

County of Cattaraugus  
Industrial Development Agency

**BOARD OF DIRECTORS MEETING - AGENDA**

Tuesday, January 9, 2024  
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 Dec. 12, 2023 CCIDA Board of Directors Meeting Minutes:**

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

**1.) - Route Two Nineteen, LLC:**

-Route Two Nineteen, LLC has submitted an application to the CCIDA related to the renovation of the former Telemark Hotel to a higher end, 14 room Boutique Motel with 12 standard rooms and 2 suites. The project includes renovations to all 14 rooms, new furnishings, finishes and updated amenities to meet the needs of today's travelers, as well as a reimagined outdoor space. The Cost Benefit Analysis is included to each Board member in their packet for their review. A Public Hearing was not required as the benefits are under \$99,000.00, as per the Statute.

**Total Project Investment: \$1,850,000**

√ **Inducement Resolution** – Route Two Nineteen, LLC

**2.) – Walsh Huskies LLC: (DRAFT-As no formal action will be taken at this meeting)**

-Walsh Huskies LLC has submitted an application to the CCIDA related to the acquisition and relaunch of the campground located at 3510 Bear Creek Road in the Town of Machias. The project includes full renovations to the cabins, event center, concert hall, restaurant, RV pads as well as adding luxury domes for glamping. The Cost Benefit Analysis is included to each Board member in their packet for their review.

**Total Project Investment: \$3,145,000**

**3.) – Turbo Machining LLC: (DRAFT-As no formal action will be taken at this meeting)**

-Turbo Machining LLC has submitted an application to the CCIDA related to transformation of a warehouse into a manufacturing facility located at 3864 Route 417 in the Town of Allegany. The project will include the addition heating, plumbing, electrical, office spaces, restrooms and CNC equipment. The project will create approximately 20 jobs over three years.

**Total Project Investment: \$1,019,000**

**\*Resolution from a Prior Application/Project Modification in Process\***

**- Great Lakes Cheese:**

-Great Lakes Cheese has requested a **Project Modification** Request relating to their initial project inducement. The Company is investing an additional \$97,000,000, thus bringing the overall investment of the project to **\$718,000,000**.

The additional \$97,000,000 of investment, **\$50,000,000** of that is applicable to NYS Sales Tax.

The reason for the request is due to record inflation and supply chain issues on the equipment, along with increased associated costs. A Project Modification Request is included to each Board Member in their packet for their review.

A public Hearing was held **January 3, 2024** at the Town of Franklinville Town Hall. There was no one in attendance. A copy of the public hearing script is included in the board packet for review.

√ **Second Amendatory Inducement Resolution – Great Lakes Cheese**

**\*CCIDA Financial Report:**

-Approval of **December 2023** Financial Report (*vote required*).

**\*Income for December 2023: (\$35,255.25)**

**-\$16,098 Project Closing: 9154 Group, LLC**

**-\$ 6,641 Half Administrative Fee: Olean Industrial Park, LLC**

**-\$12,516.25 Project Closing: Kinley Contractors, LLC**

*-General update on projects in process; including the Agency has 3 projects in the closing stage which should close in the 1st quarter of this year.*

## \*Executive Directors Reports:

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

- ✓ We would like to welcome new Board Member Tom Cullen to the Board! Tom will be an excellent addition to the IDA Board with his business background and his position with St. Bonaventure and The Laine Accelerator Program.
- ✓ Attend Olean Business Development Corporation Board Meeting.
- ✓ Meeting with Andy Burr and Tom Cullen regarding Village of Cattaraugus projects.
- ✓ Meeting with Sean Doyle of Hamburg IDA.
- ✓ Meeting with JCC folks and Catt-Allegany Workforce Development regarding NENY.
- ✓ Attend Great Lakes Cheese Public Hearing.
- ✓ I had a discussion/meeting with David Trathen with Holiday Valley regarding a small project they are considering.
- ✓ Had a meeting with Brooks Anderson with Timber Hut about his business.
- ✓ Cattaraugus-Allegany Workforce Development Board partnered with SUNY JCC and Olean Business Development Job Fair – see handout.
- ✓ Small Business Development Information Event – see handout.
- ✓ Met with a WNY Developer who is considering a Commercial project in Ellicottville.
- ✓ Meeting with a business in Ashford relating to a project they are considering with CCIDA.

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

- ✓ **Buffalo Business First:** Article: *"Brewery to take over Hooked site in Williamsville."*
- ✓ **The Villager:** Article: *"Honoring the Late Edna Northrup."*
- ✓ **Buffalo Business First:** Article: *"VC fund launches with focus on St. Bonaventure startups."*
- ✓ **City and State New York:** Article: *"The issue most likely to dominate the 2024 New York legislative session."*

- ✓ Letter from Congress of the United States House of Representatives dated December 21, 2023.
- ✓ NYupc.om: Article: "New York's new laws in 2024: Voting reforms, minimum wage, red light cameras, more."
- ✓ CNN Business: Article: "From powerhouse to afterthought: US Steel, once a symbol of America's economic might, set to be sold to Japanese rival."
- ✓ Olean Times Herald: Article: "Times Herald compiles Top 10 stories of 2023."

Adjournment:

Motion-

:  
:  
Time:

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\* Next CCIDA Board of Directors Meeting is scheduled for  
February 13, 2024 at 11:15 a.m.  
at the CCIDA Offices in Ellicottville, NY.



### **Zoom Meeting access Information:**

Topic: County of Cattaraugus IDA Board Meeting

Time: Jan 9, 2024 11:15 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85831319170?pwd=TkdPM25mSVJ4a1Q4djh-waTJnb001Zz09>

Meeting ID: 858 3131 9170

Passcode: 938898

One tap mobile

+16469313860,,85831319170#,,, \*938898# US

+19292056099,,85831319170#,,, \*938898# US (New York)

Dial by your location

• +1 646 931 3860 US

• +1 929 205 6099 US (New York)

**COUNTY OF CATTARAUGUS  
INDUSTRIAL DEVELOPMENT AGENCY**

**BOARD MEETING MINUTES**

**December 12, 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  
Ms. Ginger Schroder  
Mr. Michael Wimer  
Mr. Brent Driscoll

**Excused:**

Mr. John Stahley  
Mr. James (Joe) Snyder  
Mr. Joseph Higgins

**CCIDA Staff/Counsel:**

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

**Presenters/Guests:**

Mr. John Ott, Director of Indus Hotels Inc. (via zoom)  
Ms. Sharon Ocampo, Executive Assistant for Indus Hotels Inc. (via zoom)

Mr. Buffamante called the meeting to order at 11:16 a.m.

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

A Motion was made by Brent Driscoll seconded Michael Wimer by to accept the Board Meeting Minutes from November 14, 2023 as presented to the Board. All in favor. **Motion Carried.** Mr. Stahley, Mr. Snyder and Mr. Higgins were excused.

**\*Resolution from Prior Application/Project in Process\***

**1.) - Indus Hotels Inc.**

-Mr. Wiktor introduced John Ott and Sharon Ocampo from Indus Hotels who attended via zoom to give a brief update and overview of the project. Mr. Ott indicated the hotel was the second or third hotel they opened around 2004 and is now in the need of renovations. He indicated they have about 19 hotels in their portfolio right now and the support of the CCIDA is critical to them to move forward with this project. The plans include a refresh of the exterior to make it look updated and the interior updates would include dry wall in changes including replacement of all new wall coverings, floor coverings, furniture, mill work and basically turning it into a brand-new hotel. Mr. Wiktor indicated their application was very detailed and complete and his discussions with the Town of Allegany and St. Bonaventure indicate they are very supportive and happy to see these types of projects continue because we all see the challenges their industry faces.

-Indus Hotels, Inc. has submitted an application to the CCIDA for renovations to their existing 20,694 sq. foot, two story, 50 room Microtel Inn & Suites by Wyndham located at 3234 NYS Route 417 in the Town of Allegany, NY. The hotel has been a part of the community since 2004 bringing both leisure and business travelers to Allegany and the City of Olean. The renovations will add to the business infrastructure and increase employment opportunities. The Cost Benefit Analysis was included to each Board Member in their packet for their review at the November Board Meeting. *(A member of the development Team is planning to be available via Zoom for any questions).*

-A Public Hearing was held on November 28, 2023 at 10:30 a.m. at the Town of Allegany. Chris McPherson and Mike Higgins were in attendance. There were no comments, however the Town Supervisor will be submitting a letter of Support.

**-The Total Project Investment: \$1,748,989**

**Resolution:**

**A Motion was made by Brent Driscoll seconded by Ginger Schroder, RESOLUTION OF THE COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF INDUS HOTELS INC., AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS. A roll call of the Board of Directors of the CCIDA was take Mr. Buffamante, Mr. Driscoll, Ms. Schroder and Mr. Wimer (with disclosure) were present. Mr. Stahley, Mr. Snyder and Mr. Higgins were excused. **Motion Carried.****

**\*New Application/Project/Project Modification\***

**1.) - Great Lakes Cheese:**

-Mr. Wiktor indicated Great Lakes Cheese has requested a second project modification to relating to their initial project inducement and made note CCIDA did support and adopt the first modification back in April of 2023.

-Great Lakes Cheese has requested a **Project Modification** Request relating to their initial project inducement. The Company is investing an additional \$97,000,000, thus bringing the overall investment of the project to **\$718,000,000**.

The additional \$97,000,000 of investment, **\$50,000,000** of that is applicable to NYS Sales Tax.

The reason for the request is due to record inflation and supply chain issues on the equipment, along with increased associated costs. A Project Modification Request is included to each Board Member in their packet for their review. *\*No action is required as this project just started the Agency's process. A public hearing has been set for January 3, 2024.*

**\*General:** Update on Wind Policy: Counsel and Staff have been working on revising and enhancing the Agency's Wind Policy/PILOT for several months. The Agency first adopted its current Wind Policy in February 2010. The Agency has been researching policy points which include: PILOT Dollar amount per Megawatt, Decommissioning, the roles of the Agency, etc.

Staff and Counsel have prepared a few DRAFT proposals for the Board's consideration. We will also include the IDA's current Wind UTEP. With Board support, we'd like to discuss and obtain you thoughts, recommendations, inclusions, etc. and then schedule an additional meeting to proposed amended and revised Wind Policy. Any change or revision to the Wind UTEP would require a deviation notice and subsequent Public Hearing before formal adoption.

**A Motion** was made by Brent Driscoll seconded by Michael Wimer to extend the Moratorium relating to CCIDA's solar and wind policies until February 29, 2024. **All in Favor - Motion Carried.** Mr. Stahley, Mr. Snyder and Mr. Higgins were excused.

**\*CCIDA Financial Reports:**

**A Motion** was made by Brent Driscoll seconded by Michael Wimer to accept the November 2023 CCIDA Operating Statement as presented to the Board. **All in Favor - Motion Carried.** Mr. Stahley, Mr. Snyder and Mr. Higgins were excused.

**\*Income for November 2023:**

*-\$12,516.25-Project Closing: Kinley Corp.*

**\*Approval of the final 2024 Budget.** **A Motion** was made by Brent Driscoll seconded by Ginger Schroder to accept the 2024 Budget presented to the Board. **All in Favor - Motion Carried.** Mr. Stahley, Mr. Snyder and Mr. Higgins were excused.

-Updated Certificates of Deposits /Savings Accounts Statement is included to each Board Member in their packet for their review.

**\*Proposed December 2023:**

*-\$16,098 Project Closing: 9154 Group, LLC*

Mr. Buffamante announced CCIDA received a Letter of Resignation from Board Member John Stahley dated November 21, 2023 indicating he will be resigning as a Board Member due to relocation of his job. Mr. Driscoll indicated it has been nice to have John on board as he brought on a lot of expertise, particularly from an industrial standpoint in what was one of our major businesses in Cattaraugus County. Mr. Driscoll further indicated he will be missed and wish him much luck in his new adventure. Mr. Wiktor indicated everyone at CCIDA will greatly miss John.

### **\*Executive Directors Reports:**

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

- ✓ Letter of Resignation from Board Member John Stahley-12/31/23-Please see John's letter. He will be sorely missed on the Board. He was an excellent Board member!
- ✓ Corey will give a brief overview on the past year's highlights, projects and what's ahead in 2024.
- ✓ Attended Olean Business Development Corporation Board Meeting.
- ✓ Meeting with Matt Wilkinson of Great Lakes Cheese regarding community outreach.
- ✓ Attended Economic Development and Tourism Board Meeting.
- ✓ Conference with potential developer of a redevelopment project in Franklinville.
- ✓ Attended Great Lakes Cheese Tour with Cattaraugus County Ag. Board etc.
- ✓ Attended meeting with potential developer of a project in Olean.
- ✓ Attended meeting/tour with team regarding Village of Cattaraugus Main Street Grant.
- ✓ Attend Luncheon and Great Lakes Tour with CCIDA Board Members.
- ✓ Interview with Kate Bartlett of *The Villager* regarding 2023 CCIDA projects.
- ✓ Attended meeting regarding Olean Town Centre, in Olean.
- ✓ Attended Third Annual Laine Business Accelerator Community Showcase in Olean.
- ✓ Meeting with a WNY developer related to a proposed housing project in Farmersville.
- ✓ Discussion with a WNY Commercial Realtor relating to two (2) manufacturing facilities within Cattaraugus County. More information to come.
- ✓ Meeting with Nick Ferrari at Field of Dreams regarding possible expansion.

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

- ✓ **Camoin Associates:** Article: *"The Economic Impact of IDAs."*
- ✓ **Camoin Associates:** Article: *"The Economic Impact of New York State's IDAs."*
- ✓ **Olean Times Herald:** Article: *"Laine Business Accelerator program showcases third cohort."*
- ✓ **Camoin Associates:** Article: *"Trends and Transitions in Forestry and Lumber-Related Markets."*
- ✓ **Camoin Associates:** Article: *"The Growth, Decline, and Rebirth of the American Shopping Mall."*
- ✓ **Salamanca Press:** Article: *"RocketCup Coffee set to revitalize the world from Cattaraugus."*
- ✓ **New York ISO:** Article: *"2023 Comprehensive Reliability Planning Report."*
- ✓ **Fox News:** Article: *"Dem Governor withdraws electric vehicle mandate in stunning blow to environmentalists."*
- ✓ **The Capital Press Room:** Article: *"Southern Tier's natural gas eyed for extraction (again)."*
- ✓ **NewsBreak:** Article: *"National Grid's New Smart Meters: What Upstate New York Residents Need to Know."*
- ✓ **RealClear Energy:** Article: *"The Crippling Economic Costs of Green Energy Subsidies."*
- ✓ **New York Focus:** Article: *"How Unelected Local Officials Dole Out Wind and Solar Tax Breaks."*

**Executive Session:** (Client - Attorney Privilege)

**A Motion** was made by Brent Driscoll seconded by Thomas Buffamante to go into Executive Session at 12:30 p.m. Mr. Stahley, Mr. Snyder and Mr. Higgins were excused.

**A Motion** was made by Ginger Schroder seconded by Brent Driscoll to exit Executive Session and return to the regular meeting at 1:24 p.m. Mr. Stahley, Mr. Snyder and Mr. Higgins were excused.

**A Motion** was made by Brent Driscoll and seconded by Michael Wimer to adjourn the meeting at 1:25 p.m. All in Favor – **Motion Carried.** Mr. Stahley, Mr. Snyder and Mrs. Higgins were excused.

**\* Next CCIDA Board of Directors Meeting: January 9, 2024 at 11:15 a.m. at the CCIDA Offices, 9 E. Washington Street, Ellicottville, NY, and also via Zoom.**



# APPLICATION FOR FINANCIAL ASSISTANCE



Name of Applicant: Route Two Nineteen, LLC

Date Submitted:

Dec. 23, 2023

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)

**B. Eligibility Questionnaire - Applicant Background Information**

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

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

Applicant Name: Route Two Nineteen, LLC  
Applicant Address: 187 Maple Dr  
City/Town: Randolph State: NY Zip: 14772  
Phone: 716-228-0692  
E-mail: reidsmithreid@gmail.com

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

Corporation  Partnership   
Public Corporation  Joint Venture   
Sole Proprietorship  Limited Liability Company   
Other (specify) \_\_\_\_\_  
Year Established: 2023 State in which Organization is established: NYS

**C) Individual Completing Application:**

Name: Reid Smith II  
Title: MEMBER  
Address: 157 Maple Dr  
City/Town: RANDOLPH State: NY Zip: 14772  
Phone: 716-228-0692 E-Mail: reidsmithreid@gmail.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: Dana Lundberg  
Firm Name: Wm Lundberg Price PC  
Title: \_\_\_\_\_  
Address: 202 WEST FOXATH ST.  
City/Town: JAMESTOWN State: NY Zip: 14701  
Phone: 716-664-2346 E-Mail: dana@LP-PC.COM

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

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

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



**G) Applicant Business Description:**

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

Transformation of Telemark Motel to a 1<sup>st</sup> run Boutique Motel with 12 standard rooms and 2 suites, 3000 sq foot Restaurant leased to the applicant tenant for this location

Estimated % of sales within Cattaraugus County: 100%

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

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

Estimated % of sales outside the U.S.: \_\_\_\_\_

(\*Percentage to equal 100%)

For your operations, company, and proposed project, what percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Cattaraugus County 75%

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

Sixt Lumber  
Salamancas Antique Mall  
Ice Supply

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

**A) Project Location**

Address of Proposed Project Facility: 6089 Rte 219

City/Town: ELLIOTTVILLE School District: \_\_\_\_\_

SBL Number(s) for proposed Project: 55.002-2-9

Current Address (if different): \_\_\_\_\_

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

What are the current real estate taxes on the proposed Project site? \$10,701.15

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

Land: \$ 210,000 Buildings(s): \$ 230,000 If available include a copy of current tax receipt.

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

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

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

The current property operator has operated as The Telemark Motel and most recently Slopeside Restaurant

**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.):

Conversion of the existing Telemark Motel from a value road side motel to a higher end boutique motel. Renovation and improvements to 12 motel rooms and just two bedroom suites. All new furnishing and fixtures in each room with updated amenities to meet the needs of today's traveler. Reimagined outdoor space dedicated to Motel and complementing our future Restaurant Partner.

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

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

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

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

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

The Financial Assistance will allow us to infuse more into the improvements of this important property. Hospitality is a sector that banks are hesitant to lend against. This has forced us to tie up much of our funds into the repositioning costs. Repositioning funds to the original improvement budget will allow us to be much more aggressive and provide a much better product for our customer.

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

The company has also indicated to the Agency that will attract a significant number of visitors outside the economic development region.

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:

Due to travel security financing for the purchase much of our saved funds for rehab is going toward the down payment. This change to our financials was challenged our rehab budget and limited our initial plan timeline. This assistance would allow us to do more improvements to this important property.

If the Applicant is unable to obtain financial assistance for the Project, what will be the impact on the Applicant and Cattaraugus County? The improvements and rehab will not be as extensive.

- As also established by Section 230 of the New York State Economic Development Law, and therefore considered as a "Tourism Destination", as defined in Section 86(2) of the Act.

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 - bar - hospitality

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 ("SEQRA") "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 checked="" type="checkbox"/>	Life Care Facility (CCRC)	<input type="checkbox"/>
Affordable/Workforce Housing	<input type="checkbox"/>	Market Rate Housing	<input type="checkbox"/>
Assisted Living	<input type="checkbox"/>	Mixed Use	<input type="checkbox"/>
Back Office	<input type="checkbox"/>	Multi-Tenant	<input type="checkbox"/>
Civic Facility (not for profit)	<input type="checkbox"/>	Renewable Energy	<input 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 checked="" type="checkbox"/>		

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

Retail Sales:  Yes or  No

Services:  Yes or  No

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

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

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

	Square Footage	Cost	% of Total Cost of Project
Manufacturing/Processing			
Warehouse			
Research & Development			
Commercial	0,000	\$1,850,000	100%
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: 12/1/2023
2. Estimated completion date of project: 5/1/2024
3. Project occupancy - estimated starting date of occupancy: 3/1/2024 partial - staggered phase

**E) Overall Project Costs**

Estimated costs in connection with Project:

- |  |  |                     |
|--|--|---------------------|
| 1. Land and/or Building Acquisition                        |  | \$ <u>1,400,000</u> |
| _____ acres _____ square feet                              |  |                     |
| 2. New Building Construction _____ square feet             |  | \$ _____            |
| 3. New Building Addition(s) <u>4100</u> square feet        |  | \$ <u>30,000</u>    |
| 4. Infrastructure Work                                     |  | \$ _____            |
| 5. Reconstruction/Renovation <u>3000</u> square feet       |  | \$ <u>330,000</u>   |
| 6. Manufacturing Equipment                                 |  | \$ _____            |
| 7. Non-Manufacturing Equipment (furniture, fixtures, etc.) |  | \$ <u>125,000</u>   |
| 8. Soft Costs: (Legal, architect, engineering, etc.)       |  | \$ <u>10,000</u>    |
| 9. Other, Specify: _____                                   |  | \$ _____            |

TOTAL Costs: \$ 1,850,000

**Construction Cost Breakdown:**

Total Cost of Construction \$ 360,000 (sum of 2,3,4 and 5 above)  
 Cost of materials: \$ 178,000  
 % sourced in Cattaraugus County 75 %

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



**Sources of Funds for Project:**

Bank Financing \$ 700,000  
Equity (excluding equity that is attributed to grants/tax credits) \$ 1,050,000  
Public Sources (Include sum total of all state and federal grants and tax credits) \$ 0  
Identify each state and federal grant/credit: (i.e. Historic Tax Credit, New Market Tax Credit, Brownfield Cleanup Program, BSD, 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): \$ 1,000,000

**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: \$ 1,000,000 178,000

Estimated State and Local Sales and Use Tax Benefit (multiply 8.0% by the figure, above): \$ 14,240

**\*\* 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): \$ N/A

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

**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): \$10,000

**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)			10	10
Part Time (PT)			15	15
Total ***			25	25

\*\* 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		\$5,000			
Professional		\$5,000		20,000	
Administrative					
Production					
Independent Contractor		\$25,000		25,000	
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	\$	<u>396,000</u>	
Estimated average annual salary of jobs to be retained (full time)	\$	<u>N/A</u>	
Estimated average annual salary of jobs to be retained (part time)	\$	<u>N/A</u>	
Estimated average annual salary of jobs to be created (full time)	\$	<u>45,000</u>	
Estimated average annual salary of jobs to be created (part time)	\$	<u>12,000</u>	
Estimated salary range of jobs to be created			
From (full time)	\$	<u>30,000</u>	To (full time) \$ <u>60,000</u>
From (part time)	\$	<u>10,000</u>	To (part time) \$ <u>15,000</u>

**III. Certain 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: Top Route Two Nineteen, LLC  
 Address: 107 APPLE DR  
 City/Town: RANDOLPH State: NY Zip: 14772  
 Contact Person: REID SMITH  
 Phone: 716-228-0692 Fax: \_\_\_\_\_  
 E-Mail: reid.smith@toproute.com  
 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
<u>Proposed</u>		<u>3,000 50%</u>	<u>Future Restaurant Tenant/Partner</u>



#### IV. Retail Questionnaire

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

Answer the following:

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

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

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

B. What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? 100%. If the answer is less than 33% do not complete the remainder of the retail determination and proceed to Inter-Municipal Move Determination.

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

1. Will the project be operated by a not-for-profit corporation?  Yes or  No.
2. Is the Project location or facility likely to attract a significant number of visitors from outside the economic development region (Cattaraugus, Erie, Allegany, Chautauque 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

- located 150 steps to the sunrise hill at  
Haley's Valley - Allegany - 2014

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

**Attachment A: Representations, Certifications and Indemnification**

Reid Smith (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the managing member (title) of Reich Inc Nineteen, 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.

- 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.:

REO SMITH JR, being first duly sworn, deposes and says:

1. That I am the MANAGING MEN (Corporate Office) of ROUTE TWO NINETEEN, LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

  
 (Signature of Officer)

Subscribed and affirmed to me under penalties of perjury  
 this 23 day of December, 2023

Crystal L. Almeter  
 (Notary Public)

CRYSTAL L. ALMETER, #01AL5088075  
 Notary Public, State of New York  
 Qualified in Cattaraugus County  
 My Commission Expires November 10, 2025

- 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 November 1, 2022)

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 Development 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.

**Automobile Liability:** Business Auto Liability with limits of at least \$1,000,000 each accident. Business Auto coverage must include coverage for liability arising out of all owned, leased, hired and non-owned automobiles.

County of Cattaraugus Industrial Development Agency shall be included as Additional Insured on a Primary & Non-Contributory basis on the auto policy. 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.

**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.



## 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>Route 219 Two Nineteen, LLC.</i>			
Project Location (describe, and attach a location map): <i>6089 Route 219, Elliptonville, NY 14751</i>			
Brief Description of Proposed Action: <i>-Transformation of the former Tele mark Motel to a 14 room B outcrop motel with 12 standard rooms and 2 suites. -Restaurant to be determined as well. All new F.F.E as well in motel.</i>			
Name of Applicant or Sponsor: <i>Route Two Nineteen, LLC. (Member RoadSmith)</i>		Telephone: <i>76-228-0692</i>	
Address: <i>187 Maple Drive, Randolph NY 14772</i>		E-Mail: <i>RoadSmith@gmail.com</i>	
City/PO: <i>Randolph</i>		State: <i>NY</i>	Zip Code: <i>14722</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>Town of Elliptonville</i>			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<i>1.20</i> acres	
b. Total acreage to be physically disturbed?		<i>0</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>1.20</i> acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input 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			

<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>N/A</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>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?</p> <p>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?</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	
<p>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?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	

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"/> Agriculture/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 plain?	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
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>REED SMITH</u>	Date: <u>1/4/2023</u>	
Signature: <u>[Signature]</u>	Title: <u>MEMBER</u>	



## MRB Cost Benefit Calculator

Cattaraugus County Industrial Development Agency

Date:   
 Project Title:   
 Project Location:

### Construction Phase - Project Assumptions

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

#### Construction Economic Impacts

Industry	NAICS	% of Total Investment	Investment by Type
Industrial Building Construction	236210	100%	\$1,387,500
(Not Applicable)	0		\$0
(Not Applicable)	0		\$0
<i>Most projects will only have one line related to construction type</i>		100%	\$1,387,500

### Operation Phase - Project Assumptions

#### Jobs and Earnings from Operations

NAICS Lookup

Year 1 - Enter NAICS	NAICS	Count	Per Job Annual Earnings	Total Earnings
Commercial and Institutional Building Cons	236220	10	\$45,000	\$450,000
Commercial and Institutional Building Cons	236220	7.5	\$45,000	\$337,500
	0			\$0
	0			\$0
	0			\$0
	0			\$0
<b>Total</b>		<b>17.5</b>		<b>\$787,500</b>

Year 2	NAICS	Count	Per Job Annual Earnings	Total Earnings
Commercial and Institutional Building Cons	236220	10	\$45,000	\$450,000
Commercial and Institutional Building Cons	236220	7.5	\$45,000	\$337,500
	0			\$0
	0			\$0
	0			\$0
	0			\$0
<b>Total</b>		<b>17.5</b>		<b>\$787,500</b>

Year 3+ (Full Employment)	NAICS	Count	Per Job Annual Earnings	Total Earnings
Commercial and Institutional Building Cons	236220	10	\$45,000	\$450,000
Commercial and Institutional Building Cons	236220	7.5	\$45,000	\$337,500
	0			\$0
	0			\$0
	0			\$0
	0			\$0
<b>Total</b>		<b>17.5</b>		<b>\$787,500</b>

### Fiscal Impact Assumptions

#### Estimated Costs of Incentives

	%	Value		
Sales Tax Exemption		\$14,240	PLOT Term (Years)	<input type="text" value="5"/>
Local Sales Tax Rate	4.00%	\$7,120	Escalation Factor	<input type="text" value="2%"/>
State Sales Tax Rate	4.00%	\$7,120	Discount Factor	<input type="text" value="2%"/>
Mortgage Recording Tax Exemption		\$8,750		
Local	0.75%	\$5,250		
State	0.50%	\$3,500		
<b>Total Costs</b>		<b>\$26,577</b>		



Other Benefits to Public and Private Individuals - If Applicable

Year #	Year	Other Local Municipal Revenue	Other Payments to Private Individuals
1	2024		\$241
2	2025		\$246
3	2026		\$251
4	2027		\$256
5	2028		\$261
6	2029		\$266
7	2030		\$271
8	2031		\$277
9	2032		\$282
10	2033		\$288
11	2034		\$294
12	2035		\$300
13	2036		\$306
14	2037		\$312
15	2038		\$318
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Total		\$4,168	\$0

Notes:

Tourism PILOT Schedule  
 Other Local Municipal Revenue - Fire District Assessment

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

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

**ROUTE TWO NINETEEN 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, January 9, 2024 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 ROUTE TWO NINETEEN LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT AND (B) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

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



economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

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

**WHEREAS**, the Company has submitted an application to the Agency (the "Application") requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located at 6089 Route 219, Town of Ellicottville, Village of Ellicottville, New York and all other lands in the Town of Ellicottville where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"), (ii) the renovation of an existing 7,000+/- sq. ft. motel/restaurant facility situate upon the Land (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 Project Facility will be initially operated and/or managed by the Company; and

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

**WHEREAS**, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the "Agent Agreement"), (ii) 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 Improvements, the Equipment and personal property constituting the Facility; and (iii) provide Financial Assistance to the Company in the form of (a) an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility, and (b) a partial abatement from real property taxes benefit through a fourteen (14) year term PILOT Agreement for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption benefit and the partial abatement from real property taxes benefit, are hereinafter collectively referred to as the "Financial Assistance"); and

**WHEREAS**, pursuant to Section 862(2)(a) of the Act, "no financial assistance of the Agency shall be provided in respect of any project where facilities or property that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost" provided, however, that a "tourism destination" as defined within the Act shall not be prohibited from being provided Agency financial assistance; and



**WHEREAS**, pursuant to the foregoing, the Project constitutes a “retail” project as defined under Section 862(2)(a) of the Act; and

**WHEREAS**, pursuant to Section 862(2)(a) of the Act, a “tourism destination” is defined as a “location or facility which is likely to attract a significant number of visitors from outside the economic development region...”; and

**WHEREAS**, the Project is located within the tourist destination Town of Ellicottville, New York and immediately adjacent to and indistinguishable from the renowned Holiday Valley Resort, Western New York’s premier four-season ski, golf and wedding/conference center tourism destination location; and

**WHEREAS**, the Holiday Valley Resort attracts a significant number of visitors from outside the Western New York economic development region, including approximately 55-60% of its visitors coming from outside of New York State, with approximately 20% of those visitors coming from Canada, and

**WHEREAS**, the Project is located approximately 200 feet walking distance from the Holiday Valley Resort ski lift and golf course easily facilitating trips to the Holiday Valley Resort; and

**WHEREAS**, it is further understood that the Project will have a lower nightly rate than the average nightly price of existing accommodations in the area, thus, it is likely that the Project in and of itself may attract guests to visit the Holiday Valley Resort recreational facilities, who could otherwise not afford a typical nightly accommodation; and

**WHEREAS**, the Project constitutes a Type II Action under Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto in 6 N.Y.C.R.R. Part 617 (collectively referred to as the “State Environmental Quality Review Act” and/or “SEQR”), and is precluded from environmental review under SEQR; 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.

(I) The Project is a tourism destination because it is within and a part of a location which is likely to attract a significant number of visitors from outside the economic development region. There is a causal link between the Project Facility's location and visitors coming from outside the economic development region, given that the predominant, if not the exclusive

purpose of the guests staying at the Project Facility would be a visit to the Holiday Valley Resort location, being the broader surroundings or setting within which the Project Facility is situated.

(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 create 10 FTE employee positions and 15 PTE employee positions.
- (ii) The estimated total value of Financial Assistance is approximately \$17,827 over the 14-year real property tax abatement benefit period.
- (iii) The estimated amount of private sector investment to be made by the Company is \$1,850,000.
- (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 the third quarter of 2024.
- (v) Extent of new revenue provided to local taxing jurisdictions: By establishing modern and efficient facilities, it is expected that the Project will continue to attract visitors to resulting in of and new and increased sales tax and bed tax revenues.
- (vi) The extent to which the Project will create local construction jobs. The Company will utilize local construction contractors to the extent, if at all, required.

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

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

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

(i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$178,000, 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 \$14,240, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

(ii) authorizes and approves that the real property tax payments in the absence of the PILOT benefits are estimated to be approximately \$798,712, and the total PILOT payments are estimated to be \$794,952 over the term of the PILOT Agreement.

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

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



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

- (i) Investment Commitment - the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$1,850,000, being the total project cost as stated in the Company's application for Financial Assistance.
- (ii) Employment Commitment -that within two (2) years of Project completion, the Company has created and maintained employment at the Facility equal to 10 FTE employee positions and 15 PTE employee positions.

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: January 9, 2024

# APPLICATION FOR FINANCIAL ASSISTANCE

**DRAFT**

COUNTY OF  
CATTARAUGUS **IDA**

Name of Applicant: Walsh Huskies LLC

Date Submitted: 12/28/23

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)

## I. Eligibility Questionnaire - Applicant Background Information

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

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

Applicant Name: Walsh Huskies LLC  
Applicant Address: 446 York ST  
City/Town: Olean State: NY Zip: 14760  
Phone: 585-313-0157  
E-mail: mikeb75@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: <u>2020</u>		State in which Organization is established: <u>NY</u>	

### C) Individual Completing Application:

Name: Jess Anderson  
Title: Owner  
Address: 446 York St  
City/Town: Olean State: NY Zip: 14760  
Phone: 5853130157 E-Mail: mikeb75@gmail.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: Mike Morgan  
Firm Name: Morgan & Associates  
Title: Lawyer  
Address: 201 North Union Street, Suite 410  
City/Town: Olean State: NY Zip: 14760  
Phone: 7163732165 E-Mail: mmorgan@morganlaw.biz

### 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:

Walsh Huskies LLC is spearheaded by seasoned professionals, **Jess Anderson** and **Mike Bysiek**. They both own equal shares of the company. Jess, with 20 years of real estate experience, excels in renovations and management of a substantial property portfolio. Mike, for the past 10 years, has run a successful software development, digital marketing, and staffing firm, serving numerous Fortune 100 companies. He also brings over 5 years of property investment and management expertise to the table. Collectively, they manage assets exceeding **\$10 million**, leveraging their combined acumen to propel **The Woods at Bear Creek** to become a premier outdoor retreat and event venue. They are both local to the area and have already successfully redeveloped a hotel (Timberline Rentals and The Kelly House) in the Ellicottville area.

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

For your operations, company, and proposed project, what percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Cattaraugus County 100%

Identify vendors within Cattaraugus County for major purchases: Home Depot, Walmart, BJ's, Ashley Furniture, Sara Cleaning, many others we are identifying  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**A) Project Location**

Address of Proposed Project Facility: 3510 Bear Creek Rd  
City/Town: Franklinville School District: Franklinville  
SBL Number(s) for proposed Project 39.002-1-2

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

What are the current real estate taxes on the proposed Project site? \$55,000  
If amount of current taxes is not available, provide assessed value for each  
Land: \$ 931,300 Buildings(s): \$868,500 *If available include a copy of current tax receipt.*

Are Real Property Taxes current at project location? Yes or **X No**. If no, explain: Property is currently in bankruptcy/foreclosure  
\_\_\_\_\_

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.):  
The campground has been closed for approximately 3.5 years.



**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.):

Walsh Huskies plans to **relaunch** the campground after full renovation of the cabins, event center, concert hall, restaurant, RV pads, and add luxury domes for a glamping experience. This will bring **housing for new factories** in the area, tourism destination, world class camping and hiking, restaurant, and event centers. Walsh Huskies does not plan to parcel out the land and wants to help grow tourism in the area.\_\_\_\_\_

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

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

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

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

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):

We are submitting a proposal for a grant from the local government to revitalize a key campground and tourism site in the area. We consider this project as vital to the area due to its potential as an event center, a tourism hotspot, employment (we hope to scale to be able add 40 seasonal workers), and a residential solution for the workforce of the Great Lakes Factory. Walsh Huskies has committed \$2.2 million of its own funds for acquiring the site. However, additional funding is necessary to refurbish the property, employ essential staff, and construct extra housing necessary for the campground’s operation. The site has been dormant for over three years and demands substantial refurbishments and updates to become operational again. To make this project viable, we are seeking a minimum grant of \$550,000, coupled with a 10-year tax relief from the government.

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? In other words, by way of example only, you would check the “yes” box if you believe, in the event the Agency was unable to provide financial assistance, that it is likely that you would not undertake the Project.  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:

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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? We will not proceed with the project and Cattaraugus County will not have a major tourism and housing destination available.

**C) Site Characteristics**

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

Describe the present zoning/land use: Tourist

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 checked="" type="checkbox"/> | Life Care Facility (CCRC) | <input type="checkbox"/>            |
| Affordable/Workforce Housing     | <input checked="" type="checkbox"/> | Market Rate Housing       | <input checked="" 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 checked="" type="checkbox"/> |                           |                                     |

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

Retail Sales:  Yes or  No

Services:  Yes or  No

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

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

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

	Square Footage	Cost	% of Total Cost of Project
Manufacturing/Processing			
Warehouse			
Research & Development			
Commercial	60,000	3,100,000	98.4%
Retail (see retail questionnaire)	1000	50,000	1.6%
Office			
Renewable Energy			
Specify Other			

What is the estimated project timetable (provide dates):

1. Start date: acquisition of equipment or construction of facilities: April 1, 2024
2. Estimated completion date of project: October 1, 2024
3. Project occupancy – estimated starting date of occupancy: June 1, 2024

**E) Overall Project Costs**

Estimated costs in connection with Project:

- |   |                    |
|---|--------------------|
| 1. Land and/or Building Acquisition                                 | <u>\$2,125,000</u> |
| 733 acres _____ square feet   |                    |
| 2. New Building Construction _____ square feet                      | <u>\$ 160,000</u>  |
| 3. New Building Addition(s) _____ square feet                       | <u>\$ _____</u>    |
| 4. Infrastructure Work  | <u>\$50,000</u>    |
| 5. Reconstruction/Renovation _____ square feet                      | <u>\$400,000</u>   |
| 6. Manufacturing Equipment  | <u>\$ _____</u>    |
| 7. Non-Manufacturing Equipment (furniture, fixtures, etc.)          | <u>\$75,000</u>    |
| 8. Soft Costs: (Legal, architect, engineering, etc.)                | <u>\$75,000</u>    |
| 9. Other, Specify: <u>Additional Labor, Advertising, Camp Store</u> | <u>\$260,000</u>   |

TOTAL Costs: \$3,145,000

**Construction Cost Breakdown:**

Total Cost of Construction	<u>\$610,000</u> (sum of 2,3,4 and 5 above)
Cost of materials:	<u>\$450,000</u>
% sourced in Cattaraugus County	<u>75</u> %

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

If yes, describe: \_\_\_\_\_

**Sources of Funds for Project:**

Bank Financing	\$1,400,000
Equity (excluding equity that is attributed to grants/tax credits)	\$ 1,195,000 _____
Public Sources (Include sum total of all state and federal grants and tax credits)	\$ 550,000
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:	\$ 3,145,000

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: \$500,000

Estimated State and Local Sales and Use Tax Benefit (multiply 8.0% by the figure, above): \$40,000

*\*\* 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): \$1,400,000

Estimated Mortgage Recording Tax Exemption Benefit (multiply the mortgage amount as indicated above by 1.25 %): \$ 17,500

**\*\*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.

**\*\*The IDA will prepare a cost benefit analysis to provide this amount. We hope to have available at the January 9, 2024 Board Meeting.**



**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)	1	1	6	6
Part Time (PT)	2	2	14	14
Total ***	3	3	20	20

\*\* 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	1	60,000	\$15,000		
Professional	5	40,000	\$5,000		
Administrative	1	50,000	\$10,000		
Production					
Independent Contractor	15	40,000			
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	\$900,000
Estimated average annual salary of jobs to be retained (full time)	\$60,000
Estimated average annual salary of jobs to be retained (part time)	\$40,000
Estimated average annual salary of jobs to be created (full time)	\$40,000
Estimated average annual salary of jobs to be created (part time)	\$40,000
Estimated salary range of jobs to be created	
From (full time)      \$40,000      To (full time) \$60,000	
From (part time)      \$20,000      To (part time) \$40,000	

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? 2%. **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

N/A

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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N/A

**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.)
3,145,000 +/-		40,000 +/-	17,500 +/-	TBD

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

Attachment A: Representations, Certifications and Indemnification

Jess Anderson

~~Mike Bysiek~~ (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Co-Owner (title) of Walsh Huskies 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.

- 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.:

Jess Anderson, being first duly sworn, deposes and says:

1. That I am the Co-Owner (Corporate Office) of Walsh Huskies (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 3 day of Jan, 2024

Robyn A. George  
 (Notary Public)

ROBYN A. GEORGE R. #01GE5026830  
 Notary Public, State of New York  
 Qualified in Cattaraugus Co.  
 My Commission Expires April 25, 2026

## Attachment B: CCIDA Insurance Requirements

### COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY (Insurance Specifications as of November 1, 2022)

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 Development 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.

**Automobile Liability:** Business Auto Liability with limits of at least \$1,000,000 each accident. Business Auto coverage must include coverage for liability arising out of all owned, leased, hired and non-owned automobiles.

County of Cattaraugus Industrial Development Agency shall be included as Additional Insured on a Primary & Non-Contributory basis on the auto policy. 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.

**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:**

<b>Workers Compensation Forms</b>		<b>DBL (Disability Benefits Law) Forms</b>	
<b>CE-200</b>	<b>Exemption</b>	<b>CE-200</b>	<b>Exemption</b>
<b>C-105.2</b>	<b>Commercial Insurer</b>	<b>DB-120.1</b>	<b>Insurers</b>
<b>S1-12</b>	<b>Self-Insurer</b>	<b>DB-155</b>	<b>Self-Insured</b>
<b>GS1-105.2</b>	<b>Group Self-Insured</b>		
<b>U-26.3</b>	<b>New York State Insurance Fund</b>		

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.



## Executive Summary

Walsh Huskies LLC embarks on an exhilarating venture with the acquisition of **The Woods at Bear Creek** in Franklinville, NY, spanning **733 acres** with **150 acres** developed. The property, beside the **547-acre Bear Creek State Forest**, features **24 cabins**, a **30-pad RV park** (with 40 more prepped), **tent camping**, a **bar/restaurant**, **zipline**, **pool**, **tennis courts**, **event center**, and **concert hall**. The remaining **580 acres** are dedicated to **ATV**, **hiking**, and **horse trails**, attracting outdoor enthusiasts from the Northeast. Nearby **Ellicottville** offers additional attractions like **Holiday Valley Ski Resort**. The strategic location at the juncture of **Bear Creek Rd.** and **Tug Hill Rd.** offers easy access from Buffalo and the I-86 Southern Tier Expressway, positioning the property as a prime outdoor recreation and event hosting destination. Walsh Huskies plans to **relaunch** the campground after full renovation of the cabins, event center, concert hall, restaurant, RV pads, and add luxury domes for a glamping experience. This will bring **housing for new factories** in the area, tourism destination, world class camping and hiking, restaurant, and event centers. Walsh Huskies does not plan to parcel out the land and wants to help grow tourism in the area.

## Purchasing Company Description

Walsh Huskies LLC is spearheaded by seasoned professionals, **Jess Anderson** and **Mike Bysiek**. They both own equal shares of the company. Jess, with 20 years of real estate experience, excels in renovations and management of a substantial property portfolio. Mike, for the past 10 years, has run a successful software development, digital marketing, and staffing firm, serving numerous Fortune 100 companies. He also brings over 5 years of property investment and management expertise to the table. Collectively, they manage assets exceeding **\$10 million**, leveraging their combined acumen to propel **The Woods at Bear Creek** to become a premier outdoor retreat and event venue. They are both local to the area and have already successfully redeveloped a hotel (Timberline Rentals and The Kelly House) in the Ellicottville area.

## Market and Competitor Research

Situated near Franklinville, Bear Creek stands out among competitors like Harwood Haven, Camp Emerald Acres, and Triple R Camping due to its adjacency to Bear Creek State Park and a mere 6-minute drive from the new Great Lakes Cheese Factory, anticipated to attract many long-term guests. Unique offerings include extensive ATV, hiking, and horse trails across its expansive 733 acres—over double the size of the nearest rival. Exclusive amenities like Western NY's largest zip line, tennis, and basketball courts, further set it apart. Its upscale allure is highlighted by fully furnished two-bedroom cabins, with an expansion blueprint featuring 20 glamping domes, leveraging the already established site infrastructure. After speaking with each of the competitors, we determined that most (75%+) of the seasonal rentals are already sold out for the 2024 season, which shows a very strong demand for rental in the area.

### Competitor Analysis:

## 1. Accommodation and Amenities:

- **Harwood Haven:**
  - Offers large, full hookup RV sites, tent camping sites, and cabins with kitchen areas.
  - Amenities include a handicap-accessible restroom and shower facility, new laundry facilities, a stocked pond, 24/7 security with a new card access gate, ice and firewood availability, and storage rental units.
  - Activities include fishing, hunting, hiking on over 3109 acres of adjoining state land, bird watching, and a party pavilion for gatherings.
- **Camp Emerald Acres:**
  - Offers both primitive and regular sites with water and electric hookups.
  - Facilities include a fishing pond, playgrounds, mini-golf, a game room, an RC car track, an enclosed dog play area, a pavilion, hiking trails, and several other recreational activities.
  - Amenities also include a 30-foot above-ground pool, bathrooms with free showers, a coin-operated washer and dryer, wireless internet service in limited areas, and a camp general store offering various supplies.
- **Triple R Camping**
  - The Triple R Camping Resort & Trailer Sales is a family-friendly campground located near Franklinville, offering a clean and amenity-rich camping experience. The campground boasts 200 full hook-up sites, cable TV, and widespread WiFi coverage.
  - A notable feature is its new patio, which includes a hot tub, tiki tables, palm trees, and a spray pad water park named LeeKee Lagoon designed for children aged 2-12. The resort provides a pool and spa available from Memorial Day weekend through Labor Day, between 10 am to 8 pm. Additionally, a spray pad operates within specified hours across the week during the same period.

## 2. Event Hosting:

- **Harwood Haven:**
  - Accommodates up to 100 guests for weddings, with both outdoor and indoor facilities available for ceremonies and receptions.
  - Also hosts special events like family reunions, birthday bashes, and anniversary parties in a fully equipped lodge with a large picnic pavilion.
- **Camp Emerald Acres:**
  - The pavilion can be rented for private parties.
- **Triple R Camping**
  - Does not offer event hosting.

## 3. Online Presence:

- **Harwood Haven:**
  - Has a basic website providing essential information, including amenities, rates, and contact details, along with a Facebook page linked.
- **Camp Emerald Acres:**
  - Their basic website provides essential information, including amenities, rates, and contact details. They also mention looking for updates on Facebook.
- **Triple R Camping**

- Has a basic website providing essential information, including amenities, rates, and contact details, and booking.

#### 4. Operating Season:

- All competitors are open from April - October

#### 5. Pricing and Reservation:

- **Harwood Haven:**
  - Pricing for cabins ranges from \$80 to \$100 per night or \$340-\$450/week.
  - Full RV hookups are \$45/night or \$300/week.
  - Seasonal RV rentals are \$2500.
  - Tent sites are \$30/night or \$126/week.
- **Camp Emerald Acres:**
  - They have a cabin and an RV for rent at \$90 per night each, with the rustic cabin including basic appliances but no water, bed pillows, or linens.
  - RV site rentals with water and electric (no pad) are \$38/night or \$720 / month.
- **Triple R Camping**
  - RV sites are available from \$48-\$95/night and \$3500-\$9000/season.
  - Deluxe cabins are available at 2 night minimum from \$135-\$200/night.
  - Tent sites are available from \$50-\$75/night.
  - Golf cart rentals are \$65/day.
  - Visitor fees are \$5-\$20/day.

#### 6. Target Audience:

- **Harwood Haven:**
  - Appears to be targeting families and outdoor enthusiasts looking for a variety of recreational activities and events.
  - Also targeting individuals and groups looking to host events like weddings and parties.
- **Camp Emerald Acres:**
  - Markets itself as a family-friendly campground aiming to provide an affordable lodging and recreational adventure in a safe and clean environment.
- **Triple R Campground:**
  - Markets itself as a family-friendly campground, ideal for weekend getaways, family reunions, summer vacations, and outdoor weddings.

#### RV and Camping Industry

The camping and RV industry in the USA has been on an upward trajectory, with a significant increase in interest and participation in camping activities over the recent years. Here are some key insights and statistics regarding the growth rate of campers and use of campgrounds in the USA, and some information on New York:

##### 1. Growth in RV Vacations:

- In 2023, 61% of Americans reported planning a road trip or vacation in an RV, marking a 13% rise from 2022.
- 2. **Increase in Camping Participation:**
  - The camping industry experienced a spike in 2020 that continued into 2021, with over 66 million people camping in the US and over 8.3 million trying it for the first time.
  - In 2021, 1 in 5 Americans went camping, and collectively, campers spent nearly \$44 billion in local communities while on their camping trips.
- 3. **RV Sales and Shipments:**
  - The RV Industry Association reported a 21.4% year-over-year increase in total RV shipments in October 2020.
  - However, RV shipments have seen a decline in 2022 and 2023, with a 49.2% decrease in RV shipments in 2023 through June compared to the same period in the previous year.
- 4. **Campsite Availability:**
  - Campers reported that it was five times harder to find an available campsite in 2022 than it was pre-pandemic, making 2022 the most booked-up year ever. To accommodate this increase, over a third of property managers added campsites in 2022, and nearly 20% expanded their calendar.
- 5. **Market Size:**
  - The market size of the Campgrounds & RV Parks industry in the US increased by 8.25% from 2022 to 2023, reaching \$8.7 billion.

## Marketing Plan

We plan to have a multi-channel marketing strategy encompassing online marketing, local partnerships, and community engagement to enhance visibility and patronage. Utilizing the online marketing expertise of the owners, leveraging SEO, social media, and partnerships with local businesses can significantly drive bookings and event venue rentals.

Given the number of camp grounds in Western NY and the fact that the majority of them are almost fully booked for next year, there is a very strong demand for increased camp ground space in the area. The new Great Lakes Cheese Factory in Franklinville will also drive high demand.

Here is the plan we will utilize:

### 1. Online Listings and Booking Platforms:

- List The Woods at Bear Creek on popular camping reservation platforms to increase visibility and bookings:
  - ReserveAmerica, BookYourSite, Campspot, Recreation.gov, Reserve America, Hipcamp, and AllStays are among the top platforms campers use to reserve campgrounds.
- Utilize Google My Business to improve local search visibility.

### 2. Website Development:

- Develop or enhance the campground's website, ensuring it's user-friendly, mobile-responsive, and SEO-optimized to attract organic traffic. Include high-quality images, rates, availability, amenities, and a blog section for updates and articles related to camping and outdoor activities. Current competitor websites look like they are over 15 years old and difficult to navigate.

### **3. Social Media Marketing:**

- Maintain an active presence on social media platforms like **Facebook, Instagram, and X** where we will share images, videos, and experiences of campers.
- Collaborate with local businesses and influencers in the camping niche to promote the campground on social media platforms.

### **5. Display Advertising**

- Identify relevant websites and online platforms frequented by individuals interested in camping, outdoor activities, or travel in the Western NY region.
- Contact website owners or utilize advertising networks, such as Google Display Network, to display visually appealing banner ads promoting the camp ground.
- Ensure the ads are strategically placed within relevant sections of these websites to capture the attention of potential customers.
- Utilize appealing visuals, concise messaging, and clear calls-to-action to encourage users to click on the ads and visit the camp ground's website.
- Regularly review the performance of display ads, adjusting the targeting, messaging, and placements based on engagement and conversion data.

### **6. Email and SMS Marketing:**

- Build a database of past and potential customers for email and text message marketing. Share updates, offers, and events through these channels to keep current/potential customers engaged and encourage repeat business.

### **7. Partnerships:**

- Establish partnerships with local businesses, such as RV dealerships, to cross-promote each other. This can also extend to local tour operators or nearby attractions that can offer bundled packages with a stay at the campground.
- Develop a brochure and distribute it at local visitor centers, hotels, restaurants, and travel agencies.

### **8. Photography and Virtual Tours:**

- Invest in high-quality photography and perhaps virtual tours of the campground to provide a clear expectation of what the campers will experience. Display these visuals on the website, social media, and online listing platforms.

### **9. Customer Reviews and Testimonials:**



- Encourage satisfied campers to leave positive reviews on platforms like Google, Yelp, and on the campground's website. Showcase testimonials on the website and social media to build trust and attract new customers.

#### 10. Local SEO and Content Marketing:

- Utilize Local SEO strategies to improve the campground's visibility in local search results. Additionally, create engaging and informative content related to camping, local attractions, and outdoor activities to attract and educate potential campers.
- Collaborate with popular travel and camping websites to feature the camp ground as a recommended destination.
- Place advertisements in local tourism publications, camping magazines, and outdoor enthusiast newsletters.

#### 11. Promotions and Discounts:

- Offer special promotions, discounts, or loyalty programs to attract new campers and reward repeat visitors. Promote these offers on the website, social media, and via email and text marketing.
- Offer special discounts or packages during specific seasons or holidays to attract visitors during slower periods.

#### 12. Analytics and Performance Tracking:

- To ensure the effectiveness of the marketing plan, regular monitoring and analysis of key performance indicators (KPIs) such as website traffic, social media engagement, and conversion rates is necessary. Adjustments to the marketing plan can be made based on data-driven insights to maximize results.

## Service Offerings

Considering the services offered by competitors, Bear Creek could enhance its competitiveness by incorporating the following:

1. **Various Accommodation Options:** Offer a range of lodging from basic camping sites to luxurious glamping domes and cabins. The property currently has 16 two-bedroom fully furnished cabins, with an additional 8 cabins built that require furnishing and renovation. No other campground in the area offers fully furnished two-bedroom cabins. The site has 70 RV hookup spaces – 30 of them have concrete slabs and the others are gravel/ground. They all have water, sewage and electricity hookups.
2. **Recreational Facilities:** Continue to provide unique recreational amenities like ATV and horse trails, and possibly introduce water activities in the 20-acre pond on site if feasible.
3. **Golf Cart Rentals:** The site has 12 golf carts on site for daily rentals.
4. **Event Hosting:** Utilize two event centers for hosting various events such as weddings and perhaps introduce organized campground events or outdoor workshops.

5. **On-site Amenities:** Maintain and possibly expand the on-site restaurant and adding a camp store for essentials and souvenirs.
6. **Online Booking and Promotions:** Ensure an easy online booking system and offer promotions or loyalty programs to encourage repeat visits. All other camp grounds have a have either a manual or very difficult to use online booking system.
7. **High speed satellite Wifi:** All other competitors have minimal wifi service in the camps. We plan to expand with high bandwidth Starlink connections.

## Sales and Expense Projections

Revenue streams include RV site rentals, cabin rentals, ATV trails, restaurant, glamping domes, and event venue bookings. Assuming a six-month operational season:

### Year 1 Projections

#### Income

1. **RV Spaces Revenue:**
  - 30 RV spaces with concrete slabs at 70% occupancy: 73,500
  - 40 RV spaces without concrete slabs at 70% occupancy: \$70,000
  - **Total RV Revenue: \$143,500**
2. **Cabin Revenue:**
  - 24 cabins at 50% occupancy for 26 weeks at \$500/week: \$156,000
3. **Event Center and Concert Hall Revenue:**
  - 10 events:  $10 \times \$6000 = \$60,000$
4. **Golf Cart Rentals:**
  - 12 carts/week x \$50 x 20 weeks = \$12,000
5. **Glamping Domes (Ready for Half Season):**
  - 8 domes = (13 weeks, \$200/night, 35% occupancy) = \$50,960
6. **Restaurant**
  - 3 months: \$20,000
7. **ATV Rentals**
  - 20/week, 26 weeks, 25/person: \$13,000
8. **Camp Store**
  - \$60,000

**Total Year 1 Revenue = \$515,460**

#### Expenses

- **Property Taxes: \$55,000**
- **Upgrading 24 two-bedroom cabins: \$192,000**
- **Installing 40 RV pads with electricity, plumbing, and sewage facilities: \$150,000**
- **Renovating the Event Center: \$50,000**
- **Refurbishing the Concert Hall: \$25,000**

- Restoring the Restaurant: \$50,000
- Restoring ATV Trails: \$15,000
- Repairing the Sewage Treatment Facility: \$10,000
- Enhancing the Pool and Sports Courts: \$8,000
- Lawn and Road Restoration (Equipment Purchases Included): \$50,000
- Camp Management Salary: \$60,000
- Camp Labor (6 workers, \$20/hour, for 6 months): \$124,800
- Camp Store (renovation and inventory): \$50,000
- Adding 8 Glamping Domes: \$160,000
- Insurance: \$25,000
- Utilities: \$25,000
- Advertising: \$25,000
- Loan Expenses (Annual): \$95,609.91

**Total Expenses: \$1,170,409.91**

**Total Net Income Year 1: -\$654,949.91**

### **Year 2 Projections**

1. **RV Spaces Revenue:**
  - $70 \times 0.85 \times \$3500 = \$208,250$
2. **Cabin Revenue:**
  - 24 cabins at 60% occupancy for 34 weeks at \$500/week: \$244,800
3. **Event Center and Concert Hall Revenue:**
  - 16 events:  $16 \times \$6000 = \$96,000$
4. **Golf Cart Rentals:**
  - 16 carts/week x \$50 x 26 weeks = \$20,800
5. **Glamping Domes (Ready for Half Season):**
  - 8 domes = (26 weeks, \$200/night, 35% occupancy) = \$100,800
6. **Restaurant**
  - 6 months: \$50,000
7. **ATV Rentals**
  - 40/week, 26 weeks, 25/person: \$26,000
8. **Camp Store**
  - \$90,000

**Grand Total Revenue: \$836,650**

### **Expenses**

- Property Taxes: \$55,000
- 24 two-bedroom cabins Maintenance: \$30,000
- RV Pad Maintenance: \$20,000
- Event Center Maintenance: \$10,000

- Concert Hall Maintenance: \$10,000
- Restaurant Maintenance: \$10,000
- Sewage Treatment Facility Maintenance: \$10,000
- Pool and Sports Courts Maintenance: \$5,000
- Lawn and Road Restoration Maintenance: \$25,000
- Camp Management Salary: \$60,000
- Camp Labor (10 workers, \$20/hour, for 6 months): \$208,000
- Camp Labor (2 workers, \$20/hour, for 12 months): \$83,200
- Camp Store (Inventory): \$25,000
- Glamping Dome Maintenance: \$10,000
- Insurance: \$25,000
- Utilities: \$35,000
- Advertising: \$10,000
- Loan Expenses (Annual): \$95,609.91

**Total Expenses: \$726,809.91**

**Total Net Income Year 2: \$109,840.09**

### **Year 3 Projections**

1. **RV Spaces Revenue:**
  - $70 \times 0.9 \times \$4000 = \$252,000$
2. **Cabin Revenue:**
  - 24 cabins at 65% occupancy for 40 weeks at \$500/week: \$312,000
3. **Event Center and Concert Hall Revenue:**
  - 20 events:  $20 \times \$6000 = \$120,000$
4. **Golf Cart Rentals:**
  - 20 carts/week x \$50 x 26 weeks = \$26,000
5. **Glamping Domes (Ready for Half Season):**
  - 8 domes = (26 weeks, \$200/night, 40% occupancy) = \$115,200
6. **Restaurant**
  - 6 months: \$75,000
7. **ATV Rentals**
  - 55/week, 26 weeks, 25/person: \$35,750
8. **Camp Store**
  - \$125,000

**Grand Total Revenue: \$1,060,950**

### **Expenses**

- **Property Taxes: \$55,000**
- **24 two-bedroom cabins Maintenance: \$20,000**
- **RV Pad Maintenance: \$20,000**

- Event Center Maintenance: \$10,000
- Concert Hall Maintenance: \$10,000
- Restaurant Maintenance: \$10,000
- Sewage Treatment Facility Maintenance: \$10,000
- Pool and Sports Courts Maintenance: \$5,000
- Lawn and Road Restoration Maintenance: \$25,000
- Camp Management Salary: \$60,000
- Camp Labor (12 workers, \$20/hour, for 6 months): \$249,600
- Camp Labor (3 workers, \$20/hour, for 12 months): \$124,800
- Camp Store (Inventory): \$25,000
- Glamping Dome Maintenance: \$10,000
- Insurance: \$25,000
- Utilities: \$45,000
- Advertising: \$10,000
- Loan Expenses (Annual): \$95,609.91

**Total Expenses: \$810,009.91**

**Total Net Income Year 3: \$250,940.09**

## **Government Support Required**

We are submitting a proposal for a grant from the local government to revitalize a key campground and tourism site in the area. We consider this project as vital to the area due to its potential as an event center, a tourism hotspot, employment (we hope to scale to be able add 40 seasonal workers), and a residential solution for the workforce of the Great Lakes Factory. Walsh Huskies has committed \$2.2 million of its own funds for acquiring the site. However, additional funding is necessary to refurbish the property, employ essential staff, and construct extra housing necessary for the campground's operation. The site has been dormant for over three years and demands substantial refurbishments and updates to become operational again. To make this project viable, we are seeking a minimum grant of \$550,000, coupled with a 10-year tax relief from the government.

The intended use of the grant includes:

- Upgrading 24 two-bedroom cabins (roofing, new furniture, kitchen installation, plumbing, and electrical services): \$192,000
- Installing 40 RV pads with electricity, plumbing, and sewage facilities: \$150,000
- Renovating the Event Center (cleaning, repairs, kitchen equipment, electrical and plumbing services): \$50,000
- Refurbishing the Concert Hall (cleaning, repairs, electrical and plumbing services, and equipment): \$25,000
- Restoring the Restaurant (cleaning, repairs, kitchen equipment, electrical and plumbing services): \$50,000
- Restoring ATV Trails: \$15,000
- Repairing the Sewage Treatment Facility (drainage and system restoration): \$10,000
- Enhancing the Pool and Sports Courts: \$8,000



- Lawn and Road Restoration (Equipment Purchases Included): \$50,000
- Covering Camp Management Salary: \$60,000
- Funding Initial Camp Labor (6 workers, \$20/hour, for 6 months): \$124,800
- Camp Store (renovation and inventory): \$50,000
- Adding 8 Glamping Domes: \$160,000
- Advertising: \$25,000

**Total funding required: \$994,800.**

Cattaraugus County Industrial Development Agency  
 MRB Cost Benefit Calculator



Date: January 2, 2024  
 Project Title: Walsh Huskies LLC  
 Project Location: 3510 Bear Creek Road, Franklinville, NY

## Economic Impacts

Summary of Economic impacts over the Life of the PILOT

Project Total Investment  
 \$3,145,000

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	11	4	15
Earnings	\$664,086	\$179,202	\$1,043,288
Local Spend	\$2,358,750	\$651,918	\$3,010,668

	Ongoing (Operations) Aggregate over life of the PILOT		
	Direct	Indirect	Total
Jobs	20	4	24
Earnings	\$16,731,151	\$7,464,159	\$24,195,311

Figure 1

Net Benefits

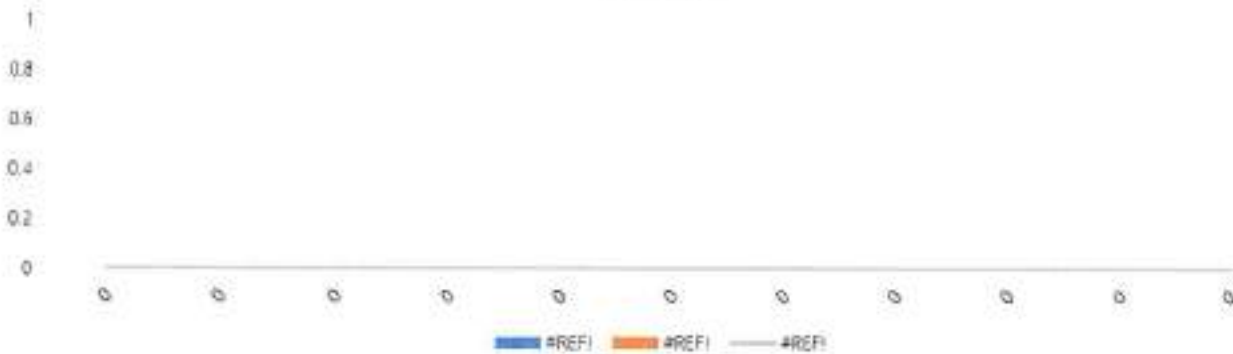


Figure 2

Total Jobs

Figure 3

Total Earnings



## Fiscal Impacts

### Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$78,295	\$68,552
Sales Tax Exemption	\$40,000	\$40,000
Local Sales Tax Exemption	\$20,000	\$20,000
State Sales Tax Exemption	\$20,000	\$20,000
Mortgage Recording Tax Exemption	\$17,500	\$17,500
Local Mortgage Recording Tax Exemption	\$10,500	\$10,500
State Mortgage Recording Tax Exemption	\$7,000	\$7,000
<b>Total Costs</b>	<b>\$135,795</b>	<b>\$126,052</b>

### State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$25,461,253</b>	<b>\$21,638,102</b>
<b>To Private Individuals</b>	<b>\$25,238,599</b>	<b>\$21,450,815</b>
Temporary Payroll	\$1,043,288	\$1,043,288
Ongoing Payroll	\$24,195,311	\$20,407,526
Other Payments to Private Individuals	\$0	\$0
<b>To the Public</b>	<b>\$222,654</b>	<b>\$187,288</b>
Increase in Property Tax Revenue	\$22,474	\$17,140
Temporary Jobs - Sales Tax Revenue	\$7,303	\$7,303
Ongoing Jobs - Sales Tax Revenue	\$169,367	\$142,853
Other Local Municipal Revenue	\$23,510	\$19,992
<b>State Benefits</b>	<b>\$1,312,407</b>	<b>\$1,115,442</b>
<b>To the Public</b>	<b>\$1,312,407</b>	<b>\$1,115,442</b>
Temporary Income Tax Revenue	\$46,948	\$46,948
Ongoing Income Tax Revenue	\$1,088,789	\$918,339
Temporary Jobs - Sales Tax Revenue	\$7,303	\$7,303
Ongoing Jobs - Sales Tax Revenue	\$169,367	\$142,853
<b>Total Benefits to State &amp; Region</b>	<b>\$26,773,660</b>	<b>\$22,753,545</b>

### Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$21,638,102	\$99,052	218:1
State	\$1,115,442	\$27,000	41:1
<b>Grand Total</b>	<b>\$22,753,545</b>	<b>\$126,052</b>	<b>181:1</b>

\*Discounted at 2%

### Additional Comments from IDA

15 year Tourism PILOT schedule based on assessed value of \$2,000,000

Other Municipal Revenue - Fire District

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

# APPLICATION FOR FINANCIAL ASSISTANCE

**DRAFT**

**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.

1. Eligibility Questionnaire - Applicant Background Information

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

A) Applicant Information-company receiving benefit:

Applicant Name: TURBO MACHINING LLC  
Applicant Address: (Allegany Crossroads) P.O. Box 451  
City/Town: OLEAN State: NY Zip: 14760  
Phone: 716-307-9193  
E-mail: BRIAN@TurboMachining.com

B) Business Organization (check appropriate category):

Corporation  Partnership   
Public Corporation  Joint Venture   
Sole Proprietorship  Limited Liability Company   
Other (specify) \_\_\_\_\_  
Year Established: 2023 State in which Organization is established: NEW YORK

C) Individual Completing Application:

Name: BRIAN RODMAN  
Title: MANAGING PARTNER  
Address: 1206 W SULLIVAN ST  
City/Town: OLEAN State: NY Zip: 14760  
Phone: 716-307-9193 E-Mail: BRIAN@TURBO MACHINING.COM

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

(\* SAME AS ABOVE)

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

E) Company Counsel:

Name of Attorney: PALUMBO & BERTRAND - BRIAN PALUMBO  
Firm Name: \_\_\_\_\_  
Title: BUSINESS ATTORNEY  
Address: 481 N. UNION STREET  
City/Town: OLEAN State: NY Zip: 14760  
Phone: 716-376-0628 E-Mail: \_\_\_\_\_

F) Benefits Requested (select all that apply):

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

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

G) Applicant Business Description:

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

THE OWNERS OF TURBO MACHINING HAVE OVER A CENTURY OF COMBINED ROTATING EQUIPMENT + CNC MACHINING EXPERIENCE. UPON THE CLOSURE OF DRESSER RAND IN OLEAN, THERE BECAME AN INDUSTRY GAP IN MACHINING IMPELLERS, SHAFTS, INTERNALS, BEARINGS + SEALS FOR COMPRESSOR/PUMP INDUSTRY. TURBO MACHINING IS STRATEGICALLY LOCATED TO LEVERAGE 40+ YEARS OF EXPERISE, AND POISED TO CREATE 115+ JOBS IN 3 YEARS.

Estimated % of sales within Cattaraugus County: 30%  
Estimated % of sales outside Cattaraugus County but within New York State: 60%  
Estimated % of sales outside New York State but within the U.S.: 10%  
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 10 %

Identify vendors within Cattaraugus County for major purchases: ALPO STEEL, CATTARAUGUS CONTAINER, STATE LINE SUPPLY, TRR SUPPLY, MAZZA MECHANICAL SERVICES, Harbor Freight TOOLS, Keystone Tool + Die, Worth W. Smith, HOME DEPOT, STRADE WELD SUPPLY, Ukel-Kur Electric, PAINT MEDICS, AIRGAS,

II. Eligibility Questionnaire - Project Description & Details

A) Project Location

Address of Proposed Project Facility: Allegheny Crossroads Facility - 3864 ROUTE 417  
City/Town: Allegheny, NY School District: ALLEGHENY - LIMESTONE SCHOOL DISTRICT  
SBL Number(s) for proposed Project 93.002-1-14.2

Current Address (if different): MAILING ADDRESS: TURBO MACHINING, P.O. BOX 451, OLEAN NY 14760  
City/Town: \_\_\_\_\_

What are the current real estate taxes on the proposed Project site? TURBO MACHINING RESPONSIBILITY = 7% OF LEGACY PROPERTY TAX AT  
If amount of current taxes is not available, provide assessed value for each 3864 NY-1417, ALLEGHENY, NY  
Land: \$177,300 Buildings(s): \$1,203,700 If available include a copy of current tax receipt. 114706

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:

Allegheny Crossings LLC

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

Existing Building - Formerly was warehouse/storage.  
Approved usage permit with Town of Allegheny for Light Industrial zoning.

**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.);

Transforming a warehouse into a manufacturing facility - BUILD OUT Includes Adding Heating, Electrical, OFFICE SPACES, RESTROOMS, AND ADDING CONVENTIONAL AND CNC EQUIPMENT. THE PROJECT BUILDOUT BREAKDOWN IS ATTACHED \* THESE ITEMS WILL SUPPORT CREATING (3 YRS) 20 JOBS.

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

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

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

Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?  Yes or  No. If yes, indicate the Agency and nature of the inquiry below: SBDC - AT OCC, SBA-CattCo., SBDC - CLEAN AREA,

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): Highly Technical ROTATING EQUIPMENT MANUFACTURING LEFT CATT. CO. WITH DRESSER OCEAN CLOSING. TURBO MACHINING WILL HIRE OVER 20 OF THESE SKILLED LABORERS OVER THE NEXT 3 YEARS, LEAVING DECADES OF EXPERTISE. THE ELECTRICAL INSTALLATION AND ENGINEERING OFFICES ARE ESSENTIAL TO THIS SUCCESS.

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

THE IDA + COUNTY FINANCIAL SUPPORT IS CRITICAL TO CREATING 15-20 JOBS IN THE 1ST 3 YEARS. ESTIMATE 15 EMPLOYEES BY JAN-2026.

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:

CRITICAL FUNDS ARE REQUIRED FOR THIS VENTURE TO BE SUCCESSFUL IN CATT. COUNTY:  
\$100,000 Infrastructure Construction - offices  
Electrical Service, PLUMBING / HEATING / PAINTING BLDG.  
\$860,000 - 3 Additional Key Pieces of CNC  
MACHINING EQUIPMENT - Required to meet customer  
DEMAND + CREATES 6 Additional JOBS

If the Applicant is unable to obtain financial assistance for the Project, what will be the impact on the Applicant and Cattaraugus County? FAILURE TO CREATE 15 JOBS.

3 YEAR Revenue Target for this Business > \$2.8 MILLION.

**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 / LIGHT INDUSTRIAL

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

requirements: SPECIAL USE PERMIT FOR LIGHT INDUSTRIAL APPROVED BY TOWN OF ALLEGANY.

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

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

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

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

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

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

**D) Project Type**

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

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

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

Retail Sales:  Yes or  No

Services:  Yes or  No

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



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

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

	Square Footage	Cost	% of Total Cost of Project
Manufacturing/Processing	11,373 sq ft	\$6,200/mo.	100
Warehouse			
Research & Development			
Commercial			
Retail (see retail questionnaire)			
Office			
Renewable Energy			
Specify Other			

What is the estimated project timetable (provide dates):

1. Start date: acquisition of equipment or construction of facilities: JAN. 30, 2024 Target Date
2. Estimated completion date of project: \_\_\_\_\_
3. Project occupancy – estimated starting date of occupancy: JAN. 30, 2024

**E) Overall Project Costs**

Estimated costs in connection with Project:

1. Land and/or Building Acquisition \_\_\_\_\_ acres \_\_\_\_\_ square feet \$ \_\_\_\_\_
2. New Building Construction \_\_\_\_\_ square feet \$ \_\_\_\_\_
3. New Building Addition(s) \_\_\_\_\_ square feet \$ \_\_\_\_\_
4. Infrastructure Work \$ 100,000
5. Reconstruction/Renovation \_\_\_\_\_ square feet \$ \_\_\_\_\_
6. Manufacturing Equipment \$ 860,000
7. Non-Manufacturing Equipment (furniture, fixtures, etc.) \$ 20,000
8. Soft Costs: (Legal, architect, engineering, etc.) \$ 4,000
9. Other, Specify: FORK LIFT \$ 35,000

\$100,000 :  
 OFFICE BULLDOZ  
 RESTROOMS  
 ELECTRICAL SERVICE  
 HEATING/PLUMBING  
 PAINT AREA

TOTAL Costs: \$ 1,019,000

**Construction Cost Breakdown:**

Total Cost of Construction \$ 100,000 (sum of 2,3,4 and 5 above)  
 Cost of materials: \$ 52,000  
 % sourced in Cattaraugus County 100 %

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

If yes, describe: \_\_\_\_\_

**Sources of Funds for Project:**

Bank Financing	\$ <u>685,000</u>
Equity (excluding equity that is attributed to grants/tax credits)	\$ <u>515,000</u>
Public Sources (Include sum total of all state and federal grants and tax credits)	\$ <u>0</u>
Identify each state and federal grant/credit: (i.e. Historic Tax Credit, New Market Tax Credit, Brownfield Cleanup Program, ESD, other public sources)	\$ <u>0</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
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): \$ 685,000

**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: \$ 200,000

Estimated State and Local Sales and Use Tax Benefit (multiply 8.0% by the figure, above): \$ 16,000

*\*\* 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): \$ 0

Estimated Mortgage Recording Tax Exemption Benefit (multiply the mortgage amount as indicated above by 1.25 %): \$ 0

**Real Property Tax Benefit:** (7%)

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)	4	4	14	12
Part Time (PT)	1	1	1	-
Total ***	5	5	15	12

\*\* 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 = 15%	Average salary for part time, if applicable N/A	Average fringe benefits for part time, if applicable N/A
Management	1	100,000			
Professional	1	80,000			
Administrative	1	60,000			
Production	12	4070,000			
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	\$	<u>926,400</u>	
Estimated average annual salary of jobs to be retained (full time)	\$	<u>160,000</u>	
Estimated average annual salary of jobs to be retained (part time)	\$	<u>0</u>	
Estimated average annual salary of jobs to be created (full time)	\$	<u>766,400</u>	
Estimated average annual salary of jobs to be created (part time)	\$	<u>0</u>	
Estimated salary range of jobs to be created			
From (full time)	\$	<u>160,000</u>	To (full time) \$ <u>926,400</u>
From (part time)	\$	<u>                    </u>	To (part time) \$ <u>                    </u>

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
LIFE STORAGE		121,212 sq ft / 77%	
TENANT 2		25,187 sq ft / 16%	
TURBO MACHINING		11,373 sq ft / 7%	



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: 3864 ROUTE 417  
City/Town: ALLEGANY, NY 14760

Tenant Name: TURBO MACHINING LLC

Amount of space to be leased: 11,373 SF. What percentage of the building does this represent? 7 %

Are terms of the lease: GROSS  or NET

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

Estimated date of occupancy: JANUARY 1, 2024

Company Name: Turbo Machining LLC

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

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

Local Contact Person: BRIAN ROOMAN Title: \_\_\_\_\_

Phone: 716-307-9193 E-mail: BRIAN@TURBOMACHINING.COM

Company President/General Manager: BRIAN ROOMAN - MANAGING PARTNER

Number of employees to be relocated to new project location:

Full-Time: 4 Part-Time: 1 Total: 5

List the square footage which the proposed tenant will lease at the Project location: 11,373 sq ft

List the square footage which the proposed tenant leases at its present location(s): N/A 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? N/A

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? 0%. **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.)  
\_\_\_\_\_  
\_\_\_\_\_

*N/A*

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

BRIAN M. RODMAN (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the MANAGING PARTNER (title) of TURBO MACHINING 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.

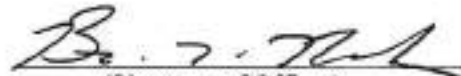
- J. If the Applicant fails to conclude or consummate the necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable proper or requested action, or withdraws, abandons, cancels, or neglects the Application, or if the Applicant is unable to find buyers willing 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.

- 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.:

BRIAN M. RODMAN, being first duly sworn, deposes and says:

1. That I am the <sup>MANAGING</sup>~~PARTNER~~ (Corporate Office) of TURBO MACHINING LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

  
 (Signature of Officer)

Subscribed and affirmed to me under penalties of perjury  
 this 3 day of January, 2024

Sharon See  
 (Notary Public)

SHARON M. SEE  
 Notary Public, State of New York  
 Reg. No. 01SE6377914  
 Qualified in Cattaraugus County  
 Commission Expires July 16, 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:**

<b>Workers Compensation Forms</b>		<b>DBL (Disability Benefits Law) Forms</b>	
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.

## Short Environmental Assessment Form

### Part I - Project Information

#### Instructions for Completing

**Part I - Project Information.** The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I 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 I. 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 I - Project and Sponsor Information			
Turbo Machining, LLC.			
Name of Action or Project: Manufacturing			
Project Location (describe, and attach a location map): 3864 Route 417 Allegany, NY 14706			
Brief Description of Proposed Action: - Transformation of a warehouse (empty) into a manufacturing facility. Build out includes adding heating, electrical, 10' high spec, restrooms and adding conventional cranes/equipment. The project bank claim is in the application - 20 new jobs over 3 years /			
Name of Applicant or Sponsor: Turbo machining, LLC.		Telephone: 716. 307-4113	
		E-Mail:	
Address: 3864 Route 417 Allegany NY 14706			
City/PO: -		State: NY	Zip Code: 14706
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"/>
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: Town of Allegany			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?			11,776 acres 59 ft 11,373 acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input 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, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<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? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<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?  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?	NO	YES	
	<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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input 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>BRIAN M. RODMAN</u> Date: <u>1/4/24</u> Signature: <u>B. J. TIL</u> Title: <u>MANAGING PARTNER</u>		

**PRINT FORM**



## THIRD PUBLIC HEARING SCRIPT

**Great Lakes Cheese Co., Inc. 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 January 3, 2024 at 10:00 a.m. at the Franklinville Town Hall,  
11 Park Square, Franklinville, New York

### ATTENDANCE:

\_\_\_\_\_

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 10:00 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 Great Lakes Cheese Co., Inc. 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 Tuesday, December 19, 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 on (i) the acquisition by the Agency of a leasehold or other interest in an aggregate approximately 130 acre parcel of land located on 8114 Route 16, Town of Franklinville and Town of Farmersville, Cattaraugus County, New York

(the "Land"), (ii) the construction on the Land by the Company as agent of the Agency of an approximately 480,000+/- sq. ft. state of the art cheese manufacturing facility and an approximately 16,000+/- sq. ft. waste water treatment facility and utility interconnections (the "Improvements") and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"). The Facility will be initially operated and/or managed by the Company.

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 [corev@cattcoida.com](mailto:corev@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 11:00 a.m.

**COUNTY OF CATTARAUGUS INDUSTRIAL  
DEVELOPMENT AGENCY**

**SECOND AMENDATORY INDUCEMENT RESOLUTION**

**GREAT LAKES CHEESSE CO., INC., AND/OR INDIVIDUAL(S) OR AFFILIATE(S),  
SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED  
ON ITS BEHALF**

A special meeting of the County of Cattaraugus Industrial Development Agency was convened on Tuesday, January 9, 2024 at 11:15 a.m.

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

SECOND AMENDATORY INDUCEMENT RESOLUTION OF THE COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY APPROVING A SALES AND USE TAX EXEMPTION BENEFIT INCREASE FOR THE GREAT LAKES CHEESE CO., INC., PROJECT, AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO THE AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT FOR THE GREAT LAKES CHEESE CO., INC., PROJECT AND AUTHORIZING THE AMENDMENT OF ANY RELATED DOCUMENTS (AS MORE FULLY DESCRIBED BELOW)

**WHEREAS**, the County of Cattaraugus Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 536 of the 1971 Laws of New York, as amended, constituting Section 890-b of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of 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 "Original Application", as amended from time to time, a copy of which is on file at the office of the Agency) requesting the Agency to undertake a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in an aggregate approximately 130 acre parcel of land located on 8114 Route 16, Town of Franklinville and Town of Farmersville,

Cattaraugus County, New York (the "Land"), (ii) the construction on the Land by the Company as agent of the Agency of an approximately 480,000+/- sq. ft. state of the art cheese manufacturing facility and an approximately 16,000+/- sq. ft. waste water treatment facility and utility interconnections (the "Improvements") and (iii) the acquisition in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment" and, collectively with the Land and the Improvements, the "Facility"); and

**WHEREAS**, as described in the Application, the Company requested that the Agency (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 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 twenty-five (25) year term payment-in-lieu-of-taxes agreement (the "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**, on July 27, 2021, the Agency accepted the Original Application of the Company with respect to the Project, and authored the scheduling of a public hearing as related thereto pursuant to General Municipal Law Section 859-a; and

**WHEREAS**, pursuant to General Municipal Law Section 859-a, on September 13, 2021, at 12:00 p.m. at the Farmersville Town Hall, 8963 Lake Avenue, Franklinville, New York, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

**WHEREAS**, by resolution adopted on September 15, 2021, the Agency issued a Negative Declaration (the "SEQR Resolution") pursuant to and in accordance with applicable provisions of the State Environmental Quality Review Act and regulations promulgated thereunder ("SEQR"), with respect to the Project, and, pursuant to resolution adopted on September 15, 2021 (the "Initial Resolution"), the Agency authorized the Project, approved the Financial Assistance, and appointed the Company, as its agent, to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax in an amount up to \$255,000,000, which results in New York State and local sales and use tax exemption benefits not to exceed \$20,400,000 (the "Sales Tax Exemption Benefit"); and

**WHEREAS**, pursuant to the Initial Resolution, the Agency required the Company to evidence that the total investment actually made with respect to the Project, at the time of Project completion, equals or exceeds \$400,000,000 (which represented the product of 80% multiplied by \$500,000,000 (being the total project cost as stated in the Original Application for financial assistance at that point in time, and hereinafter referred to as the "Investment Commitment"); and

**WHEREAS**, the Sales Tax Exemption Benefit and the Investment Commitment were memorialized within that certain Agent and Financial Assistance Project Agreement, dated as of September 15, 2021 (the "Original Agent Agreement"); and

**WHEREAS**, on March 9, 2023, the Agency received a project modification request (the "First Project Modification Request") informing the Agency that Project costs have increased by an additional \$121,000,000 due to extraordinary and increasing labor costs, inflation and supply chain challenges, and delays related to the construction and equipping of the Project, and as a result, the Company has requested that additional financial assistance be provided by the Agency to make purchases of goods and services relating to the Project, that would otherwise be subject to New York State and local sales and use tax, in an amount up to \$45,000,000, which results in additional New York State and local sales and use tax exemption benefits in an amount of \$3,600,000 for the Project (the "Amended Sales Tax Exemption Benefit"); and

**WHEREAS**, pursuant to General Municipal Law Section 859-a, on March 30, 2023 at 10:30 a.m. at the Farmersville Town Hall, 8963 Lake Avenue, Farmersville, New York, the Agency held a public hearing with respect to Amended Sales Tax Exemption Benefit and the proposed financial assistance, as described below, being contemplated by the Agency (the "Second Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

**WHEREAS**, on April 5, 2023, the Agency authorized and approved of the First Project Modification Request (the "Amendatory Inducement Resolution"); and

**WHEREAS**, on December 8, 2023, the Agency received an amended project modification request (the "Second Project Modification Request") informing the Agency that Project costs have increased by an additional \$97,000,000 due to extraordinary and increasing labor costs, inflation and supply chain challenges, and delays related to the construction and equipping of the Project, and as a result, the Company has requested that additional financial assistance be provided by the Agency to make purchases of goods and services relating to the Project, that would otherwise be subject to New York State and local sales and use tax, in an amount up to \$50,000,000, which results in additional New York State and local sales and use tax exemption benefits in an amount of \$4,000,000 for the Project (the "Second Amended Sales Tax Exemption Benefit"); and

**WHEREAS**, pursuant to General Municipal Law Section 859-a, on January 3, 2024 at 10:00 a.m. at the Franklinville Town Hall, 11 Park Square, Franklinville, New York, the Agency held a public hearing with respect to Second Amended Sales Tax Exemption Benefit and the proposed financial assistance, as described below, being contemplated by the Agency (the "Third

Public Hearing”) whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

**WHEREAS**, the Agency desires to amend the Initial Resolution with respect to the Project to authorize the Second Project Modification Request and Second Amended Sales Tax Exemption Benefit.

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

Section 1. All recitals, findings and determinations of the Agency contained in the SEQR Resolution and the Initial Resolution are hereby reaffirmed, ratified, restated and incorporated herein by reference as if set forth herein in their entirety, except as modified by this Resolution.

Section 2. Based upon the representations and warranties made by the Company in its Second Project Modification Request, the amended cost-benefit analysis, the Third Public Hearing comments, and subject to the terms and conditions as described herein, and Agency board member review, discussion and consideration of same, the Agency hereby finds, determines and hereby authorizes and approves the Second Amended Sales Tax Exemption Benefit and related thereto, amends Section 3(A)(i) of the Initial Resolution in its entirety to read as follows:

A. Financial Assistance. With respect to the foregoing, and based upon the representations and warranties made by the Company in its Amended Project Modification Request, 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 estimated amount up to \$350,000,000, which may result in New York State and local sales and use tax exemption benefits not to exceed \$28,000,000. 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

Section 3. Section 3(C)(i) of the Initial Resolution is hereby replaced in its entirety to read as follows:

(i) Investment Commitment - the total investment made with respect to the Project at the time of Project completion equals or exceeds \$610,300,000, which represents the product of 85% multiplied by \$718,000,000 (representing the total project cost as stated in the Company’s Amended Project Modification Request).



Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to 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 5. All actions heretofore undertaken by the Agency and the Company as agent of the Agency are ratified and approved and the Agency and the Company, as agent of the Agency, are hereby authorized to continue to undertake the Project.

Section 6. These Resolutions shall take effect immediately.

Dated: January 9, 2024

	A	B	C	D	E	F
2	<b>County of Cattaraugus</b>		<b>OPERATING STATEMENT</b>			
3	<b>Industrial Development Agency</b>					
4	December, 2023	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	\$0	\$205	\$19,795	\$236
10	<b>Apps &amp; Fees</b>	\$450,000	\$35,255	\$966,374	-\$516,374	\$703,932
11	CCCRC/Other Misc. Income	\$0	\$0	\$23,279	\$1,778	\$226,778
12	Total	\$470,000	\$35,255	\$989,858	-\$494,801	\$930,946
13						
14						
15	EXPENSES:					
16	Wages	\$200,000	\$14,646	\$174,731	\$25,269	\$181,578
17	Fringe Benefits	\$95,000	\$4,798	\$77,417	\$17,583	\$78,892
18	<b>A-</b> Performance Bonus	\$15,000	\$0	\$22,230	-\$7,230	\$0
19	Board Meeting/Operations	\$2,000	\$85	\$975	\$1,025	\$2,131
20	Business Development	\$20,000	\$461	\$12,588	\$7,412	\$37,329
21	Office Supplies/Service Contracts	\$1,800	\$77	\$2,560	-\$760	\$1,839
22	<b>E-</b> Office Maint./Repairs/Equip	\$6,000	\$285	\$8,759	-\$2,759	\$18,946
23	<b>F-</b> Office Phones/Cell/fax/internet serv	\$6,000	\$7	\$9,058	-\$3,058	\$8,246
24	Postage	\$1,700	\$56	\$1,025	\$675	\$1,932
25	Public Hearings	\$2,000	\$72	\$779	\$1,221	\$1,875
26	Travel/Mileage	\$3,500	\$0	\$76	\$3,424	\$1,670
27	Service Charges		\$0	\$640		
28	Rent	\$17,100	\$1,425	\$18,525	-\$1,425	\$16,500
29	Real Estate Taxes	\$100	\$0	\$91	\$9	\$90
30	Utilities	\$3,000	\$221	\$4,088	-\$1,088	\$3,383
31	Property/Fire/Liability Insurance	\$5,000	\$0	\$4,977	\$23	\$4,702
32						
33	Professional Associations	\$12,500	\$0	\$7,845	\$4,655	\$13,277
34	<b>D-</b> Professional Services	\$20,000	\$24,341	\$126,951	-\$108,951	\$25,934
35	Publications	\$200	\$0	\$219	-\$19	\$379
36		\$0	\$0			
37	Railroad Services	\$25	\$0	\$0	\$25	\$0
38	Miscellaneous	\$100	\$0	\$0	\$100	\$0
39	Project Expenses	\$5,000	\$0	\$5,779	-\$779	\$29,370
40	<b>B-</b> Consulting Expense	\$36,000	\$0	\$78,092	-\$42,092	\$42,000
41	<b>C-</b> Great Lakes Cheese Expenses	\$0	\$0	\$93,725	-\$93,725	\$71,407
42	Total Expenses	\$452,025	\$46,474	\$651,130	-\$198,465	\$541,480
43						
44	Net Difference	\$17,975	-\$11,219	\$338,728	-\$296,336	\$389,466
45						
46	<b>A-</b> Yearly payment					
47	<b>B-</b> Includes Yearly payment					
48	<b>C-</b> Payments due Harris Beach					
49	<b>D-</b> Includes payments made to Harris Beach					
50	<b>E-</b> Includes IT invoices, accounting software, computer storage, monthly office cleaning, yearly window cleaning, driveway					
51	New computer, monitors and office storage units					
52	<b>F-</b> Includes monthly cell phones, internet, apple storage, storage back up and office phone lines					
53						

COUNTY OF CATTARAUGUS IDA  
Balance Sheet  
December 31, 2023

ASSETS

Current Assets		
CATT CO. BANK	\$	348,962.42
SAVINGS CCB		5,209.84
SAVINGS FT		8,295.72
CATT. CO. CAPITAL RES. CORP.		431,710.10
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		2,091,107.42
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>2,387,769.66</u>

LIABILITIES AND CAPITAL

Current Liabilities		
NYS RETIREMENT LOAN ACCT.	\$	(126.69)
Employee Health Ins Payable		3.00
Federal Payroll Taxes		852.73
NYS WITHHOLDING		7,588.94
Social Security Tax Payable		3,041.45
Medicare Withholding Tax Pay		711.57
NYS PENSION-EMPLOYEE PORTION		(214.62)
NYS Retirement Employer Portio		18,360.00
Deferred Inflows		179,281.00
accumulated amort lease asset		4,257.63
ACCOUNTS PAYABLE		39,930.00
ACCTS. PAYABLE SERV. AGREEME		(15,000.00)
interest expenses		(1,442.37)
		<hr/>
Total Current Liabilities		237,242.64
Long-Term Liabilities		
		<hr/>
Total Long-Term Liabilities		0.00

Unaudited - For Management Purposes Only

COUNTY OF CATTARAUGUS IDA  
Balance Sheet  
December 31, 2023

Total Liabilities		<u>237,242.64</u>
Capital		
Retained Earnings	1,501,726.87	
CONTRIBUTED CAPITAL	310,072.06	
Net Income	<u>338,728.09</u>	
Total Capital		<u>2,150,527.02</u>
Total Liabilities & Capital		<u>\$ 2,387,769.66</u>

COUNTY OF CATTARAUGUS IDA  
Balance Sheet  
December 31, 2022

ASSETS

Current Assets		
CATT CO. BANK	\$	313,611.73
SAVINGS CCB		5,214.52
SAVINGS FT		8,292.13
CATT. CO. CAPITAL RES. CORP.		437,310.69
Five Star CD		150,000.00
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		1,774,829.63
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>2,022,638.89</u></u>

LIABILITIES AND CAPITAL

Current Liabilities		
Employee Health Ins Payable	\$	(2,365.88)
Federal Payroll Taxes		(2,540.74)
NYS WITHHOLDING		14,500.28
NYS Retirement Employer Portio		40,800.00
Deferred Inflows		14,768.00
ACCOUNTS PAYABLE		(10.00)
ACCRUED PAYROLL		3,504.81
		<hr/>
Total Current Liabilities		68,656.47
Long-Term Liabilities		
Pension Liability		175,874.00
		<hr/>
Total Long-Term Liabilities		175,874.00
		<hr/>
Total Liabilities		244,530.47
Capital		
Retained Earnings		1,078,570.59
CONTRIBUTED CAPITAL		310,072.06
Net Income		389,465.77
		<hr/>
Total Capital		1,778,108.42

Unaudited - For Management Purposes Only



COUNTY OF CATTARAUGUS IDA  
Balance Sheet  
December 31, 2022

Total Liabilities & Capital

\$ 2,022,638.89

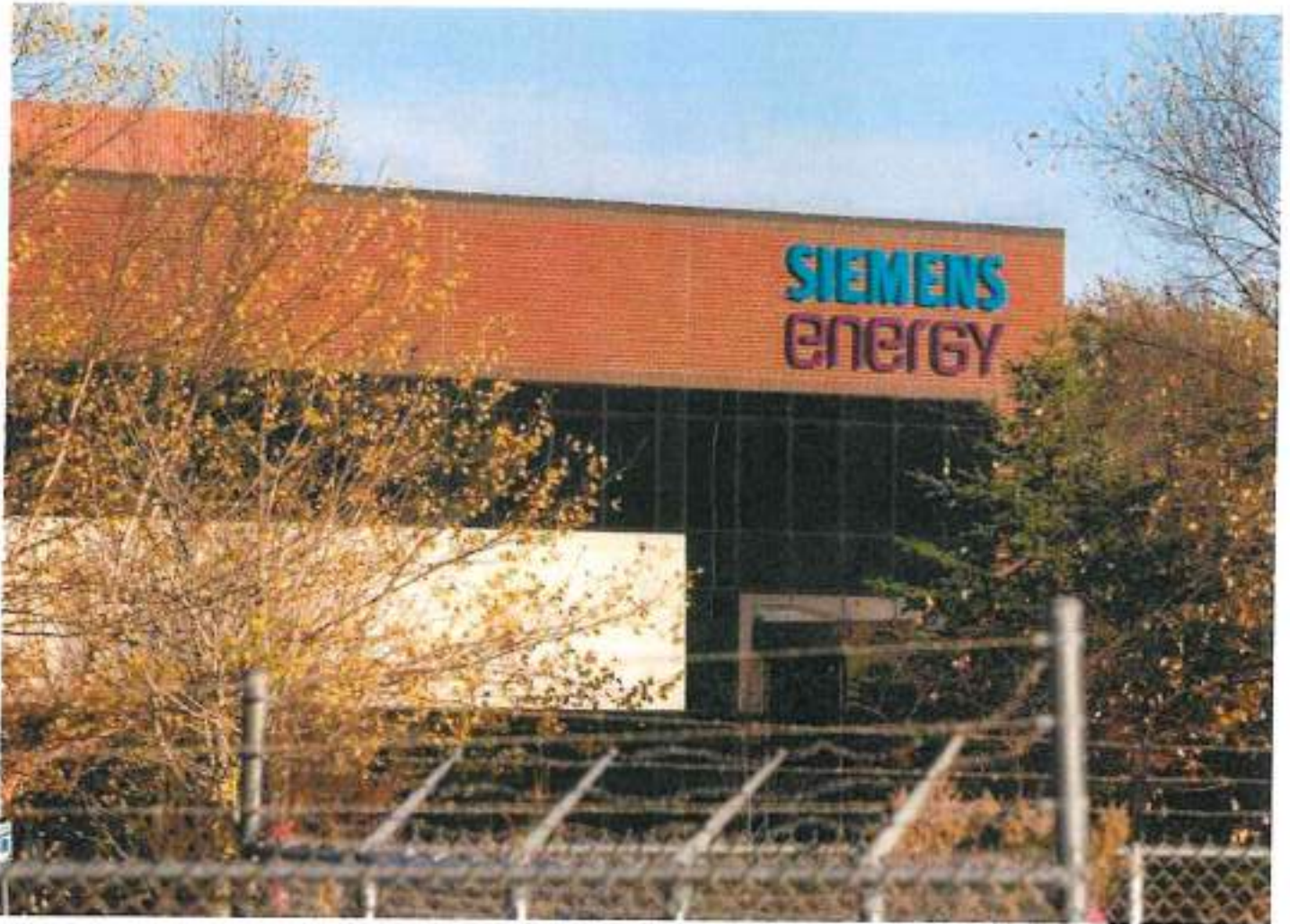
[https://www.oleantimesherald.com/news/times-herald-compiles-top-10-stories-of-2023/article\\_26cbcc18-a5ac-11ee-92bd-57f005498f0f.html](https://www.oleantimesherald.com/news/times-herald-compiles-top-10-stories-of-2023/article_26cbcc18-a5ac-11ee-92bd-57f005498f0f.html)

CENTERPIECE

FEATURED

## Times Herald compiles Top 10 stories of 2023

By BOB CLARK, RICK MILLER and KELLEN M. QUIGLEY — Olean Times Herald  
Dec 30, 2023



Work continues to convert much of the former Siemens Energy campus in North Olean into a steel fabrication factory for Cimolai-HY.

Olean Times Herald file

From major economic development news — most of it positive for the area — to the closing of a venerable Catholic high school in Olean to the courage shown by a young woman after tragedy, the Olean Times Herald has compiled its Top 10 news stories for 2023.

The 10 stories were considered and selected by members of the news staff.



## 1. Siemens: Cimolai-HY finalized; firms move into Olean, Wellsville plants

Cimolai-HY is poised to restore a big piece of Olean's past industrial might with its new structural steel fabrication business underway at the former Siemens Energy facility.

After renovating parts of the nearly 950,000 square foot plant on 88 acres in North Olean, the company, comprised of the U.S.-based Related Companies and the Italian steel company Cimolai S.P.A., have already hired about 45 employees, according to Corey Wiktor, executive director of the Cattaraugus County Industrial Development Agency.

"They've started doing some (steel fabricating) projects and bidding on others," Wiktor said of Cimolai-HY. "By mid-January, they hope to be up to 75 employees."



Year in Review: 2023 honorable mentions

Many of those workers are former Dresser-Rand and Siemens Energy employees.

When Siemens closed the Olean plant last year, it furloughed about 500 employees. About 100 were transferred to the Siemens plant in Painted Post. Many have already found other jobs, but one reason Cimolai purchased the plant from Siemens was the availability of local steelworkers.

"They are on track," Wiktor said of Cimolai. They have exceeded their investment and commitments."

Cattaraugus County lawmakers loaned the company \$2 million, which will be forgiven if Cimolai meets hiring targets.

Cimolai pledged 219 jobs in its application for IDA tax breaks, but Wiktor sees the company's topline hiring to be greater than that. "They are continuing to hire and they are above their target and continue to grow their product line and customer base," Wiktor said.

"They will need more skilled labor from the Olean area," Wiktor said. "Talent from Dresser-Rand has been a big component of their hiring over the last month or two," Wiktor added.

Cimolai-HY has leased a portion of the plant, including the testing facility, to FoxRES LLC, an Olean-based start-up company. Using the testing facility FoxRES plans to test components designed to increase efficiency of existing turbo compressors.

If the testing of add-on components shows the efficiencies work at scale, the company would be looking for a local facility to manufacture components

Former Dresser (Siemens) employees are also fueling a new company in Wellsville, KATS division of Kinley Construction Group of Arlington, Texas. About 50 employees hired to repair Dresser-manufactured turbines are former Dresser-Rand/Siemens employees. Ironically, the new company is located in a former Dresser plant.

## **2. First National revived after almost 30 years**

After almost 30 years of vacancy and a string of owners, the First National building at the corner of State and Union streets saw a June 13 ribbon cutting following a mixed-use redevelopment.





New York Secretary of State Robert Rodriguez cuts the ribbon June 13 on the First National project in Olean. Joining him for the cutting were state and local officials, as well as developer Samuel Savarino, who undertook the restoration effort. Olean Times Herald file

Savarino Companies of Buffalo, joined by state and local officials, formally opened the former bank June 13. Previously a bank on the first floor with commercial space on the upper floors, the site is now home to 21 market-rate apartments upstairs and several commercial units on the ground floor.

"It took a little longer to get this done — COVID was raging," Samuel Savarino said. "We had a lot of issues, but we got it done."

Starting construction in 1914, the building opened April 1, 1915. Along with serving as a bank and offices, the building also handled many meetings for civic groups, and was set up as a Civil Defense shelter up until the 1970s. Bank mergers eventually left the building empty after then-owner



Manufacturers Hanover pulled out of the Olean market in 1991. The final businesses moved out by 1994, and the building sat vacant for more than two decades.

Several developers bought and sold the structure before the Urban Renewal Agency acquired it in 2010. The URA, created in the 1960s to aid in downtown redevelopment, attempted several times to find a developer, eventually connecting with Savarino in 2017. Tenants began to move in during the summer of 2022 due to COVID-19-related delays, and a ribbon cutting was held in June.

For decades, a gap between available funding and renovation costs — often attributed to the high restoration costs and comparatively low projected revenue leading to a lack of interest from commercial lenders to help with the project — plagued multiple developers. In the end, the bulk of the project was funded by leveraging federal New Markets Tax Credits and \$6 million in state assistance, including \$2 million from the Downtown Revitalization Initiative.

Once apartments became ready in June 2022, filling them proved relatively straight forward. Savarino noted every residential space in the building is full with a waiting list.

CASA-Trinity occupies part of the ground floor as a community center for the Adventures in Recovery program. However, a planned restaurant and gallery for the bank floor was canceled.

In November, the building received a 2023 Excellence in Historic Preservation Award from the Preservation League of New York State.

### **3. Franklinville: Ontario Knife shuts as Great Lakes Cheese continues building**

There was good and bad economic news in Franklinville this year.

The good news of construction progressing on the \$700 plus million Great Lakes Cheese Co. manufacturing plant on Route 16 was tempered by the closing of the legacy cutlery Ontario Knife Co. and the loss of more than 50 jobs.



Duke Fuller works on a machine at Ontario Knife Co.'s new addition in Franklinville.

Olean Times Herald file

Great Lakes Cheese Co. plans to start packaging operations in a portion of the new plant by late February and ramp up production in Franklinville by the end of 2024 or the beginning of 2025, according to Corey Wiktor, executive director of the Cattaraugus County Industrial Development Agency.

Great Lakes Cheese settled on Franklinville as the site for the new state-of-the-art cheese plant to replace its aging facility in Cuba after ending efforts to find a site in Allegany County. Employment at the new plant will eventually be double the nearly 250 at the Cuba plant.

Wiktor said Great Lakes Cheese will continue in an active hiring phase over the next 12-18 months. "It's a great opportunity because the company is partly owned by the employees."

Ground was broken for the new plant in April 2022. Construction has continued since then. There are nearly 500 construction workers at the site on any given day.

Area dairy farmers stand to benefit from the new cheese plant, which intends to double its purchases to sound 14 million pounds of milk a day. The cheese it will produce will be sold up and down the East Coast.

The decision this year by Servotronics, the Elma electronics company to sell its Ontario Knife division, left Cattaraugus County — which once had dozens of cutleries — with only one, Cutco of Olean.

Ontario Knife Co.'s inventory and patents were sold to Blue Ridge Cutlery, a Virginia-based wholesale distributor of over 800 brands of knives. The tools and equipment used to make the knives were auctioned after the closing.

The plant still houses about 50 employees of Servotronics, Wiktor said.

Servotronics is looking to sell the plant, which includes a new addition, and would like to continue leasing the second floor of the plant's original building where assembly work is done.

Wiktor said he does not expect the former Ontario Knife Co. building in Franklinville to be on the market for long. There is already a tenant and it is near Route 16 in the village, where there are many development opportunities related to the new cheese plant.

#### **4. Community waits for Olean Center Mall redevelopment**

After a major success in restoring the First National Building, officials have set their sights on helping get the Olean Center Mall back to its former glory.





Angelo Ingrassia, a Rochester developer planning to redevelop the Olean Center Mall, describes his \$20.6 million plan to members of the Cattaraugus County Industrial Development Agency on Oct. 17.

Olean Times Herald file

In October, developer Angelo Ingrassia presented a \$20.6 million plan to redevelop the site to the Cattaraugus County Industrial Development Agency on Tuesday. The plan — as originally proposed — includes demolition of the former Bon-Ton department store space for housing construction, but while originally aiming to build senior housing, the target demographic has shifted to those with developmental disabilities under a separate project by Williamsville-based People Inc.

Olean Town Centre LLC, led by Ingrassia, purchased the mall in December 2021 from original developer Zamias for just under \$6 million. The site has already received millions in backing from state agencies for redevelopment.

Meanwhile, Bath & Body Works closed up shop in the Olean Center Mall after more than 20 years in the early spring, moving to the Walmart plaza in Allegany. The mall currently has 10 storefront tenants including the anchor stores J.C. Penney Co. and Kohl's. The mall opened in 1977 but has steadily declined in tenants since the early 1990s — particularly after the Great Recession of the late 2000s. Ingrassia announced in October that major tenants recently extended leases for another 10 years.

## 5. Chain gang — Chipotle, Pizza Hut, Tim Hortons, Hobby Lobby, Runnings open; others on the way

This year was the year of openings for chains in the region, as COVID-stifled expansions moved forward.

Entire websites are devoted to Pizza Hut restaurants being converted to other uses. Fortunately, Olean did not end up on one of those lists after the local restaurant closed during the COVID-19 pandemic, as the site reopened April 25 as a Pizza Hut under franchisee Atlantic Development Corp. The firm also operates Pizza Hut restaurants in Bradford and Warren.



Vern Flinn, district manager for Atlantic Development Corp. of Pennsylvania, cuts the ribbon April 25 on the renovated Pizza Hut on Olean's North Union Street, as staff hold the ribbon and customers line up to enter the restaurant which closed just over three years ago.

Olean Times Herald file

Three openings occurred in the former Kmart plaza. Chipotle, the Mexican fast food chain, opened its first Southern Tier location on June 28 in a newly-built store that went up after the former Ponderosa location was demolished in 2020. WellNow Urgent Care moved to the plaza in a newly-



constructed structure on Sept. 8. Hobby Lobby followed later in the month, with the large craft store chain opening in a portion of the former Kmart store in the plaza.

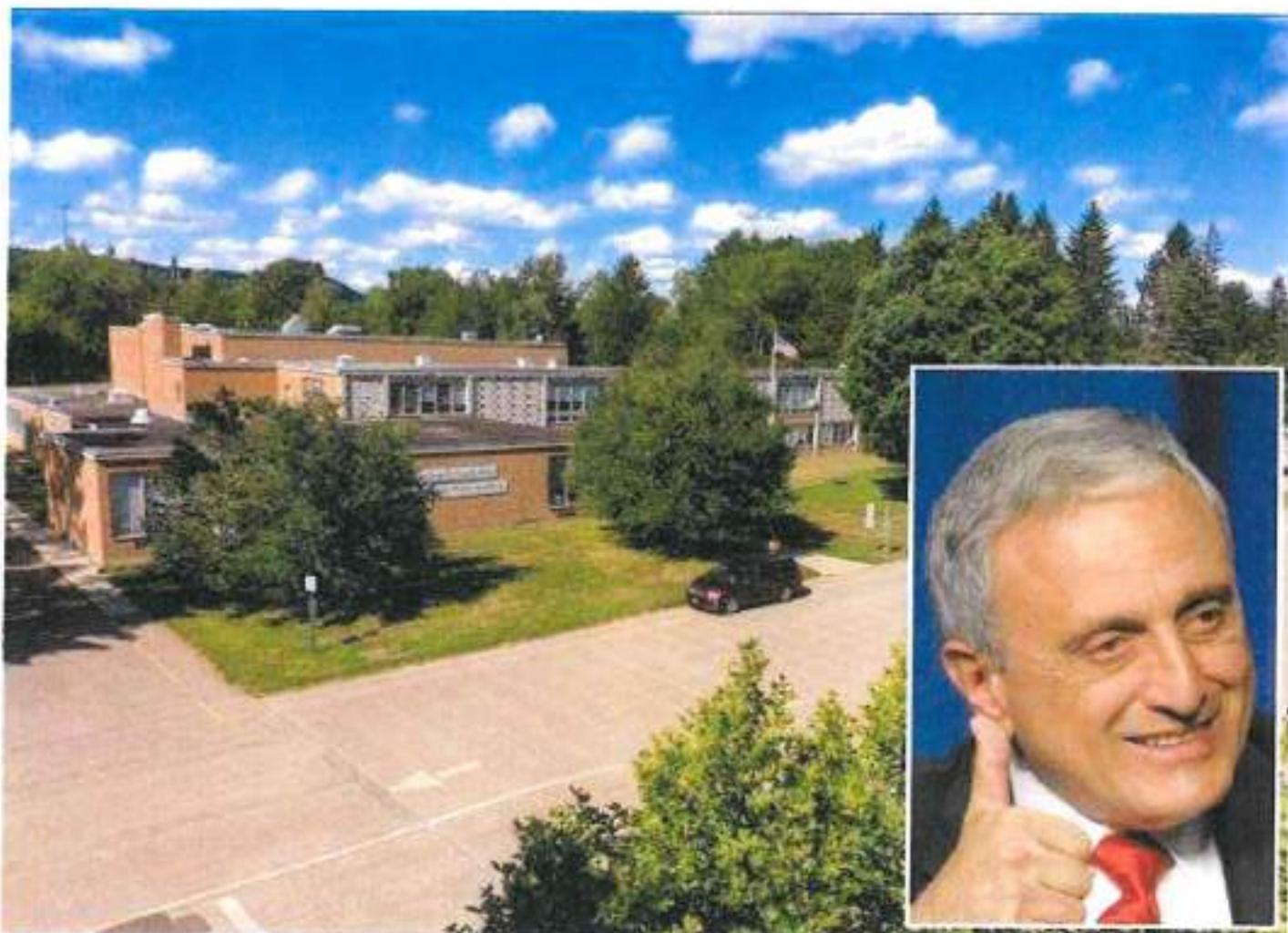
Tim Hortons made its East Olean debut in November before a Dec. 1 ribbon cutting, located on the corner of East State and North Clark streets. The eastern end of the city had been without a chain restaurant since Dunkin' Donuts closed in May 2020.

To add to the competition for Olean's caffeine fix, Ellicott Development has also begun construction on a Starbucks coffee shop in the West End. Work is expected to wrap up early in 2024.

And in Wellsville, the farm and outdoors chain Runnings opened to the public in the Riverwalk Plaza in March to large crowds leading up to the annual trout derby.

## **6. Catholic schools: Walsh moves, ends high school, sale to Paladino; ICS closes doors**

Olean's private Catholic school district saw two major milestones during 2023 — having to leave a place called home for six decades and the migration to a new building that many consider a return to a home from decades past.



A federal judge on Nov. 15 approved Buffalo developer Carl Paladino's winning bid of \$200,000 to buy the former Archbishop Walsh Academy buildings and campus on North 24th Street in Olean.

Olean Times Herald file

In February, officials at Archbishop Walsh Academy/Southern Tier Catholic School announced they would relocate from its North 24th Street campus to one of the area's former Catholic school buildings before classes began in September. Before the 2022-23 school year began the Buffalo Diocese listed the Walsh/STCS property for sale for \$300,000. The building has been Walsh's home since its construction in 1959.

The school's board ultimately chose the former St. John's School on North Union Street as the new home for STCS. Faculty and staff moved into the building over the summer. Celebrating the beginning of the academic year, Bishop Michael Fisher of Buffalo officially blessed the new home in September. However, only STCS was operating during the 2023-24 year with Walsh on hold as no high school students elected to make the move from the former school building.

By mid-November, the former Walsh building had a new owner. Buffalo developer Carl Paladino's winning bid of \$200,000 bought the property from the bankrupt Diocese. Palladio's Olean 2020 LLC outbid three other bidders at auction. He said he doesn't have a specific plan yet for the former high school campus other than he expects it will be "primarily residential."

Meanwhile, Immaculate Conception School of Allegany County, in operation for more than 125 years, will not reopen for the 2023-24 school year, the Diocese of Buffalo reported in June. Bishop Fisher accepted the recommendation of the Immaculate Conception Board of Trustees to cease operations at the Pre-K through sixth-grade school in Wellsville.

### **7. DRI: Olean delays, some success; Wellsville gets \$4.5M in NY Forward aid**

Along with the First National project, which received \$2 million (see No. 2 on our list), several other Downtown Revitalization Initiative programs moved forward in 2023 after COVID-related delays.





Green Acres Cafe, at 107 N. Union St., was one of almost two dozen structures in the city's business district to see work done thanks to the DRI facade program

Olean Times Herald file

Over the summer, it was announced that almost two dozen properties in the city's business district got much-needed help thanks to the DRI's façade improvement program, managed by Olean Business Development Corp. All told, the program reimbursed building owners \$540,000 after they collectively spent \$844,204 on repairs. The program was set to cover up to 80% of costs, with building owners collectively spending about \$135,000 more than required.

"It was a catalyst," said OBD Executive Director Bob Forness, adding not only recipient owners went above and beyond the DRI funded projects, but other building owners took on their own projects without DRI assistance to great effect.

Work delays on several city-owned projects have resulted in extended deadlines from the state, particularly the Walkable Olean Phase 3 and South Union Street reconstruction projects.

In July, the Common Council on Tuesday discussed a suggestion from Mayor Bill Aiello to transfer the \$1.6 million award for the West State Street reconstruction to the South Union Street reconstruction, which received \$1.2 million under the 2017 award. Mayor Bill Aiello recommended the move, citing rising costs on the South Union project. Five years have passed since the project received its award, and record inflation occurred in the post-pandemic era. The city also previously set aside \$344,000 to assist the project, which likely does come close to covering the inflated costs. In February, the community saw plans and sounded off on the project, and in September residents and business owners viewed updated plans for the work. The project includes a roundabout at Union and Greene streets, a widened multi-use pathway along the east side of the street sheltered from vehicular traffic, and a turning lane rather than a median along much of the route to improve access to businesses.

The Walkable Olean Phase 3 project, along East State Street, is expected to start in 2024, followed by the South Union Street project in 2025.

The ribbon was cut on work at Oak Hill Park in October, and work continues on the African American Center for Cultural Development on North Barry Street.

## **8. Alle-Catt wind moves forward as regulators make rulings**

This was another good year for Invenergy, the parent company of Alle-Catt Wind Energy, which got more help from state regulators in 2023 its quest to build a 340-megawatt wind farm in northern Cattaraugus and Allegany counties

In December, Cattaraugus County appealed a ruling by the New York State Board on Electrical Generation Siting and the Environment that usurped the county's ability to negotiate a road use agreement with Alle-Catt.



The company complained to the Siting Board that the county was dragging its feet in negotiating a road use agreement, causing unreasonable delays even though Alle-Catt was still negotiating with Allegany County.

Cattaraugus County officials were seeking assurances that the company would pay for damage to county roads during construction and maintenance of the wind farm. Some roads infrastructure will need to be strengthened prior to hauling equipment and materials over them, county officials maintained.

The wind farm is projected by the company to generate enough electricity to power 134,000 homes for a year.



The developer of the proposed Alle-Catt wind farm received a boost in rulings from the New York State Siting Board.

Olean Times Herald file

Invenergy began holding public information meetings on the proposed wind farm in 2017. It began looking at the area two years earlier in 2015.

The project started with 117 turbines up to 600 feet tall across Freedom and Farmersville in Cattaraugus County and Centerville and Rushford in Allegany County as well as Arcade in Wyoming County.

The Siting Board earlier this year approved a reduction in the number of turbines to 83. By switching to a larger turbine, Alle-Catt was able to reduce the number of towers in the project.

Its website still lists the investment at \$454.5 million, annual payments in lieu of property taxes of \$3.2 million and \$2.7 million in annual payments to property owners.

Its construction timeline is listed as 2024 and operations are slated to start in 2025 despite a five-year extension of those deadlines from the Siting Board.

Alle-Catt also won permission in 2023 for turbine blades to kill 40 eagles over the 20-year agreement in return or contributing \$2 million to an eagle rehabilitation hospital at Cornell.

The contribution will cover an additional 41 eagles killed by Invenergy turbines at a proposed Steuben County wind farm.

## **9. Gabby Kranock succumbs to injuries over year after DWI crash**

Gabby Kranock was 18 when her life was upended and a friend was killed in a horrific accident caused by a drunk driver along Route 417 in Portville on Sept. 3, 2022.

The accident that killed her friend Kayden Belleisle, 19 of Olean, took Gabby's life on Dec. 11, 2023.

She died in Erie County Medical Center where she spent months recovering from the accident that damaged her spinal cord.

Gabby's parents Denis and Lisa Kranock of Cuba and family friends kept Gabby's story in the public eye. Gabby helped give back by contributing proceeds from a fundraiser to other charities.

While at ECMC after the accident, Gabby was treated to a snow sculpture of her German shepherd Koda by West Clarksville artist and sculptor Eric Jones. Buffalo Bills defenseman Jason Poyner also visited her at ECMC.

Gabby, her family and friends sold #GabbyStrong yard signs and magnets as fundraisers. One of the recipients was Jones' Sculpting For Smiles project.



Gabriel Ann Cecile 'Gabby' Kranock

A little more than a month before her death from sepsis, Gabby sat in her special wheelchair in the Cattaraugus County courtroom to listen to victims statements, including her own, and sentencing of Tyler Hess, 21, of Little Genesee, the driver of the truck involved in her accident. Hess was sentenced to 2 ½ to 7 years in state prison for Kayden Belleisle's death and the injuries to Gabby.



Gabby's sister Cloey read Gabby's victim's statement where she wrote of spending seven months in the hospital where she had 20 surgeries, of not having movement below her shoulders, and of missing her senior year in high school, including her senior year on the Girl's Basketball Team at Cuba-Rushford. She attended her high school commencement where she received her diploma.

Her family held calling hours followed by a funeral service in Cuba on Dec. 16.

In a final remembrance, friends were invited to hang Christmas ornaments on Main Street trees as a tribute to Gabby.

## **10. Community reacts as convicted murderer Edward Kindt released after decades behind bars**

Edward Kindt, the former Salamanca resident who went to prison as a teenager for the murder of Penny Brown on Mother's Day in 1999, was released on parole in late March. Brown, a registered nurse and midwife in Salamanca, was on a jog with the family dogs on the Pennsy Trail not far from her home when she was attacked.



Salamanca native Kaitlyn Brown (at podium) shares her family's trauma and sense of injustice following the March release of Edward Kindt, who raped and murdered her mother, Penny Brown, in 1999. Pictured behind (from left): State Sen. George Borrello, Assemblyman Joe Giglio, Cattaraugus County Sheriff Timothy Whitcomb, Olean Mayor Bill Aiello, CCA CEO Tina Zerbian and Allegany County Victim Services Coordinator Shannon Ozzella.

Olean Times Herald file

Kindt, 15 at the time, was sentenced to nine years to life in prison — the strongest sentence allowed by law at the time — and he had been up for parole biennially for several years. He was granted parole by the New York State Parole Board on Feb. 17, according to the state Department of Corrections and Community Supervision.

Word of Kindt's impending release resulted in a firestorm of condemnation by community members and elected officials in Salamanca, Cattaraugus County and beyond. Emotions ran the gamut from outrage to fear that Kindt could be walking the streets in the Southern Tier, although his release was delayed by a day, as reported by the DCCS, because of uncertainty about specifically where the parolee would reside.

Kindt was scheduled to check into an Allegany motel before that arrangement was rejected. It was then revealed that Kindt was scheduled to be released to a hotel in Westfield in Chautauqua County, an arrangement that brought outrage from that corner of Western New York. Kindt was released to an undisclosed location in Dutchess County.

As it turned out, Kindt was released in the county where Kaitlyn Brown, Penny's daughter, resided. In September, Brown joined state Sen. George Borrello, Assemblyman Joe Giglio and other local officials in calling for measures to change how parole boards handle such cases.

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

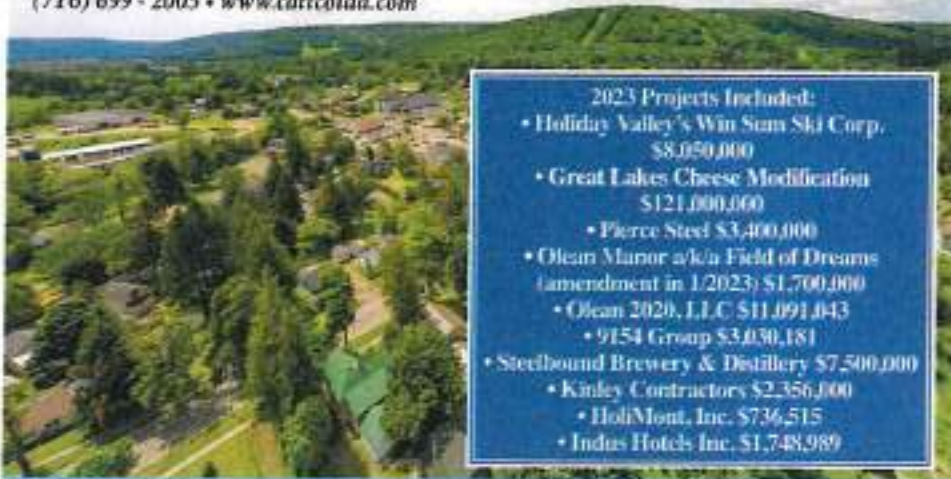


# CATTARAUGUS COUNTY IDA

*"Developing Cattaraugus County's  
Future Today."*

9 E. Washington St., Ellicottville, NY PO  
Box 1749, 14731  
(716) 699 - 2005 • [www.cattcoida.com](http://www.cattcoida.com)

*The Cattaraugus County Industrial  
Development Agency (CCIDA) has been  
facilitating economic growth to the area for  
over 52 years. Authorized and empowered by  
the State of New York, the organization aims to  
"retain, promote and assist business  
development thereby advancing job  
opportunities and economic welfare to the  
people of Cattaraugus County."*



- 2023 Projects Included:
- Holiday Valley's Win Sum Ski Corp. \$8,050,000
  - Great Lakes Cheese Modification \$121,000,000
    - Pierce Steel \$3,400,000
  - Ocean Manor a/k/a Field of Dreams (amendment in 1/2023) \$1,700,000
    - Ocean 2020, LLC \$11,091,043
    - 9154 Group \$3,030,181
  - Steelbound Brewery & Distillery \$7,500,000
    - Kinley Contractors \$2,356,000
    - HoliMont, Inc. \$736,515
    - Indies Hotels Inc. \$1,748,989

*The Cattaraugus County IDA offers assistance in the forms of incentives including tax abatements, low interest loans, and bond financing. Those who are interested in investing in the growth of the area are encouraged to contact the Cattaraugus County IDA to see what forms of assistance may be available. Additionally, economic growth enhances the opportunities for job creation and retention, ultimately investing in the overall growth of the area.*

**Great Lakes Cheese Company**



**Holiday Valley's Win Sum Ski Corp.**



**Ocean Manor a/k/a Field of Dreams**



**HoliMont, Inc.**







## Cattaraugus-Allegany Workforce Development Board



1h · 🌐

Just a reminder, we are partnering with [SUNY JCC](#) and [Olean Business Development](#) to host a Job Fair on Friday January 12th from 11am-3pm at Jamestown Community College Olean Campus Student Union. This event is open to the public. If you are a college senior, home on break and looking for a job for after graduation, we encourage you to stop in and talk with the local employers that will be there. We have companies representing manufacturing, healthcare and education.

# SMALL BUSINESS

## INFORMATION EVENT

Come talk to different local organizations that assist small businesses!

The Small Business Development Center at JCC provides free and confidential business guidance in Chautauqua, Cattaraugus, and Allegany counties.



**Wed. Jan. 24, 2024**

**4:00 pm - 6:00 pm**

**18 North Main St.**

**Cattaraugus, NY 14719**

**NO APPOINTMENT NEEDED**

**Meet  
representatives  
from the following  
agencies:**

- Small Business Development Center at JCC
- Small Business Administration
- Jamestown Community College; Workforce Development
- Southern Tier West
- Cattaraugus APEX Accelerator
- Laine Business Accelerator
- Cattaraugus County
- Cattaraugus County IDA
- Cattaraugus-Allegany; Workforce Development Board



Jamestown Community College

**FOR THE EXCLUSIVE USE OF COREY@CATTCOIDA.COM**

From the Buffalo Business First:

<https://www.bizjournals.com/buffalo/news/2023/12/20/steelbound-replace-hooked-williamsville-franchise.html>

SUBSCRIBER CONTENT:

Food & Lifestyle

## Brewery to take over Hooked site in Williamsville



Steelbound Brewery & Distillery will replace Hooked restaurant at The Mosey in Williamsville.

TRACEY DRURY



By Tracey Drury – Senior Reporter, Buffalo Business First  
Dec 20, 2023





Steelbound Brewery & Distillery is expanding with another franchise deal that will give the company a presence in Williamsville.

The company has signed a lease deal with Ellicott Development for 5195 Main St. inside The Mosey building, which also houses the Tapestry Collection by Hilton hotel. Steelbound will take over space now occupied by Hooked and previously by Brioso.

Pending approvals from the Town of Amherst, which is considering a variance request, the site will expand with an outdoor patio that would help make the space more a part of the village of Williamsville, founding partner William Bursee said.

“We’re building out closer to the road so we have some patio area on the front and we’d get more seating and an Elmwood Village feel,” he said.

The site will offer its own beer and liquor as well as a restaurant menu featuring American-Northern Indian fusion created by the chef at its franchise partner in Dunkirk at the Clarion Hotel Conference Center. The same franchise group will own the Williamsville franchise, Bursee said.

The expansion comes five years after Steelbound was founded as a brewery/restaurant on Route 219 in Ellicottville. A distillery came later and that original site is now being expanded to include a hotel and conference center. A second site also is under construction just outside Las Vegas.

In Williamsville, Steelbound will replace Hooked, a seafood restaurant opened by Angelo Canna Jr. five years ago. Canna told Buffalo Business First he opted not to renew his lease so he could concentrate on his other holdings, including Finnerty’s Taproom in Ellicottville, which he bought in early 2022; the Juicery at Delaware Park; and The Hatch at Erie Basin Marina, which he took over in summer 2022.

### **In other restaurant news:**

# The Villager

ELLICHTSVILLE • CANTAGUA

Spread the love

By Kate Bartlett

Honoring the Late Edna Northrup.

Holiday Valley is paying tribute to one of their founding members, Edna Northrup, as they renovated their main restaurant, John Harvard's. Edna's is officially open for business, with a soft opening Friday, December 8th. The revamped restaurant is officially open for business on December 15th.



*The artist, Tyler Frisbee, who created the logo did a fantastic job of incorporating Edna's signature Tyrolean hat into the design. Jane Eshbaugh (former Marketing Director at Holiday Valley and close friend to Edna) gave him a lot of insight into who Edna was and what she liked.*

According to Dash Hegeman, Marketing Director at Holiday Valley, the space was due for some aesthetic and functional renovations. "The goal was to make better use of the layout while also freshening up the look of the restaurant," says Dash. "Since that work was happening anyway, it brought about a discussion on the John Harvard's brand. We held some very thoughtful discussions about changing the name of the restaurant. Ultimately, the decision was made to not only change the name but to pay tribute to one of the founding members of Holiday Valley, Edna Northrup."

The menu has been updated yet retains the fan favorites like the Smokehouse Burger and assortment of Stone Fire Pizza's. "Our chefs added a few new dishes that are sure to be a hit this winter like a Western New York Coq Au Vin (Crispy Roasted Half Chicken) and a Pesto Encrusted Australian Seabass"



The interior of the restaurant received a nice overhaul with new chairs, tables and color schemes but most importantly, Edna's still offers some of the best dining views in Ellicottville. "Summer or winter, the views from Edna's give you a great background while you dine. The bar area still has TV's for anyone looking to have a drink and catch a game."

Edna's at the Tamarack Club is now more than just a place to enjoy a great meal and enjoy a fantastic view of the slopes while you eat. It's a part of Holiday Valley history. "Edna Northrup was an amazing woman whose influence helped shape the foundation of Holiday Valley," says Dash. "Having the opportunity to highlight her story more and show guests of Holiday Valley what a pioneer she was when it came to skiing in Ellicottville is very exciting."

Amongst her many accomplishments, Edna hiked the Appalachian Trail in its entirety, climbed Mt. Rainier at the youthful age of 68, and then at 84 years old, she hiked to the Base Camp of Mt. Everest. "Her energy and enthusiasm for being in the great outdoors was so inspiring and her passion for Holiday Valley was contagious," says Dash.



The menu has been updated yet retains the fan favorites like the Smokehouse Burger and assortment of Stone Fire Pizza's. "Our chefs added a few new dishes that are sure to be a hit this winter like a Western New York Coq Au Vin (Crispy Roasted Half Chicken), a Pesto Encrusted Australian Seabass" and Crispy Seared Norwegian Salmon.

Dash comments "personally, I'm thrilled with the rebrand. The artist, Tyler Frisbee, who created the logo did a fantastic job of incorporating Edna's signature Tyrolean hat into the design. Jane Eshbaugh gave him a lot of insight into who Edna was and what she liked. He took those details and did a really nice job of creating a logo that is aesthetically clean and works well in the global setting of Holiday Valley."

As mentioned, Edna's at the Tamarack Club is now officially open for business. Stop in this season to pay homage to this legendary woman, while enjoyed great views and an elevated dining experience. Visit <https://www.holidayvalley.com/explore/dining/Ednas-at-the-Tamarack-Club/> for more information.

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From the Buffalo Business First:

<https://www.bizjournals.com/buffalo/news/2023/12/26/st-bonaventure-university-alumnus-venture-fund.html>

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Technology

## **VC fund launches with focus on St. Bonaventure, startups**




Image: Courtesy of the St. Bona Venture Fund

Chuck O'Neill has started the St. Bona Venture Fund I.

COURTESY OF THE ST. BONA VENTURE FUND



By Lian Bunny – Reporter, Buffalo Business First  
Dec 26, 2023 **Updated** Dec 22, 2023 9:32am EST

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Chuck O'Neill has decades of experience with startups and wanted to give back to his alma mater, St. Bonaventure University.

The result: A new venture capital investment vehicle.

The class of 1983 alumnus launched this month the St. Bona Venture Fund I, a for-profit entity that will operate independently of the university. The goal is to provide private investment opportunities for Bonaventure alumni and university friends, while a portion of the net profits go to the business school.

"It's just another way I believe to create an opportunity for the university to gain additional revenue in an ... exciting, different kind of way," said O'Neill, who is co-founder and president of O'Neill Marketing, a health insurance agency in Saint Petersburg, Florida.

The fund aims to close its first fundraising round by the end of June and is targeting \$10 million, which would allow the entity to invest in 15 to 20 companies over three years. It will focus on early stage companies through Series A investments, with money for follow-on funding.

O'Neill, who is from Rochester and now resides in Tampa, and his wife Karen will contribute half a million dollars to the fund.

He's targeting investments to average around \$200,000. The first fund investment is expected to take place in January 2025 and will be based in Buffalo, Rochester or New York City.

Focuses will include investing in companies from the following categories: health, health care services and medical; IT services and new edge technology; women and minority-run companies; transportation and businesses in the Western New York and the Rochester/Finger Lakes regions.



"I wanted to create a fund that had a lot of ability to go in different directions," he said.

The fund is targeting a measurable investor result of over 20% over a three- to five-year period.

The portion of the profits that goes to Bonaventure's business school will be used to support student internships, experiential learning, a fund office at the school and a fund founder and manager partner giving professional in-residence services.

"I'm excited about where we're headed," O'Neill said. "The more money we can get in faster, the sooner we can start looking to help people in Western New York or wherever we decide to invest."

Currently, he's working on his 12th startup and personally invests in companies as well. When it comes to evaluating businesses, he said he focuses on a potential investment's burn rate: How much money does it cost to run the business each month? Why does it cost that much to operate the startup? What does the founder or operator have personally invested in the company?

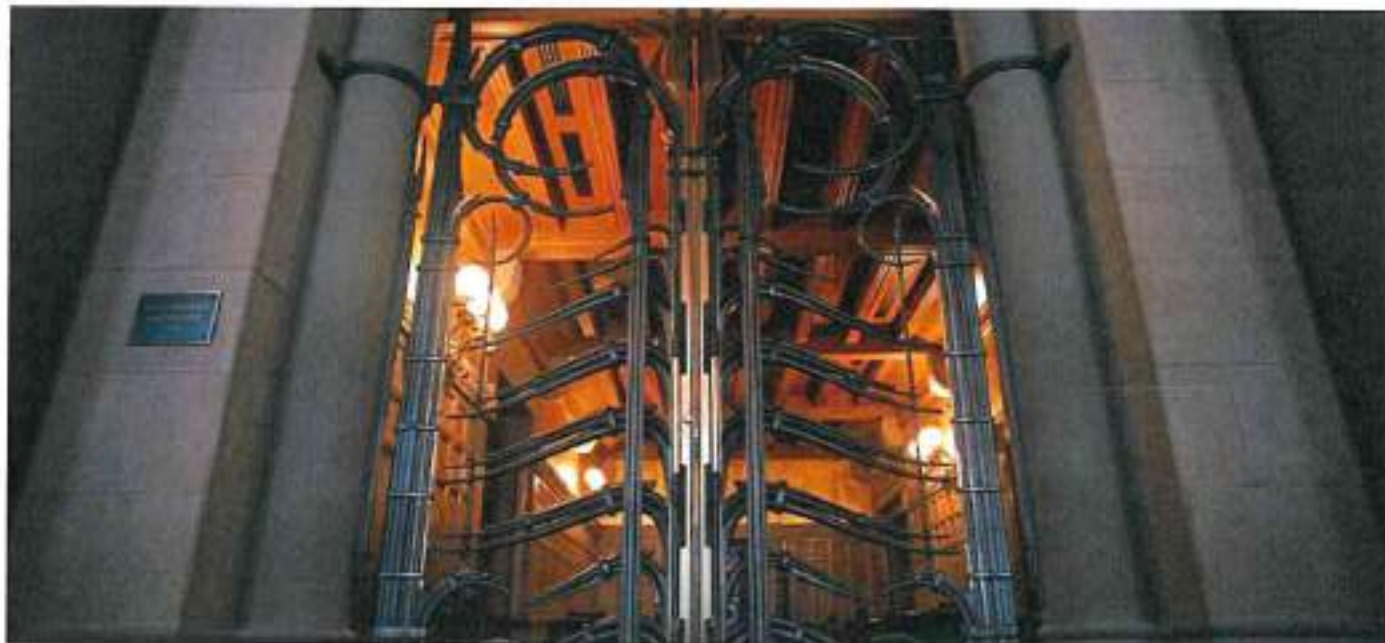
And, perhaps most importantly, he oftentimes asks people: What are you willing to sacrifice to get what you want?

"The venture capital world has kind of always 'been good idea, great people' is better than 'great idea, not so great people,'" he said. "We're really going to focus on the people, how they're committed and how they structure the company."

173 Wm. Hall / New York

## The issues most likely to dominate the 2024 New York legislative session

Next year's session will be complicated by a big budget deficit and looming elections.



The 2024 session will be set against a pivotal election year backdrop. NYS SENATE MEDIA SERVICES

By AUSTIN C. JEFFERSON AND REBECCA C. LEWIS | DECEMBER 18, 2023

State legislators are looking to pick up where they left off last year as the first day of the 2024 legislative session kicks off a new year in Albany on Jan. 3. Lawmakers are hoping to take meaningful action on a range of issues, including housing, health care, cannabis reform and the environment.

Then Gov. Kathy Hochul is scheduled to give her State of the State address on Jan. 9 and lay out her agenda for the coming year. The state is also running a budget deficit, which will factor into decisions that the governor makes across most issues. Plus, housing is set to be a major talking point after a mixture of stonewalling and lobbying led to a deal not getting done last year.

To make matters even more interesting, it's a critical election year in New York, with presidential, congressional and state legislative seats at stake. With lawmakers well aware that one vote could result in attack ads or election losses, there will be more factors at play in Albany this year than just legislation. Even Hochul acknowledged it.

A growing progressive coalition that showed its might in both chambers last year will be back in full force. Meanwhile, the Democratic supermajority may be hoping for simpler negotiations after the housing and bail reform caused a state budget deal to be reached a month late.

There are so many policy items to be aware of heading into next year. Here are some of the biggest issues on the docket for the 2024 state legislative session.

### Budget

An overarching constraint that will impact what gets done in Albany is the impending \$4.3 billion budget deficit in fiscal year 2024, which was down from the more than \$9 billion deficit projected earlier this year.

Progressive activists and lawmakers are pushing once again for a variety of new taxes on the wealthy, as well as further increasing the income tax for high-earners. Assembly Member Crystal Peoples-Stokes, a high-ranking member with sway in the chamber, said she doesn't want to see the Legislature approve new taxes on the wealthy to help address the state's looming budget woes.



The governor already [announced a hiring freeze](#) at state agencies in September through the end of the year as a cost-savings measure. The move comes after two years of record-high budgets during Hochul's first two years in office.

Budget hardliners have asked that the state make cuts rather than dip into its rainy day fund, which is approaching \$20 billion.

## Housing

Hochul is expected to take a second run at passing her housing plan after it fizzled last year. But she's also [dropping a controversial part](#) of her plan to mandate housing construction after it faced intense opposition from suburban lawmakers who bristled at the idea of the state taking away local zoning control. [Hochul confirmed](#) she'll be taking a different approach next year.

"Good cause" eviction will return to Albany for a third year in a row as housing advocates plan to push for increased tenant protections – setting up a showdown with the real estate lobby. [Sponsored by](#) state Sen. Julia Salazar and Assembly Member Pamela Hunter, it would place limits on when a landlord is legally allowed to evict a tenant and would effectively place a cap on rent increases for apartments that aren't rent-stabilized. Progressives last year said they [would not accept](#) any housing package without "good cause" eviction – and they didn't, because a housing package didn't pass.

Housing advocates are still also pushing for the Housing Access Voucher Program, which would fund vouchers for people experiencing homelessness and those imminently facing a loss of housing. Unlike with other housing measures, it has support from both tenant advocates and landlords, who would receive the money from voucher payments. It also [has bipartisan support](#). But Hochul has expressed reservations about the bill due to its cost. Last year, lawmakers proposed allocating \$250 million for the program in their one-house budgets.

Renewing or replacing the expired 421-a tax break for developers in New York City will likely be discussed next year. Hochul had originally [proposed a replacement](#) in 2022 when the program was [set to expire](#), but lawmakers rejected it. Last year, she proposed a more modest extension for existing projects, which also did not make it through the Legislature. With the right labor protections, renewing the program has support from construction unions and developers contend the tax break is necessary to build more housing in New York City, while opponents said it [doesn't create enough affordable housing](#). State Sen. Jeremy Cooney also said he would like to see a return of the [upstate version of 421-a](#) that the governor proposed last year.

Other measures to build social housing, which would be a sort of statewide land trust with local oversight, may be introduced. Still without sponsors or a bill number, the legislation would create a new department called the Social Housing Development Authority and create a pathway for community-based affordable housing.

Housing activists may also pursue legislation that will further regulate the administration of the Rent Stabilization and Emergency Tenant Protection Act and change the New York City Rent Guidelines Board. With a [controversial 3% rent increase](#) in June in New York City, one change would move votes on rental increases to November and see that guidelines for conducting vacancy studies are clearer and that tenants are given a stronger voice in deliberations. With Newburgh set to potentially become the second upstate city to enact tenant protections after Kingston, reforms could prove timely.

The Tenant Opportunity to Purchase Act could be revisited in 2024. If passed, the bill sponsored by state Sen. Zellnor Myrie and Assembly Member Marcela Mitaynes would allow tenants the opportunity to pool their money and purchase their apartment building if a landlord attempted to sell. With the right of first refusal, the hope of lawmakers and activists would be that fewer tenants would be displaced if given the opportunity to own their building.

## Criminal justice

Criminal justice advocates have had several major victories in recent years, and they're pushing for several significant parole reform bills. Those two bills – [Fair and Timely Parole as well as Elder Parole](#) – would make it easier for incarcerated people who are already eligible for parole to actually receive it by ensuring the parole board takes into consideration factors like good behavior. The second bill would make all incarcerated people 55 or older who have served at least 15 years eligible for parole, but would not automatically grant it. They would still need to go before the parole board and receive approval.

Advocates will likely make another push for legislation that would remove mandatory minimum sentences, which was [part of a package of bills](#) they focused on last year. The other two bills would permit judges to review and reevaluate excessive sentences and permit people to receive time off their sentence for good behavior.



definition of a hate crime and reduce the possibility of possible domestic terrorists being released through the state's bail laws. Crimes like threatening mass harm could become hate crimes.

State Sen. Brad Hoylman-Sigal and Assembly Member Grace Lee hope to expand New York's hate crime laws to include 31 other offenses after a rise in Islamophobia and antisemitism. Gang assault, sexual misconduct, rape, drawing graffiti and weapon possession would be classed as potential hate crimes under the bill.

### **Cannabis and agriculture**

After a legislative hearing in October on the state of the legalized marijuana rollout, state Sen. Jeremy Cooney said he plans to roll out a package of cannabis-related bills in the 2024 session.

Cannabis growers are also seeking relief through the Recompense Fund that state Sen. [Michelle Hinchey](#) and Assembly Member [Donna Lupardo](#) announced earlier this year. The fund would prop up farmers who have yet to see a return on their investment in the cannabis market after the state's complicated rollout of licenses, which have been held up because of several lawsuits.

Hinchey also wants to continue the Nourish New York program, which allows farmers to sell surplus produce to food insecure communities. She has legislation that would allocate funding to 10 regional food banks that would be separate from other Department of Health programs in the administration and application process.

### **Energy and utilities**

Utility providers will be on the defensive as advocates and lawmakers hope to rein in price hikes that have been tough on homeowners and low-income New Yorkers.

For starters, lawmakers could move to have the Energy Affordability Program codified into law, which is currently administered by the state Public Service Commission. They argue that this would decrease the odds that low-income ratepayers will go into utility arrears. In codifying it, utility advocates hope that more funding for the program can be secured and that it can be expanded to more people. There will likely be requests for the program to be included in Hochul's budget.

Delivery costs stuck in the craw of many New Yorkers attempting to heat their homes in recent winters. State Sen. Shelley Mayer and Assembly Member Didi Barrett will likely push legislation that will regulate how utility companies set their rates. Rather than deriving their own formulas and presenting them to the Public Service Commission for approval, they would use formulas created by the commission, formalizing the process. Also in an attempt to keep rates down, [legislation could be revisited](#) next year that doesn't allow utilities to charge fixed rates for metering, billing, service connections and customer service. Introduced by state Sen. Kevin Parker and Assembly Member Robert Carroll, the bill would save New Yorkers tens of millions of dollars.

### **Health care**

At the top of the agenda for many health care advocates, including 1199SEIU and safety net hospitals, is once again asking for higher Medicaid reimbursement rates. They have long said that stagnant reimbursement rates have left health care facilities serving the lowest-income New Yorkers in a constant state of imminent fiscal collapse. Last year, [they demanded](#) a 10% increase for hospitals and a 20% increase for nursing homes. The final budget last year included a 7.5% increase at hospitals and 6.5% increase at nursing homes, but they said the deal was insufficient. To address structural issues within the industry, 1199SEIU would ask for roughly \$6 billion in funding over the next five years to cover the gap in cost coverage for health care providers accepting Medicaid. They said that a 30% gap in coverage limits the sustainability of providers in New York.

The perennial New York Health Act, which would create a single-payer health care system in New York, is unlikely to get passed – but that's not stopping advocates from continuing to push for it. Bill sponsor state Sen. Gustavo Rivera expressed confidence that the legislation is still building momentum and told City & State in November that "there's been conversations that I've had with certain folks about the bill that I haven't had before." He said those conversations have given him hope that some new big players will begin supporting the bill.

Rivera, who chairs the state Senate Health Committee, also said he'll be focused on getting passed his legislation that would [legalize supervised injection sites](#) statewide. Hochul has consistently opposed the sites where people can use illegal drugs under the supervision of trained medical professionals. She has declined to heed the recommendations of



For-profit insurance companies will also be under scrutiny. A bill sponsored by state Sen. Tim Kennedy and Assembly Member Erik Dilan would seek to tax out-of-state transfers made by for-profit insurance companies to ensure that money gained from premiums stays in New York. The idea is that that money can be reinvested in New York's health care system.

The "Coverage for All" bill didn't become law last session, and its dozens of supporters within the Legislature will try with a renewed effort to pass legislation that will [provide subsidized health care](#) to New Yorkers – whether they are documented or not. It failed to get traction over budget concerns during the past two years, even when lawmakers [received clarity from the federal government](#) that the state could apply for a waiver to use federal funds.

## Environment

Environmental advocates are attempting to hold the state to its climate change goals and protect the state's watersheds.

At the top of the agenda is the NY HEAT Act, which activists have been pushing for years. It would stop utilities from initiating new gas hookups and would also cap utility bills for low- and moderate-income New Yorkers to 6% of their annual salary. Climate and environmental advocates called on Hochul to include the bill in her budget at [rallies in New York City and Albany](#). It passed in the state Senate in the last session, but failed in the Assembly.

Environmental advocates also focused on the Climate Change Superfund Act, which remains a priority for the sponsor of the bill, state Sen. Liz Krueger, for the upcoming session. This bill also passed in the state Senate, but failed in the Assembly. The Climate Change Superfund Act would require major polluters to pay a total of \$3 billion a year into a fund meant to help cover costs related to building new green infrastructure.

New York Renews has a [\\$1 billion investment plan](#) for a variety of different climate and environmental initiatives. They view it as a stepping stone to what they said was a necessary \$10 billion a year investment into programs that will help the state meet its climate goals. Other groups are asking for \$600 million, at minimum, to support future improvements and maintenance following the passage of the Clean Water Infrastructure Act – \$100 million of which would go toward replacing lead service lines.

In that same vein, advocates for New York's ecosystem will be hoping to reduce PFAS chemicals in the state's waterways. The PFAS Disclosure Act would force holders of State Pollutant Discharge Elimination System permits to measure and publicly disclose the levels of PFAS they discharge into New York's waterways. Sponsored by state Sen. Rachel May and Assembly Member Anna Kelles, the bill would make communities aware of their exposure to PFAS, a group of synthetic chemicals that may be linked to certain cancers. It passed the state Senate last year, and in 2024 lawmakers hope it can make it out of the Assembly.

Assembly Member Emily Gallagher and state Sen. Rachel May plan to pursue [legislation](#) to empower municipalities and their water boards to [levy a fee for stormwater runoff](#). Pollutants and debris can travel from that runoff into bodies of water, possibly endangering the water supply. While such fees exist in some municipalities, this bill would allow water boards to charge property owners who don't effectively manage their runoff while simultaneously creating an incentive for eco-friendly drainage systems.

## Education

State Sen. John Liu and Assembly Member Zohran Mamdani plan to introduce legislation eliminating a property tax break for Columbia University and New York University that is estimated to be worth \$327 million. If passed, this session the measure would need to pass in a public referendum the following year. The two universities own a large portfolio of properties, and the money would go to fund the City University of New York.

The issue of mayoral control of New York City public schools will be an important issue again after the two-year extension approved in 2022 is set to expire. Back then, New York City Mayor Eric Adams had wanted three or four years of control, but lawmakers did not agree, even with Hochul on his side. Retiring Assembly Member Jeffrion Aubry said that in his final session, he would like to see a more permanent solution to mayoral control of schools, rather than the temporary extensions that keep the issue in a near-permanent state of flux.

A New Deal for CUNY will be the objective of lawmakers hoping to inject \$1.7 billion of funding into the CUNY and SUNY systems over five years. Introduced last year by state Sen. Andrew Gounardes and Assembly Member Karines Reyes, the bill would create free tuition for students, allow for the hiring of more faculty and mental health professionals, and establish staff to student ratios. A capital plan would also be created as part of the bill.

New York's Tuition Assistance Program, some lawmakers posit, should be expanded to more income levels. State Sen. Toby Ann Stavisky and Assembly Member Patricia Fahy introduced a bill that would raise the income threshold for the families of students applying for TAP. After a public hearing on the issue, lawmakers proposed that by increasing the amount of eligible students, more people would attend college.

### Democracy and transparency

A new fight to renew Open Meetings Law reforms will likely begin next session as lawmakers debate how much access the public, and journalists, should have to legislators from the municipal level to the Executive Chamber when they make important decisions.

There will be a push for requirements for online access for the public to view and comment on meetings, offer a designated space for the public to view meetings, expand the number of advisory boards covered by the Open Meetings Law and expand the use of videoconferencing technology.

Local industrial development agencies will also be examined over their administration of payment-in-lieu-of-taxes agreements. Reinvent Albany plans to request more of the money paid by developers to these agencies be directed to schools rather than the agencies. A bill sponsored by state Sen. Sean Ryan and Assembly Member Harry Bronson would stop industrial development agencies from waiving tax payments that would otherwise be received by school districts.

Inspired by the saga of former Rep. George Santos, state Sen. John Liu and Assembly Member Gina Sillitti plan to introduce legislation that would require political candidates to swear under threat of perjury that details about their background, residency and employment history are true. Candidates would have to send sworn statements to the state Board of Elections affirming these details if they are included as part of their platform.

### Child care

In a bid to alleviate so-called child care deserts, Empire State Campaign for Child Care believes that supplementing the wages of workers in the industry will increase access to child care and lower the cost of receiving it.

State Sen. Jabari Brisport's Universal Child Care Act could make a return to Albany and through funding and other initiatives the senator would hope to revamp the industry. The bill would require \$5 billion in funding. Of that, \$1 billion would go toward stabilizing the child care workforce, \$3 billion would be set aside to subsidize "high quality and culturally responsive child care," \$400 million would go toward child care infrastructure and \$600 million would be earmarked for reimbursements as the costs of child care transition.

The bill didn't make it last session due to budgetary concerns, although Brisport is hopeful that its support within the Legislature will help it get across the finish line next year.

### Miscellaneous

Safe streets advocates plan to push for Sammy's Law once again after it came close to passing in the Assembly last year, but ultimately failed amid opposition from certain outer borough and upstate lawmakers. The legislation is named after [Sammy Cohen Eckstein](#), a 12-year old who was killed by a speeding car in Brooklyn. It would allow New York City to set its own speed limits.

Another bill named in someone's honor, groups like VOCAL-NY plan to advocate for Daniel's Law. Named after Daniel Prude, whom police in Rochester killed after they were called to help him while he was experiencing a mental health crisis, the legislation would enable social workers and mental health professionals to respond to emergency calls about mental health crises, rather than law enforcement. [C](#)

*Correction: A previous version of this article referred incorrectly to the sponsors of the stormwater runoff bill. The bill sponsors are Assembly Member Emily Gallagher and state Sen. Rachel May.*

### Share This:





Congress of the United States  
House of Representatives  
Washington, DC 20515-3223

December 21, 2023

The Honorable Kathy Hochul  
Governor of New York  
NYS State Capitol Building  
Albany, NY 12224

Dear Governor Hochul,

We write today to request that your office seriously consider and follow the recommendations made within the Federal Energy Regulatory Commission (FERC) and North American Electric Reliability Corporation (NERC) "Inquiry into Bulk Power System Operations During December 2022 Winter Storm Elliott" (the report).<sup>1</sup> Specifically, we strongly urge you to consider the report's recommendations to protect natural gas infrastructure, including wellheads, from extreme cold weather, after production was affected during the winter storm threatening the safety of millions of New Yorkers.

As you know, following weather events, FERC and NERC have provided reports detailing their inquiry into bulk power system operations in the face of extreme weather. These reports, as with the one recently completed regarding Winter Storm Elliott, offer a series of recommendations, including a number of recommendations for states and operators within those states to follow in order to improve preparedness in the face of future weather events.

The report produced by FERC and NERC confirmed what we feared about the reliability of our state's bulk power system operations—the grid—and its endurance during an extreme weather event. Specifically, the report confirmed that a lack of gas deliverability, in addition to various electrical and mechanical issues, resulted in a loss of electric generation capacity estimated at 90,000 megawatts (MW) across the footprint of the storm. To add to this concern, the risk of a loss in pressure on the natural gas network could have resulted in an even more serious, life-threatening disaster than the one that hit New York State last winter. Finally, the report points to a serious lack of investment on the part of the state into reliable sources of fuel, natural gas infrastructure, and improvements to existing infrastructure.

Despite the report's conclusion that natural gas remains a critical source of heating and power generation for New Yorkers, the policies carried out by your office and by the New York State Assembly appear to reject these realities. Since 2016, four major interstate natural gas pipeline projects have been cancelled—including the Atlantic Coast Pipeline, Penn East Pipeline, Colonial Pipeline, and Constitution Pipeline—that would have provided important natural gas distribution improvements in New York State, as well as throughout the northeast. Meanwhile,

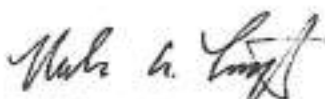
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<sup>1</sup> <https://www.ferc.gov/media/winter-storm-elliott-report-inquiry-bulk-power-system-operations-during-december-2022>

your Administration has championed the implementation of the Climate Leadership and Community Protection Act, a law that is intended to eliminate utilization of natural gas and other sources of energy in our state by 2040. This law will increase utility bills and push New Yorkers away from a source of energy and heat—natural gas—that has worked affordably and reliably for decades.

We therefore request you to take seriously the recommendations within the “Inquiry into Bulk Power System Operations During December 2022 Winter Storm Elliott” and ensure that our state’s natural gas infrastructure is fully prepared for the next extreme weather event. We look forward to your prompt response to this request.

Respectfully,



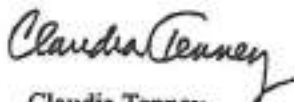
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Elise M. Stefanik  
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Member of Congress



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NYup.com

# New York's new laws in 2024: Voting reforms, minimum wage, red light cameras, more

- Updated: Dec. 29, 2023, 11:02 a.m.
- Published: Dec. 28, 2023, 8:01 a.m.



New York lawmakers will return to the state Capitol in Albany to begin a new session on Wednesday, Jan. 3, 2024. Hans Pennink | AP Photo

By

- [Mark Weiner | mweiner@syracuse.com](mailto:mweiner@syracuse.com)

New York lawmakers passed 896 bills this year, of which 774 had been signed into law by Gov. Kathy Hochul, marking the end of a busy legislative session.

Some of the most significant laws are aimed at making it easier for New Yorkers to vote, helping consumers, improving public health and safety, protecting wildlife and the environment, and making sure New Yorkers are paid a living wage.

About a dozen of the bills were signed into law in the days just before Christmas as part of a string of after-hours actions by the governor.

One of those late laws outraged Onondaga County Executive Ryan McMahon and other Republicans statewide. The [controversial law will change most](#)



[local elections to even years](#) – the same years when New York holds its state and federal elections.

The changes are due to become effective with the 2026, 2028 and 2030 elections, depending on whether the office has a two-year or four-year term.

Here's a quick look at some of the new laws that will be enforced starting in 2024:

### **Clean Slate Act**

The criminal records of New Yorkers who complete their sentences and stay out of trouble will be sealed under a law that will become effective in November 2024.

The [Clean Slate Act](#) will seal most criminal records three years after a person serves time or parole for a misdemeanor, and eight years after a person is released for felony convictions.

Criminal records for those convicted of murder, sex crimes, domestic terrorism and most Class A felonies will not be eligible for sealing.

Advocates for the law say it will help about 2.2 million New Yorkers who face hurdles in accessing jobs, housing, and education because of their criminal records. New York is the 12th state to pass a law that will seal those records.

### **Banning wildlife killing contests**

Beginning in January, New York will become the eighth state to [ban wildlife killing contests](#).

The ban outlaws any "contest, competition, tournament or derby where the objective of such contest or competition is to take wildlife" for prizes or entertainment. The law does not ban hunting or fishing, including fishing derbies.

Advocates for the law said it will protect New York's biodiversity by stopping the wasteful taking of wildlife. The ban applies to wildlife such as coyotes, crows, squirrels and rabbits.

Assemblyman John Lemondes, R-LaFayette, is among opponents who call the law an infringement on hunting and Second Amendment rights. Lemondes, who owns a sheep farm, said coyotes ravage sheep and turkey flocks.



## **Voting reforms**

A package of new voting laws will allow New Yorkers to cast their vote by mail, allow same-day voter registration and require prisons to provide voting rights information to people who have served their sentence.

A separate law signed by Hochul allows for absentee ballots to be counted if they have been taped and show no signs of tampering.

New York will also allow any resident of voting age to register on the first day of the early voting period and cast their ballot at a polling place on the same day.

State and federal Republican leaders filed a lawsuit aimed at stopping the [new law that allows New Yorkers to vote by mail](#). Previously, mail-in ballots could be cast only if a voter had a valid excuse for an absentee ballot. Republicans have called the change unconstitutional.

### **Cracking down on unlicensed, reckless drivers**

Beginning Nov. 1, it will become a felony for New Yorkers to drive with a record of five or more license suspensions, down from 10 suspensions. Violators found guilty of aggravated unlicensed operation of a motor vehicle could be sentenced to up to five years in prison.

The state Legislature passed "[Angelica's Law](#)" in June. The law was named for Angelica Nappi of Long Island, who was killed in a 2008 car crash with a driver operating a vehicle with seven prior license suspensions. The driver had been released from prison after serving four months.

### **Banning harmful pesticides**

New York will largely ban a group of pesticides that environmental and health advocates consider harmful to children.

The "[Birds and Bees Protection Act](#)" targets neonicotinoid pesticides that have been widely used in home and garden applications and in farming. The U.S. Environmental Protection Agency found the chemicals are contributing to high death rates and low birth rates for more than 200 animal species.

The New York Farm Bureau initially opposed an outright ban, but supported an amended bill signed by Hochul that gives state agencies the power to regulate the pesticides.

## **Protecting credit card customers**

Credit card companies must now give customers who close an account at least 90 days to use any accrued rewards points or cash tied to the card. The law became effective Dec. 10.

The companies must notify cardholders within 45 days when any existing credit card account or rewards program is canceled or modified in a way that is less favorable to consumers.

### **Raising the minimum wage**

The [minimum wage in New York](#) increases Dec. 31, 2023, the eighth consecutive year of a phased-in wage hike.

In Upstate New York and areas outside of New York City and its suburbs, the minimum wage will increase from \$14.20 to \$15 per hour.

The 5.6% wage hike means that a person working in a minimum wage job as a full-time employee will be paid an extra \$32 per week.

In New York City and its suburbs (Westchester, Nassau and Suffolk counties) the minimum wage will increase to \$16 per hour.

### **Red light and school zone cameras for Syracuse**

A new law gives Syracuse permission to [install speed cameras in school zones](#) and red-light cameras at major intersections to catch and ticket drivers who endanger public safety.

Syracuse had asked state lawmakers to authorize the installation of 34 cameras to issue speeding tickets in school zones, and 36 cameras to catch drivers who run red lights at intersections.

Violators caught speeding in school zones or running red lights will be fined \$50 for each occurrence. Vehicle owners who don't respond to tickets could face a \$25 surcharge on top of the fine.

Speeding tickets would be issued only when a vehicle is found to be traveling more than 10 mph over the speed limit.

State Assemblyman William Magnarelli, D-Syracuse, and Sen. Rachel May, D-Syracuse, pushed the new law through the state Legislature at the request of city officials.

### **Increasing the number of judges**



Starting in January, a law will [expand the number of judges](#) across New York to deal with a backlog of court cases.

Family Court judges will be added in Onondaga and Oneida counties and eight other counties across the state. The [Onondaga County Family Court](#) will go from five to six judges.

Judges also will be added in three of the state's 13 Supreme Court judicial districts.

Voters will choose the new judges in the Nov. 5, 2024 election.

### **Identifying lead water pipes**

The "[Lead Pipe Right to Know Act](#)" will make it easier for New Yorkers to find out if their home's water is supplied through lead water pipes.

The new law requires public water systems to take an inventory of their lead water pipes and publicly share how many pipes are present in their distribution system and where those lines are located.

Lead pipes are considered a public health risk, particularly for children. The state wants to use the information about the number and location of lead pipes to apply for federal grants that would pay for their removal. More than [14,000 homes and businesses in Syracuse receive water through lead pipes](#).

### **Transparency on LLC ownership**

A new law requires the state to create a database listing the owners of limited liability companies, or LLCs, that will be accessible to government agencies and law enforcement.

Hochul signed the law in the final days of the year, saying it will help law enforcement officials crack down on conduct such as wage theft, money laundering and tenant mistreatment.

The database will be accessible only to local, state and federal government authorities – not the general public – as part of a compromise to protect the privacy of the LLC owners, the governor said.

### **New rights for renters**

A law authored by two Syracuse lawmakers will give renters a new tool to use against landlords who refuse to fix code violations and other poor living conditions.

The "Tenant Dignity and Safe Housing Act" allows courts to order reductions in future rent for those living in substandard housing.

New York City, which already has a separate set of laws protecting tenants, is exempt from the new law.

The new state law was sponsored by May and Magnarelli.

### **Expanded coverage for cancer tests**

All state-regulated health insurance plans will be required to cover comprehensive biomarker testing.

A biomarker test analyzes the genes and proteins of a patient to determine if their cancer is likely to grow. The tests also help doctors determine what treatments would have the greatest benefit to the patient.

Assembly member Pamela Hunter, D-Syracuse, authored the law after a survey of more than 300 oncology providers found that 66% considered insurance coverage a barrier for their patients to receive a biomarker test.

### **New training required for cosmetologists, hair stylists**

A new law will require cosmetologists and hair stylists to complete basic training for all hair types and textures as a condition of their license.

Licensed individuals must be trained on various curl and wave patterns, and varying hair strand thickness.

State lawmakers who backed the new law said they want to close a knowledge gap that disproportionately affects women and girls of color with textured and diverse hair.

### **Protecting homeowners against deed theft**

Homeowners will receive new protections against deed theft, a crime in which property owners are defrauded out of the property titles to their homes or real estate.

The law will make it easier for the state or local district attorney to prosecute deed theft.

Authorities will have the power to put on hold any legal proceeding where possession or title to a property is at issue, such as foreclosures, evictions, and ownership disputes.



Courts will now be required to grant a stay during an investigation or if the government has filed a civil or criminal charge in a deed theft investigation. New Yorkers can report suspected deed theft by calling the attorney general's office at 800-771-7755.

### **Keeping medical debt off credit scores**

A new law prohibits hospitals, health care professionals and ambulance companies from [reporting an individual's medical debt to credit agencies](#). Supporters of the law cited a 2023 study from the Urban Institute, which found 740,000 New Yorkers have medical debt on their credit reports. People of color were twice as likely to have medical debt referred to a credit bureau.

The institute found that Syracuse had the [worst rate of medical debt among the state's big cities](#), affecting an estimated 25% of adults – or about 30,000 people.

**Related:** [How NY state, Upstate Medical haul thousands of sick and poor into court for little gain](#)

The law is aimed at making it easier for people with medical debt to get jobs, secure credit, rent an apartment and improve their credit scores.

### **Free menstrual products in private school restrooms**

Beginning July 1, all private middle schools and private high schools in the state will be required to provide students with free menstrual products in school restrooms.

The law's sponsors in the state Assembly and Senate said about 25% of menstruating students don't have access to period products due to the cost, forcing some students to miss classes and school days.

The state has required all public schools in New York serving grades 6-12 to provide free menstrual products in restrooms since 2018.

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# From powerhouse to afterthought: US Steel, once a symbol of America's economic might, set to be sold to Japanese rival



By [Chris Isidore](#), CNN

8 minute read

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US Steel's Edgar Thomson Plant in Braddock, Pennsylvania outside of Pittsburgh. The 122-year-old company, once the backbone of a US economy powered by manufacturing, has agreed to be purchased by Nippon Steel, Japan's largest steelmaker, for \$14.1 billion. The deal faces opposition from politicians and the United Steelworkers union though.

Justin Merriman/Bloomberg/Getty Images

**New York**CNN —

The days may be numbered for an independent, American-owned, US Steel, a one-time backbone of the nation's economy.

US Steel was once the most valuable company in the world. Monday, it [agreed to be purchased](#) for \$14.1 billion, or \$55 a share, by Nippon Steel, Japan's largest steelmaker.

That \$14.1 billion sale price, while a 40% premium from where US Steel's stock closed Friday before the deal was announced, makes it a minor leaguer in today's economy. The nation's tech powerhouses - Apple, Google's parent Alphabet, Amazon, Microsoft and Nvidia - trade at a valuation of more than \$1 trillion each.

US Steel, even at the sale price, is valued less than 0.5% of the value of Apple, and less than 2% of the value of Tesla.

Its revenue last year of \$21 billion is roughly what Walmart brings in every two weeks. Or to put it another way, it's just over half of the annual sales that Apple receives just from its wearable products, primarily its headphones.

US Steel's possible end as an independent, publicly-traded, American-owned company underscores the shift in the nation's economy away from manufacturing, to services, such as retail or media, or technology. It's a change that continues to yield deep economic and political implications today.

A man in a crane charges slabs of iron at the Gary Works plant in Gary, Indiana, in 1945. Gary Works, US Steel's largest manufacturing plant, was the largest steel mill in the world for most of the 20th century, according to the [Chicago Sun-Times Bettmann Archive/Getty Images](#)







pictures: The history of US Steel

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It's a slide decades in the making. In 1991, after 90 years in the Dow Jones Industrial Average, US Steel was bounced out of that benchmark of the nation's 30 most important companies. At the same time, Walt Disney and JPMorgan & Co., a Wall Street firm ironically named for US Steel's founder, joined the index, a sign that the nation's economy was now focused more on information and finance, not manufacturing.

## **Opposition to a foreign buyer**

To try to soften the blow of the purchase by an overseas rival, Nippon Steel announced it would keep the US Steel name on its current operations and keep a headquarters in Pittsburgh.

Nippon said US Steel shareholders will vote on the deal in March and the transaction would close in the second or third quarter of next year if it clears regulatory hurdles. US Steel's longstanding stock symbol, X, would disappear from the New York Stock Exchange, as its assets would be taken over by Nippon.



Nippon Steel "has a deep respect for US steel, its history, and the contributions it has made to society," said Takahiro Mori, Nippon executive vice president, during a conference call with investors Monday.

Still the United Steelworkers union said it will fight the deal and it is urging that regulators block the sale of US Steel to a foreign rival.

"To say we're disappointed in the announced deal between US Steel and Nippon is an understatement, as it demonstrates the same greedy, shortsighted attitude that has guided U.S. Steel for far too long," said United Steelworkers union President David McCall. "We remained open throughout this process to working with U.S. Steel to keep this iconic American company domestically owned and operated, but instead it chose to push aside the concerns of its dedicated workforce and sell to a foreign-owned company.

Political opposition was also quick to surface on both sides of the aisle.



US Steel, once the world's largest corporation, agrees to sell itself to a Japanese company

"Today, a critical piece of America's defense industrial base was auctioned off to foreigners for cash," US Sen. J.D. Vance said in a statement. "I warned of this outcome months ago and will oppose it in the months ahead."

The Ohio Republican previously urged US Steel to reject any takeover bid from a foreign entity due to the crucial role the domestic steel industry plays in producing military defense equipment.

Pennsylvania Democrat Sen. John Fetterman – who lives in and was previously mayor of Braddock, PA, where one of US Steel's first steel plants still operates – slammed the deal and promised to work to block the transaction.

"It's absolutely outrageous that US Steel has agreed to sell themselves to a foreign company," Fetterman said in a statement. "Steel is always about security – both

our national security and the economic security of our steel communities. I am committed to doing anything I can do, using my platform and my position, to block this foreign sale."



This file photo of the since closed South Chicago Works of US Steel is from when the company was near the height of its economic might in 1956.

Bettmann Archive/Getty Images

The Pennsylvania Democrat called the deal another example of "hard-working Americans being blindsided by greedy corporations willing to sell out their communities to serve their shareholders."

### Cleveland Cliffs

"It's important to keep our production inside the United States," Goncalves said. "We can't allow for foreign ownership. We can't allow for foreign companies to come over and liquidate American jobs."

Goncalves said countries such as China and Japan would not allow rival countries to buy their important steel makers. And Goncalves said Nippon should have talked to the union the way Cleveland-Cliffs did during merger talks and that his company remains interested in acquiring US Steel. "This thing is far from over."

Company officials told investors Monday they are confident they can win approval for the deal. But besides getting the anti-trust clearance for any merger – by either a foreign or domestic buyer – it would need for the deal to close, this deal will also need the approval of the Treasury Department's Committee on Foreign Investment in the United States.

But despite the political opposition, US Steel could be yet another iconic company for which time has run out. And the company's possible fate serves as a cautionary tale to the current global titans about how quickly the world can change.

## Quieting a giant?

The Pittsburgh-based company formed in 1901 as a merger of the nation's leading steel companies — including Carnegie Steel Corp. — and was engineered by financiers J.P. Morgan and Charles Schwab. The new company became the world's first company valued at more than \$1 billion, double the entire US budget that year. The deal made company owner Andrew Carnegie the richest man in the world.

In the early part of the last century, the company produced the steel that helped the United States become a global economic superpower, providing steel not just for skyscrapers, bridges and dams, but also for autos, appliances and other products craved by American consumers.



The first steel beams for the 29-story United Nations Secretariat Building are loaded at the Homestead Works of U.S. Steel. Products from US Steel's mills were key components of many iconic buildings, bridges and other structures during the last century, including what was then known as the Sears Tower in Chicago, then the world's tallest building, the Vehicle Assembly Building at NASA's Kennedy Space Station in Florida, the Tappan Zee, Verrazano Narrows and Henry Hudson bridges in New York City and the New Orleans Superdome.

Bettmann Archive/Getty Images



A woman knits as she looks at the steel structure of the United Nations Secretariat Building from a fire escape in New York.

Bettmann Archive/Getty Images

US Steel was so dominant, in fact, that its competitive prowess helped lead to the creation of the nation's antitrust laws, formed in an attempt to keep the company's strategic and financial might, and that of the Standard Oil, in check.

But, in recent years, US Steel's fallen far below other American steel companies in steel output and stock market value. And the US steel industry is a shell of its former self, with no company among the 10 largest steel producers around the globe.

"That company peaked out in 1916," said longtime steel industry analyst Charles Bradford, during an August interview with CNN. "It's been downhill ever since. Peak output was in the 1970s. It's done nothing for decades."

While US Steel (X) remains profitable, its days as an independent company could be limited unless the deal is blocked by regulators. Even if that happens, it would likely be purchased by another steelmaking rival. It has been the subject of a bidding war since August.

## **Engine of the US industrial economy**

Throughout the 19th and 20th centuries, workers flocked to Pittsburgh and other Rust Belt cities for well-paying factory jobs. Blast furnaces cranked out profits, steel coils and thick smog.

According to a story in the Pittsburgh Post-Gazette on US Steel's 100th anniversary in 2001, the company's peak employment of 340,000 came in 1943, during World War II, when it played a critical role in allied forces' war efforts.





U.S. Steel Homestead Works, circa 1970. US Steel and other integrated steelmakers were slow to respond to rivals in the 1970s and 1980 that were entering the market with new technologies.

Pittsburgh Tribune-Review/AP

The same article said peak steel output came in 1953, when the company produced 35.8 million tons of steel while steelmakers in Europe and Japan were still struggling to recover from the war.

Last year, US Steel shipped only 11.2 million tons of steel from its US operations and had just under 15,000 US employees.

From its peak, the company began to fall behind upstart competitors, both foreign and domestic. First, it fell behind competitors in Japan and Germany, which were forced to rebuild from scratch after World War II, and used new technologies that required far less labor and energy.

## **Competing with outdated technology**

"What US Steel had was 1940s technology," Bradford said.

US Steel and other steelmakers eventually followed those foreign competitors to upgrade factories and equipment, but they still largely used the older methods to make steel by melting raw materials such as iron ore in giant blast furnaces.

Those "integrated" steelmakers soon lagged so-called "mini-mills," non-union competitors that use electric arc furnaces to turn old steel scrap from discarded cars and other products into new steel products using more efficient electric arc furnaces.

One pioneer of this mini-mill technology, Charlotte-based Nucor, has a market capitalization of \$43 billion, compared to US Steel's value of just over \$14 billion in this deal. Nucor is also the largest steelmaker in America by output, making an estimated 20.6 million metric tons of steel per year, ranking 16th largest in the world. That compares to 14.49 million metric tons from US Steel in total, including

its operations in Europe, which ranks 27th in the world for 2022, according to the World Steel Association.

US Steel didn't open its first electric arc furnace until 2020.

Bradford said all along the way, US Steel and other US integrated steelmaking rivals with storied names such as Bethlehem Steel, Inland Steel and LTV Steel underestimated the competitive challenge that they faced from overseas and mini-mills at home.



Steelworker Amanda Menendez keeps watch over various stages of the production process inside the hot-strip mill at the US Steel Granite City Works facility in Granite City, Illinois, in 2018.

Jeff Roberson/AP

In more recent years, steelmakers from China, India and Korea have expanded capacity far beyond US Steel.

The decline in American manufacturing jobs is now [an issue in the 2024 presidential election](#), with President Joe Biden calling for a revival of those jobs.

Nevertheless, in a sign of the times, the nature of the jobs Biden is trying to bring back is often quite different than the jobs of the last century – such as his efforts [to ramp up manufacturing of chips](#) for AI and other high-tech applications, as well as EV autos and batteries.

Bethlehem, Inland and LTV went bankrupt in the last 30 years and saw assets closed or sold to other companies. Today, what's left of those companies' assets are part of Cleveland-Cliffs, an integrated steelmaker that has also passed US Steel in capacity and output. It made its own bid for US Steel in August, but its offer was 40% below what Nippon Steel is now offering.

But perhaps more than ever, it appears that one of the iconic companies of US corporate and economic history could soon disappear as an independent, American-owned institution.

*CNN's Matt Egan and Paul Glader contributed reporting to this story.*