

County of Cattaraugus
Industrial Development Agency

BOARD OF DIRECTORS MEETING - AGENDA

Tuesday, June 20, 2023
CCIDA Office
9 E. Washington Street
Ellicottville, NY
11:15 a.m.

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

-Call the Meeting to Order-Time:

-Roll Call- Board of Directors of the CCIDA:

-Approval of May 31, 2023 CCIDA Board of Directors Meeting Minutes:

New Application/Project

1.) – 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 make upgrades to their facilities including: **replacement the haul rope, buildout of member services ticket windows and desks, patio trench drain replacement, gas grill replacement, roof replacement, parking lot expansion, road paving, underground pipe replacement and phone system replacement.**

They plan to purchase one replacement UTV, one caterpillar backhoe replacement, purchase a wheel balancer for vehicle maintenance, purchase a lawn tractor with attachments, edge grinder replacement, purchase 11 more bike carriers and four snowmobile replacements.

-The Total Project Investment: \$736,515.00

✓ Inducement Resolution – HoliMont, Inc.

Resolution from a Prior Application/Project in Process

-**FoxRes LLC.**: Submitted an application to the CCIDA (on May 31st) for the purchase of fixtures, furnishing, machinery and equipment for Phase I of this project. This project will allow for testing and R & D. The Company has just secured a lease at the Cimolai-HY Facility in Olean, New York. This is great news as this project will give potential jobs to Cattaraugus County, FoxRES has already hired 10 people! *(Please see written Conflict of Interest letter included in your packet from Board Member John Stahley).*

-**Total Project cost/investment of: \$2,500,000.00 (+/-).**

-**A Public Hearing has been set for Monday June 19th, 2023 at 10:00 a.m.** at the City of Olean Municipal Building, Mayor's Conference Room, 101 East State Street, Olean, NY. ***Minutes/Comments of the Public Hearing will be provided at the Board Meeting.***

✓ Inducement Resolution – FoxRES, LLC

***CCIDA Financial Reports:**

-General Update on Certificates of Deposits and Savings Accounts. (Handout Provided)

-June 2023 the Agency had income of **\$3,073.50** for the Application Fee for HoliMont, Inc., Application Fee for FoxRes LLC. and an overpayment to Wells Fargo for copier/fax.

-General update on projects in process. The IDA currently has 9 Projects in the closing stage as well.

***Executive Directors Reports:**

-Internal (IDA Meetings/Discussions):

- ✓ Meeting with Andy Burr, Crystal Abers, Mike Brisky and Dave Fenske at Economic Development regarding Ontario Knife.
- ✓ Meeting regarding Franklinville Community engagement approach with GLC.
- ✓ Meeting with Ben from Kinley Corporation.
- ✓ Attend Buffalo Niagara Event regarding Cap and Invest Discussion with DEC.
- ✓ Conference with Upper Edge Consulting on Main Street Grant.
- ✓ Attend meeting regarding American Wire Grant and project introduction.
- ✓ Conference regarding Gowanda Rev Rail.
- ✓ Meeting regarding use and lease of Dayton and Cattaraugus properties.

- ✓ Meeting with Kathy Ellis of Department of Public Works.
- ✓ Attend Small Business Event in South Dayton.
- ✓ Meeting with Vince Leone regarding potential project.
- ✓ Meeting in Gowanda regarding railroad properties.
- ✓ Meeting with Lori Northrup regarding possible new projects.
- ✓ Attend Community Action Board of Directors Meeting in Salamanca.
- ✓ Meeting with Peter Kreinheder on possible new project.
- ✓ Meeting with Village of Cattaraugus on Rev Rail and Grant.
- ✓ Speaking event in Olean for First National Ribbon Cutting Ceremony by Savarino Companies.
- ✓ Attend Showcase Event at Jamestown Community College.
- ✓ Attended Public Hearing for FoxRes LLC in Olean.
- ✓ Attended the OBDC.
- ✓ Speaking Event at St. Bonaventure for Leadership Cattaraugus.

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

- ✓ **Buffalo Niagara Partnership Government Affairs Advocacy Alert:** Article: *"State Legislature Ends Session."*
- ✓ **New York State:** Article: *"Governor Hochul Announces Completion of \$12.5 Million First National Bank Project in Olean as Part of Downtown Revitalization Initiative."*
- ✓ **Camoin Associates:** Article: *"Seasonal Help Wanted (Housing Not Included): What Communities are Doing to Solve Seasonal Housing Needs."*
- ✓ **Reason:** Article: *"Democrats' Gaslighting, Republicans' Temper Tantrum Endanger America's Gas Stoves."*
- ✓ **Olean Times Herald:** Article: *"RTW: NY's end run benefits renewable projects."*
- ✓ Article: *"Attacks on Industrial Development Agencies (IDAs) will Increase Taxes on New York Residents."*

Zoom Meeting access Information:

Topic: County of Cattaraugus County IDA Board Meeting
Time: Jun 20, 2023 11:15 AM Eastern Time (US and Canada)

Join Zoom Meeting:

<https://us02web.zoom.us/j/81239103121?pwd=STVLRXNzSk1EcGl2bDg2MUI0VFFldz09>

Meeting ID: 812 3910 3121
Passcode: 897335

One tap mobile:

+19292056099,,81239103121#,,,,*897335# US (New York)

**COUNTY OF CATTARAUGUS
INDUSTRIAL DEVELOPMENT AGENCY**

BOARD MEETING MINUTES

**May 31, 2023
CCIDA Offices
9 East Washington Street
Ellicottville NY 14731
11:15 a.m. In Person or via Teleconference Call/Zoom**

Roll Call: -Taken-

Members

Present:

Mr. Thomas Buffamante-Chairman
Mr. Joseph Higgins
Mr. Joseph Snyder
Mr. Brent Driscoll
Ms. Ginger Schroder

Excused:

Mr. John Stahley
Mr. Michael Wimer

CCIDA Staff/Counsel:

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

Presenters/Guests:

Sue Grosso, Town of Olean Resident
Rick Miller, Olean Times Herald

Chairman, Thomas Buffamante called the meeting to order at 11:20 a.m.

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

A **Motion** was made by Brent Driscoll seconded Joseph Higgins by to accept the Board Meeting Minutes from May 4, 2023 as presented to the Board. All in favor. **Motion Carried.** Mr. Stahley and Mr. Wimer were excused.

New Application/Project

1.) – FoxRES, LLC.:

-FoxRES, LLC. has submitted an application to the CCIDA for the purchase of fixtures, furnishing, machinery and equipment for Phase I of this project. This project will allow for testing and R & D for. The Company has just secured a lease at the Cimolai-HY Facility in Olean, New York. This is great news as this project will give potential jobs to Cattaraugus County, FoxRES has already hired 10 people. *(Please see that included handout for additional information).*

-Total Project cost/investment of: \$2,500,000.00 (+/-).

***CCIDA Financial Reports:**

A Motion was made by Ginger Schroder seconded by Brent Driscoll to accept the May 2023 Operating Statement as presented to the Board. **All in Favor - Motion Carried.** Mr. Stahley and Mr. Wimer were excused.

May 2023 had income of **\$358,858.00** for application fees as follows:

- \$100,000.00 for Cimolai – Project closed on May 5, 2023 (1 of 2 payments)*
- \$85,531.00 for Win-Sum Ski Corp. – Project closed on May 5, 2023*
- \$56,250.00 for Great Lake Cheese – Project closed on May 8, 2023 (1 of 2 payments)*
- \$222,502.00 Income from 2 previous approved project closings*

**\$105,425.00 paid to Harris Beach PLLC for the Cimolai and Great Lakes Cheese Projects as agreed upon between Agency and Company*

The Agency is also working on closing documents relating to eleven (11) active projects at this time.

Executive Directors Reports:

Internal (IDA Meetings/Discussions):

- ✓ Attend WRC Board Meeting.
- ✓ Meeting with John Stahley regarding FoxRES project.
- ✓ Meeting with Steelbound in Springville on project.
- ✓ Conference regarding Olean Wholesale Building.
- ✓ Meeting regarding Siemen's turn-key loan.
- ✓ Conference with Diana Cihak and group regarding Rev-Rail.
- ✓ Conference with Brad Mack of Edgemere Development regarding potential Ellicottville workforce housing project.
- ✓ Meeting with Dave Fenske regarding Ontario Knife.

- ✓ Meeting with Matt Friend regarding WNY Development projects.
- ✓ Conference with Diana Cihak of Upper Edge Consulting regarding current projects.
- ✓ Conference with Jim Fink and John Cappellino.
- ✓ Meeting with Melissa Curran of Solepoxy.
- ✓ Meeting with Bob Schmick.

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

- ✓ **New York State Economic Development:** *"The Economic Impact of New York State's IDAs."*
- ✓ **Office of the New York State Comptroller:** *"Performance of Industrial Development Agencies in New York State." 2023 Annual Report (Data for Fiscal Year Ending 2021.)*
- ✓ **Olean Times Herald:** Article *"Farmersville supervisor's great-grandparents early town cheesemakers."*
- ✓ **The Buffalo News:** Article *"New York to Ban Fossil Fuels in Most New Buildings."*
- ✓ **Spectrum News:** Article: *"A look at the various gas ban proposals in New York."*
- ✓ **Wellsville Sun:** Article *"Wind Energy Poll: Nearly 60% say embrace natural gas."*
- ✓ **OECD:** Article: *"Supply of critical raw materials risk jeopardizing the green transition."*
- ✓ **The Dallas Morning News:** Article: *"Despite Potential Benefits, Texas Targets Renewables Industry."*
- ✓ **Facebook Posting:** *"Experience the benefits of the Independent Living Cottages at Field of Dreams."*
- ✓ **Olean Times Herald:** Article: *"Field of Dreams first independent cottages under construction."*
- ✓ **Spectator.org:** Article: *"Oil Is Still King."*
- ✓ **Olean Times Herald:** Article: *"Olean issues one-year moratorium on large-scale solar projects."*
- ✓ **Olean Times Herald:** Article: *"Area Unemployment dropped in April."*

Adjournment:

A Motion was made by Ginger Schroder seconded by Joseph Snyder to adjourn the meeting at 12:20 p.m. All in Favor – Motion Carried. Mr. Stahley and Mr. Wimer were excused.

*** Next CCIDA Board of Directors Meeting: Tuesday, June 20, 2023 at 11:15 a.m. at the CCIDA Offices, 9 E. Washington Street, Ellicottville, NY, and also via Zoom.**

APPLICATION FOR FINANCIAL ASSISTANCE



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
web www.cattcoida.com

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: Holi.Ment. 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: HoliMount was established in 1962 and operates as a member owned ski club. There are approximately 1,200 primary members with an additional family members. HoliMount Snowsports operates as a 501C3 Non-profit for the purpose of teaching and youth racing programs. Snowsports also includes the adaptive ski program. Summer 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? \$ 91,261
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: HoliMount, 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 Helimant 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: June 2023
2. Estimated completion date of project: December 2023
3. Project occupancy – estimated starting date of occupancy: -

E) Overall Project Costs

Estimated costs in connection with Project:

- | | |
|--|-------------------|
| 1. Land and/or Building Acquisition | \$ <u>-</u> |
| _____ acres _____ square feet | |
| 2. New Building Construction _____ square feet | \$ <u>-</u> |
| 3. New Building Addition(s) _____ square feet | \$ <u>-</u> |
| 4. Infrastructure Work | \$ <u>409,000</u> |
| 5. Reconstruction/Renovation _____ square feet | \$ <u>97,550</u> |
| 6. Manufacturing Equipment | \$ <u>-</u> |
| 7. Non-Manufacturing Equipment (furniture, fixtures, etc.) | \$ <u>229,965</u> |
| 8. Soft Costs: (Legal, architect, engineering, etc.) | \$ <u>-</u> |
| 9. Other, Specify: _____ | \$ <u>-</u> |

TOTAL Costs: \$ 736,515

Construction Cost Breakdown:

Total Cost of Construction \$ 506,550 (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: We have put down a deposit on the haul rope, a UTV and the bike carriers.

Sources of Funds for Project:

Bank Financing	\$ <u>736,515</u>
Equity (excluding equity that is attributed to grants/tax credits)	\$ <u>-</u>
Public Sources (Include sum total of all state and federal grants and tax credits)	\$ <u>58,921</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:	\$ <u>795,436</u>

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: \$ 736,515

Estimated State and Local Sales and Use Tax Benefit (multiply 8.0% by the figure, above): \$ 58,921

*** 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)	36	36	0	
Part Time (PT)	208	208	1	
Total ***	244	244	1	

** 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	92,560	11,480	0	0
Professional	3	63,040	9,800	0	0
Administrative	13	44,100	8,150	9,000	0
Production	213	47,150	8,625	15,750	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)	\$	_____

III. Part A: Facility Type - Multi-Tenant Determination

If this is a Single-Use facility fill in section A. If this is a Multi-Tenant fill in section B.

A) For Single Use Facility (to be filled out by developer):

Occupant Name: _____
 Address: _____
 City/Town: _____ State: _____ Zip: _____
 Contact Person: _____
 Phone: _____ Fax: _____
 E-Mail: _____
 Federal ID #: _____ NAICS Code: _____

B) Multi-Tenant Facility (to be filled out by developer):

Have any tenant leases been entered into for this project Yes or No.

If yes, list below and provide square footage to be leased to tenant and NAICS Code for tenant and nature of business.

Tenant Name	Current Address (city, state, zip)	# of sq. ft. and % of total to be occupied at new project site	Briefly describe type of business, products services

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? 100%%. 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

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

Ed Youmans (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the General Manager (title) of HoliMont 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 HeliMont 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 24 day of May, 20 .

Debra D Stein
 (Notary Public)

DEBRA D. STEIN
 Notary Public, State of New York
 No. 01ST6050588
 Qualified in Cattaraugus County
 Commission Expires 11/06/ 26

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.web.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	2023/2024
Lifts	Expo Haul Rope	Replace Haul Rope	20	capital	\$115,000.00
Snowmaking	Underground Pipe Replacement	Half of low-pressure main line	30	capital	\$150,000.00
Facilities	Member Services Buildout	Complete Member Services ticket windows and desk	20	capital	\$19,000.00
	Main Office Renovation	Remove ticket windows and desk	20	capital	\$19,000.00
	Patio Trench Drain Replacement	170 feet of pipe along west and south side of the patio	15	capital	\$14,000.00
	Gas Grill Replacement	Main chalet grill replacement - 1-72" & 1-36"	5	capital	\$11,000.00
	Roof Replacement	Turn Around Building	20	capital	\$10,000.00
	Parking Lot Expansion	Meadow on Rte 242 - bring in millings & level entire area	10	capital	\$15,000.00
	Road Paving	Chip seal Hollimont Ave, pave back parking lot road & pave exit road	10	capital	\$80,000.00
	Replace upstairs carpet - Main Chalet		10	capital	\$20,000.00
Grooming/Vehicles	UTV's	Replace 1 Ranger	4	capital	\$16,500.00
Admin/Tickets/HR	Snowmobiles	Replace 4	9	capital	\$35,000.00
	Wheel Balancer	For truck & van maintenance	5	capital	\$6,000.00
	Lawn Tractor	John Deere with attachments	10	capital	\$17,800.00
	Catepillar Backhoe	Replace 27 yr old / 9,500 hour machine with newer used model	10	capital	\$75,000.00
Admin/Tickets/HR	Phone System	Replace phone system	10	capital	\$12,000.00
Summer Ops	Sunset Lift	11 More Bike Carriers	5	capital	\$18,000.00
	Mini Excavator	Purchase unit rented for last two summers	10	capital	\$33,665.00
Rental and Retail	Ski/Snowboard Edge Grinder	Replace edge grinder	10	capital	\$5,000.00
Contingency					\$35,000.00
Grand Total for Capital as presented					\$706,965.00

Department	Asset	Project	2023/2024
Lifts	Expo Haul Rope	Replace Haul Rope	\$115,000.00
Snowmaking	Underground Pipe Replacement	Half of low-pressure main line	\$150,000.00
Facilities	Member Services Buildout	Complete Member Services ticket windows and desk	\$19,000.00
	Main Office Renovation	Remove ticket windows and desk	\$19,000.00
	Patio Trench Drain Replacement	170 feet of pipe along west and south side of the patio	\$14,000.00
	Gas Grill Replacement	Main chalet grill replacement - 1-72" & 1-36"	\$11,000.00
	Roof Replacement	Turn Around Building	\$10,000.00
	Parking Lot Expansion	Meadow on Rte 242 - bring in millings & level entire area	\$15,000.00
	Road Paving	Chip seal Holimont Ave, pave back parking lot road & pave exit road	\$80,000.00
	Replace upstairs carpet - Main Chalet		\$20,000.00
	242 Rental House	Mold remediation in basement	\$26,000.00
	Main Parking Lot	Replace stairs to Expo Lift	\$3,550.00
Grooming/Vehicles	UTV's	Replace 1 Ranger	\$16,500.00
	Snowmobiles	Replace 4	\$35,000.00
	Wheel Balancer	For truck & van maintenance	\$6,000.00
	Lawn Tractor	John Deere with attachments	\$17,800.00
Admin/Tickets/HR	Catepillar Backhoe	Replace 27 yr old / 9,500 hour machine with newer used model	\$75,000.00
	Phone System	Replace phone system	\$12,000.00
Summer Ops	Sunset Lift	11 More Bike Carriers	\$18,000.00
	Mini Excavator	Purchase unit rented for last two summers	\$33,665.00
Rental and Retail	Ski/Snowboard Edge Grinder	Replace edge grinder	\$5,000.00
Contingency			\$35,000.00
Grand Total for Capital as presented			\$736,515.00

**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 Tuesday, June 20, 2023 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) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iii) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (iv) AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

WHEREAS, County of Cattaraugus Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 536 of the 1971 Laws of New York, as amended, constituting Section 890-b of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

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

WHEREAS, 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, the Company has represented to the Agency that the Project is likely to attract a significant number of visitors from outside the economic development region (as established by Section 230 of the New York State Economic Development Law), and has confirmed that the Project attracts over 60% of its visitors from outside of New York State (and thus from outside of the economic development region) and therefore, the Project constitutes a “tourism destination” as defined in Section 862(2) of the Act; 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, 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 Act's abandonment procedures; and

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

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

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

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

(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 36 FTE employee positions and 244 PTE employee positions and create 1 new PTE employee positions.
- (ii) The estimated total value of Financial Assistance is approximately \$58,921.00.
- (iii) The estimated amount of private sector investment to be made by the Company is \$736,515.00.
- (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, 2023.
- (v) Extent of new revenue provided to local taxing jurisdictions: By maintaining modern efficient ski facilities, and creating new amenities for 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.
- (vii) 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 \$736,515, 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 \$58,921, 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 \$736,515.00 being the total project cost as stated in the Company's application for Financial Assistance.
- (ii) Employment Commitment – that there are at least 36 existing full time equivalent (“FTE”) employees and 244 existing part time equivalent (“PTE”) employees 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 36 FTE employees and 245 PTE employees [representing the sum of (x) 244 Baseline PTE employees and (y) 1 PTE employee, (being the 1 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, on behalf of the Agency, the Agent Agreement, a sales tax exemption letter (the "Sales Tax Exemption Letter"), a bill of sale (the "Bill of Sale") whereby the Agency at the completion of the installation period transfers to the Company title to the Equipment acquired during the installation period by the Company as agent of the Agency, and related documents.

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

Section 6. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to 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: June 20, 2023

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	%
\$58,921	
100%	
\$58,921	

Construction Economic Impacts

Industry	NAICS	% of Total Investment	Investment by Type
Industrial Building Construction	236210	100%	\$58,921
[Not Applicable]	0		\$0
[Not Applicable]	0		\$0
		100%	\$58,921

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
Other Gambling Industries	713290	6	\$92,560	\$555,360
Other Gambling Industries	713290	3	\$63,040	\$189,120
Other Gambling Industries	713290	13	\$44,100	\$573,300
Other Gambling Industries	713290	118	\$15,750	\$1,858,500
0				\$0
0				\$0
Total		140		\$3,176,280

Year 2	NAICS	Count	Per Job Annual Earnings	Total Earnings
Other Gambling Industries	713290	6	\$92,560	\$555,360
Other Gambling Industries	713290	3	\$63,040	\$189,120
Other Gambling Industries	713290	13	\$44,100	\$573,300
Other Gambling Industries	713290	119	\$15,750	\$1,874,250
0				\$0
0				\$0
Total		141		\$3,192,030

Year 3+ (Full Employment)	NAICS	Count	Per Job Annual Earnings	Total Earnings
Other Gambling Industries	713290	6	\$92,560	\$555,360
Other Gambling Industries	713290	3	\$63,040	\$189,120
Other Gambling Industries	713290	13	\$44,100	\$573,300
Other Gambling Industries	713290	119	\$15,750	\$1,874,250
0				\$0
0				\$0
Total		141		\$3,192,030

Fiscal Impact Assumptions

Estimated Costs of Incentives

	%	Value			
Sales Tax Exemption		\$58,921	PILOT Term (Years)	0	
Local Sales Tax Rate	4.00%	\$29,461	Escalation Factor	2%	
State Sales Tax Rate	4.00%	\$29,461	Discount Factor	2%	
Mortgage Recording Tax Exemption		\$0			
Local	0.75%	\$0			
State	0.50%	\$0			
Total Costs		\$58,921			

**COUNTY OF CATTARAUGUS INDUSTRIAL
DEVELOPMENT AGENCY**

INDUCEMENT RESOLUTION

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

A regular meeting of the County of Cattaraugus Industrial Development Agency was convened on Tuesday, June 20, 2023 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 FOXRES LLC AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iii) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (iv) AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

WHEREAS, County of Cattaraugus Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 536 of the 1971 Laws of New York, as amended, constituting Section 890-b of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

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

WHEREAS, 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 renovation of approximately 17,000+/- sq. ft. of existing manufacturing space at located at 500 Paul Clark Drive, City of Olean, Cattaraugus County, New York for testing of high efficiency turbo compressor internals and configure/produce detailed proposals for clients requiring technical data and thirty solid models suitable for component manufacturing (the “Improvements”); and (ii) 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 Project and the Improvements, the “Project Facility”); and

WHEREAS, pursuant to General Municipal Law Section 859-a, on June 19, 2023, at 10:00 a.m. at the City of Olean Municipal Building, Mayor’s Conference Room, 101 East State Street, Olean, 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) 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 Act's abandonment procedures; and

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

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

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

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

(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 10 FTE employee positions and create two new FTE employee positions.
- (ii) The estimated total value of Financial Assistance is approximately \$164,000,00.
- (iii) The estimated amount of private sector investment to be made by the Company is \$2,500,000.00.
- (iv) Likelihood of the Project being accomplished in a timely fashion: The Company anticipates the Project to being on or before July 1, 2023.
- (v) Extent of new revenue provided to local taxing jurisdictions: The Company is only a tenant in the Project Facility, but by maintaining and increasing FTE employment, local expenditures by those FTE employees and the Company itself will, at a minimum, result in new and increased sales tax revenues.
- (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 \$2,000,000, and

therefore, the value of the sales and use tax exemption benefits (“sales and use tax exemption benefits”) authorized and approved by the Agency cannot exceed \$164,000. 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.

B. Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for Financial Assistance; and/or (v) the New York State and local sales and use tax exemption benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment and/or the Employment Commitment, 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 \$2,500,000.00 being the total project cost as stated in the Company’s application for Financial Assistance.

- (ii) Employment Commitment – that there are at least 10 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 12 FTE employees [representing the sum of (x) 10 Baseline FTE and (y) 2 FTE employees, (being the 2 new FTE employee positions proposed to be created by the Company as stated in its Application)].

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

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

Section 6. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to 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: June 20, 2023

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

Construction Economic Impacts

Industry	NAICS	% of Total Investment	Investment by Type
Industrial Building Construction	236210	100%	\$750,000
[Not Applicable]	0		\$0
[Not Applicable]	0		\$0
		100%	\$750,000

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
Testing Laboratories	541380	10	\$75,000	\$750,000
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
Total		10		\$750,000

Year 2	NAICS	Count	Per Job Annual Earnings	Total Earnings
Testing Laboratories	541380	12	\$75,000	\$900,000
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
Total		12		\$900,000

Year 3+ (Full Employment)	NAICS	Count	Per Job Annual Earnings	Total Earnings
Testing Laboratories	541380	12	\$75,000	\$900,000
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
Total		12		\$900,000

Fiscal Impact Assumptions

Estimated Costs of Incentives

Sales Tax Exemption	%	Value	PILOT Term (Years)	<input type="text" value="0"/>
Local Sales Tax Rate	4.00%	\$82,000	Escalation Factor	<input type="text" value="2%"/>
State Sales Tax Rate	4.00%	\$82,000	Discount Factor	<input type="text" value="2%"/>
Mortgage Recording Tax Exemption		<input type="text" value="\$0"/>		
Local	0.75%	\$0		
State	0.50%	\$0		
Total Costs		<input type="text" value="\$164,000"/>		



301 N. Union St., Suite 306
Olean, NY 14760
(716) 489-4999

June 14, 2023

To: Cattaraugus County Industrial Development Agency ("CCIDA")

From: John Stahley

Re: Disclosure of Conflict of Interest In Re. Application of FoxRes LLC

Attn: Ethics Officer

Dear Mr. Wiktor:

As a follow up to our prior discussions, I am submitting this written disclosure of conflict of interest in accordance with Article IV, Section 2 of the CCIDA's Code of Ethics and Conflict of Interest Policy (the "COI Policy"). As of the date of this letter, I am an employee of FoxRes LLC, ("Applicant") which has submitted an Application for Financial Assistance to CCIDA for a certain project located at 500 Paul Clark Drive, City of Olean, Cattaraugus County, New York (the "Project") consisting of: (i) the renovation of approximately 17,000+/- sq. ft. manufacturing space at Cimolai-HY's existing 950,000+/- sq. ft. of an existing manufacturing building; and (ii) the acquisition by Applicant of certain items of machinery, equipment and other tangible personal property (the "Application").

Per my review of Article II of the COI Policy, I believe my position as employee of the Applicant, coupled with my position as a member of the Board of Directors of CCIDA, implicates Article II, Sections 5, 6 and 8 of the COI Policy.

Based on the foregoing, with respect to the potential conflict of interest, I offer the following facts in relation thereto:

I am an employee of FoxRES LLC; I do not currently have an ownership stake in the company. As such, I am not empowered to make decisions or negotiate on behalf of the Applicant and have no control over the contracts contemplated by and between the Applicant and the CCIDA.

In accordance with the COI Policy, at the next CCIDA meeting where the Application will be discussed, I plan to disclose the potential conflict to the Board of Directors during the public session of the meeting, recuse myself from any and all discussions and/or deliberations concerning the Application, abstain from voting on the Application, and further, I shall refrain from attempting to influence the discussion, decisions, deliberations, and vote of the remaining Board of Directors with respect to the Application.

Please contact me with any questions, and I am happy to supplement my written disclosure as deemed necessary.

Sincerely,

A handwritten signature in black ink that reads "John Stahley". The signature is written in a cursive, flowing style.

John Stahley

6.13.23 Advocacy Alert: State Legislature Ends Session

The New York State Legislature gaveled out for the final time of the 2023 legislative session. Although a special session is possible before the end of the year, no major legislative push is expected.

Although much of the most impactful legislation being debated was tabled until next year, many important bills were passed in the waning days of session. A look at what moved and what didn't:

Bills that Moved:

The following bills were passed by both the Senate and Assembly. Governor Hochul will need to approve them before they become law.

- **Clean Slate.** This legislation is a signature criminal justice reform that was the focal point of the final week of discussions. It will automatically seal the criminal records of formerly incarcerated individuals who have completed their sentence and do not reoffend for 3 years after misdemeanor sentence and 8 years after felony conviction. Effectively, the bill will prevent employers from seeing criminal histories of some applicants. Certain crimes, such as those that require the perpetrator to register as a sex offender, are not eligible for sealing.
- **Public Work Oversight.** This bill will require public employees to be on site for public works projects to ensure contractors are delivering project needs.
- **Restrictions on Employer Political Speech.** This bill would protect employees from retaliation for refusing to attend meetings that have the primary purpose of communicating an employer's opinion regarding religious or political matters. The sponsor aimed to stop "mandatory political rallies for a partisan candidate and meetings regarding an employer's opinion on specific legislation," as well as meetings about unionism.
- **Local Election Changes.** The Legislature voted to move elections for town and county offices to even-numbered years. The move will drive up turnout in local races. However, critics say it will be detrimental to local governments because their elections would be overshadowed by state and national races.

- **Workers' Comp Increases.** This bill would raise the minimum weekly benefit under Workers' Compensation, thereby increasing premiums for employers.

Bills that Didn't:

- **Housing Issues.** Despite being focal point of Hochul's State of the State, no housing reforms were enacted this year. The Legislature hoped to pass the **Good Cause Eviction** bill that would impose a statewide rent control model, but it did not gain enough support to move this year. We expect housing to be a focal point of the 2024 session.
 - **Extended Producer Responsibility.** This major reform would have upended our current recycling system, forcing manufacturers to pick up the bill. Legislators opted against rushing through such a large change, but it will likely remain a focal point next year.
 - **Weekly Pay Clarification.** A 2019 ruling in *Vega v. CM & Associates Construction Management* allowed a private right of action for manual workers who were not paid on a weekly basis. After the ruling, clarifying legislation is needed to help employers navigate this framework while ensuring workers are paid their duly owed wages. The BNP will continue to push for clarification on this issue.
 - **COVID Sick Leave.** Since 2020, employers have had to provide 5-14 days of COVID sick leave, on top of regular sick time. The BNP joined many other business organizations in advocating for an end to this outdated policy, but the Legislature did not act on it.
 - **Employee Liens.** The BNP strongly opposed a bill that would allow employees to claim a lien against their employer due to unsubstantiated allegations of wage theft. This radical proposal would be extremely harmful to all employers and runs contrary to the principle of "innocent until proven guilty." Fortunately, the Legislature agreed.
 - **Benefits Cliff.** The BNP supported a bill that would enable job training program graduates to continue receiving social service benefits. The Legislature did not pass this bill. In the budget, the state enacted a similar policy, but with a very low income cap. The BNP is pleased by progress on this issue, but will continue pushing more aggressive action to bridge the benefits cliff.
 - **Ban on Buying Rental Properties.** An Assembly bill would ban businesses from purchasing single family houses and then renting them. This legislation did not advance, but the BNP will continue to monitor it.
 - **NYPA Nominee.** NYPA is currently being led by interim director Justin Driscoll. Hochul nominated Driscoll to be the permanent head of NYPA. However, the Senate did not bring his nomination to a vote, effectively signaling its disapproval. Driscoll was criticized for raising concerns with the Build Public Renewables Act, which would force NYPA to build renewable energy generators. Since he is the interim, Driscoll will remain at the helm of NYPA. However, his nomination's failure is yet another example of the Legislature's heavy focus on aggressive energy and climate policy, and of the Legislature successfully pushing back on the Governor and her policy and personnel agendas.
-



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JUNE 13, 2023

Albany, NY

Governor Hochul Announces Completion of \$12.5 Million First National Bank Project in Olean as Part of Downtown Revitalization Initiative

Project Brings Historic Buildings in Downtown Back to Life with Commercial and Residential Spaces

Photos of Completed Project Available [Here](#); Before Photos Available [Here](#)

Governor Kathy Hochul today announced the completion of the \$12.5 million restoration and redevelopment of the 1915 First National Bank building and adjacent former Siegel's Shoe Store building in downtown Olean as part of the Downtown Revitalization Initiative. The seven story First National building now houses 21 apartments, with commercial, event and art spaces occupying the former bank floor and mezzanine. The two-story former Siegel's Shoe Store building was renovated into class-A office space. New York State, in collaboration with Savarino Companies and local government partners is bringing this historic building located in the heart of Olean back to life. Photos of the completed project are available [here](#), and before photos are available [here](#).

"The ribbon cutting for the First National project marks a long-awaited milestone in the redevelopment of Olean's Central Business District," **Governor Hochul said.** "This historically significant, mixed-use building, which was vacant for nearly 30 years before we tackled its restoration, brings a vibrancy to Olean that will contribute to the city's goals for a walkable, thriving downtown."

New York State Secretary of State Robert J. Rodriguez said, "Growth in the City of Olean is well underway, as key projects through the Downtown Revitalization Initiative continue to strengthen the sense of community and improve quality of life for residents, while also attracting new businesses that are spurring economic development. The completion of the First National Bank project puts the City of Olean one step closer to achieving its vision of creating a vibrant downtown community brimming with opportunities for residents and visitors to work, learn and thrive."

The Gallery at Olean is First National's largest and most visible tenant. The first new tenant was Casa-Trinity, which provides peer-based counseling and recovery services for those suffering from alcohol and substance addictions. The building's remaining storefront commercial spaces are completed and move-in ready for other tenants who may take advantage of the visible street front space.

First National also has 21 apartments on floors two through 7, including one studio, five one-bedrooms, 14 two-bedrooms and one three-bedroom. The two-tone, brick-and-stone edifice, erected in 1915, was home to the First National Bank of Olean for 57 years, until that bank was acquired in 1972 by Manufacturers Hanover Corp. of New York City who occupied it until 1994. The architecturally significant edifice at the corner of Union and State Streets has been vacant ever since. The Olean Urban Renewal Agency took title to the property in 2010.

The City of Olean was named a Downtown Revitalization Initiative (DRI) round 2 winner in August 2017. The First National Bank Project received \$2 million from the DRI, as well as state and federal historic preservation tax credits, federal New Markets Tax Credits and bank and HCR loans totaling more than \$4 million. The restoration project was contingent on the completion of building stabilization. A \$500,000 NYS Parks grant from the Environmental Protection Fund was awarded to the Olean Urban Renewal Agency for building stabilization in Round 7 of the Regional Economic Development Fund, and \$200,000 from Empire State Development was awarded to the City of Olean in Round 1.

In addition to the First National Bank project, the City of Olean received \$5.45 million through the DRI for five public works projects including the North Union Streetscape Improvements and improvements to South Union Street, West State Street, East State Street and Oak Hill Park. Other projects that were awarded DRI funding include the Old Library Restaurant & Inn, Four Mile Brewing, the African American Center for Cultural Development and the renovation of historic row buildings at 319 and 321 N. Union Street. A downtown revitalization and rehabilitation fund was also established to encourage and support investment in downtown properties.

Empire State Development President, CEO & Commissioner Hope Knight said, "Governor Hochul's Downtown Revitalization Initiative projects are strengthening city centers throughout the state. The First National Bank's transformation preserves this historic architectural anchor on Olean's main street, while adding new residential, commercial and creative spaces that will boost the city's quality of life, for residents and newcomers alike."

New York State Parks Commissioner Erik Kulleseid said, "For nearly 30 years, this building sat vacant but now, thanks to the leadership of Governor Hochul and many community partners, we are glad to see it given new life. We're happy our grant for building stabilization helped with the restoration and rebirth of this section of downtown Olean."

State Senator George M. Borrello said, "It is exciting to see Olean's iconic First National Bank building beautifully restored and ready to begin its next chapter in the life of the community. The path to this moment required persistence, determination and, above all, a great vision. As a supporter of this project, I am grateful to all those who recognized its potential and contributed to the transformation we are celebrating today. Those partners include Governor Hochul, our state and local economic development agencies and Mayor Aiello, Olean's strongest champion. With the momentum from this effort and other DRI projects, Olean is truly on the cusp of a new era."

Assemblymember Joseph M. Giglio said, "I'm so pleased at the completion of the First National or 'Manny Hanny' project. This building is at

the heart of the Olean downtown renaissance, and I applaud the developers and officials who have brought it back to life. This has been a long time in the making and is the result of an enormous amount of hard work by many people and agencies. Olean is a great place to live, work and do business, and this is a great day."

City of Olean Mayor William Aiello said, "The First National has been vacant for close to three decades, it has endured many starts but no finishes until the Savarino Companies took possession in November of 2020 and finally brought some light and life to this corner. I would like to thank the Olean Urban Renewal Agency for having the foresight to preserve and stabilize the building and for Sam Savarino for undertaking this venture and investing in our community. I would also like to thank Governor Hochul for her commitment to our community. Olean was very fortunate to receive the Downtown Revitalization Initiative; it has definitely helped our downtown become inviting, attractive and full of life."

Savarino Companies' President and CEO Sam Savarino said, "We are so proud to have played a role in making this building useful to the people of Olean once again. The people here never gave up on the First National, and programs at all levels of government played a role in making it possible, as did our partner investors from the private sector."

Cattaraugus County IDA Executive Director Corey Wiktor said, "On behalf of the County of Cattaraugus Industrial Development Agency, we were honored to be part of this truly historic and monumental project. We extend our sincere thanks to Governor Hochul, her staff and agencies, including Hope Knight, Robert Rodriguez and Erik Kulleseid, along with Senator Borrello, Assemblyman Giglio, Mayor of Olean William Aiello, and Keri Kerper who all brought this redevelopment project to fruition."

Downtown Revitalization Initiative

The Downtown Revitalization Initiative was created in 2016 to accelerate and expand the revitalization of downtowns and neighborhoods in all ten regions of the state to serve as centers of activity and catalysts for investment. Led by

the Department of State with assistance from Empire State Development, Homes and Community Renewal and NYSERDA, the DRI represents an unprecedented and innovative "plan-then-act" strategy that couples strategic planning with immediate implementation and results in compact, walkable downtowns that are a key ingredient to helping New York State rebuild its economy from the effects of the COVID-19 pandemic, as well as to achieving the State's bold climate goals by promoting the use of public transit and reducing dependence on private vehicles.

In the first five years of the program, the state committed \$600 million, investing in 59 downtowns ripe for revitalization that have the potential to become magnets for redevelopment, business, job creation, greater economic and housing diversity and opportunity. More information on the DRI is available [here](#).

Contact the Governor's Press Office

Contact us by phone:

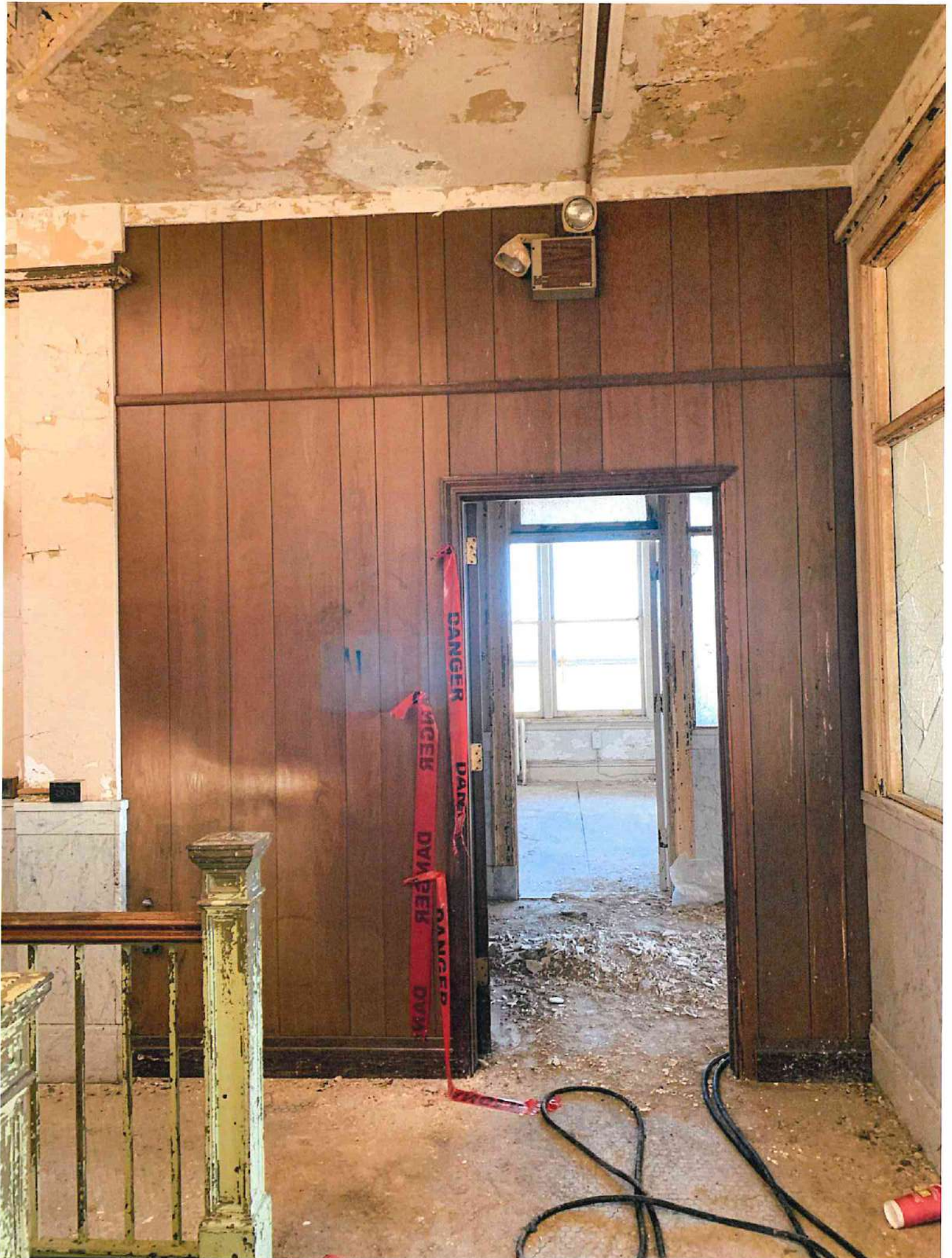
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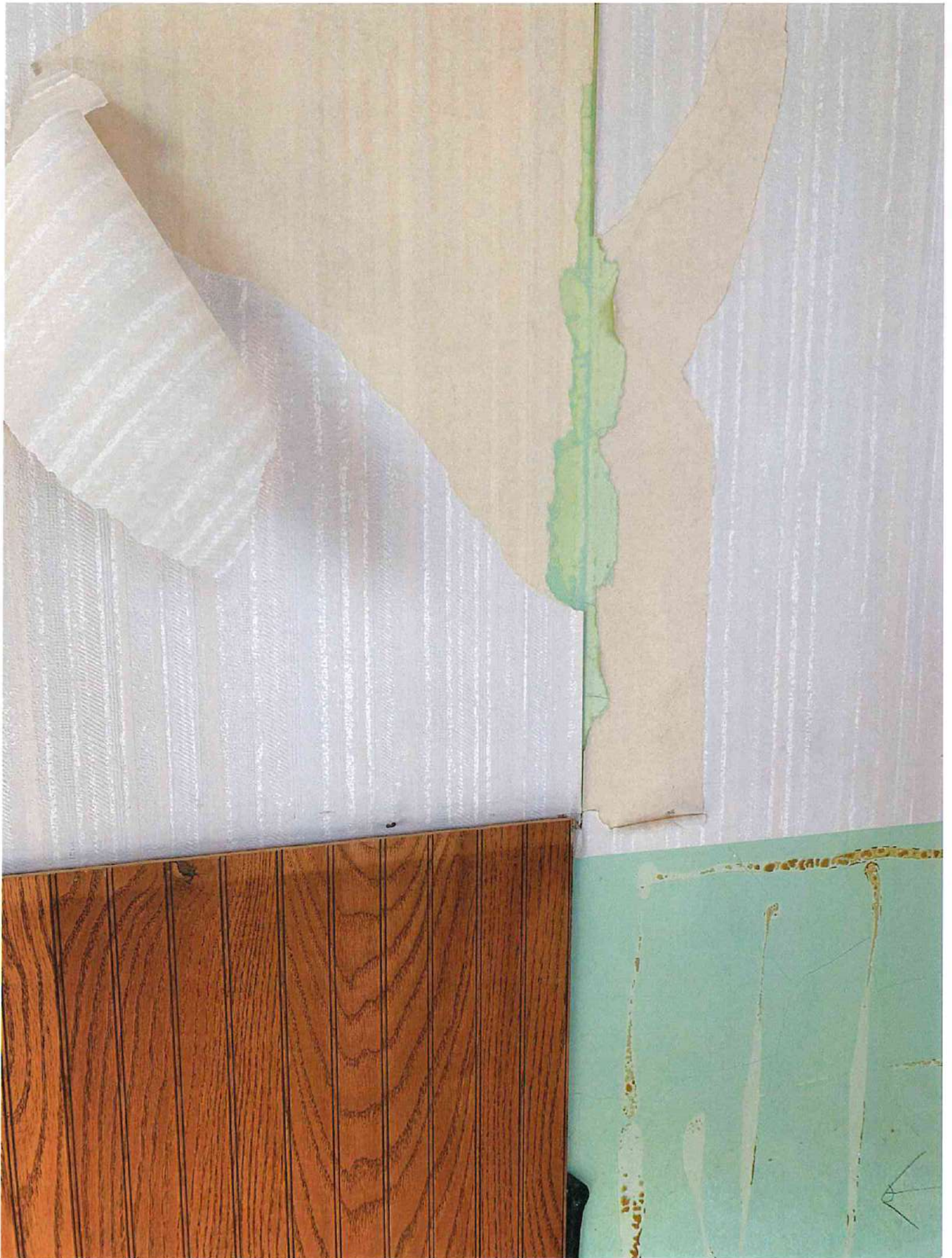
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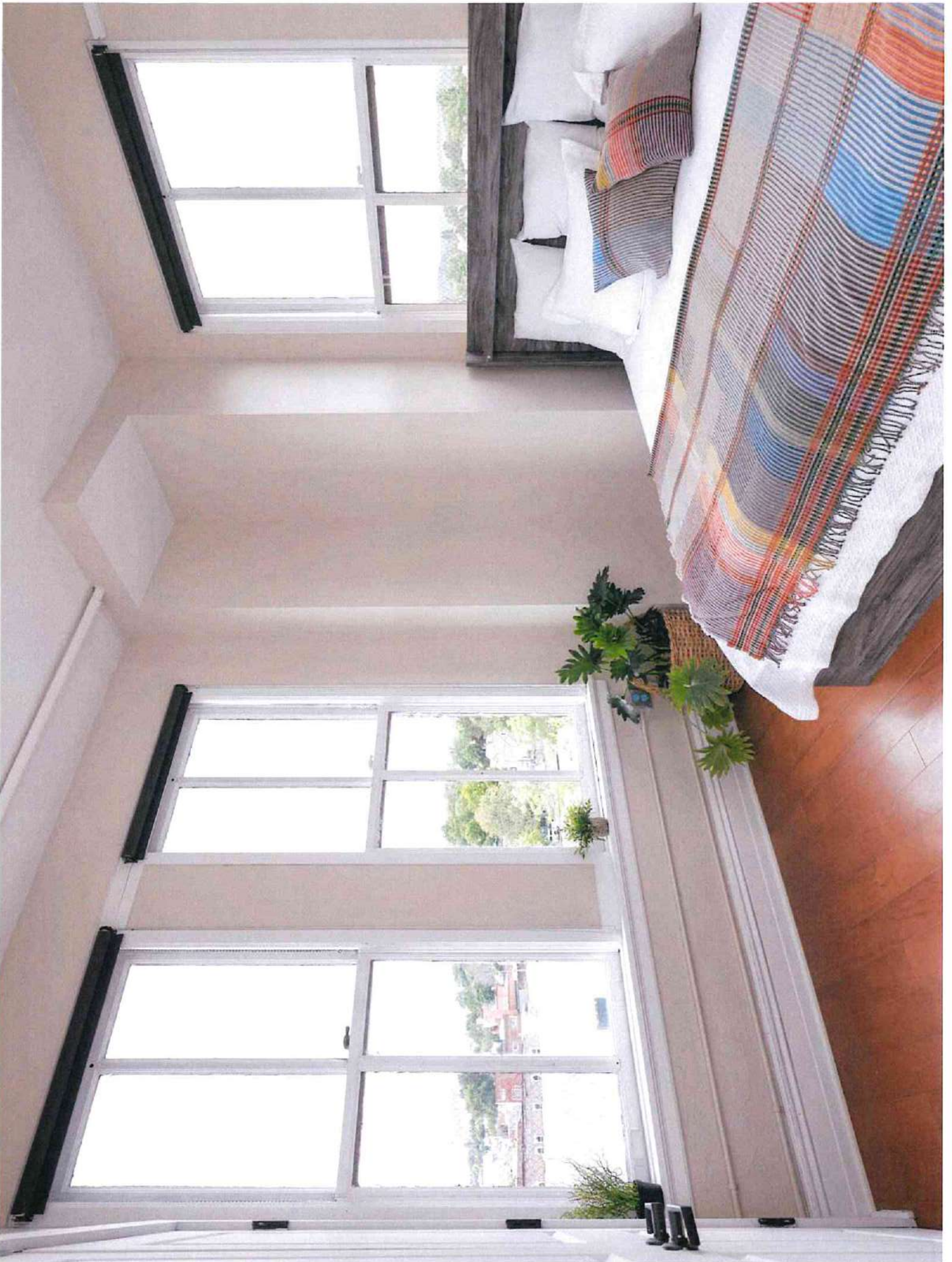


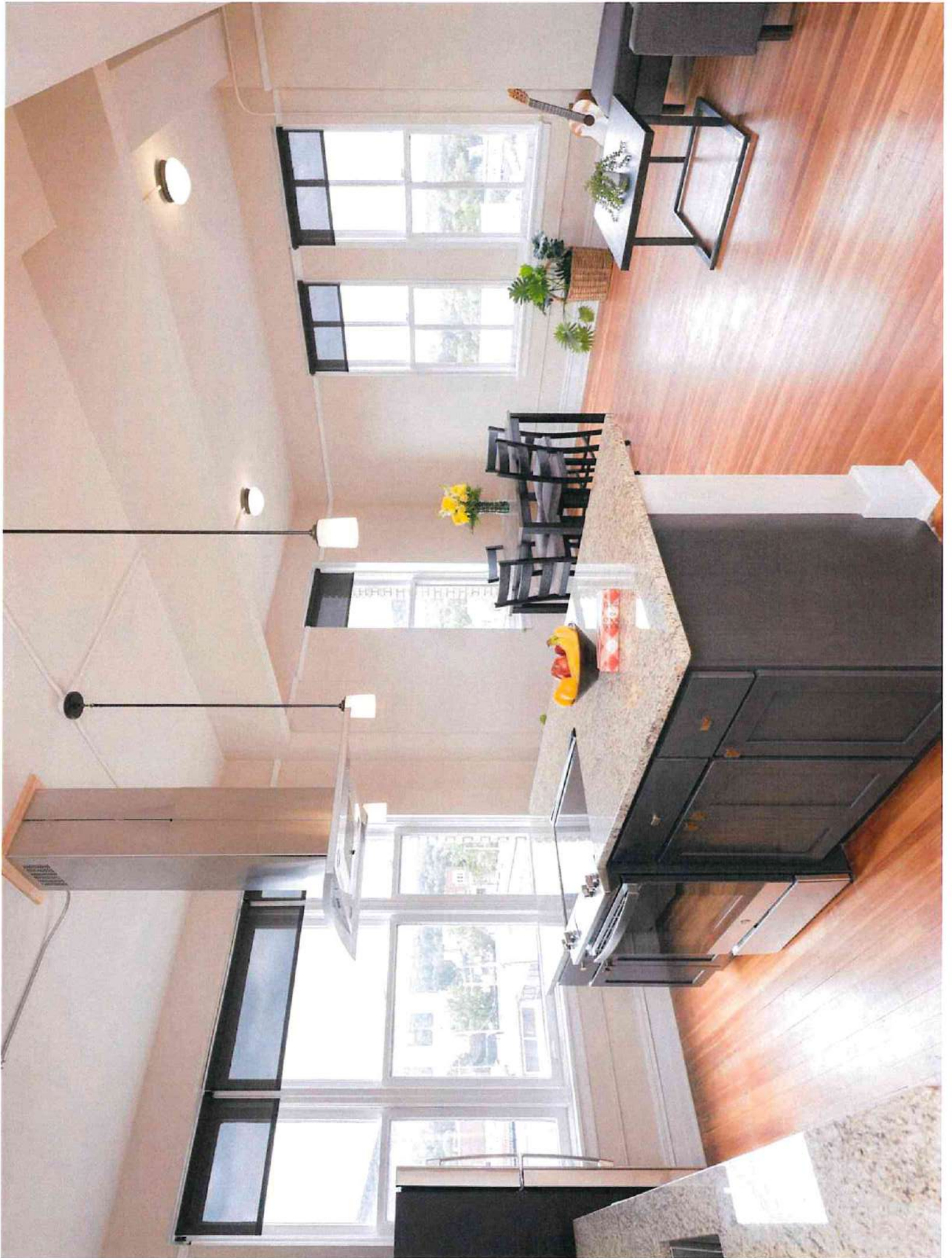


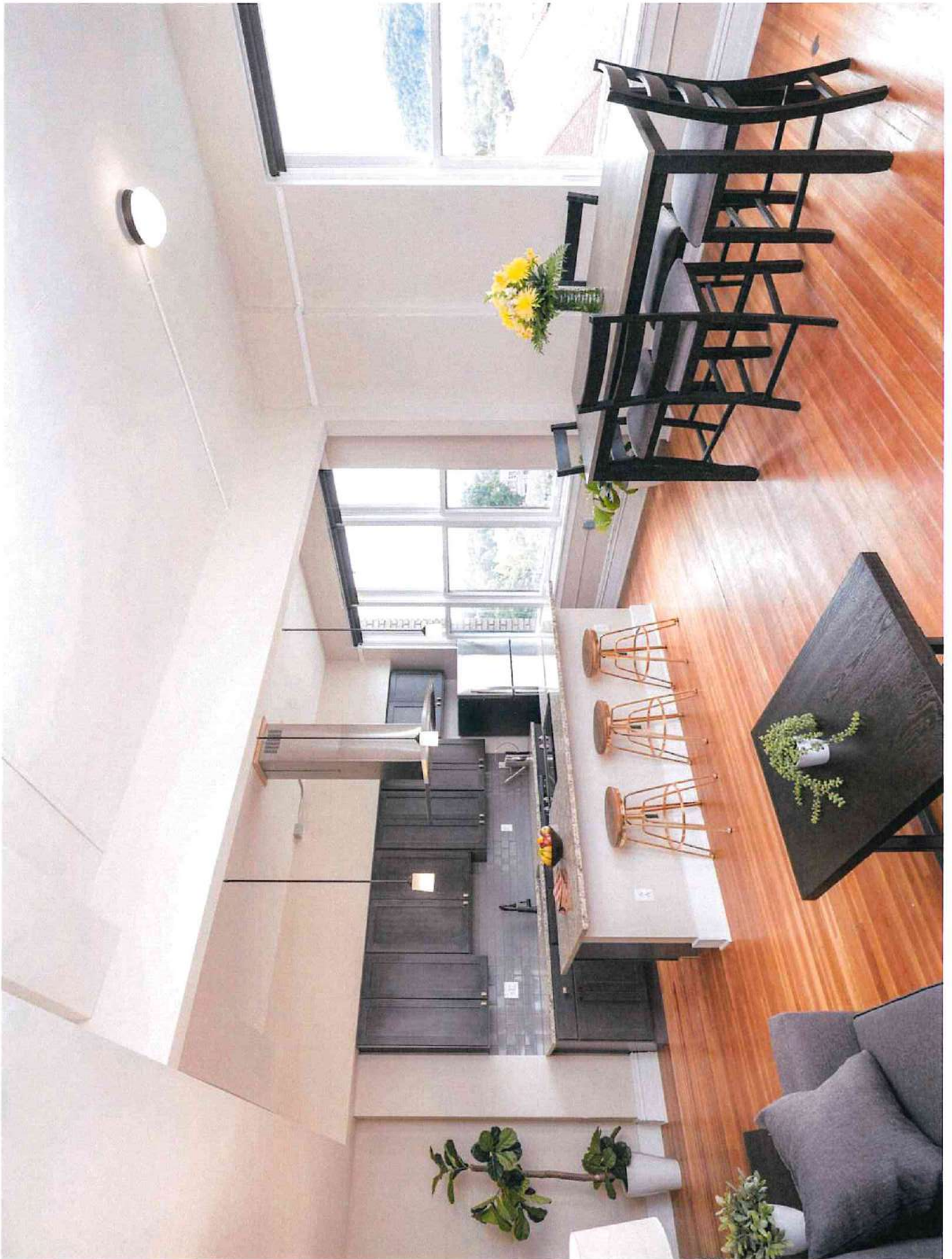












- [NAVIGATOR](#)
- REAL ESTATE
- WORKFORCE DEVELOPMENT

Seasonal Help Wanted (Housing Not Included): What Communities are Doing to Solve Seasonal Housing Needs

June 8, 2023 [Robert J. O'Brien](#) | [Daniel Stevens, AICP](#)



The struggle to find and house seasonal workers continues to grow for many popular vacation destinations across the US, from beachfront towns to mountain villages, ski resorts, and others. The shortage of housing available to these workers often poses substantial economic constraints for local seasonal economies with unfilled jobs forcing businesses to reduce their hours of operations and put expansion plans on hold.

Businesses in many local seasonal economies have long relied on a mix of domestic seasonal workers (e.g., students working summer jobs) and international workers. These international workers typically include foreign students living and working in the US as part of the [J-1 Visa Summer Work Travel Program](#), as well as workers with [H-2B visas](#), a program that allows employers to temporarily hire nonimmigrants for nonagricultural jobs.

Consider that in 2022, New York State had over 5,400 J-1 Summer Work Travel workers providing seasonal support to businesses, while Massachusetts hosted 5,165, and Maine welcomed over 2,640.

The challenge of housing these international seasonal workers, as well as out-of-area domestic workers, can have several negative impacts, including housing workers in overcrowded and substandard living conditions, taking hotel rooms off the market to house workers, and major employers being forced to buy year-round housing for use by seasonal workers.

The shortage of seasonal worker housing is driven by a number of factors, such as low attainable rents making additional development unattractive (or infeasible), vacancies and loss of revenue during off-peak times, and the challenges of managing properties filled with young college students.

Despite these challenges, communities have found (or are currently working on) effective and innovative solutions to seasonal worker housing needs, including:



Myrtle Beach, SC

Recognizing the importance of its seasonal workforce (representing 4% of its overall workforce), the City helped advance a major seasonal housing project consisting of six dorm-style buildings on 7.5 acres. The City Council approved a special zoning designation that allows only for the construction of student housing for J1 or H2B visa holders.

The first phase of the project will house 600 students, with the project ultimately housing 1,200 students. The dorms will feature shared common spaces, a cafeteria, and laundry facilities. Each room will have bunk beds for four students. Rents will be taken out of workers' paychecks. Holtz Builders is leading the \$50 million project.



Jackson Hole, WY

[Jackson Hole Mountain Resort](#) led a development initiative for its seasonal employees by creating "[The Powderhorn](#)," a 26-room dormitory-style housing property. The units feature common areas such as a living room, kitchen, and bathroom that are shared among occupants with each resident having a private lock-off bedroom.

In 2022, a second phase was started that will add 30 units of employee housing, totaling 90 beds. Unlike the dormitory-style units, the new units will be apartments with a mix of one, two, and four bedrooms that will also be available to year-round employees.

Building the original dormitory-style project necessitated changes to the Town's housing regulations, which did not permit dormitories, as a way to satisfy its workforce housing requirements (new businesses are required to house about 33% of their seasonal employees by law).



Provincetown, MA

After identifying seasonal worker housing as a priority in its economic plan, a private developer initiated a seasonal worker housing project in this community on Cape Cod. "[The Barracks](#)" is proposed as a three-story building that will include 28 four-person dormitory units, housing up to 112 seasonal workers.

With the community also needing housing for year-round workers, the developer is adding 15 apartment units as part of the project (restricted to year-round leases). Amenities include two shared kitchens, two dining rooms, a common room, laundry rooms, and over 100 bicycle-storage spaces.

The developer won legal challenges from abutters, which delayed the project. The Town has provided support for the project, offering an economic development permit while the zoning board approved relief from parking requirements and building scale regulations.



Bar Harbor, ME

Bar Harbor, home to [Acadia National Park](#) on Mount Desert Island, relies on a substantial seasonal workforce for its local businesses but has struggled to meet its workforce needs. Last summer, the park was shorthanded by 30-50

seasonal employees because of a lack of available housing — in the midst of two consecutive years of record-high visitation.

The [National Park Service \(NPS\)](#), in partnership with the nonprofit organization [Friends of Acadia](#), is taking several approaches to meet its goal of providing 130 new beds for workers. One approach has been converting vacant commercial properties into worker housing, including the former Kingsleigh Inn. Friends of Acadia purchased the 10-unit property that will be operated by the NPS, representing an effective public-nonprofit partnership.

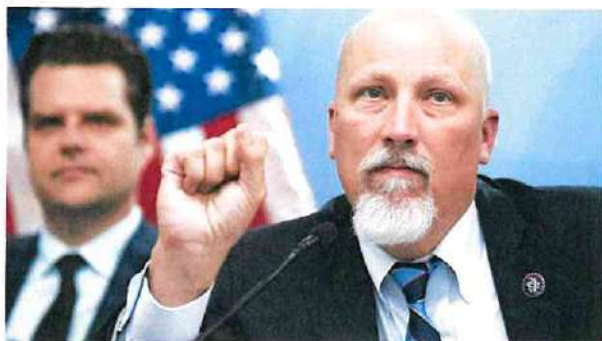
With workforce availability in the US remaining extremely limited, reliance on international J-1 and H2B visa workers is expected to continue, compounding the need for housing geared specifically to this unique set of workers, and increasing pressure on seasonal communities to develop temporary worker housing solutions.

DEREGULATION

Democrats' Gaslighting, Republicans' Temper Tantrum Endanger America's Gas Stoves

The White House insists it doesn't want to ban gas stoves but still needs the power to do so.

CHRISTIAN BRITSCHGI | 6.8.2023 12:45 PM



(Tom Williams/CQ Roll Call/Newscom)

President Joe Biden—despite his administration insisting it had no interest in banning gas stoves—has said that he would veto a Republican-backed bill that would prevent him from doing just that.

It turns out he won't have to.

Earlier this week, conservative Freedom Caucus members in the House joined with their Democratic colleagues to block two bills protecting gas stoves from federal bans and restrictions. They say it's payback for House Speaker Kevin McCarthy (R-Calif.) forcing through a debt ceiling deal without their consent.

"Today, we took down the rule because we're frustrated at the way this place is operating," said Rep. Matt Gaetz (R-Fla.) on Tuesday, per the *Washington Examiner*.

"We warned them not to cut that deal without coming down and sit down and talk to us. So this is all about restoring a process that will fundamentally change things back to what was working," agreed Rep. Chip Roy (R-Texas).

Just like that, a chance to protect a beloved kitchen appliance from the federal government's regulatory onslaught against "things that work" has died.

Politics is a petty business. The fact that lawmakers would kill one bill because they didn't get their way on another isn't too outside the norm. It is nevertheless incredibly frustrating that the Freedom Caucus would target these particular bills with its temper tantrum.

There's only so much a Republican-led House can do for libertarians. One area where it could be expected to do some good is in stopping the federal government from ripping appliances out of people's walls.

For all his faults, former President Donald Trump was a sterling defender of appliance freedom. His administration's deregulatory drive tried to restore Americans' rights to buy dishwashers that clean dishes and showerheads that gush like waterfalls. The Biden administration is hard at work undoing this legacy with proposed new regulations on over a dozen appliance categories.

Despite their normally slavish devotion to the former president, the Freedom Caucus is failing to protect Trump's legacy by joining with Democrats to block legislative protections for gas stoves.

This isn't to let Democrats off the hook at all. They're the aggressors in the gas stove wars.

We wouldn't need Republicans to protect gas stoves if federal regulators weren't musing about banning them and if states and cities weren't adopting their own prohibitions.

The justifications for these bans, on both climate and health grounds, are incredibly flimsy. Democrats' suggestion that people can't decide for themselves how best to cook a meal in their own homes is just offensive. Their insistence that gas stove bans aren't actually happening is positively infuriating.

In a recent statement promising to veto Republicans' gas stove bills, the Biden administration insisted that it has no interest in banning these appliances but still needs the power to do so.

Eric Boehm

@EricBoehm87 · [Follow](#)



Inbox: White House says it "does not support any attempt to ban the use of gas stoves" while simultaneously declaring opposition to congressional Republicans' efforts to prevent federal regulatory authorities from effectively banning gas stoves

12:52 PM · Jun 6, 2023



[Read the full conversation on Twitter](#)

73 Reply Share

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Anyone with a shred of self-governing self-respect should be filled with righteous anger over all of this.

And yet, when it comes time for a Republican-led House of Representatives to convert that righteous anger into productive policy, lawmakers collapse into intraparty bickering. Sad!

CHRISTIAN BRITSCHGI is an associate editor at *Reason*.

[DEREGULATION](#) [NANNY STATE](#) [NATURAL GAS](#) [CLIMATE CHANGE](#) [CONGRESS](#) [BIDEN ADMINISTRATION](#) [POLITICS](#)

RTW: NY's end run benefits renewable projects

- By BRENDA HANSON
- Jun 2, 2023 Updated Jun 2, 2023

There's a rather grisly idiom that states, "There's more than one way to skin a cat." Using the New York state budget, the Department of Taxation and Finance found a new way to skin the cat — and local municipalities will feel the sting.

It all relates to a common concern descending upon towns in rural New York: How to deal with renewable corporations and the state agencies that subsidize them? One of the bargaining chips held by municipalities and counties has been the right and duty to assess renewable projects for taxation purposes. When the state budget passed on May 2, this bargaining chip was curtailed.

The story goes like this: In 2021, New York told certain entities to get together and develop a standard taxation model for renewables. The entities brought to the table were the Office of Real Property Tax Services (ORPTS, part of the state Department of Taxation and Finance), the New York Energy and Research Development Authority (NYSERDA) and the New York Assessors Association (NYSAA, an organization representing local assessors). Representatives from these organizations met and in 2022 came to an agreement on a standard assessment model.

Days before the joint model was to be released, ORPTS usurped the process by releasing an unexpected alternative model developed independently of local assessors and their concerns. The ORPTS model favored renewable developers over local interests.

A lawsuit was filed immediately by NYSAA (Blenheim, et al vs. NYS Department of Taxation and Finance). On April 29, 2022, a restraining order was issued by state

Supreme Court Judge Christina Ryba prohibiting the Department of Taxation and Finance from implementing the ORPTS taxation assessment model. Judge Ryba recognized that the local assessors had a solid case, writing that the plaintiffs “are likely to succeed on the merits in this matter.”

The Blenheim, et al, case was moving through the courts when the state budget was passed on May 2. The budget included a gotcha section called “Section N.” Section N does what it appeared the courts would not: it forces the ORPTS assessment model onto communities, stripping local assessors of authority to make assessment decisions that benefit their municipalities over state-subsidized corporations.

Section N skins the cat using a different tactic, and a sneaky one at that. On May 4, state Supreme Court Judge Julian Schreiberman ordered the legal proceedings related to Blenheim, et al, to be discontinued.

I contacted Dan Martonis, director of Real Property at Cattaraugus County, to discuss the impact this will have on local municipalities. He explained that this will drastically lower the tax benefit that municipalities will collect from renewable corporations, will tie the hands of local assessors forcing them to utilize a taxation model that favors developers over municipalities, and has the potential to disrupt payment in lieu of taxes (P.I.L.O.T.) agreements because the ORPTS model opens the door for corporations to pay the lesser: either pay the P.I.L.O.T. (negotiated by local officials and county industrial development agencies) or pay the tax bill (controlled by the ORPTS model).

It appears the state used the budget process as an end run around the courts and as a way to get what it wanted in the first place: a deal for renewable corporations at the expense of municipalities.

(Brenda Hanson lives in Delevan.)

Attacks on Industrial Development Agencies (IDAs) will Increase Taxes on New York Residents

Industrial Development Agencies work on behalf of New York taxpayers to lessen the tax burden and increase economic opportunity. A recent spin on how IDAs are costing school districts money has created a false narrative. Incentives are leveraged against new investment and new jobs. Under the IDA, some property taxes are temporarily abated. During the abatement period, payments in lieu of taxes (also known as PILOT payments) are made to the schools and taxing jurisdictions. These payments provide a new source of revenue. The temporary property tax discount creates permanent new investment and new job opportunities in your community. In the Town of Hamburg, IDA generated projects garnered over \$1.2 million dollars for town school districts in 2023.

A recent study commissioned by The New York State Economic Development Council identified that for every dollar of taxes discounted; \$6.57 is created in NY tax revenue. In addition, \$339 million in new revenue is generated for school districts annually through IDAs.

Furthermore, NY State Comptroller, Thomas DiNapoli, speaks to the impact of IDAs. In 2022 there were 4,324 projects statewide with a total of \$126 billion in value. These projects were awarded \$1.1 billion in exemptions and created 221,305 new jobs.

Tax incentives create new investment and bring jobs to your community. New York needs IDAs to prevent future businesses from leaving to operate in a lower taxed state. The hubris that companies will come here anyway is false. We are competing for business against the entire country. Without IDA's, taxpayers will carry the burden of the costs.

Sean Doyle, Executive Director

Corey Wiktor, Executive Director

Hamburg Industrial Development Agency

Cattaraugus County Industrial Development Agency