticipation that garnering support for the measure will be a long-term legislative project.

Assembly Codes Committee Chair Jeff Dinowitz, a Democrat from the Bronx, sponsors the bill in the other chamber.

"We all know we have to do something about the damage that's been done over the years," Dinowitz said. "We have an opportunity with this legislation to try to address some of that."

The DEC would evaluate and fine fossil fuel companies if they have a working business relationship within the state. An industry could be charged without having a brick-and-mortar location in New York, as harmful emissions supercede state boundaries, lawmakers said.

The DEC, state Department of Taxation and Finance and state attorney general's office will enforce the Climate Change Superfund Act if signed into law.



Sandy Andrews <sandy.cattco@gmail.com>

2022 New York State Legislative Session Summary

1 message

Corey <corey.cattco@gmail.com>
To: Sandy Andrews <sandy.cattco@gmail.com>

Mon, Jun 6, 2022 at 1:27 PM

Plz print 22 copies of e-mail.



2022 New York State Legislative Session Summary



Good Afternoon NYSEDC Members,

The 2022 legislative session concluded late last week with a record 1007 bills passing both the Senate and Assembly. The NYSEDC tracked, weighed in on, and/or helped edit language more than 80 bills this year that would impact our members and economic development efforts across New York State.

Bills that passed both houses - Awaiting Governor's Signature or Veto

A944 Requires businesses that make PILOTS to notify local taxing jurisdictions of intention to file for change in assessment.

[S3256](#) Requires IDAs to deliver a copy of a resolution that is adopted to taxing jurisdictions via certified mail, return receipt requested including the school board and school superintendent. This bill passed in 2019 and was vetoed by the governor.

[S4471A](#) Requires IDAs to report to all relevant taxing jurisdictions within two years when a PILOT ends or "immediately" when revoked or due to early termination. This is an advance notification requirement before a PILOT expires.

[S6486D](#) Enacts a study on environmental impact of crypto mining at fossil fuel power plants and puts in two year moratorium.

[S6809A](#) Restores certain contract oversight for state projects to the Office of State Comptroller (OSC).

[S7445](#) Prohibits individuals voting on or taking a formal position with a business entity doing business with an industrial development agency.

[S9467](#) Green CHIPS projects eligible for the Excelsior tax credit program. Creates a new \$500 Million annual tax credit to attract the semiconductor industry to New York State.

**The following bills were also being closely tracked by the NYSEDC.
These passed one house but did NOT pass both.**

[A477A](#) Relates to gender balance in public authorities and LDCs

[S1196](#) Prohibits NDAs and confidentiality provision in econ development contracts

[S1207](#) make certain parts of PARIS open facing.

[S1275A](#) standardizes all econ dev programs at state and local level.

[S1543A](#) prohibit certain individuals from collecting fees from IDAs.

[S1656A](#) would restrict or limit relocation projects from one part of the state to another to receive IDA assistance

[S1667](#) expands definition of a public agency that are governed or appointed by public officers

[S1769](#) prevents local elected officials from sitting on IDA boards

[S235A](#) Allows for County Comptrollers to audit IDAs

[S3098A](#) Establishes an advisory council on COVID econ recovery

[S4339](#) Relates to open meetings for NFP corporations and provides the Authorities Budget Office (ABO) with more power to deny the creation or reincorporation of certain public authorities

[S6453C](#) Build Public Renewables Act

[S6843C](#) All Electric Buildings Act

The 2022 budget and legislative session saw a number of economic development policies, programs, and priorities of the New York State Economic Development Council become law. [Click here for the 2022 Budget Summary](#)

Several of the polices enacted in the state budget, coupled with the Green CHIPs act, will give our members they tools they need to attract industry and job

opportunities that will drive our future economy, while improving the quality of life for the communities they serve.

We thank Governor Kathy Hochul, Majority Leader Andrea Stewart-Cousins, Speaker Carl Heastie, and the state legislators who sponsored, supported, and helped many of these programs move forward. We look forward to working with our membership, partners in government, and the private sector to ensure these initiatives are successful.

If you have any questions or would like more information, please do not hesitate to reach me at silva@nysedc.org.

All the best,

Ryan Silva, Executive Director
NYSEDC

NYSEDC | www.nysedc.org | 518.426.4058



New York State Economic Development Council | [111 Washington Ave](https://www.nysedc.org), Albany, NY 12210

[Unsubscribe corey@cattcoida.com](mailto:corey@cattcoida.com)

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by silva@nysedc.org powered by



Try email marketing for free today!

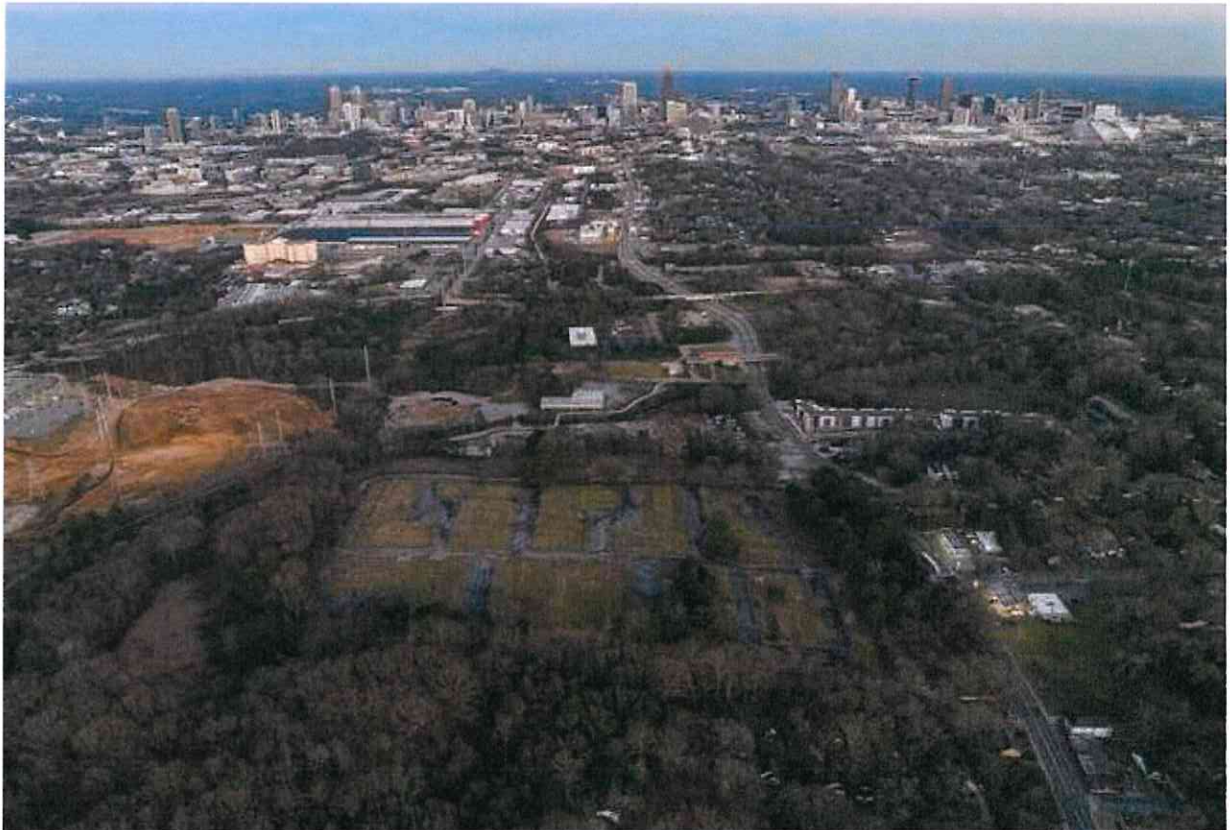
High Housing Costs Challenging Corporations In Search Of New Homes

June 1, 2022 | Patrick Sisson, Bisnow National (<https://www.bisnow.com/author/patrick-sisson-374019>) (<mailto:patrick.sisson@bisnow.com>)

Sky-high housing costs have hampered many would-be homeowners from finding the home of their dreams. Increasingly, companies looking for new sites for warehouses, manufacturing space and even offices are facing the same fate, as jarring double-digit jumps in home prices and rents have caused many to re-evaluate their site selection decisions.

“Affordable housing and lack of inventory are at the forefront of industry discussions today,” said John Boyd, principal of The Boyd Co., a national site selection firm.

The issue has become so dire, Boyd said, that it can hold up planned relocations for 18 to 24 months until adequate housing has been completed, leading to lease renewals at existing offices while companies wait for new markets to be ready for their expansion.



The housing crisis has become a labor crisis for companies already caught in one of the most challenging labor markets in recent history.

"When housing costs go up, workers go to their employers and say, 'I need more money or I'm going to look elsewhere,'" CBRE Senior Client Strategy Consulting Manager Kevin Major said. "It's like a perfect storm of wages versus housing costs."

The nation's dire housing shortage and corresponding rise in prices have in part been influenced by corporate moves and relocations, Boyd said, in what he says has been a great migration from high-tax to low-tax states. The repeal of the state and local tax deduction cap, a measure that removed a favored vehicle for reducing tax burdens for high-earning homeowners in coastal states, as part of the Tax Cuts and Jobs Act of 2017, only accelerated this move.

Now, when firms seek new offices or warehouse sites, they must navigate a landscape where higher home prices put pressure on wages, and can limit where new facilities and labor forces pencil out for firms.

"Part of a site tour is meeting with residential real estate brokers, and coordinating a tour with an HR department, to make sure employees can't just find homes but assimilate into the community," Boyd said.

Markets like Atlanta, Austin, Texas, and the Research Triangle in North Carolina, which have new Google, Microsoft and Apple offices opening and tech workers arriving (<https://wraltechwire.com/2021/05/04/housing-pain-apple-google-other-projects-will-stretch-already-tight-triangle-markets-experts-say/>), attracted those firms in part with great quality of life and a lower cost of living than Silicon Valley. But the corporate migrants are taking their housing market impacts with them.

"That affordability pressure is now moving up the income spectrum," said Mike Kingsella, CEO of Up for Growth, a national advocacy group focused on housing equity and access.

His group's research found that there has been a 37% increase in the share of housing cost-burdened households earning between 80% and 120% of their area's median income.

"We're now seeing this at scale," Kingsella said.

Much of this pressure comes from the tech industry, which has expanded aggressively during the pandemic. Big Tech firms have embarked on 13M SF of expansionary office leasing, according to JLL Senior Director of Research Scott Homa, 75% of which is outside non-headquartered markets such as Seattle and the Bay Area.

Homa said housing affordability has been a key factor in this push to new cities, as “the gap in living costs between high-growth markets like Atlanta, Austin and Nashville versus the large gateway markets is very considerable.”

In metro Atlanta, where home prices are up 20% from last year (<https://www.ajc.com/news/atlanta-news/cash-buyers-and-few-listings-metro-atlanta-home-prices-rise-20/OC473LSUKFHIPFYRF6COREQNCE/>), Microsoft’s announced plans for the 90-acre future campus site (<https://www.bisnow.com/atlanta/news/economic-development/microsoft-to-set-aside-25-of-quarry-yards-to-affordable-housing-community-infrastructure-107716>) it purchased last year include slowly negotiating with neighborhood groups and promising to include affordable housing within the site. The rollout shows the care with which companies are calibrating their impact on the region and the surrounding housing market.

Boyd argues that firms have been even more proactive about relocations and real estate costs because of their perceived culpability in the rising cost of living in their new markets. An anti-growth sentiment is starting to take hold in Austin due to the perception of a California-to-Texas migration making the city unaffordable — more than two dozen companies (<https://www.globest.com/2022/03/07/exodus-of-corporate-hq-from-california-keeps-growing/>) moved their headquarters from the Golden State to the Lone Star State last year.

“Everything is a branding exercise,” Boyd said. “Goodwill is very important to companies.”



The housing crisis is having an impact on site decisions for firms seeking new office and manufacturing and distribution firms seeking sites near metros areas and new labor forces to tap. There is a dearth of appealing sites for industrial development, and it is challenging to find an area where housing costs haven't outpaced what is affordable on warehouse or factory worker wages.

For white-collar work, especially tech firms, it's not uncommon for recruiters to pay for sought-after talent to move to high-cost metros. That doesn't work for \$15-an-hour workers.

Roughly 70% of the U.S. workforce doesn't require a college degree, and hourly wages have been under increasing pressure from rising housing costs. Some firms are even paying for transportation costs to help their workforce reach their jobs.

"It's changed the conversation from where can I pay certain wages, versus how far do my wages go in terms of cost of living," said Major, who works on CBRE's labor analytics group.

Tertiary markets outside of major metros, like Yuma, Arizona, or Pueblo, Colorado, are now getting more looks from industrial site selection. Occupiers are coming to CBRE seeking housing data, and developers are

talking housing stats to court potential tenants.

Cities, municipalities, and regional and state business organizations have lobbied for and promoted policies to help bolster local affordable housing construction to attract corporate relocations.

California has been the “canary in the coal mine” about the dangers of a mismatch between housing and labor, said Kingsella, but even rural states such as Maine have run into severe housing and labor challenges.

This issue has led to much more collaboration between the business community and lawmakers looking to create the environment companies are seeking out, and help supercharge their economies. Up for Growth research found that the underproduction of housing in the nation from 2000 to 2015 cost the U.S. economy \$2.1T in lost GDP.

In fast-growing Phoenix, the Home Arizona coalition (<https://www.azcentral.com/story/opinion/op-ed/2022/02/20/phoenix-has-housing-supply-crisis-ignore-cost-all/6805418001/>) of business and municipal leaders is actively pushing for more housing production, so as not to threaten future economic growth.

A new Amtrak transit hub (<https://www.ajc.com/news/atlanta-news/an-amtrak-hub-at-the-gulch-atlanta-councilman-wants-to-see-it-happen/UMODBYNBRVERTLVWBUXGEVJYQE/>) proposed for the redevelopment of the Gulch property in Downtown Atlanta is being pitched for its ability to unlock more affordable, transit-oriented development that can expand the city’s workforce options.

Some corporate giants have started to explore building their own housing, an avenue few companies have the capital to explore. Facebook, Microsoft and Apple are all developing housing or funding affordable housing initiatives. Disney set aside 80 acres in Orlando (<https://www.wsj.com/articles/disney-launches-orlando-affordable-housing-development-11649455728>) to develop more than 1,300 units of affordable workforce housing available to theme park staff and others.

Amazon has created the Amazon’s Housing Equity Fund (<https://www.aboutamazon.com/impact/economy/housing-equity/fund>), a program active in Seattle, Nashville and around Washington, D.C., that is

providing more than \$2B in below-market loans and grants to preserve and create more than 20,000 affordable homes for individuals and families earning moderate to low incomes.

The scope and scale of the issue has created extensive development opportunities. Housing availability concerns allow developers to piggyback on the potential of new arrivals — in northwest Austin, just miles from the new Apple campus, the massive Pearson Ranch multi-use project includes high-end housing and retail to cater to the needs of new tech workers.

Residential developers can also team up with companies seeking worker housing. In rural areas, large manufacturing firms in more sparsely populated rural areas have also invested significant money in housing construction (<https://www.wsj.com/articles/in-battle-for-workers-companies-build-houses-11653217201>), including meatpacking firms and the Cook Group.

These efforts are likely trendsetters, not outliers, Boyd said: He expects the issue to worsen as rising interest rates and inflation conspire to make housing affordability more challenging over time.

“The engagement of these firms in real estate is an admission of the scope of the problem, from coast to coast,” Boyd said.

*Contact Patrick Sisson at patrick.sisson@bisnow.com
(<mailto:patrick.sisson@bisnow.com>)*

See Also: Chip Manufacturing Boom Likely To Exacerbate Labor Shortage For Data Center Builders (</national/news/data-center/solving-chip-shortage-may-mean-more-labor-woes-for-data-center-builders-113351>)

Related Topics: CBRE (<https://www.bisnow.com/tags/cbre>), site selection (<https://www.bisnow.com/tags/site-selection>), John Boyd (<https://www.bisnow.com/tags/john-boyd>), Up For Growth (<https://www.bisnow.com/tags/up-for-growth>)



*Producing quality steel
fabrication products since
1989.*

June 2022

Monthly Market Bulletin

What's next for steel pricing?

So many factors influence steel pricing, both good and bad. We have seen the global wars and the pandemic increase the pricing. Now we review the indicators of price decreasing.

Steel prices, lead times, and mill negotiations are all indicators that we are on the verge of the steel pricing decreasing, FINALLY!

Steel Prices

Hot-rolled coil (HRC) has dropped below \$1,400/ton from a peak of \$1,480/ton at the peak of Russian invading Ukraine in mid to late April. There was another \$75/ton decline in May.

Lead times

Lead times are moving back to their normal ranges; about four to six weeks for hot-rolled, and about six to eight weeks for cold-rolled and coated. If lead times continue to move lower, further price declines are in store.

Mills and service centers are lowering prices too. It's slowly trickling down to fabricators.

Falling U.S. steel prices aren't a bad thing, it makes buyers think twice about buying imports and it allows U.S. manufacturers to buy local and stay competitive with other foreign markets.

This fluctuation in the steel prices is a cycle that repeats itself every decade (or so). Global and domestic influences can change the trajectory in an instant and it can last a few months to a few years. Hopefully the indicators are proving this fluctuation is almost over.

We haven't seen a decrease in steel fabricated products despite the historic pricing so it will be interesting to see what the demand is once the pricing levels out to what is considered normal.

Have a steel project coming up? Give us a call to get started and be ready for the pricing decrease.



FOR THE EXCLUSIVE USE OF CWIKTOR@MTB.COM

From the Buffalo Business First:

<https://www.bizjournals.com/buffalo/news/2022/06/13/steelbound-brewery-distillery.html>

Steelbound franchise plan takes off with Las Vegas deal and in-room pour systems

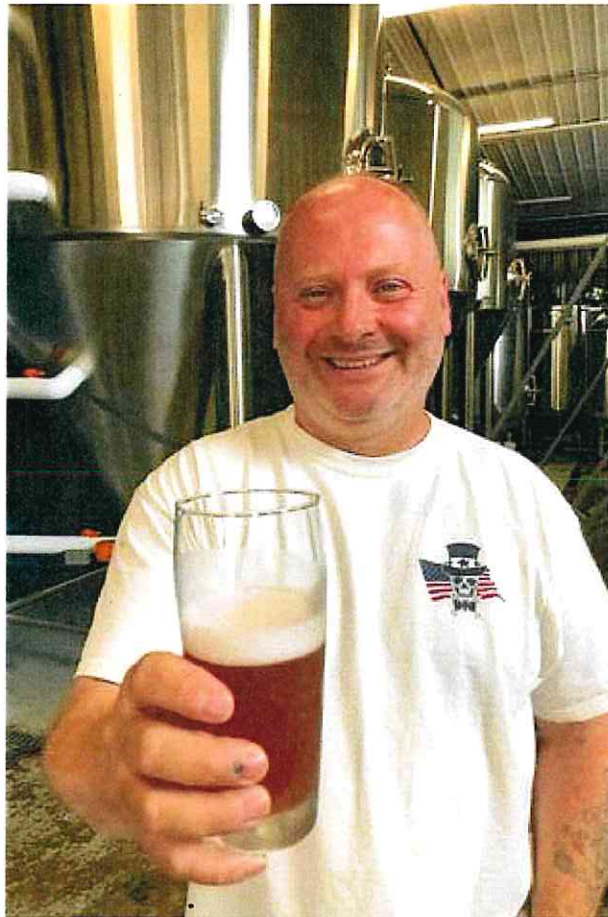
Jun 13, 2022, 10:00am EDT

Steelbound Brewery and Distillery is expanding in and out of the region under a new franchise model.

That includes a signed deal in Las Vegas, with negotiations ongoing in Toronto and Brampton, Ontario, plus early discussions in Ohio.

The company, which operates locations in Ellicottville and Springville, will see its first franchise open in early July in Dunkirk at the Clarion Hotel Marina & Conference Center at 30 Lake Shore Drive.

A second franchise in Hamburg will follow next year at 4046 Lake Shore Road, where Steelbound is working with Bob Johnson, owner of Peg's Place Restaurant to open next door to



TRACEY DRURY

the diner. Steelbound also has an affiliate deal in place to supply beer and liquor to The Ridge at 555 Orchard Park Road in West Seneca.

Bill Bursee, owner, Steelbound.

Open since 2015, Steelbound founder Bill Bursee said business is booming: Sales were up 40% from 2019 to 2020; and up 70% from 2020 to 2021. Though it's down a bit from last year, it's still way above 2019, he said.

"We're busy," he said. "It's like I'm going down a hill and can't get my feet on the pedals."

Like in Dunkirk, the partner in Vegas also operates a hotel (Best Western). Both locations will have beer taps in the hotel suites to enable in-room pour systems accessible to guests over 21.

Bursee expects to offer that model in Ellicottville, where he is planning a 10,000-square-foot, two-story conference center and 74-room hotel on land acquired this year next door to the existing restaurant/brewery on Route 219.

"This is morphing into us being associated with hotels, which is just a good fit with drinking. It's nice to have somewhere for people to stay," he said.

Unlike traditional franchise models, Steelbound's deals are more of a hybrid franchise/licensing agreement where locations can be a bit different, both in terms of design and food served.

Bursee said his team – including business partners Bill Gugino, Mark Baerwaldt, Kody Sprague and James Fleischman — work closely with operators, offering training at their sites and bringing them to Ellicottville and Springville.

"We're not like a McDonald's," he said. "Every place won't be exactly the same and will all have their own flare. If we open one in Kansas City, I would hope the menu would be mostly Kansas City barbecue."

Tracey Drury

Reporter

Buffalo Business First



FOR THE EXCLUSIVE USE OF CWIKTOR@MTB.COM

From the Buffalo Business First:

<https://www.bizjournals.com/buffalo/news/2022/06/14/meet-jeff-gingerich-st-bonaventures-new-president.html>

Meet Jeff Gingerich, St. Bonaventure's new president

Jun 14, 2022, 10:00am EDT

When Jeff Gingerich was looking for college presidential positions, he was attracted to St. Bonaventure University because of its mission.

"This is the kind of place I wanted to be, really focused on the students and student experience and making sure they go out and do great things in the world and help make a better world around them, too," he said.

Gingerich officially starts as president on June 20. The university started the presidential search after President Dennis DePerro died from Covid-19 complications March 1, 2021. Joseph Zimmer, provost and vice president for academic affairs, has been acting university president.

Gingerich's experience in higher education includes provost, senior



DANNY BUSH/ST. BONAVENTURE UNIVERSITY

vice president of academic affairs and acting president at the University of Scranton and department of sociology and criminology teacher, provost and vice president for academic affairs and acting president at Cabrini University in suburban Philadelphia.

Jeff Gingerich, St. Bonaventure University's new president

He has master and doctoral degrees in sociology from the University of Pennsylvania and a bachelor in social work from Eastern Mennonite College.

He talked with Business First about his goals for the university and how he'll approach the leadership role. Responses have been edited for length.

What is your leadership style?

I was shaped a lot by the years I spent before I went to get my doctorate. I was doing voluntary service in New Orleans. What I did there was a lot of conflict resolution and mediation training. That led to leadership development. I am not a big fan of top-down decisions. I think places like St. Bonaventure, we have a lot of smart, creative and committed people. We all need to get together and talk about the future of St. Bonaventure. That's where the best ideas emerge.

How do we hold on to the tradition, which is going to be really important for us at St. Bonaventure, while at the same time sort of moving toward a newer St. Bonaventure that has the programs that students need and want, that has the programs that jobs are open for and that the world needs?

What are your short- and long-term goals for the university?

The first step is getting to know people, both internally and externally. I'm looking forward to spending time with faculty, students, staff and just getting to know the tradition, what's happening now, what's working well, what's not working well and just hanging out and becoming part of the bigger community. I'm a big believer that higher education needs to play a central role in a community's development and building it up.

We're going to have to continue to concentrate on enrollment. That's the real challenge for all higher education. That means making sure we continue to get the name out there. The fortunate thing is that people know St. Bonaventure, really around the country but particularly in the Northeast. But really making sure they see St. Bonaventure and all the great things that are there and the transformational student experiences that are there. A really big part of my job is going to be telling that story.

How will you achieve those goals, especially when it comes to enrollment and getting that message out there?

I'm a real data-driven guy, so a big part of our first step is being strategic about our enrollment process and looking at what the market is, where the market is going, what students want. And then does that fit with the mission of who we are?

Part of the role as president will be then finding the funds to invest in. So that's one of the decisions here. Where do we invest our donor dollars? Where do we invest our operational dollars so that we can get the most return on our investment and serve students the best that we can?

What have you learned from your past professional experiences?

Becoming a president is not something I originally thought of. I'm a first-generation college student myself, so even moving into my graduate school to get my Ph.D. was a step.

When I was at Cabrini, I was asked to step into role of interim dean. I thought I'd do that and go back to the classroom after a year, but I've been in administration ever since.

Part of that is because I've just been fortunate to have some strong mentors. I really found that I like being in the administrative role and thinking about strategy. I've been given the opportunities at Cabrini and Scranton to play a big leadership role in strategic planning, fundraising and strategic enrollment decisions, and I really enjoyed that.

Lian Bunny

Reporter

Buffalo Business First



