

County of Cattaraugus  
Industrial Development Agency

**BOARD OF DIRECTORS MEETING - AGENDA**

Thursday, September 8, 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.*

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**-Call the Meeting to Order-Time:**

**-Roll Call- Board of Directors of the CCIDA:**

**-Approval of July 26, 2022 CCIDA Board of Directors Meeting Minutes:**

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

**(#1.) Cimolai-HY, LLC.**

- This Project proposes to re-open an industrial manufacturing facility located in Olean, NY that has been closed by its current owner / operator. Manufacturing has occurred continuously at this site for over 110 years, and the plant is a large and generational employer in the community and surrounding areas. The closure has led to the loss of approximately 800 jobs. The facility is located on an 88-acre site and has approximately 950,000 sq-ft under roof. This consists of multiple buildings - 2 industrial plants, 1 large and 2 small office buildings and 7 satellite buildings for storage and testing (13 structures total).

The Project involves the acquisition and renovation of the existing plant in Olean, NY and outfitting it with the machinery, tools and equipment required for the fabrication of structural steel. The steel fabricated at this site will be used for large infrastructure projects such as buildings, bridges, schools, airports, sports stadiums, manufacturing facilities (e.g. Microchip manufacturing), industrial facilities and projects in the clean energy sector (e.g. convertor stations and components for offshore wind projects). Cimolai-HY will also compete to provide NY based engineering and manufacturing support to Green Energy projects. Cimolai-HY will fabricate structural steel and pursue large infrastructure projects such as buildings, bridges, schools, airports, sports stadiums, manufacturing facilities (e.g. microchip manufacturing), industrial facilities and projects in the clean energy sector. Within 2 years, Cimolai-HY, LLC. hopes to have 246 (+,-) employees.

**-The Total Project Investment: \$56,000,000(+,-).**

**(#2.) HoliMont, Inc.:**

-HoliMont Inc. has submitted an application to the CCIDA seeking NYS Sales Tax Abatement only with respect to their proposed project for their Resort. HoliMont is looking to increase their snowmaking capabilities by increasing the water supply and adding new tower locations. They plan to purchase two replacement UTV's, trade in a truck, replace a cat lift and replace five snowmobiles. HoliMont plans to add gym equipment for the HoliTots program, add security systems, and add floor, windows and insulation to a pole barn. They are currently building up their mountain biking program and plan to add 11 more bike carriers.

**-The Total Project Investment: \$646,332.00**

✓ Inducement Resolution – HoliMont

**\*Resolutions from Prior Applications/Projects in Process\***

**-Ellicottville Greens:** *(Application was made to the IDA on 07/26/22 -Pubic Hearing was held at the CCIDA Offices on August 22, 2022 with no one in attendance.*

**The Total Project Investment: \$710,000**

✓ Inducement Resolution – Ellicottville Greens

**\*Proposed Renewal of CCIDA Office Lease:**

-The IDA's current lease expired on July 31, 2022. The IDA has been at this location and office since July, 2012.

The Landlord proposes to renew the IDA Lease for an additional five (5) year term at the increased rental rate of \$17,100 (annually), payable \$1,425.00/per month, commencing October 1<sup>st</sup> 2022 and expiring September 30, 2027. ***(The new proposed rate is only a \$75.00 per month increase.)***

**\*Proposed Contract with Upper Edge Consulting:**

- Diana Cihak has found a way to combine the skills she has garnered from her entrepreneurial, political and government experience to successfully consult organizations in finding grant funding opportunities. ***\*A copy of the proposed contract has been included in your packet.***

Diana takes a multi-disciplinary approach to finding sources of funding from state, federal and private funding organizations for her for-profit, not for profit and municipal clients. Researching appropriate funding sources, making connections with funders, authoring and packaging applications along with proper follow up are all key to the success of Upper Edge's clients. Since 2010 Diana has helped her clients win awards that range from \$5,000 to \$4.5 Million.

**\*CCIDA Financial Reports:**

-Approval of Financial Reports – **July & August 2022**

**July 2022 IDA Income: \$166,953.00**

*(Application Fee – Ellicottville Greens –\$ 750.00)  
(Admin. Fee – Portville CSG 3. - \$84,854.00)  
(Admin. Fee – Portville CSG 4, - \$81,349.00)*

**August 2022 IDA Income: \$750.00**

*(Application Fee - Nipperland –\$ 750.00)*

***-The Agency is also working on closing documents relating to nine (9) active projects at this time as well.***

**\*Executive Directors Reports:**

**-Internal (IDA Meetings/Discussions):**

- ✓ **The IDA, WIB, JCC & County hosted an event relating to current Workforce Issues** that area employers are facing. We had Melinda Mack who heads up NYATEP present to the group of attendees who provided great content and feedback through a PowerPoint Presentation. A copy of the Presentation is included in your Board Packet for review. We had a well-attended event at Holiday Valley and will be having a follow up in the Spring. More to follow on this!
- ✓ **Met with a local brewer** who will be submitting a project application to the IDA later this year. More details to follow on this very exciting project and investment. This project will be great for the County. This proposed project has unique project dimensions to it!
- ✓ **Continued discussions and meetings with Tom Cullen and Bob Dingman** with respect to the proposed Rail Bike Project in the Village of Cattaraugus, with **Rev Rail**. More to follow as we work with various consultants.
- ✓ **We have spent much time with an out of the area Manufacturing company** that is looking for Industrial land & buildings in the Olean/Portville, 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. Application submitted, will proceed when able\*
- ✓ **Met with Rich Schechter from Pyramid Brokerage** on the on-going sale of a large building in the **Olean to a new manufacturing company**. We are getting very close to a deal and project. Fingers Crossed!
- ✓ **We continue to work with Great Lakes Cheese and Journeys End Buffalo** relating to the Refugee and Resettlement initiative. We have a group meeting in early August and I am also putting together a trip with the Team to head to Hiram,

OH to meet with the GLC and their HR relating to their current resettlement program that GLC has ongoing in their Hiram Plant. Additional meetings were held in August.

- ✓ **Employee Recruiting!** From August 5-7 Corey spent the weekend with a proposed new hire for GLC. We are happy to announce that the proposed employee has accepted a position with GLC and will be living in Ellicottville with his wife! We had a great weekend and time together, as are thrilled that he accepted the position and will be moving here from Chicago!
- ✓ Met with Bill Paladino from **Ellicott Development** to discuss their County owned properties and sites, and ways the IDA can assist potential clients and redevelopment opportunities. We did discuss a specific project, more to follow.
- ✓ We held a **Meeting** with Mark Storch, with Storch Development who is assisting the IDA with securing Funds for the road improvements that the NYSDOT is requiring on Route 16.
- ✓ Met with Mayor Aiello in the City of Olean for a project and development update meeting.
- ✓ Spent the day of August 9<sup>th</sup> with Jim Fink from Buffalo Business First relating to the Annual **Core Development Series**. Jim will be doing an in-depth story on **NES Bearings** and their expansion project at their facility. Jim and I toured the County to show the various development projects that are in process!
- ✓ Met with Dr. Courtney Curtalo, who heads up **SBDC in Jamestown and Olean**. We discussed several projects and financing options for some of the smaller projects that come across our desk. Very much appreciated Courtney's time and help!
- ✓ Had a **GLC-IDA Team Dinner on August 10<sup>th</sup>** to catch up on the project as well as to discuss the meeting that we had on August 11<sup>th</sup> in Buffalo to ask the State to consider funding the Route 16 road build out request of roughly \$3 Million.
- ✓ Met the **local WNYIDA Group** for a working lunch meeting relating to area projects and developments. The CCIDA will be hosting the meeting in October.
- ✓ Met with perspective business Team relating to a new manufacturing project in the Olean Area. Much more to follow on this project. Currently this proposed project is very confidential.
- ✓ 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. Warehousing use.

- ✓ Had a **meeting with NYS Senator George Borrello** to catch he and his Staff up on various projects and developments that the IDA is working on.
- ✓ Met with Ed Arnold and his business partner AI to discuss solar projects and how they could go about recruiting such a proposed project to their land in Humphrey.
- ✓ Met with Greg Fitzpatrick from Fitz & Weller to discuss on their business is doing, Ellicottville projects etc.
- ✓ Attended the monthly **Cattaraugus County Economic Development Team Meetings**. The August Meeting featured the new Regional Director, Karen Utz. We greatly appreciated her time and for spending a few hours with our Team.
- ✓ We had a conference call with Ginger and Bob to discuss a few proposed solar projects in the Town of Machias. More to follow on this as we will be looking to set up a meeting between the IDA, Town, Developer and Counsels.
- ✓ Working with a local real estate commercial broker on finding a location within the County for a client of theirs for a lease project with about 20 retained and new jobs.
- ✓ The IDA has been extremely busy working on a few very confidential projects at this time. More information and details will be provided when we are able to convey them to the open public. Fingers crossed on these projects that could be truly transformational and very positive for economic development in the County.

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

- ✓ **NYATEP** : Report on the State of the Workforce in NY. Very informative report that gives insight into hiring in New York State.
- ✓ **Buffalo News Article**: Article by David Robinson: "*WNY has a people problem, and it's putting a damper on hiring here.*"
- ✓ **Camoin Associates Article**: "*Preparing for Tomorrow's Workforce.*" This article reports that May 2022 jobs report has been released showing the economy added 390,000 new jobs and 330,000 new workers to the labor force. There are three categories within which many of the factors connect, changing demographics, technology and cultures are all contributing factors in workforce development.
- ✓ **Camoin Associates Article**: "*US Labor Force Participation Rate shows Post-Pandemic Recovery, but Long-Term Decline Continues.*" While the recent gains indicate the labor force is recovering from the COVID-19 pandemic, the fact remains that the LFPR in the US has been on a long-term decline since 2000.
- ✓ **Camoin Associates Article**: "*Moving the Needle: 5 Ways Local Governments Can Help Address the Housing Shortage.*" Most everyone has heard the news by now: we need more housing. The current national housing shortage has been in

the works since (at least) the Great Recession because the pace of housing development never fully rebounded to the levels needed to keep pace with demand.

- ✓ **BNP-Employ Buffalo Niagara:** *"Hidden Barrier" How the Benefits Cliff is Making It Harder to Hire and Retain Employees.* Seminar being held on September 29<sup>th</sup> at the Burchfield Penney Art Center in Buffalo, NY While employers struggle to find the talent they need, too many of our neighbors are trapped in a system that penalizes career advancement in the short-term.
- ✓ **Laine Business Accelerator:** *"Nine Cattaraugus businesses to participate in Laine Business Accelerator"* Nine Olean region businesses are slated to go through St. Bonaventure University's business accelerator program, seeking to capitalize on the early momentum they've created. This 13-week course will include \$5,000 in startup funding, seminars and education from area business professionals and Bona and JCC faculty, and free office space at the Hub incubator facility in downtown Olean.
- ✓ **Olean Times Herald Article:** *"Brownfield cleanup underway for M.J. Painting in N. Olean."* Work has started at a 9.5-acre property on Franklin Street its owner calls the biggest brownfield cleanup in the City of Olean. The two-phase cleanup is a collaboration with the NYS Department of Environmental Conservation, Exxon-Mobil, the City and MJ Painting.
- ✓ **SizeUp WNY:** *SizeUpWNY is now available to you via grant from National Grid – can we talk?* The Buffalo Niagara partnership via generous grant from National Grid is bringing a new economic development tool to the region and to local IDA's. SizeUp promises to bring *"big data for small businesses."* This data which is easy to access and provides robust comparative reporting for businesses. Through this grant, businesses from the eight-county region of WNY will be available in the system which BNP will be making available to all of their member businesses.
- ✓ **New York Propane Industry:** *Article from Ipgasmagazine. "New York propane industry defends its future. New York State's Climate Act (2019) requires New York to reduce economy-wide greenhouse gas emissions 40 percent by 2030 and no less than 85 percent by 2050 from 1990 levels. Thus far, the Climate Action Council (CAC) tasked with developing a framework for implementation, has proposed outright bans on fossil fuels in favor of electrification. Just two of the 22-member committee represent industry.*

**Adjournment:**

Motion-

:  
:

Time:

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**\* Next CCIDA Board of Directors Meeting is scheduled for October 18, 2022 at 11:15 a.m. at the CCIDA Offices in Ellicottville, NY. (This is also the date for our Annual Tour and Dinner-More to follow on that).**

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**Zoom Meeting access Information:**

Topic: County of Cattaraugus IDA Board Meeting  
Time: Sep 8, 2022 11:15 AM Eastern Time (US and Canada)

Join Zoom Meeting:

<https://us02web.zoom.us/j/81467219049?pwd=UmJ1M3ByMHNVemVoVi9HbkIUeWY5Zz09>

Meeting ID: 814 6721 9049  
Passcode: 601278

One tap mobile  
+19292056099,,81467219049#,,, \*601278# US (New York)

Dial by your location  
+1 929 205 6099 US (New York)

Meeting ID: 814 6721 9049  
Passcode: 601278

**COUNTY OF CATTARAUGUS  
INDUSTRIAL DEVELOPMENT AGENCY**

**BOARD MEETING MINUTES**

**July 26, 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 Snyder  
Mr. Brent Driscoll  
Mr. John Stahley  
Ms. Ginger Schroder

**Excused:**

Mr. Joseph Higgins  
Mr. Michael Wimer

**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*  
Mr. Gabriel Bialkowski – *Ellicottville Greens, Founder &, CEO (via zoom)*  
Hunter – *Associate at Ellicottville Greens*

Chairman, Thomas Buffamante called the meeting to order at 11:17 a.m.

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

A Motion was made by Brent Driscoll seconded by John Stahley to accept the Board Meeting Minutes from July 21, 2022 as presented to the Board. All in favor. **Motion Carried.** Mr. Wimer and Mr. Higgins were excused.



### \*New Applications/Projects\*

#### -Ellicottville Greens:

Ellicottville Greens has submitted a Sale/Leaseback Application to the CCIDA seeking NYS Sales Tax Abatement and a PILOT with respect to their proposed project for their Corporate Headquarters and growing facility for their vertical gardens. They will be building a distributed network of sustainable indoor vertical farms.

Mr. Gabriel Bialkowski the CEO & founder of the Ellicottville Greens and his associate Hunter were present on the zoom call to answer any questions that the Board may have. Their mission will be to provide affordable, high-quality produce to economically distressed zones with food insecurity concerns. Growing micro greens, baby greens, leafy greens, and herbs. They will be selling to consumers, restaurants, institutions, food distributors, and grocery stores. They will be operating under the brands: *Ellicottville Greens and Vertical Fresh Farms*.

The Total Project Investment: \$720,000.

#### \*CCIDA Financial Reports:

A Motion was made by Brent Driscoll seconded by Thomas Buffamante to accept the June 2022 Operating Statement as presented to the Board. All in Favor Motion **Carried**.

June 2022 had income of \$76,198 from a partial admin fee from Pivot Energy of \$49,698 an admin fee from Otto CSG 1 of \$25,000, and an application fee from Olean Town Center Project of \$1,500.

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

#### ERC- Employee Retention Credit:

The CCIDA received a call from West Long at Long Consulting Firm and were advised that we should file for the Employee Retention Credit due to the fact that the CCIDA continued to operate IDA functions during the Covid-19 Pandemic and mandated business shutdown.

The CCIDA worked with Brandon from Long Consulting staff and filed the necessary paperwork. We have received notice that we are eligible for a \$52,000 refund. The CCIDA was required to pay the filing agency, ERC Specialists 10% of our approved refund amount or \$5,200 upfront or pay a larger percentage if we wait for the refund to come in. We should be receiving our check in the amount of \$52,000 in approximately 20 weeks, the CCIDA will receive a net income gain of \$46,800 after expenses.

## Executive Directors Reports:

### -Internal (IDA Meetings/Discussions):

- ✓ Met with a **local brewer** who will be submitting a project application to the IDA later this year. More details to follow on this very exciting project and investment. This project will be great for the County.
- ✓ We continue to work with **Great Lakes Cheese and Journeys End Buffalo** relating to the Refugee and Resettlement initiative. We have a group meeting in early August and I am also putting together a trip with the Team to head to Hiram, OH to meet with the GLC and their HR relating to their current resettlement program that GLC has ongoing in their Hiram Plant. More to follow at the Sept. Board Meeting.
- ✓ **The CCIDA has a new website!** This brand-new website has all of the IDA documents which now include the Board Packets, Resolutions, Applications etc. This website has all new pictures, active projects, applications, applicable Agency information etc. A huge Thanks goes to Sandy for all her help and work on this!!
- ✓ Met with Vicki Blessing from **Ellicott Development** to discuss their open properties and sites, and ways the IDA can assist potential clients and redevelopment opportunities.
- ✓ We held our first **Team Meeting** at the IDA Office of the group and makeup of trying to bring additional projects and investment to the County and Farmersville/Franklinville. A great group made up local and WNY development Officials working to bring additional development to compliment the project and investment made by Great Lakes Cheese.
- ✓ Met with Mayor Aiello in the City of Olean for a project and development update meeting.
- ✓ Met with Tim Emley, Supervisor the Town of Portville relating to the Town's solar projects and the support and positive impact that they have had and will in the Town.
- ✓ Met with Bob Murray a few times over the past month to discuss ongoing projects, proposed projects and IDA Policies and procedures. Much more to come on this at the September IDA Board Meeting.
- ✓ **We spent 2 days with an out of the area Manufacturing company** that is looking for Industrial land & buildings in the Olean/Portville, 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.
- ✓ Met with Rich Schechter from Pyramid Brokerage on the on-going sale of a large building in the **Olean to a new manufacturing company**. We are getting very close to a deal and project. Fingers Crossed!
- ✓ Discussed a **proposed commercial use new build project in Olean**. More details to follow. Owner is proposing putting the building in the Brown Field Cleanup program.
- ✓ Met the local WNY IDA Group for a working lunch meeting relating to area projects and developments. The CCIDA will be hosting the meeting in Sept.
- ✓ We had a good meeting in Buffalo and are working with the DOT and State Officials on the requested road upgrades that are needed on Route 16, relating to the GLC Project. A follow up meeting has already

been scheduled for August 11<sup>th</sup> at 8:30 in Buffalo. The IDA will be hosting a dinner meeting on the 10<sup>th</sup> to prepare and discuss the meeting on the 11<sup>th</sup>.

- ✓ 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. Warehousing use.
- ✓ Upcoming meeting with Senator Borrello and Bill Paladino with Ellicott Development coming up in August to discuss projects, etc.
- ✓ Meeting with Greg Sehr to discuss several projects that we have in the works.
- ✓ Continued Business Development meetings with **Revolution Rail** and Tom Cullen pertaining to the proposed project and investment in the Village of Cattaraugus. We have a meeting set up on July 28<sup>th</sup> at 9:00 AM. We will also be discussing this project with the Ralph Wilson Foundation as well.
- ✓ Met with Mark Storch from Storch Development on an array of projects and ways his Firm may be able to assist us and the proposed projects within the County.
- ✓ Working with a local real estate commercial broker on finding a location within the County for a client of theirs for a lease project with about 10 new jobs.

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

- ✓ **Cattaraugus County Economic Strategic Plan:** This is the newly released Economic Strategic Plan for Cattaraugus County done by 4 Ward Planning Inc. If anyone would like a copy, please let us know and we will get one to you.
- ✓ **Buffalo Business First:** The List: Ranking of 2021 WNY Economic Development Agencies by project amount. In 2020 the CCIDA was ranked #2, and **this year we are Ranked #1.**
- ✓ **Great Lakes Cheese:** New Plant Groundbreaking April 28, 2022, hand-out with recognition to the numerous groups and organizations that were instrumental in bringing this fantastic project to Cattaraugus County.
- ✓ **Good-Natured Glamping:** This is a new business to Ellicottville, NY located at 4688 State Route 242 just outside of Ellicottville, NY. This brings another avenue for overnight lodging to the area at a more rustic venue. **TimberHut** is providing the units for camping!
- ✓ **JCC-IDA-WIB & County Business Forum:** On August 25<sup>th</sup> from 8:30 to Noon at Holiday Valley which will include a cross sector of over 30 businesses to hear from them on the challenges, issues and dilemmas that they face when trying to recruit, hire and keep employees. This should be a great event and will allow us to better understand this critical workforce development topic.
- ✓ **Economic Impact of the Great Outdoors:** Article by: Economic and Policy Insights. *"As outdoor activities continue to recover and evolve in the wake of the pandemic, policymakers can explore ways to enhance access to recreational opportunities, attract new visitors, and preserve the environment."*

- ✓ **Buffalo Business First:** Demand for corrugated paper translates to growth for Cascades Container & Packaging. *"A Lancaster box manufacturer that has undergone more than one transformation since the 1960's is in another transformative state as it automates processes, diversifies its workforce and seeks additional space."* **This WNY employer worked with Journey's End in the assistance of finding labor.**
- ✓ **Greater Olean, NY News:** 9<sup>th</sup> Annual Southern Tier Leadership Summit Will Be at SBU. *"The post-pandemic workplace will be the highlighted topic of the ninth annual Southern Tier Leadership Summit scheduled to take place Aug. 4 in the University's Doyle Hall."*
- ✓ **Leadership Cattaraugus:** Hand-out on the IDA Sponsorship of Leadership Cattaraugus to be held on August 4, 2022 at 9 – 2:30 p.m. at St. Bonaventure University. If any Board member would like to attend this event, please let us know.
- ✓ **Marketplace Morning Report:** *"US Industry group commits to \$6 billion solar panel buy- on one condition." A group of US renewable energy developers has said it is willing to invest \$6 billion in solar panels over the coming year – as long as they are made here in America."*
- ✓ **Buffalo News Article:** *"Amherst kick-starting Boulevard Mall overhaul via 'urban renewal'".* A very germane article with respect to the proposed Olean Centre Mall project.

#### **Adjournment:**

A Motion was made by Brent Driscoll seconded by John Stahley to adjourn the meeting at 12:32 p.m. All in Favor – Motion Carried

**\* Next CCIDA Board of Directors Meeting: Thursday, September 8, 2022 at 11:15 a.m. at the CCIDA Offices, 9 E. Washington Street, Ellicottville, NY, and also via Zoom.**

## I. Eligibility Questionnaire - Applicant Background Information

Answer all questions. Use "None" or "Not Applicable" where necessary.

### A) Applicant Information-company receiving benefit:

Applicant Name: Cimolai-HY LLC  
Applicant Address: c/o Related Companies, 30 Hudson Yards, 82<sup>nd</sup> Floor  
City/Town: New York State NY Zip: 10001  
Phone: (302) 593-4921  
E-mail: john.kelly@related.com

### B) Business Organization (check appropriate category):

Corporation  Partnership   
Public Corporation  Joint Venture   
Sole Proprietorship  Limited Liability Company   
Other (specify) \_\_\_\_\_  
Year Established: 2022 State in which Organization is established: DE

### C) Individual Completing Application:

Name: John Kelly  
Title: Member Board of Managers  
Address: c/o Related Companies, 30 Hudson Yards, 82<sup>nd</sup> Floor  
City/Town: New York State: NY Zip: 10001  
Phone: (302) 593-4921 E-Mail: john.kelly@related.com

### D) Company Contact (if different from individual completing application):

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

### E) Company Counsel:

Name of Attorney: Douglas Dimitroff  
Firm Name: Phillips Lytle LLP  
Title: Partner  
Address: One Canalside, 125 Main St.  
City/Town: Buffalo State: NY Zip: 14203  
Phone: (716) 847-5408 E-Mail: DDimitroff@phillipslytle.com

### F) Benefits Requested (select all that apply):

1. Exemption from Sales Tax  Yes or  No
2. Exemption from Mortgage tax  Yes or  No
3. Exemption from Real Property Tax  Yes or  No
4. Tax Exempt Financing\*  Yes or  No

\* (typically for not-for-profits & small qualified manufacturers)

## **G) Applicant Business Description:**

Describe in detail company background, history, products and customers. Description is critical in determining eligibility:

Cimolai-HY LLC is a start-up formed as a joint venture between the Related Companies L.P. and Cimolai S.p.A. Each partner has significant experience in the fabrication of structural steel. Both companies are present in this market, as users and producers, and Cimolai-HY LLC was created to expand that presence and support the expansion and vertical integration of both organizations.

Cimolai-HY will pursue large infrastructure projects such as commercial buildings, bridges, schools, airports, sports stadiums, manufacturing facilities (e.g. microchip manufacturing), industrial facilities and projects in the clean energy sector (e.g. convertor stations and steel components for offshore wind projects).

### **RELATED COMPANIES OVERVIEW**

Formed 50 years ago within the affordable housing sector, Related has grown into a fully-integrated and highly diversified company with expertise in every asset class and every aspect of real estate including development, construction, vertically integrated trade contracting and value engineering, acquisitions, management, finance and operations.

Related is the most prominent private real estate firm in the US with over \$60 billion of properties owned or under development. These properties include large and complex city center developments, such as the 28-acre Hudson Yards neighborhood on Manhattan's West Side, the Grand and Related Santa Clara in California, The 78 in Chicago and Rosemary Square and the Flagler Waterfront District in West Palm Beach. The company is also proud to be the largest private owner of affordable developments in the country, with a portfolio of over 50,000 units.

Related also owns and operates manufacturing, engineering, and construction resources that enable us to design innovative sustainable solutions, deliver on our cutting-edge design and architecture and secure our supply chain for our customers and end users. We established, built and operate New Hudson Facades, a national architectural facade company specializing in the design, engineering, manufacturing, and installation of facades on world class buildings, including the corporate headquarters of several Fortune 500 companies. Our 180,000 square foot manufacturing facility in Linwood, Pennsylvania is equipped with the industry's most advanced technology and is capable of fabricating over 1.5 million square feet of curtain wall per year, with 400 employees and annual sales of \$250 million. Related also owns and operates large-scale HVAC and mechanical contracting, renewable energy engineering, procurement, and construction (EPC), and cogeneration facility operations.

With a commitment to excellence, sustainability and diversity and a focus on innovation, wellness, culture and hospitality, Related fosters leading-edge technology and ideas to fulfill its vision and was recently named to Fast Company Magazine's list of the 50 Most Innovative Companies in the World.

Headquartered in New York City, Related has additional offices and major developments in Boston, Chicago, Los Angeles, San Francisco, West Palm Beach, Washington, D.C. and London, and boasts a team of over 4,000 professionals. Related has also developed integrated partnerships with leading lifestyle brands in fitness, beauty, hospitality, culinary, tech, finance, healthcare, retail and e-commerce. Please visit our website to learn more about our capabilities and experience: [www.related.com](http://www.related.com)

### **CIMOLAI GROUP OVERVIEW**

Cimolai is an industrial group specializing in the realization of large, complex works and a world leader in the design, supply and erection of all types of steel structures. These range from bridges and stadiums, to architecturally complex buildings and structures for the Off-shore, Oil & Gas and Clean Energy sectors, either providing commodities such as pipes and plate girders or complete assemblies including modules, platforms and pressure vessels.

Cimolai also produces Curtain Wall and Facades, provides special coating systems and designs and manufactures Material Handling Systems for oversize components.

#### **History of Company**

In 1949 Armando Cimolai, after working as a labourer, decides that the time is ripe to start his own business; with Albina, his young wife, he opens a small plant workshop in North Italy. The economic boom in Italy during the 1960's greatly

encouraged the expansion of the family business with different plants in Region Friuli. During the years Cimolai had to adapt quickly to the needs of the market, and the name Cimolai became synonymous with professionalism and reliability throughout Europe and the rest of the world, thanks to the subsequent projects undertaken, such as famous stadiums, bridges and aircraft shelters.

With expansion into the foreign market came the necessity to consider transportation. With this in mind, after 2000 some plants with direct access of Adriatic Sea were constructed and equipped with a mooring quay for ocean going vessels. Production of large pipes began in 2003 and the fabrication of ship hulls in 2007. The company's growth continued with the acquisition, in 2012, of Zwahlen & Mayr SA, a leading Swiss structural steelwork company was bought.

In the following years various companies were set up dedicated to curtain wall, design and construction of cladding for civil and industrial buildings, Oil & Gas industry, and services for heavy structures. In the last few years the company has continued to grow and expand, above all internationally, reaching an annual consolidated sales volume of approximately \$500 million. Cimolai strengthened its presence in Central and South America with technologically advanced projects, while in Europe, as general contractor, it expanded its fields of operation.

**Production capacity**

Cimolai workshops are located in North Italy (6 shops) and in Switzerland with a total covered production area of 2.8 million squarefeet and are equipped with the most modern machines possible for the construction of steel structures. These include automatic cutting and drilling lines, laser cutting lines for profiles and automatic mechanical movement for plates, welding robots, automatic dimensional control to enable pipe production, new heat treatment furnaces. Secondly, in order to fulfill major project requirements, the conventional manual UT testing was replaced by a new automatic UT testing method. In addition, Cimolai completed the certification process for environmental ISO 14001 in all its production sites. With over 2,000,000 man hours worked annually, Cimolai produces 160,000 tons of steel per year.

Headquartered in Pordenone - Italy, Cimolai has additional offices and major developments in Europe (France, UK, Belgium, Swiss, Ireland, Croatia, Greece), US, South America (Chile, Peru), Middle East (Israel, Emirates, Qatar), Africa (Algeria, Morocco, Botswana) and boasts a team over 2.500 employees.

Please visit our website to learn more about our capabilities and experience: [www.cimolai.com](http://www.cimolai.com)

Estimated % of sales within Cattaraugus County:

Estimated % of sales outside Cattaraugus County but within New York State:

Estimated % of sales outside New York State but within the U.S.:

Estimated % of sales outside the U.S.:

(\*Percentage to equal 100%)

-
30% **
70% **
-

\*\* Estimated only. This project would cover a large geographic area between Boston and Chicago, and from Buffalo to Washington D.C. It is difficult to predict where exactly work would occur.

For your operations, company, and proposed project, what percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Cattaraugus County TBD %.

Identify vendors within Cattaraugus County for major purchases:

We have not operated in this market place, and it is not possible to determine percentages of raw materials and supplies that would be purchased in Cattaraugus County.

However, this plant would provide significant support to the local economy through utilization of the existing supply chain and small businesses that previously provided services to this plant, including processing of scrap metals, trucking and logistics, facilities management (snow removal, landscaping, HVAC, building maintenance, fire alarm and security etc), tools and hardware and industrial supply stores.

We have already contacted several local businesses in Cattaraugus County and Olean, including:

Alarm Monitoring	Allied Alarm Services
Access Control / Video Security	Allied Alarm Services
Life Safety Systems	Allied Alarm Services
HVAC Maintenance	Mazza Mechanical Services
Security Guards	OSS Inc.

## II. Eligibility Questionnaire - Project Description & Details

### A) Project Location

Address of Proposed Project Facility: 500 Paul Clark Drive  
City/Town: Olean School District: Olean City  
SBL Number(s) for proposed Project: 94.048-1-2.1 and 94.048-1.28

Current Address (if different): \_\_\_\_\_  
City/Town: \_\_\_\_\_

What are the current real estate taxes on the proposed Project site? \$332,241

If amount of current taxes is not available, provide assessed value for each

Land: \$ \_\_\_\_\_ Building(s): \$ \_\_\_\_\_ *If available include a copy of current tax receipt.*

Are Real Property Taxes current at project location?  Yes or  No. If no, explain:

Yes – they appear to be based on publicly available information.

Does the Applicant or any related entity currently hold fee title have an option/contract to purchase the Project site?  Yes or  No. If No, indicate name of present owner of the Project site:

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Describe the present use of the proposed Project site (vacant land, existing building, etc.):

The site was formerly a manufacturing facility for large, industrial compressors and their components, owned and operated by Siemens Energy, and prior to that by Dresser Rand. Operations were wound down between February 2021 and +/- April 2022 and the plant is currently idle and most of the machinery has been removed.

As such, the site consists of empty industrial buildings and office space, save for one floor of an office building still occupied by Siemens Energy with office personnel.

## **B) Project Description**

Provide a narrative of the purpose of the proposed Project (new build, renovations, expansion), square footage of existing buildings (if any) and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility. Add an attachment if necessary.):

This Project proposes to re-open an industrial manufacturing facility located in Olean, NY that has been closed by its current owner / operator. Manufacturing has occurred continuously at this site for over 110 years, and the plant is a large and generational employer in the community and surrounding areas. The closure has led to the loss of approximately 800 jobs. The facility is located on an 88 acre site and has approximately 950,000 sq-ft under roof. This consists of multiple buildings - 2 industrial plants, 1 large and 2 small office buildings and 7 satellite buildings for storage and testing (13 structures total).

The Project involves the acquisition and renovation of the existing plant in Olean, NY and outfitting it with the machinery, tools and equipment required for the fabrication of structural steel. The steel fabricated at this site will be used for large infrastructure projects such as buildings, bridges, schools, airports, sports stadiums, manufacturing facilities (e.g. microchip manufacturing), industrial facilities and projects in the clean energy sector (e.g. convertor stations and components for offshore wind projects). Cimolai-HY will also compete to provide NY based engineering and manufacturing support to Green Energy projects, such as Clean Path NY and Offshore Wind in the NY Bight.

Cimolai-HY will fabricate structural steel and pursue large infrastructure projects such as buildings, bridges, schools, airports, sports stadiums, manufacturing facilities (e.g. microchip manufacturing), industrial facilities and projects in the clean energy sector (e.g. convertor stations and components for offshore wind projects).

In addition, Siemens Energy will lease approximately 40,000 sq-ft of office space in the Technical Center (the large office building) on a short term basis.

Will the completion of the Project result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the project occupant located within the state?  Yes or  No

If the Proposed Project is located in a different municipality within New York State in which current operations are being undertaken, is it expected that any of the facilities in any other municipality will be closed or be subject to reduced activity?  Yes or  No If Yes, you will need to complete Section V, *The Inter-municipal Move Determination*

Is the project reasonably necessary to prevent the project occupant from moving out of New York State?  Yes or  No. If yes, explain and identify out-of-state locations investigated, type of assistance offered and what competitive factors led you to inquire about sites outside of New York State? Provide supporting documentation if available:

If the project does not move forward at the Olean site, other project sites will be considered and evaluated.

Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?  
 Yes or  No. If yes, indicate the Agency and nature of the inquiry below:

Empire State Development  
Governor Hochul's Office  
Senate Majority Leader Schumer's Office

Describe the reasons why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary):

As this project would involve the re-opening and retrofitting of a shuttered manufacturing facility that would be used for a significantly different type of production, the applicant is seeking financial assistance to offset the needed renovations to the existing facility and the extremely significant capital cost required for the acquisition of machinery and equipment.

Significant re-training of employees is required to bring the plant to an operational state and then to improve efficiency of production to the point where the plant will be competitive in the market place. In addition, the anticipated labor costs for this facility are higher than in other markets that were evaluated, and the applicant is seeking assistance to help offset this higher expected operating cost for labor.

This project is not economically viable without assistance.

If this project moves forward, it will create approximately 215 highly-skilled and highly-paid manufacturing jobs and an additional 25 – 30 office jobs between 2023 and 2025. There is also future potential to grow at this site without the need for building expansion, or significant additional capital investment.

Confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the financial assistance provided by the Agency?  Yes or  No

If the Project could be undertaken without financial assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

Not Applicable

If the Applicant is unable to obtain financial assistance for the Project, what will be the impact on the Applicant and Cattaraugus County?

The project will not move forward. This will negatively impact the applicant's ability to pursue this business opportunity in NY and will negatively impact Olean and the surrounding areas, specifically the 250 direct jobs that will not be created. In addition, the support that this plant would generate for the local economy would not occur, i.e. the utilization of the existing supply chain and small businesses that formerly provided services to this plant, including processing of scrap metals, trucking and logistics, facilities management (snow removal, landscaping, HVAC, etc), tools and hardware and industrial supply stores.

Of the 3 potential buyers that were interested in this property (to best of Applicant's knowledge), Applicant was the only one who intended to use this site for manufacturing. Other interested parties were looking to use the facility for data management or crypto currency mining which would not lead to the same level of job creation.

**C) Site Characteristics**

Will the Project meet zoning/land use requirements at the proposed location:  Yes or  No

Describe the present zoning/land use: Industrial

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If a change in zoning/land use is required, provide details/status of any request for change of zoning/land use requirements:

Not Applicable

Has a project related site plan approval application been submitted to the appropriate planning department?

Yes or  No

If yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.

If No, list the CCIDA as, or ensure that the CCIDA is listed as, an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval and provide to the EAF to the lead agency and to the CCIDA.

If No, because site plan approval is not otherwise required, complete and submit the EAF along with this Application to the CCIDA.

Is the proposed project located on a site where the known or potential presence of contaminants is complicating the development/use of the property?  Yes or  No If yes, explain:

Has a Phase I Environmental Assessment been prepared or will one be prepared with respect to the proposed project site?  Yes or  No If yes, provide a copy.

**D) Project Type**

**Select Project Type/Use for all end users**

Acquisition of Existing Facility	<input checked="" type="checkbox"/>	Life Care Facility (CCRC)	<input type="checkbox"/>
Affordable/Workforce Housing	<input type="checkbox"/>	Market Rate Housing	<input type="checkbox"/>
Assisted Living	<input type="checkbox"/>	Mixed Use	<input type="checkbox"/>
Back Office	<input type="checkbox"/>	Multi-Tenant	<input type="checkbox"/>
Civic Facility (not for profit)	<input type="checkbox"/>	Renewable Energy	<input checked="" type="checkbox"/>
Commercial	<input type="checkbox"/>	Research/Design	<input type="checkbox"/>
Senior Housing	<input type="checkbox"/>	Retail	<input type="checkbox"/>
Facility for Aging	<input type="checkbox"/>	Warehousing	<input type="checkbox"/>
Industrial/Manufacturing	<input checked="" type="checkbox"/>	Other	<input type="checkbox"/>
Tourism Facility/Project	<input type="checkbox"/>		

Will customers personally visit the Project site for either of the following economic activities indicated below? If yes with respect to either economic activity indicated below, complete Section IV, Retail Questionnaire.

Retail Sales:  Yes or  No

Services:  Yes or  No

\* For purposes of this question, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the New York Tax Law (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the project.

For the proposed Project Facility, indicate the square footage for each of the uses outlined below:

\*\*If applicant is paying for FFE for tenants, include in cost breakdown

	Square Footage	Cost	% of Total Cost of Project
Manufacturing/Processing	774,965	\$6,341,487	82%
Warehouse			
Research & Development			
Commercial			
Retail (see retail questionnaire)			
Office	172,128	\$1,408,512	18%
Renewable Energy			
Specify Other			

What is the estimated project timetable (provide dates):

1. Start date: acquisition of equipment or construction of facilities: August 2022
2. Estimated completion date of project: July 2026
3. Project occupancy – estimated starting date of occupancy: January 2023

**E) Overall Project Costs**

Estimated costs in connection with Project:

1. Land and/or Building Acquisition			\$ 7,750,000
88.1	acres	947,093	square feet
2. New Building Construction	0		square feet \$ -
3. New Building Addition(s)	0		square feet \$ -
4. Infrastructure Work			\$ 0
5. Reconstruction/Renovation	N/A		square feet \$ 1,500,000
6. Manufacturing Equipment			\$ 34,332,906
7. Non-Manufacturing Equipment (furniture, fixtures, etc.)			\$ 500,000
8. Soft Costs: (Legal, architect, engineering, etc.)			\$ 603,105
9. Other, Specify: Start Up, Commissioning & Training			\$ 11,169,533
TOTAL Costs:			\$ 55,855,544

**Construction Cost Breakdown:**

Total Cost of Construction	\$ 1,500,000	(sum of 2,3,4 and 5 above)
Cost of materials:	\$ TBD	
% sourced in Cattaraugus County	TBD	%

Have any of the above costs been paid or incurred as of the date of this application?  Yes or  No  
If yes, describe: \_\_\_\_\_

**Sources of Funds for Project:**

Bank Financing	\$ _____
Equity (excluding equity that is attributed to grants/tax credits)	\$ 55,855,544 **
Public Sources (Include sum total of all state and federal grants and tax credits)	\$ _____
Identify each state and federal grant/credit: (i.e. Historic Tax Credit, New Market Tax Credit, Brownfield Cleanup Program, ESD, other public sources)	
Unknown	\$ _____
_____	\$ _____
_____	\$ _____
Total Sources of Funds for Project Costs:	\$ _____

\*\*Equity to be refinanced with debt at a future time.

Have you secured financing for the project?  Yes  No. If yes, provide a copy of the loan commitment to the Agency.

Project refinancing estimated amount, if applicable (for refinancing of existing debt only): \$ 0

**Sales and Use Tax Benefit:** Gross amount of costs for goods and services that are subject to State and Local Sales and Use Tax - said amount to benefit from the Agency's sales and use tax exemption benefit: \$ 5,000,000

Estimated State and Local Sales and Use Tax Benefit (multiply 8.0% by the figure, above): \$400,000

*\*\* Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate above represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application, unless otherwise amended and approved by the Agency. The Agency may utilize the estimate above as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.*

**Mortgage Recording Tax Exemption Benefit:** Amount of mortgage, if any that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ 10,000,000  
 Estimated Mortgage Recording Tax Exemption Benefit (multiply the mortgage amount as indicated above by 1.25 %): \$ 125,000

**Real Property Tax Benefit:**

Identify and describe if the Project will utilize a real property tax exemption benefit OTHER THAN the Agency's PILOT benefit (487, 485-b, other): None

**IDA PILOT Benefit:** See Section VI of this Application. Agency staff will indicate the amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit year and the sum total of PILOT Benefit abatement amount for the term of the PILOT.

**F) Job Retention and Job Creation**

Is the project necessary to expand project employment?  Yes or  No

Is project necessary to retain existing employment?  Yes or  No

**Employment Plan (Specific to the proposed project location):**

	Current # of jobs at proposed project location or to be relocated at project location	If financial assistance is granted – project the number of FT and PT jobs to be retained	If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **
Full time (FT)	0	0	246	220 approx.
Part Time (PT)	0	0	0	0
Total ***	0	0	246	220 approx.

\*\* The Labor Market Area includes the Counties of Cattaraugus, Erie, Allegany, Chautauqua and Wyoming. For purposes of this question, estimate the number of FT and PT jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column.

\*\*\* By statute, Agency staff must project the number of FT jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the two-year time period following Project completion. Agency staff converts PT jobs into FT jobs by dividing the number of PT jobs by two (2).

**Salary and Fringe Benefits for Jobs to be Retained and Created:**

Category of jobs to be retained and/or created	# of employees retained and/or created	Average salary for Full Time	Average fringe benefits for full time ***	Average salary for part time, if applicable	Average fringe benefits for part time, if applicable
Management	4	\$180,000	30%	-	-
Financing / Purchasing	10	\$92,500	30%	-	-
Sales & Technical Mgmt	7	\$105,000	30%	-	-
Quality, Health & Safety	5	\$105,000	30%	-	-
Production	215	\$54,080	30%	-	-
Production Management	5	\$111,250	30%	-	-
Other	-	-	-	-	-

\*\* Note that the Agency may utilize the foregoing employment projections, among other items, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.

\*\*\* 30% is estimated percentage of salary to cover benefits (401K, healthcare etc), payroll taxes etc.

**Payroll Information:**

Annual Payroll at proposed project site upon project completion		\$ 15,088,450 ***
Estimated average annual salary of jobs to be retained (full time)		\$ -
Estimated average annual salary of jobs to be retained (part time)		\$ -
Estimated average annual salary of jobs to be created (full time)		\$ 61,335 ***
Estimated average annual salary of jobs to be created (part time)		\$ -
Estimated salary range of jobs to be created		\$ 54,080 - \$180,000 ***
From (full time)	\$ 54,080	To (full time) \$ 180,000
From (part time)	\$ -	To (part time) \$ -

\*\*\* Above figures do not include estimated additional 30% to cover payroll taxes and benefits.





*Part B: Tenant Form*

**\*\* This section must be completed for each proposed tenant \*\***

**A Retail Questionnaire will need to be prepared for each proposed tenant if customers will personally visit the tenant to either participate in a retail sale transaction or pay for a service.**

**An Inter-Municipal Move Determination will need to be completed for each proposed tenant that is relocating from another municipality or abandoning an existing facility.**

Property Address: 500 Paul Clark Dr.

City/Town: Olean, NY 14760

Tenant Name: Siemens Energy

Amount of space to be leased: 43,910 SF. What percentage of the building does this represent? 5 %

Are terms of the lease:  GROSS or  NET

If GROSS lease, explain how Agency benefits are passed to the tenant:

Estimated date of occupancy: August 31st, 20 22

Company Name: Siemens Energy

Current Address: 500 Paul Clark Dr

City/Town: Olean, NY 14760

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Local Contact Person: John Mulryan

Title: General Manager

Phone: \_\_\_\_\_

E-mail: John.Mulryan@siemens-energy.com

Company President/General Manager: \_\_\_\_\_

Number of employees to be relocated to new project location: N/A

Full-Time: \_\_\_\_\_

Part-Time: \_\_\_\_\_

Total: \_\_\_\_\_

List the square footage which the proposed tenant will lease at the Project location: 43,910 SF

List the square footage which the proposed tenant leases at its present location(s): New Lease / Same Location SF

Will the project result in relocation from one municipality to another and/or abandonment from other tenant/user(s) facilities in New York State?

Yes or  No.

If Yes, fill out Inter-Municipal-Move Determination form.

What will happen to the existing facility once vacated?

T.B.D.

If leased, when does lease expire? August 31st, 20 25

Are any of the proposed tenant's current operations located in facilities which have received an Industrial Development Agency benefit?  Yes or  No. Unknown

If yes, provide details as to location, and amount of leased space, how long leased?

#### IV. Retail Questionnaire

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

Answer the following:

A. Will any portion of the project (including that portion of the cost to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

Yes or  No. If the answer is yes, continue below. If no, proceed to next section.

For purposes of Question A, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

B. What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? \_\_\_\_\_%. **If the answer is less than 33% do not complete the remainder of the retail determination and proceed to Inter-Municipal Move Determination.**

**If the answer to A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:**

1. Will the project be operated by a not-for-profit corporation?  Yes or  No.
2. Is the Project location or facility likely to attract a significant number of visitors from outside the economic development region (Cattaraugus, Erie, Allegany, Chautauqua and Wyoming counties) in which the project will be located?  Yes or  No.
3. Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality within which the proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?  Yes or  No.
4. Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?  Yes or  No.

If yes, explain

5. Is the project located in a Highly Distressed Area?  Yes or  No.

## V. Inter-Municipal Move Determination

If completion of a Project benefiting from Agency Financial Assistance results in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, then it must be shown that Agency Financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

Current Address: Not Applicable  
City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Will the Project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state?  Yes or  No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?  Yes or  No

If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

Does the Project involve relocation or consolidation of a project occupant from another municipality?

Within New York State?  Yes or  No

Within Cattaraugus County  Yes or  No

If Yes to either question explain:

What are some of the key requirements the project occupant is looking for in a new site (for example minimum of number of sq. ft., 12 foot ceilings, truck loading docks, thruway accessibility. etc.):

If the project occupant is currently located in Cattaraugus County and will be moving to a different municipality within Cattaraugus County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?  Yes or  No

What factors have led the project occupant to consider remaining or locating in Cattaraugus County?

If the current facility is to be abandoned, what is going to happen to the current facility that the project occupant is located in?

Provide a list of properties considered, and reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.)

Property (Address)

Reason

**VI. Estimate of Real Property Tax Abatement Benefits\*\*\* and Percentage of Project Costs financed from Public Sector sources**

**\*\* This Section of the Application will be: (i) completed by CCIDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.**

**PILOT Estimate Table Worksheet**

**CCIDA Staff will insert and/or prepare appropriate PILOT Benefit information.**

**Percentage of Project Costs financed from Public Sector Table Worksheet:**

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)

**Calculate % (Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: \_\_\_\_\_%**

## Attachment A: Representations, Certifications and Indemnification

John Kelly (name of CEO or other authorized representative of Applicant) confirms and says that he/she is a Member of the Board of Managers of Cimolai-HY LLC named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. **Job Listings:** In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.
- B. **First Consideration for Employment:** In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- C. **Annual Sales Tax Filings:** In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant. Copies of all filings shall be provided to the Agency.
- D. **Employment Reports:** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.
- E. The Applicant acknowledges that certain environmental representations will be required at closing. The Applicant shall provide with this Representation, Certification and Indemnification Form copies of any known environmental reports, including any existing Phase I Environmental Site Assessment Report(s) and/or Phase II Environmental Investigations. The Agency may require the Company and/or owner of the premises to prepare and submit an environmental assessment and audit report, including but not necessarily limited to, a Phase I Environmental Site Assessment Report and a Phase II Environmental Investigation, with respect to the Premises at the sole cost and expense of the owner and/or the Applicant. All environmental assessment and audit reports shall be completed in accordance with ASTM Standard Practice E1527-05 and shall be conformed over to the Agency so that the Agency is authorized to use and rely on the reports. The Agency, however, does not adopt, ratify, confirm or assume any representation made within reports required herein.
- F. The Applicant and/or the owner, and their successors and assigns, hereby release, defend and indemnify the Agency from any and all suits, causes of action, litigations, damages, losses, liabilities, obligations,

penalties, claims, demands, judgments, costs, disbursements, fees or expenses of any kind or nature whatsoever (including, without limitation, attorneys', consultants' and experts' fees) which may at any time be imposed upon, incurred by or asserted or awarded against the Agency, resulting from or arising out of any inquiries and/or environmental assessments, investigations and audits performed on behalf of the Applicant and/or the owner pursuant hereto, including the scope, level of detail, contents or accuracy of any environmental assessment, audit, inspection or investigation report completed hereunder and/or the selection of the environmental consultant, engineer or other qualified person to perform such assessments, investigations, and audits.

- G. **Hold Harmless Provision:** The Applicant acknowledges and agrees that the Applicant shall be and is responsible for all costs of the Agency incurred in connection with any actions required to be taken by the Agency in furtherance of the Application including the Agency's costs of general counsel and/or the Agency's bond/transaction counsel whether or not the Application, the proposed Project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and agrees that the Agency shall not be liable for and agrees to indemnify, defend, and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (i) the Agency's examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the proposed Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (ii) the Agency's acquisition, construction and/or installation of the proposed Project described herein; and (iii) any further action taken by the Agency with respect to the proposed Project including, without limiting the generality of the foregoing, all causes of action and attorney's fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law and the policies of the Agency that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency, any mortgage recording tax exemption claimed by the Applicant and approved by the Agency, and/or any real property tax abatement claimed by the Applicant and approved by the Agency, in connection with the Project, may be subject to recapture and/or termination by the Agency under such terms and conditions as will be established by the Agency and set forth in transaction documents to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation information regarding the amount of the New York State and local sales and use tax exemption benefit, the amount of the mortgage recording tax exemption benefit, and the amount of the real property tax abatement, if and as applicable, to the best of the Applicant's knowledge, is true, accurate and complete.
- H. This obligation includes an obligation to submit an Agency Fee Payment to the Agency in accordance with the Agency Fee policy effective as of the date of this Application
- I. By executing and submitting this Application, the Applicant covenants and agrees to pay the following fees to the Agency:
- (i) a non-refundable \$1,500.00 application processing and publication fee (the "Application Fee") at time of application submission payable CCIDA;
  - (ii) Unless otherwise agreed to by the Agency, an amount equal to one and one quarter percent (1.0625%) of the total project costs, at the time of issuance of Financial Assistance/closing;
  - (iii) All fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel and/or the Agency's bond/transaction counsel, thus note that the Applicant is entitled to receive a written estimate of fees and costs of the Agency's general counsel and the Agency's bond/transaction counsel; and (2) other consultants retained by the Agency in connection with the proposed project, with all such charges to be paid by the Applicant at the closing.
- J. If the Applicant fails to conclude or consummate the necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable proper or requested action, or withdraws, abandons, cancels,

or neglects the Application, or if the Applicant is unable to find buyers willing to purchase the bond issue requested, or if the Applicant is unable to facilitate the sale/leaseback or lease/leaseback transaction, then, upon the presentation of an invoice, Applicant shall pay to the Agency, its agents, or assigns all actual costs incurred by the Agency in furtherance of the Application, up to that date and time, including but not necessarily limited to, fees of the Agency's general counsel and/or the Agency's bond/transaction counsel.

- K. The Applicant acknowledges and agrees that all payment liabilities to the Agency and the Agency's general counsel and/or the Agency's bond and/or transaction counsel as expressed in Sections H and I are obligations that are not dependent on final documentation of the transaction contemplated by this Application.
- L. The cost incurred by the Agency and paid by the Applicant, the Agency's general counsel and/or bond/transaction counsel fees and the processing fees, may be considered as a cost of the Project and included in the financing of costs of the proposed Project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.
- M. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). **Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.**
- N. The Applicant has read and understands the Agency's Policy Respecting Recapture of Agency Benefits (the "Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture or modification of Agency financial assistance so provided and/or previously granted.
- O. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
- § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- P. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- Q. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- R. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
- S. The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting

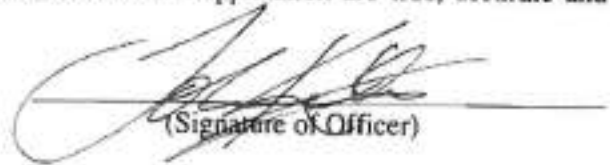


hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

STATE OF NEW YORK )  
COUNTY OF CATTARAUGUS (NEW YORK) ss.:

JOHN KELLY, being first duly sworn, deposes and says:

1. That I am a Member of the Board of Managers (Corporate Office) of Cimolai-HY LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

  
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury  
this 31<sup>st</sup> day of August, 2022.

  
(Notary Public)

MARIOS A. SOCRATES  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01506019687  
Qualified in New York County  
My Commission Expires 7/22/2023



**COUNTY OF CATTARAUGUS  
INDUSTRIAL DEVELOPMENT AGENCY**

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

**INITIAL RESOLUTION**

A meeting of the County of Cattaraugus Industrial Development Agency was convened on Thursday, September 8, 2022 at 11:15 a.m.

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

RESOLUTION (i) ACCEPTING THE APPLICATION OF CIMOLAI-HY 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") WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW), (ii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY WITH RESPECT TO SUCH PROJECT AND (iii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO SUCH PROJECT.

WHEREAS, the 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 commercial, manufacturing 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 and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, the Company, for itself or on behalf of an entity to be formed, has submitted an application (the "Application") to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) an approximately 88.1 acre parcel of land located at 500 Paul Clark Drive, City of Olean, Cattaraugus County, New York (the "Land") improved thereon with an existing approximately 947,093+/- sq. ft. plant consisting of multiple buildings

including 2 industrial plants, 1 large and 2 small office buildings and 7 satellite buildings (collectively, the "Existing Improvements") for storage, testing and for the fabrication of structural steel; (ii) the renovation, upgrading, and equipping of the Existing Improvements to support the Company's contemplated manufacturing activities (the "Improvements"); and (iii) the acquisition in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment" and, collectively with the Land, the Existing Improvements, and the Improvements, the "Facility"); and

WHEREAS, with respect to the foregoing, the Company has requested that the Agency provide certain financial assistance to the Project consisting of a New York State and local sales and use tax exemption benefit, a mortgage recording tax exemption benefit, and a real property tax exemption benefit (collectively, the "Financial Assistance"); and

WHEREAS, the Company's request for a real property tax exemption benefit qualifies for the Agency's standard Enhanced Manufacturing Facility real property tax abatement, as follows:

<u>PILOT Year</u>	<u>Percentage of Exemption</u>
1 through 15	100%
16	85%
17	70%
18	55%
19	40%
20	25%
21 and thereafter	0%

WHEREAS, pursuant to Article 18-A of the General Municipal Law, 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, the Agency hereby accepts the Application and further, 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) The Agency has the authority to take the actions contemplated herein under the Act; and

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

(D) 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.

Section 2. The Chairman, Vice Chairman and/or the Executive Director of the Agency are hereby authorized, on behalf of the Agency, to hold a public hearing in compliance with the Act.

Section 3. The Agency is hereby authorized to undertake the appropriate review of the Project under and pursuant to the regulations promulgated with respect to the New York State Environmental Quality Review Act, and to coordinate such review, as may be required, with other interested or involved agencies.

Section 4. 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 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 5. These Resolutions shall take effect immediately.

Dated: September 8, 2022

# APPLICATION FOR FINANCIAL ASSISTANCE

COUNTY OF  
CATTARAUGUS **IDA**

County of Cattaraugus Industrial Development Agency  
P. O. Box 1749  
9 East Washington Street  
Ellicottville, New York 14731  
Phone (716) 699-2005  
fax (716) 699-2942  
e-mail [info@cattcoida.com](mailto:info@cattcoida.com)  
web [www.cattcoida.com](http://www.cattcoida.com)

*AbliMont Inc.  
9-8-22*

## CCIDA FINANCIAL ASSISTANCE APPLICATION INSTRUCTIONS

### I. Application Submission and Application Fees

The following directions will assist you (the "Applicant") in completing this application for Financial Assistance (the "Application"). Please note that all applications will be subject to approval of the County of Cattaraugus Industrial Development Agency (the "Agency") and that no Financial Assistance can be provided, including a sales tax exemption on purchases made prior to Agency approval, until your application has been so approved and *after* a Financial Assistance agreement with the Agency has been executed.

If your project involves the relocation of a facility within Cattaraugus County, the abandonment of an existing facility, involves a tenant that is abandoning an existing facility, or is retail in nature, additional documentation is required. Please contact an Agency business development specialist as soon as possible.

Upon review of the application, the Agency may find it necessary to request additional information. Should additional information be required, the Agency will not consider the request for assistance until all such additional information is received in its entirety.

All projects receiving a benefit greater than \$100,000 are required to have a public hearing inclusive of a ten (10) day notice before any approval can be granted by the Agency. The Agency will charge an administrative fee of 1.0625% of the project amount. Upon project approval, an Administrative Fee Agreement must be entered into. The Agency's legal fees are in addition to the administrative fees noted.

A non-refundable \$1,500.00 application processing and publication fee is due upon submission of your application.

As required by statute, applicants receiving Financial Assistance will be subject to the Agency's Policy Respecting Recapture of Agency Benefits (the "Recapture Policy"). The Recapture Policy provides for a partial or full recapture and/or termination or modification of state and local sales tax, mortgage recording tax, and/or real property tax abatement benefits upon a determination by the Agency that the Company has failed to meet and/or maintain the thresholds and requirements representing certain material terms and conditions required by the Agency. The Recapture Policy is located on the Agency's webpage.

### II. Application Component Parts and Exhibits

The following items are included in the Application package. These are required documents that must be completed and submitted to the Agency in order for your Application to be considered. Please make every effort to provide all of the information as soon as possible. Failure to do so may result in your project not being considered at the next regularly scheduled meeting of the Agency.

1. Section I & II - Eligibility Questionnaire: This form must be completed in its entirety and submitted to the ECIDA prior to beginning the public hearing process.
2. Section III – Single -Multi Tenant Facility: Only complete if applicable.
3. Section IV - Retail Questionnaire: To ensure compliance with the provisions of Section 862 of the New York General Municipal Law, the Agency has prepared certain questions within

this section of the Application with respect to those projects where customers personally visit the Project site to make a retail sale transaction or obtain a service. Complete only if applicable.

4. Section V. Inter-Municipal Move Determination. Only complete if applicable.
5. Section VI. Estimate of Real Property Tax Abatements: This section of the Application will be completed by Agency staff, and inserted as a component part of the Application.
6. Attachment A. Representations, Certifications and Indemnification Form: This form requires an original signature, must be notarized, and must be submitted with the completed Application form.
7. Attachment B. Insurance Specifications. The Agency's insurance requirements, as amended from time to time, are contained herein. Note that insurance is to be provided after Agency approval and prior to the provision of Agency Financial Assistance, and shall be maintained during the term of any applicable Agent Agreement and/or Lease Agreement by and between the Agency and the Applicant. Please provide these requirements to your insurance agent to facilitate satisfaction of these requirements.
8. Attachment C. Agency Counsel Fee. The company will be required to pay for CCIDA general/transaction counsel fees and/or bond counsel fees also as a condition of providing Financial Assistance.

### III. Submission and Acceptance of the Application for Financial Assistance

The Agency's acceptance of this Application for consideration does not constitute a commitment on the part of the Agency to undertake the proposed Project, to grant any Financial Assistance with respect to the proposed Project or to enter into any negotiations with respect to the proposed Project.

Information provided herein may be subject to disclosure under the New York Freedom of Information Law ("FOIL"). If the Applicant believes that a portion of the Application or materials submitted in support of the Application is protected from disclosure under FOIL, the Applicant should mark the applicable sections(s) or pages(s) as "confidential" and state the applicable exception to disclosure under FOIL.



## I. Eligibility Questionnaire - Applicant Background Information

Answer all questions. Use "None" or "Not Applicable" where necessary.

### A) Applicant Information-company receiving benefit:

Applicant Name: HoliMent, Inc  
Applicant Address: 6921 Route 242 PO Box 279  
City/Town: Ellicottville State: NY Zip: 14731  
Phone: 716-699-2320  
E-mail: John@HoliMent.com

### B) Business Organization (check appropriate category):

Corporation  Partnership   
Public Corporation  Joint Venture   
Sole Proprietorship  Limited Liability Company   
Other (specify) \_\_\_\_\_  
Year Established: 1962 State in which Organization is established: NY

### C) Individual Completing Application:

Name: John L. Drake  
Title: Controller  
Address: 6921 Rte 242  
City/Town: Ellicottville State: NY Zip: 14731  
Phone: 716-699-2320 E-Mail: John@HoliMent.com

### D) Company Contact (if different from individual completing application):

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

### E) Company Counsel:

Name of Attorney: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

### F) Benefits Requested (select all that apply):

1. Exemption from Sales Tax  Yes or  No
2. Exemption from Mortgage Tax  Yes or  No
3. Exemption from Real Property Tax  Yes or  No
4. Tax Exempt Financing \*  Yes or  No

\* (typically for not-for-profits & small qualified manufacturers)

**G) Applicant Business Description:**

Describe in detail company background, history, products and customers. Description is critical in determining eligibility: Hol:Mont was established in 1962 and operates as a member owned ski club. There are approximately 1,200 primary members with an additional family members. Hol:Mont Snowsports operates as a 501C3 Non-profit for the purpose of teaching and youth racing programs. Snowsports also includes the adaptive ski program. Summit operations now include a bike park, wedding venue, a disc golf course and winter sports on our hilltop pond.

Estimated % of sales within Cattaraugus County: 100%  
Estimated % of sales outside Cattaraugus County but within New York State: \_\_\_\_\_  
Estimated % of sales outside New York State but within the U.S.: \_\_\_\_\_  
Estimated % of sales outside the U.S.: \_\_\_\_\_  
(\*Percentage to equal 100%)

For your operations, company, and proposed project, what percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Cattaraugus County 25 %

Identify vendors within Cattaraugus County for major purchases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**II. Eligibility Questionnaire - Project Description & Details**

**A) Project Location**

Address of Proposed Project Facility: 6921 Rte 242  
City/Town: Ellicottville School District: Ellicottville  
SBL Number(s) for proposed Project \_\_\_\_\_

Current Address (if different): \_\_\_\_\_  
City/Town: \_\_\_\_\_

What are the current real estate taxes on the proposed Project site? \$96,261  
If amount of current taxes is not available, provide assessed value for each  
Land: \$ \_\_\_\_\_ Buildings(s): \$ \_\_\_\_\_ *If available include a copy of current tax receipt.*

Are Real Property Taxes current at project location?  Yes or  No. If no, explain: \_\_\_\_\_  
\_\_\_\_\_

Does the Applicant or any related entity currently hold fee title have an option/contract to purchase the Project site?  Yes or  No. If No, indicate name of present owner of the Project site: Hol:Mont, Inc.

Describe the present use of the proposed Project site (vacant land, existing building, etc.):  
All existing property and buildings

**B) Project Description**

Provide a narrative of the purpose of the proposed Project (new build, renovations, expansion), square footage of existing buildings (if any) and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility. Add an attachment if necessary.):

*See Attached List*

Will the completion of the Project result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the project occupant located within the state?  Yes or  No

If the Proposed Project is located in a different municipality within New York State in which current operations are being undertaken, is it expected that any of the facilities in any other municipality will be closed or be subject to reduced activity?  Yes or  No. If Yes, you will need to complete Section V, *The Inter-municipal Move Determination*

Is the project reasonably necessary to prevent the project occupant from moving out of New York State?  Yes or  No. If yes, explain and identify out-of-state locations investigated, type of assistance offered and what competitive factors led you to inquire about sites outside of New York State? Provide supporting documentation if available:

Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?  Yes or  No. If yes, indicate the Agency and nature of the inquiry below:

Describe the reasons why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary): *Without the assistance of the IDA HeliMart would not be able to complete all the projects we need. These projects are important to keep our business fully functional which will directly keep staff employed and help grow the business.*

Confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the financial assistance provided by the Agency?  Yes or  No

If the Project could be undertaken without financial assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

If the Applicant is unable to obtain financial assistance for the Project, what will be the impact on the Applicant and Cattaraugus County?

**C) Site Characteristics**

Will the Project meet zoning/land use requirements at the proposed location?  Yes or  No

Describe the present zoning/land use: Ski resort

If a change in zoning/land use is required, provide details/status of any request for change of zoning/land use requirements: \_\_\_\_\_

Has a project related site plan approval application been submitted to the appropriate planning department?  Yes or  No

If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.

If No, list the CCIDA as, or ensure that the CCIDA is listed as, an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval and provide to the EAF to the lead agency and to the CCIDA.

If No, because site plan approval is not otherwise required, complete and submit the EAF along with this Application to the CCIDA.

Is the proposed project located on a site where the known or potential presence of contaminants is complicating the development/use of the property?  Yes or  No If yes, explain:

\_\_\_\_\_

Has a Phase I Environmental Assessment been prepared or will one be prepared with respect to the proposed project site?  Yes or  No If yes, provide a copy.

**D) Project Type**

Select Project Type/Use for all end users at project site (you may check more than one)

- |                                  |                                     |                           |                          |
|----------------------------------|-------------------------------------|---------------------------|--------------------------|
| Acquisition of Existing Facility | <input type="checkbox"/>            | Life Care Facility (CCRC) | <input type="checkbox"/> |
| Affordable/Workforce Housing     | <input type="checkbox"/>            | Market Rate Housing       | <input type="checkbox"/> |
| Assisted Living                  | <input type="checkbox"/>            | Mixed Use                 | <input type="checkbox"/> |
| Back Office                      | <input type="checkbox"/>            | Multi-Tenant              | <input type="checkbox"/> |
| Civic Facility (not for profit)  | <input type="checkbox"/>            | Renewable Energy          | <input type="checkbox"/> |
| Commercial                       | <input type="checkbox"/>            | Research/Design           | <input type="checkbox"/> |
| Senior Housing                   | <input type="checkbox"/>            | Retail                    | <input type="checkbox"/> |
| Facility for Aging               | <input type="checkbox"/>            | Warehousing               | <input type="checkbox"/> |
| Industrial/Manufacturing         | <input type="checkbox"/>            | Other _____               | <input type="checkbox"/> |
| Tourism Facility/Project         | <input checked="" type="checkbox"/> |                           |                          |

Will customers personally visit the Project site for either of the following economic activities indicated below? If yes with respect to either economic activity indicated below, complete Section IV, Retail Questionnaire.

Retail Sales:  Yes or  No

Services:  Yes or  No

\*For purposes of this question, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the New York Tax Law (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

For the proposed Project Facility, indicate the square footage for each of the uses outlined below:

\*\*If applicant is paying for FFE for tenants, include in cost breakdown

	Square Footage	Cost	% of Total Cost of Project
Manufacturing/Processing			
Warehouse			
Research & Development			
Commercial			
Retail (see retail questionnaire)			
Office			
Renewable Energy			
Specify Other			

What is the estimated project timetable (provide dates):

1. Start date: acquisition of equipment or construction of facilities: July 2022
2. Estimated completion date of project: December 2022
3. Project occupancy – estimated starting date of occupancy: —

**E) Overall Project Costs**

Estimated costs in connection with Project:

1. Land and/or Building Acquisition \$ \_\_\_\_\_  
\_\_\_\_\_ acres \_\_\_\_\_ square feet
2. New Building Construction \_\_\_\_\_ square feet \$ \_\_\_\_\_
3. New Building Addition(s) \_\_\_\_\_ square feet \$ \_\_\_\_\_
4. Infrastructure Work \$ 235,000
5. Reconstruction/Renovation \_\_\_\_\_ square feet \$ 68,000
6. Manufacturing Equipment \$ \_\_\_\_\_
7. Non-Manufacturing Equipment (furniture, fixtures, etc.) \$ ~~336,332~~ 343,332
8. Soft Costs: (Legal, architect, engineering, etc.) \$ \_\_\_\_\_
9. Other, Specify: \_\_\_\_\_ \$ \_\_\_\_\_

TOTAL Costs: \$ 646,332

**Construction Cost Breakdown:**

Total Cost of Construction \$ 303,000 (sum of 2,3,4 and 5 above)  
 Cost of materials: \$ N/A  
 % sourced in Cattaraugus County \_\_\_\_\_%

Have any of the above costs been paid or incurred as of the date of this application?  Yes or  No

If yes, describe: \$7,000 dance floor replacement was needed prior to the start of our wedding season.

**Sources of Funds for Project:**

Bank Financing	\$	_____
Equity (excluding equity that is attributed to grants/tax credits)	\$	<u>594,632</u>
Public Sources (Include sum total of all state and federal grants and tax credits)	\$	<u>51,700</u>
Identify each state and federal grant/credit: (i.e. Historic Tax Credit, New Market Tax Credit, Brownfield Cleanup Program, ESD, other public sources)		
_____	\$	_____
_____	\$	_____
_____	\$	_____
Total Sources of Funds for Project Costs:	\$	_____

Have you secured financing for the project?  Yes  No. If yes, provide a copy of the loan commitment to the Agency.

Project refinancing estimated amount, if applicable (for refinancing of existing debt only): \$ \_\_\_\_\_

**Sales and Use Tax Benefit:** Gross amount of costs for goods and services that are subject to State and Local Sales and Use Tax - said amount to benefit from the Agency's sales and use tax exemption benefit: \$ 646,332

Estimated State and Local Sales and Use Tax Benefit (multiply 8.0% by the figure, above): \$ 51,706

*\*\* Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate above represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application, unless otherwise amended and approved by the Agency. The Agency may utilize the estimate above as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.*

**Mortgage Recording Tax Exemption Benefit:** Amount of mortgage, if any that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ \_\_\_\_\_

Estimated Mortgage Recording Tax Exemption Benefit (multiply the mortgage amount as indicated above by 1.25 %): \$ \_\_\_\_\_

**Real Property Tax Benefit:**

Identify and describe if the Project will utilize a real property tax exemption benefit OTHER THAN the Agency's PILOT benefit (487, 485-b, other): \_\_\_\_\_

**IDA PILOT Benefit:** See Section VI of this Application. Agency staff will indicate the amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit year and the sum total of PILOT Benefit abatement amount for the term of the PILOT.

**F) Job Retention and Job Creation**

Is the project necessary to expand project employment?  Yes or  No

Is project necessary to retain existing employment?  Yes or  No

**Employment Plan (Specific to the proposed project location):**

	Current # of jobs at proposed project location or to be relocated at project location	If financial assistance is granted – project the number of FT and PT jobs to be retained	If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **
Full time (FT)	31	31	0	
Part Time (PT)	195	195	3	
Total ***	226	226	3	

\*\* The Labor Market Area includes the Counties of Cattaraugus, Erie, Allegany, Chautauqua and Wyoming. For purposes of this question, estimate the number of FT and PT jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column.

\*\*\* By statute, Agency staff must project the number of FT jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the two-year time period following Project completion. Agency staff converts PT jobs into FT jobs by dividing the number of PT jobs by two (2).

**Salary and Fringe Benefits for Jobs to be Retained and Created:**

Category of jobs to be retained and/or created	# of employees retained and/or created	Average salary for Full Time	Average fringe benefits for full time	Average salary for part time, if applicable	Average fringe benefits for part time, if applicable
Management	6	89,000	11,230	0	0
Professional	3	61,000	9,270	0	0
Administrative	13	42,000	7,940	9,000	0
Production	304	46,000	8,220	15,000	0
Independent Contractor	-	-	-	-	-
Other	-	-	-	-	-

\*\* Note that the Agency may utilize the foregoing employment projections, among other items, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.

**Payroll Information:**

Annual Payroll at proposed project site upon project completion \$ \_\_\_\_\_  
Estimated average annual salary of jobs to be retained (full time) \$ \_\_\_\_\_  
Estimated average annual salary of jobs to be retained (part time) \$ \_\_\_\_\_  
Estimated average annual salary of jobs to be created (full time) \$ \_\_\_\_\_  
Estimated average annual salary of jobs to be created (part time) \$ \_\_\_\_\_  
Estimated salary range of jobs to be created  
From (full time) \$ \_\_\_\_\_ To (full time) \$ \_\_\_\_\_  
From (part time) \$ \_\_\_\_\_ To (part time) \$ \_\_\_\_\_





*Part B: Tenant Form*

**\*\* This section must be completed for each proposed tenant \*\***

**A Retail Questionnaire will need to be prepared for each proposed tenant if customers will personally visit the tenant to either participate in a retail sale transaction or pay for a service.**

**An Inter-Municipal Move Determination will need to be completed for each proposed tenant that is relocating from another municipality or abandoning an existing facility.**

Property Address: \_\_\_\_\_

City/Town: \_\_\_\_\_

Tenant Name: \_\_\_\_\_

Amount of space to be leased: \_\_\_\_\_ SF. What percentage of the building does this represent? \_\_\_\_\_ %

Are terms of the lease: GROSS  or NET

If GROSS lease, explain how Agency benefits are passed to the tenant: \_\_\_\_\_

Estimated date of occupancy: \_\_\_\_\_, 20\_\_\_\_\_

Company Name: \_\_\_\_\_

Current Address: \_\_\_\_\_

City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Local Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Company President/General Manager: \_\_\_\_\_

Number of employees to be relocated to new project location:

Full-Time: \_\_\_\_\_ Part-Time: \_\_\_\_\_ Total: \_\_\_\_\_

List the square footage which the proposed tenant will lease at the Project location: \_\_\_\_\_ SF

List the square footage which the proposed tenant leases at its present location(s): \_\_\_\_\_ SF

Will the project result in relocation from one municipality to another and/or abandonment from other tenant/user(s) facilities in New York State?

Yes or  No.

If Yes, fill out Inter-Municipal-Move Determination form.

What will happen to the existing facility once vacated? \_\_\_\_\_

If leased, when does lease expire? \_\_\_\_\_, 20\_\_\_\_\_

Are any of the proposed tenant's current operations located in facilities which have received an Industrial Development Agency benefit?  Yes or  No. If yes, provide details as to location, and amount of leased space, how long leased? \_\_\_\_\_

#### IV. Retail Questionnaire

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

Answer the following:

A. Will any portion of the project (including that portion of the cost to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

Yes or  No. If the answer is yes, continue below. If no, proceed to next section

For purposes of Question A, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

B. What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? 10%. **If the answer is less than 33% do not complete the remainder of the retail determination and proceed to Inter-Municipal Move Determination.**

If the answer to A is Yes **AND** the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:

1. Will the project be operated by a not-for-profit corporation?  Yes or  No.
2. Is the Project location or facility likely to attract a significant number of visitors from outside the economic development region (Cattaraugus, Erie, Allegany, Chautauqua and Wyoming counties) in which the project will be located?  Yes or  No
3. Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality within which the proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?  Yes or  No
4. Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?  Yes or  No.

If yes, explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Is the project located in a Highly Distressed Area?  Yes or  No

## V. Inter-Municipal Move Determination

If completion of a Project benefiting from Agency Financial Assistance results in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, then it must be shown that Agency Financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

Current Address: \_\_\_\_\_  
City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Will the Project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state?  Yes or  No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?  Yes or  No

If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does the Project involve relocation or consolidation of a project occupant from another municipality?

Within New York State  Yes or  No  
Within Cattaraugus County  Yes or  No

If Yes to either question, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What are some of the key requirements the project occupant is looking for in a new site (for example minimum of number of sq. ft., 12 foot ceilings, truck loading docks, thruway accessibility, etc.)  
\_\_\_\_\_  
\_\_\_\_\_

If the project occupant is currently located in Cattaraugus County and will be moving to a different municipality within Cattaraugus County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?  Yes or  No

What factors have led the project occupant to consider remaining or locating in Cattaraugus County? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If the current facility is to be abandoned, what is going to happen to the current facility that the project occupant is located in? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Provide a list of properties considered, and reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.)

Property (Address)

Reason

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**VI. Estimate of Real Property Tax Abatement Benefits<sup>\*\*</sup> and Percentage of Project Costs financed from Public Sector sources**

**\*\* This Section of the Application will be: (i) completed by CCIDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.**

**PILOT Estimate Table Worksheet**

**CCIDA Staff will insert and/or prepare appropriate PILOT Benefit information.**

**Percentage of Project Costs financed from Public Sector Table Worksheet:**

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)

**Calculate % (Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: \_\_\_\_\_%**

## Attachment A: Representations, Certifications and Indemnification

Ed Youmans (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the General Manager (title) of HeliMont, Inc (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. **Job Listings:** In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.
- B. **First Consideration for Employment:** In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- C. **Annual Sales Tax Filings:** In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant. Copies of all filings shall be provided to the Agency.
- D. **Employment Reports:** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.
- E. The Applicant acknowledges that certain environmental representations will be required at closing. The Applicant shall provide with this Representation, Certification and Indemnification Form copies of any known environmental reports, including any existing Phase I Environmental Site Assessment Report(s) and/or Phase II Environmental Investigations. The Agency may require the Company and/or owner of the premises to prepare and submit an environmental assessment and audit report, including but not necessarily limited to, a Phase I Environmental Site Assessment Report and a Phase II Environmental Investigation, with respect to the Premises at the sole cost and expense of the owner and/or the Applicant. All environmental assessment and audit reports shall be completed in accordance with ASTM Standard Practice E1527-05 and shall be conformed over to the Agency so that the Agency is authorized to use and rely on the reports. The Agency, however, does not adopt, ratify, confirm or assume any representation made within reports required herein.

- F. The Applicant and/or the owner, and their successors and assigns, hereby release, defend and indemnify the Agency from any and all suits, causes of action, litigations, damages, losses, liabilities, obligations, penalties, claims, demands, judgments, costs, disbursements, fees or expenses of any kind or nature whatsoever (including, without limitation, attorneys', consultants' and experts' fees) which may at any time be imposed upon, incurred by or asserted or awarded against the Agency, resulting from or arising out of any inquiries and/or environmental assessments, investigations and audits performed on behalf of the Applicant and/or the owner pursuant hereto, including the scope, level of detail, contents or accuracy of any environmental assessment, audit, inspection or investigation report completed hereunder and/or the selection of the environmental consultant, engineer or other qualified person to perform such assessments, investigations, and audits.
- G. Hold Harmless Provision: The Applicant acknowledges and agrees that the Applicant shall be and is responsible for all costs of the Agency incurred in connection with any actions required to be taken by the Agency in furtherance of the Application including the Agency's costs of general counsel and/or the Agency's bond/transaction counsel whether or not the Application, the proposed Project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and agrees that the Agency shall not be liable for and agrees to indemnify, defend, and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (i) the Agency's examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the proposed Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (ii) the Agency's acquisition, construction and/or installation of the proposed Project described herein; and (iii) any further action taken by the Agency with respect to the proposed Project including, without limiting the generality of the foregoing, all causes of action and attorney's fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law and the policies of the Agency that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency, any mortgage recording tax exemption claimed by the Applicant and approved by the Agency, and/or any real property tax abatement claimed by the Applicant and approved by the Agency, in connection with the Project, may be subject to recapture and/or termination by the Agency under such terms and conditions as will be established by the Agency and set forth in transaction documents to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation information regarding the amount of the New York State and local sales and use tax exemption benefit, the amount of the mortgage recording tax exemption benefit, and the amount of the real property tax abatement, if and as applicable, to the best of the Applicant's knowledge, is true, accurate and complete.
- H. This obligation includes an obligation to submit an Agency Fee Payment to the Agency in accordance with the Agency Fee policy effective as of the date of this Application
- I. By executing and submitting this Application, the Applicant covenants and agrees to pay the following fees to the Agency:
- (i) a non-refundable \$1,500.00 application processing and publication fee (the "Application Fee") at time of application submission payable CCIDA;
  - (ii) Unless otherwise agreed to by the Agency, an amount equal to one and one quarter percent (1.0625%) of the total project costs, at the time of issuance of Financial Assistance/closing;
  - (iii) All fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel and/or the Agency's bond/transaction counsel, thus note that the Applicant is entitled to receive a written estimate of fees and costs of the Agency's general counsel and the Agency's



bond/transaction counsel; and (2) other consultants retained by the Agency in connection with the proposed project, with all such charges to be paid by the Applicant at the closing.

- J. If the Applicant fails to conclude or consummate the necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable proper or requested action, or withdraws, abandons, cancels, or neglects the Application, or if the Applicant is unable to find buyers willing to purchase the bond issue requested, or if the Applicant is unable to facilitate the sale/leaseback or lease/leaseback transaction, then, upon the presentation of an invoice, Applicant shall pay to the Agency, its agents, or assigns all actual costs incurred by the Agency in furtherance of the Application, up to that date and time, including but not necessarily limited to, fees of the Agency's general counsel and/or the Agency's bond/transaction counsel.
- K. The Applicant acknowledges and agrees that all payment liabilities to the Agency and the Agency's general counsel and/or the Agency's bond and/or transaction counsel as expressed in Sections H and I are obligations that are not dependent on final documentation of the transaction contemplated by this Application.
- L. The cost incurred by the Agency and paid by the Applicant, the Agency's general counsel and/or bond/transaction counsel fees and the processing fees, may be considered as a cost of the Project and included in the financing of costs of the proposed Project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.
- M. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.
- N. The Applicant has read and understands the Agency's Policy Respecting Recapture of Agency Benefits (the "Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture or modification of Agency financial assistance so provided and/or previously granted.
- O. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
- § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- P. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- Q. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.

- R. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
- S. The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

STATE OF NEW YORK )  
 COUNTY OF CATTARAUGUS ) ss.:

Ed Youmans, being first duly sworn, deposes and says:

1. That I am the General Manager (Corporate Office) of Holi-Mont, Inc (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

  
 (Signature of Officer)

Subscribed and affirmed to me under penalties of perjury  
 this 23 day of September, 2022

Debra D Stein  
 (Notary Public)

DEBRA D. STEIN  
 Notary Public, State of New York  
 No. 01ST6050588  
 Qualified in Cattaraugus County  
 Commission Expires 11/06/ 22

## Attachment B: CCIDA Insurance Requirements

### COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY (Insurance Specifications as of June 8, 2021)

A summary of CCIDA insurance requirements follows. Please note that insurance is to be provided by the Company and/or Project owner after Board approval and prior to utilization of CCIDA financial assistance, and shall be maintained during the term of any applicable Agent Agreement and/or Lease Agreement by and between the CCIDA and the Company.

During the term of an Agent Agreement and/or a Lease Agreement entered into with the County of Cattaraugus Industrial Agency an **ACORD 25-Certificate of Liability Insurance and ACORD 855 NY-New York Construction Certificate of Liability Addendum** shall be provided evidencing the following insurance is currently maintained and in force with an insurance carrier approved to do business in the State of New York and maintaining an A.M. Best Rating of A- or better showing County of Cattaraugus Industrial Development Agency as Certificate Holder. It is our suggestion that you share these requirements with your current insurance agent, broker or insurance company.

Acceptable Certificates of Insurance shall indicate the following minimal coverage, limits of insurance, policy numbers and policy effective and expiration dates.

**Commercial General Liability:** Agent and subcontractors shall provide such coverage on an occurrence basis for the named insured's premises & operations and products-completed operations. Blanket Contractual Liability provided within the "insured contract" definition may not be excluded or restricted in any way. Property damage to work performed by subcontractors may not be excluded or restricted nor shall the Additional Insured's coverage for claims involving injury to employees of the Named Insured or their subcontractors be excluded or restricted. The "insured contract" exception to the Employers Liability exclusion also may not be removed or restricted in any way.

These coverages are to be properly evidenced by checking the appropriate box(es) on the **ACORD 855-NY Construction Certificate of Liability Addendum's** Information Section, Items G, H, I and L. Policy shall have attached **Designated Location(s) General Aggregate Limit CG 25 04** endorsement.

**Limits expressed shall be no less than:**

General Aggregate	\$2,000,000
Products-Completed Operations Aggregate	\$2,000,000
Per Occurrence	\$1,000,000
Personal & Advertising Injury	\$1,000,000
Fire Damage Liability	\$ 100,000
Medical Payments (per person)	\$ 5,000

County of Cattaraugus Industrial Development Agency shall be named as Additional Insured per **ISO Form CG 20 26-Additional Insured Designated Person or Organization** to provide coverage for the Additional Insured. Coverage shall apply on a Primary & Non-Contributory basis. All insurance required of the Company shall waive any right of subrogation of the insurer against any person insured under such policy, and waive any right of the insurer to any off-set or counterclaim or any other deduction, whether by attachment or otherwise, in respect of any liability of any person insured under such policy.

**ACORD 855 NY-New York Construction Certificate of Liability Insurance:** It is not uncommon for insurers to modify the standard ISO policy language with endorsements that result in modifications to language preferred by the insurer. This addendum is required to supplement the **ACORD 25-Certificate of Liability Insurance** with additional information that provides a more detailed expression of the types of coverage required. Specifically required coverages may be excluded or limited by the attachment of exclusionary or limitation endorsements. This

addendum provides the insurer the ability to certify coverage provided by the absence of such exclusionary or limiting modifications.

Blanket Additional Insured endorsement to include — Owner, Lessees or Contractors - Automatic Status For Other Parties When Required in Written Construction Agreement — Wording should include any other person or organization you are required to add as an additional insured under the contract or agreement (**Paragraph 2 of CG 20 38 04 13 or equivalent**).

Any scheduled person or organization section of the additional insured endorsement containing wording other than designated names shall not be accepted.

**Umbrella/Excess Liability:** Commercial Umbrella or excess liability for a limit of at least \$5,000,000 per occurrence with a \$5,000,000 Aggregate. Coverage should respond on a follow-form basis and excess over the aforementioned underlying policy limits. County of Cattaraugus Industrial Development Agency shall be named as Additional Insured. Coverage shall apply on a Primary & Non-Contributory basis.

**Workers Compensation/Disability Insurance:**

- i) The Company and/or Project Owner shall provide evidence of insurance and maintain Workers Compensation/Disability insurance as required by statute. County of Cattaraugus Industrial Development Agency shall be named as the Certificate Holder.
- ii) **Accepted Forms:**

**Workers Compensation Forms**

**DBL (Disability Benefits Law) Forms**

CE-200	Exemption		CE-200	Exemption
C-105.2	Commercial Insurer		DB-120.1	Insurers
S1-12	Self-Insurer		DB-155	Self-Insured
GS1-105.2	Group Self-Insured			
U-26.3	New York State Insurance Fund			

If the Company and/or Project owner have no employees, the Company and/or Project owner shall provide a completed and signed Form CE-200 or later revision, which is found on the New York State Workers Compensation Board website: [www.wcb.ny.gov/](http://www.wcb.ny.gov/). This form is to be completed on-line, printed, and signed.

**CCIDA Address:** All evidence of insurance shall be sent to:

County of Cattaraugus Industrial Development Agency  
9 East Washington Street  
Ellicottville, NY 14731

Attachment C: CCIDA Attorney Fee Schedule

CCIDA Attorney Fees:

Project Amount	Standard Agency Counsel Fee
<=\$499,000	\$5,000
<=\$500,000 - < \$999,999	\$7,500
>\$1M - <\$1,999,999	\$9,000
>\$2M - <\$3,999,999	\$15,000
>\$4M - < \$5,799,000	\$20,000
>\$5,800,00	1/3 of Agency Administrative Fee (currently 1.0625% of the Project Amount)

If a project application is withdrawn or does not close, the applicant is responsible for any costs incurred by the agency on behalf of the project.

Department	Asset	Project	Asset life	FY Total	22/23
				Capital total	\$646,332.00
Ufts					
Snowmaking	Sunset	Spere 125hp primary drive	20	capital	\$20,000.00
	Fan Guns	New Tower Locations - Meadow/Grassheper	15	capital	\$40,000.00
	Water supply	Wells/pond/DEC water measurement installation	30	capital	\$200,000.00
Facilities	HollMort Outdoor Signs	Replace entrance and directional signs	10	capital	\$20,000.00
	Chalet dance floor	Replace dance floor	10	capital	\$7,000.00
	Main Chalet	Bifold Glass Door to Outside on S side	10	capital	\$18,000.00
Grooming/Vehicles	UTV's	Replace 2 Rangers	4	capital	\$25,000.00
	2005 F350	Replace/Trade	9	capital	\$40,000.00
	Snowmobiles	Replace 5	5	capital	\$43,332.00
	LifTrack	Replace Cat Lift	20	capital	\$60,000.00
Admin/Tickets/HR					
Snowsports	HollTots	Gym equipment - added Member Value	5	capital	\$50,000.00
Mountain Biking	Sunset	11 More Bike Carriers		capital	\$18,000.00
Building improvements	Chalet/Shop/HollCenter	Security systems	10	capital	\$20,000.00
	Pole Barn	Add floor, windows and insulation		capital	\$50,000.00
Contingency					\$35,000.00
Grand Total for Capital as presented					

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <span style="font-size: 1.2em; margin-left: 150px;">Holimart Inc Capital Projects</span>			
Project Location (describe, and attach a location map): <span style="font-size: 1.2em; margin-left: 150px;">6921 Rte 242, Ellicottville, NY 14731</span>			
Brief Description of Proposed Action:     			
Name of Applicant or Sponsor: <span style="font-size: 1.2em; margin-left: 50px;">Holimart, Inc</span>		Telephone: 716-699-2320	
Address: <span style="font-size: 1.2em; margin-left: 50px;">6921 Rte 242, PO BOX 279</span>		E-Mail: John@Holimart.com	
City/PO: <span style="font-size: 1.2em; margin-left: 50px;">Ellicottville</span>		State: <span style="font-size: 1.2em; margin-left: 50px;">NY</span>	Zip Code: <span style="font-size: 1.2em; margin-left: 50px;">14731</span>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO YES
3.a. Total acreage of the site of the proposed action?		<u>322.4</u> acres	
b. Total acreage to be physically disturbed?		<u>5</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>549.76</u> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>		
b. Consistent with the adopted comprehensive plan?		<input checked="" type="checkbox"/>	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		<input checked="" type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____		<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing potable water: _____		<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing wastewater treatment: _____		<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		<input checked="" type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?		<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?			<input checked="" type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		<input checked="" type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		<input checked="" type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?		<input checked="" type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____		<input checked="" type="checkbox"/>	



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	✓	
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: _____ Date: _____		
Signature: _____		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
2. Will the proposed action result in a change in the use or intensity of use of land?	✓	
3. Will the proposed action impair the character or quality of the existing community?	✓	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
7. Will the proposed action impact existing:		
a. public / private water supplies?	✓	
b. public / private wastewater treatment utilities?	✓	
8. Will the proposed action impair the character or quality of important historic, archeological, architectural or aesthetic resources?	✓	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✓	
11. Will the proposed action create a hazard to environmental resources or human health?	✓	

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
<hr/> Name of Lead Agency	<hr/> Date
<hr/> Print or Type Name of Responsible Officer in Lead Agency	<hr/> Title of Responsible Officer
<hr/> Signature of Responsible Officer in Lead Agency	<hr/> Signature of Preparer (if different from Responsible Officer)

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

**HOLIMONT 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 Thursday, September 8, 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 HOLIMONT 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) AUTHORIZING THE PROVISION OF FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, RENOVATION, CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (iii) AUTHORIZING THE NEGOTIATION AND EXECUTION AND DELIVERY OF AN AGENT 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 the acquisition and installation of certain machinery and equipment (collectively, the "Equipment") and making certain improvements (collectively, the "Improvements") to the existing ski resort operated by the Company (the "Resort") located on 6921 Route 242, in the Town of Ellicottville, Cattaraugus County, New York, including, but not limited to, lifts, snowmaking, gym equipment, mountain bikes, building improvements, and other miscellaneous equipment (the "Equipment", and together with the Improvements and the Resort being collectively referred to as the "Facility"); and

**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"), (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**, 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, 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 Project attracts a significant number of visitors from outside the Western New York economic development region, including approximately 47% from Canada, and 18% from Ohio, and therefore meets the definition of a "tourism destination" project within the meaning of Section 862(2)(a) of the Act. Accordingly, although facilities or projects that are primarily used in making retail sales of good or services to customers who personally visit such facilities may constitute more than one-third of the costs of the Project, the Agency is authorized to provide financial assistance in respect of the Project pursuant to Section 862(2)(a) of the Act; and

(I) The Project involves a "Type II action" as said term is defined pursuant to the New York State Environmental Quality Review Act ("SEQRA") and, therefore, no further action is required under SEQRA; and

(J) 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.

(K) 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 31 FTE employee positions and 195 PTE employee positions and create 3 new PTE employee positions.
- (ii) The estimated total value of Financial Assistance is approximately \$51,706.
- (iii) The estimated amount of private sector investment to be made by the Company is \$646,332.00.
- (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: By maintaining modern efficient ski facilities, and creating new amenities for new skiers, it is expected that the Project will continue to attract visitors to the Facility and to the Town of Ellicottville resulting in maintenance of and new and increased sales tax revenues and bed tax revenue.
- (vi) The extent to which the Project will create local construction jobs. The Company will utilize local construction contractors to the extent, if at all, required.

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 \$646,332, 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 \$51,706, 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, the Employment Commitment, and/or the Tourism Destination 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 conclusion of the later of two (2) years following either (i) the construction completion date, or (ii) 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 \$517,065.00 (the

product of 80% and \$646,332.00, being the total project cost as stated in the Company's application for Financial Assistance).

- (ii) Employment Commitment – that there are at least 31 existing full time equivalent (“FTE”) employees and 195 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 Employment”); 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 FTE employment at the Facility equal to 31 FTE employees and maintained and created PTE employment at the Facility equal to 197 PTE employees [representing the sum of (x) 195 PTE baseline PTE employees and (y) 2 PTE employees, (being the 2 new PTE employee positions proposed to be created by the Company as stated in its Application)].
- (iii) Tourism Destination Commitment – that the Company document to the satisfaction of the Agency that the Project resulted in the attraction of at least 35% of the number customers (or 35% of the amount of sales from customers) from outside the Economic Development Region.

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. 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 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 Chair, the Vice Chair, and/or the Executive Director.

Dated: September 8, 2022

## MRB Cost Benefit Calculator

### Cattaraugus County Industrial Development Agency

Date:   
 Project Title:   
 Project Location:

#### Construction Phase - Project Assumptions

##### Project Costs

Enter total project costs:

Project Costs Value:

Local Construction Spending\*

% of locally sourced materials and labor

In-region construction spending

##### Construction Economic Impacts

Industry	NAICS	% of Total Investment	Investment by Type
Industrial Building Construction	236210	100%	\$517,066
(Not Applicable)	0		\$0
(Not Applicable)	0		\$0
Most projects will only have one line related to construction type.		100%	\$517,066

#### Operation Phase - Project Assumptions

##### Jobs and Earnings from Operations

###### NAICS Lookup

Year 1 - Enter NAICS	NAICS	Count	Per Job Annual Earnings	Total Earnings
Skiing Facilities	713920	6	\$89,000	\$534,000
Skiing Facilities	713920	3	\$61,000	\$183,000
Skiing Facilities	713920	13	\$42,000	\$546,000
Skiing Facilities	713920	10	\$46,000	\$460,000
Skiing Facilities	713920	194	\$15,000	\$2,910,000
0	0			\$0
Total		226		\$4,633,000

Year 2	NAICS	Count	Per Job Annual Earnings	Total Earnings
Skiing Facilities	713920	6	\$89,000	\$534,000
Skiing Facilities	713920	3	\$61,000	\$183,000
Skiing Facilities	713920	13	\$42,000	\$546,000
Skiing Facilities	713920	10	\$46,000	\$460,000
Skiing Facilities	713920	194	\$15,000	\$2,910,000
0	0			\$0
Total		226		\$4,633,000

Year 3+ (Full Employment)	NAICS	Count	Per Job Annual Earnings	Total Earnings
Skiing Facilities	713920	6	\$89,000	\$534,000
Skiing Facilities	713920	3	\$61,000	\$183,000
Skiing Facilities	713920	13	\$42,000	\$546,000
Skiing Facilities	713920	10	\$46,000	\$460,000
Skiing Facilities	713920	197	\$15,000	\$2,955,000
0	0			\$0
Total		229		\$4,678,000

#### Fiscal Impact Assumptions

##### Estimated Costs of Incentives

	%	Value		
Sales Tax Exemption		\$51,706	PILOT Term (Years)	<input type="text" value="0"/>
Local Sales Tax Rate	4.00%	\$25,853	Escalation Factor	<input type="text" value="2%"/>
State Sales Tax Rate	4.00%	\$25,853	Discount Factor	<input type="text" value="2%"/>
Mortgage Recording Tax Exemption		\$0		
Local	0.75%	\$0		
State	0.50%	\$0		
<b>Total Costs</b>		<b>\$51,706</b>		

### MRB Cost Benefit Calculator

#### Cattaraugus County Industrial Development Agency

Date   
 Project Title   
 Project Location

#### Construction Phase - Project Assumptions

**Project Costs**

Enter total project costs  
 Local Construction Spending\*  
 % of locally sourced materials and labor  
 In-region construction spending

**Project Costs**  
 Value

#### Construction Economic Impacts

Industry	NAICS	% of Total Investment	Investment by Type
Industrial Building Construction	236210	100%	\$710,000
(Not Applicable)	0		\$0
(Not Applicable)	0		\$0
		100%	\$710,000

Most projects will only have one line related to construction type.

#### Operation Phase - Project Assumptions

#### Jobs and Earnings from Operations

NAICS Lookup

**Year 1 - Enter NAICS**

NAICS	Count	Per Job Annual Earnings	Total Earnings
0 111998	1	\$50,000	\$50,000
0 111998	1	\$37,500	\$37,500
0			\$0
0			\$0
0			\$0
0			\$0
Total	2		\$87,500

**Year 2**

NAICS	Count	Per Job Annual Earnings	Total Earnings
0 111998	2	\$50,000	\$100,000
0 111998	8	\$37,500	\$300,000
0			\$0
0			\$0
0			\$0
0			\$0
Total	10		\$400,000

**Year 3+ (Full Employment)**

NAICS	Count	Per Job Annual Earnings	Total Earnings
0 111998	2	\$50,000	\$100,000
0 111998	8	\$37,500	\$300,000
0			\$0
0			\$0
0			\$0
0			\$0
Total	10		\$400,000

#### Fiscal Impact Assumptions

#### Estimated Costs of Incentives

	%	Value		
Sales Tax Exemption		\$56,800	PLOT Term (Years)	<input type="text" value="10"/>
Local Sales Tax Rate	3.50%	\$26,507	Escalation Factor	<input type="text" value="2%"/>
State Sales Tax Rate	4.00%	\$30,293	Discount Factor	<input type="text" value="2%"/>
Mortgage Recording Tax Exemption		\$0		
Local	0.75%	\$0		
State	0.50%	\$0		
<b>Total Costs</b>		<input type="text" value="\$114,571"/>		

Property Tax Estimation

Year #	Year	Property Tax WITHOUT Project	Estimated PILOT	Property Tax on Full Assessment	Difference in Current vs. PILOT	Difference PILOT vs Full Taxes
1	2022	\$2,594	\$2,594	\$13,361	\$0	-\$10,767
2	2023	\$2,646	\$3,982	\$13,628	\$1,336	-\$9,646
3	2024	\$2,699	\$5,371	\$13,901	\$2,672	-\$8,530
4	2025	\$2,753	\$6,761	\$14,179	\$4,009	-\$7,418
5	2026	\$2,808	\$8,152	\$14,462	\$5,345	-\$6,310
6	2027	\$2,864	\$9,544	\$14,752	\$6,680	-\$5,207
7	2028	\$2,921	\$10,938	\$15,047	\$8,016	-\$4,109
8	2029	\$2,980	\$12,333	\$15,348	\$9,353	-\$3,015
9	2030	\$3,039	\$13,728	\$15,655	\$10,688	-\$1,927
10	2031	\$3,100	\$15,125	\$15,968	\$12,025	-\$843
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	Total	\$28,404	\$88,528	\$146,299 Discounted =>	\$60,124 \$52,048	-\$57,771 -\$53,511

Other Benefits to Public and Private Individuals - If Applicable

Year #	Year	Other Local Municipal Revenue	Other Payments to Private Individuals
1	2022	\$324	
2	2023	\$332	
3	2024	\$350	
4	2025	\$345	
5	2026	\$352	
6	2027	\$359	
7	2028	\$367	
8	2029	\$374	
9	2030	\$381	
10	2031	\$389	
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Total		\$3,564	\$0

Notes

Other Local Municipal Revenue - Fire District Tax

Does the IDA believe the project can be accomplished in a timely fashion?

Yes

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

**ELLCOTTVILLE GREENS, 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 Thursday, September 8, 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 ELLCOTTVILLE GREENS, 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) 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, AND (B) 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 approximately 2 acres of real property located at Simmons Road, Town of Ellicottville, Cattaraugus County, New York (the "Land", being more particularly identified as tax parcel No. 47.004-0001-010.01), (ii) the planning, design and construction on the Land of an approximately 9,120+/- sq. ft. limestone pad by the Company for the installation of mobile modular shipping containers for an indoor vertical farm for growing sustainable produce (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 "Facility"); and

**WHEREAS**, pursuant to General Municipal Law Section 859-a, on August 22, 2022, at 10:00 a.m., at the Agency's offices, 9 East Washington Street, Ellicottville, 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 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 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 the New York State Environmental Quality Review Act ("SEQR"), the Company has submitted to the Agency a Short Environmental Assessment Form (the "EAF") with respect to the Project; 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, and Agency board member review of and recommendations related to the Project and its September 8, 2022 resolution to approve the Project subject to the terms and conditions as described herein, 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; and

(I) The Project involves an "Unlisted Action" as said term is defined pursuant to 6 N.Y.C.R.R. Section 617.2(ak) of the SEQR regulations. The Agency has conducted an uncoordinated review of the Project pursuant to 6 N.Y.C.R.R. Section 617.6(b)(4)(i). Based upon a comprehensive and thorough review by the Agency of the EAF and related documents delivered by the Company to the Agency, and the criteria set forth in 6 N.Y.C.R.R. Section 617.7 of the SEQR regulations, and the additional representations made by the Company to the Agency in connection with the Project, the Agency hereby finds that the Project will not have a potential significant adverse environmental impact warranting the preparation of an environmental impact statement. The Agency thus issues a "negative declaration" as that term is defined pursuant to 6 N.Y.C.R.R. Section 617.2(y); and

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 \$600,000, 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 \$48,000, 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 real property tax abatement benefits ("PILOT benefits") to be provided over the term of the PILOT Agreement are estimated to be approximately \$57,771, resulting in estimated total PILOT payments of \$88,528 over the term of the PILOT Agreement, compared to an estimated total real property tax payment of \$28,404 over the same term of the PILOT Agreement in the absence of the Project.

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, 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 \$568,000 being an investment amount equal to the product of 80% and \$710,000, the estimated total Project costs as stated in the Company's application for Financial Assistance.
- (ii) Employment Commitment – that there are at least 2 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 9 FTE employees [representing the sum of (x) 2 Baseline FTE and (y) 7 FTE employees, (being the 7 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, 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: September 8, 2022

August 18, 2022

Cattaraugus County Industrial Development Agency  
P.O. Box 1749  
9 East Washington Street  
Ellicottville, NY 14731

Re: Second Amendment of Lease  
9 Washington Street  
Ellicottville, NY

Dear Tenant:

Please be advised that your five (5) year Lease for the subject premises, consisting of 1,800 rentable square feet, at a rate of \$16,200.00 annually, payable \$1,350.00 per month, expired on July 31, 2022. Tenant has remained in Holdover.

Landlord proposes to renew your Lease for an additional five (5) year term at the increased rental rate of \$17,100.00 annually, payable \$1,425.00 per month, commencing October 1, 2022 and expiring on September 30, 2027.

Tenant shall retain its option to renew the Lease for an additional five (5) years pursuant to Article 3.4 of the Lease.

Please execute below indicating your acknowledgement and agreement with the above and return one (1) copy of this letter to Sarah Couch of this office. This letter shall be appended to and shall serve as an Amendment to your initial Lease Agreement. Notwithstanding the above, all other terms and conditions of your Lease dated June 20, 2012, as amended by Letter dated September 11, 2012 and First Amendment of Lease dated June 15, 2017, not amended herein, shall remain in full force and effect.

For financing purposes, this Letter Agreement must be returned fully executed. In the event an executed copy of this Letter Agreement is not returned on or before ten (10) days from the date hereof, this offer is withdrawn and shall terminate.

In addition, please enclose an updated insurance certificate for our files.

This letter shall serve as notice that your base rental for the subject premises will be \$1,425.00 per month effective October 1, 2022.

If you have any questions regarding this matter, please contact Bill Paladino at 716-854-0060.

Thank you for your attention to the above matter.

Very truly yours,  
4646 GENESEE LLC

  
WILLIAM A. PALADINO, MANAGER

WAP/cc  
cc: Accounting

**ACKNOWLEDGED AND AGREED**

CATTARAUGUS COUNTY INDUSTRIAL DEVELOPMENT AGENCY

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



## **FEE AGREEMENT AND CONTRACT FOR CONSULTING SERVICES**

### **1. Parties**

THIS FEE AGREEMENT and CONTRACT ("Agreement") for Consulting Services is made on 8th day of September, 2022, to commence on the 8th day of September, 2022 by and between **Upper Edge Consulting, 22 Elmview Place, Buffalo, NY 14207**, ("Consultant") and (2) , **Cattaraugus County IDA, P.O. Box 1749 Ellicottville, New York 14731** ("the Client") (the Consultant and Client collectively referred to as "the Parties").

### **2. Subject of the Retainer**

The Client hereby retains and employs Consultant to provide Consulting Services to the Client in the following matters: **Research, grant writing, and grant advocacy.**

This Agreement does not bind either the Client or Consultant for representation in any other matter. In the event that representation is requested relative to any other matter, a separate fee agreement shall be drafted and executed by the Client and Consultant specific to said representation.

### **3. Term**

The term of this Agreement is for **1 years** and shall commence on the 8th day of September, 2022. **This contract may be terminated in writing upon 30 days' notice by either Consultant or Client.**

### **4. Fees**

In consideration of and for the services to be performed by Consultant on behalf of Client, Client agrees to pay to Consultant a flat fee of **Three Thousand dollars (U.S. \$3,000.00)** per month for the duration of the contract. **Initial payment of this contract is due upon contract signing.**

If invoices are not paid within 30 days of the due date specified in Consultant's statement or bill, Client agrees that a finance charge of 10% shall be applied to any outstanding balance owed to Consultant. In addition, Client agrees that any expenses incurred by Consultant in connection with the recovery of an outstanding balance, including reasonable attorney's fees as well as fees charged by a collection agency, will be paid by Client.

### **5. Costs and Other Expenses.**

Client agrees that in addition to Consultant Fees, all expenses and costs incurred and/or advanced by Consultant in the course of the Consulting Services, including, but not limited overnight delivery service, copying and production of submission documents, travel expenses, meals and hotel costs, mileage (as set by the U.S. Internal Revenue Service), as well as all other out-of-pocket expenses reasonably necessary to handle this matter, shall be paid by the Client at cost. These expenses will be itemized on the same monthly statement referred to above.



**6. Cooperation**

Client agrees to sign necessary papers and fully cooperate with Consultant as requested, and in any manner that is reasonably necessary for the handling for the Consulting Services. Final approval of grant narrative and all needed documents must be delivered to Upper Edge Consulting one week before the deadline for grant application to ensure accuracy of grant submission.

**7. No Particular Result Is Guaranteed**

Client agrees and understands that neither Consultant, nor any agent, partner, associate or employee thereof, makes any promise, representation, warranty, or guarantee relating to any expected result that may be achieved on behalf of the Client from Consulting Services.

**8. Scope Of Agreement**

This Agreement constitutes the sole and only such Agreement between the parties hereto and supersedes any prior understandings or oral agreements made by and between the parties. It is understood that this Agreement shall be binding upon and inure to the benefit of the parties hereto as well as their respective heirs, executors, administrators, legal representatives, successors, and assigns.

**9. Governing Law**

This Agreement will be governed by, and construed and enforced in accordance with, the internal laws under the laws of the State of New York without regard to conflicts-of-laws principles that would require the application of any other law.

**10. Jurisdiction; Service Of Process**

Any Proceeding arising out of or relating to this Agreement shall be brought in the courts of the State of New York, County of Erie, and each of the Parties irrevocably submits to the exclusive jurisdiction of each such court in any such Proceeding, waives any objection it may now or hereafter have to personal jurisdiction, venue or to convenience of forum, agrees that all claims in respect of the Proceeding shall be heard and determined only in any such court and agrees not to bring any Proceeding arising out of or relating to this Agreement in any other court.

**11. Execution of Agreement**

This Agreement may be executed in one or more counterparts, each of which will be deemed to be an original copy of this Agreement and all of which, when taken together, will be deemed to constitute one and the same agreement. The exchange of copies of this Agreement and of signature pages by electronic mail or facsimile transmission shall constitute effective execution and delivery of this Agreement as to the Parties and may be used in lieu of the original Agreement for all purposes. Signatures of the Parties transmitted by electronic mail or facsimile shall be deemed to be their original signatures for all purposes.

**12. Integration, Entire Agreement And Modification**

This Agreement supersedes all prior agreements, whether written or oral, between the Parties with respect to its subject matter and along with the fee schedule set out at Schedule A, constitutes a complete and exclusive statement of the terms of the agreement between the Parties with respect to its subject matter. This Agreement may not be amended, supplemented, or otherwise modified except by a written agreement executed by the Party to be charged with the amendment.





13. **Certain Rules of Construction**

The headings in the Sections and paragraphs of this Agreement are inserted for convenience only and shall not constitute a part of this Agreement or in any way modify, amend or affect its provisions.

14. **Severability**

If any provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, the other provisions of this Agreement will remain in full force and effect. Any provision of this Agreement held invalid or unenforceable only in part or degree will remain in full force and effect to the extent not held invalid or unenforceable.

15. **Understanding of Agreement**

I HEREBY ACKNOWLEDGE THAT I HAVE RECEIVED, REVIEWED AND AGREE TO THE PROVISIONS OF THIS AGREEMENT AND HAVE RETAINED A SIGNED COPY OF THE SAME ON THIS 25th day of March, 2021.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
(Name)

16. **Acceptance Of Representation By Consultant**

Consultant, in consideration of the foregoing promises and covenants by the Client, hereby agrees to undertake the representation of the Client upon the terms outlined hereinabove.

09/08/2022  
DATE

  
\_\_\_\_\_  
DIANA CIHAK

	A	B	C	D	E	F
2	CCIDA July 2022		OPERATING STATEMENT			
3						
4		2022	2022	2022	2022	2021
5		APPROVED	M-T-D	Y-T-D	BALANCE	Y-T-D
6		BUDGET	ACTUAL	ACTUAL	REMAINING	COMPARISON
7		ADJUSTED				
8	INCOME:					
9	Interest on Accounts	\$250	\$0	\$23	\$227	\$18
10	Apps & Fees	\$334,325	\$166,953	\$550,818	-\$216,493	\$135,567
11	CCCRC/Other Misc. Income*****	\$0	\$0	\$226,778	-\$226,778	\$5,050
12	Total	\$334,575	\$166,953	\$777,619	-\$443,044	\$140,635
13						
14						
15	EXPENSES:					
16	Wages	\$157,250	\$13,680	\$99,499	\$57,751	\$90,463
17	Fringe Benefits	\$87,400	\$4,828	\$36,497	\$50,903	\$34,283
18						
19	Board Meeting/Operations	\$2,000	\$252	\$1,516	\$484	\$1,286
20	Business Development*****	\$15,000	\$2,357	\$24,348	-\$9,348	\$6,047
21	Office Supplies/Service Contracts	\$2,000	\$212	\$990	\$1,010	\$782
22	Office Maint./Repairs/Equip.*	\$5,000	\$6,955	\$16,585	-\$11,585	\$8,580
23	Office Phones/Cell/fax/internet service	\$6,000	\$167	\$4,086	\$1,914	\$4,034
24	Postage	\$1,500	\$109	\$1,387	\$113	\$976
25	Public Hearings**	\$800	\$87	\$1,621	-\$821	\$472
26	Travel/Mileage	\$4,500	\$277	\$1,096	\$3,404	\$1,677
27						
28	Rent	\$16,200	\$0	\$8,100	\$8,100	\$9,450
29	Real Estate Taxes	\$150	\$0	\$90	\$60	\$88
30	Utilities	\$2,500	\$249	\$2,111	\$389	\$1,476
31	Property/Fire/Liability Insurance	\$5,200	\$0	\$4,702	\$498	\$5,177
32						
33	Professional Associations	\$7,000	\$215	\$2,427	\$4,573	\$4,136
34	Professional Services *****	\$10,000	\$5,200	\$22,934	-\$12,934	\$9,261
35	Publications	\$200	\$0	\$0	\$200	\$0
36						
37	Railroad Services	\$25	\$0	\$0	\$25	\$0
38	Miscellaneous	\$100	\$0	\$36	\$64	\$0
39	Project Expenses *****	\$1,000	\$11,673	\$22,273	-\$21,273	\$9,000
40	Consulting Expense***	\$0	\$2,500	\$17,500	-\$17,500	\$0
41	Great Lakes Cheese Expenses****	\$0	\$78,700	\$73,717	-\$73,717	\$24,024
42	Total Expenses	\$323,825	\$127,461	\$341,515	-\$17,690	\$211,212
43						
44	Net Difference	\$10,750	\$39,492	\$436,104	-\$425,354	-\$70,577
45	* Overage due to Computer Repairs & Painting Office					
46	**Additional Public Hearings Held					
47	***Greg Sehr consultant services					
48	****Expenses for GLC Project - over amount funded by Catt. County.					
49	*****Professional Services for Paris Reporting/Policies and Procedures					
50	*****Project Expenses - GLC add'l development expense.					
51	*****Add'l expenses for additional projects and economic development					
52	*****St. Bonaventure - CCCRC Bond Deal					
53						
54						

COUNTY OF CATTARAUGUS IDA

Balance Sheet

July 31, 2022

ASSETS

Current Assets		
CATT CO. BANK	\$	728,071.83
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		1,814,154.03
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>2,061,963.29</u>

LIABILITIES AND CAPITAL

Current Liabilities		
NYS RETIREMENT LOAN ACCT.	\$	348.00
Employee Health Ins Payable		(2,365.88)
Federal Payroll Taxes		262.64
NYS WITHHOLDING		10,810.09
SAVINGS - DIRECT DEP.-PAYABLE		875.00
NYS Retirement Employer Portio		33,150.00
Deferred Inflows		14,768.00
ACCOUNTS PAYABLE		(10.00)
ACCRUED PAYROLL		3,504.81
		<hr/>
Total Current Liabilities		61,342.66
Long-Term Liabilities		
Pension Liability		175,874.00
		<hr/>
Total Long-Term Liabilities		175,874.00
		<hr/>
Total Liabilities		237,216.66
Capital		
Retained Earnings		1,078,570.59
CONTRIBUTED CAPITAL		310,072.06
Net Income		436,103.98
		<hr/>

Unaudited - For Management Purposes Only

COUNTY OF CATTARAUGUS IDA  
Balance Sheet  
July 31, 2022

Total Capital	1,824,746.63
Total Liabilities & Capital	\$ 2,061,963.29

COUNTY OF CATTARAUGUS IDA

Balance Sheet

July 31, 2021

ASSETS

Current Assets		
CATT CO. BANK	\$	150,891.59
SAVINGS CCB		5,238.21
SAVINGS FT		8,291.09
CATT. CO. CAPITAL RES. CORP.		212,101.32
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		1,236,920.48
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>1,484,729.74</u>

LIABILITIES AND CAPITAL

Current Liabilities		
NYS RETIREMENT LOAN ACCT.	\$	348.00
Employee Health Ins Payable		(2,365.88)
Federal Payroll Taxes		(4,507.15)
NYS WITHHOLDING		3,439.84
NYS Retirement Employer Portio		13,090.00
Deferred Inflows		14,768.00
ACCOUNTS PAYABLE		6,940.94
ACCRUED PAYROLL		3,504.81
		<hr/>
Total Current Liabilities		35,218.56
Long-Term Liabilities		
Pension Liability		175,874.00
		<hr/>
Total Long-Term Liabilities		175,874.00
		<hr/>
Total Liabilities		211,092.56
Capital		
Retained Earnings		1,034,211.22
CONTRIBUTED CAPITAL		310,072.06
Net Income		(70,646.10)
		<hr/>
Total Capital		1,273,637.18

Unaudited - For Management Purposes Only

COUNTY OF CATTARAUGUS IDA  
Balance Sheet  
July 31, 2021

Total Liabilities & Capital

\$ 1,484,729.74

	A	B	C	D	E	F
2	<b>CCIDA August 2022</b>		<b>OPERATING STATEMENT</b>			
3						
4		2022	2022	2022	2022	2021
5		APPROVED	M-T-D	Y-T-D	BALANCE	Y-T-D
6		BUDGET	ACTUAL	ACTUAL	REMAINING	COMPARISON
7		ADJUSTED				
8	<b>INCOME:</b>					
9	Interest on Accounts	\$250	\$0	\$23	\$227	\$18
10	<b>Apps &amp; Fees</b>	\$334,325	\$750	\$551,568	-\$217,243	\$162,190
11	CCCRC/Other Misc. Income	\$0	\$0	\$226,778	-\$226,778	\$5,050
12	Total	\$334,575	\$750	\$778,369	-\$443,794	\$167,258
13						
14						
15	<b>EXPENSES:</b>					
16	Wages	\$157,250	\$6,840	\$108,339	\$50,911	\$90,463
17	Fringe Benefits	\$87,400	\$4,380	\$40,876	\$46,524	\$38,914
18						
19	Board Meeting/Operations	\$2,000	\$99	\$1,614	\$386	\$1,286
20	Business Development	\$15,000	\$3,714	\$28,063	-\$13,063	\$8,552
21	Office Supplies/Service Contracts	\$2,000	\$133	\$1,123	\$877	\$909
22	Office Maint./Repairs/Equip. (A)	\$5,000	\$878	\$17,463	-\$12,463	\$8,580
23	Office Phones/Cell/fax/internet service	\$6,000	\$1,161	\$5,247	\$753	\$4,218
24	Postage	\$1,500	\$185	\$1,572	-\$72	\$1,396
25	Public Hearings	\$800	\$0	\$1,621	-\$821	\$472
26	Travel/Mileage	\$4,500	\$0	\$1,096	\$3,404	\$1,677
27						
28	Rent	\$16,200	\$2,700	\$10,800	\$5,400	\$9,450
29	Real Estate Taxes	\$150	\$0	\$90	\$60	\$88
30	Utilities	\$2,500	\$102	\$2,213	\$287	\$1,497
31	Property/Fire/Liability Insurance	\$5,200	\$0	\$4,702	\$498	\$5,177
32						
33	Professional Associations	\$7,000	\$0	\$2,427	\$4,573	\$4,136
34	Professional Services (C)	\$10,000	\$1,235	\$24,170	-\$14,170	\$9,261
35	Publications	\$200	\$0	\$0	\$200	\$0
36						
37	Railroad Services	\$25	\$0	\$0	\$25	\$0
38	Miscellaneous	\$100	\$0	\$36	\$64	\$0
39	Project Expenses - (D)	\$1,000	\$0	\$22,273	-\$21,273	\$9,000
40	Consulting Expense	\$0	\$5,000	\$22,500	-\$22,500	\$0
41	Great Lakes Cheese Expenses- (B)	\$0	-\$2,310	\$71,407	-\$71,407	\$102,304
42	Total Expenses	\$323,825	\$24,117	\$365,632	-\$41,807	\$297,380
43						
44	Net Difference	\$10,750	-\$23,367	\$412,737	-\$401,987	-\$130,122
45						
46	A - Overage due to Computer Repairs & Painting Office					
47	B - Expenses for GLC Project - over amount funded by Catt. County.					
48	C - Professional Services for Paris Reporting/Policies and Procedure					
49	D - Project Expenses - GLC add'l development expense.					
50						
51						
52						
53						

COUNTY OF CATTARAUGUS IDA

Balance Sheet  
August 31, 2022

ASSETS

Current Assets		
CATT CO. BANK	\$	710,434.36
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		1,796,516.56
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>2,044,325.82</u>

LIABILITIES AND CAPITAL

Current Liabilities		
NYS RETIREMENT LOAN ACCT.	\$	174.00
Employee Health Ins Payable		(2,365.88)
Federal Payroll Taxes		2,250.58
NYS WITHHOLDING		11,145.94
SAVINGS - DIRECT DEP.-PAYABLE		875.00
NYS Retirement Employer Portio		34,680.00
Deferred Inflows		14,768.00
ACCOUNTS PAYABLE		2,040.10
ACCRUED PAYROLL		3,504.81
		<hr/>
Total Current Liabilities		67,072.55
Long-Term Liabilities		
Pension Liability		175,874.00
		<hr/>
Total Long-Term Liabilities		175,874.00
		<hr/>
Total Liabilities		242,946.55
Capital		
Retained Earnings		1,078,570.59
CONTRIBUTED CAPITAL		310,072.06
Net Income		412,736.62
		<hr/>

Unaudited - For Management Purposes Only



COUNTY OF CATTARAUGUS IDA  
Balance Sheet  
August 31, 2022

Total Capital	<u>1,801,379.27</u>
Total Liabilities & Capital	<u>\$ 2,044,325.82</u>

COUNTY OF CATTARAUGUS IDA

Balance Sheet  
August 31, 2021

ASSETS

Current Assets		
CATT CO. BANK	\$	73,558.02
SAVINGS CCB		5,238.21
SAVINGS FT		8,291.09
CATT. CO. CAPITAL RES. CORP.		212,101.32
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		1,159,586.91
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>1,407,396.17</u>

LIABILITIES AND CAPITAL

Current Liabilities		
Employee Health Ins Payable	\$	(2,365.88)
Federal Payroll Taxes		(5,085.19)
NYS WITHHOLDING		3,961.12
NYS Retirement Employer Portio		14,960.00
Deferred Inflows		14,768.00
ACCOUNTS PAYABLE		3,497.50
ACCRUED PAYROLL		3,504.81
		<hr/>
Total Current Liabilities		33,240.36
Long-Term Liabilities		
Pension Liability		175,874.00
		<hr/>
Total Long-Term Liabilities		175,874.00
		<hr/>
Total Liabilities		209,114.36
Capital		
Retained Earnings		1,034,211.22
CONTRIBUTED CAPITAL		310,072.06
Net Income		(146,001.47)
		<hr/>
Total Capital		1,198,281.81
		<hr/>

Unaudited - For Management Purposes Only

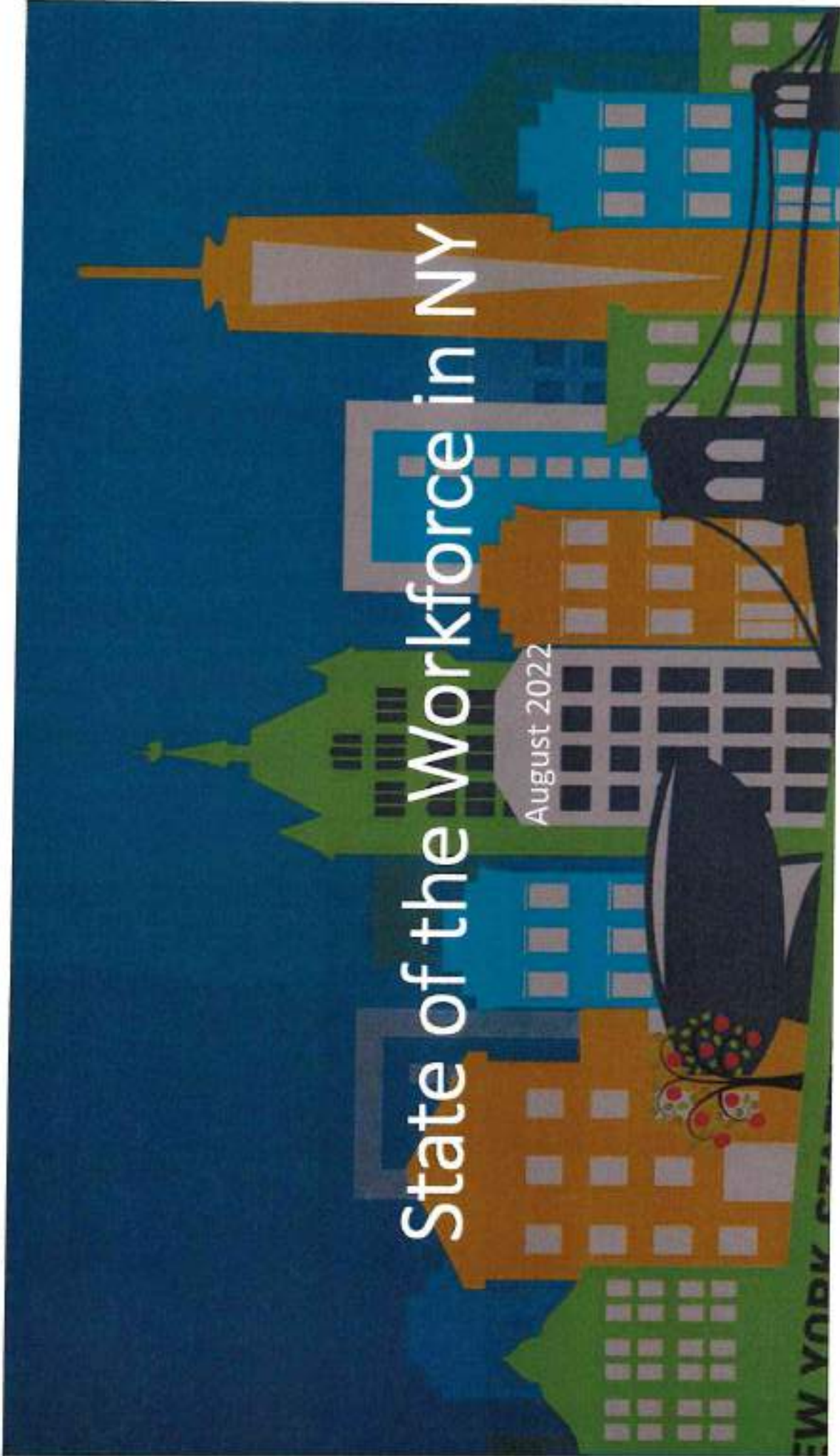
COUNTY OF CATTARAUGUS IDA  
Balance Sheet  
August 31, 2021

Total Liabilities & Capital

\$ 1,407,396.17

# State of the Workforce in NY

August 2022



NEW YORK STATE

## Who We Are

We are New York's Workforce Association.

NYATEP provides its members the leadership, vision, and advocacy for a thriving workforce in New York State.

Our focus is to ensure that every New Yorker and employer in New York State has access to the skills they need to work in and support a robust statewide economy.



































































## Who We Serve

Our membership services over a million people each year and spans New York's

- 33 local workforce development boards
- career centers
- State and City community college systems
- literacy providers
- community-based organizations
- local governments
- labor unions
- economic development agencies
- career and technical education providers, and others



# TOP 5 SECTORS BY REGION<sup>5</sup>

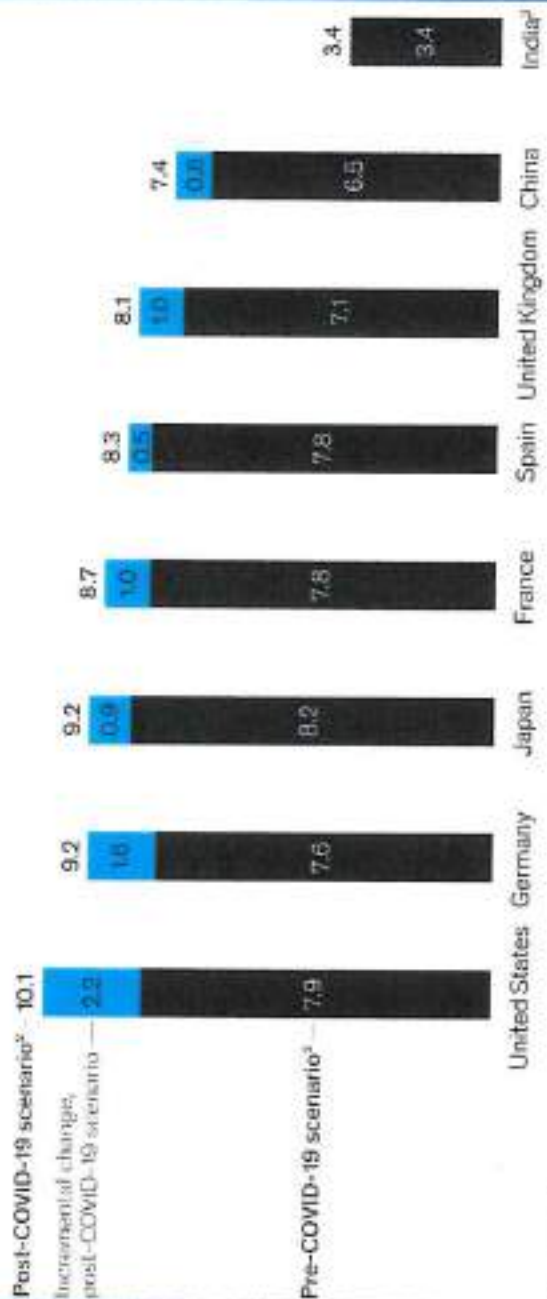
Capital Region						
Central NY						
Finger Lakes						
Hudson Valley						
Long Island						
Mohawk Valley						
New York City						
North Country						
Southern Tier						
Western NY						
Statewide						



-   
Retail
-   
Professional Services
-   
Manufacturing
-   
Information
-   
Healthcare
-   
Government
-   
Finance and Insurance
-   
Educational Services
-   
Construction
-   
Accommodations & Food

# More people may need to transition to new jobs in the post-COVID-19 scenario.

Share of workforce that may need to transition to jobs in new occupations by 2030,<sup>1</sup> %



**Job transitions in post-COVID-19 scenario,<sup>3</sup> million**

Country	Job transitions (million)
United States	17.1
Germany	5.8
Japan	3.9
France	2.5
Spain	1.5
United Kingdom	2.7
China	54.4
India <sup>3</sup>	17.9

<sup>1</sup>Job figures are not seen to total because of rounding.  
<sup>2</sup>An occupation transition is defined as a job that has been disrupted and does not correspond with growth in other demand overall.  
<sup>3</sup>The post-COVID-19 scenario includes the effects of right-to-work legislation, rising incomes, aging populations, increased technology use, a labor shortage, infrastructure investment, rising education levels, and migration of migrant work. The total GDP by economic structure, population, income, and growth is defined as demand, and job transitions are defined as the difference between demand and supply. Scenarios for the size of the labor force are based on the assumptions in transition into the labor force that are used in the same scenario. (Transition needs) will define the transition needs used to define the transition needs in the scenario analysis.  
 Source: McKinsey Global Institute analysis.

# 10 LARGEST OCCUPATIONS STATEWIDE<sup>12</sup>

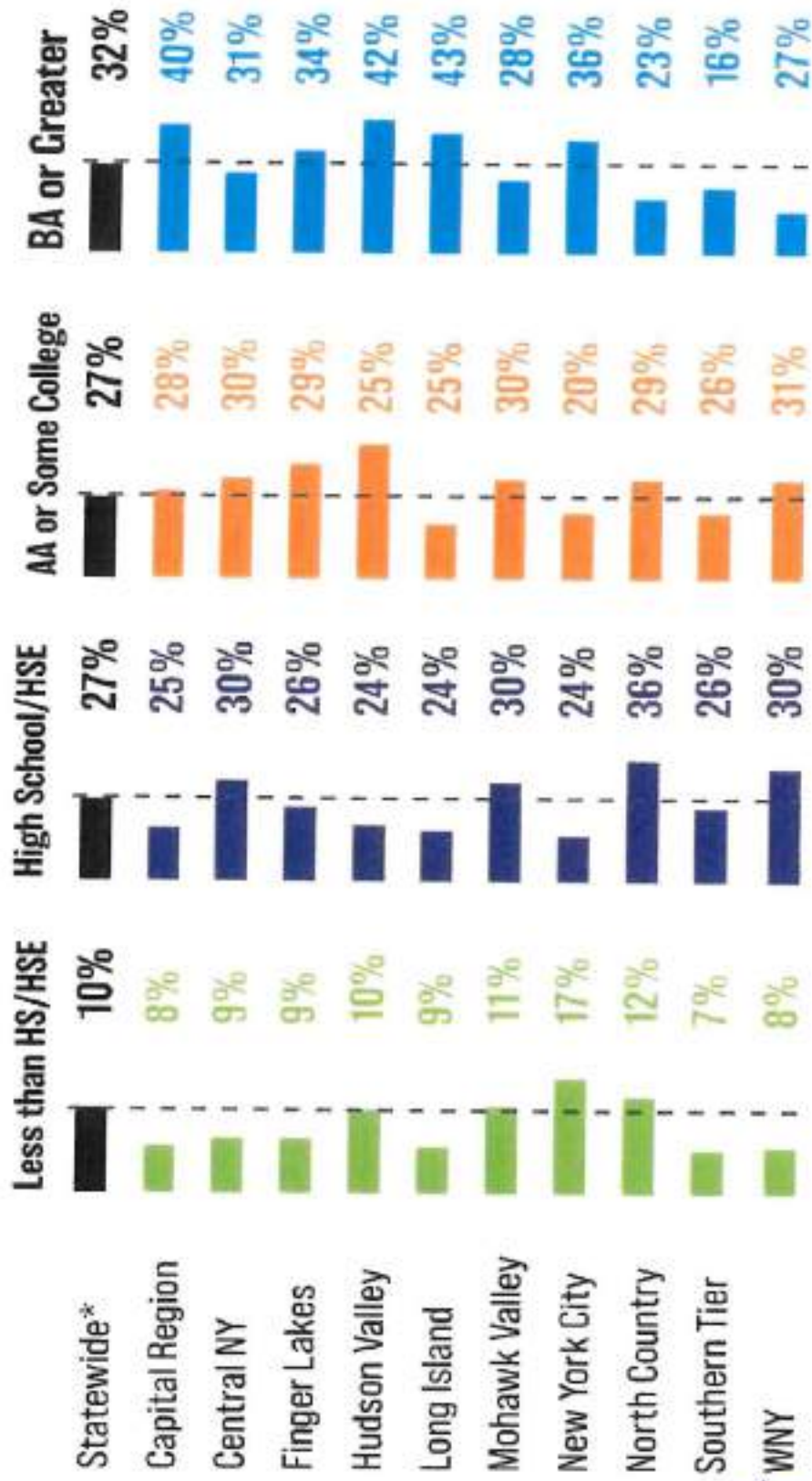
	# of Jobs	Entry Pay	Median Pay	Experienced Pay
Office and Administrative Support Occupations	1.2M	\$32K	\$45K	\$59K
Sales and Related Occupations	769K	\$28K	\$39K	\$83K
Education, Training, and Library Occupations	736K	\$34K	\$67K	\$100K
Business and Financial Operations Occupations	607K	\$54K	\$85K	\$123K
Healthcare Support Occupations	600K	\$29K	\$33K	\$39K
Healthcare Practitioners and Technical Occupations	529K	\$49K	\$84K	\$122K
Transportation and Material Moving Occupations	529K	\$28K	\$38K	\$55K
Nursing, Psychiatric, and Home Health Aides *	525K	N/A	N/A	N/A
Management Occupations	524K	\$80K	\$147K	\$207K
Home Health & Personal Care Aides**	430K	\$28K	\$32K	\$36K

\*Wage estimates that do not meet publication standards are labeled N/A.

\*\*requires a high school diploma or less



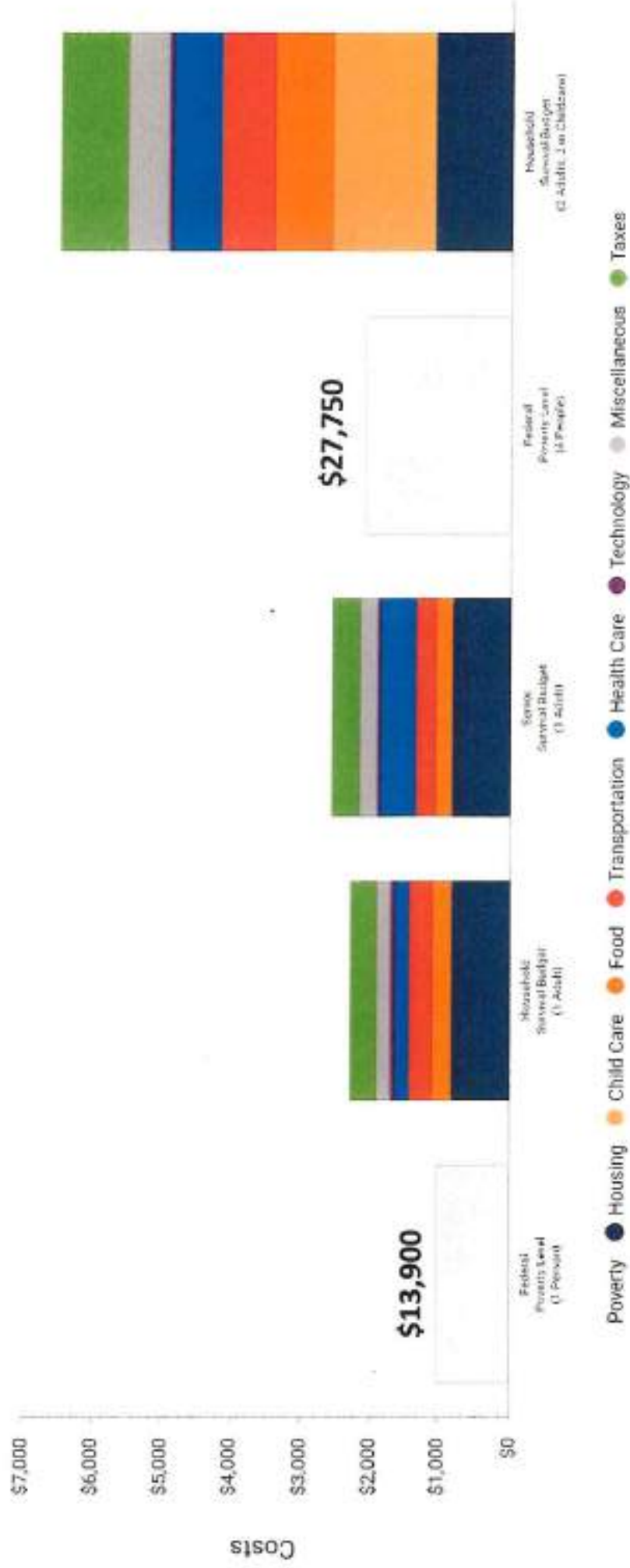
# EDUCATIONAL ATTAINMENT BY REGION <sup>42</sup>



## ALICE Budgets Differ by Household Type and Location

The interactive map and figure below show how the ALICE budgets differ by household type and location, and how they compare to the Federal Poverty Level.

### Monthly Budget Comparison, New York, 2018



# 2021-2022 Legislative Updates

## FEDERAL

- Appropriations for WIOA have increased! Over 20% increase for New York State.
- WIOA Reauthorization hits the House – but don't get too excited...

## STATE

- Industries to Watch: clean energy, construction and cannabis
- Resources are available:
  - ARPA
  - \$175 million spend down from last Administration
  - \*NEW\* Office of Strategic Workforce Development and \$350 million for programming
  - \$150 million to expand Part-Time TAP
  - Expansion of childcare availability

## ADVOCACY

- Passing Bill No. S6589 in support of Income Disregards
- Youth Apprenticeship



# Potential Disrupters



## Politics:

“New” Governor/Redistricting/Election Year

## Economy:

Inflation and continued supply chain disruptions; some sectors are still lagging in recovery

## Health:

COVID-19 lingers, and mental health is at the forefront

## Labor Market:

Wages are trending upwards, so it’s a worker’s market – employers must adapt to remain competitive

# What can we do right now?



<b>Engage</b>	Engage young adults early and often; work experience
<b>Invest</b>	Invest in incumbent worker training and those with high school diplomas or less - especially as the technology changes the landscape of work
<b>Adapt</b>	Recognize the changing 'requirements' of the workforce - (and retaining workers adds to the bottom-line). The quality of the jobs you create matters.
<b>It's MORE than Training</b>	Economic and workforce entities need to ensure adequate housing, affordable broadband and childcare, healthcare, transportation exist in the region to support workforce expansion.





CONTACT INFORMATION

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[www.nyatep.org](http://www.nyatep.org)

[https://buffaloNews.com/business/local/david-robinson-wny-has-a-people-problem-and-its-putting-a-damper-on-hiring-here/article\\_c6e6f03c-2499-11ed-b946-334aa1053132.html](https://buffaloNews.com/business/local/david-robinson-wny-has-a-people-problem-and-its-putting-a-damper-on-hiring-here/article_c6e6f03c-2499-11ed-b946-334aa1053132.html)

TOP STORY

## David Robinson: WNY has a people problem, and it's putting a damper on hiring here

Aug 29, 2022



A "now hiring" sign is seen on the milk case at the Dollar General on Olean Road in South Wales.  
Derek Gee / Buffalo News file

Support this work for \$1 a month

By David Robinson

Deputy Business Editor



I'm the News' deputy business editor. I grew up in New Hampshire, went to Syracuse University and started working at The News in 1985.

David Robinson

**T**o understand why hiring has turned sluggish across the Buffalo Niagara region, it helps to think about people.

People who want to work.



### **Unemployment inches up in July as hiring slows**

People who want to work but can't find a job, possibly because they don't own a car and can't take a bus to an employer who might hire them. Possibly because they can't find affordable child care. Possibly because they don't have the skills that employers demand.

And people, in a region where workers already tend to be older, who are at or close to retirement age and decided during the pandemic that this was the time to stop working.

Together, those people, either because of the barriers they face finding a job or their personal choices, have left employers with relatively slim pickings when they try to fill open positions.



**Analysis: As the nation recovers, Buffalo Niagara's job gains have slowed**

It is a big reason why hiring across the region has been fairly sluggish, even though there are plenty of job openings. And it is a big reason why the Buffalo Niagara region still has about 28,000 fewer jobs than it did before the pandemic – while the nation has recovered all of the jobs that were lost during the Covid-19 outbreak.

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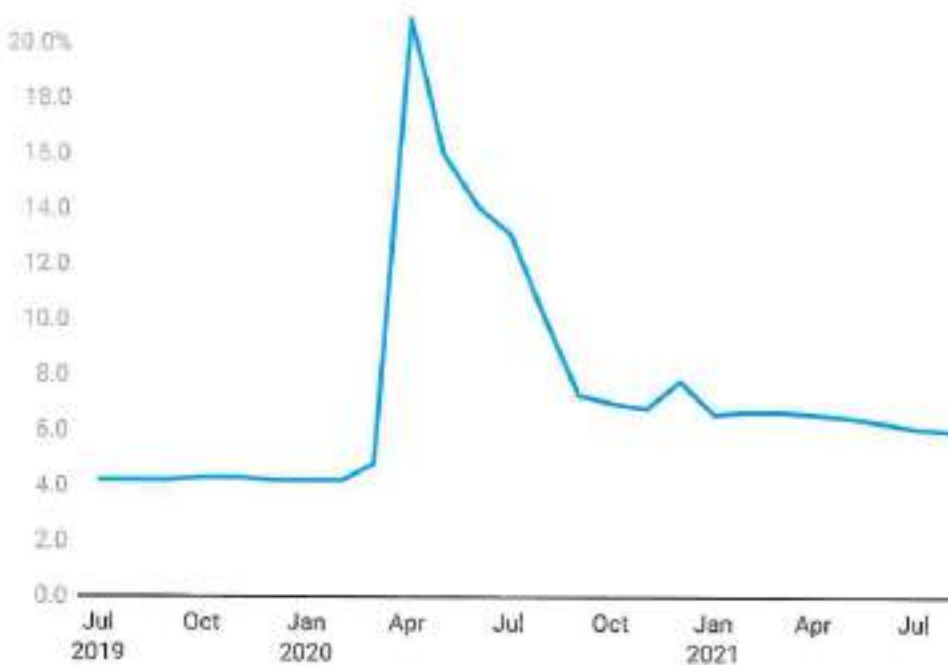
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"This is a shrinking labor pool, and that can really stifle economic growth by making it difficult for employers to hire," said Laura Quebral, the director of the University at Buffalo Research Institute, which has been studying regional workforce trends.

That has created a unique disconnect in the local job market. While hiring has turned sluggish over the past four months, the unemployment rate remains low at 3.9%.

## The region's unemployment rate remains low

The unemployment rate in July was 3.9%



Seasonally adjusted

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And as employers grow wary over a slowing economy, short-staffed companies are trying to hang on to hard-to-hire workers, rather than trimming jobs from a workforce that may not have much fat to trim in the first place.

“It’s so unusual, compared to the historical experience,” said Julie Anna Golebiewski, a Canisius College economist. “I don’t expect that we’ll see the unemployment rate increase far above what we consider to be the natural rate” of unemployment, which is in the 4% to 5% range.



### **Spotlight/employment: Few job cuts as worries grow about economy**

In other words, even if the economy officially falls into a recession, this slowdown may not have the same level of layoffs as other downturns.

But for the region to fully recover, it will need to solve its people problem – an obstacle that dates back decades, beginning with the post-war outflow of workers as manufacturing fell into its long and painful decline.

One fairly simple statistic bears that out: From 2000 to 2020, the U.S. population grew roughly 18% faster than the Buffalo Niagara region. Over that same period, U.S. job growth outpaced hiring locally by 17%.

Golebiewski and her Canisius colleagues George Palumbo and Mark Zaporowski are the ones who noticed that close link between population and job growth, and it makes sense. More people means more spending on groceries and housing and all kinds of consumer products. More people means stores need to hire more people, service providers need more people to meet the rising demand for their offerings.

So it stands to reason that the region's shrinking workforce is a big reason why job growth isn't stronger here. Over the past decade, about 25,000 workers have dropped out of the local labor pool, despite a modest increase in the overall population.

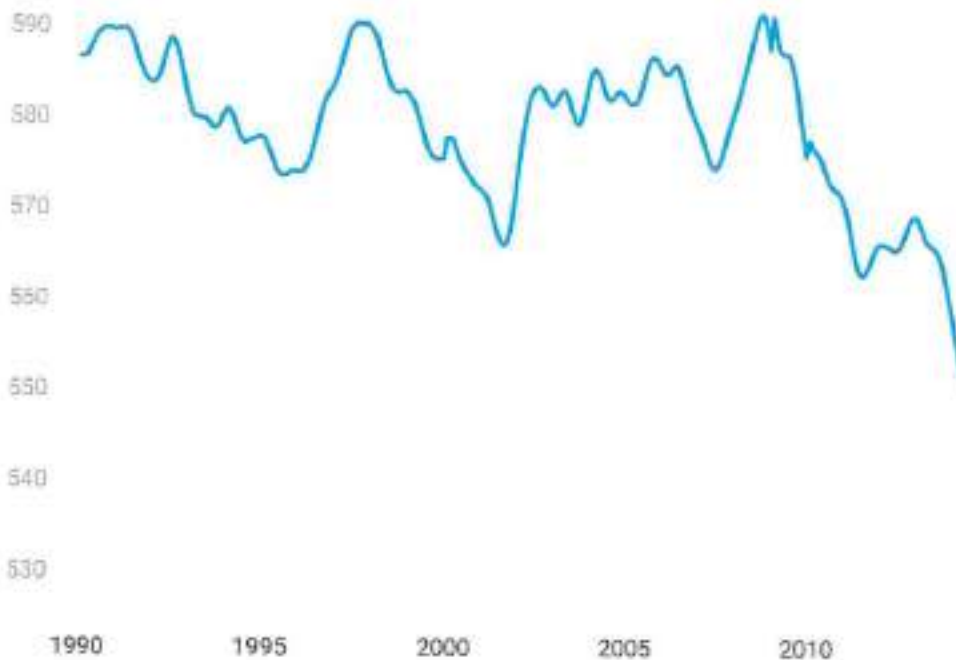


### **Spotlight/economy: Workers are finding jobs**

That means that local employers now are hiring from a pool of workers that is 4.5% smaller than it was in 2012. That's significant, especially when you consider that the national workforce has grown by almost 6% during that same time.

## The Buffalo Niagara region's shrinking labor force

The region has 47,000 fewer workers than it did in 1990



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“You’re still seeing a demand for workers. You’re still seeing labor shortages. You’re still seeing help wanted ads out there,” said Timothy Glass, the State Labor Department’s regional economist in Buffalo. “Businesses are still looking for people.”

Decades of declining population – only partially offset by the small gain over the past decade – contributed to the shrinking labor pool. The people who have stayed here now tend to be older, so retirements have been a bigger drag on the local workforce – and will continue to be.

“We’re looking at having a real problem in employment,” said Fred Floss, a SUNY-Buffalo State College economist. “As the Buffalo area workforce ages, are the younger people prepared to step into those types of jobs?”

Quality jobs attract workers – and creating more high-skill jobs that pay well will help by luring workers to Western New York, something that happens in a trickle here, but in a gush in a hot spot like Austin, Texas, where Tesla moved its headquarters and built an electric vehicle factory, and where Samsung now plans to build a chip making plant that local officials tried to lure to Genesee County.



### **June unemployment in Buffalo Niagara stays low as more workers seek jobs**

“We need to keep thinking about talent attraction,” Quebral said.

But that doesn’t mean there aren’t enough workers. In many cases, there are enough workers. There just aren’t enough workers with the skills needed to do the job that is open – and the ability to get to that job.

“We need to keep thinking about worker training,” Quebral said.

A June survey of Western New York employers funded by the state and the Business Council of New York State found that nearly half said the lack of qualified applicants was keeping them from hiring for hard-to-fill jobs. Not far behind – cited by 45% – was compensation, a byproduct of the increased leverage that qualified workers now have.

“There is, has been and still is a mismatch between employer expectations and what the job seeker is looking for,” Glass said.



**David Robinson: Why consumers hold key to Buffalo Niagara economy as hiring slows, prices soar**

But there are other factors, too. A little more than a third of the employers said transportation was a reason why they couldn't hire a worker or that a worker couldn't accept a job. That is a hurdle created by decades of sprawl that has pushed more jobs to the suburbs, where public transportation is spotty. That makes it difficult, if not impossible, for workers who don't own a car to get to their jobs, especially if they live in the city.



Affordable childcare is another big factor, with a quarter of the employers citing it as a reason why jobs are hard to fill.

Rising pay also is likely a factor, especially among lower-wage workers. As the minimum wage has increased and the competition for entry-level workers has intensified, starting wages often are even higher. That has allowed workers who once relied on two or three part-time jobs to make ends meet to get by with one or two, Glass said.

“I think the labor force is down a little bit due to the fact that maybe people aren't doing additional jobs,” Glass said.

Beyond the roughly 26,000 Western New Yorkers who are considered to be unemployed because they are actively looking for a job but can't find one, the UB researchers estimate there are nearly 108,000 other workers who are underemployed – holding jobs that aren't as demanding as their skills and training would allow.

And the UB researchers estimate that there are another 200,000 working-age people across the region who aren't looking for a job and are out of the work force entirely.

This is where worker training can help – if it's targeted toward the skills that are in demand by employers, rather than broad-based programs that don't necessarily prepare people for the jobs that are available.

Well-developed worker training programs could open up pathways to new careers for underemployed workers who have the work ethic and broad education to succeed, but might be trained in occupations that aren't in demand.

It also could lure discouraged workers back into the labor pool. The UB researchers estimate that about 75% of these discouraged workers – often women, older adults or people with disabilities – could benefit from worker training programs.

"We need to keep thinking about worker training," Quebral said. "We need to continue to meet industry demands. It's clear that we're falling short now, and that only gets more difficult over time."

Glass agrees.

"It's not going to be an easy fix," he said.

### **By David Robinson**

#### **Deputy Business Editor**

I'm the News' deputy business editor. I grew up in New Hampshire, went to Syracuse University and started working at The News in 1985.

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## Preparing for Tomorrow's Workforce

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*This article was originally published in the August 2022 issue of Expansion Solutions magazine.*

As we write this article, the May jobs report has been released showing the economy added 390,000 new jobs and 330,000 new workers to the labor force.<sup>[1]</sup> Wow!

- The unemployment rate was 3.6% for the third month in a row with 6.0 million unemployed workers, nearly recovered to pre-COVID-19 pandemic levels from February 2020 (3.5% and 5.7 million, respectively).
- Among the unemployed, the number of permanent job losers remained at 1.4 million and the number of persons on temporary layoff was at 810,000, both only a little different from their values in February 2020.
- The labor force participation rate of 62.3% was only 1.1 percentage points below February 2020 values.

Phew, the labor market crisis is over! Jobs are growing but the rapid pace of hiring has slowed and people who were reluctant to work due to COVID are returning to the labor force. It sure seems like the labor crisis was a COVID issue, so we can all go back to business as usual. Back to normal.

Not so fast! While the jobs report is better than had been anticipated, there are still signs of stress and volatility in the workforce as well as long-term structural challenges. Companies still indicate they cannot get the workers and skills they need; job seekers still cannot get the jobs they want. What is going on?

We learned from many years in economic and workforce development that nothing is as simple as it at first may seem. Most issues are complex and related to multiple contributing factors. Additionally, many of the issues in workforce development have culminated from years of transitions and trends that were occurring prior to COVID, but which were exposed (and often accelerated) during the pandemic. There are three categories within which many of the factors connect:

- Changing demographics
- Changing technology
- Changing cultures

Change has been brewing and it is occurring more rapidly than our economic and workforce systems can adapt. The result constrains economic growth and prosperity for businesses, individuals, and communities. It also

further exacerbates economic equity – widening the gaps between those doing well and those who are not. Workforce and economic development must transform.

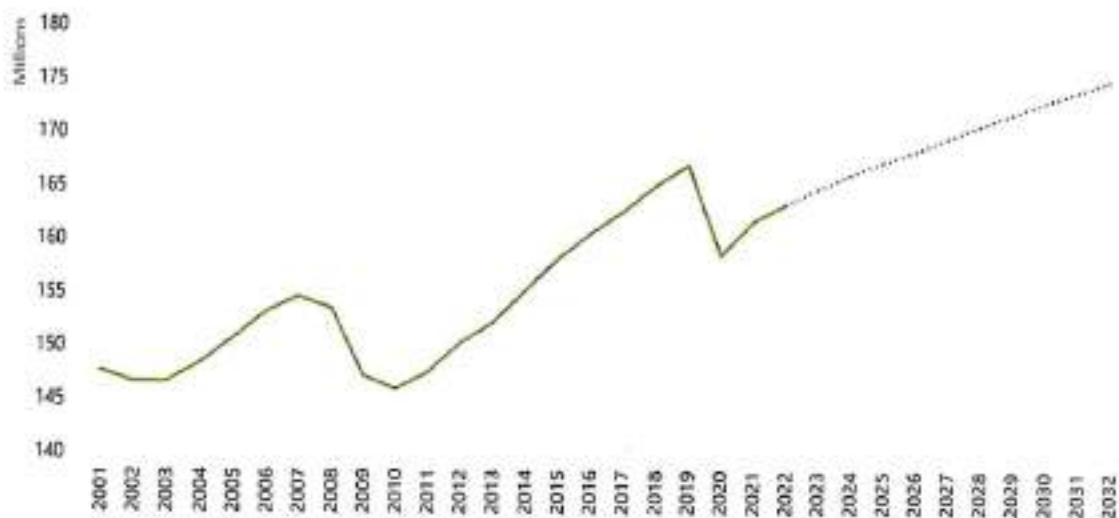
To create an understanding of workforce challenges and prepare for them it is important to look beyond day to day, month to month trends and to evaluate the longer-term trends at play, to consider ways to prepare for what might be coming, and then to invest in our capacity to adapt and act.

## Macro Observations

### Employment

As of 2021, the US had 161.9 million jobs.<sup>[2]</sup> The Great Recession in 2008 resulted in a 6% decline in employment over 3 years and recovery was slow, returning to 2007 levels in 2014. Then the pandemic brought another dramatic drop of 5% in 2020, but recovery began immediately in 2021 (although jobs are not projected to recover to pre-pandemic levels until 2025). Despite these two recessions, the overall trend has been employment growth, with 10% more jobs in 2021 than in 2001 and a projected 7% more jobs in 2032 than in 2021.

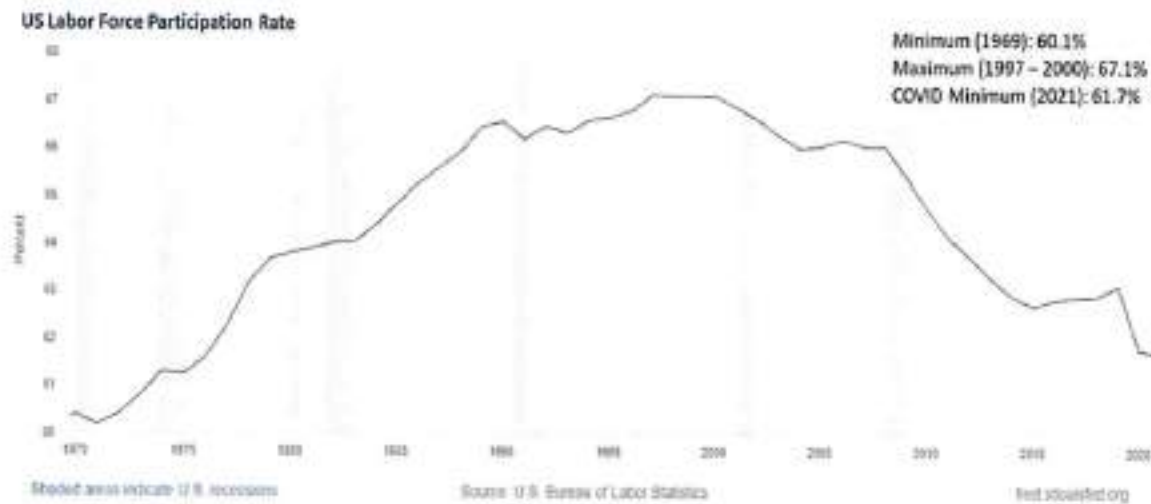
#### US Employment



Source: Ems

### Labor Force Participation

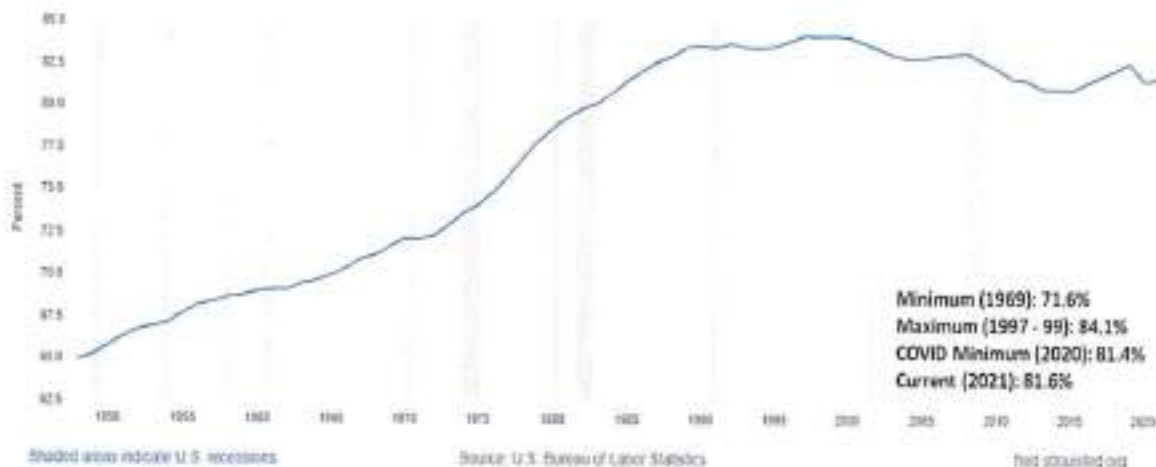
Percentage wise, less people are participating in the labor force. As of May 2022, the labor force participation rate in the US is 62.3%, still below the pre-pandemic rate of 63.4%. One explanation about the current workforce shortage is that workers dropped out of the labor force due to the pandemic and have not yet returned. And while it is true that labor force participation was significantly impacted by the pandemic — April 2020's rate of 60.2% was the lowest it had been since 1973, and the 4.0% drop in the rate between March and April 2020 was the largest single-month drop in participation since at least 1948 — it is part of a much longer trend. The US labor force participation rate peaked at 67.1% for 4 years between 1997 and 2000. It has been on a path of decline ever since, with participation decreasing by 8.1% since 2000.



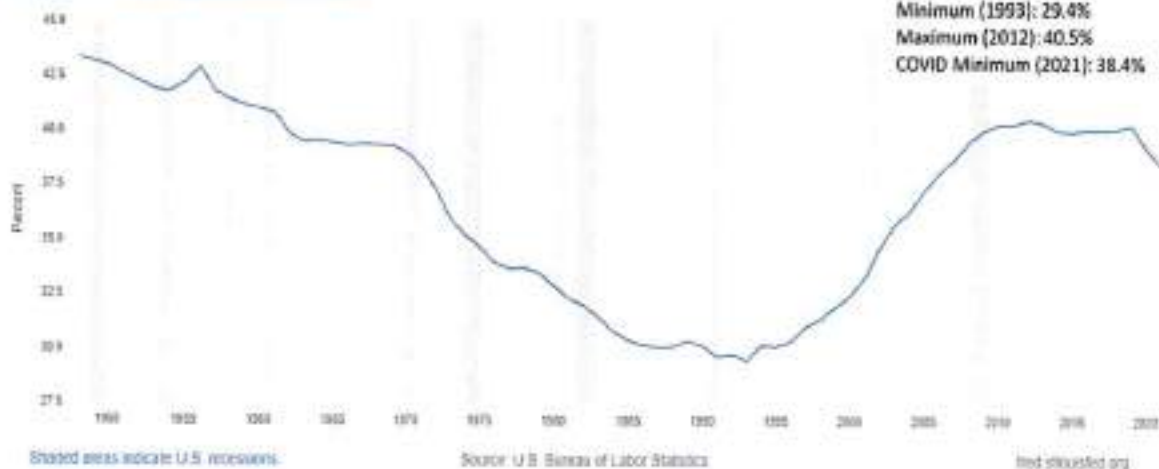
A few key trends can help to explain why labor force participation has been on a long-term decline:

**Changes in the shares of the age groups have contributed to the overall decline in participation rate.** The largest increases in the labor force participation between 2015 and 2020 was among older workers, with workers aged 65-74 increasing by 5% and workers 75 years and older increasing by 10%.<sup>[3]</sup> Meanwhile, the "prime" working age population (25-54 years old) averaged only 1% growth since 2015. While it may appear that older workers (55+ years) are accounting for a larger share of the workforce, it is a function of the size of this generation of workers moving into the 55+ category.<sup>[4]</sup> Their participation rate is lower than the aggregate, so an increase in their numbers is in fact negatively contributing to the overall participation rate.

#### US Labor Force Participation Rate, 25 - 54 Years



#### US Labor Force Participation Rate, 55 Years +

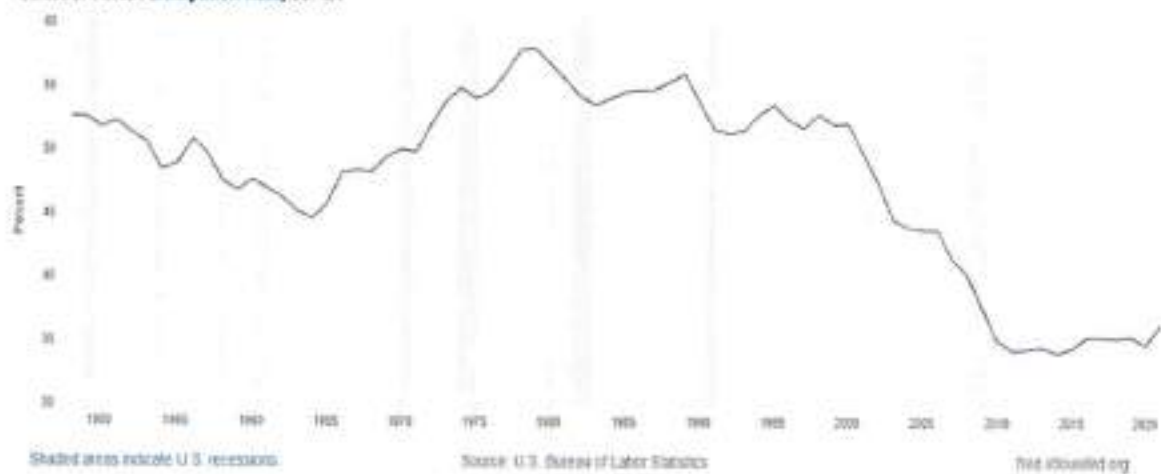


After a long-term trend of declining participation among workers 55 and over, participation started to increase in the mid-1990s. This is likely due to a number of structural changes in the economy, including changes in Social Security, increased life expectancy and their associated rising healthcare costs, increased educational attainment (which is associated with greater rates of participation), and changes to private retirement plans.<sup>[5]</sup>

**Over half of missing workers are due to "excess" retirements during COVID.**<sup>[6]</sup> There were 4.2 million more exits from the labor force than expected between March 2020 and July 2021, and 2.4 million of those were retirements. About 1.5 million of those retirees have since reentered the workforce; however, there is evidence that these retirees tended to be in low-wage, low-skill jobs. There is concern that their re-entry may have been due to economic necessity and that their new jobs may be even lower-wage roles.

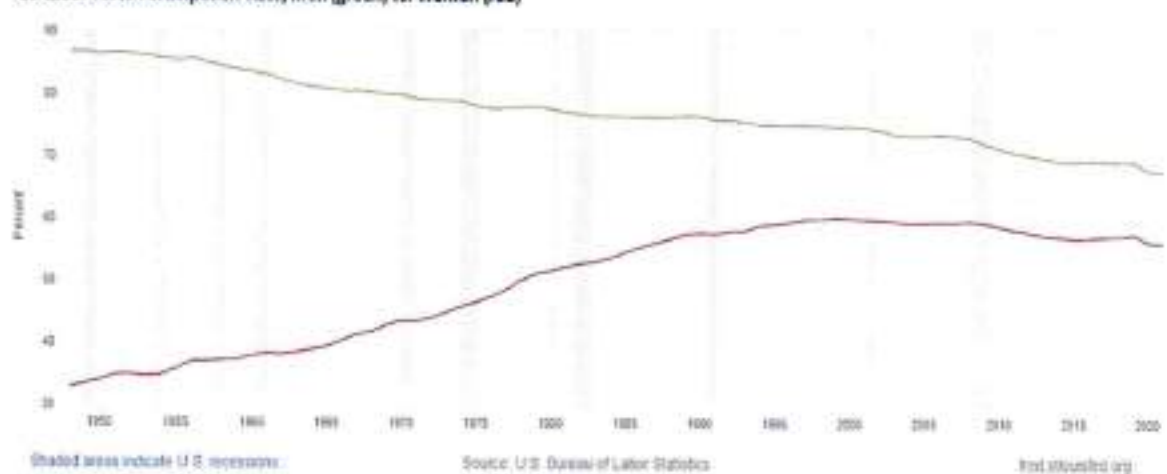
**Teens and young adults are working less.**<sup>[7]</sup> Until 2001, over half of all teenagers had jobs (usually seasonally) and they accounted for a larger share of the workforce than workers over 55. Teen employment reached its peak of 57.9% in 1979, then gradually reduced to an all-time low of 34.0% by 2014. This trend is likely due to the growing importance of our knowledge-based economy, with teens and young adults (and their parents) placing a higher priority on academics than entry-level employment. Participation has been increasing slightly in the past few years and is at 36.2% as of 2021.

US Labor Force Participation Rate, 16 - 24



**Men's participation has been declining.**<sup>4</sup> While women's participation increased by 76% since 1960, men's has decreased by 9%. As of 2021, men's participation is at an all time low of 88.0%, compared to the 62-year high of 97.0% in 1960. Decreases in men's participation are more likely for those with less education, which may be due to the shrinking number of traditional, labor-intensive jobs as our economy becomes more knowledge-based and automated.<sup>[8]<sup>[9]</sup></sup>

US Labor Force Participation Rate, Men (green) vs. Women (red)

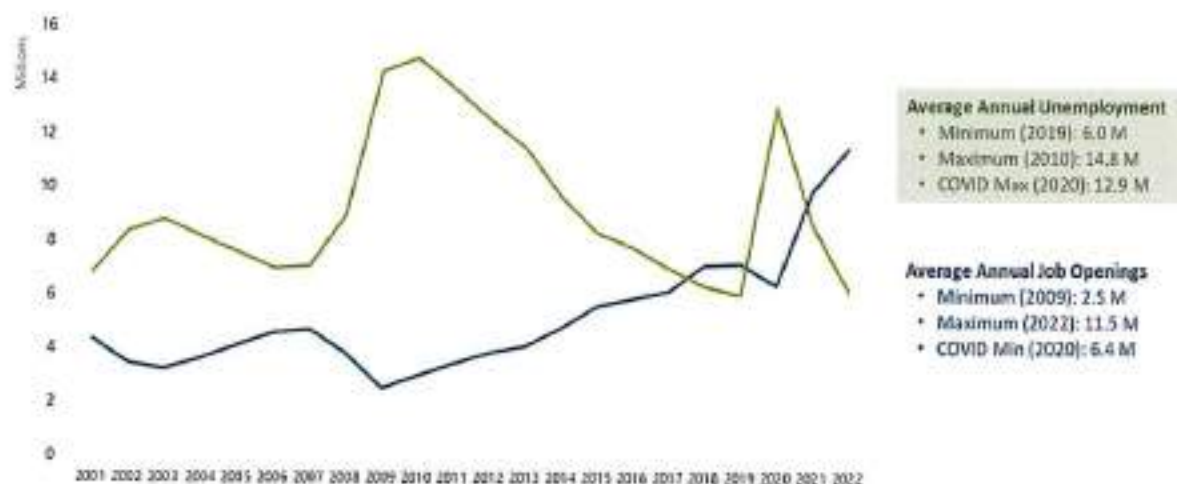


## Job Openings

The stress that employers are experiencing in finding workers is evidenced in job opening data. The US has nearly twice as many open jobs as available workers.<sup>[10]</sup> There are currently 11.5 million job openings across the US, but only 6.1 million unemployed workers. Even if the unemployment rate was at 0%, there would still be 5.3

million vacant jobs. This is the largest gap the US has seen in available workers compared to job demand in the past 22 years. However, this is not a new trend.

### US Average Annual Job Openings vs. Unemployed Workers



Source: US Bureau of Labor Statistics

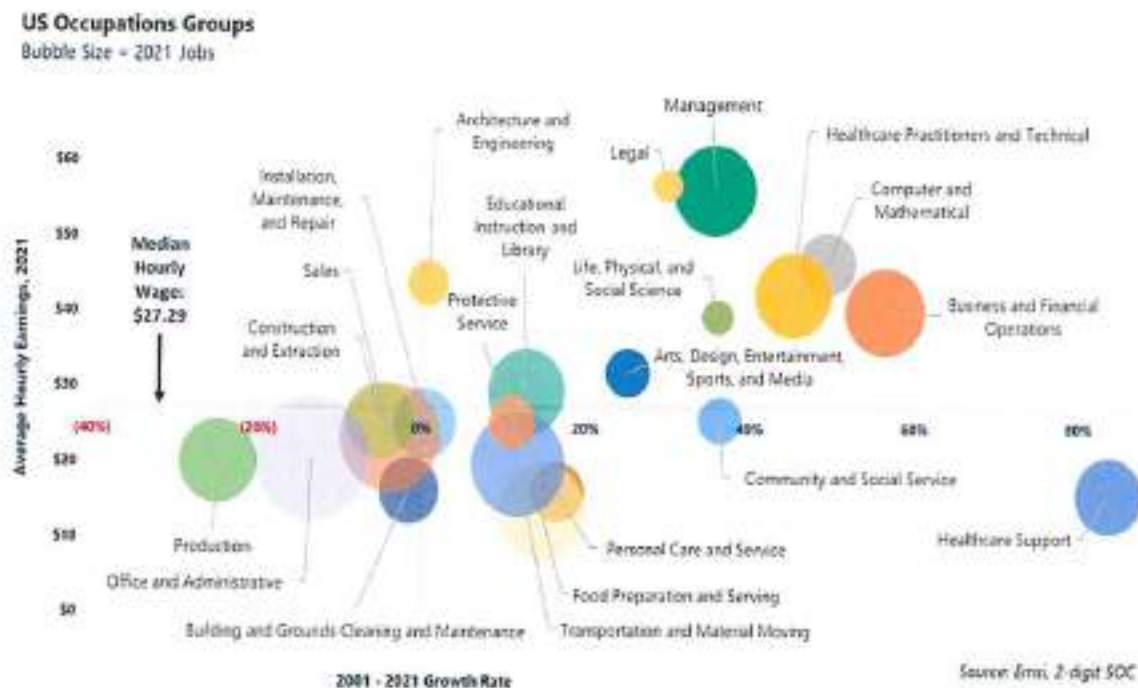
Coming out of the Great Recession, the US began a long, slow recovery, as openings began to climb while unemployment and labor force participation lowered. As the economy began to reach equilibrium around 2015, employers began to sound the alarm about labor shortages, reaching a critical point in 2018, the first time that openings exceeded the number of unemployed workers. The workforce crisis we are experiencing now is a continuation of that trend, despite (not because of) the pandemic. As the chart above shows, the spike in unemployment and slight drop in openings was quickly overcome, and we are now seeing an intensification of the labor force stress employers were experiencing prior to the pandemic.

### Occupations

Looking back to 2001, a long-term trend in occupations is revealed: Lower skill and lower wage jobs are decreasing, and higher skill and higher wage jobs are driving growth. The chart below shows all 2-digit occupation groups in the US, except for Farming and the Military.<sup>[11]</sup> The Occupation groups are plotted based on historical growth rates (the x-axis), their average hourly earnings (the y-axis, with occupations that fall below the x-axis intercept earning less than the median hourly wage), and employment (bubble size). Overall occupation trends include:

- **The occupations with the greatest job losses are low-wage/low-skill.** Production (-25%), Office and Administrative (-13%), Construction (-5%), Sales (-4%), and Building and Grounds Maintenance (-1%) occupations have cumulatively lost over 7.1 million jobs since 2001. All of these occupations fall well below the national median wage of \$27.29 and are generally low-skill jobs.
- **The majority of occupations are low-wage.** The average hourly earnings for over 68% of the occupations fall below the nation median wage of \$27.29 per hour.
- **The largest occupations are low-wage.** Office and Administrative occupations account for the largest share of employment in the US, with over 12% of jobs. Other large occupations include Sales (9%), Transportation and Material Moving (9%), and Food Preparation and Serving (7%). Together, these occupations account for 38% of the workforce, and all offer relatively low average wages.
- **High-wage occupations are driving growth.** Occupations earning more than \$27.29 per hour on average have added 13.1 million jobs since 2001, which accounts for 93% of total growth. High-wage/high-growth occupations currently account for 32% of jobs. These occupations include Business and Financial Operations, Computer and Mathematics, Healthcare Practitioners and Technicians, Management, and Legal occupations.





While one would think this is a good trend, it does come with significant challenges which are holding back future economic growth, prosperity, and equity. Those workers losing lower skill and lower wage jobs are not automatically transitioning to the higher skill higher wage jobs. Not only do such transitions take time for people to get trained and experienced, but also it takes time to transform the education and training culture and systems. In the meantime, many workers are losing jobs and are unable to attain better jobs in growth occupations. Additionally, significant barriers further suppress opportunities for training, education, and job attainment, including support systems around family care, housing, and transportation.

## Understanding Change

### Aging Demographics

The US has seen steady population growth over the past few decades, adding 46.7 million people between 2001 and 2021 for a growth rate of over 16%.<sup>[12]</sup> On average, the population grows by 0.8% per year, and there have not been any declines over this period. However, this positive growth trend is overshadowed by trends within different age groups within the population.

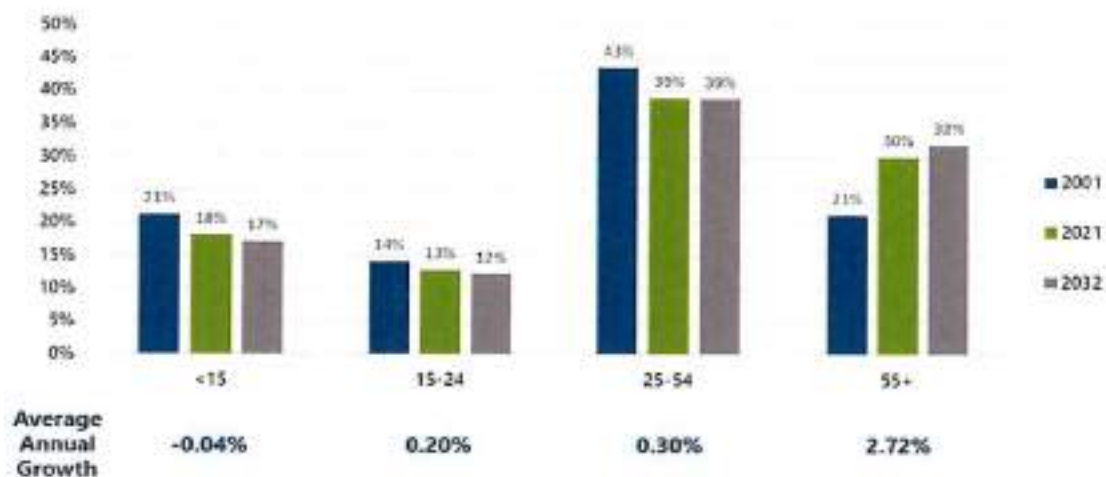
**The 55+ population has been growing dramatically.** As of 2021, there are 99.6 million people aged 55 or older in the US, accounting for 30% of the population.<sup>[13]</sup> In 2001, there were 60.4 million people in this age group, which means this cohort grew by 65% in the past 20 years. This trend is expected to increase over the next decade, with an additional 12% increase in the population aged 55 and over, resulting in an 84% increase between 2001 and 2032. By 2032, this age group is projected to account for 32% of the total US population.

**The "prime" working aged population is growing slowly, but its share of the population is decreasing over time.** As the population ages into the 55 and over cohort, the 25 to 54 cohort is shrinking relative to the overall population.<sup>[14]</sup> As of 2021, there are 129.2 million people in this age group, accounting for 39% of the total population. This age group grew by just over 4% since 2001, and it expected to add an additional 5% by 2032. This cohort's relatively slowly growth (9% from 2001 – 2032 compared to 84% for those 55 and over) is resulting in the shrinking of the prime working aged population.

**The younger populations are either stagnating or declining over time, which indicates this trend will continue into the future.** The youngest workers in the 15 – 24 cohort currently account for 13% of the population, but their anticipated growth rate of 6% between 2001 and 2032 is low relative to the two cohorts ahead of them.<sup>12</sup> Meanwhile, children under the age of 15 are losing population, with an overall growth rate of -1.39% over this period.

By 2032, the "prime" working aged population cohort will only be 7% larger than the 55 and over cohort, compared to 9% today and 22% in 2001. The implications for the workforce are clear – we will have even fewer workers going forward than we do today – but these trends are also likely to increase the demand for labor-intensive (and low-wage) jobs in eldercare, while resulting in shortages in occupations like childcare which are critical to the labor force's ability to participate in the economy.

## US Population by Age Cohort



Source: Emsi

## Place of Work – Remote Work

COVID saw the acceleration of remote work, much borne out of necessity, some out of choice. However, this trend was occurring prior to the pandemic. The advance of the digital economy and penetration into all sectors has enabled more work to be performed remotely. This has had many benefits including allowing companies to recruit workers from anywhere and allowing workers to exercise choice and expand their job opportunities. Both employers and employees have also expanded their skills at integrating digital communications, collaboration, and work processes while expanded and improved platforms and digital tools have further enabled the trend. Much is being written as to whether this trend is likely to continue. Those claiming it is a fad and work will return to primarily being “at place” are missing how much the trend was occurring prior to COVID and underestimating how digital technologies are transforming our work environments. Similarly, those claiming the trend will accelerate and eventually be the predominate way that work gets done understate the role that “place” plays for jobs needing to be done in-person – for example, construction and direct care for an elderly client – and the preferences of workers and industries that best communicate and collaborate in-person.

The reality of the near- and mid-term future likely lies somewhere in the middle: remote work will continue and even grow, but at lower levels than were necessitated by COVID. This is a classic case of complex issues: they are usually best characterized and approached as “and” as opposed to “or.” In this case, work will be remote in some instances, in-person in some instances, and hybrid in others. The occurrences will be driven by a combination of worker choice, employer need, and the type of work, all interacting in the marketplace.

“Proximity required (in different aspects such as to co-workers, to customers, to partners, to work site) is now a critical dimension when considering workforce needs. Work arenas vary widely in terms of the potential long-term impact of COVID-19. In the computer-based office work arena, 70 percent of time could be spent working remotely without losing effectiveness, compared to most other arenas, where as little as 5 to ten percent of work could be done remotely.”<sup>[15]</sup>

Considering these long-term trends, how will employers, workers, and communicate navigate to create economic opportunity? Employers must determine what is necessitated and aligned with their culture and practices including providing training, technology, and opportunities for team building and collaboration. Which approaches they allow or require regarding place of work is less important than their alignment with the market, culture, and practices. Workers must align their preferences with the needed skills and job opportunities. Communities must develop environments where both business and workers (including remote) want to be, including infrastructure, amenities, and policies.

## Tech of Everything

Technological change has occurred in the economy since our beginnings. It was accelerated by the industrial revolution and then the digital revolution. The digital revolution not only created new industries, but it has – and will continue to – transform every industry from agriculture, to healthcare, to manufacturing, to transportation, to services and beyond. Essentially, all industries have become “tech industries” in terms of reliance on technology for operations, efficiencies, and new innovations. This “tech of everything” trend has been developing for many years and has dramatic impacts on the workforce in terms of both challenges and opportunities. “The nature of work is changing rapidly. Technological changes— in particular advancements in machine learning and deep learning —have sparked alarmist predictions of massive job obsolescence. Even conservative estimates indicate

that significant proportions of the work humans do today will be automated in the coming decade. At the same time, technological advancements will continue to give rise to entirely new types of jobs. Futurists estimate that up to 85 percent of the jobs that will exist in 2030 haven't been invented yet."<sup>[16]</sup>

All industries and occupations need increasingly advanced skills to reflect the integration of digital technologies. This includes skills and occupations needed to develop and apply digital technologies, to work along with and enhance digital capabilities, and skills that are not best performed through digital technologies.

Full disruption and then integration of new technology rarely happens all at once. Jobs impacted and even lost will not occur overnight. However, changing our learning, training, and workforce practices requires the involvement of many individuals, organizations, and institutions, which will take years to transform. Therefore, it is essential that we prepare for the long-term by starting now.

"The labor market impacts of technologies like AI and robotics are taking years to unfold. But we have no time to spare in preparing for them. If those technologies deploy into the labor institutions of today, which were designed for the last century, we will see similar effects to recent decades: downward pressure on wages, skills, and benefits, and an increasingly bifurcated labor market."<sup>[17]</sup>

## Importance of Skills

As discussed above, the nature of work is changing, becoming more knowledge- and technologically- based over time. Traditional entry-level and manual labor jobs are disappearing, as evidenced in the Top Occupations graph above. The types of occupations that are growing – and importantly, providing opportunities for workers – are based more on soft or "durable" skills, such as leadership, communication, critical thinking, and collaboration. <sup>[18]</sup> Durable skills account for 70% of the required skills in job postings, particularly for the jobs most aligned with the future of work. Conversely, the jobs that are most risk of automation have the least demand for durable skills.

"Human skills and abilities go by many names: soft, non-cognitive, power, common, transferable, baseline, 21st century, employability, workforce readiness, interpersonal, talent, life, and professional... These are skills that enable learners to transfer their knowledge from domain to domain in the face of job obsolescence and to learn new skills in demand. Human skills are in high demand across many industries and include skills such as leadership, collaboration, creativity, critical thinking, communication, emotional intelligence, judgment, ethics, and cognitive flexibility."<sup>[19]</sup>

The graphic below shows how employers' demand for skills has been changing over time. These are the most requested skills in job postings, including specialized skills (also known as technical skills or hard skills), common skills (soft skills, human skills, and competencies), software, and certifications. Across the whole range of skills that could be requested, the most in-demand are related to durable skills, and they have been growing in importance over time.

## Skill Volatility for the Top Skills in Demand by US Employers

Includes Specialized Skills, Common Skills, Software, and Certificates



Source: Emsi

## Adapting to Change and Preparing for Tomorrow's Workforce

Based on the trends and issues examined here – along with our experience in the field working on workforce strategies for regions and states across the nation – we recommend the following strategy guidance for workforce, business, and economic developers:

**Coordinate and collaborate** – Workforce is everyone's challenge and opportunity. No one sector or entity can address all of the issues and challenges outlined here alone. The impacts and consequences of our decisions and actions are collective and crucial for the health of our national economy.

**Focus on skills** – Skills are the biggest concern of employers and workers alike across all titles, occupations, and industries. Skills that are both in-demand and that crosscut all sectors are durable. Due to their importance now and into the future and their applications across the economy, they are an ideal focus area for the development of "collaborative skill academies" that can be designed and implemented by multisector and entity partnerships within a region.

**Be "people asset oriented"** – Talent attraction across geographies simply moves people around and in most all cases will not be sufficient to meet future worker demand due to mobility rates. In other words, you cannot attract your region out of the problem. Instead, focus on strategies to support your existing workforce and help them obtain the skills and training required to access and remain in the workforce. Develop and implement programs and strategies to help "hidden" or challenged workers – those not easily able to enter and remain in the workforce due to disadvantages or circumstances. We can solve both our labor force issues and help improve equity and the quality of life for our citizens if we can expand our view of the workforce, which will in turn increase participation rates and retention.

**Get smart and get digital** – Just as digital technology is changing work, it is also changing what we know about workers and jobseekers and how we do workforce development. Digital approaches and tools need to be continually integrated into workforce development, including job fairs, virtual experiences for learning and skills training (including gamification), and data analytics.

**Move from short-term trend reaction to near- to mid-term foresight approaches** – Look at data over the longer term while also considering what might happen in the near future. Then, engage with partners around the possibilities, scenarios, and implications for the near- to mid-term. With rapid change, the future is less predictable.

Most importantly, start preparing today!

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*Jim is Camoin Associates' Senior Vice President. He has more than 25 years of experience in public policy research and analysis. Jim brings a holistic, innovative approach to Camoin's data-driven economic development planning efforts. Through his work with the Communities of the Future and World Future Society, he is a national leader in preparing the profession, communities and regions for an emerging economic future.*

*Mara is a senior research analyst at Camoin Associates. She has over ten years of experience consulting for a wide array of clients across the nation, including local and regional economic development organizations, higher education institutions, non-profits, utilities, public transportation, and private developers. Mara creates customized research and analysis methodologies that help economic and workforce development clients make informed policy decisions.*

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## TRENDING ON THE NAVIGATOR



### Preparing for Tomorrow's Workforce

The May 2022 jobs report shows the economy added 390,000 new jobs and 330,000 new workers to the labor force. Phew, that means the labor market crisis and over and we can all go back to business as usual, right? Not so fast! Companies still indicate they cannot get the workers and skills they need; and job seekers still cannot get the jobs they want. What is going on?

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#### REAL ESTATE

### Moving the Needle: 5 Ways Local Governments Can Help Address the Housing Shortage

August 12, 2022 - Daniel Stevens, AICP



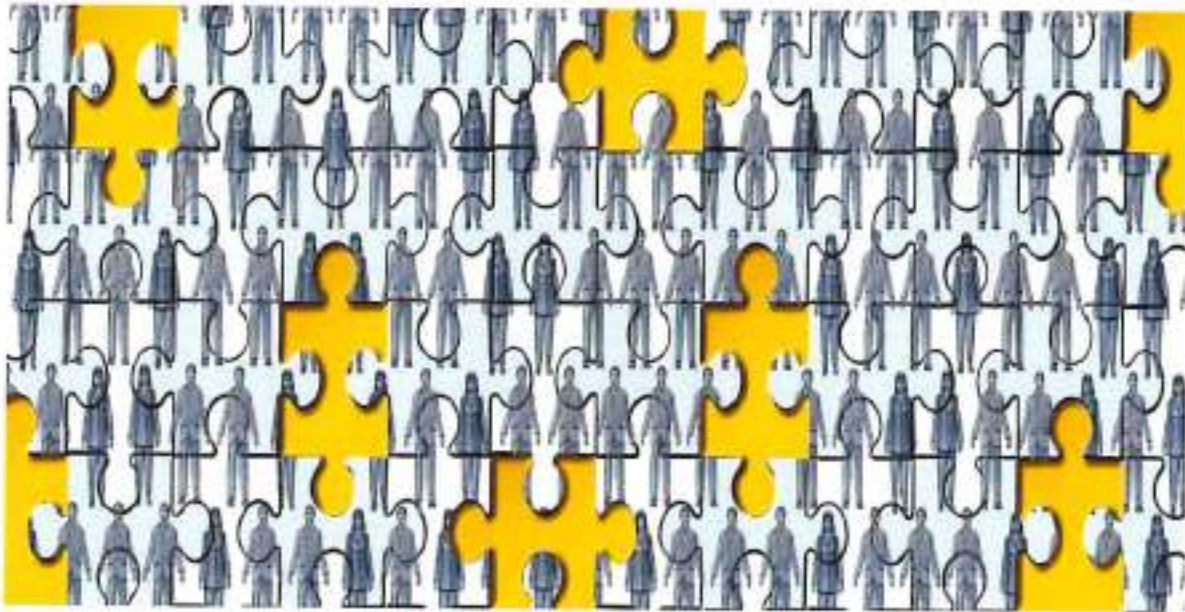
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## US Labor Force Participation Rate Shows Post-Pandemic Recovery, but Long-Term Decline Continues

July 28, 2022 [Mara Klaunig, MPA](#) [in](#) [🐦](#) [f](#)



In June 2022, the **US civilian labor force participation rate (LFPR) was 62.2%**, according to the US Bureau of Labor Statistics.<sup>[1]</sup> The good news is that this is a **2% increase over the historic low** set in April 2020 of 60.2% (the last time the rate was this low was in 1977), although it is still below the pre-pandemic rate of 63.4% in February 2020. The bad news is that the data also indicates the long-term decline in the labor force participation rate, which began back in 2000, is continuing.

### US Employment Status, June 2022

	<i>Population</i>	<i>Rate</i>
In the Labor Force		
<i>Employed</i>	158,111,000	96.4%
<i>Unemployed</i>	5,912,000	3.6%
<i>Total Labor Force Participants</i>	164,023,000	62.2%
Plus: Out of the Labor Force	99,812,000	37.8%
<b>Total Civilian Noninstitutional Population</b>	<b>263,835,000</b>	

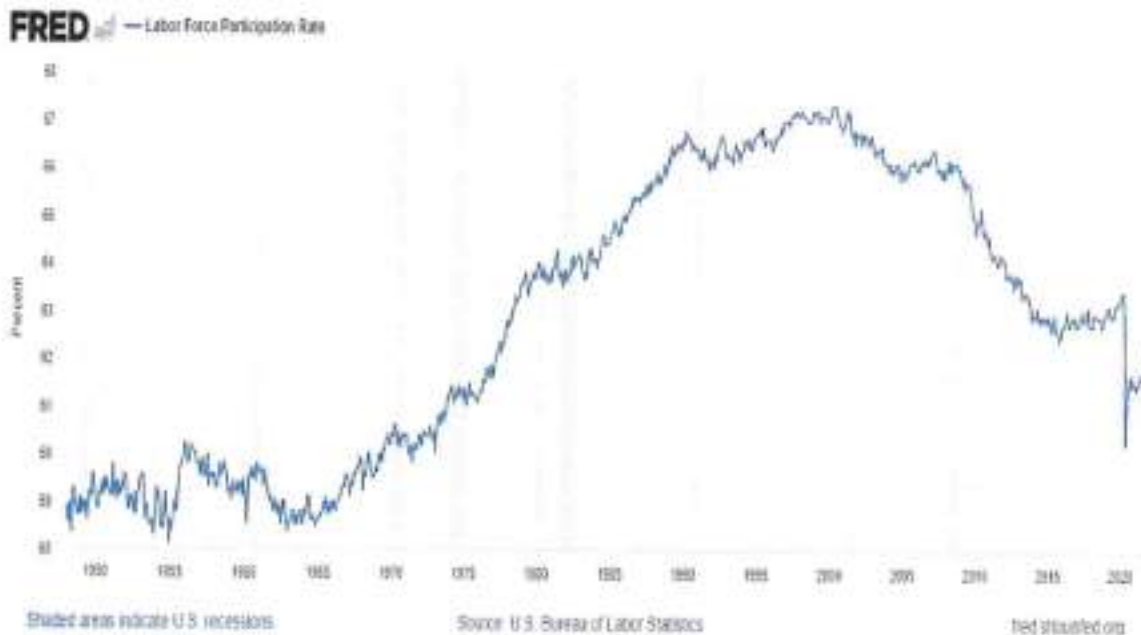
*Source: U.S. Bureau of Labor Statistics*

The LFPR is the total percentage of US residents in the labor force. It represents the relative amount of labor available to produce goods and services in our country. The rate includes civilian, non-institutional people age 16 and over who are currently working or are unemployed and actively looking for a job. It does not include those who are unemployed and not actively looking for a job. The LFPR is released monthly by the US Bureau of Labor Statistics based on household survey data.



## What is the Data Telling Us?

While the recent gains indicate the labor force is recovering from the COVID-19 pandemic, the fact remains that the LFPR in the US has been on a **long-term decline since 2000**. A look at this graph from the St. Louis Fed shows its trajectory since 1948.<sup>[2]</sup>



The LFPR rose sharply between the mid-1960s and 1990. This surge was largely a result of women entering the workforce in unprecedented numbers. Through the 1990s, the LFPR hovered between 66% to just over 67%, peaking in January 2000 at 67.3%.

Thereafter, the rate began its descent and was **hovering around 63% in the five years prior to the pandemic**. The COVID-19 pandemic resulted in a 4% drop in the rate between March and April 2020 (the largest single-month drop since data collection began in 1948). However, even prior to the pandemic, the LFPR was at its lowest since the recession of the mid-1970s. Overall, **the LFPR has decreased by 5.8% between 2000 and 2020**.

The US labor force is undergoing **long-term structural changes** as it has been for some time. There are multiple factors that are contributing to our shrinking workforce, including:

- **Aging population:** Workers 65 years old and older are the fastest growing segments of the labor force, but they tend to participate at lower rates than the overall population.<sup>[3]</sup>
- **Teens and young adults are working less:** Teen employment reached its peak of 57.9% in 1979, then gradually reduced to an all-time low of 34% by 2014. This trend is likely due to the growing importance of our knowledge-based economy, with teens and young adults (and their parents) placing a higher priority on academics than entry-level employment.<sup>[4]</sup>
- **Men's participation has been declining:** As of 2021, men's participation is at an all time low of 88%, compared to the 62-year high of 97% in 1960. Decreases in men's participation are more likely for those with less education, which may be due to the

shrinking number of traditional, labor-intensive jobs as our economy becomes more knowledge-based and automated.<sup>[5]</sup>

- **Other structural changes** have also impacted the LFPR, including slow population growth, declining fertility rates, declining immigration, changes in Social Security, increased life expectancy and their associated rising healthcare costs, increased educational attainment (which is associated with greater rates of participation), and changes to private retirement plans.<sup>[6]</sup>

## Why is Labor Force Participation Data Important?

Employers consistently report that they cannot find qualified workers. The stress that employers are experiencing finding workers is evidenced in job opening data: the US has nearly twice as many open jobs as available workers.

As of June 2022, there are 11.3 million job openings across the US, but only 5.9 million unemployed workers.<sup>[7]</sup> **Even if the unemployment rate was at 0%, there would still be 5.3 million vacant jobs.** This is the largest gap the US has seen in available workers compared to job demand in the past 22 years.

Given this shortage of workers within the labor force, it is important to note that while some portion of the falling labor force participation rate can be explained by demographic and social trends, **a large share of the population that could work is not currently looking for a job.** People who are jobless but have stopped looking for work are not included in the unemployment rate, even if they would like to work if the opportunity arose.

As of June 2022, over 99.8 million people — or 37.8% of the civilian noninstitutional population — are not participating in the labor force.<sup>[8]</sup> The population not currently participating in the workforce likely do so for a variety of reasons, including:

- **lack of skills** necessary in a knowledge- and technology-based economy
- **lack of support** for working parents (including childcare and housing)
- **general inability of wages to keep pace with rising living expenses**

To combat the declining labor participation rate and growing workforce shortages, communities and employers will need to start identifying segments of the population that could be brought into an active role in the labor force and work towards reducing the barriers to participation.

**Does your community or organization need a targeted, data-driven industry or workforce development strategy? Camoin Associates is a national leader in research and data analysis. [Contact us to learn more about our Industry and Workforce Analytics services.](#)**

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### Preparing for Tomorrow's Workforce

The May 2022 jobs report shows the economy added 390,000 new jobs and 330,000 new workers to the labor force. Phew, that means the labor market crisis and over and we can all go back to business as usual, right? Not so fast! Companies still indicate they cannot get the workers and skills they need; and job seekers still cannot get the jobs they want. What is going on?

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REAL ESTATE

**Moving the  
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Ways Local  
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Shortage**

August 12, 2022 •  
Daniel Stevens,  
AICP

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## Moving the Needle: 5 Ways Local Governments Can Help Address the Housing Shortage

August 12, 2022 [Daniel Stevens, AICP](#) [in](#) [🐦](#) [f](#)



You've probably heard the news by now: we need more housing. The current national housing shortage has been in the works since (at least) the Great Recession because the pace of housing development never fully rebounded to the levels needed to keep pace with demand.

Add to that the impact of a wild market stoked, in part, by the pandemic (CliffsNotes version: home prices and rents have soared – for now), and we find ourselves in nothing short of a housing crisis.

Consider Freddie Mac's recent and oft-cited report findings: **the US was facing a 3.8 million housing unit shortfall by the end of 2020.** And I'd put my money on an even higher number today. Clearly, we are facing a serious issue and the impacts of the national housing shortage are being felt across the country. The real question is: how can local governments hope to tackle this massive challenge? It is a daunting task to be sure.

## Recent Housing Studies Document the Problem

Recent housing studies completed by Camoin Associates for its clients, including in many rural communities, illustrate the magnitude of this challenge:

- In North Elba (Lake Placid), NY, 1,534 housing units are needed
- In Brattleboro, VT, 519 units are needed
- In Bristol, VA, 558 units are needed
- In Bennington, VT, 1,056 units are needed

And this is just a small segment of the nationwide need.

These eyebrow-raising numbers reflect the national housing shortage at the local level. **It should also be noted the impacts of this crisis are being felt most acutely by “workforce” level households (i.e., middle income).**

## How Local Governments Can Help Address the Housing Shortage

While many of the causes of the housing crisis remain outside the control of local governments (rising mortgage interest rates, high construction and materials costs, shortage of skilled labor, escalating land costs, etc.), there are effective strategies that can work at the local level to move the needle in addressing local housing deficits.

### 1) Bring Public Land to the Table

Land availability and cost are common constraints in many communities. When quality sites are available for development (e.g., suitable locations, served by infrastructure, proper zoning, etc.), they often come with a steep price tag that precludes building housing affordable for middle-income households or even at any other price point.

One of the most effective things that local governments can do is take a closer look at their publicly owned land. Very often government agencies find that vacant, underutilized, surplus, and otherwise non-essential properties can be made available for housing development. Consolidating multiple government buildings or relocating municipal uses to less-prime properties can also free up land housing. (It's uncanny the number of highway and DPW departments that occupy prime properties.)

To get started, local governments should inventory all publicly owned properties, assess them for housing viability, create a development vision,



solicit proposals or qualifications from a developer, and be prepared to sell the property for below market value to make new housing development feasible, especially if it needs to be affordable to middle- to lower-income households.

## 2) Upzone

Don't underestimate the barrier that outdated low-density zoning creates for housing development. We continuously see "relic" zoning from a bygone era in desperate need of modernization, including zoning that continues to limit development to single-family detached houses across large swaths of a community.

While it may sound cliché, the "missing middle" housing phenomenon is real and persistent with the biggest gap existing between single-family homes and midrise apartment buildings. This includes housing such as duplexes, triplexes, townhouses, clustered cottages, and mansion apartments, where very large homes are converted into multiple, separate apartments. These denser housing types are urgently needed to increase supply and help mitigate affordability challenges, particularly multifamily rental housing options.

Upzoning existing zones allows higher density development through increased building heights, reduction in minimum lot sizes, higher unit-per-acre maximums, and similar standard changes. It also means allowing multi-family properties in zones where single-family properties are also allowed (cue the NIMBY discussion).

## 3) Bring the Infrastructure (and the Grants)

Addressing the challenges around the financial feasibility of building housing is one of the primary roles of local government in overcoming the housing deficit.

Adding water and sewer infrastructure to development sites without it is a big-ticket item for developers and this expense can often make development infeasible. Providing that infrastructure to support housing development is an investment that can and often should be done by local governments.

While some communities already add infrastructure to support housing projects at no cost, many do not, and those that do are often doing so **reactively** in response to a development proposal. Local governments should also be **proactively** planning capital improvements (including infrastructure investments) to support desired future growth, which means identifying growth areas and prioritizing infrastructure investments to support future development.

Another way local government can help move the needle is with the grants often available to them but not to private housing developers, such as the federal Community Development Block Grant (CDBG) and other state and local grants. There are many grant programs that can be used for specific development-related costs in addition to infrastructure like land acquisition,

street improvements, placemaking, brownfield remediation, and more that may help induce development of more affordable housing.

#### 4) Be a Partner in Adaptive Reuse

Many communities have vacant and underutilized properties with the potential for use as housing. Adaptive reuse of these properties has many benefits beyond providing needed housing, including bringing properties back onto tax rolls, improving neighborhood blight, preserving historic architecture, etc.

There are abundant mill redevelopment examples out there, but Camoin Associates has also worked on adaptive reuse projects involving old courthouses, historic inns, former manufacturing buildings, and a number of vacant school properties.

The role of the public sector can vary in these efforts depending on the situation, but often include infrastructure improvements, assistance with brownfield assessments and clean-up, incentives such as tax-increment financing, redevelopment planning/visioning, and other actions. The key is to be engaged with property owners and developers to look for opportunities to help make projects happen.

#### 5) Engage Local Employers

Over the past decade (or so), we've seen workforce housing climb the list of priority issues for businesses and other public and nonprofit employers. In many places, the lack of workforce housing is considered nothing short of an existential threat, a notion particularly acute in seasonal tourist communities, but not exclusively so.

As part of the housing needs studies Camoin Associates develops for its clients, we sometimes conduct formal surveys of business owners with respect to workforce housing and the results are always intriguing. Many businesses report difficulty in attracting and retaining workers and a large number have had prospective employees turn down job offers because of the lack of nearby housing at affordable price points.

Most fascinating, however, is that when asked, **many employers are open to the idea of participating in some form of employer-assisted housing program.** These types of programs can run the gamut and include low-investment options such as educating employers about roles they can play, playing matchmaker between workers and landlords, and providing administrative and staff support to interested employers with limited capacity. Programs can also involve helping employers establish more robust (and complex) programs, such as investment funds, to provide gap funding for workforce housing projects.

Local governments can also provide incentives for employer investment in housing or help facilitate donations of employer-owned land for housing. Local

governments can also be directly involved as major employers themselves by offering programs for their own workers, such as down-payment assistance or other resources.

Despite the interest and potential to aggregate employer resources in a community to support housing, many employers remain on the sidelines — ready to be called into action. It's up to local governments to make the first move in addressing the housing crisis in their communities.

**As housing affordability and resulting workforce issues grow in severity across the country, Camoin Associates is helping public and private organizations of all sizes analyze and address their housing needs, and developing strategies and solutions tailored to each community. [Learn more about our housing and real estate development services.](#)**

## TRENDING ON THE NAVIGATOR

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### Preparing for Tomorrow's Workforce

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August 9, 2022 • Jim Damicis | Mara Klaunig, MPA



Sandy Andrews <sandy.cattco@gmail.com>

**Fwd: You're Invited: Discover the Hidden Barrier to Hiring & Retaining Employees**

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While employers struggle to find the talent they need, too many of our neighbors are trapped in a system that penalizes career advancement in the short-term.

This forum will be an opportunity for you and your HR team leader to learn:

- What is the benefits cliff?
- How does it impact employers' ability to hire, promote, and attract talent?
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# Nine Cattaraugus businesses to participate in Laine Business Accelerator

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Brooks Anderson, founder and CEO of Timberhut, which has been accepted into the Laine Business Accelerator  
Timberhut

By [Dan Miner](#) - Reporter

August 17, 2022, 09:45am EDT

Nine Olean region businesses are slated to go through St. Bonaventure University's business accelerator program, seeking to capitalize on the early momentum they've created.

This will be the second cohort of startups and small businesses that go through Bonaventure's Laine Business Accelerator.

The 13-week course will include \$5,000 in startup funding, seminars and education from area business professionals and Bona and Jamestown Community College faculty, and free office space at the Hub incubator facility in downtown Olean.

More than 40 teams applied to take part in the program, which is funded by the KeyBank Foundation. Those accepted:

- **Beat City Music Inc.**, a [downtown Olean music store](#)
- **Dalorum**, a platform for sponsorship and other opportunities for student athletes, [founded by recent Bona grad Max Brie](#)
- **Ellicottville Greens**, a [vertical farming startup company led by CEO Gabe Bialkowski](#)
- **Neighborhood School of Dance**, a [long-running dance school in Olean](#)

- **Raise the Bar Woodworks**, another Bona student startup led by CEO Parker Bray, a woodworker who creates custom high-end branding materials for real estate agents and other professionals
- **Scull Manufacturing**, an Olean-based contract manufacturer
- **TimberHut**, a scalable maker of module cabins and other facilities
- **Wolf Pack Storage**, a climate controlled storage company in Allegany
- **Audiology Services of Western New York**

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FEATURED

## Brownfield cleanup underway for M.J. Painting in N. Olean

By RICK MILLER Olean Times Herald

Aug 17, 2022



Excavation to remove contaminated soil is underway at a brownfield cleanup site on Franklin Street by M.J. Painting Co., Olean paint shop, truck center and office will take up about half the 9.5-acre-site.

Rick Miller/Olean Times Herald

**OLEAN** — Work has started at a 9.5-acre property on Franklin Street its owner calls the biggest brownfield cleanup in the City of Olean.

Mike John Sr., owner of Mike John Painting, purchased the site at 350 Franklin St. — across the street from Napoleon Engineering — about two years ago.

The two-phase cleanup is a collaboration with the New York State Department of Environmental Conservation, Exxon-Mobil, the city and M.J. Painting, John told the Olean Times Herald Tuesday. He said he is prohibited from disclosing the cost of the cleanup.



"I'm cleaning up the neighborhood," John said. Phase I involved removing 25,000 tons of grossly contaminated material. That contaminated soil is stockpiled on the east end of the site. Clean material that was removed to get to contaminated dirt is also being stockpiled for reuse.

The excavated areas will be filled with about 25,000 tons of clean gravel being purchased locally. "I tried to use as many local vendors as possible," John said.

About 30 employees are on the site, John said. "They are eating here and the ones who don't live close by are staying in local hotels."

The former Socony Vacuum Oil Co. tank farm once stood on the site. The nearby M.J. Painting headquarters at 291 Homer St. was built on the same brownfield, which is now separated by Interstate 86.

Phase I of the cleanup should be finished by October, John said. Some of the contamination is below the groundwater level. Soil above the water table is being removed.

A soil-boring auger has been assembled to treat the soil by mixing cement with the earth. The drilling rig has been set up and soon will be following a grid, drilling into the soil and mixing cement from an on-site batch plant. The earth will solidify, locking in the petroleum-based contaminants.

The work crew will return in the spring for Phase II of the brownfield cleanup, John said. They should be finished in time for M.J. Painting to break ground on its new truck facility, paint shop and offices, he said.

"I need room to expand," John said. "We're out of room on Homer Street." The new paint shop and offices were to take up about 15,000 square feet.

The prime contractor for the cleanup is Roux Environmental, a Massachusetts-based firm that has done cleanup work in Olean in the past. Trek Environmental of Rochester is a prime subcontractor.

M.J. Painting has more than 50 employees and 24 vehicles. The trucks need a mechanical shop, a wash bay and storage space. A fuel depot will also be built.

M.J. Painting's buildings and storage space will take up just over half of the 9.5-acre site. The other 4-plus acres will be available for other development.

"I'm already getting calls about it," John added.

*(Contact reporter Rick Miller at [rmiller@oleantimesherald.com](mailto:rmiller@oleantimesherald.com). Follow him on Twitter, @RMillerOTH)*

Rick Miller



Sandy Andrews &lt;sandy.cattco@gmail.com&gt;

**Fwd: SizeUpWNY now available to you via grant from National Grid - can we talk?**

1 message

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

Mon, Aug 29, 2022 at 1:33 PM

Plz print e-mail.

**Subject: SizeUpWNY now available to you via grant from National Grid - can we talk?**

Dear Corey ,

I am excited to share with you that the Buffalo Niagara Partnership, via generous grant from National Grid, is bringing a new economic development tool to the region and to local IDA's.

You may have heard of [SizeUp](#) or seen them at economic development trade shows. Their promise is "big data for small businesses." Data which is easy to access and provides robust comparative reporting for businesses. Through the grant, businesses from the eight-county region of WNY will be available in the system.

BNP will be making this available to all of our member businesses. However, we are opening this opportunity to County of Cattaraugus IDA to provide access to this data base to your current and prospective customers at no cost to you to maximize the economic development impact on our region.

I want to thank John Cappellino for his leadership and support throughout the grant process and for the letters of support we received to secure the grant.

Our plan is to launch Size Up on October 4 with a significant promotional campaign. Therefore, we would like to review the opportunity with you, gauge your interest in being a strategic partner to use this free service and to connect you with the appropriate password for you to access SizeUP.

I would like to organize a zoom call with an expert from SizeUp to explain the platform. There is a significant awareness campaign that will launch on October 4<sup>th</sup>, including digital marketing and ads in the Buffalo News and [Buffalonews.com](#) that we would also like to preview with you.

Would you be available for a zoom call on September 16, at 9:00 am?

Thanks in advance and I look forward to hearing from you.

Dottie Gallagher  
President and CEO  
Buffalo Niagara Partnership  
[dgc@thepartnership.org](mailto:dgc@thepartnership.org)

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## New York propane industry defends its future

August 15, 2022 By [Ellen Kriz](#)

*In the column that follows, Bill Overbaugh, executive director of the New York Propane Gas Association (NYPGA), details how the association activated its membership and partners in the propane industry to fight one of the fiercest battles for propane's future to date.*



Photo: [adempercamiStock / Getty Images Plus/Getty Images](#) (shield);  
[WendellandCarolyniStock / Getty Images Plus/Getty Images](#) (tank)

<https://www.lpgasmagazine.com/new-york-propane-industry-defends-its-future/>

*New York State's Climate Act (2019) requires New York to reduce economy-wide greenhouse gas emissions 40 percent by 2030 and no less than 85 percent by 2050 from 1990 levels. Thus far, the Climate Action Council (CAC), tasked with developing a framework for implementation, has proposed outright bans on fossil fuels in favor of electrification. Just two of the 22-member committee represent industry.*

*"They were not looking for balance," explains Overbaugh. "They were looking for folks to put together recommendations for how to achieve Climate Act goals rather than looking for practical solutions."*

*The public comment period on the council's Draft Scoping Plan ended July 1. Next, the council will develop and submit a final plan to state governance by Jan. 1, 2023.*

*As you'll read below, NYPGA and the propane marketers of New York have made their voices heard to the council and the public. But those voices may fall on deaf ears where the CAC is concerned, suggests Overbaugh.*

*"Our hope initially was to express to CAC that there's not unanimous support for what they're doing and they need to rethink their different pathways to incorporate cleaner-burning fuels like propane and natural gas. As the process went on, it became clear that they don't feel that's their mandate," he says.*

*The assumption, instead, is that more moderate solutions will emerge during the legislative process.*

*NYPGA is shifting tactics to generate letters to legislators and the governor, and to focus on individual pieces of legislation that threaten to ban propane in new construction later this decade and in remodels early next decade.*

## **Assistance from NPGA**

*The National Propane Gas Association (NPGA) contributed the following forms of support in NYPGA's fight:*

- *An 11-page technical letter written primarily by NPGA codes and standards experts addressing problems with the Draft Scoping Plan and submitted to the CAC June 30.*
- *\$20,000 grant from the NPGA State Engagement Fund.*
- *A grassroots letter-writing tool that allowed NYPGA to submit almost 20,000 letters to the CAC or legislators.*

**- Ellen Kriz**

## **Propane fights back in New York**

At a time when total electrification efforts are gaining steam in blue states, New York may be the canary in the coal mine.



Overbaugh

In 2019, New York passed the most radical carbon emissions reduction law in the country. It established a Climate Action Council (CAC) to come up with implementation plans and empowered any citizen to sue the state if the law's goals are not met.

In December 2021, the CAC delivered three potential pathways to meet the goals. All of them spell some version of doom for our industry. Depending on which of their plans are adopted:

- Propane, natural gas and oil equipment would be banned in new buildings as early as 2024.
- No new propane, natural gas or heating oil equipment could be installed in existing homes as early as 2030.
- Carbon taxes and equipment surcharges would be used to hasten the conversion of homes to heat pumps and fund unprecedented subsidies for electrification.
- Localities would be encouraged to use "stretch codes" to move even faster.
- Only one of the pathways includes a role for renewable fuels like renewable propane but only as a bridge fuel until all combustion is eliminated.

## **Recognizing reality**

The leadership of the [New York Propane Gas Association](#) (NYPGA) recognized early on that we faced an existential threat to our future. It doesn't matter that propane (or natural gas) offers significant environmental advantages over coal and oil. The only criteria that matter in New York are greenhouse gas emissions – carbon and methane – and on that grading scale, all traditional fuels get F's. Nor are they much interested in the advances we can make toward becoming renewable.

We believe our only hope in slowing the electrification freight train is to alert the public to the true downsides of this path and enlist their support in pushing back. Only by changing the political calculus can we move these officials to consider propane as a useful asset in a transitioning energy

universe, involving far less cost and disruption.

## Launching our campaign



**Smarter NY Energy**

**Speak Up for Your Energy Future**

**The CLCPA: Right Goal/Wrong Path**

When the Climate Leadership and Energy Efficiency Act (CLCPA) passed in 2019, New York's climate community celebrated. It represented the first climate legislation in the nation that would reduce greenhouse gas emissions and create jobs. But the goal would be accomplished only if the state's energy infrastructure was transformed. That's the challenge we face today.

So, we're looking for action on climate change and renewable energy. We need to get the Climate Action Council (CAC) to take on a more aggressive path forward, including faster renewable energy, increasing research and innovation and accelerating permitting. The CAC has made a good start, but we need to see more action on the following:

- Accelerate the permitting process for renewable energy projects
- Increase the investment in renewable energy in 2020, 2021 and 2022

Screenshot by LP Gas staff

Voter polling illuminated a path forward. Our marketing firm, Warm Thoughts Communications, interviewed more than 3,600 voters in eight states on behalf of the New England Fuel Institute. The majority in each state supported plans to reduce carbon emissions through electrification. However, when they saw messaging about the costs, risks and restrictions that are likely, majority support turned to majority oppose. The problem is getting those messages out to the general public, especially when much of the media is against us.

Our board prioritized this fight above all other issues. We started the process of raising a battle fund. Warm Thoughts had recently spearheaded a \$1.2 million campaign in New Jersey on behalf of the Fuel Merchants Association to frustrate Gov. Phil Murphy's plans to mandate conversions to heat pumps. Their experience was an invaluable asset in strategizing and executing our plans.

We created a small steering committee to act as a command center for the campaign. Our participating members are phenomenal. We realized the campaign needed to be about forced electrification, not propane. We are far too small a piece of the electorate. We need to engage those who use natural gas, heating oil and wood, too. We dubbed the campaign Smarter NY Energy (check out our website [smarternyenergy.org](http://smarternyenergy.org)).

Several companies stepped up early to get the ball rolling, contributing between \$5,000 to \$10,000. One anonymous donor offered to match contributions up to \$75,000, which was incredible. Rinnai chipped in a sizeable amount, as did Superior Plus. All told, we have collected almost \$350,000 from more than 35 members and associate members, and we are still gaining support.

We were also able to use our significant state PERC funding for some aspects of our campaign, but need to be very careful because of restrictions on that money. It can't be used to advocate or comment on legislation, among other things.

## Doubts about electricity

Voter polling conducted in the Northeast by Warm Thoughts Communications found that support for electrification dropped from a majority to a minority position when voters were presented with a series of statements explaining the likely outcomes and potential downsides of electrification.

Top messages that raised major doubts:

- **Cost:** These kinds of plans will force homeowners who use propane, natural gas or home heating oil to switch to electric heat pumps, which could cost upwards of \$20,000 or more.
- **Inequality:** Forcing homeowners to spend thousands of dollars to convert to new heat sources will hit low-income families the hardest, as they will either pay as homeowners or through increases in rent if they are renters.

Other concepts that raised major doubts:

- The substantial investment in electric infrastructure required would result in much higher electricity costs.
- Electric heat pumps are ineffective in cold temperatures.
- Switching to electricity will cause frequent power outages, especially during the coldest days.

Source: Warm Thoughts Communications

## Results so far

In the last eight months:

- Over 200,000 people have visited [smarternyenergy.org](http://smarternyenergy.org).
- 40,000 visited [stopnycarbontax.com](http://stopnycarbontax.com).
- 400,000-plus have watched our video ads ([see them on YouTube by searching Smarter NY Energy](#)).
- Our Facebook ads have reached over 2,000,000 people with over 300,000 engagements.

- 90 propane companies distribute our bill insert "Propane Matters in NY" to over 200,000 customers.
- Our display ads have generated over 6,500,000 impressions.
- We emailed 1.5 million "recaptive" people, and 100,000 went to our website.
- We participated in the PERC digital ad campaign promoting propane as a green energy source.
- Significantly, we've generated almost 20,000 letters to either the CAC public comment line or to legislators. We understand that our letters represent a large chunk of the total comments the CAC has received.

## Using sophisticated tactics

Warm Thoughts placed code on the letter writing software the National Propane Gas Association provided to us so we could tell which of our ads yielded the most letters or engagement, and steer funding toward them. They created "look-alike" audiences from the people who wrote letters, visited the website or engaged us on Facebook, which allowed Google and Facebook to target the broader population with more precision. We retargeted people who visited the website. Our members also stepped up in a big way, sending more than 200,000 emails to customers, distributing "Propane Matters," and using their own Facebook pages to amplify our messages. We created a toolkit for them to use as samples.

We are actively working to expand our coalition to other like-minded industry, consumer and advocacy groups. As more of the public is waking up and making their voices heard, we see indications that moderate Democrats are growing more wary about possible voter backlash. But we have a long way to go, and the [U.S. Supreme Court decision regarding the U.S. Environmental Protection Agency](#) has stiffened the resolve of our opponents.

It will be a long, tough fight for our future, but two things are certain:

- If you are in a blue state, some version of this movie is coming soon to a theater near you.
- This canary won't just roll over and die without a fight.

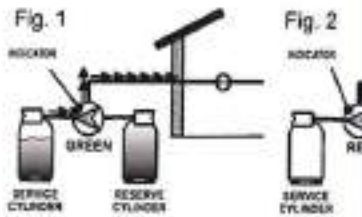
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***Bill Overbaugh is executive director of the New York Propane Gas Association. Reach him at 607-351-0315.***

This article is tagged with [Electrification](#), [National Propane Gas Association \(NPGA\)](#), [New York](#), [New York Propane Gas Association \(NYPGA\)](#) and posted in [Current Issue](#), [Featured](#), [From the Magazine](#)

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