

County of Cattaraugus  
Industrial Development Agency

**BOARD OF DIRECTORS MEETING - AGENDA**

Tuesday, September 12, 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.*

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

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

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

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

**1.) – North Delaware Holdings LLC d/b/a Steelbound Brewery & Distillery:**

-North Delaware Holdings LLC has submitted an application to the CCIDA as they purchased 20 acres (including some commercial structures and tenants) adjacent to their current facility which will become their manufacturing campus. This will immediately include an existing 18,600 sq ft. space into a state-of-the-art automated manufacturing facility; upgrading of an existing 1,860 sq. ft. building into an 8,000 - 10,000 sq. ft building to be utilized for barrel storage and aging of produced spirits; and a 5,000 sq. ft. building expansion to include adding a 55,000 lb. grain silo along with an automated delivery system to allow for bulk purchasing of grain for the brewing and distilling process.

**-The Total Project Investment: \$7,400,000**

-A Public Hearing was held on Thursday, August 24, 2023 at 9:00 a.m. at the Agency's Offices, 9 East Washington Street, Ellicottville, NY. There was no one in attendance. A copy of the minutes has been provided to each Board Member in their packets for review along with the Cost Benefits Analysis for their particular project.

- ✓ Inducement Resolution – North Delaware Holdings LLC d/b/a Steelbound Brewery & Distillery

## **2.) – Kinley Contractors LLC/Kinley Investments:**

-Kinley Corp. has submitted an application to the CCIDA for renovations/relocation and additional new construction at their corporate headquarters in Allegany, NY. Renovations include 10,120 sq. ft. of office space, conference rooms, meeting areas as well as exterior improvements. A new 5,000 sq. ft. metal workshop for equipment storage, manufacturing and fabrication of modular or multi-use units. This project will allow the company to retain employment that has been in the County for over a century, and will also allow for growth in their employment base as well.

**-The Total Project Investment: \$2,356,000**

**-A Public Hearing was held on Thursday, August 24, 2023 at 11:30 a.m.** at the Town of Allegany, Town Hall, 52 West Main Street, Allegany, NY. There was no one in attendance. A copy of the minutes has been provided to each Board Member in their packets for review along with the Cost Benefits Analysis for their particular project.

- ✓ Inducement Resolution – Kinley Contractors LLC/Kinley Investments

## **\*CCIDA Financial Report:**

-Approval of Financial Reports – **July and August 2023**

**-August 2023 the Agency had income of \$9,325.47 for the following:**

- *Application fee on Kinley Contractors LLC \$1,500.00*
- *Administrative Fee on HoliMont, Inc. \$7,825.47*

**-September 2023 the Agency had an income of \$1,500.00 for the Application fee on North Delaware Holdings LLC d/b/a Steelbound Brewery & Distillery.**

*-General update on projects in process; including the Agency has 5 projects in the closing stage as well, which should close in the 4<sup>th</sup> quarter of this year.*

## \*Executive Directors Reports:

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

- ✓ Attend Southern Tier Leadership Summit at St. Bonaventure University.
- ✓ Conference regarding potential PILOT project in Ellicottville.
- ✓ Attend Cattaraugus County Economic Development Planning and Tourism Meeting with new WNY Regional Director.
- ✓ Attend Cattaraugus County Team Meeting.
- ✓ Attend Public Hearing for North Delaware Holdings d/b/a Steelbound Brewery & Distillery.
- ✓ Attend Public Hearing for Kinley Contractors LLC in Allegany.
- ✓ Conference with Bill Paladino on projects.
- ✓ Conference regarding employee transportation for GLC.
- ✓ Conference with GLC regarding community outreach.
- ✓ Meeting with Intandem regarding general updates.
- ✓ Conference regarding potential new manufacturing project in Olean.
- ✓ Meeting with local real estate investor on proposed build of a commercial property in Olean.
- ✓ Conference with ESD.
- ✓ Conference with potential buyer of building in Olean.
- ✓ Conference regarding Olean Town Center project.-General Update
- ✓ Attend Cattaraugus County Team meeting regarding strategic plan for entrepreneurial ecosystem in Cattaraugus County.
- ✓ Attend meeting with all local IDAs in Buffalo
- ✓ Conference with Upper Edge Consulting regarding Cattaraugus Work Group.

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

- ✓ **Olean Times Herald:** Article: "Allegany Crossing Self Storage sets soft opening this week."
- ✓ **Salamanca Press:** Article: "Holiday Valley progressing on new 6-pack Mardi Gras chairlift install."
- ✓ **Olean Times Herald:** Article: "Great Lakes Cheese Co. plant in Franklinville on schedule."
- ✓ **CCIDA:** Email: "Exciting New Changes at Billings."
- ✓ **2 WGRZ News:** Article: "Tiny home trend pays off for Ellicottville's Basecamp rental village."
- ✓ **2023 Job/Internship Fair:** Handout
- ✓ **Olean Times Herald:** Article: "Unemployment level across region, nation."
- ✓ **U.S. Congressman Joseph Morelle:** Article: "New York Representatives Announce Bipartisan Support For Regional Tech Hub Designation."
- ✓ **National Fuel Gas Distribution Corporation:** Article: "Long-Term Plan - Be a voice as New York determines its energy future."
- ✓ **Spectrum News 1:** Article: "State continues to lose farmland to residential, solar developments, reports show."
- ✓ **Times Union:** Article: "Filings show N.Y. green energy could cost 64 percent more on wholesale level."
- ✓ **Spectrum News:** Article: "Observations on the cost-so-far-of implementing New York's climate law."
- ✓ **The New York Senate:** Article: "Senators Hinchey and Harckham Send Letter to ORES Outlining Threats to Farmland and Environment by Proposed Copake Solar Development."
- ✓ **New York Post:** Article: "Why wind and solar are running out of juice."





**Zoom Meeting access Information:**

Topic: County of Cattaraugus IDA Board Meeting

Time: Sep 12, 2023 11:15 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81605070177?pwd=aGlQUGlGVlRRbERJZHlzVXpzUEhqQT09>

Meeting ID: 816 0507 0177

Passcode: 224984

One tap mobile

+19292056099,,81605070177#,,,,\*224984# US (New York)

+16469313860,,81605070177#,,,,\*224984# US

Dial by your location

• +1 929 205 6099 US (New York)

• +1 646 931 3860 US

**COUNTY OF CATTARAUGUS  
INDUSTRIAL DEVELOPMENT AGENCY**

**BOARD MEETING MINUTES**

**July 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. Brent Driscoll  
Ms. Ginger Schroder  
Mr. Joseph Snyder  
Mr. John Stahley  
Mr. Michael Wimer  
Mr. Joseph Higgins

**Excused:**

None

**CCIDA Staff/Counsel:**

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

**Presenters/Guests:**

Ed Youmans, HoliMont, Inc.  
John Drake, HoliMont, Inc.  
Bill Bursee, Steelbound Brewery & Distillery  
Rick Miller, Olean Times Herald

Mr. Buffamante called the meeting to order at 11:17 a.m.

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

A **Motion** was made by Michael Wimer seconded Brent Driscoll by to accept the Board Meeting Minutes from June 20, 2023 as presented to the Board. All in favor. **Motion Carried.**

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

### **1.) – North Delaware Holdings LLC d/b/a Steelbound Brewery & Distillery:**

-Mr. Wiktor introduced Bill Burse, owner of Steelbound Brewery & Distillery. Mr. Burse gave an overview of the project and time frame for completing. Mr. Wiktor stated this is a great project for Ellicottville and thanked Mr. Burse for the overview.

-North Delaware Holdings LLC has submitted an application to the CCIDA as they purchased 20 acres (including some commercial structures and tenants) adjacent to their current facility which will become their manufacturing campus. This will immediately include an existing 18,600 sq. ft. space into a state of the art automated manufacturing facility; upgrading of an existing 1,860 sq. ft. building into a 8,000 - 10,000 sq. ft. building to be utilized for barrel storage and aging of produced spirits; and a 5,000 sq. ft. building expansion to include adding a 55,000 lb. grain silo along with an automated delivery system to allow for bulk purchasing of grain for the brewing and distilling process. Yet another key manufacturing project in the County that will be for the preservation of the existing workforce, and a robust employment growth within the next five years.

**-The Total Project Investment: \$7,400,000**

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### **2.) – Kinley Contractors LLC/Kinley Investments:**

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### **Project Update: HoliMont, Inc.**

Mr. Wiktor introduced Ed Youmans, General Manager and John Drake, Controller of HoliMont, Inc. Mr. Youmans gave a brief presentation of the project regarding the application submitted at the June 20, 2023 Meeting. In addition, Mr. Drake gave updates on the successful summer and winter seasons and the anticipated success for the upcoming season. Mr. Wiktor stated this is a very existing project and HoliMont, Inc. is always improving their facilities. Mr. Wiktor thanked Mr. Youmans and Mr. Drake for the overview.

-A **Motion** was made by Joseph Snyder and seconded by Michael Wimer to extend the Solar and Wind Moratorium until December 31, 2023. **All in Favor - Motion Carried.**

**\*CCIDA Financial Reports:**

-Approval of Financial Reports – June 2023. A **Motion** was made by Brent Driscoll seconded by Michael Wimer to accept the June 2023 Operating Statement as presented to the Board. **All in Favor - Motion Carried.**

*-July 2023 the Agency had no income. (The Agency will be receiving \$3,000 relating to the two applications that are on this agenda, however, that income will be booked in August.)*

*-General update on projects in process. The IDA currently has 10 Projects in the closing stage as well.*

**\*Executive Directors Reports:**

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

- ✓ Meeting with Hamburg IDA Executive Director.
- ✓ Meeting regarding GLC upcoming events.
- ✓ Meeting regarding Can Am at Buffalo Niagara.
- ✓ Meeting with Village of Cattaraugus and Upper Edge Consulting et al. regarding Village of Cattaraugus Project.
- ✓ Meeting with Hamburg IDA.
- ✓ Attend EDA Team Meeting.
- ✓ Meeting with Peggy Root from Cattaraugus County regarding FoxRes LLC.
- ✓ Meeting with Greg Fitzpatrick.
- ✓ Meeting in Cattaraugus with Cullen, Burr et al.
- ✓ Attend Ralph Wilson Foundation Meeting in Olean.
- ✓ Meeting with Jacob Tierney of Business First to discuss current projects.
- ✓ Meeting with Buffalo Peace House in Hamburg regarding GLC workforce project.
- ✓ Meeting with ESD regarding Steelbound expansion project.
- ✓ Meeting with Diana Cihak and Lori Northrup on Northrup expansion.
- ✓ Meeting with ECIDA regarding Office Space Work Development Group.
- ✓ Attend Olean Business Development Meeting.

- ✓ Meeting regarding possible Warehouse project in Olean.
- ✓ Meeting with ESD group on Steelbound project.
- ✓ Meeting with Camoin Associates for Cattaraugus County Entrepreneurial System Strategic Plan Building
- ✓ Meeting with Ellicottville Chamber of Commerce Executive Director.
- ✓ Meeting with Jennifer Sloth regarding GLC.
- ✓ Speak at Leadership Cattaraugus in Olean regarding The Future of Manufacturing in Cattaraugus County.
- ✓ Conference with Crystal Abers and Jason Miller regarding Job Fair.
- ✓ Conference with EDS and Diana Cihak regarding Steelbound updates.
- ✓ Conference with Richard Zink regarding Ontario Knife.
- ✓ Meeting regarding GLC county outreach.
- ✓ Meeting in Ellicottville with Steelbound and Diana Cihak.
- ✓ Conference with Kinley Corp. on upcoming project.

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

- ✓ **Fire Sale:** Article: *"Hydrocarbon demand is booming but Mr. Market hates oil and gas stocks."*
- ✓ **Area Development:** Article: *"Power-Intensive Site Selection."*
- ✓ **McKinsey Global Institute:** Article: *"Empty spaces and hybrid places: The pandemic's lasting impact on real estate."*
- ✓ **City and State New York:** Article: *"How will New York's cap-and-invest program shape up?"*
- ✓ **City and State New York:** Article: *"New York's green revolution is almost here."*
- ✓ **Camoin Associates:** Article: *"Beyond Abandonment: 10 Realistic Ways to Breathe New Life Into Brownfields."*
- ✓ **The Trading Chief:** Article: *"Is Global Warming a Real Concern? Not as much as you are led to believe."*
- ✓ **Federal Reserve Bank of New York:** Article: *"Empire State Manufacturing Survey."*
- ✓ Article: Industrial Development Agencies work on behalf of New York taxpayers to lessen the tax burden and increase economic opportunity.
- ✓ **Buffalo Niagara Partnership:** *"Preliminary Comments on NYCI".*

**Adjournment:**

A Motion was made by Michael Wimer seconded by Joseph Higgins to adjourn the meeting at 1:20 p.m. All in Favor – Motion Carried.

**\* Next CCIDA Board of Directors Meeting: September 12, 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 **IDA**

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

## 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:** North Delaware Holdings, LLC  
f/d/b/a  
 Applicant Name: Steelband Brewery + Distillery  
 Applicant Address: 6606 Bate 219  
 City/Town: Elliecottville State: New York Zip: 14731  
 Phone: HL 997-1444  
 E-mail: whursee@gmail.com

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

Corporation	<input type="checkbox"/>	Partnership	<input type="checkbox"/>
Public Corporation	<input type="checkbox"/>	Joint Venture	<input type="checkbox"/>
Sole Proprietorship	<input type="checkbox"/>	Limited Liability Company	<input checked="" type="checkbox"/>
Other (specify) _____			

Year Established: \_\_\_\_\_ State in which Organization is established: \_\_\_\_\_

C) **Individual Completing Application:** North Delaware Holdings, LLC d/b/a  
 Name: Steelband Brewery + Distillery  
 Title: - same as above  
 Address: 6606 Bate 219  
 City/Town: Elliecottville State: New York Zip: 14731  
 Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

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

Name: Bill Bursee, Jr.  
 Title: President/owner  
 Address: same as above  
 City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ E-Mail: wbursee@gmail.com

E) **Company Counsel:**

Name of Attorney: \_\_\_\_\_  
 Firm Name: Weyand and Weyand  
 Title: \_\_\_\_\_  
 Address: 113 W. Main Street, Suite A  
 City/Town: Cowanda State: NY Zip: 14070  
 Phone: 716-532-3361 E-Mail: \_\_\_\_\_

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

- |                                     |  |
|-------------------------------------|--|
| 1. Exemption from Sales Tax         | <input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No |
| 2. Exemption from Mortgage Tax      | <input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No |
| 3. Exemption from Real Property Tax | <input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No |
| 4. Tax Exempt Financing *           | <input type="checkbox"/> Yes or <input checked="" type="checkbox"/> 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: - See Attachment

Estimated % of sales within Cattaraugus County: 40%  
Estimated % of sales outside Cattaraugus County but within New York State: 40%  
Estimated % of sales outside New York State but within the U.S.: 20%  
Estimated % of sales outside the U.S.: TBD  
(\*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 20%

Identify vendors within Cattaraugus County for major purchases: Will provide

II. Eligibility Questionnaire - Project Description & Details

A) Project Location

Address of Proposed Project Facility: 6600 Route 219 + US 219  
City/Town: Elliottsville School District: Elliottsville Central School District  
SBL Number(s) for proposed Project \_\_\_\_\_

Current Address (if different): NA  
City/Town: NA

What are the current real estate taxes on the proposed Project site? 

40.1	43.4
\$ 5,270	\$ 4,217

Lot  
40.1  
43.4

If amount of current taxes is not available, provide assessed value for each  
Land: \$ 15,300 Buildings(s): \$ 220,000 *If available include a copy of current tax receipt.*  
" \$ 40,000 " \$ 180,000

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: \_\_\_\_\_

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

**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.):

- Please see Attachment A for complete description of project.

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: Erie, Pennsylvania.

Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?  Yes or  No. If yes, indicate the Agency and nature of the inquiry below: Empire State Development & Cattaraugus County E D P&T Dept.

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): Increasing the overall manufacturing space of the Brewing & Distilling for continued growth in sales, distribution & employment.

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:

NA

If the Applicant is unable to obtain financial assistance for the Project, what will be the impact on the Applicant and Cattaraugus County? Project wouldn't occur & jobs created wouldn't happen.



**C) Site Characteristics**

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

Describe the present zoning/land use: Commercial

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

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 checked="" type="checkbox"/>	Research/Design	<input type="checkbox"/>
Senior Housing	<input type="checkbox"/>	Retail	<input type="checkbox"/>
Facility for Aging	<input type="checkbox"/>	Warehousing	<input checked="" type="checkbox"/>
Industrial/Manufacturing	<input checked="" 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.

*(Store)* 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	18,600 <sup>+</sup>	\$4,000,000	55%
Warehouse	1,800	\$1,000,000	5%
Research & Development			
Commercial/Storage	\$2,500,000	5,000	40%
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: August 2023
2. Estimated completion date of project: March 2024 +/-
3. Project occupancy – estimated starting date of occupancy: March 2024

**E) Overall Project Costs**

Estimated costs in connection with Project:

1. Land and/or Building Acquisition \_\_\_\_\_ acres \_\_\_\_\_ square feet
2. New Building Construction 7,000 square feet \$ 3,500,000
3. New Building Addition(s) \_\_\_\_\_ square feet \$ \_\_\_\_\_
4. Infrastructure Work \_\_\_\_\_ square feet \$ \_\_\_\_\_
5. Reconstruction/Renovation 18,600 square feet \$ 4,500,000
6. Manufacturing Equipment \_\_\_\_\_ square feet \$ \_\_\_\_\_
7. Non-Manufacturing Equipment (furniture, fixtures, etc.) \_\_\_\_\_ square feet \$ \_\_\_\_\_
8. Soft Costs: (Legal, architect, engineering, etc.) \_\_\_\_\_ square feet \$ \_\_\_\_\_
9. Other, Specify: \_\_\_\_\_ square feet \$ \_\_\_\_\_

\$ 204 x 225.3 - lot size paid for.

TOTAL Costs: \$ 7,900,000

**Construction Cost Breakdown:**

Total Cost of Construction \$ 4,000,000 (sum of 2,3,4 and 5 above)  
 Cost of materials: \$ 3,500,000  
 % sourced in Cattaraugus County 05 %

Have any of the above costs been paid or incurred as of the date of this application?  Yes or  No  
 If yes, describe: Just the land, purchased in 2021.

**Sources of Funds for Project:**

Bank Financing	\$ 3,260,000
Equity (excluding equity that is attributed to grants/tax credits)	\$ 4,878,735
Public Sources (Include sum total of all state and federal grants and tax credits)	\$ 1,619,467
Identify each state and federal grant/credit: (i.e. Historic Tax Credit, New Market Tax Credit, Brownfield Cleanup Program, ESD, other public sources)	
<u>ESD</u>	\$ 730 - Tax credits.
<u>EDA</u>	\$ 730 - Abatement
_____	\$ _____
_____	\$ _____
Total Sources of Funds for Project Costs:	\$ _____

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

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

**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: \$ 6,000,000

Estimated State and Local Sales and Use Tax Benefit (multiply 8.0% by the figure, above): \$ 520,000

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

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

Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ 40,750 - <sup>of</sup> 3,260,000

Estimated Mortgage Recording Tax Exemption Benefit (multiply the mortgage amount as indicated above by 1.25 %): \$ 40,750

**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): 15 Year Manufacturing PILOT

**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.

- Will provide Cost Benefit Analysis.

**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)	30	30	15	ALL
Part Time (PT)	-	-	-	-
Total ***	30	30	15	ALL

\*\* 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					
Professional					
Administrative					
Production					
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.

→ Average Gross Salary reported = \$75,000

**Payroll Information:**

Annual Payroll at proposed project site upon project completion	\$	75,000	_____
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

N/A

*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? 25%%. 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 Craft brewing trades and skilled labor.

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? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.)
		\$ 520,600	\$ 40,750	TBD - ESD

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

Attachment A: Representations, Certifications and Indemnification

William Bursee (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Managing Member (title) of Shillhouse of Buffalo → (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: North Delaware Hold

- 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.:

William Burse, being first duly sworn, deposes and says:

1. That I am the Member (Corporate Office) of Steinway/W. DeWitt (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 27 day of July, 2023

  
 \_\_\_\_\_  
 (Notary Public)

KATHLEEN BARRY KANE  
 01KA4866586  
 Notary Public, State of New York  
 Qualified in Erie County  
 My commission expires AUGUST 4th, 2026

## Attachment B: CCIDA Insurance Requirements

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

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

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

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

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

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

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

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

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

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



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

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

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

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

**Workers Compensation/Disability Insurance:**

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

**Workers Compensation Forms**

**DBL (Disability Benefits Law) Forms**

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

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

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

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

## Attachment C: CCIDA Attorney Fee Schedule

### CCIDA Attorney Fees:

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

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

Attachment A:

Demand and popularity of Steelbound products continues to grow. In order to keep up with this demand and growth projections we have purchased 20 acres (including some commercial structures) adjacent to our current facility in Ellicottville, NY which will become our manufacturing campus. This will include: 1. Upgrading of an existing 18,600 sq. ft. space into a state of the art, automated manufacturing facility. of an existing 1,890 sq. ft. building will be expanded to 8,000 to 10,000 sq. and utilized for barrel storage and aging of produced spirits.

Brewery and Grain Storage: 5,000 sq. ft. expansion project will include adding a 55,000 lb grain silo along with a automated delivery system to allow for bulk purchasing of grain for the brewing and distilling process.

Project Name Steelbound Expansion II

Project Description Manufacturing Facility: Location: ~~6606~~ <sup>6600 + 45219</sup> Route 219, Ellicottville, NY 14731

Min. 18,600 sq. ft. Including: • Bottle recycling including grading, cleaning and sanitizing. • Canning Line capable of filling 60 cans/min. (8oz to 16oz.) Steelbound products as well as contract production and canning of other brands. • Bottling Line capable of filling 60 bottles/min. (50ml to 1.75L) Steelbound products as well as contract production and bottling of other brands. • Packaging and robotic palletizing. • Warehousing and Shipping • Building and manufacturing methods will utilize energy saving practices including LED lighting and heating via hot water generated during the production process. Barrel Storage: Location: 6606 Route 219, Ellicottville, NY 14731 This existing 1,890 sq. ft. building will be expanded to 8,000 to 10,000 sq. and utilized for barrel storage and aging of produced spirits. Brewery & Grain Storage Expansion: Location: 6600 Route 219, Ellicottville, NY 14731 This 5,000 sq. ft. expansion project will include adding a 55,000 lb. grain silo along with a automated delivery system to allow for bulk purchasing of grain for the brewing and distilling process. This allocation of bulk grain will allow us to be competitive in the marketplace taking our current grain cost from \$0.81 to \$0.90 per lb to \$0.31 to \$0.40 per lb based on 2022 grain costs) The Ellicottville Steelbound currently produces beer with a 15 bbl system. (1 bbl = 31 US Gal.) The annual production on the 15bbl system is approximately 2,700 bbl (83,700 gal). This expansion will include adding 75 bbl brewing tanks increasing the annual production to over 10,000 bbl (310,000 gal). The addition of this brewing and bulk grain facility will be crucial for Steelbound's growth and ability to stay competitive in the marketplace.

# Project Budget

Name	Projected Investment	Is Capital?	Year 1	Year 2	Year 3	Year 4	Year 5
Building Renovation	Building Renovation	Yes	\$3,105,000.00				
Design & Planning	Design & Planning	No	\$370,000.00				
Furniture / Fixtures / Equipment	Furniture / Fixtures / Equipment	Yes	\$225,000.00				
Production Machinery & Equipment	Production Machinery & Equipment	Yes	\$3,700,000.00				
<b>Total</b>		No	\$7,400,000.00				

# Application Completion

<b>Company Official</b>	
<b>Title</b>	Managing Partner
<b>Application Date</b>	3/28/2023 7:18 PM

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>North Delaware Holdings d/b/a Steelband Brewing + Distillery</i>			
Project Location (describe, and attach a location map): <i>6606 US Route 219 - And additional parcels.</i>			
Brief Description of Proposed Action: <i>- Please see Attachment A for a complete project description on project and associated parcels.</i>			
Name of Applicant or Sponsor: <i>North Delaware Holdings d/b/a Steelband Brewery</i>		Telephone: <i>763-997-1444</i>	
Address: <i>6600 US Route 219</i>		E-Mail: <i>wbusee@gmail.com</i>	
City/PO: <i>Elliottsville</i>	State: <i>NY</i>	Zip Code: <i>14731</i>	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: <i>ESD / IDA</i>		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>20.00±</i> acres <i>15.00±</i> acres <i>20.00±</i> acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			





14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>North Delaware Holdings, LLC d/b/a Steelband Brewery + Distillery</u>		
Signature: _____		Date: _____
Signature: _____		Title: <u>Member</u>



Project:

Date:

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

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

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

Project:

Date:

### **Short Environmental Assessment Form Part 3 Determination of Significance**

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

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
County of Cattaraugus Industrial Development Agency <hr/> Name of Lead Agency	9-12-23 <hr/> Date
Corey R. Wiktor <hr/> Print or Type Name of Responsible Officer in Lead Agency	Executive Director <hr/> Title of Responsible Officer
 <hr/> Signature of Responsible Officer in Lead Agency	<hr/> Signature of Preparer (if different from Responsible Officer)

### Attachment A:

Demand and popularity of Steelbound products continues to grow. In order to keep up with this demand and growth projections we have purchased 20 acres (including some commercial structures) adjacent to our current facility in Ellicottville, NY which will become our manufacturing campus. This will include: 1. Upgrading of an existing 18,600 sq. ft. space into a state of the art, automated manufacturing facility. of an existing 1,890 sq. ft. building will be expanded to 8,000 to 10,000 sq. and utilized for barrel storage and aging of produced spirits.

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Project Name Steelbound Expansion II

Project Description Manufacturing Facility: Location: 6606 Route 219, Ellicottville, NY 14731

Min. 18,600 sq. ft. Including: • Bottle recycling including grading, cleaning and sanitizing. • Canning Line capable of filling 60 cans/min. (8oz to 16oz.) Steelbound products as well as contract production and canning of other brands. • Bottling Line capable of filling 60 bottles/min. (50ml to 1.75L) Steelbound products as well as contract production and bottling of other brands. • Packaging and robotic palletizing. • Warehousing and Shipping • Building and manufacturing methods will utilize energy saving practices including LED lighting and heating via hot water generated during the production process. Barrel Storage: Location: 6606 Route 219, Ellicottville, NY 14731 This existing 1,890 sq. ft. building will be expanded to 8,000 to 10,000 sq. and utilized for barrel storage and aging of produced spirits. Brewery & Grain Storage Expansion: Location: 6600 Route 219, Ellicottville, NY 14731 This 5,000 sq. ft. expansion project will include adding a 55,000 lb. grain silo along with a automated delivery system to allow for bulk purchasing of grain for the brewing and distilling process. This allocation of bulk grain will allow us to be competitive in the marketplace taking our current grain cost from \$0.81 to \$0.90 per lb to \$0.31 to \$0.40 per lb based on 2022 grain costs) The Ellicottville Steelbound currently produces beer with a 15 bbl system. (1 bbl = 31 US Gal.) The annual production on the 15bbl system is approximately 2,700 bbl (83,700 gal). This expansion will include adding 75 bbl brewing tanks increasing the annual production to over 10,000 bbl (310,000 gal). The addition of this brewing and bulk grain facility will be crucial for Steelbound's growth and ability to stay competitive in the marketplace.

# Project Budget

Name	Projected Investment	Is Capital?	Year 1	Year 2	Year 3	Year 4	Year 5
Building Renovation	Building Renovation	Yes	\$3,105,000.00				
Design & Planning	Design & Planning	No	\$370,000.00				
Furniture / Fixtures / Equipment	Furniture / Fixtures / Equipment	Yes	\$225,000.00				
Production Machinery & Equipment	Production Machinery & Equipment	Yes	\$3,700,000.00				
<b>Total</b>		No	\$7,400,000.00				

# Application Completion

<b>Company Official</b>	
<b>Title</b>	Managing Partner
<b>Application Date</b>	3/28/2023 7:18 PM











MRB Cost Benefit Calculator

Date: September 6, 2023  
 Project Title: Steelbound Brewery & Distillery  
 Project Location: 6606 Route 219, Elicottville NY

Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

Project Total Investment  
 \$7,500,000

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	9	3	12
Earnings	\$686,873	\$142,450	\$829,323
Local Spend	\$1,875,000	\$518,218	\$2,393,218

	Ongoing (Operational) Aggregate over life of the PILOT		
	Direct	Indirect	Total
Jobs	45	24	69
Earnings	\$55,171,119	\$51,099,970	\$106,271,088

Figure 1

Net Benefits



Figure 2

Total Jobs



Figure 3

Total Earnings



# Fiscal Impacts



## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$772,118	\$656,589
Sales Tax Exemption	\$520,000	\$520,000
Local Sales Tax Exemption	\$260,000	\$260,000
State Sales Tax Exemption	\$260,000	\$260,000
Mortgage Recording Tax Exemption	\$40,750	\$40,750
Local Mortgage Recording Tax Exemption	\$24,450	\$24,450
State Mortgage Recording Tax Exemption	\$16,300	\$16,300
<b>Total Costs</b>	<b>\$1,332,868</b>	<b>\$1,217,339</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$107,869,894</b>	<b>\$91,618,328</b>
<b>To Private Individuals</b>	<b>\$107,100,411</b>	<b>\$90,964,755</b>
Temporary Payroll	\$829,323	\$829,323
Ongoing Payroll	\$106,271,089	\$90,135,432
Other Payments to Private Individuals	\$0	\$0
<b>To the Public</b>	<b>\$769,482</b>	<b>\$653,573</b>
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$5,805	\$5,805
Ongoing Jobs - Sales Tax Revenue	\$743,698	\$630,948
Other Local Municipal Revenue	\$19,779	\$16,820
<b>State Benefits</b>	<b>\$5,569,221</b>	<b>\$4,730,167</b>
<b>To the Public</b>	<b>\$5,569,221</b>	<b>\$4,730,167</b>
Temporary Income Tax Revenue	\$37,320	\$37,320
Ongoing Income Tax Revenue	\$4,782,799	\$4,056,094
Temporary Jobs - Sales Tax Revenue	\$5,805	\$5,805
Ongoing Jobs - Sales Tax Revenue	\$743,698	\$630,948
<b>Total Benefits to State &amp; Region</b>	<b>\$113,439,115</b>	<b>\$96,348,495</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$91,618,328	\$941,039	97:1
State	\$4,730,167	\$276,300	17:1
<b>Grand Total</b>	<b>\$96,348,495</b>	<b>\$1,217,339</b>	<b>79:1</b>

\*Discounted at 2%

### Additional Comments from IDA

Other Local Municipal Revenue represents Fire District Tax:  
15 year manufacturing PILOT - 100% exempt years 1-15, full value begins year 16.

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

## PUBLIC HEARING SCRIPT

North Delaware Holdings, LLC d/b/a  
Steelbound Brewery & Distillery and/or  
Individual(s) or Affiliate(s),  
Subsidiary(ies), or Entity(ies) formed or  
to be formed on its behalf Project

Public Hearing to be held on August 24, 2023 at 9:00 a.m.  
at the Agency's offices, 9 East Washington Street, Ellicottville, New York

### ATTENDANCE:

Corey R. Wiktor

Members of the General Public

### 1. WELCOME: Call to Order and Identity of Hearing Officer.

Hearing Officer: Welcome. This public hearing is now open; it is 9:00 a.m. My name is Corey R. Wiktor. I am the Executive Director of the County of Cattaraugus Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at [www.ccidanv.com](http://www.ccidanv.com).

### 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the North Delaware Holdings, LLC d/b/a Steelbound Brewery & Distillery and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf. This public hearing is being recorded and will be transcribed for the Board Members of the Agency for their review and comments before they take any further action. We have a sign in sheet for anyone who would like to participate in this public hearing either by presenting oral comments or we would be happy to take written statements. Notice of this hearing appeared in Olean Times Herald on Friday, August 11, 2023.

### 3. PROJECT SUMMARY: Description of Project and Contemplated Agency Benefits.

Hearing Officer: The proposed project (the "Project") consists of: (i) the acquisition by the Agency of a leasehold interest in certain property located at 6600 US Route 219 and US Route 219 in the Town of Ellicottville, Cattaraugus County, New York (the "Land"), (ii) the renovation of an existing 18,600+/- sq. ft. facility into a state of the art automated manufacturing facility as well as the expansion of an existing 1,890+/- sq. ft. building



into an 8,000-10,000+/- sq. ft. facility for barrel storage and aging of produced spirits and an additional 5,000+/- sq. ft. expansion to include the addition of a 55,000 lb. grain silo along with an automated delivery system to allow for bulk purchasing of grain for brewing and distilling process (the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Project Facility").

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits, mortgage recording tax exemption benefits, and real property tax abatement benefits (in compliance with Agency's uniform tax exemption policy).

**4. FORMAT OF HEARING:** Review rules and manner in which the hearing will proceed.

*Hearing Officer:* All those who have joined this conference call will be given an opportunity to make statements and/or comments on the Project if they so desire.

Minutes of the Public Hearing will be transcribed and posted on the Agency's website ([www.cattcoida.com](http://www.cattcoida.com)). Additional information can be obtained from, and written comments may be addressed to: Corey R. Wiktor, Executive Director, County of Cattaraugus Industrial Development Agency, 9 East Washington Street, P.O. Box 1749, Ellicottville, New York 14731; Telephone: 716-699-2005 and electronically at [corey@cattcoida.com](mailto:corey@cattcoida.com) or [Info@cattcoida.com](mailto:Info@cattcoida.com).

**5. PUBLIC COMMENT:** Hearing Officer gives the Public an opportunity to speak.

*Hearing Officer:* Those interested in making a statement or comment will be called upon. Please begin by stating your name and address; if you are representing a company, please identify the company. I request that speakers keep statements and/or comments to 5 minutes, and if possible, 3 minutes.

**The Hearing Moderator introduces each participant in the order they registered for this meeting.**

[Insert transcription of public comments here.]

-OR-

*Hearing Officer:* Note that no one in attendance wished to make a statement or comment.

**6. ADJOURNMENT:**

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 9:15 a.m.

- No comments prior, at or after Public Hearing. CRW





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

**NORTH DELAWARE HOLDINGS, LLC DBA STEELBOUND BREWERY &  
DISTILLERY, 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, September 12, 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 NORTH DELAWARE HOLDINGS, LLC DBA STEELBOUND BREWERY & DISTILLERY, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

**WHEREAS**, County of Cattaraugus Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 536 of the 1971 Laws of New York, as amended, constituting Section 890-b of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving,

maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

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

**WHEREAS**, the Company has submitted an application to the Agency (the “Application”) requesting the Agency’s assistance with a certain project (the “Project”) consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located at 6600 US Route 219 and US Route 219 in the Town of Ellicottville, Cattaraugus County, New York (the “Land”), (ii) the renovation of an existing 18,600+/- sq. ft. facility into a state of the art automated manufacturing facility as well as the expansion of an existing 1,890+/- sq. ft. building into an 8,000-10,000+/- sq. ft. facility for barrel storage and aging of produced spirits and an additional 5,000+/- sq. ft. expansion to include the addition of a 55,000 lb. grain solo along with an automated delivery system to allow for bulk purchasing of grain for brewing and distilling process (the “Improvements”); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”; and, together with the Land and the Improvements, the “Project Facility”); and

**WHEREAS**, pursuant to General Municipal Law Section 859-a, on August 24, 2023 at 9:00 a.m. at the Agency’s offices, 9 East Washington Street, Ellicottville, New York, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the “Public Hearing”) whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

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

the mortgage recording tax exemption benefit, and the partial abatement from real property taxes benefit, are hereinafter collectively referred to as the "Financial Assistance"); and

**WHEREAS**, pursuant to and in accordance with applicable provisions of the State Environmental Quality Review Act ("SEQR"), the Company has submitted to the Agency a Short Environmental Assessment Form (the "EAF") with respect to the Project; and

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

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

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

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

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

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

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

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

the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the 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; and

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

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

- (i) Extent to which the Project will create or retain jobs: The Project will retain 30 FTE employee positions and create 15 new FTE employee positions.
- (ii) The estimated total value of Financial Assistance is approximately \$1,332,868 over the 15-year real property tax abatement benefit period.
- (iii) The estimated amount of private sector investment to be made by the Company is \$7,500,000.
- (iv) Likelihood of the Project being accomplished in a timely fashion: There is a high likelihood that the Project will be completed in a timely manner, by approximately March 2024.



- (v) Extent of new revenue provided to local taxing jurisdictions: The Project is anticipated to result in over \$769,000 in new real property tax and sales tax revenue
- (vi) The extent to which the Project will create local construction jobs. The Company will utilize local construction contractors to the extent, if at all, required.

Section 2. The Agency hereby authorizes the undertaking of the Project and the provision of 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 \$6,500,000, 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 \$520,000, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

(ii) authorizes and approves that the value of the mortgage recording tax exemption benefit ("mortgage recording tax exemption benefits") shall not exceed \$40,750; and

(iii) authorizes and approves that the real property tax abatement benefits ("PILOT benefits") to be provided over the term of the PILOT Agreement are estimated

to be approximately \$772,118, resulting in estimated total PILOT payments of \$90,487 over the term of the PILOT Agreement.

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

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

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

- (i) Investment Commitment - the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$7,500,000 being the total project cost as stated in the Company's application for Financial Assistance.
- (ii) Employment Commitment – that there are at least 30 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 45 FTE employees [representing the sum of (x) 30 Baseline FTE and (y) 15 FTE employees, (being the 15 new FTE employee positions proposed to be created by the Company as stated in its Application)].

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

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

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

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

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

Dated: September 12, 2023

# APPLICATION FOR FINANCIAL ASSISTANCE

COUNTY OF  
CATTARAUGUS **IDA**

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

## 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: Kinley Contractors LLC/Kinley Investments  
Applicant Address: 3295 Maple Ave  
City/Town: Allegany State: NY Zip: 14706  
Phone: 716-372-4534  
E-mail: mgiardini@kinleycontractors.com

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

Corporation	<input type="checkbox"/>	Partnership	<input type="checkbox"/>
Public Corporation	<input type="checkbox"/>	Joint Venture	<input type="checkbox"/>
Sole Proprietorship	<input type="checkbox"/>	Limited Liability Company	<input checked="" type="checkbox"/>
Other (specify)			
Year Established:	<u>1895</u>	State in which Organization is established:	<u>Delaware</u>

### C) Individual Completing Application:

Name: Mike Giardini  
Title: Chief Operating Officer  
Address: 3295 Maple Ave  
City/Town: Allegany State: NY Zip: 14706  
Phone: 716-372-4534 E-Mail: mgiardini@kinleycontractors.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: Edgar McQueen  
Firm Name: FrostBrown Todd LLP  
Title: Attorney  
Address: Rosewood Court 2102 Cedar Springs Road, Suite 900  
City/Town: Dallas State: TX Zip: 75201  
Phone: 214-580-8634 E-Mail: emcqueen@fbtlaw.com

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

- |                                     |                                     |     |    |                                     |    |
|-------------------------------------|-------------------------------------|-----|----|-------------------------------------|----|
| 1. Exemption from Sales Tax         | <input checked="" type="checkbox"/> | Yes | or | <input type="checkbox"/>            | No |
| 2. Exemption from Mortgage Tax      | <input checked="" type="checkbox"/> | Yes | or | <input type="checkbox"/>            | No |
| 3. Exemption from Real Property Tax | <input checked="" type="checkbox"/> | Yes | or | <input type="checkbox"/>            | No |
| 4. Tax Exempt Financing *           | <input type="checkbox"/>            | Yes | or | <input checked="" type="checkbox"/> | 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: Please see the attached page

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Estimated % of sales within Cattaraugus County: 73%  
Estimated % of sales outside Cattaraugus County but within New York State: 22%  
Estimated % of sales outside New York State but within the U.S.: 5%  
Estimated % of sales outside the U.S.: 0%  
(\*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 85% %

Identify vendors within Cattaraugus County for major purchases:  
Home depot of Olean, Closes Lumber, Worth Smith, Hanson Aggregates

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

A) Project Location

Address of Proposed Project Facility: 2383 West 5 Mile Road  
City/Town: Allegany School District: Allegany Limestone  
SBL Number(s) for proposed Project 93.002-2-5

Current Address (if different): 3295 Maple Ave  
City/Town: Allegany

What are the current real estate taxes on the proposed Project site? \$10,271.70  
If amount of current taxes is not available, provide assessed value for each  
Land: \$ \$19,500.00 Buildings(s): \$ \$280,500.00 *If available include a copy of current tax receipt.*

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

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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:  
Events Center

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

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**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.):

Please see attached page.

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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:

It helps us to keep jobs and business competitive in New York with ever increasing cost.

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):

See attached page.

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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:

It helps us to keep jobs and business competitive in New York with ever increasing cost.

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

C) Site Characteristics

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

Describe the present zoning/land use: COM 1

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 checked="" 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 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	5,000	\$820,000	36%
Research & Development			
Commercial			
Retail (see retail questionnaire)			
Office	10,120	\$1,486,000	64%
Renewable Energy			
Specify Other			

What is the estimated project timetable (provide dates):

1. Start date: acquisition of equipment or construction of facilities: September 2023
2. Estimated completion date of project: September 2025
3. Project occupancy – estimated starting date of occupancy: January 1st, 2024

**E) Overall Project Costs**

Estimated costs in connection with Project:

1. Land and/or Building Acquisition 9.36 acres 10,120 square feet \$ 725,000.00
2. New Building Construction 5,000 square feet \$ 750,000.00
3. New Building Addition(s) \_\_\_\_\_ square feet \$ N/A
4. Infrastructure Work \$ 200,000.0
5. Reconstruction/Renovation 10,120 square feet \$506,000.00
6. Manufacturing Equipment \$ 50,000.00
7. Non-Manufacturing Equipment (furniture, fixtures, etc.) \$ 100,000.00
8. Soft Costs: (Legal, architect, engineering, etc.) \$ 25,000.00
9. Other, Specify: \_\_\_\_\_ \$ \_\_\_\_\_

TOTAL Costs: \$2,356,000.00

**Construction Cost Breakdown:**

Total Cost of Construction \$ 1,256,000.00 (sum of 2,3,4 and 5 above)  
 Cost of materials: \$ 565,000.00  
 % sourced in Cattaraugus County 80% %

Have any of the above costs been paid or incurred as of the date of this application?  Yes or  No  
 If yes, describe: Purchased land and building.



**Sources of Funds for Project:**

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

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

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

**Sales and Use Tax Benefit:** Gross amount of costs for goods and services that are subject to State and Local Sales and Use Tax - said amount to benefit from the Agency's sales and use tax exemption benefit: \$ 1,631,000

Estimated State and Local Sales and Use Tax Benefit (multiply 8.0% by the figure, above): \$ 130,480

*\*\* 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): \$ \$2,356,000.00

Estimated Mortgage Recording Tax Exemption Benefit (multiply the mortgage amount as indicated above by 1.25 %): \$ 29,450.00

**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)	41	41	15	15
Part Time (PT)	3	3	3	3
Total ***	44	44	18	18

\*\* 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	110k	40k		
Professional	15	85k	30k		
Administrative	5	40k	15k		
Production	17	55k	15k		
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	\$	633,600.00	
Estimated average annual salary of jobs to be retained (full time)	\$	60,000.00	
Estimated average annual salary of jobs to be retained (part time)	\$	0	
Estimated average annual salary of jobs to be created (full time)	\$	63,000.00	
Estimated average annual salary of jobs to be created (part time)	\$	0	
Estimated salary range of jobs to be created			
From (full time)	\$	41,600.00	To (full time) \$ 93,600.00
From (part time)	\$	0	To (part time) \$ 0

### 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? \_\_\_\_\_%. If the answer is less than 33% do not complete the remainder of the retail determination and proceed to Inter-Municipal Move Determination.

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

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

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

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

## V. Inter-Municipal Move Determination

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

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

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

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

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

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

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

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

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

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

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

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

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

Property (Address)

Reason

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

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

**PILOT Estimate Table Worksheet**

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

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

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

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

## Attachment A: Representations, Certifications and Indemnification

Michael W. Giardini (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Chief Operating Officer (title) of Kinley Contractors, LLC (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.



**Attachment B: CCIDA Insurance Requirements**

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

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

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

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

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

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

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

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

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

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



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

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

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

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

**Workers Compensation/Disability Insurance:**

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

**Workers Compensation Forms**

**DBL (Disability Benefits Law) Forms**

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

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

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

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



Attachment C: CCIDA Attorney Fee Schedule

CCIDA Attorney Fees:

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

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

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

Describe in detail the company's background, history, products, and customers. The description is critical in determining eligibility:

- Kinley Contractors has deep roots in Cattaraugus County, dating back six generations to 1895. Kinley started in tanneries and timber, transitioning to gas and oil in the early 1900s. In the 1980s, Kinley expanded oil and gas operations outside of NYS (Nebraska, Oklahoma, and Texas), leading to the acquisition and fuel terminal management in Texas and the establishment of Kinley Construction Group (KCG). KCG is a nationally recognized general contractor serving the industrial and mechanical fueling industries. In the late 1990's Kinley Contractors, a general contracting company serving Western NY and Northwestern Pennsylvania was established and based in Allegany, NY. Since the early 1990's Kinley Contractors has been on a growing trajectory with expanded service areas and increased employment opportunities. Kinley Contractors' goal is to be the premium General Contractor in the country. It has recently expanded by adding a KATS (Kinley Applied Service Technologies) and a General Contracting division that travels nationwide. We intend to increase our annual sales by 250% by 2028 and 500% by 2033. Our current growth trajectory requires more space. Locally, we specialize in Preconstruction Consulting, Design-Build Construction, Pre-Engineered Metal Buildings, and General Contracting Services with plans to expand into renewable energy, service and maintenance, and construction management. In the Cattaraugus County area, we service and support multiple clients, subcontractors, and vendors, helping to support local jobs and commerce in the area. Some of our partners include Iroquois Insurance, Napoleon Engineering Services, Universal Primary Care, YMCA of the Twin Tiers, ACME Business Solutions, and Allegany Crossings LLC. , Olean BOCES, Allegany-Limestone Central Schools, Olean Schools, Intandem, Jamestown Community College Olean, Mazza, Kel Kur Electric, Paint Medics, Close's Lumber, Home Depot of Olean, Worth Smith, and many more.

#### **b) Project Description**

1.) We will make approximately 10,120 sq feet of renovations for new office space, with exterior improvements and roughly a 5,000 sq foot new metal building for a shop. Possible future fabrication of multi-use units.

- 2.) Agency's Financial Assistance: Kinley Contractors is requesting assistance to help offset the extensive cost of the expansion/relocation, required renovations, and new construction for our new Corporate Headquarters in Allegany, NY. Kinley has outgrown our current location, and our communication and collaboration, internal and external, are limited due to a prohibitive layout and existing design. Additionally, we require more offices and meeting space for our growing business. We need to add several offices, two conference rooms, and other meeting areas for our company to function proficiently. We intend to renovate the existing open floor plan and renovate the existing facility into a modern and more efficient office space. Additionally, we plan to construct a 5,000-square-foot workshop for equipment storage and manufacturing and fabrication of modular multi-use buildings. This will allow our current and future employees more accessible access to their Team leaders and supervisors and will enable us to organize our

internal teams (Project Management, Operations, Accounting, and Administration) in closer proximity. This will permit more effective and timely communication, helping us to provide our services more competently to our clients and increase production. Assisting Kinley in relocating and expanding our headquarters will allow us to continue and accelerate our growth, allowing for additional opportunities for employment and additional revenue being infused into the local economy through expanded and more efficient service being provided to our clients and partners. By financially assisting us, it will allow us to invest additional money into our company sooner rather than later and accelerate our growth potential.

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

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

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

Part 1 - Project and Sponsor Information																		
Name of Action or Project: <span style="font-size: 1.2em;">Kinley Contractors LLC. / Kinley Investments</span>																		
Project Location (describe, and attach a location map): <span style="font-size: 1.2em;">2383 W. Five mile Road Allegany, NY 14706</span>																		
Brief Description of Proposed Action: <span style="font-size: 1.2em;">- Purchase existing facility and also remodel (interior) 10,120 sq. ft. of space into office space. Also construct a 5,400 sq. ft. shop on the grounds used for storage/garage.</span>																		
Name of Applicant or Sponsor: <span style="font-size: 1.2em;">Kinley Contractors LLC. / Kinley Investments.</span>		Telephone: <span style="font-size: 1.2em;">716-372-4534</span>																
Address: <span style="font-size: 1.2em;">3295 Maple Avenue</span>		E-Mail: <span style="font-size: 1.2em;">mggardini@kinleycontractors.com</span>																
City/PO: <span style="font-size: 1.2em;">Allegany</span>		State: <span style="font-size: 1.2em;">NY</span>	Zip Code: <span style="font-size: 1.2em;">14706</span>															
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
NO	YES																	
<input type="checkbox"/>	<input checked="" type="checkbox"/>																	
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: <span style="font-size: 1.2em;">Town of Allegany.</span>			<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
NO	YES																	
<input type="checkbox"/>	<input checked="" type="checkbox"/>																	
3. a. Total acreage of the site of the proposed action?		<span style="font-size: 1.2em;">9.36</span> acres																
b. Total acreage to be physically disturbed?		<span style="font-size: 1.2em;">less 1</span> acres																
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<span style="font-size: 1.2em;">9.36</span> acres																
4. Check all land uses that occur on, are adjoining or near the proposed action:																		
<table style="width: 100%;"> <tr> <td><input type="checkbox"/> Urban</td> <td><input type="checkbox"/> Rural (non-agriculture)</td> <td><input type="checkbox"/> Industrial</td> <td><input checked="" type="checkbox"/> Commercial</td> <td><input checked="" type="checkbox"/> Residential (suburban)</td> </tr> <tr> <td><input type="checkbox"/> Forest</td> <td><input type="checkbox"/> Agriculture</td> <td><input type="checkbox"/> Aquatic</td> <td colspan="2"><input type="checkbox"/> Other(Specify):</td> </tr> <tr> <td colspan="5"><input type="checkbox"/> Parkland</td> </tr> </table>				<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential (suburban)	<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other(Specify):		<input type="checkbox"/> Parkland				
<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential (suburban)														
<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other(Specify):															
<input type="checkbox"/> Parkland																		

5. Is the proposed action,		NO	YES	N/A
a. A permitted use under the zoning regulations?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES	
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
b. Are public transportation services available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: <u>NA</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES	
If No, describe method for providing potable water: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____				
_____				
_____				



14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe:		
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor/name: <u>Kinley Contractors, LLC</u> <u>Michael W. Giardini</u> Date: _____ Signature: <u>Michael W. Giardini</u> Title: <u>CDD</u>		

Project: Date: 

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

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

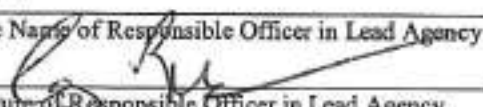
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity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

Project:

Date:

### **Short Environmental Assessment Form Part 3 Determination of Significance**

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

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
County of Cattaraugus Industrial Development Agency	<u>9-12-23</u>
Name of Lead Agency	Date
Corey R. Wiktor	Executive Director
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
 Signature of Responsible Officer in Lead Agency	 Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

## MRB Cost Benefit Calculator

Cattaraugus County Industrial Development Agency

Date:   
 Project Title:   
 Project Location:

### Construction Phase - Project Assumptions

**Project Costs**

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

**Project Costs**  
 Value  
  
 %

**Construction Economic Impacts**

Industry	NAICS	% of Total Investment	Investment by Type
Industrial Building Construction	236210	100%	\$1,884,800
(Not Applicable)	0		\$0
(Not Applicable)	0		\$0
		100%	\$1,884,800

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
Industrial Building Construction	236210	6	\$110,000	\$660,000
Industrial Building Construction	236210	7	\$85,000	\$1,275,000
Industrial Building Construction	236210	5	\$40,000	\$200,000
Industrial Building Construction	236210	17	\$55,000	\$935,000
0	0			\$0
0	0			\$0
		<b>Total</b>		<b>\$3,070,000</b>

Year 2	NAICS	Count	Per Job Annual Earnings	Total Earnings
Industrial Building Construction	236210	7	\$110,000	\$770,000
Industrial Building Construction	236210	16	\$85,000	\$1,360,000
Industrial Building Construction	236210	6	\$40,000	\$240,000
Industrial Building Construction	236210	33	\$55,000	\$1,815,000
0	0			\$0
0	0			\$0
		<b>Total</b>		<b>\$4,185,000</b>

Year 3+ (Full Employment)	NAICS	Count	Per Job Annual Earnings	Total Earnings
Industrial Building Construction	236210	7	\$110,000	\$770,000
Industrial Building Construction	236210	16	\$85,000	\$1,360,000
Industrial Building Construction	236210	6	\$40,000	\$240,000
Industrial Building Construction	236210	33	\$55,000	\$1,815,000
0	0			\$0
0	0			\$0
		<b>Total</b>		<b>\$4,185,000</b>

### Total Impact Assumptions

**Estimated Costs of Incentives**

Sales Tax Exemption	%	Value	PLOT Term (Years)	<input type="text" value="10"/>
Local Sales Tax Rate	<input type="text" value="4.00%"/>	<input type="text" value="\$55,240"/>	Escalation Factor	<input type="text" value="2%"/>
State Sales Tax Rate	<input type="text" value="4.00%"/>	<input type="text" value="\$55,240"/>	Discount Factor	<input type="text" value="2%"/>
Mortgage Recording Tax Exemption		<input type="text" value="\$29,650"/>		
Local	<input type="text" value="0.75%"/>	<input type="text" value="\$17,670"/>		
State	<input type="text" value="0.90%"/>	<input type="text" value="\$11,780"/>		
<b>Total Costs</b>		<input type="text" value="\$237,020"/>		







## PUBLIC HEARING SCRIPT

**Kinley Contractors, LLC and/or  
Individual(s) or Affiliate(s),  
Subsidiary(ies), or Entity(ies) formed or  
to be formed on its behalf Project**

Public Hearing to be held on August 24, 2023 at 11:30 a.m., at the Town of Allegany Town Hall,  
52 West Main Street, Allegany, New York 14706

### ATTENDANCE:

Corey R. Wiktor

Members of the General Public

### 1. WELCOME: Call to Order and Identity of Hearing Officer.

Hearing Officer: Welcome. This public hearing is now open; it is 11:30 a.m. My name is Corey R. Wiktor. I am the Executive Director of the County of Cattaraugus Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at [www.ccidanv.com](http://www.ccidanv.com).

### 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the Kinley Contractors, LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf. This public hearing is being recorded and will be transcribed for the Board Members of the Agency for their review and comments before they take any further action. We have a sign in sheet for anyone who would like to participate in this public hearing either by presenting oral comments or we would be happy to take written statements. Notice of this hearing appeared in Olean Times Herald on Friday, August 11, 2023.

### 3. PROJECT SUMMARY: Description of Project and Contemplated Agency Benefits.

Hearing Officer: The proposed project (the "Project") consists of: (i) the acquisition by the Agency of a leasehold interest in certain property located at 2383 West 5 Mile Road Extension in the Town of Allegany, Cattaraugus County, New York (the "Land"), (ii) renovation of approximately 10,120+/- SF of existing office space into several offices, two conference rooms and other meeting areas as well as the construction of a 5,000+/- SF workshop for equipment storage and manufacturing and fabrication of modular multi-

use buildings (the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Project Facility").

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits, mortgage recording tax exemption benefits, and real property tax abatement benefits (in compliance with Agency's uniform tax exemption policy).

**4. FORMAT OF HEARING:** Review rules and manner in which the hearing will proceed.

*Hearing Officer:* All those who have joined this conference call will be given an opportunity to make statements and/or comments on the Project if they so desire.

Minutes of the Public Hearing will be transcribed and posted on the Agency's website ([www.cattcoida.com](http://www.cattcoida.com)). Additional information can be obtained from, and written comments may be addressed to: Corey R. Wiktor, Executive Director, County of Cattaraugus Industrial Development Agency, 9 East Washington Street, P.O. Box 1749, Ellicottville, New York 14731; Telephone: 716-699-2005 and electronically at [corey@cattcoida.com](mailto:corey@cattcoida.com) or [Info@cattcoida.com](mailto:Info@cattcoida.com).

**5. PUBLIC COMMENT:** Hearing Officer gives the Public an opportunity to speak.

*Hearing Officer:* Those interested in making a statement or comment will be called upon. Please begin by stating your name and address; if you are representing a company, please identify the company. I request that speakers keep statements and/or comments to 5 minutes, and if possible, 3 minutes.

**The Hearing Moderator introduces each participant in the order they registered for this meeting.**

[Insert transcription of public comments here.]

-OR-

*Hearing Officer:* Note that no one in attendance wished to make a statement or comment.

**6. ADJOURNMENT:**

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 11:45 a.m.

- No prior comments, nor any at Hearing or after.





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

**KINLEY CONTRACTORS, 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, September 12, 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 KINLEY CONTRACTORS, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

**WHEREAS**, County of Cattaraugus Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 536 of the 1971 Laws of New York, as amended, constituting Section 890-b of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and



industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

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

**WHEREAS**, the Company has submitted an application to the Agency (the "Application") requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located at 2383 West 5 Mile Road Extension in the Town of Allegany, Cattaraugus County, New York (the "Land"), (ii) renovation of approximately 10,120+/- SF of existing office space into several offices, two conference rooms and other meeting areas as well as the construction of a 5,000+/- SF workshop for equipment storage and manufacturing and fabrication of modular multi-use buildings (the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Project Facility"); and

**WHEREAS**, pursuant to General Municipal Law Section 859-a, on August 24, 2023, at 11:30 a.m., at the Town of Allegany Town Hall, 52 West Main Street, Allegany, New York 14706, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the "Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

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

**WHEREAS**, pursuant to and in accordance with applicable provisions of the State Environmental Quality Review Act ("SEQR"), the Company has submitted to the Agency a Short Environmental Assessment Form (the "EAF") with respect to the Project; and

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

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

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

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

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

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

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

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

(I) The Project involves an "Unlisted Action" as said term is defined pursuant to 6 N.Y.C.R.R. Section 617.2(a1) of the SEQRA regulations. The Agency has conducted an uncoordinated review of the Project pursuant to 6 N.Y.C.R.R. Section 617.6(b)(4)(i). Based upon a comprehensive and thorough review by the Agency of the EAF and related documents delivered by the Company to the Agency, the criteria set forth in 6 N.Y.C.R.R. Section 617.7 of the SEQRA regulations, and the additional representations made by the Company to the Agency in connection with the Project, the Agency hereby finds that the Project will not have a potential significant adverse environmental impact warranting the preparation of an environmental impact statement. The Agency thus issues a "negative declaration" as that term is defined pursuant to 6 N.Y.C.R.R. Section 617.2(z); and

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

- (i) Extent to which the Project will create or retain jobs: The Project will retain 41 FTE employee positions and create 15 new FTE employee position.
- (ii) The estimated total value of Financial Assistance is approximately \$237,050 over the 10-year real property tax abatement benefit period.
- (iii) The estimated amount of private sector investment to be made by the Company is \$2,356,000.
- (iv) Likelihood of the Project being accomplished in a timely fashion: There is a high likelihood that the Project will be completed in a timely manner, by September 2025.
- (v) Extent of new revenue provided to local taxing jurisdictions: It is expected that the Project will produce over \$447,394 of new property tax and 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 Financial Assistance to the Company as described herein.

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

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

- (i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$1,631,000, 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 \$130,480 however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

- (ii) authorizes and approves that the value of the mortgage recording tax exemption benefit ("mortgage recording tax exemption benefits") shall not exceed \$29,450; and

- (iii) authorizes and approves that the real property tax abatement benefits ("PILOT benefits") to be provided over the term of the PILOT Agreement are estimated to be approximately \$77,120, resulting in estimated total PILOT payments of \$174,526 over the term of the PILOT Agreement.

B. Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover



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

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

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

- (i) Investment Commitment - the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$2,356,000, being the total project cost as stated in the Company's application for Financial Assistance.
- (ii) Employment Commitment – that there are at least 41 existing full time equivalent (“FTE”) employees located at, or to be located at, and 3 part time equivalent (“PTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and
  - the number of current FTE 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 56 FTE employees [representing the sum of (x) 41 Baseline FTE and (y) 15 FTE employees, (being the 15 new FTE employee positions proposed to be created by the Company as stated in its Application)], and the Company has also maintained and 3 PTE employment employees.

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

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

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

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

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

Dated: September 12, 2023

	A	B	C	D	E	F
2	<b>CCIDA July, 2023</b>	<b>OPERATING STATEMENT</b>				
3						
4		2023	2023	2023	2023	2022
5		APPROVED	M-T-D	Y-T-D	BALANCE	Y-T-D
6		BUDGET	ACTUAL	ACTUAL	REMAINING	COMPARISON
7						
8	INCOME:					
9	Interest on Accounts	\$20,000	\$22	\$126	\$19,874	\$23
10	<b>Apps &amp; Fees</b>	\$450,000	\$0	\$904,777	-\$454,777	\$550,818
11	CCCRC/Other Misc. Income	\$0	\$0	\$4,811	\$1,778	\$226,778
12	Total	\$470,000	\$22	\$909,714	-\$433,125	\$777,619
13						
14						
15	EXPENSES:					
16	Wages	\$200,000	\$14,646	\$94,177	\$105,823	\$99,499
17	Fringe Benefits	\$95,000	\$4,058	\$28,371	\$86,629	\$36,497
18	Performance Bonus*	\$15,000	\$0	\$22,230	-\$7,230	\$0
19	Board Meeting/Operations	\$2,000	\$180	\$521	\$1,479	\$1,516
20	Business Development	\$20,000	\$715	\$10,649	\$9,351	\$24,348
21	Office Supplies/Service Contracts	\$1,800	\$81	\$1,366	\$434	\$990
22	Office Maint./Repairs/Equip	\$6,000	\$1,200	\$6,400	-\$400	\$16,585
23	Office Phones/Cell/fax/internet service	\$6,000	\$479	\$5,234	\$766	\$4,086
24	Postage	\$1,700	\$134	\$735	\$965	\$1,387
25	Public Hearings	\$2,000	\$0	\$484	\$1,516	\$1,621
26	Travel/Mileage	\$3,500	\$0	\$37	\$3,463	\$1,096
27	Service Charges		\$25	\$340		
28	Rent	\$17,100	\$0	\$11,400	\$5,700	\$8,100
29	Real Estate Taxes	\$100	\$0	\$91	\$9	\$90
30	Utilities	\$3,000	\$342	\$3,263	-\$263	\$2,111
31	Property/Fire/Liability Insurance	\$5,000	\$0	\$4,977	\$23	\$4,702
32						
33	Professional Associations	\$12,500	\$0	\$2,845	\$9,655	\$2,427
34	Professional Services ****	\$20,000	\$7,155	\$96,835	-\$76,835	\$22,934
35	Publications	\$200	\$0	\$0	\$200	\$0
36		\$0	\$0			
37	Railroad Services	\$25	\$0	\$0	\$25	\$0
38	Miscellaneous	\$100	\$0	\$0	\$100	\$36
39	Project Expenses	\$5,000	\$0	\$2,780	\$2,220	\$22,273
40	Consulting Expense**	\$36,000	\$5,727	\$63,592	-\$27,592	\$17,500
41	Great Lakes Cheese Expenses***	\$0	\$0	\$93,725	-\$93,725	\$73,717
42	Total Expenses	<b>\$452,025</b>	<b>\$34,742</b>	<b>\$450,052</b>	<b>\$2,313</b>	<b>\$341,515</b>
43						
44	Net Difference	<b>\$17,975</b>	<b>-\$34,720</b>	<b>\$459,662</b>	<b>-\$435,438</b>	<b>\$436,104</b>
45						
46	*Yearly payment					
47	**Includes Yearly payment					
48	***Payments due Harris Beach					
49	****Includes payments made to Harris Beach					
50						
51						
52						
53						

COUNTY OF CATTARAUGUS IDA

Balance Sheet

July 31, 2023

ASSETS

Current Assets		
CATT CO. BANK	\$	461,526.33
SAVINGS CCB		5,209.49
SAVINGS FT		8,295.72
CATT. CO. CAPITAL RES. CORP.		443,248.05
Five Star CD		450,000.00
CD's		631,419.00
KeyBank Investment		107,621.82
PETTY CASH		120.40
SECURITY DEPOSIT - RENT		1,350.00
Accounts Receivable		10,000.00
lease asset		73,708.92
Deferred Outflows		87,556.00
lease liability		(69,451.29)
ACCTS RECEIVABLE		346.86
lease amortization expense		4,257.63
		<hr/>
Total Current Assets		2,215,208.93
Property and Equipment		
EQUIPMENT		38,350.45
LEASEHOLD IMPROVEMENTS		22,173.08
LAND		149,298.92
RAILROAD/IMPROVEMENTS		907,199.96
ACCUM DEPRECIATION		(870,546.17)
		<hr/>
Total Property and Equipment		246,476.24
Other Assets		
net pension asset		50,186.00
		<hr/>
Total Other Assets		50,186.00
		<hr/>
Total Assets	\$	<u><u>2,511,871.17</u></u>

LIABILITIES AND CAPITAL

Current Liabilities		
NYS RETIREMENT LOAN ACCT.	\$	107.31
Employee Health Ins Payable		3.00
Federal Payroll Taxes		1,843.22
NYS WITHHOLDING		3,997.09
Social Security Tax Payable		1,483.14
Medicare Withholding Tax Pay		347.14
NYS PENSION-EMPLOYEE PORTION		(107.31)
NYS Retirement Employer Portio		10,710.00
Deferred Inflows		179,281.00
accumulated amort lease asset		4,257.63
ACCOUNTS PAYABLE		39,930.00
interest expenses		(1,442.37)
		<hr/>
Total Current Liabilities		240,409.85
Long-Term Liabilities		
		<hr/>
Total Long-Term Liabilities		0.00
		<hr/>

Unaudited - For Management Purposes Only

COUNTY OF CATTARAUGUS IDA  
Balance Sheet  
July 31, 2023

Total Liabilities		240,409.85
Capital		
Retained Earnings	1,501,726.87	
CONTRIBUTED CAPITAL	310,072.06	
Net Income	<u>459,662.39</u>	
Total Capital		<u>2,271,461.32</u>
Total Liabilities & Capital		<u>\$ 2,511,871.17</u>



COUNTY OF CATTARAUGUS IDA

Balance Sheet

July 31, 2022

ASSETS

Current Assets

CATT CO. BANK	\$	487,986.38	
SAVINGS CCB		5,219.25	
SAVINGS FT		8,291.92	
CATT. CO. CAPITAL RES. CORP.		437,205.49	
CD's		625,077.00	
KeyBank Investment		103,031.63	
PETTY CASH		120.40	
SECURITY DEPOSIT - RENT		1,350.00	
Deferred Outflows		127,554.00	
ACCTS RECEIVABLE		267.53	
PREPAID EXPENSES		3,000.00	
		<hr/>	
Total Current Assets			1,799,103.60

Property and Equipment

EQUIPMENT		38,423.95	
LEASEHOLD IMPROVEMENTS		22,173.08	
LAND		149,298.92	
RAILROAD/IMPROVEMENTS		907,199.96	
ACCUM DEPRECIATION		(869,286.65)	
		<hr/>	
Total Property and Equipment			247,809.26

Other Assets

Total Other Assets			<hr/> 0.00
Total Assets	\$		<hr/> <hr/> 2,046,912.86

LIABILITIES AND CAPITAL

Current Liabilities

NYS RETIREMENT LOAN ACCT.	\$	348.00	
Employee Health Ins Payable		(2,365.88)	
Federal Payroll Taxes		(14,357.50)	
NYS WITHHOLDING		10,579.77	
NYS Retirement Employer Portio		33,150.00	
Deferred Inflows		14,768.00	
ACCOUNTS PAYABLE		(10.00)	
ACCRUED PAYROLL		3,504.81	
		<hr/>	
Total Current Liabilities			45,617.20

Long-Term Liabilities

Pension Liability		175,874.00	
		<hr/>	
Total Long-Term Liabilities			175,874.00
Total Liabilities			<hr/> 221,491.20

Capital

Retained Earnings		1,078,570.59	
CONTRIBUTED CAPITAL		310,072.06	
Net Income		436,779.01	
		<hr/>	
Total Capital			1,825,421.66

Unaudited - For Management Purposes Only

COUNTY OF CATTARAUGUS IDA  
Balance Sheet  
July 31, 2022

Total Liabilities & Capital

\$ 2,046,912.86

	A	B	C	D	E	F
2	<b>CCIDA August, 2023</b>		<b>OPERATING STATEMENT</b>			
3						
4		2023	2023	2023	2023	2022
5		APPROVED	M-T-D	Y-T-D	BALANCE	Y-T-D
6		BUDGET	ACTUAL	ACTUAL	REMAINING	COMPARISON
7						
8	<b>INCOME:</b>					
9	Interest on Accounts	\$20,000	\$0	\$126	\$19,874	\$23
10	<b>Apps &amp; Fees</b>	\$450,000	\$9,325	\$914,103	-\$464,103	\$551,568
11	CCCRC/Other Misc. Income	\$0	\$0	\$4,811	\$1,778	\$226,778
12	Total	\$470,000	\$9,325	\$919,040	-\$442,451	\$778,369
13						
14						
15	<b>EXPENSES:</b>					
16	Wages	\$200,000	\$14,646	\$108,823	\$91,177	\$106,339
17	Fringe Benefits	\$95,000	\$2,359	\$30,731	\$64,269	\$40,876
18	Performance Bonus*	\$15,000	\$0	\$22,230	-\$7,230	\$0
19	Board Meeting/Operations	\$2,000	\$0	\$521	\$1,479	\$1,614
20	Business Development	\$20,000	\$0	\$10,649	\$9,351	\$28,063
21	Office Supplies/Service Contracts	\$1,800	\$137	\$1,503	\$297	\$1,123
22	Office Maint./Repairs/Equip	\$6,000	\$0	\$6,400	-\$400	\$17,463
23	Office Phones/Cell/fax/internet service	\$6,000	\$711	\$5,944	\$56	\$5,247
24	Postage	\$1,700	\$0	\$735	\$965	\$1,572
25	Public Hearings	\$2,000	\$149	\$633	\$1,367	\$1,621
26	Travel/Mileage	\$3,500	\$20	\$57	\$3,443	\$1,096
27	Service Charges		\$112	\$452		
28	Rent	\$17,100	\$1,425	\$12,825	\$4,275	\$10,800
29	Real Estate Taxes	\$100	\$0	\$91	\$9	\$90
30	Utilities	\$3,000	\$109	\$3,373	-\$373	\$2,213
31	Property/Fire/Liability Insurance	\$5,000	\$0	\$4,977	\$23	\$4,702
32						
33	Professional Associations	\$12,500	\$0	\$2,845	\$9,655	\$2,427
34	Professional Services ****	\$20,000	\$1,528	\$98,364	-\$78,364	\$24,170
35	Publications	\$200	\$0	\$0	\$200	\$0
36		\$0	\$0			
37	Railroad Services	\$25	\$0	\$0	\$25	\$0
38	Miscellaneous	\$100	\$0	\$0	\$100	\$36
39	Project Expenses	\$5,000	\$750	\$3,529	\$1,471	\$22,273
40	Consulting Expense**	\$36,000	\$0	\$63,592	-\$27,592	\$22,500
41	Great Lakes Cheese Expenses***	\$0	\$0	\$93,725	-\$93,725	\$71,407
42	Total Expenses	\$452,025	\$21,946	\$471,999	-\$19,522	\$365,632
43						
44	Net Difference	\$17,975	-\$12,621	\$447,041	-\$422,929	\$412,737
45						
46	*Yearly payment					
47	**Includes Yearly payment					
48	***Payments due Harris Beach					
49	****Includes payments made to Harris Beach					
50						
51						
52						
53						

COUNTY OF CATTARAUGUS IDA  
Balance Sheet  
August 31, 2023

ASSETS

Current Assets		
CATT CO. BANK	\$	455,086.80
SAVINGS CCB		5,209.49
SAVINGS FT		8,295.72
CATT. CO. CAPITAL RES. CORP.		443,248.05
Five Star CD		450,000.00
CD's		631,419.00
KeyBank Investment		107,621.82
PETTY CASH		120.40
SECURITY DEPOSIT - RENT		1,350.00
Accounts Receivable		10,000.00
lease asset		73,708.92
Deferred Outflows		87,556.00
lease liability		(69,451.29)
ACCTS RECEIVABLE		346.86
lease amortization expense		4,257.63
		<hr/>
Total Current Assets		2,208,769.40
Property and Equipment		
EQUIPMENT		38,350.45
LEASEHOLD IMPROVEMENTS		22,173.08
LAND		149,298.92
RAILROAD/IMPROVEMENTS		907,199.96
ACCUM DEPRECIATION		(870,546.17)
		<hr/>
Total Property and Equipment		246,476.24
Other Assets		
net pension asset		50,186.00
		<hr/>
Total Other Assets		50,186.00
		<hr/>
Total Assets	\$	<u>2,505,431.64</u>

LIABILITIES AND CAPITAL

Current Liabilities		
NYS RETIREMENT LOAN ACCT.	\$	(126.69)
Employee Health Ins Payable		3.00
Federal Payroll Taxes		5,769.26
NYS WITHHOLDING		4,714.25
Social Security Tax Payable		1,766.46
Medicare Withholding Tax Pay		413.40
NYS PENSION-EMPLOYEE PORTION		(214.62)
NYS Retirement Employer Portio		12,240.00
Deferred Inflows		179,281.00
accumulated amort lease asset		4,257.63
ACCOUNTS PAYABLE		39,930.00
interest expenses		(1,442.37)
		<hr/>
Total Current Liabilities		246,591.32
Long-Term Liabilities		
		<hr/>
Total Long-Term Liabilities		0.00
		<hr/>

Unaudited - For Management Purposes Only

COUNTY OF CATTARAUGUS IDA  
Balance Sheet  
August 31, 2023

Total Liabilities		246,591.32
Capital		
Retained Earnings	1,501,726.87	
CONTRIBUTED CAPITAL	310,072.06	
Net Income	<u>447,041.39</u>	
Total Capital		<u>2,258,840.32</u>
Total Liabilities & Capital	\$	<u><u>2,505,431.64</u></u>



COUNTY OF CATTARAUGUS IDA  
Balance Sheet  
August 31, 2022

ASSETS

Current Assets		
CATT CO. BANK	\$	461,159.28
SAVINGS CCB		5,219.25
SAVINGS FT		8,291.92
CATT. CO. CAPITAL RES. CORP.		437,205.49
CD's		625,077.00
KeyBank Investment		103,031.63
PETTY CASH		120.40
SECURITY DEPOSIT - RENT		1,350.00
Deferred Outflows		127,554.00
ACCTS RECEIVABLE		267.53
PREPAID EXPENSES		3,000.00
		<hr/>
Total Current Assets		1,772,276.50
Property and Equipment		
EQUIPMENT		38,423.95
LEASEHOLD IMPROVEMENTS		22,173.08
LAND		149,298.92
RAILROAD/IMPROVEMENTS		907,199.96
ACCUM DEPRECIATION		(869,286.65)
		<hr/>
Total Property and Equipment		247,809.26
Other Assets		
		<hr/>
Total Other Assets		0.00
		<hr/>
Total Assets	\$	<u><u>2,020,085.76</u></u>

LIABILITIES AND CAPITAL

Current Liabilities		
NYS RETIREMENT LOAN ACCT.	\$	348.00
Employee Health Ins Payable		(2,365.88)
Federal Payroll Taxes		(15,029.20)
NYS WITHHOLDING		11,187.05
NYS Retirement Employer Portio		34,680.00
Deferred Inflows		14,768.00
ACCOUNTS PAYABLE		2,040.10
ACCRUED PAYROLL		3,504.81
		<hr/>
Total Current Liabilities		49,132.88
Long-Term Liabilities		
Pension Liability		175,874.00
		<hr/>
Total Long-Term Liabilities		175,874.00
		<hr/>
Total Liabilities		225,006.88
Capital		
Retained Earnings		1,078,570.59
CONTRIBUTED CAPITAL		310,072.06
Net Income		406,436.23
		<hr/>
Total Capital		1,795,078.88

Unaudited - For Management Purposes Only

COUNTY OF CATTARAUGUS IDA  
Balance Sheet  
August 31, 2022

Total Liabilities & Capital

\$ 2,020,085.76

[https://www.oleantimesherald.com/news/allegany-crossing-self-storage-sets-soft-opening-this-week/article\\_c44819f8-3c7d-11ee-902c-5bc752c15dc9.html](https://www.oleantimesherald.com/news/allegany-crossing-self-storage-sets-soft-opening-this-week/article_c44819f8-3c7d-11ee-902c-5bc752c15dc9.html)

FEATURED

## Allegany Crossing Self Storage sets soft opening this week

By RICK MILLER Olean Times Herald  
Aug 17, 2023

1 of 2



Allegany Crossing Self Storage at the former Kmart plaza site in Allegany is having a soft opening this week. The 21-acre site along Route 417 is owned by Cornell Capital Holdings. Standing outside the facility are Dennis Cornell, founder of Cornell Capital Holdings and Meghan Johnson, chief operating officer.

Rick Miller/Olean Times Herald

**ALLEGANY** — Allegany Crossing Self Storage, the new facility with indoor, climate-controlled space as well as outside storage space and located in the former Kmart plaza on Route 417, is quietly opening this week.

The 21-acre site includes the 100,000-square-foot building, which was renovated inside and out, with about 60,000 square feet for indoor storage and the remainder for retail, commercial or light manufacturing. There is more outdoor secure storage to complement hundreds of indoor storage spaces of all sizes

The owner is Cornell Capital Holdings, headquartered in Olean and which built eight facilities similar to the one in Allegany in the past two years, said founder Dana Cornell.

The \$13 million investment was structured so inflation would have a limited impact on the cost of the project, although supply-chain issues slowed the project at its outset, Cornell said.

A soft opening is planned for this week after the certificate of occupancy is received from the Town of Allegany, said Meghan Johnson, chief operating officer of Cornell Capital Holdings. A ribbon-cutting is planned for Sept. 28, she said.

Cornell said the climate-controlled indoor storage area represents about half of the storage space, which ranges from small 5-foot by 5-foot spaces up to 10-foot by 20-foot spaces, as well as one that could fit a recreational vehicle.

There are three large spaces on the left side of the building that are available for lease by light manufacturing, retail or commercial companies. Cornell said his company will build to suit tenants in the 40 percent of the building not occupied by the self-storage facility.

Life Storage will run and manage the self-storage facility, Cornell said. The self-storage facilities first came to Cornell's attention when he worked for Morgan-Stanley. They are still very popular and very profitable.

So far, with word-of-mouth only, Cornell said he's already received 50 preregistered customers. The location on Route 417 at West Five Mile Road is right off Exit 24 of Interstate 86. A second entrance has been established from West Five Mile Road.

Kinley Corp. of Allegany was the general contractor on the project with an average of 40 onsite construction jobs.

Cornell said the location, the new exterior and well-lit interior are designed to provide customers with peace of mind and safety. Exterior and interior cameras provide increased security.

Cornell said the self-storage part of the project is enough to sustain it. The rest he hopes to put to the best use for the community in terms of jobs.

There are a number of outparcels that have drawn interest — from coffee shops to truck stops and drive-through food chains — Cornell said. "I'd like to bring some diversity to the area," he added.

Extension of sewer service outside the village of Allegany to the West Five Mile Road area will benefit Allegany Crossing as well, although the project was designed not to require sewer service.

The \$13 million project was also induced by the Cattaraugus County Industrial Development Agency through about \$2 million in sales tax, mortgage tax and property tax incentives.

Contact reporter Rick Miller at [rmiller@oleantimesherald.com](mailto:rmiller@oleantimesherald.com)



Salamanca Press

## Holiday Valley progressing on new 6-pack Mardi Gras chairlift install

- By DEB EVERTS Press Reporter



The Holiday Valley Mountain Operations Crew is shown earlier this summer setting the cable for the towers that will support the new, state-of-the-art high speed 6-pack chairlift on Mardi Gras.

- [Holiday Valley](#)



Holiday Valley's Mountain Operations Crew has made great progress on the new Mardi Gras high speed 6-pack chairlift. The new lower terminal and a tower are shown during construction earlier this summer.

- Holiday Valley

The new, more efficient Mardi Gras 6-pack lift will allow for two extra people to load each chair during peak operating times of the ski season. The progress of the new lower terminal is shown Aug. 24.

- Deb Everts

ELLICOTTVILLE — In preparation for the 2023-24 winter season, Holiday Valley plans to invest upwards of \$9 million back into the resort.

This includes a new, state-of-the-art, high speed six-pack chairlift, a three-year renovation project on The Inn at Holiday Valley, the purchase of a new PistenBully 600 snow groomer and continued investments into the snowmaking system, as well as renovations to John Harvard's Brew House at the Tamarack Club.

Since the close of ski season, the Mountain Operations Team has been busy deconstructing the old Mardi Gras High Speed Quad and replacing it with the new, high speed six-pack chairlift.

The new, more efficient lift purchased from Doppelmayr USA out of Salt Lake City, Utah, will allow for two extra people to load each chair during peak operating times.

Dash Hegeman, marketing director, said construction of the Mardi Gras High Speed 6-Pack chairlift actually began last summer when the Mountain Crew got the foundations for the lift towers set. He said this allowed them to complete the project this summer with the goal of having the lift ready to operate Oct. 7 during Fall Festival.

"Once the ski season was finished, the Mountain Crew immediately got to work deconstructing the Mardi Gras X-Press and meticulously packaging it up for its trip to Chile," he said. "We have an incredible crew here with a lot of experience doing this kind of work. They've all been working very hard all summer-long and have done a truly remarkable job."

On May 26, Mountain Operations Manager Jim Curtis gave an update on an Instagram video about what the team had to do to get ready for the new lift. He said the concrete for the new high-speed six-pack lift was poured last year, but there was a lot of prep work to be done.

The five-piece terminals had to be dismantled, electrical wiring and cables had to be removed, along with the 12 old towers, he explained.

"The very next day after we closed for the ski season, we started removing all the chairs, seat pads, tearing them apart, hauling them to the parking lot," Curtis said in the video. "Once the chairs were all off, we started prepping the towers and removing the haul rope, which consisted of cutting it by the marriage, spooling it up."

According to Curtis, the haul rope itself weighed a whopping 42,000 pounds. As the crew moved pieces of the old lift to the parking lot, they started receiving parts for the new lift, which amounted to approximately 30 truckloads of new parts. In late May, most of the brand new lift's parts were in the parking lot and waiting to be installed.

"Prior to the day of the big crane, we started removing a bunch of the smaller stuff with the forklifts — whatever we could," he said. "Once the big crane got here, it was just a matter of picking out five big pieces of the terminal."

When the big crane came, the crews started work at the terminal on top of Mardi Gras, then removed the terminal at the foot of the slope.

"After dismantling the pieces, they were put on a tractor trailer and hauled to a staging area from where they would be shipped," he said. "The final step to removing the old Mardi Gras lift was removing the towers."

Curtis said the old Mardi Gras chairlift has quite a journey ahead. It was loaded onto trucks and transported to New York City where it will be loaded onto a ship and travel down the east coast, then through the Panama Canal to South America where it will be reinstalled at the Corralco ski resort in Chile.

Hegeman said the investment in the automation system will allow the snowmaking team to work more effectively, based on what the weather is doing at any point in the snow-making process. He said the team also replaced pipelines on Mardi Gras.

The three-year renovation project involving a total of 102 rooms at The Inn at Holiday Valley started about Aug. 8, Hegeman said. He said the goal is to complete 33 rooms this year. A small convenience store will also be built into the lobby area, which will allow guests easier access to snacks and drinks.

Hegeman said renovations on John Harvard's Brew House is slated to begin Oct. 9. The redesign will open the space up more and see a new design to the bar area, providing guests with fantastic views of the slopes while they dine.

"We're excited about everything that's going to happen in that space," he said. "It'll add a really nice, new touch to the dining experience in the restaurant. I believe guests this winter will be really pleased with it."



OLEAN TIMES HERALD

# Great Lakes Cheese Co. plant in Franklinville on schedule

• By RICK MILLER Olean Times Herald

Sep 2, 2023



The Great Lakes Cheese Co. plant under construction in Franklinville is progressing on schedule, according to a company official. The first new employees will start in February as the packaging unit starts with cheese from other company plants.  
Provided

**FRANKLINVILLE** — Construction on the massive \$621 million Great Lakes Cheese Co. plant along Route 16 in Franklinville is progressing on schedule.

The 486,000-square-foot structure has been enclosed and work continues inside, installing production equipment, electrical and plumbing work and installing walls, according to Matt Wilkinson, vice president of Great Lakes Cheese Co., who is in charge of overseeing the construction.

Some equipment was so big it had to be placed inside the walls using a crane before the roof was completed.





Production equipment inside the new 486,000-square-foot Great Lakes Cheese Co. plant in Franklinville. Provided

"We want to make sure we're done by the time the (Buffalo) Bills' stadium takes all the labor from the area," Wilkinson said. There are about 500 workmen at the sprawling site each day.

Production at the state-of-the-art cheese plant will come online in late 2024, but the first new employees at the plant will arrive in January in getting ready to package cheese from other Great Lakes sites, which will start in February.

The company is recruiting for the new positions — from management to production, Wilkinson said. Management employees will be among the first hired.

Employment will go from about 250 currently working at the Great Lakes plant in Cuba, to the high 400s, Wilkinson said.

"The bulk of hiring will begin in a couple of months and continue through 2024," Wilkinson said. The company has participated in several job fairs, recruited at area high schools and took resumes from former employees of Ontario Knife Co., who recently lost their jobs when the Franklinville plant closed.



This large area at the new 486,000-square-foot Great Lakes Cheese plant will be divided into areas for various processes. The \$621 million plant will start producing American- and Italian-style cheeses late next year.

Provided

Job postings for the Cuba plant and future jobs at the Franklinville plant can be found at the company's website at [www.greatlakescheese.com](http://www.greatlakescheese.com).

## Trending Food Videos

"We're on track with everything after we ran over budget due to inflation," he said in a telephone interview with the Olean Times Herald on Friday. "We should be starting up our initial production in packaging in February."

When it is up and running, the plant will produce American and Italian-style cheeses including cheddar and natural American cheese for much of the East Coast.

Great Lakes Cheese had planned to replace the Cuba plant for some time and had considered several sites in Allegany County for the new plant. When the company decided against the preferred Allegany County site, the Franklinville site was offered by Freedom dairy farmer Jason Schwab.

Great Lakes decided it was close enough to the Cuba plant that most of its employees would decide to continue with the company, which is partially owned by employees.

Area dairy farmers and co-ops are also gearing up to provide the new plant with up to 4 million gallons of milk a day, twice what the Cuba plant currently uses. The new plant will double the output of the Cuba plant.

Wilkinson said there is currently no buyer for the Cuba plant, which the company is attempting to market. It would not be sold to a competitor, but he did not rule out a sale to a specialty cheese maker.

Cattaraugus County economic development officials, including Industrial Development Agency Director Corey Wiktor, and county lawmakers put on a full-court press to woo Great Lakes Cheese to the Franklinville site after the company closed the door on an Allegany County site.

The county legislature approved the use of county funds to quickly demonstrate to Great Lakes Cheese officials that the 200-acre site was shovel-ready. In addition, county lawmakers approved \$8 million in federal funding to allow the Village of Franklinville to extend water and sewer lines to the site which straddles the Franklinville-Farmersville town line.

The IDA approved \$156 million in sales tax, mortgage tax fee and property tax savings as an inducement to the company, which plans to add more than 200 employees to its workforce once the Franklinville plant is fully operational.

*(Contact reporter Rick Miller at [rmiller@oleantimesherald.com](mailto:rmiller@oleantimesherald.com).)*

Contact reporter Rick Miller at [rmiller@oleantimesherald.com](mailto:rmiller@oleantimesherald.com).

**From:** Corey <corey.cattco@gmail.com>  
**Sent:** Monday, August 7, 2023 2:23 PM  
**To:** Crystal New Boss  
**Subject:** Plz print 15 copies

Exciting New Changes at Billings!!

The Billings family is proud to announce some exciting new changes at Billings Sheet Metal, Inc. Jim and Debbie Billings have transitioned ownership of Billings Sheet Metal, Inc. (BSM) to their three (adult) children: Jeff and Jason Billings, and Jill (Billings) Stady. And the family business has updated the company name to Billings Steel Manufacturing.

Jim and Debbie Billings bought Bergreen's Roofing and Sheet Metal in 1989, where Jim had been an employee for the previous 12 years. The business was located on North 6th Street in Olean, NY. Jim's wife Debbie started the same year and managed the office and the finances. In 1995 and 1996 Jeff and Jason Billings (respectfully) joined the family business as welders and steel fabricators.

As the business began to grow so did the need for expansion. In 2003 the fabrication shop and offices moved to its current location at 1002 South Union Street, Olean, and Jill Stady was added to the office in 2013. Keeping with the family business tradition, Jeff's son Jacob joined the business in May 2022 as a welder and steel fabricator.

The company has grown exponentially in the last 33 years. BSM is a complete design build steel fabrication shop. Fabrication consists of structural steel, hand railings, mezzanines, and many custom industrial products. Along with in-house fabrication, BSM offers 3D CAD design, project management, delivery, and installation of their products. With the company's growth and success in steel fabrication and less work in the sheet metal business the family changed the name to reflect the work being done. Billings Steel Manufacturing (BSM) encompasses all aspects of steel manufacturing.

BSM has worked on many local projects over the years. Most recently (locally), BSM provided steel products for the First National Bank renovations, the new State Street Apartments, Well Now and Chipotle, the Olean City School Capital Improvement projects, and many projects at St. Bonaventure University. BSM also works with many out-of-town contractors and provides steel products in Western NY and the Southern Tier.

The Billings family can contribute the business success to a combination of Jim and Debbie's 33+ years of experience; Jeff, Jason, and Jills' enthusiasm and dedication to the updating and expansion of the company; the dedication of their employees; and many loyal customers.

The new changes at BSM have been seamless. Jim and Debbie have transitioned to semi-retirement hours and have enjoyed more free time and traveling, while still being an intricate part of the business. As new owners, Jeff (President), Jason (Vice President), and Jill (Secretary & Treasurer) have continued to plan for the future while managing the daily operations of the business and their six employees.

The new company name has been incorporated in an updated company logo and a new website at [www.billingssteelmfg.com](http://www.billingssteelmfg.com).

To follow the progress and growth of BSM check out their Facebook page, Billings Steel Mfg.

Corey R. Wiktor  
Executive Director  
County of Cattaraugus IDA



# Tiny home trend pays off for Ellicottville's Basecamp rental village

Basecamp, which rents out 11 tiny homes in the ski village, opened Jan. 5 at 6881 State Route 242 West, Ellicottville.



Author: Lian Bunny

Published: 11:38 AM EDT August 17, 2023

Updated: 11:38 AM EDT August 17, 2023

ELLICOTTVILLE, N.Y. — When Bob Carbone and his fellow business partners hatched the idea for Basecamp, a small rental home village in Ellicottville, they got excited about the design and aesthetic of tiny homes.

"(We all) spend a lot of time in Ellicottville," he said. "We knew the growth there has just been incredible within the last five to 10 years. ... We thought there was a market there for something that wasn't a hotel but something more than just building town homes."



The tiny homes concept had been steadily growing in popularity, and that popularity accelerated during the pandemic as more people sought more private and distanced vacation options. A survey conducted in November 2020, [Business Insider reported](#), found that 72% of the 2,006 respondents said they would consider using a tiny home as an investment property as a short- or long-term rental.

Read more of this story from our partner [Buffalo Business First](#).

# 2023 Job/Internship Fair

Friday, August 25th  
10:00 am to 2:00pm



Lincoln Park Pavilion

Take advantage of this opportunity to meet and impress employers hiring for various positions.

- Job seekers of all ages and experience levels are encouraged to attend
- Resume development and critique will be available
- Candidates should dress professionally and bring several copies of your resume

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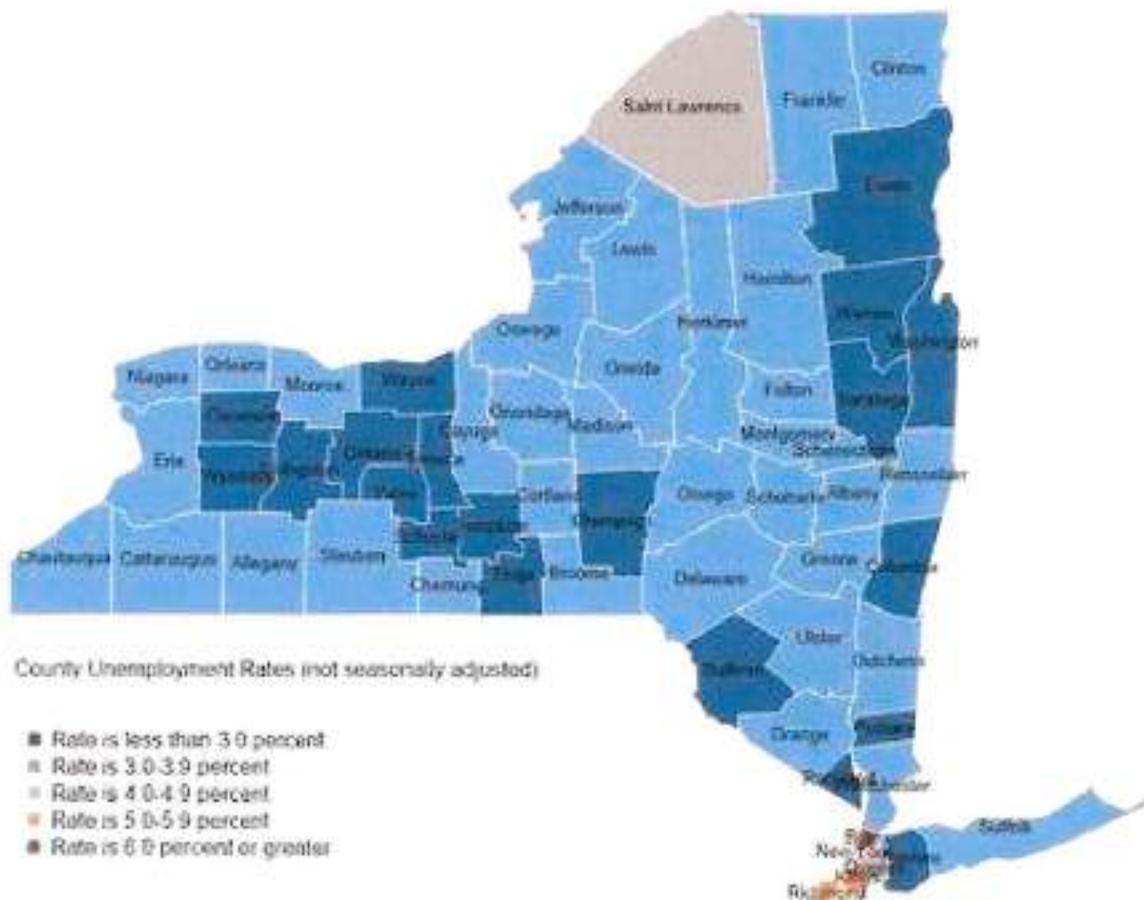
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FEATURED

# Unemployment level across region, nation

• By BOB CLARK Olean Times Herald

Aug 22, 2023 Updated Aug 22, 2023



Courtesy NYS Department of Labor

Local unemployment rates changed little in July, mirroring state and national trends.

The state Department of Labor reported on Tuesday that the unemployment rate in Cattaraugus County in July was 3.5%, level from June and down from 4.2% in July 2022. The rate in July 2021 was 5.5%. None of the rates used in this news report were adjusted for seasonal changes.

The labor force was 33,400 in July, the same as in June, but up 1,300 from July 2022. The labor force in July 2021 was 32,600. The number of employed workers was 32,200 in July, the same as in June and up 1,500 from July 2022. The number of employed in July 2021 was 30,800. The number of unemployed was 1,200 in July, flat from June and down 200 from July 2022. The number of unemployed in July 2021 was 1,800.

The unemployment rate in Allegany County in July was 3.7%, down from 3.8% in June and down from 4.3% in July 2022. The rate in July 2021 was 5.6%.

The labor force was 18,900 in July, down around 300 from June, but up 700 from July 2022. The labor force in July 2021 was 18,100. The number of employed workers was 18,200 in July, down 200 from June and the same as in July 2022. The number of employed in July 2021 was 18,100. The number of unemployed was 700 in July, flat from June and down 100 from July 2022. The number of unemployed in July 2021 was 1,000.

Statewide, the unemployment rate held steady in July at 3.9%. By county, the highest unemployment rate in the state was 7.2% in Bronx County. The highest outside of New York City was 4.1% in St. Lawrence County — the only rate outside of New York City above 4%.

The lowest unemployment rate in the state was 2.5% in Saratoga and Yates counties, followed by 2.6% in Columbia and Genesee counties. Across the state, 20 of 62 counties saw rates below 3%.

Unemployment on the national stage remained stable at 3.5% as most of the country reported stable unemployment rates in July, the U.S. Bureau of Labor Statistics reported. The rate for July was the same as in June and in July 2022.

Rates were stable in 40 states, lower in seven, and higher in three between June and July. All told, 23 states had jobless rate decreases from July 2022, while five saw increases.



Nevada had the highest state unemployment rate, at 5.6%. New Hampshire had the lowest jobless rate in July at 1.7%, followed by Maryland and Vermont at 1.8% each — all three states were among the 11 which saw the lowest unemployment rates on record. Pennsylvania set its series low record at 3.5% in July, and the state saw the largest month-to-month drop in the nation in July as the rate dropped 0.3 percentage points.

**THE BLS ALSO** reported Tuesday that the state had 460,000 job openings in June 2023, with the June job openings rate in New York was 4.5% — lower than the national rate of 5.8%.

BLS also reported that New York had 278,000 hires and 243,000 separations in June. Since June 2022, the state averaged 295,000 hires and 262,000 separations per month. Of the separations, 129,000 were quits. The state saw the largest decrease in quits level over the previous month, at about 58,000 fewer quits.

*(Contact City Editor Bob Clark at [bclark@oleantimesherald.com](mailto:bclark@oleantimesherald.com).)*

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U.S. Congressman

Joseph Morelle

Representing the 25<sup>th</sup> District of New York



## NEW YORK REPRESENTATIVES ANNOUNCE BIPARTISAN SUPPORT FOR REGIONAL TECH HUB DESIGNATION

August 17, 2023

[Press Release](#)

**Cementing the Buffalo-Rochester-Syracuse corridor as a global leader in semiconductor innovation will create a new economic engine for the entire region.**

(Rochester, NY)—Today, Congressman Joe Morelle (D-NY), Brian Higgins (D-NY), Nick Langworthy (R-NY), Marc Molinaro (R-NY), Claudia Tenney (R-NY), and Brandon Williams (R-NY) [announced their bipartisan support](#) for the New York Semiconductor Manufacturing and Research Technology Innovation Corridor (NY SMART I-Corridor) application for the Regional Technology and Innovation Hubs (Tech Hubs) Program.

The bipartisan group of New York members saw the opportunity to build on the strengths of their unique communities, collaborate across specialized industries and reinvigorate economic growth for years to come. Following enormous community effort and collaboration from their universities, field experts, and local and federal

advocates, the NY SMART I-Corridor application offers a promising future for the Buffalo-Rochester-Syracuse region.

"For generations, Rochester has been synonymous with innovation, and it has long been my priority in Congress to launch our next chapter of growth and prosperity with Tech Hub designation," **said Congressman Joe Morelle**. "Federal investment in local innovation will build on the strengths of our unique communities and catalyze the growth of our domestic semiconductor industry benefitting all Americans. I'm grateful for the bipartisan support of my colleagues from the New York delegation and look forward to our work together reinvigorating the Finger Lakes region for the next generation."

"The United States is positioning itself to be a global leader in semiconductor production and Western New York is the community ready and able to deliver on this goal," **said Congressman Brian Higgins**. "This region has the innovation, education, training, and manufacturing infrastructure already in place. Pair that with our 'get it done' workforce and the collaborative strategy advanced by project partners, this application stands out as one that will deliver the US supply chain strength envisioned to bolster national and economic security."

"Western New York's legacy of innovation, from the industrial revolution to pioneering technologies, has propelled our nation forward," **said Congressman Nick Langworthy**. "As we face new challenges in the tech-driven world, investing in our skilled workforce and partnering with industry leaders positions the United States to retain our economic dominance and bolster our national security. Designating our region as a Tech Hub would revitalize our manufacturing economy and secure our role at the forefront of emerging technology."

"A rising tide lifts all ships. I'm proud to stand with Upstate New York Members of Congress to advocate for investments that will transform our region into a tech hub," **said Congressman Marc Molinaro**. "This designation will bring a new era of innovation, prosperity, and economic growth for Upstate New York."

"Over the past few years we have seen how our reliance on foreign countries for semiconductors can cause shortages, economic harm, and the undermining of our national security," **said Congresswoman Claudia Tenney**. "Designating Western New York as a Tech Hub will help make our national supply chains more secure and self-reliant while bringing jobs to Upstate and Western New York. Home of the industrial revolution, with this federal investment, our community can continue to be a source of technological innovation and advancement. I am honored to join a bipartisan group of New York legislators as we work to boost innovation, support our local economy, and create opportunities for our businesses to thrive."

"With a Tech Hub designation, we will welcome in a new era for New York—embracing a call to action and introducing transformational change, with our state becoming the semiconductor epicenter of the world," **said Congressman Brandon Williams**. "Designating a Tech Hub for New York focused on the advancement of technologies, including the production of semiconductors domestically, will not only create jobs locally but will promote national security."

Enacted as a part of the CHIPS and Science Act, and modeled after Congressman Morelle's [Innovation Centers Acceleration Act](#) first introduced in 2020, the Tech Hub program will invest in U.S. regions focused on key technologies, including semiconductor research and advanced manufacturing, to strengthen our domestic supply chain and reinvigorate regional economies.

The Buffalo-Rochester-Syracuse region is uniquely poised to excel in semiconductor production due to a highly trained workforce, world-class universities, and extensive manufacturing infrastructure. MIT economists Jonathan Gruber and Simon Johnson [identified 100 cities](#) as prime candidates for economic growth through targeted federal investment. On that list, Rochester is ranked number one, Syracuse number three, and Buffalo number fifteen.

The promising NY SMART I-Corridor proposal is the first step in a two-phase application process for federal investment via the Tech Hub program. Successful applicants will receive Tech Hub designation, which is key for Phase 2 federal investment opportunities.





# National Fuel Gas Distribution Corporation Long-Term Plan

*Be a voice as New York determines its energy future*

National Fuel Gas Distribution Corporation has submitted its Long-Term Plan ("LTP") in accordance with the New York State Public Service Commission's (Commission) order for a comprehensive natural gas system planning process that ensures the utility can continue providing safe and reliable service while remaining compliant with the state's climate policies, including the Climate Leadership and Community Protection Act of 2019.

National Fuel's LTP demonstrates the Company's commitment to pursuing responsible greenhouse gas (GHG) emissions reductions, enhancing the resilience of the energy supply system, and delivering safe, reliable, resilient, and affordable energy service to its approximately 540,000 customers across a population of more than 1.6 million in western New York (WNY).

As a WNY resident, an energy consumer, perhaps a business owner or a business advocate and a community stakeholder who supports the important role the natural gas systems plays in the lives of all New Yorkers as well as the state economy, your input is needed. We encourage you to review National Fuel's LTP at [www.nationalfuel.com/utility/gas-planning-process/](http://www.nationalfuel.com/utility/gas-planning-process/) and submit comments in support of the plan. Stakeholder comments are due on Sept. 5, 2023, and they can be filed with the Commission. That link is <https://dps.ny.gov/dmm-login-document-and-matter-management-system>. If you don't have a NYS DPS account, one can easily be created through the instructions provided.

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National Fuel's LTP is designed to meet six "**Guiding Principles**" that are core to ensuring energy security and affordability for its customers. The "Guiding Principles" are as follows:

**Safe Operations** – Meet or exceed all applicable safety regulations, policies, and procedures consistent with National Fuel's "Safety-First" culture.

*Suggested language that National Fuel's LTP supports:*

- National Fuel's LTP prioritizes safety and reliability by diversifying energy sources and continuing the Company's system modernization program replacing leak prone pipes.



**Reliable Service** – Maintain reliable delivery and energy supply service to all customers throughout the year, including on the coldest days.

*Suggested language that National Fuel's LTP supports:*

- A regional approach was used in the development of National Fuel's LTP to ensure that the plan reflects the unique weather and economic-related features of the WNY service area.
- The WNY communities experience long winters with some of the coldest temperatures in the state as extreme winter weather events, often accompanied by high winds, ice, and/or multiple feet of snow in a short period of time. During the Christmas 2022 multi-day blizzard event, more than 150,000 electric customers lost power and relied on National Fuel's natural gas deliveries to fuel equipment such as fireplaces, hot water tanks, and back-up generators to maintain life sustaining heat.
- National Fuel's LTP strikes an important balance between achieving meaningful GHG emissions reductions and utilizing future sources of energy and technologies to meet customers' winter heating demands while still ensuring that supply and delivery capabilities are as reliable as today's natural gas system.

**Energy Resilience** – Contribute to the overall energy system resilience (including electricity and natural gas service) by anticipating threats posed by climate change and avoid or minimize the impact and duration of major energy outages.

*Suggested language that National Fuel's LTP supports:*

- The LTP contributes to a resilient energy system that involves coordination between the natural gas and electricity industries.
- The LTP is feasible from an infrastructure standpoint as it reflects resource and timing constraints related to the conversion of heating and cooling to electricity and the buildout of electric infrastructure to reliably serve incremental demand.
- The fact that vehicle conversion is already a mandate will have a large impact on our grid availability.





**Energy Affordability** – Plan/operate the network, acquire energy supplies and pursue environmental objectives in order to maintain affordability for all customers, with particular attention to the needs of low- and moderate-income customers and disadvantaged communities.

*Suggested language that National Fuel's LTP supports:*

- Maintaining energy affordability is a critical feature of National Fuel's LTP. The average household income in National Fuel's service area is below national and state averages, and approximately 46% of the natural gas delivered by the Company is used to fuel commercial and industrial customers' businesses that support local jobs and tax base.
- Many commercial and industrial customers rely on affordable energy as a major input in their business. National Fuel is particularly mindful that if significant increases in energy costs cause some businesses to shut down operations in western New York in favor of locations with lower energy prices, it would have a significant negative effect on the local economy.
- National Fuel's LTP proposes a realistic, cost-effective way to achieve GHG emissions reductions while enhancing energy system resilience and maintaining safe, reliable, and affordable energy service for all customers.
- The LTP strikes an appropriate balance between GHG emissions reductions and costs, as measured by the impact of customer bills and decarbonization policy costs. The LTP addresses affordability and reduces energy cost burdens for low-and moderate-income customers, including those that reside in disadvantaged communities.

**Customer Choice** – Preserve customer choice, consistent with legislative and regulatory mandates.

*Suggested language that National Fuel's LTP supports:*

- The LTP preserves customer choice and provides a more affordable option while relying on the gas system to ensure effective heating during the coldest days and nights of the year throughout WNY winters.
- Families and businesses should have a choice of energy options to meet their needs. Energy system diversification and competition provides the best opportunity for accelerated innovation.



**GHG Emissions Reductions** – Propose, design, and execute climate actions to achieve responsible, meaningful, and sustained GHG emissions reductions while maintaining safe, reliable, resilient and affordable energy service.

*Suggested language that National Fuel's LTP supports:*

- The CLCPA specifies economy-wide goals but does not specify sector-specific or utility-specific goals. National Fuel's LTP is consistent with the CLCPA, the Gas Planning Order, and New York State's climate goals generally. National Fuel's LTP reductions start modestly and increase over time as constraints on deploying technology are resolved. Emissions reductions are expected to continue after 2042, through 2050 and beyond.
- National Fuel assessed several potential measures it can take to lower GHG emissions in the future including the use of alternative fuels as a key decarbonization action that can provide quantifiable cost-effective results. The decarbonization actions included in National Fuel's LTP will make substantial contributions toward achieving New York's decarbonization goals as it projects to reduce GHG emissions by 40% by the end of the 20-year horizon (2042) and by 53% from 1990 levels.
- Responsibly pursuing the use of Renewable Natural Gas (RNG) and hydrogen can provide meaningful decarbonization opportunities at relative low costs.
- The use of RNG, which captures the GHG emissions from the biogas feed source that would otherwise have been emitted to the atmosphere, provides significant near-term emission reductions and environmental benefits. RNG has a relatively low cost per emissions reduction, can be easily scaled based on existing technology, and allows for material decarbonization without having to implement changes at individual customer premises.
- Blending green hydrogen into natural gas for redelivery to customers reduces GHG emissions associated with combustion. Hydrogen can be blended into the existing gas supply and does not require building-by-building equipment installations at low blending levels.
- A hybrid heating solution will address the unique needs of the customers in National Fuel's service area by providing continued reliability during extreme weather conditions as well as reasonable up-front installation and annual operating costs.
- The LTP is not merely aspirational, it is technically feasible and considers technology advances during the plan's 20-year period. As well, the plan is flexible and can adapt as energy technology and policy evolve in the future.

Today's energy landscape has become increasingly complex and there are critical decisions on the horizon – including some that impact you as a National Fuel customer. It's critical that customers, communities and all stakeholders take part in these important discussions.







BUSINESS

## State continues to lose farmland to residential, solar developments, reports show

BY [EMILY KENNY, REPORT FOR AMERICA CORPS MEMBER](#) CENTRAL NY

PUBLISHED 3:30 PM ET AUG. 18, 2023

More and more farmland in New York is being purchased and rented for residential developments and solar power, decreasing the number of viable agricultural acres and increasing the price of land, federal and state data show.

Karin Reeves, whose family has farmed in Baldwinsville since the 19th century, said they are constantly approached by people who want to rent pieces of their 300-acre land for solar power. The Reeves family produces approximately 5 million pounds of produce per year.

“There is a big push to use renewable energy, which I’m totally in favor of, but it’s just not the best use for prime agricultural land,” Reeves said.



*Solar panels that the Reeves Farm uses to power their farm placed on land that is not used for agriculture. (Emily Kenny/Spectrum News 1)*

New York has lost 253,500 acres of agricultural land to development between 2001 and 2016, according to the American Farmland Trust, a nonprofit that works to protect farmland. The report found 78% of those acres were converted to low-density residential. AFT’s research shows that by 2040, 452,009 acres will be lost to urban and low-density conversion.

In addition to acres lost, AFT found it would be the equivalent of losing 2,500 farms, \$288 million in farm output and 7,200 jobs.

The type of land being developed matters as, especially in New York state, the [quality of soil](#) can vary. Reeves said different soil types are better than others for agricultural use such as growing Reeves crops, and using land that is lower quality should be targeted for development.

Table G – Crossover between NYS Mineral Soil Groups and USDA Farmland Classifications

USDA Farmland Class	Mineral Soil Groups									
	1	2	3	4	5	6	7	8	9	10
All areas are prime farmland	0%	46%	34%	10%	3%	0.1%	-	-	-	-
Farmland of statewide importance	-	-	4%	13%	27%	36%	18%	2%	-	-
Not prime farmland	-	-	0.1%	0.2%	5%	21%	23%	34%	13%	0.2%
Prime farmland if drained	-	0.3%	0.1%	10%	74%	15%	1%	-	-	-

*Classifications made by the USDA on different soil types. (Courtesy of American Farmland Trust)*

“That’s what should be used for solar, not prime agricultural land where you can grow vegetables and a wide variety of things,” she said.

According to research from Cornell University, on existing solar structures in New York, 44% of the projects were sited on crop, pasture or hay land, and 58% of solar projects were built on good quality soil or what has been defined as prime farmland.



Reeves does not fault farmers who chose to rent or sell their land to be used for solar or other purposes as they have faced financial challenges in the past few years.

"Farms are being pinched. We've had rising input costs, labor costs, we've seen record inflation," Reeves said. "We've had pressure from imports. A lot of our customers can buy things cheaper from Mexico or Canada."

The family rents out a portion of their land to a nearby farmer, who pays approximately \$100 per acre, but solar companies are offering 10 times that rate, Reeves said.



*Karin Reeves checks the status of her sweet corn. (Emily Kenny/Spectrum News 1)*

"I believe it's anywhere from \$1,000 to \$1,500 an acre per year, and most of these places are going to want you to sign a 30-year lease," she said.

Sen. Michelle Hinchey, D-Saugerties, chair of the Committee of Agriculture, said an energy crisis cannot be exchanged for a food crisis.

"That is the vital element at risk of being lost when our agricultural lands are increasingly subject to aggressive development pressure," Hinchey said.

By planning, siting and scaling renewable energy correctly, it's possible to achieve a net-zero future, while still protecting the food system and farmland, Hinchey said.

"Failing to do so will make New York even more vulnerable to the whims of the climate crisis, and through legislation I sponsor, we can take a smarter approach to understand the all-encompassing implications of solar development for the future of our state and planet," she said.

Hinchey has proposed [a bill](#) that would require the Office of Renewable Energy Siting to consider agricultural impacts on active farmland when siting and constructing energy facilities.

The New York Department of Agriculture and Markets and the New York Office of Renewable Energy Siting did not immediately respond to requests for comment on how the state balances solar siting with farmland protection.

Switching farmland to a solar field can happen without even needing a zoning change, said Michael Kalet, director of sales and broker for Pyramid Brokerage Company in Syracuse.



The prices for land purchased for solar or commercial use have skyrocketed due to high demand, Kalet said.

“You have seen the prices increase dramatically to the point that it’s not even on the same page as agriculturally zoned land,” he said.

Farmland for agricultural use in New York goes for about \$5,000 an acre, whereas to redevelop that land for commercial use can cost \$30,000 an acre or more, Kalet said.

While there is some protection for land that is zoned as agricultural use such as paying additional fees if the land is converted from farm use, Reeves said she would like to see prime farmland receive protections similar to wetland areas, which are restricted from a lot of uses.

“They [solar energy companies] claim if you put solar on farmland, it can be restored to what it was originally, but it will never be the same,” she said.

New York is one of the leading states for incentivizing the use of non-prime agricultural land for developments and solar, said Samantha Levy, conservation and climate policy manager for AFT.

New York has a mitigation fee that they charge if land is converted out of agricultural production of the class 1 through 4 soil types, Levy said. Additionally, the New York Department of Agriculture and Markets has guidelines for topsoil use, how to bury cables and building access roads.

Category	Initial Project Classification	Fee
Orange	Project facility area includes 25% or more actively farmed MSG 1-4; and > 30 acres MSG 1-4	Per-acre fee of 150% of cost of protecting farmland within impacted REDC region applied to project MSG 1-4 acres
Yellow	Project facility area includes 10-25% actively farmed MSG 1-4; and > 30 acres MSG 1-4	Per-acre fee of 100% of cost of protecting farmland within impacted REDC region applied to project MSG 1-4 acres
Green	Project facility area includes less than 10% actively farmed MSG 1-4	No mitigation fee

\*Actively farmed land is defined as land that has been farmed at least one of the last five years.

*American Farmland Trust has made these recommendations to restructure the mitigation fee currently used by NYSERDA. AFT believes the current mitigation fee is not high enough. (Courtesy of American Farmland Trust)*

Levy said because the solar industry is new, there haven’t been any cases that they know of where land used for solar has come back into agricultural production, and many at AFT are skeptical that it would.

“If you’ve got enough land taken out of production in a community for a large-scale project, you’re reducing the land base available for farming. You’re reducing the base of businesses for support services, and we’ve got an aging farmer population across the country with a lack of successors so putting that land into solar then you’re not passing knowledge down to the next generation,” she said.

And the next generation has challenges of its own.



*Karin Reeves checks the status of her sweet corn. (Emily Kenny/Spectrum News 1)*

Steve Ammerman, director of communications for the New York Farm Bureau, said the lower supply and higher costs for land also impacts new and beginning farmers.

“There’s a lot of land out there, but prime land is limited. Buying farmland with really good soil types and that’s really productive, we want to make sure that we try and protect as much of that as we can,” Ammerman said.

Mikaela Perry, New York policy manager at American Farmland Trust, said they are working to create a system where renewable energy is balanced with protecting farmland.

“We want to prioritize renewable energy siting on land not well suited for agriculture and we want to safeguard the ability for land to be used for agriculture and that really gets into the heart of soil health,” Perry said.

AFT has developed its own scorecard for soil health within their [smart solar siting research](#) using the regulations put out by the United States Department of Agriculture and Cornell University.

“Developers will look for the least cost options, which often means looking to rural areas where the land values are lower, the land is flat, already clear and sunny because any additional grading of the land will cost money,” Levy said.



## ***TIMES UNION***

### Filings show N.Y. green energy could cost 64 percent more on wholesale level

Solar, wind and power line builders tell the state they'll need to get paid more for their electricity in order to be viable

[Rick Karlin](#)

Aug. 29, 2023 Updated: Aug. 30, 2023 4:54 p.m.



Solar and wind developers across the state say they'll need to get higher prices for their electricity in order to remain economically viable.

Times Union file photo

ALBANY — Wholesale electricity prices from some producers could rise 64 percent in order to cover inflation and the higher-than-anticipated costs that are becoming apparent in New York's shift to renewable energy, according to a leading state agency.

"The impact of implementing ACE (Alliance for Clean Energy) NY's requested relief ... would be an increase in weighted average strike (base) prices of 64 percent," reads part of the comments from the New York State Energy Research and Development Agency, which sets contracts for electricity sales by solar and wind developers.

That strike price represents what is essentially a baseline wholesale cost paid to energy providers who are building new solar and wind plants. It doesn't apply to existing generators.

NYSERDA stressed that costs to consumers should be far lower since the increase would only apply to the new solar and wind plants requesting increases. According to NYSERDA, the wholesale strike price increase, if approved, would translate into an estimated ratepayer increase for a residential customer of up to 1.48%, or approximately \$1.57 per month compounded. The monthly increases would run for the life of a solar or wind project -- most are expected to last 20 to 25 years.

The comments were filed this week with the state Public Service Commission, which must approve the wholesale energy prices. They came as part of an earlier request by ACE, a trade group, to increase the amount of money that solar and wind developers will get for the energy they produce. NYSERDA's comments about the increase are not an endorsement of the increase request.

While ACE's request in June cited the rising costs of converting from fossil fuels to renewables, the comments filed with the PSC on Monday brought those concerns into sharper focus.

Monday marked the deadline for petitions and comments on ACE's request. Late in the day, nearly three dozen documents were filed with the PSC. They came from wind and solar energy developers, unions representing the workers who are building these projects as well as environmental groups.

The over-arching message was that many projects that are planned or under development won't be viable without guarantees of more money for the power they plan to produce.

Nor has the inflation been limited to energy generators, or those developers building solar and wind farms.

The Champlain Hudson Power Express, which is building a transmission line largely under the Hudson River to bring Quebec hydropower to New York City, also said it will need to charge more for carrying the electricity.

"Like the other many developers that have filed petitions, petitioners faced global supply chain shortages and market disruption, and the substantial negative impacts of inflation and interest rate increases on construction costs in both the United States and Canada," reads part of the comment filed by Champlain Hudson Power Express.

"For this reason, the CHPE Project is similarly situated to the other major New York renewable energy project petitioners seeking cost adjustments and should be treated equally."

Also seeking an increase is the Clean Path NY green energy generation plan. They are also building a transmission line but that's not included in this filing.

According to the 2019 Climate Leadership and Community Protection Act, New York is supposed to have 70 percent renewable energy by 2030 and zero emissions by 2040.

Indications that the cost of this will be higher than expected have been coming in for a while, especially since the pandemic three years ago created supply chain snags and job vacancies.

CHPE, for example, last year requested and received from the PSC permission to increase its borrowing to \$6 billion from the earlier sum of \$4.5 billion.

And in February, the Port of Albany said the costs to build a wind tower factory have grown to \$604 million from earlier estimates of \$350 million, necessitating more aid.

This month, wind developers Equinor and BP said they would need to renegotiate contracts in light of inflation.

The strike price represents a base line that power generators are guaranteed for their electricity. And NYSERDA's 64 percent estimate represents an average increase, weighted by the size of the projects, if all the increases for so-called Tier I, that is relatively newer solar and wind projects, were approved. NYSERDA was not endorsing the increase, only predicting what the cost might be if ACE's requests were approved.

Business groups who have questioned the green transition, were quick to note that the cost will be a problem, especially for industrial customers who require large amounts of electricity.

"The filings make clear that these projects are going to cost far more than what was originally bid. However, what's truly astonishing is that virtually nobody knows exactly how much money it is going to ultimately cost utility customers. Those numbers simply are not being made public," Justin Wilcox, executive director of Upstate United, said in a prepared statement. Upstate United is a group that supports lower taxes and regulation in order to boost the region's economy.

There are some broad indications of the cost of building these projects, though. One group that filed comments, the Multiple Intervenors, or collection of energy interests, noted that "Department of Public Service Staff ("Staff") reported recently that the Commission already has approved approximately \$43.8 billion of funding obligations, that have been or will be paid by customers, in an effort to achieve a portion of the CLCPA requirements." They also said those costs could rise by half.



To be fair, the strongest supporters of CLCPA have said building more solar and wind power will have new economic benefits, in the form of construction jobs and savings in oil and gas purchases which would be supplanted by these new sources. Currently, the largest contributors to the state's power grid are gas fired generating plants, hydroelectric stations and nuclear power.

Still, at least one energy developer was critical of how the state has proceeded in granting contracts to green energy projects.

"AES Clean Energy, LLC ("AES") opposes the method and basis for the price increase," reads the comments from that company, which is building solar and wind farms across the state.

The company believes NYSEDA should cancel contracts on projects that aren't economically viable and invite them to rebid. Since 2016, just 12 of 113 projects approved in Tier I, or the renewable energy group, are operating so far.

Written By

[Rick Karlin](#)

Reach Rick on

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CAPITAL TONIGHT

## Observations on the cost — so far— of implementing New York's climate law

BY SUSAN ARBETTER NEW YORK STATE  
PUBLISHED 7:30 PM ET AUG. 17, 2023

We are seeing some early ballpark figures for New York state's transition to clean energy: The bill appears to be around \$44 billion.

It's an estimate found in the New York state Department of Public Service's "First Annual Informational Report on Overall Implementation of the Climate Leadership and Community Protection Act."

The CLCPA is the law passed in 2019 that requires New York state to meet certain clean energy targets.

The report presents the cost incurred, so far, for the implementation of the act.

James E. Hanley, the energy and environment fellow at the Empire Center for Public Policy, a fiscally conservative think tank and government watchdog group based in Albany, calls the \$44 billion estimate "mysterious."

"What went through my mind (when I read the report) is the estimated cost of the overall CLCPA is between \$280 and \$340 billion. So this is pushing up on 15% of that estimated budget, and we don't really have anything to show for it."

Hanley pointed out that the state is at the very beginning of actual CLCPA policy implementation.

"The biggest benefit they show so far actually comes from the Zero Emissions Energy Credits (ZECs) that we pay to keep our nuclear power plants online," Hanley said. "The strange thing is they treat that as emissions reductions, but those aren't emissions-reductions because nuclear plants didn't replace any polluting fossil fuel plants."

According to the CLCPA, 70% of New York state's energy by 2030 needs to come from renewable sources. Nuclear is not considered renewable energy, though it is carbon-free.

It's still not clear how the cost of the state's climate transition will be born: Will electricity bills increase even further? Will New Yorkers see additional taxation?

Hanley expects the costs will be spread out.

"It'll probably be mixture of it. The subsidies (for heat pumps, for example), probably, a lot of them, will come from tax dollars but there's also a lot going to be billed into utility rates," Hanley said. "And the report does explicitly show that utility rates are going up because of the CLCPA."

Environmentalist and attorney Raya Salter is both a founder of the progressive Environmental Law & Policy Center and a member of the New York State's Climate Action Council. She told *Capital Tonight* that the Department of Public Service (DPS), which issued the report, stated it wouldn't answer the big question of "what is this going to cost me?"

"In particular, the rounded \$44B projection is a spitball of sorts - there are so many additional inputs (including innovation curves and savings but also costs) that could go in. But it's the kind of reporting that we are going to need a lot more of and I appreciate the report's commitment on page 30 to work to find ways to make the data more transparent and accessible," Salter stated in an email.





NEW YORK STATE SENATOR  
**MICHELLE HINCHEY**

## Senators Hinchey and Harckham Send Letter to ORES Outlining Threats to Farmland and Environment by Proposed Copake Solar Development

[MICHELLE HINCHEY](#)

August 25, 2023

[Matter #21 02553 Senators Hinchey and Harckham Letter](#)



As ORES Decision Period Draws Near, Chairs of Senate Agriculture and Environmental Conservation Committees Emphasize the Threat of Shepherd's Run Solar Facility on Ecologically Sensitive Areas and Critical Farmland in Columbia County, Advocate for Smart Solar Development

**COPAKE, NY** – Following a site visit in early August, New York State Senators Michelle Hinchey (SD-41) and Pete Harckham (SD-40) sent a letter to the Executive Director of the New York State Office of Renewable Energy Siting (ORES), Mr. Houtan Moaveni, underscoring the potential adverse environmental and agricultural impacts of Shepherd’s Run, a proposed 60-megawatt solar development seeking approval in the Town of Copake in rural Columbia County by Chicago-based Hecate Energy LLC. The Senators, who respectively chair the Senate Committees on Agriculture and Environmental Conservation, have joined the town’s elected officials and residents in urging ORES to work with Hecate and local stakeholders to find a more suitable location for the project.

Hinchey, who represents Columbia County in the State Senate and serves as the Chair of the Agriculture Committee, invited Harckham, Chair of the Environmental Conservation Committee, to Copake for a site tour led by Copake Supervisor Jeanne Mettler and Deputy Supervisor Richard Wolf. Hecate Energy’s proposal, which has been rejected three times previously by ORES due to a lack of information, is slated to engulf 216 acres of prime New York farmland, clear-cut 40 acres of forestland, encroach on Class 1 wetlands, and pose a risk to the drinking water of residents in the City of Hudson and the surrounding area due to its sited location on 21 wetlands and 9 protected streams. The proposed facility has also been sited on a FEMA-mapped 100-year flood zone with no clear mitigation plan identified by the developer as to how flood damage would be addressed. This Saturday, August 26, marks the end of the 60-day initial assessment period by which



ORES will make a determination as to whether the project will proceed to its next phase of consideration.

“The urgent demand for increased renewable energy is undeniable, and as we navigate the intricate path toward a more sustainable future, we find ourselves at a pivotal moment where energy innovation and conservation must unite. We cannot exchange an energy crisis for a food crisis, a water crisis, or a conservation crisis, and these are the vital elements at risk when our lands of agricultural and environmental significance are inappropriately sited for development – as is the case here in Copake with the ill-proposed Shepherd’s Run facility,” said **Senate Agriculture Chair Michelle Hinchey**. “Achieving a net-zero future while protecting our finite ecological resources are not goals that live in vacuums, but goals that we must balance for the future of our planet. I thank Senator Harckham for coming to Copake to see the scale of the issue firsthand and to the local officials and residents who have sounded the alarm and brought the potentially damaging impacts of the project to light. We urge ORES to recognize the elements at stake here in Copake and honor its own standards to mitigate adverse environmental and agricultural impacts in solar siting decisions.”

**Senator Pete Harckham, Chair of the Senate Environmental Conservation Committee**, said, “The effort to expand renewable energy production statewide, while vital, cannot come at the expense of environmentally-sensitive areas or valuable farmland. I join my colleague Senator Hinchey in opposition to Hecate Energy’s proposed solar project in the Town of Copake with the hope that other, more appropriate sites will be available for this endeavor.”

**Town of Copake Supervisor Jean Mettler** said, “Earlier this summer, we were delighted when Senator Michelle Hinchey and Senator Peter Harckham came to Copake to discuss the utility-scale solar installation proposed for our Town. Both senators understand our concern about the threats to prime farmland, wetlands, woodlands, and water posed by the Hecate project. We are deeply appreciative of the call by Senators Hinchey and Harckham to balance the need for renewable energy development with the need to protect our finite resources.”

Hinchey, who has been leading on solutions to facilitate smart solar development in New York State, [sponsors several pieces of legislation to address this challenge](#), which she will work to advance in the 2024 State Legislative Session. Two bills that passed both legislative houses in the 2023 Session and are ready to be called up to the Governor’s desk include the [Smart Integrated Tools For Energy Development \(SITED\) Act](#), which would require NYSERDA to develop a Clean Energy Mapping Tool allowing communities to identify the local lands best suited for renewable energy siting and designating preferred spots for developers to search. Another bill would [establish an Agrivoltaics Research Program](#) administered by Cornell CALS to help guide the effective implementation of dual-use agricultural lands with solar arrays, helping New York meet its clean energy goals while preserving prime farmland.

# Why wind and solar power are running out of juice

By Jonathan Lesser

September 2, 2023 12:00pm Updated

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Green energy and the push to electrify everything have been in the news recently but for all the wrong reasons.

Instead of the green energy nirvana politicians and green energy advocates have promised, economic and physical reality has begun to set in.

Start with the economic realities.

**Wind turbine manufacturers like Siemens** and General Electric have reported huge losses for the first half of this year, almost \$5 billion for the former and \$1 billion for the latter.

Among other problems, turbine quality control has suffered, forcing manufacturers such as Siemens and Vestas to incur costly warranty repairs.



In Europe, offshore wind output has been less than promised, while operating costs have been much higher than advertised.

Offshore wind developers in **Europe and the US are canceling projects** because of higher materials and construction costs.

In Massachusetts, Avangrid, the developer of the 1,200 MW Commonwealth Wind project paid \$48 million to get out of its existing contract to sell power to ratepayers.

That way, the company can rebid the project next year at an even higher price.

Close by, the developers of the 1,200 MW SouthCoast Wind Project off Martha's Vineyard will pay about \$60 million to exit their existing contract.

Rhode Island Energy, the state's main electric utility, **recently rejected the second Revolution Wind Project** because the contract price was too high.



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Washington State Gov. Jay Inslee promised that his state's new "cap-and-invest" program would have little impact on residents' pocketbooks.

Ron Sachs – CNP

And Ørsted, the Danish government-owned company that is developing the Southfork Wind and Sunrise Wind projects off Long Island — as well as the Ocean Wind project off the New Jersey coast — **last week announced that, without additional subsidies** and higher contract prices, it will have to write-off billions of dollars in potential losses.

The result: Even though Siemens Energy CEO Christian Bruch insists that “energy transition without wind energy does not work,” 2022 saw 16% less new wind-power capacity than in 2021, **according to the American Clean Power Association.**

In New Jersey, the legislature passed a law in July, **which is likely unconstitutional**, to bail out Ørsted.

The legislation will award the company with several billion dollars of investment tax credits that were supposed to go to consumers.



Now Washington State has the highest gas prices in the entire country.

SOPA Images/LightRocket via Getty Images

Back on dry land, opposition to siting land-gobbling wind and solar projects continues to grow.

Local governments in Iowa, Illinois, and Ohio **have all rejected or restricted projects.**

Rural communities, it seems, do not want to host massive turbine farms — nor the high-voltage transmission lines needed to deliver electricity to power-hungry cities.

Then there are electric vehicles.





German manufacturer Siemens's wind turbine business Siemens Gamesa has lost almost \$5 billion over the past year.

AFP via Getty Images

Ford, which has bet heavily on its electric Lightning pickup and Mustang and received a **\$9.2 billion government-subsidized loan** in January, **revealed** that it has lost \$60,000 for every EV it sold in the first half of this year.

Rivian, another EV company, managed to reduce **its losses per EV to around \$33,000**, a big improvement over the \$67,000 loss per EV in the first quarter of the year.

Proterra, a Bay Area-based manufacturer of electric buses and batteries that had a \$10 million loan forgiven by the Biden Administration, just filed for **bankruptcy**.

Like the wizard in *The Wizard of Oz*, alternative energy proponents claim these are just temporary little potholes on the road to economic and climate nirvana — all of which can be filled with more money through **renegotiated** power purchase contracts and more zero-emissions mandates.



An employee working on the factory floor at Rivian, the e-car start-up.  
REUTERS

Alternative energy madness – and that's what it is – has had its biggest impact in California.

But New York and New Jersey have adopted most of that state's mandates.

Sales of new internal combustion vehicles will be banned beginning in 2035 in the states. All of the electricity sold to retail consumers will have to be "zero-emissions."

## **SEE ALSO**



**Biden-backed electric vehicle company files for bankruptcy**

Homeowners and building owners will be forced to replace gas- and oil-burning space and water heaters with electric heat pumps.

And, gas stoves will be regulated out of existence.

New York also will soon implement another California import: a carbon "cap-and-invest" program, which will impose a tax on fossil fuels sold by wholesalers and utilities.



The billions of dollars collected each year will provide a **green slush fund**, allowing the governor and legislators to hand out money to their politically favored cronies, as has so often been the case in the past.

Washington State began its "cap-and-invest" program in January of this year.

Modeled after California's, Governor Jay Inslee promised the program would have "**minimal impact, if any. We are talking about pennies.**"

Instead, the program has raised gasoline prices – almost 50 cents per gallon so far this year. Washington State now claims the honor of having the highest gasoline prices in the nation: In Seattle, for example, the average price of regular gasoline is over **\$5 per gallon.**



Electric vehicle maker Rivian has halved its per-EV losses to around \$33,000 each — less than half of what they were at the beginning of this year.

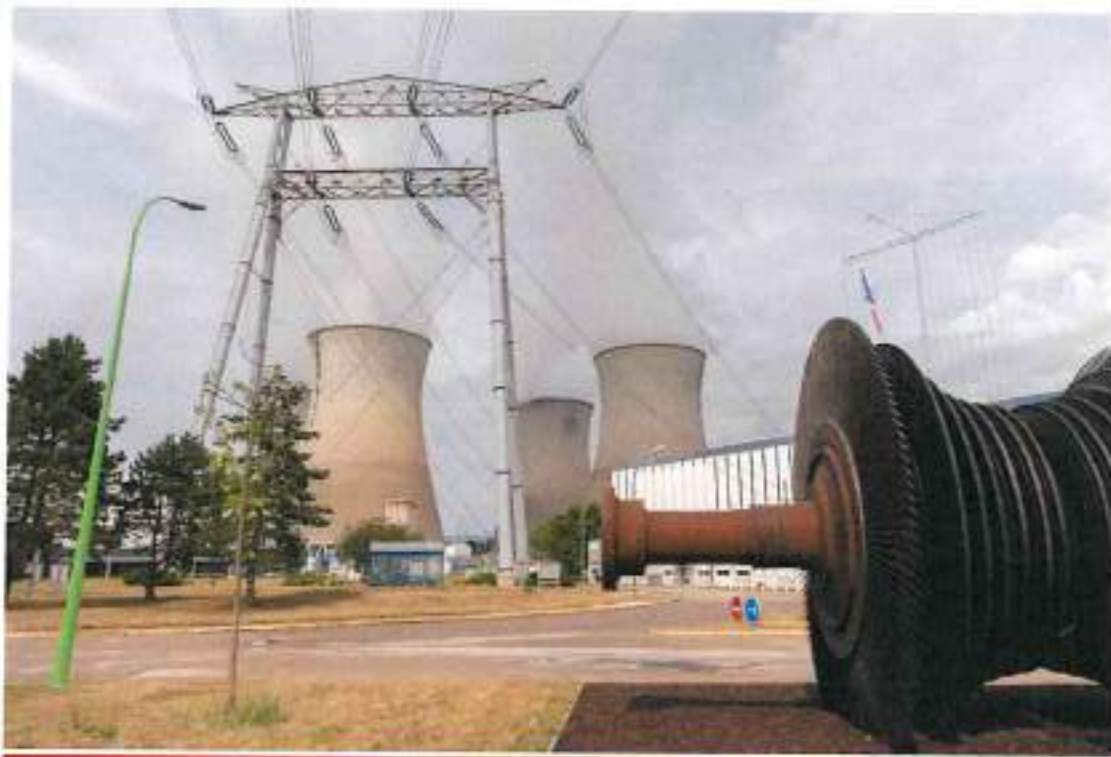
Getty Images

Of course, the entire point of the program was to raise gasoline and fossil fuel prices to encourage consumers to switch to electric vehicles, mass transit, electric heat pumps, and so forth.

But politics being what it is, Governor Inslee, along with environmentalists and legislative proponents, now blames greedy oil companies for the price increases.

"We won't stand for' corporate greed," the Governor said at a July 20, 2023, press conference.

Once New York's cap-and-invest program starts, probably next year, you can expect a similar outcome: higher gasoline and diesel prices, higher prices for natural gas and fuel oil used to heat homes and apartment buildings, and endless political demagoguery denouncing it all.



France has been able to wean itself away from fossil fuels by investing in nuclear power — which the nation has proven can be produced safely.

ZUMAPRESS.com

As the push toward electric-everything powered by green energy barrels along, proponents also refuse to confront basic physical realities.

Electricity accounts for just one-sixth of all energy use.

The rest is fossil fuels consumed for transportation, space and water heating, and manufacturing.

Convert everything to electricity and electricity consumption will increase. A lot.

According to the New York Climate Action Committee's **Final Scoping Plan**, New York will meet that increased demand by building almost 15,000 MW of offshore wind, like the Southfork Wind and Sunrise Wind projects, and over 40,000 MW of solar panels. (By



comparison, the emissions-free Indian Point Nuclear Plant, which former Governor Cuomo forced to close, had a capacity of just over 1,000 MW.)



Siemens CEO Christian Bruch has doubled down on his insistence that wind power is a key to solving the global energy crisis.

dpa/picture alliance via Getty Images

Because the wind doesn't always blow and the sun doesn't always shine, keeping the lights on will require far more backup resources.

This "reserve margin" – basically, the amount of generating capacity available to step in and meet electric demand – will need to increase from the current 20% to over 100%.



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In other words, for every MW of generating capacity in 2040, there will have to be an equal amount or more in reserve.

That's like having to buy a second car and keep it idling all the time in case the first one won't start.

The Scoping Plan claims this will be accomplished by building over 20,000 MW of so-called "dispatchable emissions-free generating resources" (DEFERs) and installing over 12,000 MW of battery storage.

Those claims are fantasy.

Start with DEFERs, which are generators that burn pure hydrogen manufactured from surplus wind and solar power.

They have yet to be invented (we repeat – *they do not yet exist*). Nor do any large-scale commercial plants to manufacture green hydrogen exist either.

Hydrogen cannot be transported in existing natural gas pipelines.

An entirely new infrastructure will need to be built.

Assuming a new technology will be invented by whatever date politicians decree is foolish.

That's not how technology works.



Danish power giant Orsted has invested heavily in the US market — and also lost heavily. The company faces billions in additional losses in the US if it does not receive future subsidies and cash.

Doug Kuntz

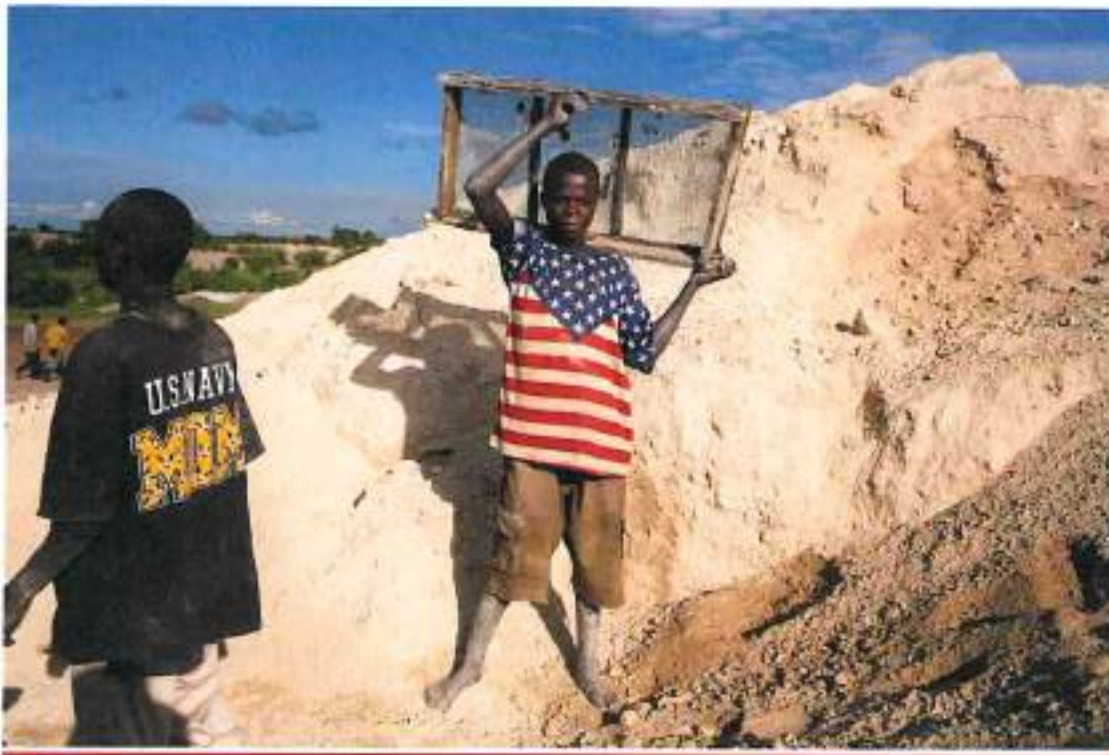
Just ask everyone working on commercial fusion power, which has been just 30 years off for the last 50 years.

As for battery storage, 12,000 MW will provide at most 48,000 megawatt-hours of actual electricity.

That may sound like a lot but based on the New York Independent System Operator's (NYISO) most recent **forecast**, on a windless and cold winter evening in 2040, it would keep the lights on for only one hour.

The materials requirements for batteries also are staggering, which is one reason why replacing existing **internal combustion cars and trucks will be impossible**.

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Children in the Democratic Republic of Congo mine copper and cobalt, rare and precious materials required for the manufacturing of electric batteries.

Getty Images

Batteries require large quantities of cobalt, **much of which is now mined in the Congo** using child and slave labor.

They also require lots of graphite, most of which comes from China – the same with the rare minerals needed for wind turbines and solar panels.

Ultimately, nothing New York does will have any measurable impact on world climate because the state's carbon emissions are minuscule compared to the **35 billion metric tons** of total global emissions.

As long as China, which accounts for almost one-third of world energy-related carbon emissions, India, and other developing nations focus policies on economic growth, rather than cutting emissions, New York's efforts will have no environmental value.

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Miners in China, where materials such as graphite are excavated and also used to build electric batteries.

NurPhoto via Getty Images

Nevertheless, if politicians and environmentalists were serious about zero-emissions goals, they would abandon the electrification mandates, and abandon reliance on wind, solar, battery storage, DEFRs, green hydrogen, and other unrealistic and unreliable energy sources.

Instead, they would embrace the one existing technology that dare not speak its name: nuclear power.

Unlike wind and solar, nuclear plants run all the time.

New, small modular reactors will offer greater safety, lower costs, and easy scalability to meet increased electricity demand.





Busses made by Proterra, a California-based electric vehicle company which recently announced it was going bankrupt.

Getty Images

Storing spent fuel is a political issue, not a technological one, for which the best solution is to recycle and reuse it, as France has done for the last half-century without incident.

The country is also developing a permanent storage site for nuclear waste that can no longer be reprocessed.

The economist Herb Stein once quipped that anything that cannot go on forever, won't.

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That's true of New York's current alternative energy madness.

It won't save the world, but it will grind down the state's economy and its residents until the folly is too great to ignore.

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