

County of Cattaraugus
Industrial Development Agency

BOARD OF DIRECTORS MEETING - AGENDA

Tuesday, February 13, 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.

-Call the Meeting to Order-Time:

-Roll Call- Board of Directors of the CCIDA:

-Approval of January 9, 2024 CCIDA Board of Directors Meeting Minutes:

New Applications/Projects

1.) – Win-Sum Ski Corp.

-Win-Sum Ski Corp. has submitted an application to the CCIDA for sales tax related to the purchase of 30 golf carts, 2 utility vehicles and 3 additional pieces of equipment for golf course operations which will improve the efficiency of the golf course. A Public Hearing was not required as the benefits are under \$99,000.00, as per the Statute.

Total Project Investment: \$304,000

√ **Inducement Resolution** – Win Sum Ski Corp.

2.)– Kless Boys Development, LLC (no formal action will be taken at this meeting)

-Kless Boys Development, LLC has submitted a DRAFT application to the CCIDA for sales tax, mortgage tax and real property benefits related to the development of a 15,000 +/- sq. foot facility located at 12248 Route 16 in the Town of Yorkshire. The facility will be used as a restaurant, convenience store, small event space, upper floor dining, classic car showing (museum of sorts) allowing for cars shows and small events. The project will add new jobs and a unique experience to draw people from multiple counties.

-The Total Project Investment: \$6,500,000

3.) – Olean Town Centre LLC: (no formal action will be taken at this meeting)

-Olean Town Centre LLC has submitted a revised application and letter to the CCIDA for the redevelopment of the Olean Center Mall which currently is approximately 355,000 square feet. The project will include building of a new structure to adjoin the existing mall structure comprising of a new mall entrance and inline tenant space, improvements and updates to the existing mall structure, building exterior and façade, replacement of the roof system, renovation of the interior building infrastructure. The project will provide new retail and other commercial opportunities as well as to fill the need for affordable senior housing. ***Discussion and update only-SEQR Update as well.***

-The Total Project Investment: \$9,553,065 - Phase I

Resolutions from a Prior Applications/Projects in Process

1.) – Turbo Machining LLC:

-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. No Public Hearing was required.

Total Project Investment: \$1,019,000

√ **Inducement Resolution – Turbo Machining LLC**

2.) – Walsh Huskies LLC:

-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. The Cost Benefit Analysis is included to each Board Member in their packet for their review. A Public Hearing was held at the Town of Machias on February 1, 2024. There were 16 people in attendance, please see the PH Minutes for comments.

Total Project Investment: \$3,145,000

√ **Inducement Resolution – Walsh Huskies LLC**

***General-Wind Uniform Tax Exemption Policy:**

-Amended and revised UTEP for Wind Farm Facility Projects. Letters were sent to all affected tax jurisdictions on January 25, 2024, a copy of the letter is included in to each Board member in their packet. This proposal would update the IDA's Wind UTEP.

✓ **Inducement Resolution – Wind UTEP**

***CCIDA Financial Report:**

-Approval of **January 2024** Financial Reports
-Update on 2023 Audit
-Update on Administrative Fees due in 2024

***Income for January 2024: (\$3,170.00)**

-\$1,500.00 Application fee: Walsh Huskies, LLC
-\$ 110.00 National Fuel-Railroad Lease
-\$1,500.00 Project Closing: Route Two Nineteen LLC

\$62,500-Received on February 1st was received from Great Lakes Cheese*

-General update on projects in process; including the Agency has 4 projects in the closing stage which should close in the 1st quarter of this year.

***Executive Directors Reports:**

-Internal (IDA Meetings/Discussions, Snapshot):

- ✓ Attend Cattaraugus County Tourism & Economic Development Team Meeting.
- ✓ Attend Audit Committee meeting.
- ✓ Meeting with Olean Business Development Corporation.
- ✓ Attend Cattaraugus BOCES Open House event.
- ✓ Meeting with Good Times of Olean.
- ✓ Meeting with MJ Painting in Olean.
- ✓ Meeting with Paulette of Buffalo Southern Railroad.
- ✓ Attend Walsh Huskies LLC Public Hearing in Machias
- ✓ Meeting with Dave Fenske.

- ✓ Meeting with a local developer relating to a proposed project on a commercial site in the Franklinville area.
- ✓ Meeting with Tom Cullen and Mayor Nagel regarding grants for Cattaraugus.
- ✓ Attend Western Region Corporation monthly meeting.
- ✓ Meeting with Mark Kless on potential new project.
- ✓ Meeting with Rich Schechter of Pyramid Brokerage.
- ✓ Meeting with Great Lakes Cheese to discuss a few future endeavors.
- ✓ Meeting with John Stahley.
- ✓ Meeting with Courtney Curatolo of Small Business Development Center in Falconer.

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

- ✓ **Spectrum News 1:** Article: *"Switch to electric, budget funding and food access: New York Farm Bureau highlights 2024 concerns."*
- ✓ **Email:** *"The Hottest Markets in America: Olean, NY?"*
- ✓ **Camoin Associates:** Article: *"The Growth, Decline, and Rebirth of the American Shopping Mall: Part 4."*
- ✓ **New York State Economic Development Council:** Handout: *"2024-2025 Executive Budget Summary."*
- ✓ **Buffalo Niagara Partnership:** Handout: *"2024 Advocacy Agenda."*
- ✓ **Olean Times Herald:** Article: *"SUNY JCC recognized by Intelligent.com."*
- ✓ **Olean Times Herald:** Article: *"Genesee Valley School, Ellicottville Greens partner in grant program."*
- ✓ **Ellicottville Now:** Article: *"West Valley Demonstration Project Clean-Up Continues."*
- ✓ **Olean Times Herald:** Article: *"Business Spotlight; New Telemark owners plan boutique motel, restaurant in Ellicottville."*
- ✓ **Buffalo News:** Article: *"Hochul proposes funding for economic development priorities."*

Zoom Meeting access Information:

Corey Wiktor-CCIDA is inviting you to a scheduled Zoom meeting.

Topic: County of Cattaraugus IDA Board Meeting

Time: Feb 13, 2024 11:15 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81738664106?pwd=b3lMRklwWWxQTmU4U1VTK1pKZ2ZuQT09>

Meeting ID: 817 3866 4106

Passcode: 734176

One tap mobile

+16469313860,,81738664106#,,, *734176# US

+19292056099,,81738664106#,,, *734176# 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

January 9, 2024

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. James (Joe) Snyder
Mr. Joseph Higgins
Ms. Ginger Schroder
Mr. Brent Driscoll
Mr. Thomas Cullen

Excused:

Mr. Thomas Buffamante-Chairman
Mr. Michael Wimer

CCIDA Staff/Counsel:

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

Presenters/Guests:

Rick Miller, Olean Times Herald (via zoom)

Mr. Higgins called the meeting to order at 11:19 a.m.

Mr. Wiktor welcomed Tom Cullen to the Board as a new Board Member and asked him to give a brief introduction. Mr. Cullen indicated he grew up in the Village of Cattaraugus and graduated from St. Bonaventure. He lived in Chicago for 18 years, was in the trading business and since he moved back, he helped start the innovation center at St. Bonaventure and is the Director, the Laine Business Accelerator and has a coffee company in the Village of Cattaraugus. Mr. Wiktor indicated Mr. Cullen has been leading and heading up several recent involvement in the Village of Cattaraugus and there has been four to five new businesses started. The Board welcomed Mr. Cullen.

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

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

Resolution from New Application/Project in Process

1.) - Route Two Nineteen, LLC:

Mr. Wiktor indicated Route Two Nineteen, LLC has a few partners, one being Reid Smith who lives in Randolph. CCIDA did a project with Reid back in 2015 when Reid bought two store fronts in Randolph and put in a laundry mat, renovated both buildings and put in upper floor housing which has been an excellent addition to the Village of Randolph. Reid has always performed well and it is great to have the Route Two Nineteen, LLC project in front of the Board.

-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

Resolution:

A Motion was made by Joe Snyder seconded by Brent Driscoll, 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. A roll call of the Board of Directors of the CCIDA was taken, Mr. Higgins, Mr. Snyder, Mr. Driscoll, Ms. Schroder and Mr. Cullen were present. Mr. Buffamante and Mr. Wimer were excused. **Motion Carried.**

New Applications/Projects in Process*

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

-Mr. Wiktor indicated the Walsh Huskies LLC project has no action at this meeting as a Public Hearing will need to be conducted as well as looking at the SEQR. The property is the former Woods at Bear Creek in the Town of Machias who put in a new restaurant, banquet center, updated all the cabins and RV pads when they bought the property. The facility is for sale and Walsh Huskies LLC is looking to take the project to the next level with further updates to the facility and amenities.

-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

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

Mr. Wiktor indicated the Turbo Machining LLC project has no action at this meeting but is a nice project in the former K-Mart in Allegany. The company will be renting or leasing space in the building to be a tenant inside the Allegany Crossing Building, which CCIDA assisted in for the project on the Life Storage Facility.

-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.

Resolution:

A Motion was made by Brent Driscoll seconded by Joe Snyder, 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. A roll call of the Board of Directors of the CCIDA was taken, Mr. Higgins, Mr. Snyder, Mr. Driscoll, Ms. Schroder and Mr. Cullen were present. Mr. Buffamante and Mr. Wimer were excused. **Motion Carried.**

*CCIDA Financial Reports:

A Motion was made by Brent Driscoll seconded by Joe Snyder to accept the December 2023 CCIDA Operating Statement as presented to the Board. **All in Favor - Motion Carried.** Mr. Buffamante and Mr. Wimer were excused.

*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*

*Executive Directors Reports:

-Internal (IDA Meetings/Discussions):

- ✓ 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.”*

Executive Session:

A **Motion** was made by Brent Driscoll seconded by Ginger Schroder to go into Executive Session at 12:17 p.m. Mr. Buffamante and Mr. Wimer were excused.

A **Motion** was made by Ginger Schroder seconded by Brent Driscoll to exit Executive Session and return to the regular meeting at 1:18 p.m. Mr. Buffamante and Mr. Wimer were excused.

A **Motion** was made by Joseph Higgins and seconded by Brent Driscoll to adjourn the meeting at 1:20 p.m. All in Favor – **Motion Carried.** Mr. Buffamante and Mr. Wimer were excused.

*** Next CCIDA Board of Directors Meeting: February 13, 2024 at 11:15 a.m. at the CCIDA Offices, 9 E. Washington Street, Ellicottville, NY, and also via Zoom.**

APPLICATION FOR FINANCIAL ASSISTANCE

COUNTY OF
CATTARAUGUS **IDA**

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

CCIDA FINANCIAL ASSISTANCE APPLICATION INSTRUCTIONS

I. Application Submission and Application Fees

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

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

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

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

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

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

II. Application Component Parts and Exhibits

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

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

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

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

III. Submission and Acceptance of the Application for Financial Assistance

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

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

I. Eligibility Questionnaire - Applicant Background Information

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

A) Applicant Information-company receiving benefit:

Applicant Name: Win Sum Ski Corp

Applicant Address: 6557 Holiday Valley Road

City/Town: Ellicottville

State: NY

Zip: 14731

Phone: 716-699-3902

E-mail: dtrathen@holidayvalley.com

B) Business Organization (check appropriate category):

Corporation

Partnership

Public Corporation

Joint Venture

Sole Proprietorship

Limited Liability Company

Other (specify) _____

Year Established: 1957

State in which Organization is established: NY

C) Individual Completing Application:

Name: David Trathen

Title: VP Finance

Address: 6557 Holiday Valley Road

City/Town: Ellicottville

State: NY

Zip: 14731

Phone: 716-699-3902

E-Mail: dtrathen@holidayvalley.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: Kameron Brooks

Firm Name: Brooks and Brooks

Title: Attorney

Address: 207 Court Street

City/Town: Little Valley

State: NY

Zip: 14755

Phone: 716-938-9133

E-Mail: kbrooks@brooksandbrooks.biz

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: Four season resort founded in 1957 offers skiing, golf, lodging and an aerial park. The resort employs between 400 and 1300 people depending on the season.
Customers are attracted from NY, Ohio, PA and Southern Ontario Canada.

Estimated % of sales within Cattaraugus County: 100%
Estimated % of sales outside Cattaraugus County but within New York State: 0
Estimated % of sales outside New York State but within the U.S.: 0
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 25 %

Identify vendors within Cattaraugus County for major purchases: Northrup Construction, Randolph Auto Supply,
Chautauque Brick.

II. Eligibility Questionnaire - Project Description & Details

A) Project Location

Address of Proposed Project Facility: 6557 Holiday Valley Road
City/Town: Ellicottville School District: Ellicottville
SBL Number(s) for proposed Project _____

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

What are the current real estate taxes on the proposed Project site? 798,402.00
If amount of current taxes is not available, provide assessed value for each
Land: \$ _____ Buildings(s): \$ _____ *If available include a copy of current tax receipt.*

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

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

Describe the present use of the proposed Project site (vacant land, existing building, etc.):
Recreation, skiing, golf, lodging, aerial park, conferences and weddings.

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.):

Project consists of the purchase of 30 golf carts and two utility vehicles, and three additional pieces of equipment for golf course operations.

This will improve the efficiency of the golf course.

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): _____
This project will improve the efficiency of the golf course and playability of the course. This will help to attract additional guest to the resort and surrounding areas.

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:

Scope of the project is larger due to the assistance from the agency. Project will improve the course attracting additional guests to the Ellicottville area.

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

C) Site Characteristics

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

Describe the present zoning/land use: Commercial

If a change in zoning/land use is required, provide details/status of any request for change of zoning/land use requirements: No

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

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

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

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

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

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

D) Project Type

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

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

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

Retail Sales: Yes or No

Services: Yes or No

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

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

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

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

What is the estimated project timetable (provide dates):

1. Start date: acquisition of equipment or construction of facilities: April 1, 2024
2. Estimated completion date of project: October 31, 2024
3. Project occupancy – estimated starting date of occupancy: NA

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 \$ _____
5. Reconstruction/Renovation _____ square feet \$ _____
6. Manufacturing Equipment \$ _____
7. Non-Manufacturing Equipment (furniture, fixtures, etc.) \$ _____
8. Soft Costs: (Legal, architect, engineering, etc.) \$ _____
9. Other, Specify: Equipment \$ 304,000.00

TOTAL Costs: \$ 304,000.00

Construction Cost Breakdown:

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

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

Sources of Funds for Project:

Bank Financing	\$ _____
Equity (excluding equity that is attributed to grants/tax credits)	\$ <u>304,000.00</u>
Public Sources (Include sum total of all state and federal grants and tax credits)	\$ _____
Identify each state and federal grant/credit: (i.e. Historic Tax Credit, New Market Tax Credit, Brownfield Cleanup Program, ESD, other public sources)	_____
	\$ _____
	\$ _____
	\$ _____
Total Sources of Funds for Project Costs:	\$ <u>304,000.00</u>

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

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

Sales and Use Tax Benefit: Gross amount of costs for goods and services that are subject to State and Local Sales and Use Tax - said amount to benefit from the Agency's sales and use tax exemption benefit: \$304,000.00

Estimated State and Local Sales and Use Tax Benefit (multiply 8.0% by the figure, above): \$24,320.00

*** 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:

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): 0

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)	15	15	15	15
Part Time (PT)	2	2	2	2
Total ***	17	17	17	17

** 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	2	76650	30660		
Professional					
Administrative					
Production					
Independent Contractor					
Other	15	16234	5000		

** 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		\$ 375,500
Estimated average annual salary of jobs to be retained (full time)		\$ 25,033
Estimated average annual salary of jobs to be retained (part time)		\$ 15,000
Estimated average annual salary of jobs to be created (full time)		\$ 0
Estimated average annual salary of jobs to be created (part time)		\$ 0
Estimated salary range of jobs to be created		
From (full time)	\$ 0	To (full time) \$ 0
From (part time)	\$ 0	To (part time) \$ 0

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

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

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

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

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

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

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

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

Part B: Tenant Form

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

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

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

Property Address: _____

City/Town: _____

Tenant Name: _____

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

Are terms of the lease: GROSS or NET

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

Estimated date of occupancy: _____, 20_____

Company Name: _____

Current Address: _____

City/Town: _____ State: _____ Zip: _____

Local Contact Person: _____ Title: _____

Phone: _____ E-mail: _____

Company President/General Manager: _____

Number of employees to be relocated to new project location:

Full-Time: _____ Part-Time: _____ Total: _____

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

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

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

Yes or No.

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

What will happen to the existing facility once vacated? _____

If leased, when does lease expire? _____, 20_____

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

IV. Retail Questionnaire

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

Answer the following:

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

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

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

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

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

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

If yes, explain Long term preservation of jobs is the goal of this project. Keep the golf course competitive to continue attracting summer guests to Ellicottville.

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

V. Inter-Municipal Move Determination

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

Current Address: _____
City/Town: _____ State: _____ Zip: _____

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

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

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

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

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

If Yes to either question, explain: _____

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

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

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

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

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

Property (Address)

Reason

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

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

PILOT Estimate Table Worksheet

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

Percentage of Project Costs financed from Public Sector Table Worksheet:

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

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

Attachment A: Representations, Certifications and Indemnification

David Trathen (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the VP Finance/Treasurer (title) of Win Sum Ski Corp (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.:

David Trathen, being first duly sworn, deposes and says:

1. That I am the VP Finance/Treasurer (Corporate Office) of Win Sum Ski Corp (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 5 day of February, 2024

Tara Starr Bowen
 (Notary Public)

TARA STARR BOWEN
 Notary Public, State of New York
 No. 01BO6285238
 Qualified in Cattaraugus County
 Commission Expires July 10, 2024

Attachment B: CCIDA Insurance Requirements

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

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

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

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

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

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

Limits expressed shall be no less than:

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

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

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

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

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

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

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

Workers Compensation/Disability Insurance:

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

Workers Compensation Forms

DBL (Disability Benefits Law) Forms

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

If the Company and/or Project owner have no employees, the Company and/or Project owner shall provide a completed and signed Form CE-200 or later revision, which is found on the New York State Workers Compensation Board website: www.wcb.ny.gov/. 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.

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

**WIN-SUM SKI CORP., 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, February 13, 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 WIN-SUM SKI CORP., AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iii) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (iv) AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

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

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in

the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, the Company has submitted an application to the Agency (the "Application") requesting the Agency's assistance with a certain project (the "Project") located at 6557 Holiday Valley Road, Town of Ellicottville, Cattaraugus County, New York and all other lands in the Town of Ellicottville whereupon, by license or easement or other agreement, the Company or its designees undertake its operations and said Project involves the acquisition by the Company of certain items of machinery, equipment and other tangible personal property (the "Equipment"); and

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

WHEREAS, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the "Agent Agreement"), (ii) provide Financial Assistance to the Company in the form of an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included to be acquired with respect to the Project (the "Financial Assistance"); and

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

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

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

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

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

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

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing and/or retaining employment opportunities in Cattaraugus County,

New York while promoting the general prosperity and economic welfare of the citizens of Cattaraugus County, New York, and the State of New York and improving their standard of living and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries, and, to the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the 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 Project 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 therefore meets the definition of a "tourism destination" project within the meaning of Section 862(2)(a) of the Act. Accordingly, the Agency is authorized to provide financial assistance in respect of the Project pursuant to Section 862(a) of the Act.

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

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

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

- (i) Extent to which the Project will create or retain jobs: The Project will retain 15 FTE employee positions and 2 PTE employee positions.
- (ii) The estimated total value of Financial Assistance is approximately \$24,320.
- (iii) The estimated amount of private sector investment to be made by the Company is \$304,000.
- (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 October 31, 2024.
- (v) Extent of new revenue provided to local taxing jurisdictions: By maintaining modern efficient golf facilities, it is expected that the Project will continue to enable the Company to attract visitors to the Town of Ellicottville resulting in maintenance of and new and increased sales tax revenues and bed tax revenue.
- (vi) Any additional public benefits: The Project attracts visitors from outside the region who support the local tourism industry and related retail businesses.
- (vii) The extent to which the Project will create local construction jobs. The consideration is not applicable.

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 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, unless 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 \$304,000, 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 \$24,320, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

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

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

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

- (i) Investment Commitment - the total investment made with respect to the Project at the time of Project completion equals or exceeds \$304,000.00, being the total project cost as stated in the Company's application for Financial Assistance.
- (ii) Employment Commitment – that there are at least 15 existing full time equivalent ("FTE") employees, and 2 part time equivalent ("PTE") employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance; and
 - the number of current FTE and PTE employees in the then current year at the Facility; and
- (iii) Tourism Destination Commitment – that the Company document to the satisfaction of the Agency that the Project resulted in the attraction of at least 35% of the number customers (or 35% of the amount of sales from customers) from outside the Economic Development Region.

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

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

Section 6. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the Agency's policies.

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

Dated: February 13, 2024

APPLICATION FOR FINANCIAL ASSISTANCE

DRAFT

COUNTY OF
CATTARAUGUS **IDA**

Name of Applicant:

Kless Boys Development, LLC.

Date Submitted:

Feb. 7th 2024

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

I. Eligibility Questionnaire - Applicant Background Information

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

A) Applicant Information-company receiving benefit:

Applicant Name: Kless Boys Development, LLC.
Applicant Address: 12260 NYS Rte 16 12278
City/Town: Yorkshshire State: New York Zip: 14173
Phone: 716-353-0862
E-mail:

B) Business Organization (check appropriate category):

Corporation [] Partnership []
Public Corporation [] Joint Venture []
Sole Proprietorship [] Limited Liability Company [X]
Other (specify)
Year Established: State in which Organization is established:

C) Individual Completing Application:

Name: Mark Kless
Title: Owner - Member of LLC.
Address: 12260 NYS Route 16
City/Town: Yorkshshire State: NY Zip: 14173
Phone: 716-353-0862 E-Mail:

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

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

E) Company Counsel:

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

F) Benefits Requested (select all that apply):

- 1. Exemption from Sales Tax [X] Yes or [] No
2. Exemption from Mortgage Tax [X] Yes or [] No
3. Exemption from Real Property Tax [X] Yes or [] No
4. Tax Exempt Financing * [] Yes or [X] No

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

G) Applicant Business Description:

Describe in detail company background, history, products and customers. Description is critical in determining eligibility: Please see the attachments that include the history of the company, their related businesses, history in Cattaraugus County as well as sketched & proposed drawings of the proposed new project. We have included the survey and RP-5217 for the project site as well.

Estimated % of sales within Cattaraugus County: 100%
Estimated % of sales outside Cattaraugus County but within New York State: NA
Estimated % of sales outside New York State but within the U.S.: NA
Estimated % of sales outside the U.S.: NA
(*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 _____ %

Identify vendors within Cattaraugus County for major purchases: Kichmeyer Construction, Cdebulbr-Upton Concrete

II. Eligibility Questionnaire - Project Description & Details

A) Project Location

Address of Proposed Project Facility: 12278-12260 Route 16
City/Town: Yorkshire, NY School District: Pioneer Central School District
SBL Number(s) for proposed Project: Please see the attached Survey & RP-5217

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

What are the current real estate taxes on the proposed Project site? \$16,956.31
If amount of current taxes is not available, provide assessed value for each
Land: \$ 30,000 Buildings(s): \$ 78,000 *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.):
Raw land that is owned by Kless Boy's Development LLC that is comprised of additional businesses on the site but those businesses are not part of the FRT Inducement or benefits.

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.)

Construction of a 15,000 sq. ft. facility that will be used as a Pasture/Feed store, conference store, small event space - upper floor dining on seasons, classic car showing, museum of sorts, allow for car shows, small events, allows for new, old and antique experience to draw from multiple counties.

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: new project.

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: County of Cattaraugus 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): Rising costs of materials, higher interest rates relating to the costs of borrowing funds as well as lead times in acquiring the building materials from various trades, that include higher labor costs.

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: N/A.

If the Applicant is unable to obtain financial assistance for the Project, what will be the impact on the Applicant and Cattaraugus County? Project would be jeopardized if not happening, this not allowing for increased employment an improved tax base, as well as generating various use & sales tax for the County & State.

C) Site Characteristics

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

Describe the present zoning/land use: Commercial

If a change in zoning/land use is required, provide details/status of any request for change of zoning/land use requirements: No

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. yes, FDT will conduct seqra.

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

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

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

D) Project Type

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

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

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

Retail Sales: Yes or No Services: Yes or No

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

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

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

	Square Footage	Cost	% of Total Cost of Project
Manufacturing/Processing	-	-	-
Warehouse	-	-	-
Research & Development	-	-	-
Commercial	-	-	-
Retail (see retail questionnaire)	15,000	6,200,000	100%
Office	-	-	-
Renewable Energy	-	-	-
Specify Other	-	-	-

What is the estimated project timetable (provide dates):

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

E) Overall Project Costs

Estimated costs in connection with Project:

1. Land and/or Building Acquisition \$ Owned
_____ acres _____ square feet
2. New Building Construction 15,000 square feet \$ 6,500,000
3. New Building Addition(s) _____ square feet \$ _____
4. Infrastructure Work \$ _____
5. Reconstruction/Renovation _____ square feet \$ _____
6. Manufacturing Equipment \$ _____
7. Non-Manufacturing Equipment (furniture, fixtures, etc.) \$ _____
8. Soft Costs: (Legal, architect, engineering, etc.) \$ _____
9. Other, Specify: _____ \$ _____

TOTAL Costs: \$ 6,500,000

Construction Cost Breakdown:

Total Cost of Construction \$ 6,500,000 (sum of 2,3,4 and 5 above)

Cost of materials: \$ _____

% sourced in Cattaraugus County 70% % - *As much as possible from hiring on materials on availability.*

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

If yes, describe: Site work, foundation of site.

Sources of Funds for Project:

Bank Financing	\$ _____] Banks / lending be examined now
Equity (excluding equity that is attributed to grants/tax credits)	\$ _____	
Public Sources (Include sum total of all state and federal grants and tax credits)	\$ _____	
Identify each state and federal grant/credit: (i.e. Historic Tax Credit, New Market Tax Credit, Brownfield Cleanup Program, ESD, other public sources)		
_____	\$ <u>Nil</u>	
_____	\$ <u>Nil</u>	
_____	\$ <u>Nil</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): \$ 150 - will provide.

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: \$ 520,000 ± / \$6,300,000 ±

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

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

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

Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ 8 THD - Using \$6,300,000 as an est.

Estimated Mortgage Recording Tax Exemption Benefit (multiply the mortgage amount as indicated above by 1.25 %): \$ 81,250

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): No

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 and provide a Cost Benefit Analysis that will outline the PILOT savings and the associated benefits to the taxing jurisdictions and Area.

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 - *Site not operational as of application date.*

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 <i>Year 1+2</i>	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)	<i>N/A</i>	<i>N/A</i>	<i>1</i>	<i>1</i>
Part Time (PT)	<i>N/A</i>	<i>N/A</i>	<i>10</i>	<i>12</i>
Total ***	<i>N/A</i>	<i>N/A</i>	<i>11</i>	<i>13</i>

** will vary on growth- FT's/PT.*

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

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

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

Category of jobs to be retained and/or created	# of employees retained and/or created	Average salary for Full Time	Average fringe benefits for full time	Average salary for part time, if applicable	Average fringe benefits for part time, if applicable
Management					
Professional					
Administrative	<i>11</i>	<i>\$34,000[±]</i>			
Production					
Independent Contractor					
Other					

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

Payroll Information:

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

\$ 332,400[±]
\$ NA
\$ NA
\$ 33,200[±]
\$ 430,000 - 435,000[±]

From (full time) \$ _____
From (part time) \$ _____

To (full time) \$ _____
To (part time) \$ _____

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

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

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

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

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

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

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

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

N/A

Part B: Tenant Form

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

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

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

Property Address: _____
City/Town: _____

Tenant Name: _____

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

Are terms of the lease: GROSS or NET

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

Estimated date of occupancy: _____, 20____

Company Name: _____
Current Address: _____
City/Town: _____ State: _____ Zip: _____

Local Contact Person: _____ Title: _____
Phone: _____ E-mail: _____

Company President/General Manager: _____

Number of employees to be relocated to new project location:
Full-Time: _____ Part-Time: _____ Total: _____

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

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

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

Yes or No.

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

What will happen to the existing facility once vacated? _____

If leased, when does lease expire? _____, 20____

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

N/A

IV. Retail Questionnaire

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

Answer the following:

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

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

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

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

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

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

If yes, explain The proposed project will increase employment, add a Tourism destination component, offer meals, event space (limited) will also ensure various use + sale taxes will be enhanced and grown in Cattaraugus County. This project literally borders 2 counties.

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

↳ Designation Map provided from Census *

V. Inter-Municipal Move Determination

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

Current Address: _____
City/Town: _____ State: _____ Zip: _____

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

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

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

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

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

If Yes to either question, explain: _____

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

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

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

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

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

Property (Address)

Reason

N/A

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

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

PILOT Estimate Table Worksheet

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

Percentage of Project Costs financed from Public Sector Table Worksheet:

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)
6,500,000		520,000	\$ 81,250	NA

Calculate % (Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: less than 10%

Attachment A: Representations, Certifications and Indemnification

MARK A. KLESS (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the _____ (title) of MEMBER OF 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.

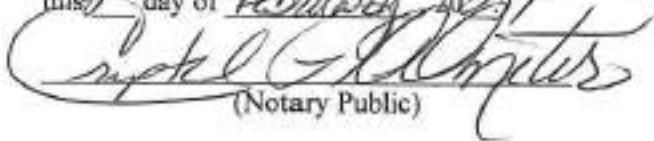
STATE OF NEW YORK)
 COUNTY OF CATTARAUGUS) ss.:

Mark A. Kloss, being first duly sworn, deposes and says:

1. That I am the ^a Member (Corporate Office) of Kloss Boys Development 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 1st day of February, 2024


 (Notary Public)

CRYSTAL L. ALMETER #01AL5068075
 Notary Public, State of New York
 Qualified in Cattaraugus County
 My Commission Expires November 10, 2025

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
GSI-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/. 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.

ABOUT KLESS BOYS LLC

With years of experience serving the area, our dealership is dedicated to offering high-quality, pre-owned vehicles to our customers.

From the moment you walk through our door, we're committed to providing you with a great car-buying experience. With our skilled sales staff and financing options, we'll help you get the vehicle you want, at the great price you deserve.

Our goal is for you to be so delighted with your vehicle purchase that you'll come see us when you need your next car and will happily recommend us to friends and family. Customer referrals are the ultimate compliment.

With many vehicle shopping options available, we differentiate ourselves by understanding our local car-buying community and satisfying its needs; helping valued local customers like you, find the vehicle that's the "right fit".

Feel free to browse our inventory online and check out the Featured Vehicles section on our homepage. If you see a vehicle you like, submit an online quote request, or contact us to schedule a test drive.

To learn more about our dealership and how we can help with your next vehicle purchase, please call or stop by in person. We look forward to meeting you.



MEET THE TEAM

No team members to display

Either team members are not yet added or existing ones are not yet published.

HOW TO REACH US?

 12269 Rt 16,
Yorkshire, NY 14173
(<https://goo.gl/maps/TYqfWmANKWfWviu2S>)

STORE HOURS

Mon - Fri : 9:00 AM - 5:00 PM
Sat - Sun : CLOSED

FOLLOW US



Click Here



(/inventory/)



(/inventory/jeep/wrangler/p/24)
2016 JEEP WRANGLER
 76,663 Miles
\$22,000



NEW ARRIVAL
 (/inventory/chevrolet/trax/p/336)
2021 CHEVROLET TRAX
 15,294 Miles
\$18,500



NEW ARRIVAL
 (/inventory/hyundai/tucson/p/831/)
2015 HYUNDAI TUCSON
 94,589 Miles
CALL FOR PRICE

SEARCH BY PRICE

Under \$5,000 (/inventory/?price_min=0&price_max=5000)

Under \$10,000 (/inventory/?price_min=0&price_max=10000)

Please feel free to message us below to either, schedule a "One on One" appointment, ask us any questions, request to work a Deal Online or just use this form to say hi! One of us will get back to you as soon as possible.

Contact Information

First Name
Last Name
Phone Number
Email
Comments

Characters left: 1,024

By clicking "SUBMIT", I consent to be contacted by the dealer at any telephone number or Email I provide, including, without limitation, communications sent via text message to my cell phone or communications sent using an autodialer or prerecorded message. This acknowledgment constitutes my written consent to receive such communications. I have read and agree to the Privacy Policy of this dealer.

Submit

SHOP BY MAKE

[CHEVROLET \(1\) \(/inventory/chevrolet/\)](#)

[JEEP \(1\) \(/inventory/jeep/\)](#)

[HYUNDAI \(1\) \(/inventory/hyundai/\)](#)

WELCOME TO KLESS BOYS

Kless Boys is family owned business that started in 1995 as a two bay repair garage, that has since morphed into a 20,000 Square Foot multi functioning Full Service Center, and state of the art Collision center. The Full Service Gas Station was added a few years ago, and if you haven't yet experienced it, you owe it to yourself to do so! Now the recently added Sales Center has helped shape us to be able to provide the ultimate automobile buying experience to everyone!

With financing available to all types of credit, Kless Boys is your #1 source for buying a quality pre-owned vehicles. We have extensive relationships within the dealer community allowing us to purchase a wide variety of lease returns and new car trades at exceptional values. This enables Kless Boys to pass along huge savings on the highest quality vehicles of your choice. In addition, we offer a full array of financing options to meet your needs. Lastly, if you don't see it online it doesn't mean we don't have it or cant get it we are set up to be able to get any year vehicles including current year, so if you are looking for something specific, just ask!

Kless Boys Full Service Gas Station

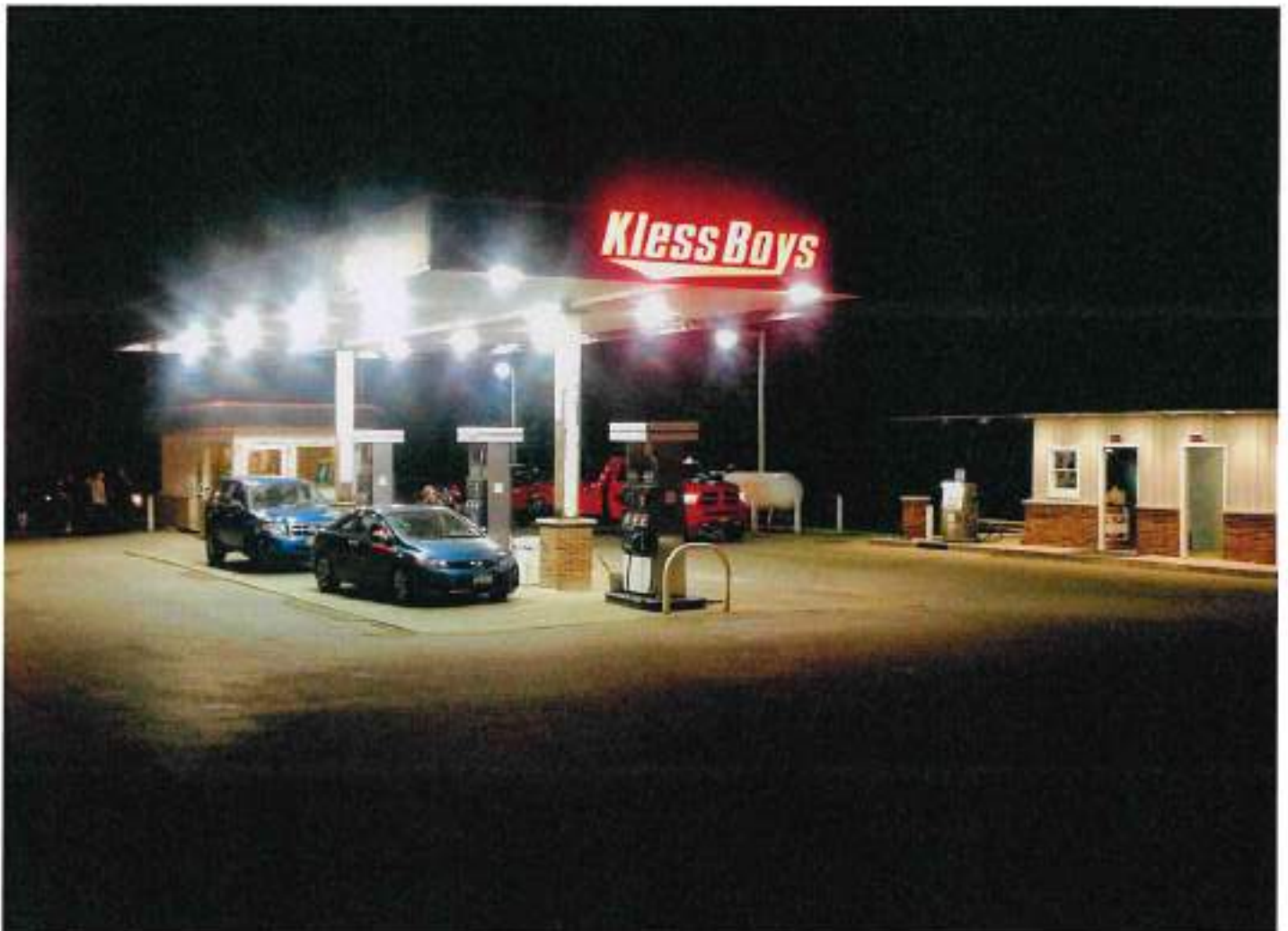
Going retro is a big trend and we are starting to see it everywhere we go; in our clothing, hairstyles, lifestyles, business', including gas stations!

There are few "Full Service" gas stations left, and for many of us it certainly brings back memories of the good 'ol days!

Now, if you're not exactly sure what "Full Service" means, it's where an attendant pumps the gas, while you sit in the comfort of your own vehicle, no matter the weather conditions.

So if you have never experienced this, or you have experienced it on a daily basis, we invite you to come on down and experience getting gas the

"Kless Boys Way"!



SERVICE CENTER



Quick Service

At Kless Boys we know how important your vehicle is to you and your family. We make it our priority to schedule you a prompt appointment and repair your car, getting you back on the road quickly.

Technology

No shop is better equipped to diagnose and repair your car like Kless Boys. We have the best computers, equipment, tools, and technicians to get you back on the road fast. Don't forget to inquire about one of our "Kless Boys Loaner Vehicles"

Inspections

Our shop can handle all your New York State inspection needs.

Alignments

We have state of the art equipment and the right people working to fix it right the first time!



Below you can Schedule a service time that works best for you, we will do everything in power to accommodate you.

Your Vehicle Information

Year
Make
Model
Mileage

Contact Information

First Name
Last Name
Phone Number

COLLISION CENTER



We're Working For YOU!

This is important to know! When having your car repaired after an accident, it's important to know who is working for you. At Kless Boys our customer is you, not the insurance company. It is our job to look out for your best interest, not the insurance companies bottom line. Who do you think the insurance company's "preferred" shop is working for?

Hi-Tech Equipment

Our Collision Center uses the most advanced frame repair techniques in the industry. Our computerized frame measuring equipment uses laser technology to give us the most accurate measurements of your vehicle and returns your frame to manufacturer's specifications.

Professional Products

All of our paint is mixed on site with the accuracy of a computerized mixing system. Our full downdraft baking paint booth provides a clean well lit area to refinish your vehicle. Like most paints, you get what you pay for. We use some of the premium paint lines available today. It may cost us in our bottom line, but it won't cost you in your cars shine!





HOW TO REACH US?

 12290 Rt 16,
Yorkshire, NY 14173
(<https://goo.gl/maps/TYqWmANKWFWuLzE8>)

STORE HOURS

Mon - Fri : 9:00 AM - 5:00 PM
Sat - Sun : CLOSED

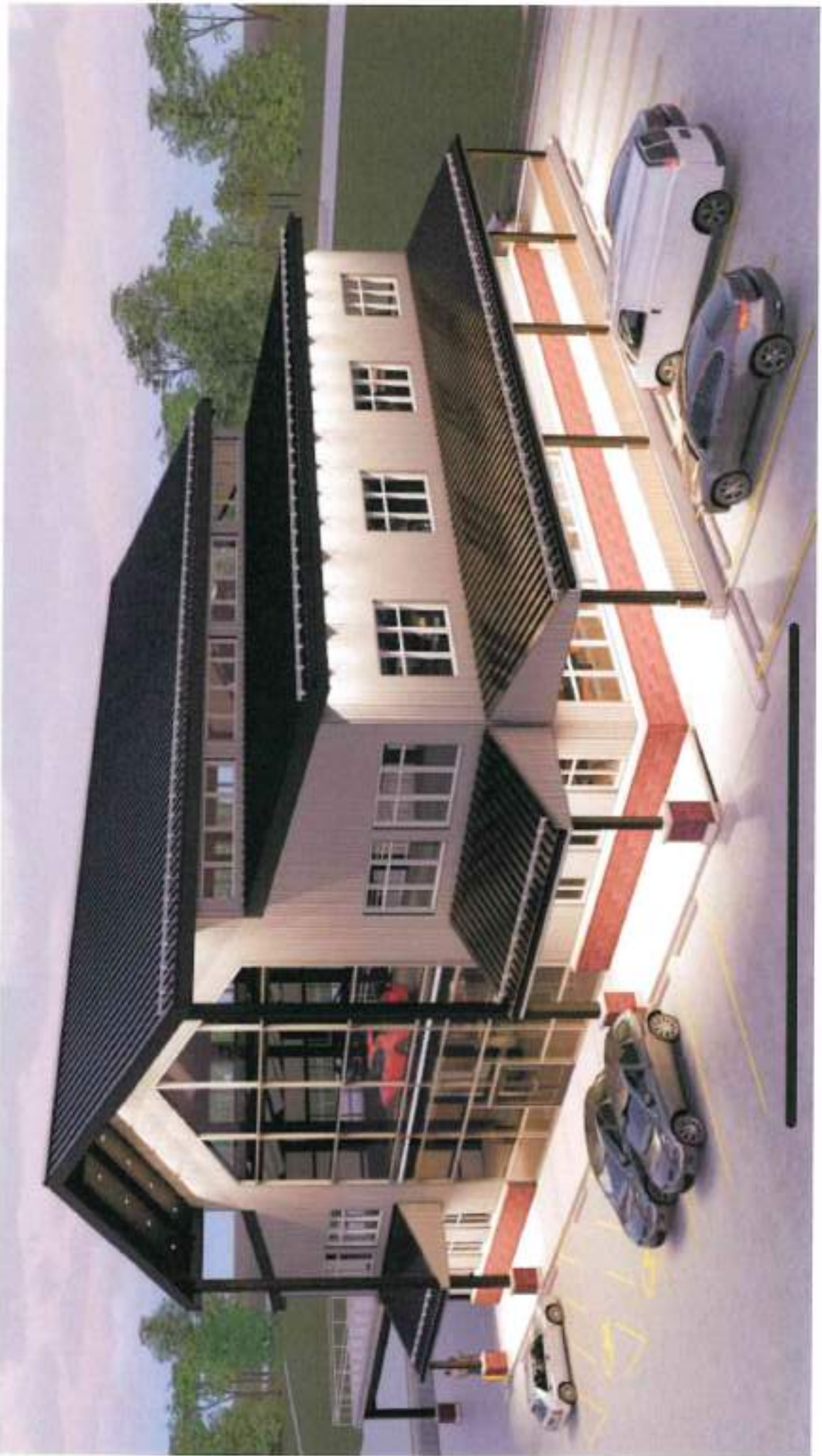
FOLLOW US

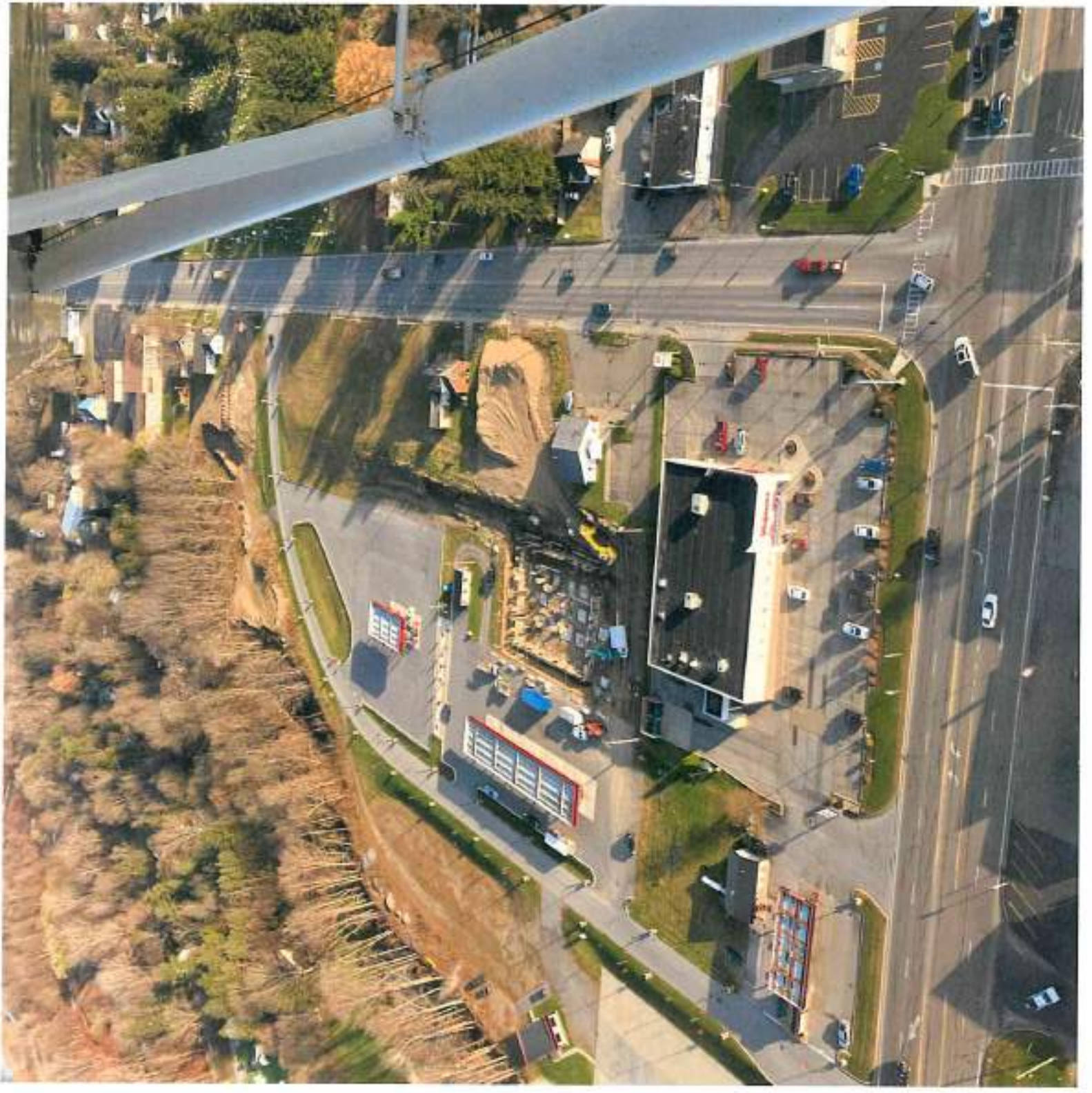


([https://www.facebook.com/Kless-](https://www.facebook.com/Kless-Boys-1547400215474002)

Boys- 

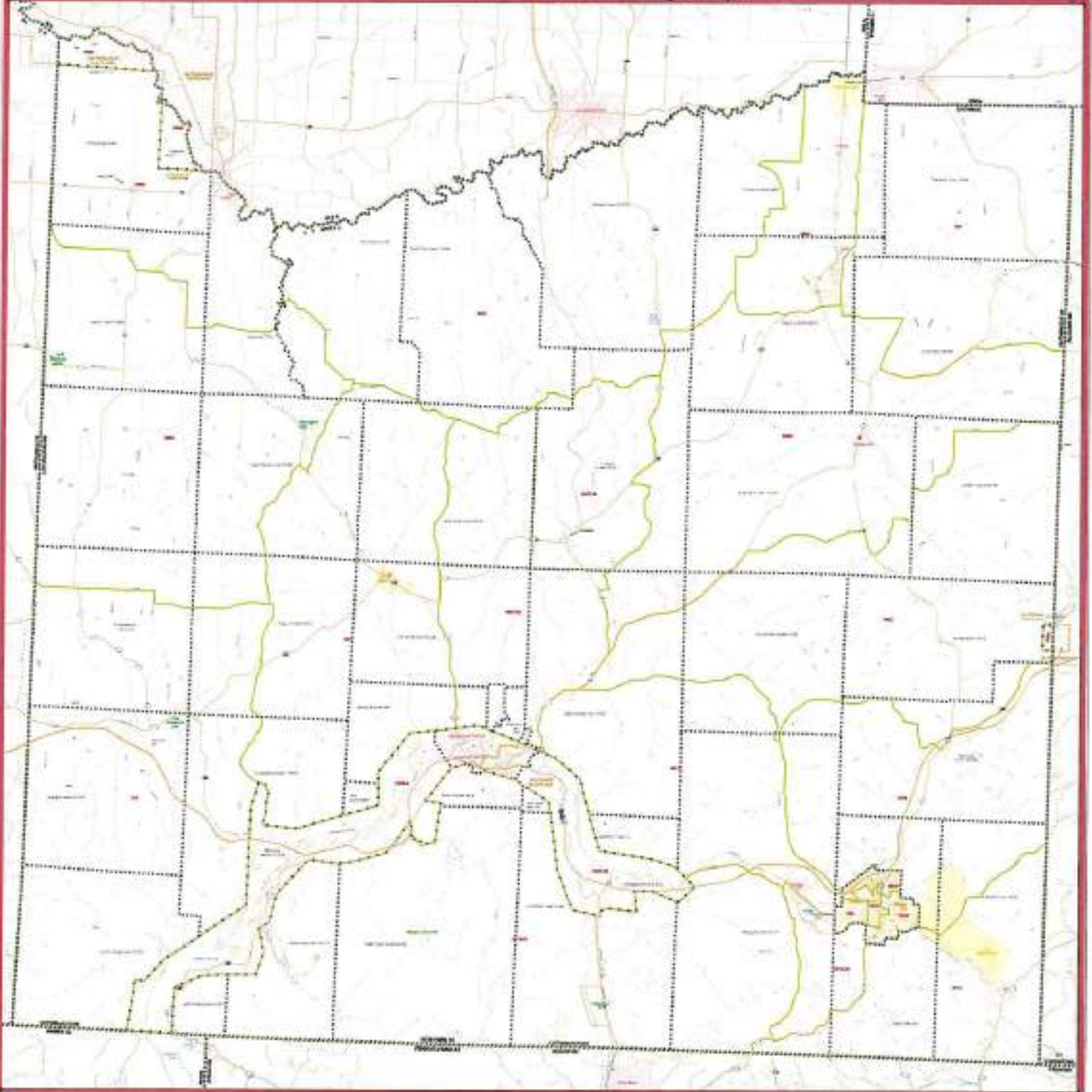
248928015474002/[youtube.com/user/markkless](https://www.youtube.com/user/markkless))







2020 CENSUS - CENSUS TRACT REFERENCE MAP: Cattaraugus County, NY



ROADS		LOCAL	
Interstate	1/4" Solid	County	1/4" Dashed
State	1/4" Dashed	City	1/4" Dotted
County	1/4" Dotted	Village	1/4" Dotted
City	1/4" Dotted	Other	1/4" Dotted
Village	1/4" Dotted		
Other	1/4" Dotted		

Water

Other

Legend

Scale

North Arrow

Scale

North Arrow

Map of Cattaraugus County, NY

2020 Census - Census Tract Reference Map

Map of Cattaraugus County, NY

2020 Census - Census Tract Reference Map

Map of Cattaraugus County, NY

2020 Census - Census Tract Reference Map



No Sites

Property Info
Owner/Sales
Tax Info
Tax Calculator
Report

Parcel History

View parcel history data

Municipality of Yorkshire				
SWIS:	048489	Tax ID:	5.009-1-1.3	
Tax Map ID / Property Data				
Status:	Active	Roll Section:	Taxable	
Address:	12248 NYS Rte 18			
Property Class:	432 - Gas station	Site Property Class:	N/A	
Ownership Code:				
Site:	N/A	In Ag. District:	No	
Zoning Code:	N/A	Bldg. Style:	N/A	
Neighborhood:	N/A	School District:	Yorkshire-Pioneer	
Total Acreage/Size:	3.40	Equalization Rate:	---	
Land Assessment:	2023 - \$30,000	Total Assessment:	2023 - \$78,000	
Full Market Value:	2023 - \$709,091			
Deed Book:	2021	Deed Page:	11101	
Grid East:	1176980	Grid North:	922178	
Special Districts for 2023				
Description	Units	Percent	Type	Value
FD841-Yorkshire fire	0	0%		0
LDB40-Light	0	0%		0
SD841-Yorkshire Corner SD	0	0%	T	0
WDB41-Wat dist1-yorkshire	0	0%	T	0
Land Types				
<i>No Land Types</i>				

Photographs

(Click on photo to enlarge it.)



4-18

Photo 1 of 3

Documents

- Deed History Card
- RP5217 05/2014
- RP5217 9/2021
- Survey

Maps

CLICK HERE for information on purchasing tax maps.

[View Tax Map](#)

[Pin Property on GIS Map](#)



Property Description Report For: 12248 NYS Rte 16, Municipality of Yorkshire



Status: Active
Roll Section: Taxable
Swis: 048489
Tax Map ID #: 5.009-1-1.3
Property Class: 432 - Gas station
Site: NOSITE 0
In Ag. District: No
Site Property Class: N/A
Zoning Code: N/A
Neighborhood Code: N/A
School District: Yorkshire-Pioneer
Total Assessment: 2023 - \$78,000

Property Desc:
Deed Page: 11101
Grid North: 922178

Total Acreage/Size: 3.40
Land Assessment: 2023 - \$30,000
Full Market Value: 2023 - \$709,091
Equalization Rate: ----
Deed Book: 2021
Grid East: 1176980

Owners

Kless Boys Development, LLC
 10921 Route 16
 Delevan NY 14042

Sales

Sale Date	Price	Property Class	Sale Type	Prior Owner	Value Usable	Arms Length	Addl. Parcels	Deed Book and Page
9/1/2021	\$1	432 - Gas station	Land & Building	Kless Boys Full Service LLC	No	No	Yes	2021/11101
5/22/2014	\$285,000	400 - Commercial	Land & Building	SADO GAS SALES, INC.	Yes	Yes	No	21717/3003
2/12/1998	\$1	432 - Gas station	Land & Building	9274 Group Inc	No	No	No	973/635

Improvements

Structure	Size	Grade	Condition	Year	Replacement Cost	Quantity
-----------	------	-------	-----------	------	------------------	----------

Special Districts for 2023

Description	Units	Percent	Type	Value
FD841-Yorkshire fire	0	0%		0
LD840-Light	0	0%		0
SD841-Yorkshire Corner SD	0	0%	T	0
WD841-Wat dist1- yorkshire	0	0%	T	0

Taxes

Year	Description	Amount
2021	County	\$6,506.03
2020	County	\$6,439.61
2020	School	\$4,796.26

*** Taxes reflect exemptions, but may not include recent changes in assessment.**

3rd of 5

FOR COUNTY USE ONLY

C1. SMS Code 048489
C2. Date Deed Recorded 9/23/21
C3. Book C4. Page



New York State Department of Taxation and Finance
Office of Real Property Tax Services
RP- 5217-PDF
Real Property Transfer Report (RTR)

PROPERTY INFORMATION 202 11101

1. Property Location 12246 S 12260 NYS Route 16
Toskshice 14173
2. Buyer Name Kless Boys Development, LLC
3. Tax Mailing Address

4. Indicate the number of Assessment Roll parcels transferred on the deed 2 of Parcels OR Part of a Parcel (Only if Part of a Parcel) Check as they apply:
4A. Planning Board with Subdivision Authority Exists
4B. Subdivision Approval was Required for Transfer
4C. Parcel Approved for Subdivision with Map Provided

5. Seller Name Kless Boys Full Service LLC
Andrew E.; Matthew R.; Mark A.

6. Check the boxes below as they apply:
6. Ownership Type is Condominium
6. New Construction on a Vacant Lot
10A. Property Located in the an Agricultural District
10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

SALE INFORMATION

11. Sale Contract Date 06/13/2021
12. Date of Sale/Transfer 09/01/2021
13. Full Sale Price 1.00
14. Indicate the value of personal property included in the sale 0.00

15. Check one or more of these conditions as applicable to transfer:
A. Sale Between Relatives or Former Relatives
B. Sale between Related Companies or Partners in Business
C. One of the Buyers is also a Seller
D. Buyer or Seller is Government Agency or Lending Institution
E. Deed Type not Warranty or Bargain and Sale (Specify Below)
F. Sale of Fractional or Less than Fee Interest (Specify Below)
G. Significant Change in Property Seller's Taxable Status and Sale Class
H. Sale of Business is included in Sale Price
I. Other Unusual Factors Affecting Sale Price (Specify Below)
J. None

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken (Yr) 21
17. Total Assessed Value 89,380
18. Property Class 432 - 1
19. School District Name Yorkshire-Pioneer
5.009-1-1.3 (Part) 5.009-1-1.1 (Part)

CERTIFICATION

I certify that all of the facts of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of fact is a crime and is cause for the revocation of the deed (see article 100 of the Real Property Law) relative to the making and filing of false instruments.

SELLER SIGNATURE
BUYER SIGNATURE

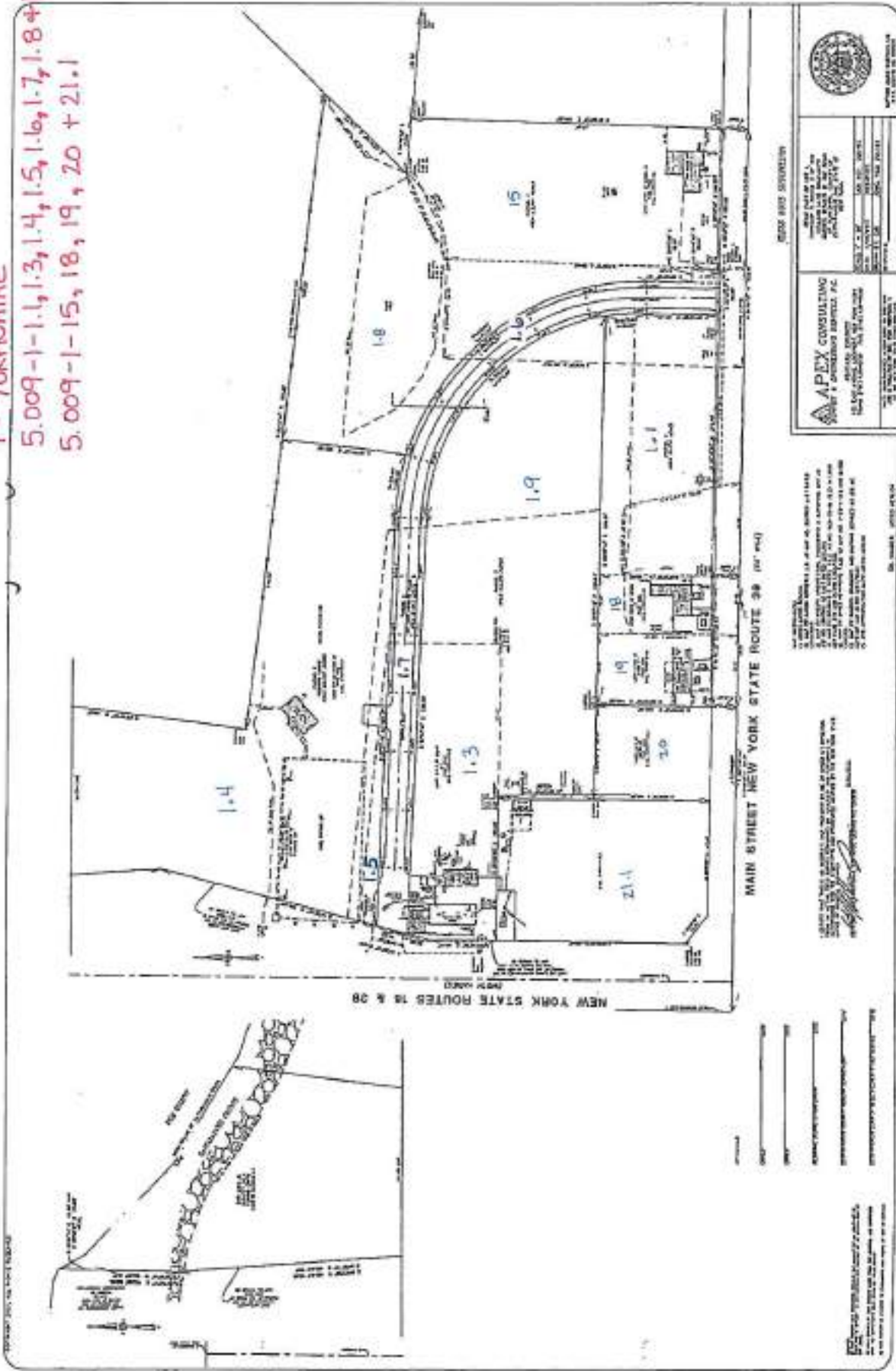
BUYER CONTACT INFORMATION
Kless Mark A.
7/6
10921 Route 16
Delavan NY 14042
BUYER'S ATTORNEY
Morgan Michael
(716) 373-2185



5.009-1-1.3
5.009-1-1.9

T- YORKSHIRE

5.009-1-1.1, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8 + 1.9
5.009-1-15, 18, 19, 20 + 21.1



APEX CONSULTING
 1000 WEST 10TH AVENUE, SUITE 100
 DENVER, COLORADO 80202
 (303) 733-1100
 www.apexconsulting.com

APR 15 2014
 10:30 AM
 1000 WEST 10TH AVENUE, SUITE 100
 DENVER, COLORADO 80202
 (303) 733-1100
 www.apexconsulting.com

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 DENVER, COLORADO 80202
 (303) 733-1100
 www.apexconsulting.com

Estimated Taxes for Parcel Number 5.009-1-1.3 in the Town of Yorkshire for 2024

Messages

- If you reside in a city/town that is completing a revaluation, the total tax may not be accurate. This is because this tool uses ACTUAL tax rates from the previous year. The new tax rates for a reval city/town may be SIGNIFICANTLY different.

Total Taxes = \$16,956.34 for the year 2024

School(Yorkshire-Pioneer)

Previous 2023 Assessed Value: \$78,000.00

2023 School(Yorkshire-Pioneer) Rate: 95.019044

\$7,411.49(44%)

Town(Yorkshire)

Previous 2023 Assessed Value: \$78,000.00

2024 Town(Yorkshire) Rate: 25.45151

\$1,985.22(12%)

County(Yorkshire)

Previous 2023 Assessed Value: \$78,000.00

2024 County(Yorkshire) Rate: 81.282213

\$6,340.01(37%)

Yorkshire Fire(FD841)

Previous 2023 Assessed Value: \$78,000.00

2024 Yorkshire Fire(FD841) Rate: 13.868352

\$1,081.73(6%)

Light(LD840)

Previous 2023 Assessed Value: \$78,000.00

2024 Light(LD840) Rate: 1.757857

\$137.11(1%)

WD841 change(WD841)

Previous 2023 Assessed Value: \$78,000.00

2024 WD841 change(WD841) Rate: 0.01

\$0.78(0%)

Total Taxes = \$16,956.34 for the year 2024

Tax report generated on February 8, 2024 (2024-02-08 10:01:16) for Print Key = 00500900010010030000

Error getting ALL Assessed Values for the Town of Yorkshire for the year 2024 as assessments may not exist yet.

Notice

- Parcels that have been split / combined may not show all taxes!
- These figures are generated from the current tax rates and represent base taxes only!
- Exemptions, such as, back taxes, fees and interest are not included!
- If you reside in a city/town that is completing a revaluation, the total tax may not be accurate. This is because this tool uses ACTUAL tax rates from the previous year. The new tax rates for a reval city/town may be SIGNIFICANTLY different.

Tax changes occur 5 times per year in New York State.

- School Rates change on *September 1* and use the most current assessed value.
- Town and County Rates change on *January 1*
- Village Tax Rates change on *June 1*
- City of Olean Tax Rates change on *May 1*
- City of Salamanca Tax Rates change on *April 10*

Contacts for this property

Assessor: [Robin Pearl \(More information about Assessor Robin Pearl\)](#) 716-492-4833 , krto@peoplepc.com Hours: Wednesday 5 - 7PM

Tax Collector: [Donna Lavery \(More information about Tax Collector Donna Lavery\)](#) Phone: 716-492-1640

School Tax Collector: [Donna Almeter \(More information about Tax Collector Donna Almeter\)](#)
Phone: 716-492-9300 ext-1130

[View more information about this property](#)

19 Past Property Value Records found for Parcel # 5.009-1-1.3

Terms of Use/Disclaimer

You must acknowledge that this tool calculates the assessment multiplied by the tax rate divided by 1,000. Taxes are calculated without any exemptions.

The calculator is based off of the current tax rate and must only be used as an *estimate* for future taxes. You will not hold Cattaraugus County liable for any errors in calculations during this process.

Real Property & GIS for Cattaraugus County

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[Need a vacation? Visit the Enchanted Mountains](#)

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: Kless Boye Development, LLC.			
Project Location (describe, and attach a location map): 12248 Rt. 16 Yorkshire, NY 14173			
Brief Description of Proposed Action: Construction of a 15,000± sq. ft. facility that will be used as a restaurant, convenience store, small event space, classic car showing/museum of sorts, allowing car shows, small events etc.			
Name of Applicant or Sponsor: Kless Boye Development, LLC.		Telephone: 716-353-0862	
Address: 12248 NYS Rte. 16		E-Mail:	
City/PO: Yorkshire, NY		State: NY	Zip Code: 14173
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. -Town of Yorkshire			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 Yorkshire - Zoning.			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		3.40 acres	
b. Total acreage to be physically disturbed?		less than 1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.40 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input 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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input checked="" type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: - <u>Town systems.</u>		
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"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>MARK A. KLESS</u> Date: <u>2/5/2024</u> Signature: <u>[Signature]</u> Title: <u>Member</u>		

ADMITTED TO PRACTICE
NEW YORK AND
PENNSYLVANIA BARS

STEPHEN E. HALL
ATTORNEY AT LAW
79 WHITE OAK BEND
ROCHESTER, NY 14624

TELEPHONE: (585) 703-0073
STEPHENHALL@STEPHEN-HALL.NET

February 7, 2024

VIA E-MAIL: info@cattcoida.com

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

RE: Application of Olean Town Centre LLC/Olean Center Mall

Dear Board Members:

I am counsel for Olean Town Centre LLC (the "Applicant", or "Olean Town"), and its principal, Angelo M. Ingrassia.

This correspondence comprises a portion of Olean Town's application to the County of Cattaraugus Industrial Development Agency (the "Agency"), so as to provide context and additional particulars, as well as specifics on our request for, a real property tax abatement benefit and related PILOT terms, in addition to an exemption from New York State sales and use tax, and mortgage recording tax.

Per ongoing discussions, this application entirely replaces and supersedes all previous submittals, including those dated June 17, 2022, and October 18, 2023.

As to the Applicant's plans for reimagining and redevelopment of the property now comprising Olean Center Mall (the "Mall Property"), there could not be a more apt description than a "work in progress"; while perhaps overused, we ask you to keep that phrase in the forefront during review. In fleshing out our concept for the Mall Property's future, it is easier, but equally important, to clearly tell you what it will not be; our concept is not for a comeback of a large concentration of bricks and mortar retail space, only done bigger, better, and smarter this time.

Some could differ, for which we of course make allowance, but our humble opinion is that such a vision could illustrate a common sense proverb; one definition of insanity is to do the same thing repeatedly and relentlessly, with a disappointing outcome each time, but to insist that the next time, we can all bank on a different result.

A large- scale retail redevelopment would be easier to address in an application at this point, in the limited sense that it would lend itself to a more familiar projected development narrative.

The question which obviously follows is, if not that, then what?

We will answer the question in part by way of concept, and in part by way of firsthand experience and example; however, we must add a dose of candor, to the effect that at least to some extent, we do not know the answer in its entirety, and if the Applicant does this right, at this point it cannot know.

What we will not do is seek to force reality to conform to any plan we conceive, while listening to a voice that tells us, "build it, and they will come"; you may either love or hate that phrase, depending on where you stand with baseball and movies, but it's an oft-used business model we cannot and will not follow here. As a developer, the Applicant lives and operates in uncertain times, together with all others, leaving it with the choice to either adapt and change, or to quickly find itself to be irrelevant.

At the same time, Olean Town's concept is by no means a vague, pie-in-the sky dream; as "Exhibit A", not as an attachment, but in a figurative sense, we offer a hard example.

In the mid 1990's, Irondequoit Mall, in the Town of Irondequoit, Monroe County, was a bright and shining example of the best as could be found in America in the way of enclosed, multi-level class A malls, with over 1,000,000 square foot of retail space, and over 100 tenants.

Tragically, and with dire economic consequences for many, by 2010 Irondequoit Mall was nearly vacant, and a deteriorating eyesore, a calamitous white elephant in the middle of the Town's prime commercial area; more than one seasoned and resourceful commercial developer tried to bring the Mall back to life under variations of the tried and true retail model, only to fail.

In early 2016 Mr. Ingrassia had the opportunity to purchase a substantial portion of the Irondequoit Mall property through 1733 Ridge Rd LLC ("1733"), of which he is principal, and with the redevelopment now known as Skyview on the Ridge.

There are many miles to go on the path of redeveloping the former Irondequoit Mall property; however, in contrast to the state of facts in 2016 when 1733 purchased the site, when the Irondequoit community was faced with an empty and deteriorating shell, Phase I of 1733's efforts at Skyview on the Ridge has comprised and resulted, without limitation, in : (1) complete renovation of the former Sears structure, together with construction of a new and interconnected building, all as a 167 unit senior living facility, through 1733's tenant the PathStone Corporation, which new facility had its grand opening in 2022; (2) construction of a new 51,000 square foot Community Center for the Town of Irondequoit, as also opened in 2022; (3) a new transit hub for the Rochester Regional Transportation Authority; and (4) significant infrastructure and aesthetic improvements, including a new roof, entrances, common area renovations, and exterior site upgrade.

As well as the challenges presented even in the best of times by the Irondequoit property's size, difficult history, and prospects, bear in mind that my client's accomplishments occurred in the wake of the Great Recession, as well as during and notwithstanding the Coronavirus pandemic. More irons are of course in the fire as to potential occupants and users.

A cardinal lesson my client learned in Irondequoit, and will bear in mind here, is that given the radically new and continually evolving business environment, one key in adapting is to engage in a continuing process of careful observation, thought, and planning, with prudent pauses where necessary, focusing on a continually changing environment, and on what the market calls for and

renders attractive, as opposed to wearing blinders shutting out consideration of the same, and doggedly pursuing an initial concept or vision.

We have provided a brief history to date in Irondequoit not as a summary of what in turn would be transplanted to Olean, which would likely be the wrong approach, but instead as an example of what the Applicant has accomplished in a somewhat similar scenario.

While a major undertaking faces the Applicant in Olean, it views the absence of a traditional and clear path, together with a certain degree of the unknown, not with fear, or as a source of trepidation, but enthusiastically, as a blank slate and opportunity to create a valuable, lasting asset for the Olean community, of which it can also be proud as a legacy.

One clear guiding principle going forward is that the Project must be undertaken in a sequence of phases, but with the scope and nature of each phase not susceptible at this point to precise, or perhaps even approximate delineation, which will instead result from the continuing process described above.

Bearing that in mind, the Applicant's current conceptual plans for the area and nature of an initial "Phase I" of the Mall Property redevelopment feature the following:

1. Portions of the Mall structure formerly operated as a Bon Ton department store will be demolished, followed by reconstruction and renovation of the remaining portion thereof to accommodate two (2) in-line tenant spaces, aggregating approximately 20,700 square feet in area, together with construction of a new Mall entrance.
2. Improvements and updates will be made to the interior and exterior of the remaining Mall structure, including, but not limited to, the building façade, and removal and replacement of the existing compromised roof system.
3. As to the exterior of the site, we contemplate enhancements to the existing parking area to reduce surface pavement, and to add new green space and connectivity to North Union Street and Olean Creek.

We are also working with a third-party developer, People Inc. ("People"), for its acquisition from Olean Town of a parcel of land to be subdivided from the northwesterly Mall Property area adjacent to Delaware Ave, and development by People through construction and operation thereon of a multi-story housing development containing 60-65 apartment units. We understand that People's plans have evolved, based on demographic studies. People initially contemplated that the development would comprise senior housing; while they would still expect some component of senior residents, the majority of occupants are now expected to comprise the general workforce population, aged 18 and over.

While People's said facility would be an integral component of the economics and synergy of the entire Mall Property redevelopment, please be advised that such facility is not within our contemplated Project with the IDA for purposes of this application, and the inducing resolution and related transaction which the Applicant proposes.

Future Phases of the Mall Property redevelopment may include, without limitation thereto, an additional 30,000 square feet of retail space, as well as two quick service restaurants with drive-through access.

When completed, the Mall transformation will provide new retail and other commercial opportunities, while fostering a new mix of retail, residential and commercial land uses, and expanding Olean's business district.

We would generally characterize Olean Town's application as being one for a property tax stabilization, and (within the specific limits noted in section 3 below) job retention PILOT Agreement ("PILOT"). To any extent that the grant by the Agency of the specific PILOT terms the Applicant seeks, as detailed below, would comprise a deviation from the Agency's standard policies, we note as follows:

1. In evaluating Olean Town's application, the identity of the site involved, being the property comprising Olean Center Mall, is critical, in both its size and unique nature, as viewed both from the perspective of the City of Olean, and the surrounding area as well, all as an economic whole. There would appear to be few locations, if any, comparable to this Property, in terms of the objective and qualitative differences potentially presented by and reverberating from a choice between (a), continuance of the site's current track, to an unknown but likely bleak endpoint, as a declining relic of a bygone era centered on large bricks and mortar retail facilities also formerly filling the role of an unofficial town center, or (b), proceeding on a path with a realistic prospect of creating something new and vibrant, and which recognizes that while managing such a change is difficult and can bear a price, the alternative can be to risk economic irrelevance or worse for the site. In addition to the direct impact on the Property itself, it is reasonable to forecast the redevelopment as having a material positive effect on existing and future businesses and economic development projects in the vicinity, as well as upping the prospects that additional private business endeavors would be undertaken in the City and surrounding area in the future.
2. As to the economic condition of the area, while it's home, I believe many of us who grew up and reside in "Upstate" New York with our families would agree that much remains to be done to improve economic conditions, as we have witnessed the steady outflow of population to more prosperous areas, including, most importantly young people. It is difficult to overstate the unquantifiable, but still critical subjective effect on quality of life, and the attractiveness of an area as a place to live, represented by an effort to transform into a source of growth and stability, a site which could conceivably teeter more into the direction of a wasteland.
3. As to private sector employment, the starting point is retention of the existing employment by the remaining tenants of the property, as listed on the Rent Roll attached; this in turn equates to whether the decision-makers for those business enterprises will at some point determine to either stay, and perhaps even grow and expand, or to leave and join the exodus of previous business closings, as has lead to the current state of affairs. As Landlord, my client has no rights to access any tenant's employment or other proprietary financial information. As a rough estimate based upon what is observable in plain sight, we would estimate that the current tenants have an aggregate employment of approximately forty(40) persons. We are of the reasonable belief, but certainly without guarantee, that when those various decision-makers are informed of and observe the concrete signs of hope for better prospects to come for the Property as would start with the Agency's positive determination, the Applicant's tenant retention will improve, which by itself will have the effect of attracting more interest and enthusiasm in the market of prospective future occupants.

However, as to the retention of employees by existing or future tenants, we wish to make clear that Olean Town Centre LLC will have no obligation to effect the same, nor to provide any reporting on the same to the Agency.

As set forth in the Application for Financial Assistance, the Applicant and Mall Property owner itself, Olean Town Centre LLC, will create an initial employment presence limited to one (1) person, as needed for custodial and maintenance work, with the employer of that person likely to be an affiliated management company. Future growth in private sector employment is likely to be initially represented by construction work performed by independent contractors; the addition of permanent, private sector jobs will be a function of employment by tenants, including future tenants the Applicant would endeavor to attract via marketing. As we have noted before, many economic terms and negotiations necessary to complement and follow such marketing to potential occupants are dependent upon my client's ability to incorporate receipt of the benefits from the Agency as applied for, into such discussions.

4. A period of time will obviously transpire before the Project will provide significant direct additional sources of tax revenues for the School District and respective municipalities. However, we believe the positive economic ripple effects of the Project on the community, occurring to some extent well before any significant additional tax revenue increment is directly realized, should be accounted for in the same conceptual ledger.

5. It is not expected that the proposed redevelopment would create significant demand for the provision of additional services, such as educational, transportation, emergency medical, police, or fire services. This would of course be a possibility down the road into the future, but any such turn of events would be a measure and symptom of success, as opposed to representing a problem.

As to the specifics of the Applicant's request for a property tax abatement and PILOT terms, as a starting point the Mall Property currently consists of four (4) tax parcels. One of those parcels, 094.057-3-13, currently comprises by itself the entirety of the lands encompassed by the geographic boundaries of the Mall Property; the other three (3) parcel numbers were previously assigned and exist solely for tax billing purposes. As these existing parcels have a nature and history tied to the previous Mall development, and its related operations and functioning, one aspect on which we will need flexibility, and with respect to which we will of course be approaching the City of Olean as well, is an ongoing process of review of the existing tax parcels and assessment allocations, so as to best fit a sequencing and phasing of the entire Property, as its redevelopment comes into focus, whether through formal resubdivisions, or possibly through a combination of that concept with any less formal options as may be available.

As a point of beginning with respect to the property tax assessments on these four (4) existing tax parcels, please refer to the attached Stipulation Regarding Real Property Tax Assessment, as previously concluded and executed with the City of Olean Assessor.

We respectfully request a real property tax abatement on the following terms, as supplemented by the attached Schedule, all as would be set forth in one (1) initial PILOT Agreement encompassing the entirety of the Mall Property; critically, we ask that the below separately apply to Phase I, and to each subsequent redevelopment Phase and corresponding tax parcel(s) (each, a "Phase"), whether such

Phase comprises a tax parcel as currently exists, or comprises a tax parcel or parcels resulting from any subsequent resubdivision or related process:

1. A property tax abatement term of twenty-five (25) years, with abatement percentages as set forth in the schedule. A separate twenty five (25) year term would commence for each Phase as ultimately constituted through the process described above, upon the earlier of: (1) the first issuance of a new certificate of occupancy based upon and following completion of improvements under the Project allowing for occupancy of space for the new principal use within the Phase; or (2) the tenth (10th) tax fiscal year for each taxing authority after execution of the PILOT Agreement

2. An aggregate "Base Valuation" of \$450,000.00 would be established for all tax parcels within the Project, corresponding to the total as set forth in the attached Stipulation, with \$450,000.00 to remain as the aggregate Base Valuation for the entire Project, throughout the duration of the PILOT; the total of \$450,000.00 would be subject to an allocation amongst the final configuration of tax parcels comprising the Project Phases.

3. Until triggering of the said twenty-five (25) year abatement schedule for each Phase, PILOT payments for each corresponding tax parcel would comprise an amount equal to the allocated portion of the Base Valuation, as multiplied by the then current tax rates for each taxing jurisdiction.

4. Following triggering of the twenty-five (25) year abatement period for a Phase, the PILOT payments for such Phase would be the total of the two (2) amounts following:

a. The Base Valuation, as multiplied by the then current tax rates for each taxing jurisdiction; plus

b. As to any increase in the assessed value of the tax parcel(s) comprising a Phase resulting from improvements under the Project, such assessment increase would be multiplied by the abatement percentage per the corresponding year in the schedule, with that product then multiplied by the current tax rates for each taxing jurisdiction.

5. As indicated above, we would propose there to be one (1) initial PILOT Agreement for the entirety of the Mall Property. Under the Applicant's general business model, as each Phase is developed, it is expected that the subject lands would be transferred to an affiliated entity in which Mr. Ingrassia, the Applicant's principal, holds an ownership interest, generally for a combination of financing and estate planning purposes.

Upon each such Phase transfer event, we would ask that the PILOT terms, and the related Lease/Leaseback terms and structure, be fully assignable to such transferee entity, with a PILOT Agreement, and Lease/Leaseback agreements and structure, then to be executed as required with the transferee entity, so as to establish entirely separate documents going forward for such entity with respect to the transferred portion of the Mall Property comprising the subject Phase.

An Amended and Restated PILOT Agreement would provide for deletion of the transferred Phase from the original PILOT, and continue to apply to the remaining portion of the Mall Property on the same terms.

We also expect that the Applicant's mortgage financing will generally correspond to such Phases, and that the lender for each Phase will expect and require such a separate PILOT Agreement and Lease/Lease back documentation covering the same.

6. In the event of the Applicant's sale of any portion of the Mall Property to a third party, as opposed to transfer to an affiliated entity, then subject to the IDA's approval of the transferee, such approval not to be unreasonably withheld, conditioned, or delayed, the same process would follow and apply as set forth in Section 5 above.

We ask that the Board's approval, and the attendant inducement resolution, provide for application of the above PILOT terms and conditions to the entire Mall Property redevelopment, throughout all Phases thereof as ultimately constituted, without need or requirement for any additional application or approval.

As to the Application for Financial Assistance, referencing pages 5 and 6, we have completed the same with figures comprising reasonable projections for Phase I, as that initial segment of the Property redevelopment is generally described above; the figures as then so completed for the Sales and Use Tax Benefit and Mortgage Recording Tax Exemption Benefit for Phase I on page 6, are thus in turn reasonable estimates based upon such projected figures for Phase I costs and funding.

As a Schedule 1 to the Application, we have also separately completed and attached pages 5 and 6 for the entire Mall Property redevelopment, through all Phases, to the extent feasible under a conceptual approach, including on page 6, overall figures as calculated for the Sales and Use Tax Benefit, and the Mortgage Recording Tax Exemption Benefit.

We ask that the Board approval and inducement resolution provide for approval of such aggregate Sales and Use Tax Benefit, and Mortgage Recording Tax Benefits as set forth on Schedule 1.

Going forward, at the point where the Applicant has completed its plans and preparations for Phase I, it would propose to submit to the Board an update on the same, both as to the final configuration and content of its plans, and the costs and funding figures, which we would expect to occur at the juncture where the initial Project Agreement and sales tax exemption package are requested for that Phase, which Agreement and related documentation will contain final corresponding figures for the Sales and Use Tax Benefit, and Mortgage Recording Tax benefits, for that Phase. The Applicant would then propose to make a similar submittal to the Board for each following Phase.

Based upon the aggregate Sales Tax and Mortgage Recording Tax benefits for the overall Mall Property redevelopment, as would be so approved per Schedule 1, issuance of the Project Agreement and sales tax exemption package for Phase I, and each following phase, would not require any further approval, so long as the overall Project remained within the aggregate parameter as so approved for each said benefit.

Please note as follows as to completion of certain portions of the Application as referenced, due to either the fact the information is not yet available, or an issue in completing the pdf on-line so as to result in the type being easily legible.

I.G, page 2. A biographical summary and resume for the Applicant's principal, Angelo M. Ingrassia, is attached.

The Applicant is not yet in a position to identify vendors and purchase information for the Project within Cattaraugus County, as at this point the Applicant is in effect only dealing with limited trade vendors in connection with the existing Mall operation.

II. B, page 3. Per the above, the purpose of the proposed Project is the reimagining and redevelopment of Olean Center Mall. Per an existing ALTA survey, the total area of the existing buildings is approximately 355,000 square feet.

The Project could not be undertaken without financial assistance provided by the Agency, as applied for; such assistance is necessary to render economically feasible the large endeavor represented by redevelopment of the Mall, both as to carrying costs, and attractiveness to potential occupants. If the Applicant is unable to obtain such assistance from the Agency, the Project is unlikely to go forward, with obvious adverse consequences to the City and County, as represented by the continuing economic issue presented by the existing Mall operation and its future.

II. D, page 4. While retail sales or services are not the focus of the Applicant's redevelopment concept, as noted above, retail sales and services are expected to be presented as complementary attractions to the principal uses.

Per a reference to discussions with Empire State Development ("ESD") in II B., page 3, and information as noted under "Sources of Funds for Project" in II E., page 6, (i) an Incentive Proposal of \$2,000,000.00 has been offered to the Applicant by ESD with respect to the Mall Property redevelopment, and (ii) a Restore NY grant of \$1,250,000.00 has been offered to the City of Olean with respect to the redevelopment.

Lastly, based upon the unique nature and complexity of the Mall Property redevelopment, we would respectfully request an opportunity to discuss with the Board its consideration of the application and amount of its Administrative Fee.

Thank you for your consideration of the application by Olean Town Centre LLC.

Very truly yours,



Stephen E. Hall

SEH/
Enclosures
cc: Corey Wiktor, via e-mail: corey@cattcoida.com

Olean Town Centre LLC

PILOT Payment Calculations, with 25 Year Property Tax Abatement Schedule

PILOT payments for each tax parcel would be calculated by applying the current respective tax rate for each taxing jurisdiction, against the appropriate portion of the aggregate Base Valuation of \$450,000.00, as allocated to such tax parcel.

After the earlier of (1) the first issuance of a certificate of occupancy allowing for occupancy of space for the new principal use within the parcel, based upon and following the completion of improvements under the Project, or (2) the tenth (10th) tax fiscal year for each taxing authority after execution of the PILOT Agreement, PILOT payments for the parcel would thereafter be calculated as the total resulting from applying the current respective tax rates for each taxing jurisdiction, against:

(i) the appropriate portion of the aggregate Base Valuation of \$450,000.00, as allocated to such tax parcel; plus

(ii) any incremental increase in the assessed value of such parcel ("Added Value") over such allocated portion of the Base Valuation figure, resulting from one or more improvements under the Project within the Parcel, as multiplied by the applicable abatement factor in the table below.

With respect to each parcel, if multiple increases in assessed value (and thus multiple increments of Added Value) occur due to a sequence of improvements within the parcel, then the abatement schedule will separately commence and apply to each such increment of Added Value.

<u>Year</u>	<u>Abatement Factor</u>	<u>Year</u>	<u>Abatement Factor</u>
1	Added Value x .005	16	Added Value x .10
2	Added Value x .005	17	Added Value x .20
3	Added Value x .005	18	Added Value x .30
4	Added Value x .005	19	Added Value x .40
5	Added Value x .005	20	Added Value x .50
6	Added Value x .01	21	Added Value x .60
7	Added Value x .01	22	Added Value x .70
8	Added Value x .01	23	Added Value x .80
9	Added Value x .01	24	Added Value x .90
10	Added Value x .01		
11	Added Value x .015		
12	Added Value x .015		
13	Added Value x .015		

14 Added Value x .015

15 Added Value x .015

Revised Abatement Schedule

STIPULATION REGARDING REAL PROPERTY TAX ASSESSMENT
FOR 400-459 NORTH UNION STREET, OLEAN, NEW YORK

This Stipulation is entered into on the 14th of March, 2022, by and between Spec On Development (or any affiliated entity), a limited liability company organized and existing under the laws of the State of New York (hereinafter the "Owner") and the Assessor for the City of Olean, New York (hereinafter the "Assessor");

WHEREAS, the Owner recently acquired real property located in the City of Olean, commonly known as 400-459 North Union Street, which is comprised of four tax SBL nos. 94.057-3-13, 94.057-3-13./2, 94.057-3-13./3 and 94.057-3-13./4 (hereinafter the "Real Property"); and

WHEREAS, in an effort to establish the fair market value and avoid potential litigation regarding the tax assessment for the Real Property, the Owner and Assessor have engaged in negotiations regarding the Real Property's tax assessment for the 2021 tax year and subsequent years.

NOW, THEREFORE, it is hereby stipulated and agreed by and between the undersigned that the tax assessment for the Real Property for the 2021 tax year shall be reduced to the total sum of Four Hundred Fifty Thousand and 00/100 dollars (\$450,000.00), which shall be allocated amongst the tax parcels as follows:

- (i) SBL no. 94.057-3-13: \$300,000.00;
- (ii) SBL no. 94.057-3-13./2: \$50,000.00;
- (iii) SBL no. 94.057-3-13./3: \$50,000.00;
- (iv) SBL no. 94.057-3-13./4: \$50,000.00; and it is further

STIPULATED and AGREED, that the Assessor shall maintain the assessment for the Real Property at the sum of \$450,000.00 for tax years 2022, 2023 and 2024 and provided the assessment does not exceed that sum, the Owner covenants not to sue or challenge its assessment on the Real Property through the 2024 tax year; and it is further

STIPULATED and AGREED, that the stipulated assessments herein shall not be revised or reassessed in the event that there are approved changes or alterations to the property lines for the Real Property; and it is further

1 - 000

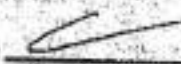
STIPULATED and AGREED, that the undersigned are fully authorized to execute this Stipulation and that the Stipulation does not constitute a violation of the Owner's constitutional rights.

IN WITNESS WHEREOF, the undersigned have signed this Stipulation as of the date referenced above.

SPOT ON DEVELOPMENT, LLC

By: 
Angelo Ingrassia, Member

ASSESSOR FOR THE CITY OF
OLEAN, NY

By: 
Gregg Plechota, Assessor

Angelo Ingrassia
550 Latona Rd
Bldg E Suite 501
Rochester, NY 14626
(585)225-0140

Personal History

Employment History

- 1.) Scutti Pontiac 3300 W. Henrietta Rd. Rochester, NY 14623
Type of Business: Automotive Dealership
Title: Sales Person- From: 06/81-01/82
Sales Manager- From: 01/82-03/84

Dealer/Owner History

- 1.) Scutti Auto World 3300 W. Henrietta Rd. Rochester, NY 14623
Type of Business: Automotive Dealership
From: 04/84-10/87
Title: Co-Owner
- 2.) Pacesetter Nissan 250 Lake Ave. Rochester, NY 14612
Type of Business: Automotive Dealership
From: 10/87-10/90
Title: Dealer Principal
- 3.) Irondequoit Dodge 1733 Ridge Rd. E. Rochester, NY 14622
Type of Business: Automotive Dealership
From: 10/90-02/06
Title: Dealer Principal
- 4.) Irondequoit Suzuki 1600 Ridge Rd. E. Rochester, NY 14621
Type of Business: Automotive Dealership
From: 2003-2010
Title: Dealer Principal
*Largest Volume Suzuki Dealership in Western New York 2003-2010
- 5.) Ideal Chevrolet 2780 Lakeville Rd. Avon, NY 14304
Type of Business: Automotive Dealership
From: 2003-2013
Title: Dealer Principal

6.) Ideal Nissan 4000 W Ridge Rd Rochester, NY 14626
Type of Business: Automotive Dealership
From: 2007-2014
Title: Dealer Principal

7.) Joe Cecconi's Chrysler Complex 2380 Military Rd. Niagara Falls, NY 14304
Type of Business: Automotive Dealership
From: 2006-2018
Title: Dealer Principal
*No. 1 Volume Chrysler Dealership in the Greater Buffalo Area 2006-2018

8.) Owner and Manager of Commercial Real Estate Holdings
Type of Business: Commercial and Residential Real Estate
From: 2007-present
Title: Owner and Manager of 194 Senior Apartments (64 under construction) and over 4 million square feet of Retail Shopping Centers with Anchor Tenants including LA Fitness, Chipotle, Aspen, Longhorn, Tops Supermarkets, Verizon Wireless, AT&T, Outback Steakhouse, etc.

Angelo M. Ingrassia owns and manages over 4 million square feet of Retail Shopping Centers, specializing in Value-Add Re-development projects. Mr. Ingrassia often focuses on blighted, well-located properties, that demand re-development; and feels this altruistic approach is rewarding, and met with increased municipal and public support. He has recently taken on two distressed Malls currently being re-developed and re-purposed. (A one million square foot mall in Irondequoit/Rochester, NY and a 350,000 square foot mall in Olean, NY). The other retail shopping centers located in, and around Upstate, NY include major anchor tenants like Tops Supermarkets, LA Fitness/Esporta, Chipotle, Aspen, Longhorn, Texas Roadhouse, Outback Steakhouse, At Home, and Verizon Wireless, to name a few. Mr. Ingrassia's portfolio also includes a 194 + unit Senior Apartment complex, in Greece, NY; a 22 Acre former Seminary School (Colgate Divinity) in Rochester, NY that will be converted to mixed use office and residential with 200+ units; and the former Radisson Hotel in downtown Rochester, NY, currently being re-developed.

Prior to owning and managing Commercial Real Estate from 2007 to present, Mr. Ingrassia was an Owner/Dealer Principal from 1984 to 2018, as a Franchise Dealer for Nissan, Chevrolet, Chrysler, Dodge, Jeep and Suzuki in Rochester, Avon and Niagara Falls, NY. He sold his last dealership in 2018 to his longtime manager to concentrate solely on the Commercial Real Estate Business.

Mr. Ingrassia currently operates, and works on the expansion of his Real Estate Holdings from his headquarters in Rochester, NY.



CITY OF OLEAN

OFFICE OF THE MAYOR

WILLIAM J. AIELLO

January 8, 2024

Executive Director Corey R. Wiktor
Cattaraugus Co. Industrial Development Agency
P.O. Box 1749
9 East Washington Street
Ellicottville, NY 14731

Dear Corey:

As you are aware, the City of Olean actively recruited developer Angelo Ingrassia, and Olean Town Centre LLC ("Olean Town Centre") was formed by him for the purchase of the Olean Center Mall property in 2020. Mr. Ingrassia owns and manages over 5 million sq. ft. of commercial real estate. Olean Town Centre's current plans contemplate investing over \$20,000,000.00, to transform the mall property into a true vibrant mixed-use development in the heart of our City.

The City, in partnership with Olean Town Centre, was awarded \$1,250,000 in Restore NY funds for demolition, construction and reconstruction at the site. In addition, the developer was awarded \$2,000,000 in Empire State Development funds for redevelopment. The overall project will develop new commercial and retail space and improve the aesthetics and viability of the existing space while improving connectivity to the adjacent downtown properties through green investments.

The City of Olean is in receipt of Olean Town Centre's proposed PILOT Agreement and application for financial assistance to the Cattaraugus County Industrial Development Agency (IDA). Significant private investment is being injected into the downtown core by Mr. Ingrassia to effectively redevelop the property by creating critical mass and blending land uses. We are in support of the PILOT and application and find them to be appropriate for this project. If the items are approved by the IDA Board, this assistance will aid in retaining and creating new employment opportunities in addition to stabilizing our tax base.

The City is also aware that Olean Town Centre is working with a third-party developer, People Inc. ("People"), for People's acquisition from Olean Town Centre and development of a parcel in the northwesterly site area for construction and operation of a multi-story housing development; while not part of the Project for which Olean Town Centre seeks inducement from the IDA Board, the City is enthused with the prospects of such use, via the addition of approximately 60-65 apartment units available for occupancy by the general workforce population, with some component of housing for senior residents also possibly included, as an integral component of the economics and synergy of the Mall redevelopment.

OLEAN MUNICIPAL BUILDING • 101 EAST STATE STREET • P.O. BOX 661 • OLEAN, NY 14760-0668
PHONE: (716) 376-5615 • FAX: (716) 373-4906 • E-MAIL: WAIELLO@CITYOFOLEAN.ORG
WWW.CITYOFOLEAN.ORG

The City of Olean is an equal opportunity provider and employer. H T 711

The Olean Town Centre Project will create a more viable retail and mixed use cluster than has existed in recent years and establish a healthy and diverse environment. I hope all appropriate consideration is given to this important and worthwhile project.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Aiello". The signature is fluid and cursive, with a large initial "W" and a long, sweeping tail.

William J. Aiello
Mayor

APPLICATION FOR FINANCIAL ASSISTANCE



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

I. Eligibility Questionnaire - Applicant Background Information

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

A) Applicant Information-company receiving benefit:

Applicant Name: Olean Town Centre LLC
Applicant Address: 550 Latona Road, Suite 501, Building E
City/Town: Rochester State: New York Zip: 14626
Phone: (585) 226-0140
E-mail: autoange@aol.com and executive.assistant22@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>New York</u>	

C) Individual Completing Application:

Name: Angelo M. Ingrassia
Title: Manager
Address: 550 Latona Road, Suite 501, Building E
City/Town: Rochester State: New York Zip: 14626
Phone: (585) 350-8590 E-Mail: autoange@aol.com

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

Name: N/A
Title: _____
Address: _____
City/Town: _____ State: _____ Zip: _____
Phone: _____ E-Mail: _____

E) Company Counsel:

Name of Attorney: Stephen E. Hall, Esq.
Firm Name: Same
Title: Sole Proprietor
Address: 79 White Oak Bend
City/Town: Rochester State: New York Zip: 14624
Phone: (585) 703-0073 E-Mail: stephenhall@stephen-hall.net

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:

PLEASE REFER TO THE ACCOMPANYING LETTER DATED FEBRUARY 7, 2024 AND ENCLOSURES FROM STEPHEN E. HALL, ESQ., THE APPLICANTS COUNSEL, REFERRED TO HEREIN AS THE "HALL LETTER".

Estimated % of sales within Cattaraugus County: 100%
Estimated % of sales outside Cattaraugus County but within New York State: 0%
Estimated % of sales outside New York State but within the U.S.: 0%
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 TBD %

Identify vendors within Cattaraugus County for major purchases: All such vendors have yet to be determined.

II. Eligibility Questionnaire - Project Description & Details

A) Project Location

Address of Proposed Project Facility: 400-459 North Union Street
City/Town: Olean School District: Olean City
SBL Number(s) for proposed Project 94.057-3-13; 94.057-3-13/2; 94.057-3-13/3; and 94.057-3-13/4

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

What are the current real estate taxes on the proposed Project site? \$24,191.82
If amount of current taxes is not available, provide assessed value for each
Land: \$ _____ Buildings(s): \$ _____ *If available include a copy of current tax receipt.*

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

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

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

B) Project Description

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

PLEASE REFER TO THE HALL LETTER.

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: NOT APPLICABLE

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

TO THE HALL LETTER.

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): Please refer to the Hall Letter.

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

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

THE PROJECT COULD NOT BE UNDERTAKEN WITHOUT FINANCIAL ASSISTANCE PROVIDED BY THE AGENCY. PLEASE REFER TO THE HALL LETTER.

If the Applicant is unable to obtain financial assistance for the Project, what will be the impact on the Applicant and Cattaraugus County? PLEASE REFER TO THE HALL LETTER.

C) Site Characteristics

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

Describe the present zoning/land use: GC General Commercial

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 type="checkbox"/> | Market Rate Housing | <input type="checkbox"/> |
| Assisted Living | <input type="checkbox"/> | Mixed Use | <input checked="" type="checkbox"/> |
| Back Office | <input type="checkbox"/> | Multi-Tenant | <input checked="" 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 checked="" type="checkbox"/> |
| Facility for Aging | <input type="checkbox"/> | Warehousing | <input type="checkbox"/> |
| Industrial/Manufacturing | <input type="checkbox"/> | Other _____ | <input type="checkbox"/> |
| Tourism Facility/Project | <input type="checkbox"/> | | |

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

Retail Sales: Yes or No

Services: Yes or No

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

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

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

	Square Footage	Cost	% of Total Cost of Project
Manufacturing/Processing			
Warehouse			
Research & Development			
Commercial			
Retail (see retail questionnaire)	20,700	\$7,638,065.00	100%
Office			
Renewable Energy			
Specify Other			

What is the estimated project timetable (provide dates):

1. Start date: acquisition of equipment or construction of facilities: March 2024
2. Estimated completion date of project: December 2026
3. Project occupancy – estimated starting date of occupancy: 2027, Second or Third Quarter

E) Overall Project Costs

Estimated costs in connection with Project:

- | | | |
|--|--|---------------|
| 1. Land and/or Building Acquisition | | \$ 370,000.00 |
| _____ acres _____ square feet | | |
| 2. New Building Construction _____ square feet | | \$ 0 |
| 3. New Building Addition(s) _____ square feet | | \$ 0 |
| 4. Infrastructure Work | | \$ 525,000.00 |
| 5. Reconstruction/Renovation <u>20,700</u> square feet | | \$ 7,113,065 |
| 6. Manufacturing Equipment | | \$ 0 |
| 7. Non-Manufacturing Equipment (furniture, fixtures, etc.) | | \$ 750,000.00 |
| 8. Soft Costs: (Legal, architect, engineering, etc.) | | \$ 200,000.00 |
| 9. Other, Specify: <u>Former Bon Ton building demolition</u> | | \$ 595,000.00 |

TOTAL Costs: \$ 9,553,065.00

Construction Cost Breakdown:

Total Cost of Construction	\$ 7,638,065.00	(sum of 2,3,4 and 5 above)
Cost of materials:	\$ 5,346,645.00	
% sourced in Cattaraugus County	10%-50%	%

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

If yes, describe: _____

Approximately \$50,000.00 of soft costs have been incurred.

Sources of Funds for Project:

Bank Financing	\$ 4,500,000.00
Equity (excluding equity that is attributed to grants/tax credits)	\$ 1,803,065.00
Public Sources (Include sum total of all state and federal grants and tax credits)	\$ 3,250,000.00
Identify each state and federal grant/credit: (i.e. Historic Tax Credit, New Market Tax Credit, Brownfield Cleanup Program, ESD, other public sources)	
<u>ESD/CFA GRANT</u>	\$ 2,000,000.00
<u>RESTORE NY GRANT TO CITY</u>	\$ 1,250,000.00
	\$
Total Sources of Funds for Project Costs:	\$ 9,553,065.00

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

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

Sales and Use Tax Benefit: Gross amount of costs for goods and services that are subject to State and Local Sales and Use Tax - said amount to benefit from the Agency's sales and use tax exemption benefit: \$ 5,348,845.50

Estimated State and Local Sales and Use Tax Benefit (multiply 8.0% by the figure, above): \$ 427,731.64

*** 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): \$ 4,500,000.00

Estimated Mortgage Recording Tax Exemption Benefit (multiply the mortgage amount as indicated above by 1.25 %): \$ 56,250.00

Real Property Tax Benefit:

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

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)			One (1)	One (1)
Part Time (PT)			0	0
Total ***	Forty (40)	Forty (40)	One (1)	One (1)

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

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

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

Category of jobs to be retained and/or created	# of employees retained and/or created	Average salary for Full Time	Average fringe benefits for full time	Average salary for part time, if applicable	Average fringe benefits for part time, if applicable
Management					
Professional					
Administrative					
Production					
Independent Contractor					
Other	One(1)	\$38,000.00	0	n/a	n/a

** 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		\$ 38,000.00
Estimated average annual salary of jobs to be retained (full time)		\$ See Hall Letter
Estimated average annual salary of jobs to be retained (part time)		\$ See Hall Letter
Estimated average annual salary of jobs to be created (full time)		\$ 38,000.00
Estimated average annual salary of jobs to be created (part time)		\$ 0
Estimated salary range of jobs to be created		
From (full time)	\$ 38,000	To (full time) \$ 38,000
From (part time)	\$ _____	To (part time) \$ _____

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

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

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

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

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

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

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

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

RENT ROLL

Tenant	Square Footage
Kohl's	55,819
J.C. Penney	84,829
KeyBank National Association	5,000
FYE	4,200
Bath & Body	2,200
Kay Jewelers	2,000
Renna's Pizza	1,500
Claire's Boutique	1,000
Cyberstation	3,933
Storm Athletics	3,226
Gift World	3,978
Cindy's Craft Co-op	8,923
Spirit Halloween (5 month lease July-November)	73,714
Cell Place (kiosk)	
Vacancy	3,155
Vacancy	1,745
Vacancy	5,733
Vacancy	2,833
Vacancy	9,066
Vacancy	15,934
Vacancy	4,542
Vacancy	3,400
Vacancy	11,713
Vacancy	1,280
Vacancy	2,100
Vacancy	900
Vacancy	1,040
Vacancy	1,600
Vacancy	750
Vacancy	750
Vacancy	1,612
TOTALS	318,475

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: See SEH Letter and current Rent Roll for existing tenants

City/Town: _____

Tenant Name: _____

Amount of space to be leased: _____SF. What percentage of the building does this represent? _____%

Are terms of the lease: GROSS or NET

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

Estimated date of occupancy: _____, 20_____

Company Name: _____

Current Address: _____

City/Town: _____ State: _____ Zip: _____

Local Contact Person: _____ Title: _____

Phone: _____ E-mail: _____

Company President/General Manager: _____

Number of employees to be relocated to new project location:

Full-Time: _____ Part-Time: _____ Total: _____

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

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

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

Yes or No.

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

What will happen to the existing facility once vacated? _____

If leased, when does lease expire? _____, 20_____

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

IV. Retail Questionnaire

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

Answer the following:

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

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

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

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

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

1. Will the project be operated by a not-for-profit corporation Yes or No.

2. Is the Project location or facility likely to attract a significant number of visitors from outside the economic development region (Cattaraugus, Erie, Allegany, Chautauqua and Wyoming counties) in which the project will be located? Yes or No

3. Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality within which the proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services? Yes or No

4. Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York? Yes or No.

If yes, explain Please refer to Hall letter.

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

V. Inter-Municipal Move Determination

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

Current Address: _____
City/Town: _____ State: _____ Zip: _____

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

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

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

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

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

If Yes to either question, explain: _____

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

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

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

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

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

Property (Address)

Reason

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

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

PILOT Estimate Table Worksheet

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

Percentage of Project Costs financed from Public Sector Table Worksheet:

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

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

Attachment A: Representations, Certifications and Indemnification

Angelo M. Ingrassia (name of CBO or other authorized representative of Applicant) confirms and says that he/she is the Manager (title) of Qlean Town Centre 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(2) 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 Regarding 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.:
 MONROE

ANJEW M. INGROSSIA, being first duly sworn, deposes and says:

1. That I am the MANAGER (Corporate Office) of OLDEN FOUN CENTRE 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 1st day of October, 2023

Carly Marie Tremiti

 (Notary Public)

CARLY MARIE TREMITI NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01TR0012157 Qualified in Monroe County Commission Expires 08/17/2027
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Attachment B: CCIDA Insurance Requirements

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

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

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

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

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

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

Limits expressed shall be no less than:

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

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

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

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

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

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

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

Workers Compensation/Disability Insurance:

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

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

If the Company and/or Project owner have no employees, the Company and/or Project owner shall provide a completed and signed Form CE-200 or later revision, which is found on the New York State Workers Compensation Board website: www.wcb.ny.gov/. 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.

SCHEDULE 1
PAGES 5 AND 6
OLEAN TOWN CENTRE
ENTIRE MALL PROPERTY REDEVELOPMENT

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

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

	Square Footage	Cost	% of Total Cost of Project
Manufacturing/Processing			
Warehouse			
Research & Development			
Commercial			
Retail (see retail questionnaire)	157,950	\$23,794,315	100%
Office			
Renewable Energy			
Specify Other			

What is the estimated project timetable (provide dates):

1. Start date: acquisition of equipment or construction of facilities: March 2024
2. Estimated completion date of project: December 2028
3. Project occupancy – estimated starting date of occupancy: December 2030

E) Overall Project Costs

Estimated costs in connection with Project:

- | | | |
|--|---------------------|-----------------|
| 1. Land and/or Building Acquisition | | \$370,000.00 |
| _____ acres _____ square feet | | |
| 2. New Building Construction | 6,000 square feet | \$5,000,000.00 |
| 3. New Building Addition(s) | _____ square feet | \$0 |
| 4. Infrastructure Work | | \$525,000.00 |
| 5. Reconstruction/Renovation | 151,950 square feet | \$18,269,315.00 |
| 6. Manufacturing Equipment | | \$0 |
| 7. Non-Manufacturing Equipment (furniture, fixtures, etc.) | | \$3,350,000.00 |
| 8. Soft Costs: (Legal, architect, engineering, etc.) | | \$660,000.00 |
| 9. Other, Specify: <u>Former Bon Ton building demolition</u> | | \$595,000.00 |

TOTAL Costs: \$28,769,315.00

Construction Cost Breakdown:

Total Cost of Construction	\$23,794,315.009 (sum of 2,3,4 and 5 above)
Cost of materials:	\$16,656,020.50
% sourced in Cattaraugus County	10%-50% %

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

If yes, describe: Approximately \$50,000.00 of soft costs

Sources of Funds for Project:

Bank Financing	\$21,500,000.00
Equity (excluding equity that is attributed to grants/tax credits)	\$ 4,019,315.00
Public Sources (Include sum total of all state and federal grants and tax credits)	\$ 3,250,000.00
Identify each state and federal grant/credit: (i.e. Historic Tax Credit, New Market Tax Credit, Brownfield Cleanup Program, ESD, other public sources)	
_____	\$ 2,000,000.00
_____	\$ 1,250,000.00
_____	\$ _____
Total Sources of Funds for Project Costs:	\$ 28,769,315.00

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

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

Sales and Use Tax Benefit: Gross amount of costs for goods and services that are subject to State and Local Sales and Use Tax - said amount to benefit from the Agency's sales and use tax exemption benefit: \$16,656,020.50

Estimated State and Local Sales and Use Tax Benefit (multiply 8.0% by the figure, above): \$1,332,481.64

*** 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): \$21,500,000.00

Estimated Mortgage Recording Tax Exemption Benefit (multiply the mortgage amount as indicated above by 1.25 %): \$ 268,750.00

Real Property Tax Benefit:

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

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

**COUNTY OF CATTARAUGUS INDUSTRIAL
DEVELOPMENT AGENCY**

INDUCEMENT RESOLUTION

**TURBO MACHINING 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, February 13, 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 TURBO MACHINING LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iii) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (iv) AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

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

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in

the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, the Company has submitted an application to the Agency (the "Application") requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the renovation of an existing 11,373+/- sq. ft. warehouse facility into a manufacturing facility (the "Improvements") located at 3864 NYS Route 417 in the Town of Allegany, Cattaraugus County, New York and all other lands in the Town of Allegany where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"), and (ii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Project Facility"). The 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) provide Financial Assistance to the Company in the form of an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility ("Financial Assistance"); and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) Extent to which the Project will create or retain jobs: The Project will retain 4 FTE employee positions and 1 PTE employee positions and create 14 new FTE 1 new PTE employee positions.
- (ii) The estimated total value of Financial Assistance is approximately \$16,000.
- (iii) The estimated amount of private sector investment to be made by the Company is \$1,019,000.
- (iv) Likelihood of the Project being accomplished in a timely fashion: There is a high likelihood that the Project will be completed in a timely manner, by December 31, 2024.
- (v) Extent of new revenue provided to local taxing jurisdictions: The Company is only a tenant in the Project Facility, but by maintaining and increasing FTE and PTE employment, local expenditures by those FTE and PTE employees and the Company itself will, at a minimum, result in new and increased sales tax revenues.
- (vi) The extent to which the Project will create local construction jobs. The Company will utilize local construction contractors to the extent possible.

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, unless 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 \$200,000, 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 \$16,000, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

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

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

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

- (i) Investment Commitment - the total investment made with respect to the Project at the time of Project completion equals or exceeds \$1,019,000, being the total Project cost as stated in the Company's Application for Financial Assistance.

- (ii) Employment Commitment – that there are at least 4 existing full time equivalent (“FTE”) and 1 part time equivalent employees located at, or to be located at, the Facility as stated in the Company’s application for Financial Assistance (the “Baseline FTE”); and
- the number of current FTE and PTE employees in the then current year at the Facility; and
 - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 18 FTE employees [representing the sum of (x) 4 Baseline FTE and (y) 14 new FTE employees, (being the 14 new FTE employee positions proposed to be created by the Company as stated in its Application)] and 2 PTE employee positions [representing the sum of (x) 1 Baseline FTE and (y) 1 new PTE employee position (being the 1 new PTE employee position proposed to be created by the Company as stated in its Application)].
- (iii) Construction Jobs and Local Labor Commitment - that the Company will utilize local construction labor to the extent possible.

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

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

Section 6. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the Agency’s policies.

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

Dated: February 13, 2024

PUBLIC HEARING SCRIPT

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

Public Hearing to be held on February 1, 2024 at 10:00 a.m.
at the Town of Machias Town Hall, 3483 Roszyk Hill Road, Machias, New York

ATTENDANCE:

Please see the attached listing of people in attendance. 16 present and one on Zoom.
 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.cattcoida.com

2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the Walsh Huskie, LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf. This public hearing is being recorded and will be transcribed for the Board Members of the Agency for their review and comments before they take any further action. We have a sign in sheet for anyone who would like to participate in this public hearing either by presenting oral comments or we would be happy to take written statements. Notice of this hearing appeared in Olean Times Herald on Saturday, January 20, 2024.

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

Hearing Officer: The proposed project (the "Project") consists of: (i) the acquisition by the Agency of a leasehold interest in certain property located at 3510 Bear Creek Road in the Town of Machias, Cattaraugus County, New York and all other lands in the Town of Machias 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 61,000 sq. ft. facility including cabins, event center, concert hall, restaurant, RV pads and construction of luxury domes for glamping experience (the

"Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Project Facility"). The Facility will be initially operated and/or managed by the Company.

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). Additional information can be obtained from, and written comments may be addressed to: Corey R. Wiktor, Executive Director, County of Cattaraugus Industrial Development Agency, 9 East Washington Street, P.O. Box 1749, Ellicottville, New York 14731; Telephone: 716-699-2005 and electronically at corey@cattcoida.com or 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.

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

There were several questions and concerns about a proposed PILOT and the project applicant's request for a 10 Year granting of no taxes, as requested in their application to the IDA. The Agency expressed that we will not be taking any property off the tax rolls, thus not granting the applicants request of such action. The IDA expressed that our role in this initial phase of the project is to offer NYS Sales Tax Abatement on all fixtures, furnishings and equipment related to the finishing and further improvement of the Resort. Also, the IDA has been asked to issue Mortgage recording tax relating to the financing, which too, has been standard practice on all qualified applications. It was stressed by the IDA that any proposed PILOT issued has to be on value added (i.e new buildings), and any new specific added value (building) to the resort/campus would trigger a separate application and SEQR application.

Other topics discussed were concerns over noise from concerts, road use, weight of campers on a bridge on Bear Creek Road, permits needed by the developer from the DEC, County Health Dept. etc. The Agency said that those items have to be satisfied and issued prior to opening, which usually follows standard protocol of issuing any proposed benefits by the

Agency, meaning all operating permits must be secured. The IDA will send all questions relating to these concerns to the respective governing Agency to give them a heads up.

The topic of housing was brought up, the IDA did note that housing development is not part of this application and even had the developer revise the application to note that and again stated that any proposed housing would require a separate application and SEQR before the IDA even considered the proposed type of housing, as housing has not been typically an IDA approved sector for its benefits.

The topic of valuation and sale price concerns were brought, the IDA explained that we really have no control over this matter, but would speak to the Assessor/County Real property if there were any concerns relating to the valuation, taxes due etc.

The Agency stressed on many of the points on Permits and items such as noise, road use, etc to ensure the Town, County, State are aware of this project and would be happy to send the contact information of the proposed developers to them for purposes of meeting and discussion over various concerns in which the IDA had no ability to issue or not issue a needed permit.

-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 10:49 a.m.

Sign in sheet

Tim BYROADS

STEVEN CORNWALL

David Zilker

Rebecca Grimmelt

Bob Irwin

Dave Zilker

Fran Lounsbury

Bailey Jansen

Randy Jansen

Mark Kloss

Brandon Boehmer

Linda Blecha

Jenny Dusterhus

Frank Bork

Robert Shenk

Joe Patti

Cattaraugus County Industrial Development Agency
 MRB Cost Benefit Calculator



Date: January 16, 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	\$864,086	\$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

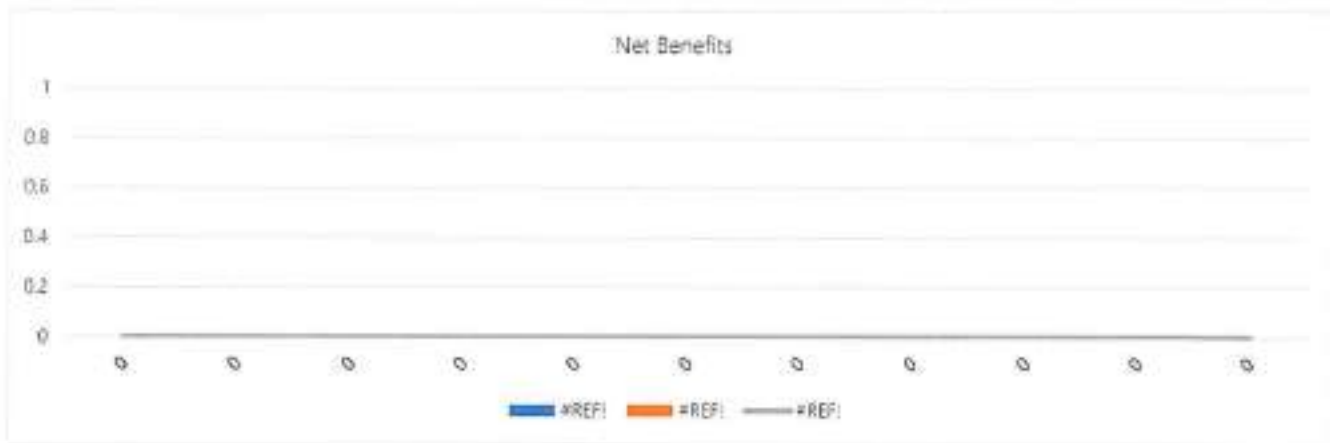
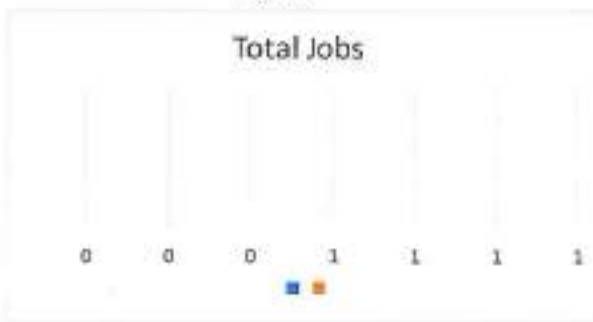


Figure 2

Figure 3



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
Total Costs	\$135,795	\$126,052

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$25,461,253	\$21,638,102
To Private Individuals	\$25,238,599	\$21,450,815
Temporary Payroll	\$7,043,288	\$1,043,288
Ongoing Payroll	\$24,795,311	\$20,407,526
Other Payments to Private Individuals	\$0	\$0
To the Public	\$222,654	\$187,288
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	\$22,510	\$19,992
State Benefits	\$1,312,407	\$1,115,442
To the Public	\$1,312,407	\$1,115,442
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
Total Benefits to State & Region	\$26,773,660	\$22,753,545

Benefit to Cost Ratio

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

*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

**COUNTY OF CATTARAUGUS INDUSTRIAL
DEVELOPMENT AGENCY**

INDUCEMENT RESOLUTION

**WALSH HUSKIES, 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, February 13, 2024 at 11:00 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 WALSH HUSKIES, 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) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iv) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

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

prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

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

WHEREAS, the Company has submitted an application to the Agency (the “Application”) requesting the Agency’s assistance with a certain project (the “Project”) consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located at 3510 Bear Creek Road in the Town of Machias, Cattaraugus County, New York and all other lands in the Town of Machias 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 61,000 sq. ft. facility including cabins, event center, concert hall, restaurant, RV pads and construction of luxury domes for glamping experience (the “Improvements”); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”; and, together with the Land and the Improvements, the “Project Facility”); and

WHEREAS, pursuant to General Municipal Law Section 859-a, on February 1, 2024, at 10:00 a.m., at the Town of Machias Town Hall, 3483 Roszyk Hill Road, Machias, New York, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the “Public Hearing”) whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

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

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

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

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

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

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

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

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

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

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

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

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

(H) The Project will attract a significant number of visitors from outside the Western New York economic development region, including approximately 30% of its visitors coming from outside of New York State, and an additional approximately 40% coming from outside the Western New York economic development region proper, such that 70% of its visitors are anticipated to be coming from outside of the Western New York economic development region and therefore the Project meets the definition of a "tourism destination" project within the meaning of Section 862(2)(a) of the Act. Accordingly, the Agency is authorized to provide financial assistance in respect of the Project pursuant to Section 862(a) of the Act.

(I) 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.

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

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

- (i) Extent to which the Project will create or retain jobs: The Project will retain one FTE and two PTE employee positions and create 6 new FTE and 14 PTE employee positions.
- (ii) The estimated total value of Financial Assistance is approximately \$135,800 through the 14-year real property tax abatement benefit period.
- (iii) The estimated amount of private sector investment to be made by the Company is \$3,145,000.
- (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 October 1, 2024.

- (v) Extent of new revenue provided to local taxing jurisdictions: By maintaining modern efficient camping and recreational facilities, and creating new amenities for campers, it is expected that the Project will attract visitors to the Facility and to the Town of Machias resulting in new and increased real property tax and sales tax revenues.
- (vi) The extent to which the Project will create local construction jobs. The Company will utilize local construction contractors to the extent possible.

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

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

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

(i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$500,000, and, therefore, the value of the sales and use tax exemption benefits ("sales and use tax exemption benefits") authorized and approved by the Agency cannot exceed \$40,000 however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

(ii) authorizes and approves that the value of the mortgage recording tax exemption benefit ("mortgage recording tax exemption benefits") shall not exceed \$17,500; and

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

to be approximately \$78,295 resulting in estimated total PILOT payments of \$928,387 over the term of the PILOT Agreement.

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

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

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

- (i) Investment Commitment - the total investment made with respect to the Project at the time of Project completion equals or exceeds \$3,145,000, being the total project cost as stated in the Company's application for Financial Assistance.
- (ii) Employment Commitment – that there is at least 1 existing full time equivalent (“FTE”) employee located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”) and 2 part time equivalent (“PTE”) employees located at, or to be located at, the Facility as

stated in the Company's application for Financial Assistance (the "Baseline PTE"); and

- the number of current FTE and PTE employees in the then current year at the Facility; and
 - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 7 FTE employees [representing the sum of (x) 1 Baseline FTE and (y) 6 FTE employees (being the 6 new FTE employee positions proposed to be created by the Company as stated in its Application)] and maintained and created PTE employment at the Facility equal to 16 PTE employees [representing the sum of (x) 2 Baseline PTE and (y) 14 PTE employees (being the 14 new PTE employee positions proposed to be created by the Company as stated in its Application)].
- (iii) Construction Jobs and Local Labor Commitment - that the Company will utilize local construction labor to the extent possible.

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: February 13, 2024

January 25, 2024

[Addresses of affected tax jurisdiction]

**RE: Cattaraugus County Industrial Development Agency (the "Agency")
Amendment to Uniform Tax Exemption Policy for Wind Farm Facility
Projects**

Dear _____:

Please accept this correspondence as notice from the Agency, pursuant to Section 874 of the New York General Municipal Law ("GML") and pursuant to the Agency's Uniform Tax Exemption Policy ("UTEP"), informing you of the Agency's contemplated action to amend its UTEP.

Enclosed within Attachment A to this letter is the proposed UTEP, as amended in its entirety. The amendment replaces Section 7(D)(2)(I) in its entirety revising the process by which, and the procedure by which, the Agency may approve of a real property tax abatement and the related real property tax abatement formula with respect to a Wind Farm Facility project. For your convenience, Attachment B shows the Section 7(D)(2)(I) language that is proposed to be removed, and the language that is proposed to be inserted.

The purpose of the amendment is to facilitate construction and installation of Wind Farm Facilities in an effort to support statewide renewable energy production goals, currently established at achieving 70% renewable electricity production by 2030, by requiring that the Cattaraugus County Legislature and the host project municipality or municipalities request, in a coordinated manner, that the Agency approve of a Wind Farm Facility real property tax abatement request as so initially approved by the aforementioned municipalities.

In compliance with the GML and the UTEP, the Agency is required to consider the following factors prior to approving the proposed amendment to the UTEP:

(1) The nature of the proposed project (for example, manufacturing, commercial, civic, etc.): This UTEP Amendment is only applicable to Wind Farm Facility Projects.

(2) The nature of the property before the project begins (for example, vacant land, vacant building, etc.): The nature of the property before a Wind Farm Facility project begins, in the absence of the approval of the UTEP Amendment, will continue to be the same as the nature of the property before a Wind Farm Facility project begins in the event the UTEP Amendment is approved.

(3) The economic condition of the area at the time of the application and the economic multiplying effect the project will have on the area: The action here is the contemplated approval of an amendment to the Agency's UTEP involving policies and procedures related to a Wind Farm Facility project. The effects of a proposed Wind Farm Facility project can only be considered when and if the Agency was presented with a Wind Farm Facility project application.

(4) The extent to which the project will create or retain permanent, private sector jobs, the number of jobs to be created/retained and/or the salary ranges of such jobs: To the extent the UTEP Amendment encourages and facilitates the installation, construction, and operation of a Wind Farm Facility Project in the absence of the proposed UTEP Amendment, some limited job creation/retention may thereafter result.

(5) The estimated value of tax exemptions to be provided: The proposed UTEP Amendment only amends policy and procedures. Only at the time when a proposed Wind Farm Facility project is actually proposed to the Agency for approval can the estimated value of tax exemptions contemplated to be provided be determined.

(6) The economic impact of the project and the proposed tax exemptions on affected tax jurisdictions: The proposed UTEP Amendment will enable an actual payment-in-lieu-of-taxes payment to be made to the affected tax jurisdictions, thus increasing real property tax revenues, in contrast to the ability for a Wind Farm Facility developer to potentially obtain a 100% abatement of a Wind Farm Facility's real property taxes typically available under Section 487 of the New York Real Property Tax Law.

(7) The impact of the proposed project on existing and proposed businesses and economic development projects in the vicinity: There is not a proposed project currently. The action here is the contemplated approval of an amendment to the Agency's UTEP involving policies and procedures related to a Wind Farm Facility project.

(8) The amount of private sector investment generated or likely to be generated by the proposed project: Not applicable.

(9) The likelihood of accomplishing the proposed project in a timely fashion: Not applicable.

(10) The effect of the proposed project upon the environment and surrounding property. The action here is the contemplated approval of an amendment to the Agency's UTEP involving policies and procedures related to a Wind Farm Facility project. The effects of a

proposed Wind Farm Facility project can only be considered when and if the Agency was presented with a Wind Farm Facility project application.

(11) The extent to which the proposed project will require the provision of additional services including, but not limited to, educational, transportation, emergency medical or police and fire services. The action here is the contemplated approval of an amendment to the Agency's UTEP involving policies and procedures related to a Wind Farm Facility project. The effects of a proposed Wind Farm Facility project can only be considered when and if the Agency was presented with a Wind Farm Facility project application.

(12) The extent to which the proposed project will provide additional sources of revenue for municipalities and school districts in which the project is located. See number (6), above.

(13) The extent to which the proposed project will provide a benefit (economic or otherwise) not otherwise available within the municipality in which the project is located. The action here is the contemplated approval of an amendment to the Agency's UTEP involving policies and procedures related to a Wind Farm Facility project. The effect of a proposed Wind Farm Facility project can only be considered when and if the Agency was presented with a Wind Farm Facility project application.

(14) Whether affected taxing jurisdictions shall be reimbursed by a project occupant if the project does not fulfill the purposes for which an exemption was provided. Existing Agency recapture/reimbursement provisions will continue to apply.

(15) The impact of the UTEP Amendment on existing and proposed businesses and economic development projects in the vicinity. The action here is the contemplated approval of an amendment to the Agency's UTEP involving policies and procedures related to a Wind Farm Facility project. The effects of a proposed Wind Farm Facility project can only be considered when and if the Agency was presented with a Wind Farm Facility project application.

(16) The amount of private sector investment generated or likely to be generated by the UTEP Amendment. The action here is the contemplated approval of an amendment to the Agency's UTEP involving policies and procedures related to a Wind Farm Facility project. The effects of a proposed Wind Farm Facility project can only be considered when and if the Agency was presented with a Wind Farm Facility project application.

(17) The demonstrated public support for the UTEP Amendment. The action here is the contemplated approval of an amendment to the Agency's UTEP involving policies and procedures related to a Wind Farm Facility project. The demonstrated public support for or against a proposed Wind Farm Facility project can only be considered when and if the Agency was presented with a Wind Farm Facility project application.

(18) The likelihood of accomplishing the proposed UTEP Amendment in a timely fashion. It is anticipated that the UTEP Amendment could be approved and effective by February 13, 2024.

(19) The extent to which the UTEP Amendment will require the provision for additional services. The action here is the contemplated approval of an amendment to the Agency's UTEP involving policies and procedures related to a Wind Farm Facility project. The effects of a proposed Wind Farm Facility project can only be considered when and if the Agency was presented with a Wind Farm Facility project application.

The Agency will consider whether to approve of the proposed UTEP Amendment at its February 13, 2024 meeting of its Board of Directors, to be held at 11:15 a.m. at the Agency's office address as so listed, above. The Agency invites you to provide written comments, which will be reviewed at the Agency's meeting. The Agency also invites you to attend the meeting to address members of the Agency regarding the proposed UTEP Amendment. In addition, I also welcome and encourage you to contact me with any questions or for additional information regarding the proposed UTEP Amendment. I can be reached at corev.cattco@gmail.com or at 716-699-2005.

Very truly yours,

Exhibit A

Proposed Amended Uniform Tax Exemption Policy

Exhibit B

Proposed Amendment to Section 7(D)(2)(l) of the Uniform Tax Exemption Policy

~~(l) *Wind Farms.* If a project qualifies as a Wind Farm Facility, (1) the Initial Period shall be fifteen years, and (2) the project shall be required to make Guaranteed PILOT Payments equal to (i) \$5,000 per megawatt of installed capacity of the wind turbine generators which comprise a portion of the Wind Farm Facility (the "Wind Turbine Facilities") times (ii) the actual installed capacity of the Wind Turbine Facilities, calculated on the third (3rd) business day prior to the date on which the related payment is due pursuant to the PILOT Agreement; provided, that, the Guaranteed PILOT Payments are to be adjusted for inflation per annum using the lesser of the following: (x) five percent (5%); or (y) Bureau of Labor Statistics Consumer Price Index ("CPI") for the Northeast Region for the prior year (e.g., 2010 CPI to adjust the 2011 Guaranteed PILOT Payment). Each annual Guaranteed PILOT Payment will be payable on January 1 of each year (commencing on January 1 of the year following the year of expected substantial completion of the Wind Farm Facility), subject to a thirty (30) day grace period, and shall upon receipt shall be distributed to the Affected Tax Jurisdictions in accordance with a formula based on the tax rates of the Affected Tax Jurisdictions in effect as of the date of execution of the PILOT Agreement. Following the end of the Initial Period, each annual PILOT Payment to be paid by the project occupant pursuant to the terms of the PILOT Agreement shall be in an~~

~~amount equal to the amount which would be payable to such taxing entity with respect to the Wind Farm Facility if such Wind Farm Facility was owned by the project occupant and not the Agency. The Guaranteed PILOT Payments shall be payable notwithstanding any termination of the term of the related Lease Agreement, and shall be secured by a PILOT Mortgage. The PILOT Mortgage associated with a Wind Farm Facility may also secure amounts due and payable pursuant to any host community agreement related to such Wind Farm Facility.~~ Consistent with the Agency's "Eligible Project Policy", to potentially qualify as a Wind Farm Facility (also to be referred to herein as a "Wind Farm Project"), the Agency must receive the "letters of support" as so required to be submitted to the Agency pursuant to its "Eligible Project Policy". Said letters of support are to be provided by the Cattaraugus County Legislature and the Project Municipality (or Project Municipalities and said municipal support letters to be collectively referred to herein defined as the "Municipal Support Letters"). The Municipal Support Letters shall contain the following: (i) confirmation of an approved benefit period term (being the Initial Term, and for the avoidance of doubt, the PILOT benefit period), (ii) confirmation of an approved Guaranteed PILOT Payment being equal to a fixed dollar amount per megawatt ("MW") of the Wind Farm Facility's nameplate capacity, and (iii) if desired, confirmation of a definitive percentage escalator on the prior year's PILOT payment.

**COUNTY OF CATTARAUGUS INDUSTRIAL
DEVELOPMENT AGENCY**

RESOLUTION

*Amendment to County of Cattaraugus Industrial Development Agency
Uniform Tax Exemption Policy*

A regular meeting of the County of Cattaraugus Industrial Development Agency was convened on Tuesday, February 13, 2024, at 11:00 a.m.

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

**RESOLUTION OF THE COUNTY OF CATTARAUGUS INDUSTRIAL
DEVELOPMENT AGENCY APPROVING AND ADOPTING AN
AMENDMENT TO THE COUNTY OF CATTARAUGUS INDUSTRIAL
DEVELOPMENT AGENCY UNIFORM TAX EXEMPTION POLICY**

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law Chapter 24 of the Consolidated Laws of New York, as amended (the "Act") and Chapter 536 of the Laws of 1971 of the State, as amended, constituting Section 890-b of said General Municipal Law, the COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY (the "Agency") was created as a public benefit corporation of the State of New York; and

WHEREAS, GML Section 874(4) requires that each industrial development agency establish a uniform tax exemption policy ("UTEF") applicable to the provision of financial assistance and provide guidelines for, among other things, the claiming of real property, mortgage recording, and sales tax exemptions; and

WHEREAS, in accordance with GML Section 874(4), the Agency has established and adopted for use the County of Cattaraugus Industrial Development Agency Uniform Tax Exemption Policy ("CCIDA UTEP"); and

WHEREAS, the Agency has determined that it is in the best interest of the Agency and the residents of the County of Cattaraugus and the various municipalities within the jurisdiction of the Agency to amend the CCIDA UTEP to support statewide renewable energy production goals, currently established at achieving 70% renewable electricity production by 2030, by requiring that the Cattaraugus County Legislature and the host project municipality or municipalities to request, in a coordinated manner, that the Agency approve of a Wind Farm Facility real property tax abatement request as so initially approved by the aforementioned municipalities; and

WHEREAS, in accordance with the Act and the CCIDA UTEP, on January 25, 2024, the Agency provided written notice to all affected tax jurisdictions in Cattaraugus County setting

forth in writing the proposed change to the CCIDA UTEP and the factors supporting the proposed change; and

WHEREAS, attached hereto within Exhibit A is the proposed amended CCIDA UTEP, specifically amending Section 7(D)(2)(I) entitled "Wind Farms", in its entirety, by revising the process by which, and the procedure by which, the Agency may approve of a real property tax abatement and the related real property tax abatement formula with respect to a Wind Farm Facility project; and

WHEREAS, the Agency, having considered all comments received from the affected tax jurisdictions and the applicable provisions of the Act, now desires to adopt the proposed amendment to Section 7(D)(2)(I) of the CCIDA UTEP, a copy of which is enclosed within Exhibit A attached hereto.

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

Section 1. The Agency hereby determines that the adoption of the proposed amendment to the CCIDA UTEP constitutes a Type II Action within the meaning of the State Environmental Quality Review Act and the regulations promulgated thereunder ("SEQR") and therefore no further actions or proceedings under SEQR need be undertaken by the Agency in connection therewith.

Section 2. The Agency hereby adopts the amendment to Section 7(D)(2)(I) of the CCIDA UTEP which is set forth within Exhibit A, attached hereto.

Section 3. The Agency, acting by and through its Chair, Vice Chair, Executive Director, or any other designated officer or director, is hereby authorized to do all things necessary or appropriate for the accomplishment of the purposes of this resolution, and all acts heretofore taken by the Agency with respect to the amendment to the CCIDA UTEP are hereby approved, ratified and confirmed.

Section 4. This amendment to the CCIDA UTEP shall be effective on February 13, 2024 (the "Effective Date") and shall apply to all projects for which the Agency has adopted or adopts an Inducement Resolution after the Effective Date.

Dated: February 13, 2024

EXHIBIT A

**COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY
UNIFORM TAX EXEMPTION POLICY**

Originally Adopted on November 14, 1995

Readopted on March 30, 1999

Amended June 8, 2004

Amended February 4, 2010

Amended June 19, 2012

Amended October 22, 2019

Amended March 24, 2020

Amended February 13, 2024

SECTION 1. PURPOSE AND AUTHORITY. Pursuant to Section 874(4)(a) of Title One of Article 18-A of the General Municipal Law, County of Cattaraugus Industrial Development Agency (the "Agency") is required to establish a uniform tax exemption policy applicable to the provision of any financial assistance of more than one hundred thousand dollars to any project. This uniform tax-exemption policy (hereinafter, the "Uniform Tax Exemption Policy") was adopted pursuant to a resolution enacted by the members of the Agency on November 14, 1995, readopted pursuant to a resolution enacted by the members of the Agency on March 30, 1999, and modified pursuant to resolutions enacted by the members of the Agency on June 8, 2004, February 4, 2010, June 19, 2012, October 22, 2019 and March 24, 2020.

SECTION 2. DEFINITIONS. All words and terms used herein and defined in the Act shall have the meanings assigned to them in the Act, unless otherwise defined herein or unless the context or use indicates another meaning or intent. The following words and terms used herein shall have the respective meanings set forth below, unless the context or use indicates another meaning or intent:

"Act" shall mean Title One of Article 18-A of the General Municipal Law.

"Adaptive Reuse Project" means shall mean a project which is an "adaptive use project" pursuant to the Agency's Adaptive Reuse Policy. For purposes of this definition, the term "Adaptive Reuse Policy" shall mean, at any particular point in time, the then-current version of the Agency's Adaptive Reuse Policy, which adaptive reuse project policy was initially approved by resolution of the members of the Agency on October 22, 2019.

"Administrative Fee" shall mean a charge imposed by the Agency to an Applicant or project occupant for the administration of a project.

"Affected Tax Jurisdiction" means, with respect to a particular project, the County and each Municipality and/or School District in which such project is (or is to be) located which will fail to receive real property tax payments which would otherwise be payable with respect to such project due to a Tax Exemption obtained by reason of the involvement of the Agency in such

project, unless the Affected Tax Jurisdictions shall agree in writing to add or subtract additional governmental entities thereto.

“Agency” shall mean County of Cattaraugus Industrial Development Agency.

“Agency Fee” shall mean the normal charges imposed by the Agency on an Applicant or a project occupant to compensate the Agency for the Agency’s participation in a project. The term “Agency Fee” shall include not only the Agency’s normal application fee and the Agency’s normal Administrative Fee, but also may include (1) reimbursement of the Agency’s expenses, (2) rent imposed by the Agency for use of the property of the Agency, and (3) other similar charges imposed by the Agency.

“Applicant” shall mean an applicant for financial assistance.

“Applicant Project” shall mean a project which is undertaken by the Agency for the benefit of an Applicant which either (1) has been or will be financed by the issuance by the Agency of bonds, notes or other evidences of indebtedness with respect thereto or (2) is a straight lease transaction which the Agency has determined to undertake pursuant to the Lease Policy.

“Assessed Value” shall mean, with respect to a particular Parcel, the value of the Parcel in question for purposes of determining payments in lieu of taxes due hereunder

“Assessor” shall mean, with respect to a particular project and with respect to a particular Affected Tax Jurisdiction, the appropriate officer or officers charged by said respective Affected Tax Jurisdiction with assessing the value of real property located within the boundaries of said Affected Tax Jurisdiction for purposes of determining real property taxes levied by said Affected Tax Jurisdiction.

“Brownfield Redevelopment Project” shall mean a project which both (A) involves the redevelopment of a site listed by the New York State Department of Environmental Conservation in its Environmental Site Remediation Database (currently accessible on the worldwide web at <http://www.dec.ny.gov/cfm/external/index.cfm?pageid=3>) and (B) is an Eligible Project.

“Code” means the Internal Revenue Code of 1986, as amended, including, when appropriate, the statutory predecessor of said Code, and the applicable regulations (whether proposed, temporary or final) of the United States Treasury Department promulgated under said Code and the statutory predecessor of said Code, and any official rulings and judicial determinations under the foregoing.

“Commercial Facility” shall mean any Applicant Project approved by the Agency that is not a Tax-Exempt Facility, a Manufacturing Facility, a Tourism Destination Facility, a Retail Facility or a Residential Facility. A “Qualified Commercial Facility” shall mean a Commercial Facility which commits to retain at least 100% of the number of existing jobs for the Initial Period relating thereto.

“Commercial Solar Facility” means a group of solar panels and related facilities in the same location intended to be used for the production of electric power to be sold to third parties, but shall not include a Small Alternate Energy Facility. In the event of a question whether a solar facility is a Small Alternate Energy Facility or a Commercial Solar facility, the determination of the Agency on that subject shall be final. A Commercial Solar Facility includes all related equipment determined by the Agency to be necessary or desirable for collecting such electric energy and delivering same to the electric grid, but shall not include the land and improvements that were included on the tax rolls of the Affected Tax Jurisdictions prior to the commencement of the project of which such Commercial Solar Facility is a part (see Section 7(D)(1) herein).

“County” shall mean the County of Cattaraugus.

“Eligible Project” shall mean a project which is an “eligible project” pursuant to the Agency’s Eligible Project Policy.

“Eligible Project Policy” shall mean, at any particular point in time, the then-current version of the Agency’s Eligible Project Policy, which eligible project policy was initially approved by resolution of the members of the Agency on June 7, 2011 pursuant to which the Agency set forth the types of projects which the Agency will consider undertaking.

“FTE” shall mean a full time equivalent employee. To determine the number of FTEs employed by an employer at a particular facility in a particular year, divide the number of hours worked by all employees at such facility in such year by 1900.

“Guaranteed PILOT Payment” shall mean each payment due (i) with respect to a Wind Farm Facility during the Initial Period relating to said Wind Farm Facility pursuant to Section 7(D)(2)(1) of this Uniform Tax Exemption Policy and (ii) with respect to a Commercial Solar Facility during the Initial Period relating to said Commercial Solar Facility pursuant to Section 7(D)(2)(m) of this Uniform Tax Exemption Policy.

“Initial Period” shall mean, with respect to a particular project, the period of time that said project shall receive a real property tax abatement pursuant to the provisions of this Uniform Tax Exemption Policy.

“Lease Policy” shall mean, at any particular point in time, the then-current version of the Agency’s Lease Policy, which lease policy initially approved by resolution of the members of the Agency on November 14, 1995 and modified pursuant to resolutions enacted by the members of the Agency on March 30, 1999, June 8, 2004, February 4, 2010, April 19, 2011 and June 7, 2011, pursuant to which the Agency set forth the circumstances under which the Agency will consider undertaking a straight-lease transaction, as such term is defined in Section 854(15) of the Act.

“Manufacturing Facility” shall have the meaning set forth in Section 144(a)(12)(C) of the Code, which defines said term to include (1) a “manufacturing facility”, i.e. any facility used in the manufacturing or production of tangible personal property (including the processing resulting

in a change in the condition of such property and (2) certain facilities which are directly related and ancillary to a manufacturing facility if such facilities are located on the same site as the manufacturing facility. A "Regular Manufacturing Facility" shall mean a Manufacturing Facility which commits to retain at least 90% of the number of existing jobs for the Initial Period relating thereto. An "Enhanced Manufacturing Facility" shall mean a Manufacturing Facility which commits to retain all existing jobs for the Initial Period relating thereto and additionally commits to create additional jobs equal to the greater of (a) 50% of the number of existing jobs or (b) 50 jobs.

"Municipality" shall mean each city, town and village located within the County.

"Non-Applicant Project" means a project which is undertaken by the Agency for the benefit of the Agency, and shall not include an Applicant Project.

"Nonexempt Person" shall mean a person not exempt from real property taxation pursuant to the provisions of the Real Property Tax Law of the State of New York.

"Normal Tax" shall mean, with respect to a particular Parcel, the amount of general taxes and general assessments which would be payable to each Affected Tax Jurisdiction if the Parcel in question was owned by a Nonexempt Person and not the Agency by multiplying (1) the Assessed Value of the Parcel in question, by (2) the tax rate or rates of such Affected Tax Jurisdiction that would be applicable to such Parcel if such Parcel was owned by a Nonexempt Person and not the Agency.

"Parcel" shall mean a parcel of land and the improvements located thereon.

"PILOT" or "Payment in Lieu of Tax" shall mean any payment made to the Agency or an Affected Tax Jurisdiction equal to all or a portion of the real property taxes or other taxes which would have been levied by or on behalf of an Affected Tax Jurisdiction with respect to a project but for Tax Exemption obtained by reason of the involvement of the Agency in such project, but such term shall not include Agency Fees.

"PILOT Agreement" or "Payment in Lieu of Tax Agreement" shall mean a payment in lieu of tax agreement.

"Residential Facility" shall mean buildings and appurtenant lands constituting single, duplex or multifamily buildings and appurtenant lands that are leased to or occupied by any person as a residence.

"Retail Facility" shall mean facility (1) where either (a) fifty percent (50%) or more of the total cost of such facility relates to stores and/or professional offices offering goods or services for sale to customers who personally visit such premises to receive such goods or services or (b) fifty percent (50%) or more of the total space in such facility constitutes stores and/or professional offices offering goods or services for sale to customers who personally visit such premises to receive such goods or services, or (2) which constitutes a club where there is an initial fee, annual membership fee or membership is limited.

“School District” shall mean each school district located within the County.

“Small Alternate Energy Facility” means a facility (1) that is determined by the Agency to be a facility described in Section 487(1) of the Real Property Tax Law (including solar or wind energy equipment, a solar or wind energy system, farm waste electric generating equipment, and a farm waste energy system), (2) that is installed or to be installed in a residence, a farm or a small business located within the County and (3) that is not a Wind Farm Facility or a Commercial Solar Facility.

“Tax-Exempt Facility” shall mean a facility solely occupied by entities exempt from taxation pursuant to Section 115 of the Code or Section 501(c)(3) of the Code and utilized exclusively for the mission of such entity for which exemption was granted pursuant to Section 501(c)(3) of the Code.

“Tax Exemption” shall mean any financial assistance granted to a project which is based upon all or a portion of the taxes which would otherwise be levied and assessed against a project but for the involvement of the Agency in such project.

“Tourism Destination Facility” shall mean a facility in the County that the Agency determines (1) will attract and/or service a significant number of Tourists, (2) will entice more Tourists to come to the County, (3) is linked to other Tourism Destination Facilities in the County, and (4) will agree to pay (a) sales taxes and occupancy taxes related to the operation of said facility and (b) real estate taxes and/or PILOT payments related to such facility.

“Tourist” shall mean customer of a facility who resides outside the Western New York Economic Development Region (as designated by the New York State Department of Economic Development).

“Wind Farm Facility” means a group of wind turbines and related facilities in the same location intended to be used for the production of electric power to be sold to third parties. A Wind Farm Facility includes all related equipment determined by the Agency to be necessary or desirable for collecting such electric energy and delivering same to the electric grid, but shall not include the land and improvements that were included on the tax rolls of the Affected Tax Jurisdictions prior to the commencement of the project of which such Wind Farm Facility is a part (see Section 7(D)(2)(1) herein).

SECTION 3. GENERAL PROVISIONS.

(A) General Policy. The general policy of the Agency is to grant Tax Exemption as hereinafter set forth to (1) any Applicant Project and (2) any Non-Applicant Project.

(B) Exceptions. Absent special circumstances, the Agency intends to follow the general policy enunciated under subsection (A) of this Section. The Agency reserves the right to deviate from such policy in special circumstances. In determining whether special circumstances exist to justify such a deviation, the Agency may consider the magnitude of the deviation sought

and the factors which might make the project unusual, which factors might include but not be limited to the following factors: (1) the magnitude and/or importance of any permanent private sector job creation and/or retention related to the proposed project in question; (2) whether the Affected Tax Jurisdictions will be reimbursed by the project occupant if such project does not fulfill the purposes for which Tax Exemption was granted; (3) the impact of such project on existing and proposed businesses and/or economic development projects; the amount of private sector investment generated or likely to be generated by such project; demonstrated public support for such project; (6) the estimated value of the Tax Exemptions requested; and (7) the extent to which such project will provide needed services and/or revenues to the Affected Tax Jurisdictions. In addition, the Agency may consider the other factors outlined in Section 874(4)(a) of the Act.

(C) Application. No request for a Tax Exemption relating to an Applicant Project shall be considered by the Agency unless an application (with a cost/benefit analysis) and environmental assessment form are filed with the Agency on the forms prescribed by the Agency pursuant to the rules and regulations of the Agency. Such application shall contain the information requested by the Agency, including a description of the proposed project and of each Tax Exemption sought with respect to the project, the estimated value of each Tax Exemption sought with respect to the project, the proposed financial assistance being sought with respect to the project, the estimated date of completion of the project, an analysis of the costs and benefits of the project, and whether such financial assistance is consistent with this part.

(D) Notice to Affected Tax Jurisdictions. No request for approval of an Applicant Project by the Agency which involves the issuance of bonds, notes or other evidences of indebtedness with respect thereto or any other application for Tax Exemptions or other financial assistance which may aggregate more than \$100,000, or which involves a proposed deviation from the provisions of this Uniform Tax Exemption Policy, shall be given final approval by the Agency unless and until (1) the Agency has sent written notice of said request to each Affected Tax Jurisdiction, and (2) has given each Affected Tax Jurisdiction a reasonable opportunity, both in writing and in person, to be heard by the Agency with respect to the proposed request. With respect to Non-Applicant Projects, the Agency shall comply with the provisions of Section 859-a of the Act, to the extent applicable. In addition, the Agency shall comply with all other notice provisions contained in the Act relative thereto.

SECTION 4. SALES AND USE TAX EXEMPTION.

(A) General. State law provides that purchases of tangible personal property by the Agency or by an agent of the Agency, and purchases of tangible personal property by a contractor for incorporation into or improving, maintaining, servicing or repairing real property of the Agency, are exempt from sales and use taxes imposed pursuant to Article 28 of the Tax Law. The Agency has a general policy of abating sales and use taxes applicable (1) only to the initial acquisition, construction, reconstruction and/or equipping of an Applicant Project and (2) to any Non-Applicant Project. The Agency has no requirement for imposing a payment in lieu of tax arising from the exemption of an Applicant Project from sales and/or use taxes applicable to the initial acquisition, construction, reconstruction and/or equipping of such project, except (a) as described in subsection (E) below or (b) in the circumstance where (i) an Applicant Project is

offered sales and use tax exemption on the condition that a certain event (such as the issuance of bonds by the Agency with respect to the project) occur by a certain date and (ii) such event does not occur, in which case the Agency may require that the Applicant make payments in lieu of sales and use taxes equal to the amount of tax which otherwise may have been due to the New York State Department of Taxation and Finance.

(B) Period of Exemption. Except as set forth in subsection (A) above, the period of time for which a sales and use tax exemption shall be effective (the "Tax Exemption Period") shall be determined as follows:

(1) General. Unless otherwise determined by the Agency, the sales and use tax exemption for an Applicant Project shall be for the Tax Exemption Period commencing with the issuance by the Agency of bonds, notes or other evidences of indebtedness with respect to such project, or the execution and delivery by the Agency of a lease agreement relating to such project pursuant to the Lease Policy, and ending on the date of completion of the project. The Tax Exemption Period for a Non-Applicant Project shall extend for such period of time as the Agency shall determine.

(2) Early Commencement. The Tax Exemption Period for an Applicant Project may, at the discretion of the Agency, commence earlier than (a) the date of issuance by the Agency of the Agency's bonds, notes or other evidences of indebtedness relating to the project or (b) the execution and delivery of the documents relating to a straight lease transaction, provided that (i) the Agency has complied with the requirements of Section 859-a of the Act, (ii) the Agency thereafter adopts a resolution determining to commence such period earlier, (iii) the Applicant agrees to the conditions of such resolution and supplies to the Agency the materials required to be supplied to the Agency thereunder, and (iv) the Chairman or Executive Director of the Agency acknowledges satisfaction of all conditions to the granting of such Tax Exemption set forth in such resolution.

(3) Normal Termination. The Tax Exemption Period for an Applicant Project will normally end upon the completion of such project. On construction or reconstruction projects, the Agency and the Applicant shall agree on the estimated date of completion of the project, and the sales and use tax exemption shall cease on the earlier of (a) the date which is six (6) months after the actual date of completion of the project or (b) the date which is six (6) months after the estimated date of completion of such project. On non construction projects, the Agency and the Applicant shall agree on the estimated date of completion of the project, and the sales and use tax exemption shall cease on the earlier of (i) the date which is three (3) months after the actual date of completion of the project or (ii) the date which is three (3) months after the estimated date that the last piece of equipment related to the project is expected to be ordered. If the Agency and the Applicant shall fail to agree on a date for completion of the project, the Agency shall on notice to the Applicant make the determination on the basis of available evidence.

(4) Later Termination. The Agency, for good cause shown, may adopt a resolution extending the period for completion of the project and/or extending the Tax Exemption Period.

(C) Items Exempted. The sales and use tax exemption granted by the Agency with respect to an Applicant Project shall normally extend only to the following items acquired during the Tax Exemption Period described in subsection (B) above:

(1) improvements to and items incorporated into the real property;

(2) tangible personal property, including furniture, furnishings and equipment used to initially equip the project or otherwise forming part of the project, if purchased by the Applicant as agent of the Agency;

(3) the rental of tools and other items necessary for the construction, reconstruction and/or equipping of the project, if rented by the Applicant as agent of the Agency; and

(4) office supplies, fuel and similar items consumed in the process of acquiring, constructing, reconstructing and/or equipping the project, if purchased by the Applicant as agent of the Agency.

(D) Items Not Exempted. A sales and use tax exemption with respect to an Applicant Project shall not be granted by the Agency for the following:

(1) purchases occurring beyond the Tax Exemption Period described in subsection (B) above;

(2) repairs, replacements or renovations of the project, unless such repairs, replacements or renovations constitute major capital type expenses approved by the Agency as a separate project in the manner contemplated by the Act; or

(3) operating expenses, unless such operating expenses constitute major capital type expenses approved by the Agency as a separate project in the manner contemplated by the Act.

(E) Percentage of Exemption. Unless otherwise determined by resolution of the Agency, the sales and use tax exemption shall be equal to one hundred percent (100%) of the sales and/or use taxes that would have been levied if the project were not exempt by reason of the Agency's involvement in the project. If an exemption of less than one hundred percent (100%) is determined by the Agency to be applicable to a particular Applicant Project, then the Applicant shall be required to pay a PILOT to the Agency equal to the applicable percentage of sales and/or use tax liability not being abated. The Agency shall remit such PILOT, within thirty (30) days of receipt thereof by the Agency, to the Affected Tax Jurisdictions in accordance with Section 874(3) of the Act.

(F) Confirmation Letter. The final act of granting a sales and/or use tax exemption by the Agency shall be confirmed by the execution by an authorized officer of the Agency of a confirmation letter by the Agency. Such confirmation letter may either be in the form of a letter for the duration of the anticipated construction period relating to the project (where the sales and use tax exemption is permanent, because the Agency is satisfied that any conditions precedent to such sales and use tax exemption, such as the issuance of bonds or the execution of a lease agreement by the Agency, have been satisfied) or a letter having a shorter duration (where such sales and use tax exemption is tentative, because there remain conditions precedent to such sales and use tax exemption which have not been satisfied). Each such confirmation letter shall describe the scope and term of the sales and use tax exemption being granted.

(G) Required Filings.

(1) The New York State Department of Taxation and Finance requires that proper forms and supporting materials be filed with a vendor to establish a purchaser's entitlement to a sales and use tax exemption. For example, TSBM87(7) outlines the materials that must be filed to establish entitlement to a sales and use tax exemption as an "agent" of the Agency. It is the responsibility of the Applicant and/or project occupant to ensure that the proper documentation is filed with each vendor to obtain any sales and use tax exemptions authorized by the Agency.

(2) Pursuant to Section 874(9) of the Act, the Agency is required to file, within thirty (30) days of the date that the Agency designates an Applicant and/or project occupant to act as agent of the Agency, a New York State Department of Taxation and Finance form ST-60 relating to such appointment. The form identifies the agent of the Agency, provides a brief description of the project and an estimate of the value of the sales tax exemption and certain other information. The project documents shall require that the Applicant assist the Agency in completing the form.

(H) Required Reports and Records. Pursuant to Section 874(B) of the Act, the Applicant and/or project occupant is required to annually file with the New York State Department of Taxation and Finance a statement of the value of all sales and use tax exemptions claimed under the Act by the Applicant and/or the project occupant and/or all agents, subcontractors and consultants thereof. The project documents shall require that (1) a copy of such statement will also be filed with the Agency and (2) that the project occupant shall maintain, for a period ending seven (7) years after the last purchase made under the sales and use tax exemption, and make available to the Agency at the request of the Agency, detailed records which shall show the method of calculating the sales and use tax exemption benefit granted by the Agency.

SECTION 5. MORTGAGE RECORDING TAX EXEMPTION.

(A) General. State law provides that mortgages recorded by the Agency are exempt from mortgage recording taxes imposed pursuant to Article 11 of the Tax Law. The Agency has a general policy of abating mortgage recording taxes for the initial financing obtained from the Agency with respect to each project with respect to which the Agency issues debt which will be

secured by a mortgage upon real property. In instances where the initial financing commitment provides for a construction financing of the Agency to be replaced by a permanent financing of the Agency immediately upon or shortly after the completion of the project, the Agency's general policy is to abate the mortgage recording tax on both the construction financing and the permanent financing.

(B) Refinancing. In the event that the Agency retains title to a project, it is the general policy of the Agency to abate mortgage recording taxes on any debt issued by the Agency for the purpose of refinancing prior debt issued by the Agency, and on any modifications, extensions and renewals thereof, so long as the Agency Fees relating to same have been paid. A refinancing of an Applicant Project shall not result in (1) any real property tax exemption beyond the Initial Period described in Section 7(D) hereof or (2) any additional sales and use tax exemptions with respect to said project.

(C) Non-Agency Projects. In the event that the Agency does not hold title to a project, it is the policy of the Agency not to join in a mortgage relating to that project and not to abate any mortgage recording taxes relating to that project.

(D) Non-Agency Financings. Occasionally, a situation will arise where the Agency holds title to a project, the project occupant needs to borrow money for its own purposes (working capital, for example), and the lender will not make the loan to the project occupant without obtaining a fee mortgage as security. In such instances, the policy of the Agency is to consent to the granting of such mortgage and to join in such mortgage, so long as the following conditions are met:

(1) the documents relating to such proposed mortgage make it clear that the Agency is not liable on the debt, and that any liability of the Agency on the mortgage is limited to the Agency's interest in the project;

(2) the granting of the mortgage is permitted under any existing documents relating to the project, and any necessary consents relating thereto have been obtained by the project occupant; and

(3) the payment of the Agency Fee relating to same.

(E) Exemption Affidavit. The act of granting a mortgage recording tax exemption by the Agency is confirmed by the execution by an authorized officer of the Agency of an exemption affidavit relating thereto.

(F) PILOT Payments. If the Agency is a party to a mortgage that is not to be granted a mortgage recording tax exemption by the Agency (a "nonexempt mortgage"), then the Applicant and/or project occupant or other person recording same shall pay the same mortgage recording taxes with respect to same as would have been payable had the Agency not been a party to said mortgage (the "normal mortgage tax"). Such mortgage recording taxes are payable to the County Clerk of the County, who shall in turn distribute same in accordance with law. If for any reason a nonexempt mortgage is to be recorded and the Agency is aware that such

nonexempt mortgage may for any reason be recorded without the payment of the normal mortgage tax, then the Agency shall prior to executing such nonexempt mortgage collect a PILOT equal to the normal mortgage tax and remit same within thirty (30) days of receipt by the Agency to the Affected Tax Jurisdictions in accordance with Section 874(3) of the Act.

SECTION 6. REAL ESTATE TRANSFER TAXES.

(A) Real Estate Transfer Tax. Article 31 of the Tax Law provides for the imposition of a tax upon certain real estate transfers. Section 1405(b)(2) of the Tax Law provides that transfers into the Agency are exempt from such tax, and the New York State Department of Taxation and Finance has ruled that transfers of property by the Agency back to the same entity which transferred such property to the Agency are exempt from such tax. The general policy of the Agency is to impose no payment in lieu of tax upon any real estate transfers to or from the Agency.

(B) Required Filings. It shall be the responsibility of the Applicant and/or project occupant to ensure that all documentation necessary relative to the real estate transfer tax are timely filed with the appropriate officials.

SECTION 7. REAL ESTATE TAX EXEMPTION.

(A) General. Pursuant to Section 874 of the Act and Section 412-a of the Real Property Tax Law, property owned by or under the jurisdiction or supervision or control of the Agency is exempt from general real estate taxes (but not exempt from special assessments and special ad valorem levies). However, it is the general policy of the Agency that, notwithstanding the foregoing, every non-governmental project will be required to enter into a PILOT Agreement, either separately or as part of the project documents. Such PILOT Agreement shall require payment of PILOT payments in accordance with the provisions set forth below.

(B) PILOT Requirement. Unless the Applicant and/or project occupant and the Agency shall have entered into a PILOT Agreement acceptable to the Agency, the project documents shall provide that the Agency will not file a New York State Department of Taxation and Finance, Division of Equalization and Assessment Form EA 412-a (an "Exemption Form") with respect to the project, and the project documents shall provide that the Applicant and/or the project occupant shall be required to make PILOT payments in such amounts as would result from taxes being levied on the project by the Affected Tax Jurisdictions if the project were not owned by or under the jurisdiction or supervision or control of the Agency. The project documents shall provide that, if the Agency and the Applicant and/or project occupant have entered into a PILOT Agreement, the terms of the PILOT Agreement shall control the amount of PILOT payments until the expiration or sooner termination of such PILOT Agreement.

(C) Required Filings. As indicated in subsection (B) above, pursuant to Section 874 of the Act and Section 412-a of the Real Property Tax Law, no real estate tax exemption with respect to a particular project shall be effective until an Exemption Form is filed with the Assessor of each Affected Tax Jurisdiction. Once an Exemption Form with respect to a particular project is filed with a particular Affected Tax Jurisdiction, the real property tax exemption for such project does not take effect until (1) a tax status date for such Affected Tax Jurisdiction occurs subsequent to such filing, (2) an assessment roll for such Affected Tax Jurisdiction is finalized subsequent to such tax status date, (3) such assessment roll becomes the basis for the preparation of a tax roll for such Affected Tax Jurisdiction, and (4) the tax year to which such tax roll relates commences.

(D) PILOT Agreement. Unless otherwise determined by resolution of the Agency, all PILOT Agreements shall satisfy the following general conditions:

(1) Determination of Full Assessment.

(a) *Existing Assessment.* Except as otherwise set forth herein, the general policy of the Agency is to minimize the loss of existing assessment, either by avoiding taking title to (or a leasehold interest in) an existing improvement and any portion of the project land not necessary to deliver the tax abatements contemplated by this Uniform Tax Exemption Policy, or, if such is not possible and the Agency takes title to (or a leasehold interest in) an existing improvement and/or any portion of the project land, to require that PILOT payments be made with respect to such existing improvements and existing land in an amount equal to 100% of the Normal Tax with respect thereto. The existing assessment on an existing improvement and/or any portion of the project land acquired by the Agency with respect to which the Agency files an Exemption Form is hereinafter referred to as the "Existing Assessment". The PILOT Agreement may provide that the Existing Assessment is to be frozen at its present level for a period of up to fifteen years.

(b) *New Assessment.* Except as provided in Section 7(D)(10) below, with respect to a project including new construction, the general policy of the Agency is to take title to (or a leasehold interest in) said new construction portion of the project (the "New Construction"), to file an Exemption Form with respect thereto, and to provide that the Assessor of each Affected Tax Jurisdiction will determine the interim assessments of such New Construction as construction progresses thereon (each, an "Interim New Assessment") (the Interim New Assessment and the Existing Assessment being collectively referred to as the "Interim Full Assessment") and a final assessment thereof (the "Final New Assessment") when such New Construction is completed (the Final New Assessment and the Existing Assessment being collectively referred to as the "Final Full Assessment"). Once the Final Full Assessment is fixed, the Final Full Assessment shall be used as the basis of taxation of the project. The Applicant shall pay real estate PILOT payments determined in each tax year as follows: (i) first, determine the assessment of the new construction portion of the project for such tax year (the "Current New Assessment"), which assessment shall be a percentage of the Final New Assessment determined by subtracting the percentage of abatement applicable to such year (as determined pursuant to paragraph (2) below) from 100%; (ii) next, determine the assessment of the project for such tax year (the "Current PILOT Assessment") by adding the Current New Assessment to the Existing Assessment; and (iii) finally, determine the PILOT payment payable to with respect to the project to each Affected Tax Jurisdiction by multiplying the Current PILOT Assessment by the applicable tax rate of the such Affected Tax Jurisdiction.

(2) Amount of Abatement. Based upon the categorization of a project (as set forth below), the new assessment portion of said project shall be entitled to the following benefits:

(a) *Tax-Exempt Facility.* If the project qualifies as a Tax-Exempt Facility, (i) the Initial Period shall be such period as the project continues to qualify as a Tax-Exempt Facility, and (ii) the percentage of exemption in each tax year shall be 100%.

(b) *Regular Manufacturing Facility.* If a project qualifies as a Regular Manufacturing Facility, (1) the Initial Period shall be fifteen years, and (2) the percentage of exemption in each tax year shall be as set forth in the following table:

Tax Year	Percentage of Exemption
1 through 15	100%
16 and thereafter	0%

(c) *Enhanced Manufacturing Facility.* If a project qualifies as an Enhanced Manufacturing Facility, (1) the Initial Period shall be twenty years, and (2) the percentage of exemption in each tax year shall be as set forth in the following table:

Tax Year	Percentage of Exemption
1 through 15	100%
16	85%
17	70%
18	55%
19	40%
20	25%
21 and thereafter	0%

(d) *Tourism Destination Facility.* If a project qualifies as a Tourism Destination Facility, (1) the Initial Period shall be fourteen years, and (2) the percentage of exemption in each tax year shall be as set forth in the following table:

Tax Year	Percentage of Exemption
1 through 10	100%
11	80%
12	60%
13	40%
14	20%
15 and thereafter	0%

(e) *Residential Facility.* If the project qualifies as a Residential Facility, (1) the Initial Period shall be zero years, and (2) the percentage of exemption in each tax year shall be 0%.

(f) *Retail Facility.* If the project qualifies as a Retail Facility, (1) the Initial Period shall be ten years, and (2) the percentage of exemption in each tax year shall be as set forth in the following table:

Tax Year	Percentage of Exemption
1	50%
2	45%
3	40%
4	35%
5	30%
6	25%
7	20%
8	15%
9	10%
10	5%
11 and thereafter	0%

(g) *Qualified Commercial Facility (Renovation).* If a project qualifies as a Qualified Commercial Facility which is being renovated, but does not include any new construction, (1) the Initial Period shall be six years, and (2) the percentage of exemption in each tax year shall be as set forth in the following table:

Tax Year	Percentage of Exemption
1	60%
2	50%
3	40%
4	30%
5	20%
6	10%
7 and thereafter	0%

(h) *Qualified Commercial Facility (New Construction).* If a project qualifies as a Qualified Commercial Facility and involves new construction, (1) the Initial Period shall be ten years, and (2) the percentage of exemption in each tax year shall be as set forth in the following table:

Tax Year	Percentage of Exemption
1	100%
2	90%
3	80%

4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%
11 and thereafter	0%

(i) *Small Alternate Energy Facility (New Construction)*. If the project qualifies as a Small Alternate Energy Facility, (1) the Initial Period shall be fifteen years, and (2) the percentage of exemption in each tax year shall be 100%.

(j) *Brownfield Redevelopment Project*. If a project qualifies as a Brownfield Redevelopment Project, (1) the Initial Period shall be fourteen years, and (2) the percentage of exemption in each tax year shall be as set forth in the following table:

Tax Year	Percentage of Exemption
1 through 10	100%
11	80%
12	60%
13	40%
14	20%
15 and thereafter	0%

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

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

(l) *Wind Farms*. Consistent with the Agency's "Eligible Project Policy", to potentially qualify as a Wind Farm Facility (also to be referred to herein as a "Wind Farm Project"), the Agency must receive the "letters of support" as so required to be submitted to the Agency pursuant to its "Eligible Project Policy". Said letters of support are to be provided by the Cattaraugus County Legislature and the Project Municipality (or Project Municipalities and said municipal support letters to be collectively referred to herein defined as the "Municipal Support Letters"). The Municipal Support Letters shall contain the

following: (i) confirmation of an approved benefit period term (being the Initial Term, and for the avoidance of doubt, the PILOT benefit period), (ii) confirmation of an approved Guaranteed PILOT Payment being equal to a fixed dollar amount per megawatt ("MW") of the Wind Farm Facility's nameplate capacity, and (iii) if desired, confirmation of a definitive percentage escalator on the prior year's PILOT payment.

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

Project Size (in Megawatts)	Amount per Megawatt
0 MW up to but not including 5.0 MW	\$6,000
5.0 MW up to but not including 10.0 MW	\$7,500
10.0 MW up to but not including 25.0 MW	\$9,000
25.0 MW and above	To be negotiated

provided, that, the Guaranteed PILOT Payments are to be increased annually by three percent (3%) to account for estimated annual inflation. Each annual Guaranteed PILOT Payment will be payable on January 1 of each year (commencing on January 1 of the year following the year of expected substantial completion of the Commercial Solar Facility), subject to a thirty (30) day grace period, and shall upon receipt shall be distributed to the Affected Tax Jurisdictions in accordance with a formula based on the tax rates of the Affected Tax Jurisdictions in effect as of the date of execution of the PILOT Agreement. Following the end of the Initial Period, each annual PILOT Payment to be paid by the project occupant pursuant to the terms of the PILOT Agreement shall be in an amount equal to the amount which would be payable to such Taxing Entity with respect to the Commercial Solar Facility if such Commercial Solar Facility was owned by the project occupant and not the Agency.

(3) *Reduction for Failure to Achieve Goals.* If the Agency's approval of a particular project is predicated upon achievement by the project of certain minimum goals (such as creating and maintaining certain minimum employment levels), the PILOT Agreement may provide for the benefits provided thereby to the project to be reduced or

eliminated if, in the sole judgment of the Agency, the project has failed to fulfill such minimum goals.

(4) Pavee. Unless otherwise determined by resolution of the Agency, all PILOT payments payable to an Affected Tax Jurisdiction shall be assessed, billed and collected directly by the same officials which assess, bill and collect normal taxes levied by such Affected Tax Jurisdiction. Pursuant to Section 874(3) of the Act, such PILOT payments shall be remitted to each affected tax jurisdiction within thirty (30) days of receipt.

(5) Expiration of Initial Period: Project Additions. Upon expiration of the Initial Period as aforesaid, the assessment of the project shall revert to a normal assessment (i.e., the project will be assessed as if the project were owned by the Applicant and not by the Agency). Also, any addition to the project shall be assessed normally as aforesaid, unless such addition shall be approved by the Agency as a separate project following notice and a public hearing as described in Section 859-a of the Act.

(6) Special District Taxes. As indicated above, the Agency is not exempt from special assessments and special ad valorem levies, and accordingly these amounts are not subject to abatement by reason of ownership of the Project by the Agency. The PILOT Agreement shall make this clear and shall require that all such amounts be directly paid by the Applicant and/or project occupant. However, Applicants and project occupants should be aware that the courts have ruled that an Agency sponsored project is also eligible to apply for an exemption from special district taxes pursuant to Section 485-b of the Real Property Tax Law. If an Applicant or project occupant desires to obtain an exemption from special district taxes pursuant to said Section 485-b, it is the responsibility of the Applicant and/or project occupant to apply for same at its sole cost and expense.

(7) Credit for Taxes Paid. The PILOT Agreement may contain a provision providing that, should the project occupant pay in any fiscal tax year to any Affected Tax Jurisdiction any amounts in the nature of general property taxes, general assessments, service charges or other governmental charges of a similar nature levied and/or assessed upon the Project Facility or the interest therein of the project occupant or the occupancy thereof by the project occupant (but not including, by way of example, (a) sales and use taxes, and (b) special assessments, special ad valorem levies or governmental charges in the nature of utility charges, including but not limited to water, solid waste, sewage treatment or sewer or other rents, rates or charges), then the project occupant's obligation to make PILOT Payments in lieu of property taxes attributed to such fiscal tax year to such Affected Tax Jurisdiction under the PILOT Agreement shall be reduced by the amounts which the project occupant shall have so paid to such Affected Tax Jurisdiction in such fiscal tax year.

(8) PILOT Mortgage. Unless otherwise determined by the Agency, all PILOT Agreements shall be secured by a mortgage (a "PILOT Mortgage") upon the real property exempted by the Agency pursuant to the Exemption Form.

(9) Enforcement. An Affected Tax Jurisdiction which has not received a PILOT payment due to it under a PILOT Agreement may exercise its remedies under Section 874(6) of the Act. In addition, such Affected Tax Jurisdiction may petition the Agency to exercise whatever remedies that the Agency may have under the project documents to enforce payment and, if such Affected Tax Jurisdiction indemnifies the Agency and agrees to pay the Agency's costs incurred in connection therewith, the Agency may take action to enforce the PILOT Agreement.

(10) Late Payments. The PILOT Agreement shall provide that, if the project occupant shall fail to make any payment required by the PILOT Agreement when due, the project occupant shall be required to pay late payments at least equal to the late payments required by Section 874(5) of the Act (at the time of the last amendment of this Uniform Tax Exemption Policy, a late payment penalty equal to five percent (5%) of the amount due in the first month, and one percent (1%) per month for each month, or part thereof, that the payment due under the PILOT Agreement is delinquent beyond the first month).

(E) Required Filings. As indicated in subsection (B) above, pursuant to Section 874 of the Act and Section 412-a of the Real Property Tax Law, no real estate tax exemption with respect to a particular project shall be effective until an Exemption Form is filed with the Assessor of each Affected Tax Jurisdiction. Once an exemption form with respect to a particular project is filed with a particular Affected Tax Jurisdiction, the real property tax exemption for such project does not take effect until (1) a tax status date for such Affected Tax Jurisdiction occurs subsequent to such filing, (2) an assessment roll for such Affected Tax Jurisdiction is finalized subsequent to such tax status date, (3) such assessment roll becomes the basis for the preparation of a tax roll for such Affected Tax Jurisdiction, and (4) the tax year to which such tax roll relates commences.

(F) Real Property Appraisals. Since the policy of the Agency stated in subsection (C)(1) above is to base the value of a project for payment in lieu of tax purposes on a valuation of such project performed by the respective Assessors, normally a separate real property appraisal is not required. However, the Agency may require the submission of a real property appraisal if (1) the Assessor of any particular Affected Tax Jurisdiction requires one or (2) if the valuation of the project for payment in lieu of tax purposes is based on a value determined by the Applicant or by someone acting on behalf of the Applicant, rather than by an Assessor of an Affected Tax Jurisdiction or by the Agency. In lieu of an appraisal, the Agency may require that an Applicant submit to the Agency and each Assessor a certified enumeration of all project costs. If the Agency requires the submission of a real property appraisal, such appraisal shall be prepared by an independent MAI certified appraiser acceptable to the Agency.

SECTION 8. PROCEDURES FOR DEVIATION.

(A) General. In the case where the Agency may determine to deviate from the provisions of this Uniform Tax Exemption Policy pursuant to the provisions of Section 3(B) hereof, the Agency may deviate from the provisions hereof, provided that:

(1) the Agency adopts a resolution (a) setting forth, with respect to the proposed deviation, whether or not a Tax Exemption of any kind shall be granted, the manner in which the proposed Tax Exemption deviates from the provisions set forth in this Uniform Tax Exemption Policy, and the amount and nature and duration of the proposed PILOT payments, (b) indicating the reasons for the proposed deviation and (c) imposing such terms and conditions thereon as the Agency shall deem just and proper; and

(2) as provided in Section 3(C) hereof, the Agency shall give prior written notice of the proposed deviation from this Uniform Tax Exemption Policy to the chief executive officer of each Affected Tax Jurisdiction, setting forth therein a general description of the proposed deviation and the reasons therefor. Such notice to each Affected Tax Jurisdiction shall be given by the Agency at least thirty (30) days prior to the meeting of the members of the Agency at which the members of the Agency shall consider whether to deviate from the provisions of this Uniform Tax Exemption Policy with respect to such project. Prior to taking any final action on a proposed deviation, the Agency shall allow any representative of an Affected Tax Jurisdiction present at such meeting to address the members of the Agency regarding the proposed deviation.

(B) Agency-Owned Projects. Where a project (1) constitutes a Non-Applicant Project, (2) is otherwise owned and operated by the Agency or (3) has been acquired by the Agency for its own account after a failure of a project occupant, such project may at the option of the Agency be exempted by the Agency from all taxes, to the extent provided in Section 874(1) and (2) of the Act.

(C) Unusual Projects. Where a project is unusual in nature and requires special considerations related to its successful operations as demonstrated by appropriate evidence presented to the Agency, the Agency may consider the granting of a deviation from this Uniform Tax Exemption Policy in accordance with the procedures provided in Section 3(B) and Section 8(A) hereof. The Agency may authorize a minimum payment in lieu of tax or such other arrangement as may be appropriate.

(D) Potential Factors Supporting A Deviation. The Agency may consider any or all of the following factors (among others) in making a determination to deviate from the provisions of this Uniform Tax Exemption Policy:

(1) The nature of the proposed project (for example, manufacturing, commercial, civic, etc.);

(2) The nature of the property before the project begins (for example, vacant land, vacant building, etc.);

(3) The economic condition of the area at the time of the application and the economic multiplying effect the project will have on the area.

(4) The extent to which the project will create or retain permanent, private sector jobs, the number of jobs to be created/retained and/or the salary ranges of such jobs.

(5) The estimated value of tax exemptions to be provided.

(6) The economic impact of the project and the proposed tax exemptions on affected tax jurisdictions.

(7) The impact of the proposed project on existing and proposed businesses and economic development projects in the vicinity.

(8) The amount of private sector investment generated or likely to be generated by the proposed project.

(9) The likelihood of accomplishing the proposed project in a timely fashion.

(10) The effect of the proposed project upon the environment and surrounding property.

(11) The extent to which the proposed project will require the provision of additional services including, but not limited to, educational, transportation, emergency medical or police and fire services.

(12) The extent to which the proposed project will provide additional sources of revenue for municipalities and school districts in which the project is located.

(13) The extent to which the proposed project will provide a benefit (economic or otherwise) not otherwise available within the municipality in which the project is located.

SECTION 9. RECAPTURE OF BENEFITS.

(A) A PILOT Agreement may set forth shall provide that, in the event that in the event that the Agency determines, at its sole discretion and on a case-by-case basis, that (1) said project has failed to meet its intended goals (as set forth in said PILOT Agreement), and (2) the Agency has therefore determined to recapture the value of certain tax exemptions granted to the Applicant or a project occupant pursuant to this Uniform Tax Exemption Policy, such Applicant and/or project occupant agrees to pay to (or upon the order of) the Agency the value of any such exemptions so determined to be recaptured by the Agency

(B) Events that the Agency may determine will trigger recapture may include, but not be limited to:

- (1) Sale or closure of the facility;
- (2) Significant employment reduction;
- (3) Significant change in use of the facility;
- (4) Significant change in business activities or project applicant or operator;

or

(5) Material noncompliance with or breach of terms of Agency transaction documents or of zoning or land use law or regulations or federal, state or local environmental laws or regulations.

(C) If the Agency determines to provide for the recapture with respect to a particular project, the Agency also shall, in its sole discretion and on a case-by-case basis, determine the timing and percentage of recapture.

SECTION 10. ANNUAL REVIEW OF UNIFORM TAX EXEMPTION POLICY. At least annually, the Agency shall review this Uniform Tax Exemption Policy to determine relevance, compliance with law, effectiveness, and shall adopt any modifications or changes that it shall deem appropriate. The Executive Director shall be responsible for conducting an annual review of this Uniform Tax Exemption Policy and for an evaluation of the internal control structure established to ensure compliance with this Uniform Tax Exemption Policy, which review shall be submitted to the Agency for consideration by the Agency.

	A	B	C	D	E	F
2	County of Cattaraugus		OPERATING STATEMENT			
3	Industrial Development Agency					
4	Jan-24	2024	2024	2024	2024	2023
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	\$0	\$20,000	\$0
10	Apps & Fees	\$500,000	\$3,000	\$3,000	\$497,000	\$0
11	CCCRC/Other Misc. Income	\$0	\$198	\$198	\$1,778	\$170
12	Total	\$520,000	\$3,198	\$3,198	\$518,778	\$170
13						
14						
15	EXPENSES:					
16	Wages	\$200,000	\$14,646	\$14,646	\$185,354	\$4,938
17	Fringe Benefits	\$80,000	\$5,040	\$5,040	\$74,960	\$3,704
18	A- Performance Bonus	\$20,000	\$0	\$0	\$20,000	\$0
19	Board Meeting/Operations	\$2,000	\$116	\$116	\$1,884	\$112
20	Business Development	\$10,000	\$787	\$787	\$9,213	\$604
21	Office Supplies/Service Contracts	\$1,800	\$110	\$110	\$1,690	\$93
22	D- Office Maint./Repairs/Equip	\$6,000	\$1,292	\$1,292	\$4,708	\$100
23	E- Office Phones/Cell/fax/Internet serv	\$7,000	\$761	\$761	\$6,239	\$387
24	Postage	\$1,200	\$100	\$100	\$1,100	\$45
25	Public Hearings	\$1,000	\$99	\$99	\$901	\$215
26	Travel/Mileage	\$3,000	\$0	\$0	\$3,000	\$0
27	Service Charges		\$0	\$0		
28	Rent	\$17,100	\$1,425	\$1,425	\$15,675	\$2,850
29	Real Estate Taxes	\$10	\$954	\$954	-\$944	\$2
30	Utilities	\$4,500	\$443	\$443	\$4,057	\$719
31	Property/Fire/Liability Insurance	\$5,000	\$0	\$0	\$5,000	\$0
32	Education/Training/Prof. Development	\$4,000	\$0	\$0	\$4,000	
33	Professional Associations	\$8,500	\$1,150	\$1,150	\$7,350	\$300
34	C- Professional Services	\$30,000	\$720	\$720	\$29,280	\$132
35	Publications	\$200	\$0	\$0	\$200	\$0
36	Marketing/Promotion/Networking	\$1,000	\$1,328	\$1,328	-\$328	
37	Railroad Services	\$25	\$0	\$0	\$25	\$0
38	Miscellaneous	\$100	\$0	\$0	\$100	\$0
39	Project Expenses	\$5,000	\$0	\$0	\$5,000	\$0
40	B- Consulting Expense	\$38,000	\$3,000	\$3,000	\$33,000	\$6,000
41					\$0	\$0
42	Total Expenses	\$443,435	\$31,971	\$31,971	\$411,464	\$20,201
43						
44	Net Difference	\$76,565	-\$28,773	-\$28,773	\$107,314	-\$20,031
45						
46	A-Yearly payment					
47	B- Includes Yearly payment					
48	C- Includes payments due Harris Beach					
49	D- Includes IT invoices, accounting software, computer storage, monthly office cleaning, yearly window cleaning, lawn					
50	E- Includes monthly cell phones, internet, apple storage, storage back up and office phone lines					
51						
52						
53						

COUNTY OF CATTARAUGUS IDA
Balance Sheet
January 31, 2024

ASSETS

Current Assets		
CATT CO. BANK	\$	323,055.80
SAVINGS CCB		5,211.40
SAVINGS FT		8,295.72
CATT. CO. CAPITAL RES. CORP.		435,799.52
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		176.86
		<hr/>
Total Current Assets		2,064,864.15
Property and Equipment		
EQUIPMENT		38,350.45
LEASEHOLD IMPROVEMENTS		22,173.08
LAND		149,298.92
RAILROAD/IMPROVEMENTS		907,199.96
ACCUM DEPRECIATION		(870,546.17)
		<hr/>
Total Property and Equipment		246,476.24
Other Assets		
net pension asset		50,186.00
		<hr/>
Total Other Assets		50,186.00
		<hr/>
Total Assets	\$	<u><u>2,361,526.39</u></u>

LIABILITIES AND CAPITAL

Current Liabilities		
NYS RETIREMENT LOAN ACCT.	\$	(126.69)
Employee Health Ins Payable		3.00
Federal Payroll Taxes		(245.42)
NYS WITHHOLDING		8,217.76
Social Security Tax Payable		3,324.03
Medicare Withholding Tax Pay		777.66
NYS PENSION-EMPLOYEE PORTION		(214.62)
NYS Retirement Employer Portio		20,707.00
Deferred Inflows		179,281.00
accumulated amort lease asset		4,257.63
ACCOUNTS PAYABLE		40,430.00
ACCTS. PAYABLE SERV. AGREEME		(15,000.00)
		<hr/>
Total Current Liabilities		241,411.35
Long-Term Liabilities		
		<hr/>
Total Long-Term Liabilities		0.00
		<hr/>
Total Liabilities		241,411.35

Unaudited - For Management Purposes Only

COUNTY OF CATTARAUGUS IDA
Balance Sheet
January 31, 2024

Capital		
Retained Earnings	1,838,816.92	
CONTRIBUTED CAPITAL	310,072.06	
Net Income	<u>(28,773.94)</u>	
Total Capital		<u>2,120,115.04</u>
Total Liabilities & Capital	\$	<u><u>2,361,526.39</u></u>

COUNTY OF CATTARAUGUS IDA
Balance Sheet
January 31, 2023

ASSETS

Current Assets		
CATT CO. BANK	\$	296,137.31
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		1,320.02
PREPAID EXPENSES		3,000.00
		<hr/>
Total Current Assets		1,758,407.70
Property and Equipment		
EQUIPMENT		38,423.95
LEASEHOLD IMPROVEMENTS		22,173.08
LAND		149,298.92
RAILROAD/IMPROVEMENTS		907,199.96
ACCUM DEPRECIATION		(869,286.65)
		<hr/>
Total Property and Equipment		247,809.26
Other Assets		
		<hr/>
Total Other Assets		0.00
		<hr/>
Total Assets	\$	<u>2,006,216.96</u>

LIABILITIES AND CAPITAL

Current Liabilities		
NYS RETIREMENT LOAN ACCT.	\$	174.00
Employee Health Ins Payable		(2,365.88)
Federal Payroll Taxes		(905.49)
NYS WITHHOLDING		14,770.20
NYS Retirement Employer Portio		42,330.00
Deferred Inflows		14,768.00
ACCOUNTS PAYABLE		(10.00)
ACCRUED PAYROLL		3,504.81
		<hr/>
Total Current Liabilities		72,265.64
Long-Term Liabilities		
Pension Liability		175,874.00
		<hr/>
Total Long-Term Liabilities		175,874.00
		<hr/>
Total Liabilities		248,139.64
Capital		
Retained Earnings		1,468,036.36
CONTRIBUTED CAPITAL		310,072.06
Net Income		(20,031.10)
		<hr/>

Unaudited - For Management Purposes Only

COUNTY OF CATTARAUGUS IDA
Balance Sheet
January 31, 2023

Total Capital	<u>1,758,077.32</u>
Total Liabilities & Capital	\$ <u><u>2,006,216.96</u></u>



Economic Development Council

2024-2025 Executive Budget Summary

ECONOMIC DEVELOPMENT

Restore New York Communities Program

Established in 2006-07, the Restore New York Communities program supported municipal efforts to demolish, deconstruct, rehabilitate, or reconstruct vacant, abandoned, condemned, or surplus properties. The Executive Budget includes \$50 million for the program, which has been successful in jumpstarting local economies and investing in the future of New York State's communities.

FAST NY Shovel-Ready Grant Program

Supported by a \$100 million FY 2025 Budget appropriation, Empire State Development will provide up to \$100 million in grants to prepare and develop sites statewide to increase its attractiveness to large employers, including high-tech manufacturing, particularly semiconductor manufacturing, interstate distribution, and logistics businesses. The program will help diversify New York State's economy while propelling new investments in businesses, communities, and job creation.

Create the County Partnership Grants Program

The FY 2025 Executive Budget creates a \$250 million grants program to fund shared expenses and promote collaboration between the State and Counties. The Program will consist of \$135 million of new funding, including \$85 million to help counties purchase public safety equipment, and \$50 million for site development preparation grants.

Regional Economic Development Councils (REDCs)

The Executive Budget includes a wide spectrum of funding that will be coordinated with and driven by strategic plans developed by the REDCs at the ground level to ensure that available funding is matched with the unique sector-driven needs and priorities of each region. The Budget includes core REDC funding through \$150 million in new capital grants and \$75 million in new Excelsior tax credits through ESDC to fund high value regional priority projects, which is anticipated to be made available throughout the year to ensure that projects that are shovel-ready can be advanced in a timely fashion. The Executive Budget also includes downtown and community revitalization initiatives that will be coordinated with REDC-driven economic development strategies where appropriate.

Downtown Revitalization Initiative (DRI)

To further revitalize our communities, the Executive Budget provides \$100 million for another round of the Downtown Revitalization Initiative (DRI), which has been transforming downtown neighborhoods into vibrant communities where the next generation of New Yorkers will want to live, work, and raise families. Participating communities are nominated by the State's 10 REDCs based on the downtown's potential for transformation. Each winning community is awarded funding to develop a downtown strategic investment plan and implement key projects that advance the community's vision for revitalization.

New York Forward

To support New York's rural communities, the State will continue its investment in the NY Forward program, designed to advance the renaissance of our smaller downtowns. New York's hamlets and villages serve as commercial and social



centers, and support our agricultural, recreational, and tourism economies. Recognizing the distinct needs of smaller communities and their niche historical and cultural assets, the Executive Budget includes \$100 million for rural and smaller communities. Like the DRI program, NY Forward communities are selected in partnership with the REDCs, and the Department of State (DOS) will lead the community through an abbreviated planning process to develop a slate of readily implementable projects. The State's investment in projects that demonstrate their ability to accelerate revitalization will strengthen competitiveness and improve the future trajectory of New York State's small communities and larger urban centers.

Continued Investment in Tourism

Tourism is New York's third largest employment sector. To support this important industry, the Budget continues to make significant investments by providing \$58.5 million for the State's robust tourism and advertising campaigns, which attract visitors from around the world. These investments include an additional round of \$15 million in competitive funding through the Market NY Program to support tourism marketing plans and other projects that best demonstrate regional collaboration among counties to promote regional attractions, as well as matching grants to assist counties and municipalities in local tourism efforts, the I Love NY marketing campaign, and other targeted investments.

NY CREATES

The FY 2025 budget includes \$500 million in capital resources to support the State's \$1 billion commitment to expand Albany's NY CREATES NanoTech Complex through the procurement of a High NA Extreme Ultraviolet lithography tool and the construction of a cutting-edge High NA Extreme Ultraviolet Lithography Center that will support the research and development of the world's most complex and powerful semiconductors. The State's investment will leverage at least \$9 billion in private spending and investment and establish significant commitments to support and build talent development pipelines, including through partnerships with the State University of New York. This public-private alliance with companies such as IBM, Micron, Applied Materials and others, will make New York State home to the nation's most advanced, publicly owned semiconductor research and development infrastructure, support the long-term growth of New York's tech economy, and create and retain thousands of direct, indirect, and union construction jobs.

Empire AI

The State will invest \$275 million in capital grants and other funding, complemented by more than \$125 million from private partners, for the Empire AI initiative. This investment will accelerate pioneering developments in AI, positioning New York at the forefront of national efforts of research, innovation, and economic development in AI.

One Network for Regional Advanced Manufacturing Partnerships

To meet the increasing demand for high-skilled workers, the Budget will provide \$200 million in new and existing capital and other resources to support the launch of the One Network for Regional Advanced Manufacturing Partnerships (ON-RAMP) program. ON-RAMP will establish four new workforce development centers in strategic, high-impact locations along the I-90 corridor, with a flagship facility in Syracuse. Through the ONRAMP Initiative, workforce development centers will offer credentials and training related to advanced manufacturing with a focus on providing opportunities for disadvantaged populations.



Olympic Regional Development Authority (ORDA) Capital Improvements

The Budget includes \$82.5 million in new capital funding for ORDA to support continued maintenance and enhancements to Olympic and other ORDA-owned facilities. Additional investments in these assets located in the North Country, Mid-Hudson, and Capital Region will continue to make New York State a competitive destination for winter recreation and travel, attracting large sporting events and International Championships, and ultimately driving year-round business and economic sustainability to the surrounding areas.

ENVIRONMENT AND INFRASTRUCTURE

Clean Water Infrastructure Funding

An additional \$500 million in clean water infrastructure funding, over two years, is advanced to bring the State's total clean water investment to \$5.5 billion since 2017. This continued investment in our State's infrastructure will ensure New Yorkers have access to clean drinking water and will allow municipalities to invest in efficient and effective wastewater treatment strategies.

New York Statewide Investment in More Swimming (NY SWIMS)

\$150 million for OPRHP and partner agencies to invest in various grant programs that will enhance and expand municipal swimming opportunities throughout the State through installation of innovative floating pools, renovation, and construction of municipal inground pools, and the provision of pop-up pools.

Canal Infrastructure Investments

\$50 million is being provided for the improvement of the Canal System. These funds will be used for dam and lock repair, flood mitigation, infrastructure improvements, canal system resiliency, and other projects that will improve the overall canal system.

Bolster New York's Dairy Industry

\$34 million is provided over two years to expand dairy processing capacity through grants for on-farm milk storage technologies and processing infrastructure to mitigate transportation issues during periods of intense winter weather and road closures; improving dairy supply chain efficiency and avoiding raw milk dumping related to emergency events.

HIGHER EDUCATION

Maintaining the Community College Funding Floor

The Executive Budget will maintain a funding floor for community colleges at 100 percent of prior year funding. Without a funding floor, community colleges would face a \$143 million (23 percent) loss in formula aid due to enrollment declines.

New Capital Projects at SUNY and CUNY Campuses

The Executive Budget provides \$1.2 billion in new funding for capital projects to help maintain SUNY and CUNY campus facilities in a state of good repair and make strategic investments in new facilities. This includes: \$650 million for SUNY State-operated campuses, \$384 million for CUNY senior colleges, and \$154 million for community colleges (\$138 million SUNY, \$16 million CUNY). In addition, the Executive Budget also includes \$70 million for capital program administration (\$29 million SUCF, \$18 million CUCF, \$23 million DASNY).



HOUSING

Redevelopment of Underutilized Sites for Housing

The FY 2025 Executive Budget includes \$250 million in capital funding for the implementation of the Redevelopment of Underutilized Sites for Housing Initiative (NY RUSH). NY RUSH will provide \$500 million over two years to assist State agencies in the repurposing of existing State sites and properties for use as housing.

Develop Housing on State Property

The State of New York and its public authorities own properties that are no longer necessary for the purpose for which they were acquired. Pursuant to Governor Hochul's Executive Order No. 30, Empire State Development (ESD), the Office of General Services, and HCR have worked together with the help of other State agencies to identify opportunities to repurpose such properties for housing development. Some sites, such as former correctional facilities and the Creedmoor Psychiatric Center, are already on a path to redevelopment. At other sites, advance work must be accomplished to unlock development potential, such as demolition, remediation, or infrastructure improvements. The FY 2025 Executive Budget makes available \$250 million as the first installment of \$500 million dedicated capital under the management of ESD to support such improvements, and legislation to authorize the repurposing of certain sites.

Prioritize State Funding to Pro-Housing Certified Communities

To incentivize local governments to be active partners in the State's efforts to ameliorate the housing crisis, Governor Hochul's Executive Order No. 30 directed State agencies and authorities to prioritize communities who have taken steps to be pro-housing for certain discretionary funding that cumulatively represents \$650 million in competitive programming. The Executive Budget further encourages participation by making the pro-housing designation a requirement to receive such discretionary funding, including through the Downtown Revitalization Initiative (DRI), the NY Forward program, the Regional Council Capital Fund, capital projects from the Market New York program, the New York Main Street program, the Long Island Investment Fund (LIIF), and the Public Transportation Modernization Enhancement Program (MEP). To be considered, communities must become certified under the State's ProHousing Communities Program overseen by HCR.

Provide New York City with Tools to Increase Housing

The City of New York shares the goal of adding new housing supply and has asked for targeted State legislation that will assist in the achievement of that goal. In partnership, the FY 2025 Executive Budget puts forth legislation specific to New York City to reverse an antiquated State law that restricts maximum density of residential floor area, bolster local tax incentives to allow for affordable housing in office-to-residential conversions, and authorize the City of New York to create a pathway to legalize basement apartments. The Budget also authorizes a new residential construction tax incentive in New York City and extends the completion deadline for the expired 421-a program to ensure the City does not lose out on tens of thousands of units of housing under projects that are currently vested in that program.

421-A Extension

Under current law, to be eligible for a tax abatement pursuant to section 421-a of the RPTL, a vested project must be completed by June 15, 2026. This bill would extend this completion deadline to June 15, 2031. The COVID-19 pandemic slowed down construction for many residential buildings. As a result, permitted developments that would qualify for



421-a are at risk of missing the completion deadline and no longer being eligible, resulting in the potential loss of thousands of anticipated housing units, including affordable housing

New affordable housing tax incentive in New York City

Governor proposed to establish the Affordable Neighborhoods for New Yorkers Tax Incentive program (ANNY) to incentivize the development of housing that includes affordable units in New York City. ANNY benefit recipients would receive a full property tax exemption during the construction for up to three years. ANNY homeownership developments would then receive 40 years of full exemption. ANNY rental units would receive 25 years of full exemption after the construction period, followed by 10 more years with the exemption percentage pegged to the percentage of units in the building that are affordable units. The New York City Department of Housing Preservation and Development (HPD) would promulgate regulations to set the affordability requirements to receive ANNY benefits. All affordable rental units would be rent stabilized and, in buildings of 30 or more units, the rental units would be permanently affordable at the levels to be prescribed by HPD. Building service workers in ANNY developments would receive prevailing wage during the benefit period. Construction wage requirements, including the average hourly wage requirements based on geography and building size and the fines for non-compliance, would be established by a memorandum of understanding (MOU) executed by the largest trade association of real estate developers in New York City and the largest building and construction worker trade labor association with membership in New York City. If an MOU is executed, buildings would need to commence development within five years of the MOU execution and complete within nine years of the MOU execution. If the MOU is not executed by January 1, 2025, the ANNY program would not go into effect.

Develop new housing on underutilized state-owned land on Long Island

The Governor has proposed legislation to redevelop land at SUNY Farmingdale and SUNY Stony Brook as well as the 12 acres at Republic Airport owned by NYS DOT. Governor also includes \$250 million to help with the redevelopment various state owned sites include these 3 sites in Long Island.

Part P – Authorize the repurposing of real property owned by SUNY and DOT. This bill would authorize the transfer and/or repurposing of real property owned and maintained by the State University of New York (SUNY) and the Department of Transportation (DOT). In furtherance of the Governor's bold housing agenda, the development of State-owned property could result in the development of approximately 15,000 units of new housing. This bill would authorize the SUNY Trustees to lease approximately 8.7 acres of vacant land at SUNY Farmingdale to the Farmingdale State Development Corporation for the purposes of developing, constructing, maintaining and operating multi-purpose facilities to support housing needs and related amenities. The resulting ground lease would be for 99 years, and would be subject to the approval of the Director of the Budget, the Attorney General, and the State Comptroller. All construction work performed on the project would be subject to laws regarding prevailing wages and participation of minority and women owned business enterprises (MWBEs). The bill would also authorize the SUNY Trustees to lease approximately 10 acres of underutilized land at SUNY Stony Brook for the purposes of developing, constructing, maintaining and operating multi-purpose facilities to support housing needs and related amenities. The resulting ground lease would also be for 99 years, and would be subject to the approval of the Director of the Budget, the Attorney General, and the State Comptroller. All work performed on the project would be subject to laws regarding prevailing wages and participation of MWBEs. Additionally, the bill would authorize the Commissioner of Transportation to transfer and convey two parcels of State-owned land comprising approximately 12.5 acres in the Town of Babylon,



Suffolk County. This bill would enable the State to transfer and/or repurpose State-owned lands for more productive uses, such as the identified housing and supporting amenities at the SUNY sites.

INFRASTRUCTURE AND TRANSPORTATION

Second Avenue Subway Phase 2

The project will provide three new fully accessible stations, extending service from 96th street to 125th street, and a providing a connection with Metro-North.

East Side Access

The project will provide Long Island Railroad riders with 40 miles of new tracks and a new terminal, called Grand Central Madison, which opened to the public in January 2023. This new service from Long Island to Grand Central Madison saves commuters up to 40 minutes of travel time per day.

The Interborough Express

The Executive Budget includes \$45 million in new funding to advance design and engineering for this project, which will connect neighborhoods along a 14-mile existing freight right-of-way from Bay Ridge, Brooklyn, to Jackson Heights, Queens. The Interborough Express planning and environmental linkages study recommended light rail as the preferred option for providing fast, frequent service, connecting the Interborough with up to 17 different subway lines and the Long Island Railroad.

Second Avenue Subway—Expanding West

With Phase 2 underway, the next major potential expansion of this project is extending the Q line west along 125th Street, with three new stops at Lenox Avenue, St. Nicholas Avenue, and Broadway. The Executive Budget includes \$16 million in funding to advance a feasibility study, environmental review, and preliminary engineering for this project.

DOT Capital Plan

The Executive Budget provides almost \$7.6 billion for the third year of a record \$32.9 billion, five-year DOT Capital Plan that will facilitate the improvement of highways, bridges, rail, aviation infrastructure, non-MTA transit, and DOT facilities. Compared to the last five-year DOT Capital Plan, this is an increase of \$9.5 billion, or 41 percent.

Local Highways and Bridges

The Executive Budget continues the State's record commitments to funding local highway and bridge projects. Funding for the Consolidated Highway Improvement Program (CHIPS) and the Marchiselli program is maintained at the planned level of \$577.8 million. The budget provides the third year of an annual \$100 million for the local Pave Our Potholes program, \$150 million in highway aid through the PAVE NY program, and \$200 million to fund local projects from the BRIDGE NY program. The Extreme Winter Recovery and State Touring Route programs are funded at \$100 million each and are further improving conditions on State and local roads and bridges.

From: Corey <corey.cattco@gmail.com>
Sent: Monday, January 29, 2024 4:02 PM
To: Crystal New Boss
Subject: Plz print 15 copies
Attachments: image0.jpeg; Untitled attachment 00004.txt

The Hottest Markets in America: Olean, NY?

I'm sure many of you saw the Zillow article saying Buffalo, NY, will be the hottest Real Estate market in 2024. Many factors led them to come to this conclusion, specifically, job growth compared to new homes constructed, fast-moving housing inventory, number of likely buyers, demographics, and projected home appreciation. I want to give some insight into how that affects the Olean Area, Cattaraugus County, and Allegany County and what we should expect on a more local level.

Generally, the small towns and cities outside of Buffalo reap the benefits of economic gain from Buffalo at some point. The further you are from the leading economic development, the longer it takes. In Olean's case, we usually expect 2-5 years before we see the full effect of economic gain (or loss) from Buffalo, being the most influential metropolitan area to us.

However, this time could be different, with Olean and Franklinville undergoing significant economic improvements aside from Buffalo's economic renaissance. Cimolei Technology has kept many jobs in the area with the loss of Siemens Energy. Great Lakes Cheese Company is establishing headquarters in Franklinville and is expected to add almost 500 jobs. Companies like Cutco have also done significant hiring to offset the loss of Siemens, and there are still significantly more remote jobs in the area than there used to be.

This article covered several critical factors about a real estate market's health and expected immediate future. In Olean, we should continue to see some of the same trends that Buffalo has seen, probably to a lesser extent, but I believe there is reason to be optimistic about our local real estate market in 2024 and beyond. We have demographics similar to Buffalo's, where an aging population is downsizing, renting, or moving out, and many younger buyers are joining the market. We still have a relatively low cost of living and high job growth compared to the new construction of homes, which should keep the market stable. New construction isn't a huge factor in the Olean Area, but it is something to note, especially as we see a continued demolishing of blighted homes. Many ongoing apartment projects are also increasing the number of rentals in the area, which will equalize the rental market more.

Overall, I expect a strong market in 2024, and a focus on interest rates is essential still; if rates stay the same, it will be closer to a middle ground, not favoring buyers or sellers as much, but if rates drop again, it will push toward a seller's market. The biggest takeaway from the article was that our housing inventory is still fast-moving compared to the rest of the country. With a rate drop, that will only increase. With such a significant price increase since 2017, I believe prices will stay stable, especially with a rate drop expected at some point this year.

This is a topic I feel strongly about, so if you want to reach out or comment, I am always open to discussion.



The Villager

ELLICOTTVILLE • CHAUTAUQUA



CCIDA Spotlight: Pierce Steel Fab.
Locally Owned in Olean, Expands to Hinsdale

Spread the love

By Kate Bartlett



45,000 square foot former Sanzo Beverage Distribution Center on Route 16 in Hinsdale, NY. The Cattaraugus County IDA was instrumental in assuring they secured this new location.

Pierce Steel Fabricators, Inc. is a family-owned, full-service steel fabricator located in Olean, NY with roots dating back to 1887. Specializing in delivering quality, custom fabrications on short lead times, Pierce Steel's hardworking team goes above and beyond to meet its customer's needs. The Cattaraugus County IDA recently assisted in the acquisition of space for further growth and development of this company.

In 2023, Pierce Steel acquired the 45,000 square foot former Sanzo Beverage Distribution Center on Route 16 in Hinsdale, NY. The

purchase allows for the continued expansion and growth of sales and employment for the 130-year-old corporation in Cattaraugus County. The company is currently operating out of both their original and new location. The original location on 7th Street in Olean was home to Pierce Steel's 25 full-time employees for over 50 years. Pierce Steel also has a sales office in Orchard Park, NY.

Pierce Steel fabricates customized steel products including environmental air filtration systems, work stands, tanks, stairs and railings and structural steel. Their customers include Tesla, NASA, Rolls Royce, Boeing, GE as well as several local and regional companies.

Renovations to the new facility include the installation of seven overhead cranes, new HVAC and electrical systems, and the installation of multiple overhead doors. The additional space allows for the expansion of their state-of-the-art design and manufacturing space which includes 3D modeling, CNC laser and plasma cutting, CNC forming and certified welding. "Acquiring a new location was imperative to our growth



"maintaining our position in the southern tier. employees are the key to our business; ensuring Pierce not only grows but remains in the area is a priority. The Cattaraugus County IDA was instrumental in assuring we secured our new location," said, Mike DeRose, President and Owner of Pierce Steel Fabricators, Inc.

The Cattaraugus County IDA provided support for the project including a PILOT, sales tax relief, and a mortgage recording tax exemption. The anticipated completion for renovations is late Spring 2024. For more information on Pierce Steel Fabricators, Inc. please visit their website at www.piercesteel.com



In 2023, Pierce Steel acquired the 45,000 square foot former Sanzo Beverage Distribution Center on Route 16 in Hinsdale, NY. The purchase allows for the continued expansion and growth of sales and employment for the 130-year-old corporation in Cattaraugus County. "Acquiring a new location was imperative to our growth and maintaining our position in the southern tier. Our employees are the key to our business; ensuring Pierce not only grows but remains in the area is a priority. The Cattaraugus County IDA was instrumental in assuring we secured

https://www.oleantimesherald.com/news/business-spotlight-new-telemark-owners-plan-boutique-motel-restaurant-in-elicottville/article_dd801dde-ba05-11ee-9bd4-934192b3cce6.html

FEATURED

Business Spotlight: New Telemark owners plan boutique motel, restaurant in Ellicottville

By RICK MILLER Olean Times Herald
Jan 23, 2024



The former Telemark Motel (right at rear) and adjoining restaurant in Ellicottville have been sold to a group of local family investors for \$1.4 million. Route Two Nineteen LLC plans to turn it into a 12-room, two suite boutique motel to open in the spring and lease the restaurant.

Rick Miller/Olean Times Herald

ELICOTTVILLE — The former Telemark Motel is about to get a facelift and a new name — The Lincoln Boutique Motel.

Sitting at the intersection of Holiday Valley Road and Route 219, the Telemark has been purchased and is being reimaged by a local family investment group, Route Two Nineteen LLC. The group is investing \$1.85 million in the project.

"We are excited" with the prospect of upgrading the property and creating a boutique motel near a four-season resort like Holiday Valley," said one of the investors, Ried Smith II of Randolph. "Our roots are in Salamanca, Randolph and Ellicottville."

Route Two Nineteen purchased the Telemark and attached restaurant for \$1.4 million from James and Janet Tekavec, who had operated it for many years. Recently, the Slopeside Restaurant and BBQ occupied the restaurant. Before that, it was Cadillac Jack's.

Smith said his sister, Dawn Hogan, knew the owners, having worked at Cadillac Jack's as a teenager. The group is renovating and updating the motel with local contractors and materials purchased locally.

There will be 12 rooms and two suites. Plans call for an opening in the spring, Smith said. The group is currently looking to lease the restaurant to someone interested in operating year-round.

Two years after opening, the group plans to have 10 full-time and 15 part-time employees.

New furnishings, fixtures and finishes are planned for the interior of the motel. The outdoor space will be reimaged with new exteriors for the motel and restaurant.

Earlier this month the Cattaraugus County Industrial Development Agency approved sales tax inducements for the property. Route Two Nineteen will receive up to \$14,200 in sales tax exemptions and a payment in lieu of taxes agreement to cover increased property taxes from the improvements. The property's current taxes are \$10,701.

In addition to the upscale amenities of the rooms, Smith said the outdoor area will feature fire pits and outdoor seating along with corn hole and other games.

"We are looking for the perfect restaurant partner for the property," he added. The restaurant has sat vacant for the past two years.

Smith said the group will provide regular updates on the project on social media at @thelincolnevl.

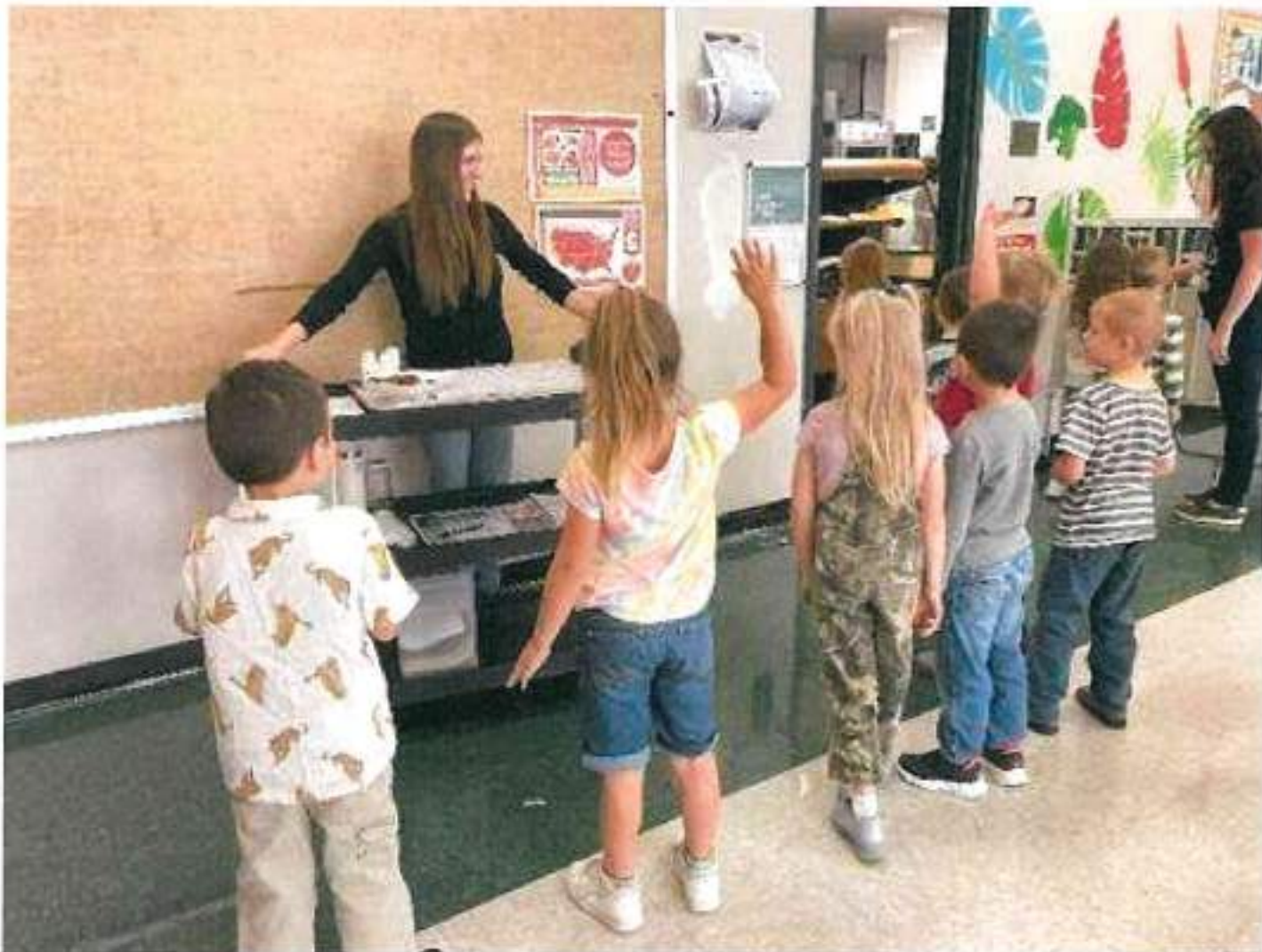
https://www.oleantimesherald.com/news/genesee-valley-school-ellicottville-greens-partner-in-grant-program/article_13260ba0-b967-11ee-b678-8f0992f0d334.html

CENTERPIECE

FEATURED

Genesee Valley school, Ellicottville Greens partner in grant program

By BOB CLARK Olean Times Herald
Jan 23, 2024



Cornell Cooperative Extension of Allegany County project coordinator Alyssa Dean conducts a pilot taste test with Genesee Valley Central School elementary students in September.

Provided

BELMONT — Genesee Valley Central School will work with Ellicottville Greens for fresh produce thanks to a grant program.

The school district received almost \$120,000 in the form of a Healthy Meals Incentives grant from nonprofit Action for Healthy Kids. The grant comes from a U.S. Department of Agriculture program allocating \$30 million to 264 schools nationwide.

The program is coordinated by Cornell Cooperative Extension of Allegany County.

"By partnering with Ellicottville Greens to grow produce hydroponically, the district will have access to fresh, local leafy greens, microgreens, herbs, and more year-round, which is not typical for WNY due to our limited growing season," said Project Coordinator and Farm to School Educator Alyssa Dean. "Foods that are locally grown are packed full of more flavor and nutrients as there is a shorter distance from harvest to table — in other words, a shorter food supply chain.

"Through this partnership in particular, GVCSD is sourcing superior produce all year long—just one of the ways we are contributing to the goal of improving the nutritional quality of school meals."

Ellicottville Greens has also committed to contributing a scaled hydroponic tower system for use at the school as an educational tool. The tower will be under the direction of Carolyn Wright, ag and tech teacher, in which she will incorporate hydroponics into her academic curriculum.

The district also plans to feature more local agricultural products in school meals from other local farmers and develop new recipes with assistance from HMI grant partner, the Chef Ann Foundation, while engaging students in menu planning efforts like taste testing events and student surveying.

Also planned is a focus on food preservation, offering temporary student employment opportunities to coincide with various harvest seasons to flash freeze produce that becomes available through Ellicottville Greens and other local farmers.

Ellicottville Greens, a company that uses vertical growing systems that fit in storage containers, is developing a growing site in Olean — at the Olean Times Herald building now owned by Benson Construction & Development LLC.

Billing itself as "the largest sustainable vertical farm in Western New York," Ellicottville Greens' crops can be grown in as little as three to four weeks.

The company has been operating the business out of a number of the storage containers in the Buffalo area for several years. It also purchased another Buffalo vertical farm in 2021.

Besides selling its produce wholesale, Ellicottville Greens also markets its products to restaurants, schools and individual subscriptions. It also markets and manages the vertical growing systems in other markets.

(Contact City Editor Bob Clark at bclark@oleantimesherald.com.)

Dairy Processing Bootcamp

HOSTED BY:

Cornell Workforce Development
for Food and Dairy Processors

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QUESTIONS?

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https://buffalonews.com/news/local/business/development/state-awards-10m-downtown-revitalization-grant-to-tonawanda-4-5m-each-to-gowanda-and-aurora/article_caf4c67e-bc7b-11ee-a0c5-e33bdac769a4.html

EDITOR'S PICK

State awards \$10M downtown revitalization grant to Tonawanda, \$4.5M each to Gowanda and Aurora

Jonathan D. Epstein

Jan 26, 2024



The Treehouse Cafe at the Blueberry Treehouse Farm in West Falls glows at dusk.

Derek Gee / Buffalo News file photo

Jonathan D. Epstein

The City of Tonawanda, the Town of Aurora and the Village of Gowanda have been awarded state grants totaling nearly \$20 million to help the communities revitalize their downtowns by capitalizing on their waterfronts, natural assets and

small-town charm.

The funds, through the state's Downtown Revitalization Initiative and NY Forward programs, are designed to accelerate transformations of municipalities with walkable urban cores that have the potential for change but need financial help to get there.

Created in 2016, the downtown initiative focuses on larger downtowns and neighborhoods, while New York Forward is targeted toward smaller and rural areas.



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Both programs were funded last year at \$100 million each, and Gov. Kathy Hochul has proposed another \$100 million each as part of her new budget. To date, the state has spent \$1 billion on the two initiatives, including \$700 million in the first six years, for 69 downtowns.

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"This helps reinvigorate their downtowns," Gov. Kathy Hochul said Friday. "This is something that their communities devised. It's their vision, not ours. All of them have that common denominator of giving a facelift to their downtowns."

City of Tonawanda

The state said Tonawanda will get a \$10 million DRI grant, as the Western New York winner of the program's seventh round. The city will now use \$300,000 to develop and implement a strategic plan to make its downtown "more inviting and thriving" to attract residents, visitors and economic activity, based on its location and convergence of waterfronts - the Erie Canal, Niagara River and Ellicott Creek.

The plan will use a mix of public and private projects to redevelop vacant buildings and properties with new housing and commercial space, enhance waterfront development and access, improve streetscapes and trails, add event space and create tourist attractions.

Neighboring North Tonawanda – its "twin city" – received a similar award in 2021. Other prior Western New York recipients include Jamestown, Olean, Lockport, Niagara Falls, Buffalo and Dunkirk.

"That place is going to be on fire. There's going to be so much activity," Hochul said. "There already is on the Niagara County side. Now we're doing it on the Erie County side."

Town of Aurora

The state said the Town of Aurora will use its \$4.5 million award to "create a more welcoming, walkable and green community for both residents and visitors" in the hamlet of West Falls, a primarily rural center along Cazenovia Creek.

The town will now develop a strategic investment plan to allocate its funding. Proposed projects include a renovated library and community center, a mixed-use housing complex, a general-store-and-blueberry-farm venue, an enhanced concert and art center, a restored train depot and multi-use rail-trail improvements.

Gowanda

Gowanda will get \$4.5 million from NY Forward, which it proposes to use on projects such as restoring the historic Hollywood Theatre, developing a micro-brewery, improving the New York and Lake Erie Railroad excursions, and cleaning up and redeveloping a federal Superfund site into Gateway Park along Cattaraugus Creek. That would build on what the village did previously.

"Gowanda and West Falls, they think they just won the lottery," Hochul said. "They can use this money in ways they could never have imagined. And it doesn't just change the physical. It changes the psychological. When people in these communities see change before their eyes, it really makes people proud of their downtowns."

Reach Jonathan D. Epstein at (716) 849-4478 or jepstein@buffnews.com.

By Jonathan D. Epstein

News Business Reporter

Hochul proposes funding for economic development priorities

Matt Glynn



New York Gov. Kathy Hochul presents her 2025 executive state budget in the Red Room at the state Capitol Tuesday, Jan. 16, 2024, in Albany, N.Y. Hans Pennink - freelancer, ASSOCIATED PRESS

Matt Glynn

Gov. Kathy Hochul in her state budget proposal has put dollar amounts to the economic development initiatives she laid out in her State of the State address last week.

Here's a look at what the governor is proposing:

Workforce training centers. Hochul proposes committing \$200 million toward creating a **series of workforce training centers**, called the One Network for Regional Advanced Manufacturing Partnerships, known as ON-RAMP. The plan calls for four workforce development centers in “high-impact areas” along the I-90 corridor, with a flagship facility in Syracuse.



Gov. Kathy Hochul has proposed creating a network of workforce development centers similar to the Northland Workforce Training Center. Libby March/News 8's photo

The centers are designed to provide credentials and training for advanced manufacturing jobs, with a focus on disadvantaged populations. Hochul has cited the Northland Workforce Development Center as a model.

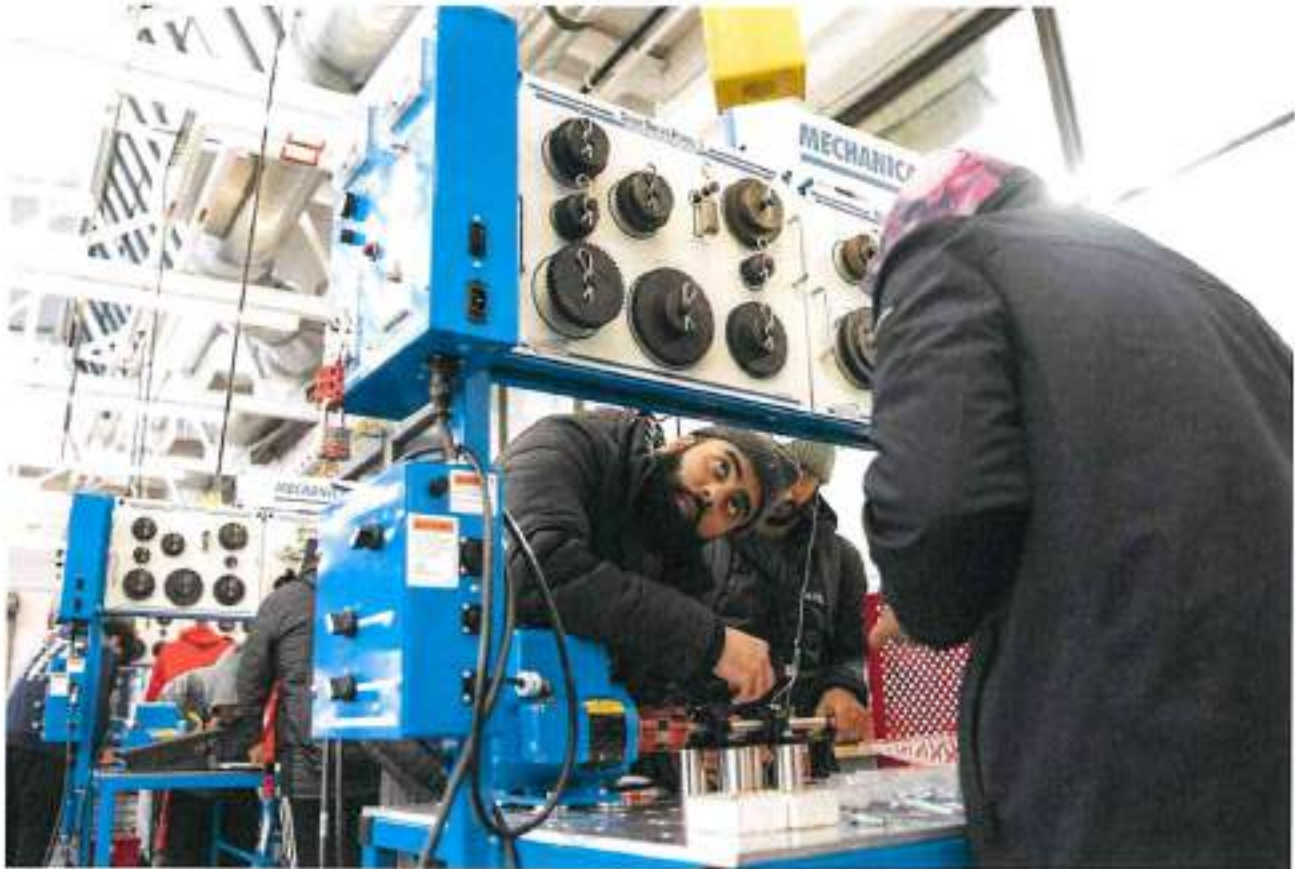
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Gov. Kathy Hochul has proposed creating a network of workforce development centers similar to the Northland Workforce Training Center. Libby March/News 5to photo

Shovel-ready sites. Hochul proposes \$100 million in grants through a program – called FAST-NY – designed to prepare and develop sites, to increase their appeal for large-scale economic development projects in areas like manufacturing, logistics and distribution. Business recruiters say **more such big sites are needed** to compete for these projects. The new investment would follow a \$200 million commitment to the program in 2022.

Regional economic development councils. Hochul would commit \$150 in new capital grants and \$75 million in Excelsior tax credits through Empire State Development, the state's economic development arm. The councils set economic development priorities for 10 regions around the state.

Empire AI. Hochul's proposal calls for the state to invest \$275 million in capital grants and other funding, complemented by over \$125 million from private partners, for the Empire AI initiative. Hochul said she wants to secure the state's place at the forefront of the artificial intelligence industry. **The University at Buffalo is hoping to be named** the site of a new consortium that will launch an AI computing center in upstate New York.

Tourism. Hochul wants to provide \$58.5 million for the state's tourism and advertising campaigns, including \$15 million for a new round of competitive funding through the Market NY program.

Downtown revitalization. Hochul's budget calls for \$100 million for another round of the state's Downtown Revitalization Initiative. Participating communities are nominated by the state's 10 regional economic development councils; each winning community is awarded funding to develop a downtown strategic investment plan and implement key projects. Dunkirk was a **recent recipient of funding**.

Smaller communities. Hochul proposes \$100 million for New York Forward, which is akin to the Downtown Revitalization Initiative but aimed at smaller and rural communities. Lancaster was a **recent awardee** of New York Forward funding.

Matt Glynn

ellicottville**NOW**

Local



West Valley Demonstration Project Clean-Up Continues

Dept. of Energy and NYSERDA Preparing for Phase 1B Through Bidding Process, American DND to Host Meet & Greet, January 24

Regional

Jan 18

Written By [Jessica Schultz](#)

It's been a hot minute since you've heard anything about the West Valley Demonstration Project (WVDP). What was once the nation's sole commercial nuclear fuel reprocessing plant has been working on dismantling the facility and cleaning up the area. It's a huge project with a lot of moving parts that many in the community are intrigued to learn more about. With so much information and rumors swirling around, how exactly does the average person process it all?

LET'S START AT THE BEGINNING

The WVDP is a 150-acre area owned by the New York State Energy Research & Development Authority (NYSERDA) that was commissioned and licensed to be a commercial nuclear reprocessing plant, which between the years of 1966-1972, processed 640 metric tons of nuclear waste. Then in 1980, Congress passed the WVDP Act, an act which required the U.S. Department of Energy (DOE) to begin removing the waste and transporting it to a federal repository for disposal.

This means they need to solidify any liquid waste, develop containers that will be suitable to hold it during transfer and get it over to the federal facility for disposal as soon as possible, all while decommissioning the tanks and buildings at the West Valley project site. This is a task that they began working on back in 2002. In 2010, the DOE and NYSERDA published a joint Environmental Impact Statement (EIS), addressing the phases of decontamination. The DOE has been performing the decommissioning and cleanup work in phases (www.wv.doe.gov).

Phase 1A is currently ongoing and progressing nicely and is expected to end sometime in 2025, or possibly 2026. The current "Prime" Contractor is CH2MHill, BWXT, West Valley, LLC. (CHBWV). Their website, which also contains additional information about the project, is www.chbwv.com.

THE NEXT PHASE

Phase 1B is next and the DOE and NYSERDA are working on selecting a new Prime Contractor for this next phase through an unrestricted, nationwide competitive bidding process. The formal RFP Solicitation was just published by the DOE on Thursday, January 11, 2024. The full text and RFP solicitation documents can be found at www.emcabc.doe.gov/seb/wvdpphase1B. Phase 1B work includes below-grade soil remediation and disposition of remaining facilities, and is estimated by the DOE to be approximately 10 years of work with budget allocations between \$1B to \$3B. Bids are due on February 26, 2024, and the DOE anticipates making an award/selection sometime within the next year or so.

After Phase 1B, they will move onto Phase 2. Phase 2 is to address the four underground waste tanks, the two on-site waste disposal areas, the non-source area of a groundwater plume and several other minor facilities.

PUBLIC INFORMATION

If you are interested in more details on the project, the DOE does have a very strong outreach program. They conduct quarterly public meetings and participate in eight monthly meetings with the West Valley Citizen Task Force (CTF) on an annual basis. During Phase 1A, all three groups came together for updates on the progress of the project, which will continue throughout the next stages of planning and work performance. In 2022, the site held an in-person informational session for the Town of Ashford residents to discuss the upcoming demolition of the Main Processing Plant. Anyone can attend these Community Outreach monthly meetings which are held at the Ashford Office Complex at 9030 Route 219 in Ashford NY. The future meeting schedules, past meeting minutes, and presentations can be found at www.westvalleyctf.org.

ACCOMPLISHMENTS SO FAR

The Project began demolition of the Main Plant Processing Building (MPPB), which is the last remaining "major" facility at the site. Completed demolition of the Vitrification building and the Load In/Load Out Facility, completed the permeable treatment wall soil and structure removal project, re-instated rail operation, and safely containerized and stored radioactive waste in concrete casks awaiting shipment to a federal repository.

LOOKING AHEAD LONG-TERM

The above grade demolition of the MPPB (Phase 1A) should be complete by 2025 and the next prime Contract for Phase 1B will be awarded by the DOE for the underground work. DOE and NYSERDA intend to make an integrated path forward for the Phase 2 decommissioning activities as work is performed for Phase 1B over the next 10 years. Farther ahead, by approximately 2030, the DOE expects to complete the decommissioning of the below-grade portions of the Main Processing Plant and the Vitrification Facility. If a disposal option for the rest of the waste is available, by the end of 2033 the DOE could complete the processing, packaging, shipment, and disposal of the remaining waste facilities.

After that time, any remaining clean-up will focus on the removal of what they call “orphan” waste, which is waste that currently does not have a pathway for disposal. Optimistically, full clean-up activities at the WVDP should be completed by 2043.

If you're like me, you're still sitting here after all that scratching your head. That was a lot of information and there are still a lot of questions - What does employment look like as work is completed and there is nothing else to do? How is the area around the plant being affected? What are the plans for the area/property after clean-up is completed? Only time will tell, and it's best to follow the websites listed above and stay tuned for additional updates as they are provided from time to time by the US-DOE and their Prime Contractors.

In the meantime, there's a LOT of work to do and one local company which has been working at the site since 2011 is trying to make sure other local WNY businesses and contractors can help with the cleanup. American Demolition & Nuclear Decommissioning, Inc. (American DND) is sponsoring an introductory meet and greet at the West Valley Fire Department Banquet Hall, (9085 Route 240, West Valley, NY) on Wednesday afternoon, January 24th from 2:00-6:00pm. Representatives from American DND will be available to talk about the next bidding Phase 1B of the project as well as to talk about opportunities for those interested in becoming a part of future work. Be sure to attend the event to learn more about this massively important project.

And if you want to view the full strategic vision plan, visit www.energy.gov/em/west-valley-demonstration-project-wvdp.





A farmer climbs onto a tractor on a Madison County farm. (Emily Kenny/Spectrum News 1)

AGRICULTURE

Switch to electric, budget funding and food access: New York Farm Bureau highlights 2024 concerns

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

PUBLISHED 3:12 PM ET JAN. 30, 2024

The New York Farm Bureau has worries about the push for electrification, ongoing labor challenges and increasing food access for New York schools going into the 2024 legislative session.

David Fisher, president of the New York Farm Bureau, highlighted their priority of a state budget that would benefit many of its agricultural programs related to conservation, workforce development and farm safety.

“The bottom line is the state budget is an investment into our state’s farms and local food production,” Fisher said.



Tractors sit on a farm in Baldwinsville. (Emily Kenny/Spectrum News 1)

Switch to electric

The organization cites concerns over the push to stop using fossil fuels on farms and switch to electric when they aren't prepared with the proper equipment, such as battery-powered tractors and machinery.

"Farmers understand the need to take action to support our climate and mitigate the extreme impacts that our farms are seeing, but we're worried that there's too great of a push for electrification before we can successfully adopt it," Fisher said.

Being able to have reliable and affordable equipment is critical during planting and harvest where timing is everything, he said.

"It must be able to be charged quickly, and until then exemptions must be made for vehicles and machines where batteries don't supply enough power for the task at hand," Fisher said.

Also, Fisher highlighted the need for assurances that the grid can support the level of electrical production required on New York farms in rural areas.

"If not, we must have additional exemptions for these areas if they cannot supply the appropriate energy," he said.



The sun shines on a vineyard in Lodi. (Emily Kenny/Spectrum News 1)

Extended producer responsibility

Extended producer responsibility is another concern for the state Farm Bureau because the measure would impact farms, specifically wineries and dairies, that gross more than \$1 million per year.

“In the current language, farms would be pulled into that, and it doesn’t make sense. Thinking about our wineries for example, they would be in charge of somehow returning glass to the winery from the wine bottles,” said Jeff Williams, director of public policy for the New York Farm Bureau.

This legislation would put the cost and responsibility of recycling packaging onto those who produce it, such as food processors and farms that use glass bottles, milk containers and other food packaging.

Family farms don’t have the capacity to cover this financially, Williams said.

“In the end, higher costs for businesses can mean higher costs for their customers,” he said.



New York apples that were served to kids at a local school. (Emily Kenny/Spectrum News 1)

Increasing New York food in schools

The New York Farm Bureau also is eyeing an expansion of the Nourish New York and Healthy School Meals for All programs.

“Nourish New York is proven to benefit both farms and people in need,” Fisher said. “It redirects fresh, locally grown food into regional food banks and emergency food pantries while also helping farms offset the costs to produce, harvest, package and transport healthy food.”

In the past, the program has been funded with \$50 million, and the bureau is looking to sustain or increase that funding.

Nourish New York allows emergency food pantries and banks to purchase local products such as meat, eggs, produce and dairy products from New York farms.

“In addition, school meals funding saw an increase last year, and this year we’re urging the state to fully fund healthy school meals for all,” Fisher said.

Expanding this program would increase access to locally grown foods in schools and increase income for farmers, he said.



A farmworker cuts cabbage that grown on a New York farm that will be sent around the northeast. (Emily Kenny/Spectrum News 1)

Ongoing labor concerns

With the overtime threshold for agricultural workers going down from 60 hours to 56 beginning Jan. 1, [farmers have expressed concerns](#) about their workers and the state tax credit that is supposed to offset the added cost. The New York Farm Bureau fought against the changes over worries about how farms will cover the expense.

Williams said they have worked with the state on the tax credit implementation.

“They’re really trying hard to make it workable for farmers, but some of the institutional things that we’re encountering, like a 50-year-old computer system with tax and finances, the state can’t be as nimble as businesses would like them to be but they’re trying,” he said.

Fisher, who is also a dairy farmer, said some farmers won't have the capacity to do the paperwork.

"I've heard from many farmers, especially smaller ones that they're not going to deal with it. Some are probably going to look at exiting [the industry] because they don't want to do the paperwork and the hassles," Fisher said.

Gov. Kathy Hochul announced Tuesday the Farm Employer Overtime Credit portal is now open for farmers to begin registering to receive the tax credit later this year.

"The farm employer overtime credit is a big part of reducing the tax burden for our farm businesses while allowing them to continue supporting their hardworking staff," Hochul said in the press release.

After July 31, farmers can submit their payroll documentation to the portal for a certificate of advance payment of eligible overtime paid between Jan. 1 and July 31.

The farmer will then request their payment from the New York State Department of Tax and Finance prior to Nov. 1. The payment will be issued once the information has been verified.

"I encourage farmers to take a look at the resources we have available, learn more about the farm employer overtime credit program, and talk to their tax and payroll advisors to ensure they can take part in this great opportunity," Commissioner of Agriculture Richard Ball said in a press release.

- AREA DEVELOPMENT

BUSINESS+PLACE | [TOP STATES FOR BUSINESS](#)

2023 Top States for Doing Business Meet the Needs of Site Selectors

The states considered the best locations for doing business according to an expert panel of location consultants are the highest performers in more than a dozen categories upon which companies make their site selection decisions.

- Steve Kaelble, Staff Editor, Area Development

Q3 2023



What makes a state a great place to do business? Let us count the ways.

There are more than a dozen factors that enterprises find are important to their success — and, in particular, vital considerations as they decide where to locate, relocate or expand. These factors influence various aspects of the cost of doing business, the ease and speed of proceeding with a new project, the ability to hire and train the right people, and the overall hassle factor. Every year, Area Development consults with a panel of experts whose careers are involved in location selection and economic development, asking them which states excel at these all-important characteristics.

The result is our annual Top States for Doing Business feature. If you're a regular reader, you'll see a lot of familiar names here, which is not entirely surprising because it takes a lot of time and effort for a state to hardwire these valuable traits and build solid reputations.

We generated an overall list of Top States by analyzing and compiling the highest performers in more than a dozen different categories, about which there will be a lot more detail below. Check the first 10 overall honorees and you will see the same 10 states that were there last year. The order is a bit rearranged, but one important thing is unchanged: Georgia tops the list. Again. For the 10th year in a row, in fact.

That can be explained by the fact that as you look through the individual lists of what makes a state a great place to do business, you will find Georgia uniformly at or near the top of most of them. The state has carefully assembled most of the building blocks that location decision-makers are looking for, and that work translates into success on this ranking.

METHODOLOGY FOR 2023 TOP STATES FOR DOING BUSINESS

Our 2023 Top States for Doing Business rankings reflect the results of our recent survey asking leading consultants to industry to give us their top state picks in 14 categories that impact companies' location and facility plans. The states in each category were ranked based on their number of mentions in the particular category, and total mentions in all 14 categories — weighted by the diversity of categories in which a state was mentioned — were calculated to rank the top 20 states overall.

Another thing that hasn't changed is the fact that the South is well-represented here. Jurisdictions in the Southeast, in particular, have built attractive incentives, workforce programs, and a generally business-friendly attitude, and their labor markets tend to be favorable in terms of cost, availability, and right-to-work status.

There are standouts elsewhere, too, including traditionally industrial states such as Ohio, Indiana, Michigan, and Illinois. You'll find the sun shining on such places as Arizona, Kansas, Arkansas, and Iowa, and it's no surprise that New York is a leading destination, too. Read on for more details on the factors that went into these overall rankings, and which states excel in these areas. Note that we have a separate sidebar that takes a deeper dive into the highly important category of workforce training.

It's always worth pointing out that which state is best for your project depends entirely on the details, your requirements, and other unique circumstances. Just because a state isn't near the top of some of these lists, or any of them, doesn't mean it's not the perfect place for your company's expansion. Every state is eager for your jobs, and any state could be the perfect match for reasons that pertain to your most important needs.

TOP STATES FOR DOING BUSINESS 2023

1. 1. GEORGIA
2. 2. SOUTH CAROLINA
3. 3. TENNESSEE
4. 4. NORTH CAROLINA
5. 5. OHIO
6. 6. ALABAMA
7. 7. INDIANA
8. 8. TEXAS
9. 9. VIRGINIA
10. 10. MISSISSIPPI
11. 11. LOUISIANA
12. 12. ARIZONA
13. 13. MICHIGAN
14. 14. KENTUCKY
15. 15. FLORIDA
16. 16. NEW YORK
17. 17. IOWA
18. 18. ARKANSAS
19. 19. KANSAS
20. 20. ILLINOIS

INDIVIDUAL CATEGORIES

Workforce Training Programs

1. 1. GEORGIA
2. 2. VIRGINIA
3. 3. SOUTH CAROLINA
4. 4. LOUISIANA
5. 5. ALABAMA

6. 6. TENNESSEE

7. 7. NORTH CAROLINA

8. 8. INDIANA

9. 9. ARIZONA

10. 10. OHIO

Categories:

- [Workforce Training Programs](#)

- [Overall Cost of Doing Business](#)

- [Business Incentive Programs](#)

- [Access to Capital & Funding](#)

- [Competitive Labor Market](#)

- [Energy Availability & Costs](#)

- [Water Availability](#)

- [Logistics & Infrastructure](#)

- Available Real Estate

- Cooperative & Responsive State Government

- Corporate Tax Structure

- Site-Readiness Programs

- Favorable Regulatory Environment

- Speed of Project Permitting

Plenty of things go into the cost of doing business, some of which have to do with geography and resources, some of which relate to matters that are more under the direct control of state

officials. Overall Cost of Doing Business

Plenty of things go into the cost of doing business, some of which have to do with geography and resources, some of which relate to matters that are more under the direct control of state officials. Georgia tops this list in part because it's well-located in the booming Southeast, and well-connected from a logistical perspective. But it certainly doesn't hurt to have a low corporate tax rate that hasn't risen in many decades, and even dropped a quarter point a few years back.

Likewise, neighboring Alabama aims to keep the cost of business low with such pluses as competitive tax rates, abatements for various reasons, and Opportunity Zones that offer incentives for targeting geographic areas of need. Alabama's neighbor to its north, Tennessee has the second-lowest state and local tax burden per capita, as well as no income tax on wages. And a step to the west, in Mississippi, the cost of doing business is kept favorable with a low corporate tax rate, various incentives, and, in general, business and living costs that are well below the national average. Indeed, when it comes to overall favorable business costs, most of the leading states are in the Southeast, along with Indiana, Ohio, and Texas.

Incentive programs are among the business cost factors that economic development leaders can really influence, whether we're talking tax breaks, grants, low-interest loans, or other kinds of assistance.

Business Incentive Programs

Incentive programs are among the business cost factors that economic development leaders can really influence, whether we're talking tax breaks, grants, low-interest loans, or other kinds of assistance. Perennial leaders in this regard include Georgia and South Carolina, once again the #1 and #2 on this list. To take South Carolina as an example, state and local sales tax exemptions lower manufacturing costs. Service-oriented businesses such as data centers, along with enterprises in other sectors, can earn their own exemptions by investing and creating jobs.

Once again, this category is largely dominated by Southern States, but two further north not only make a repeat appearance but move higher on the list. Ohio moves up a spot to third, and Indiana slides up two places to fourth on the business incentive program list. And Arkansas jumps onto this list with a wide range of generous incentives, including its Tax Back sales and use tax refund for such things as machinery and building materials, job creation incentives, equity investment credits for encouraging creation of higher-paying jobs, R&D incentives, and even credits for bringing Hollywood to Arkansas.

Access to Capital and Funding

Money may make the world go around, but there are parts of the world where there are especially large sums being made available for business capital and funding. This is a category where areas of the country away from the South have a chance to excel. The innovation hotbed of California is not coincidentally the leader in access to capital and funding, according to our experts. [One look at the Statista rankings](#) of venture capital by state last year shows just how much California leads the pack, at \$104 billion, far ahead of the \$29 billion raised in New York, second-place on Statista's list (and also ours).

Texas lands third on our list of access to capital and funding. It's fifth on Statista's overall VC list, but of course, VC isn't the only kind of funding out there. Texas boasts the nation's largest deal-closing fund, the Texas Enterprise Fund, which is a performance-based incentive designed to move the state over the goal line in competitive economic development situations.

Competitive Labor Market

As with a number of these categories, there are multiple factors that make for a competitive labor market. One of the most important is simply the availability of labor, which these days is anything but a given — to do well here, a state either needs a solid supply of existing labor or it needs to be good at attracting more. The leading 10 states can all check one or both of those boxes, and Georgia is once again at the top of this list.

A competitive labor market also, of course, suggests labor at a competitive rate of pay, and once again, the top 10 states do well in that regard. All but one are among the bottom half of states when it comes to median wages. All but one also are right-to-work states. And if you cross-reference this list with our separate section on workforce training, you'll see a lot of overlap, too, since exceptional training resources help boost the availability of qualified and competitive labor.

Energy Availability and Costs

Pretty much annually, you'll find Georgia and Tennessee at the top of the list for energy availability and cost. They are perpetually attractive for industries requiring lots of energy, and reliable energy.

It's worth pointing out that the cost factor is not just a matter of basic energy rates. For example, Georgia Power helps boost business bottom lines through energy efficiency programs and rebates, management tools that can lead to savings, and business advisory services that help users deal with energy-related challenges and increase efficiencies.

Tennessee's perpetual spot at or near the top has to do in part with the rates charged by local power providers served by the Tennessee Valley Authority, a federally created public power wholesaler that sets rates below roughly 70 percent of the country. In the #3 spot, South Carolina's energy-related business advantages include the series of rebate and incentive programs provided by Santee Cooper, the state's largest power provider and one of the nation's biggest public power utilities.

Certainly, many industrial users have long had significant water needs, but climate change is impacting availability as certain regions cycle in and out of drought conditions.

Water Availability
A new category on our list is water availability, and it's a sign of the times. Certainly, many industrial users have long had significant water needs, but climate change is impacting availability as certain regions cycle in and out of drought conditions.

Ohio lands atop this list, and its positive water picture can be pegged in part to the fact that its entire southern boundary and much of its northern edge are bordered by fresh water, lots of it. But the state is also aiming to be forward-thinking in terms of water infrastructure. For example, the Ohio BUILDS initiative includes millions of dollars of grant funding for water projects, including construction of new water systems, replacement of aging water lines, and installation of new water mains.

Michigan also has many miles of fresh water along its borders and within its central areas, and it also is dedicating significant resources to its water infrastructure. A multibillion-dollar infrastructure program approved last year includes substantial sums targeted at water improvement projects, along with wastewater and stormwater upgrades.

Measures of infrastructure are likely to be rather fluid in the coming years, as the nation's infrastructure is getting more attention and investment these days than it has in years past.

Logistics and Infrastructure

Measures of infrastructure are likely to be rather fluid in the coming years, as the nation's infrastructure is getting more attention and investment these days than it has in years past. Improvement projects, funded locally and by new federal dollars, are literally all over the map.

In the meantime, though, Georgia remains at the top of this category, as it has been in the past. From a logistics perspective, it sits in a perfect geographic location for serving the population centers of the Southeast. It has excellent deepwater port access, including the nation's fastest-growing container port in Savannah, and air connections through the Atlanta International Airport that is literally the world's busiest and also most efficient. In the #2 spot, Texas claims more miles of public roads and freight rail than any other state, plus 11 deepwater ports and a half dozen of the nation's busiest airports.

Advantageous locations and solid infrastructure also are helpful for neighbors Indiana, Ohio, and Kentucky. Indiana has an ever-growing logistics sector along its "Crossroads of America" highway system, while Ohio is strong in multiple modes of transportation. Kentucky lies within a day's drive of two-thirds of the American population, has been a strong state investor in road infrastructure, and hosts the biggest hub and primary international gateway for UPS.

Available Real Estate

The real estate markets, which have been messy and unpredictable in recent years, may be cooling off some, but it can still be a challenge to locate an available property or facility at just the right time, in just the right place. Our rankings for the top states for available real estate have shifted somewhat, and South Carolina now tops the list. Georgia, which had led in this category, drops to fourth. Texas holds onto the second-place spot, and Ohio leaps up to third.

Needless to say, obtaining a suitable piece of real estate is essential for location or expansion, but it's only part of the story of getting that facility up and running. Check the categories below that relate to site readiness, the regulatory environment, and the general friendliness of the state and local governments — all of these are essential elements to taking a real estate story all the way to a happy ending.

Cooperative and Responsive State and Local Government

This category is arguably a bit subjective, but it's one of the most important factors along with the ability to find the right workers and put together an affordable deal. This category reveals a list that doesn't change much, which isn't surprising, because the nature of state and local government is grounded in culture, attitude, reputation, and history.

So, here's another one that Georgia leads. Why? Everything from a solid fiscal picture to generous incentives to invaluable assistance in finding, attracting, and — if need be — training the right people. The top five are rounded out by Tennessee, both Carolinas, and Ohio, and that's the same as last year, too. All boast of their fiscal responsibility,

lack of regulatory hassle, willingness to lift the bottom line, plus workforce investments.

Corporate Tax Structure

For all of the effort that goes into touting what states have, this is a category where states like to brag about what they don't have. Topping the list is Florida, which likes to talk about its zero-percent personal income tax, lack of a corporate income tax on certain kinds of corporations, and lack of a state property tax. That last "no" means that even when local property taxes are added in, property taxes still average below national norms. [The Tax Foundation](#) puts Florida in the top five best states.

North Carolina is second on the list this year, perhaps in part because it's well on the way toward phasing out its corporate income tax. It's been heading downward for a number of years and the schedule has it eventually reaching zero. Third-place Texas, meanwhile, does not have a corporate income tax or a personal income tax.

Site-Readiness Programs

South Carolina's efforts to streamline the location and expansion process have landed it atop the list of site-readiness programs this year. The state's department of commerce operates a [LocateSC.com](#) service designed to simplify the search for sites that are good candidates, and the Palmetto Sites program vets sites to verify critical information and assure they are "checked for readiness."

Second on the list is Georgia, with its Georgia Ready for Accelerated Development program, or GRAD for short. These are fast-track sites that have graduated, so to speak, through the due diligence process, been reviewed by a third party, and gained approval of a board of advisors. Ohio invests significant sums of money to create shovel-ready sites, vetted and hassle-free. And one click leads to a map of Tennessee Certified Sites in all corners of the state, prime locations declared ready to roll.

Favorable Regulatory Environment

The shovel-ready sites mentioned above have often jumped through the regulatory hoops already. Otherwise, it's important to consider how easy or hard it will be to get permission from a specific jurisdiction to do what you want to do with your site. This year, Alabama moves to the head of the class for favorable regulatory environment, perhaps reflecting some of the state's recent legislative work to elevate business-friendliness.

South Carolina remains near the top of this list, thanks to its careful balance of business friendliness with an eye toward sustainability. Georgia is near the top again, with the top five rounded out by Tennessee and North Carolina. As usual, the South is home to the most favorable regulatory environments, according to our experts, but also as usual, Indiana makes the list. This year Ohio does, too.

Speed of Project Permitting

This, too, is an important consideration if you're not picking a site that is already labeled "shovel-ready" and pre-cleared through permitting processes. It's important because without preclearance, your project could potentially be in for a long wait, depending on

where it's located.

That reality has partly to do with the political culture. Some states have a stricter or more detailed permitting process than others. Politics watchers will thus be unsurprised that the states known for speedy permitting are largely in the South, where a laissez-faire attitude is more likely to be in place. The other factor that can help or hinder speed of permitting is staffing, or lack thereof. A lot of jurisdictions never really recovered from pandemic staffing shortages and backlogs.

All that said, your project is likely to get a speedy and fair shake in such places as South Carolina, Alabama, Georgia, Mississippi, and Tennessee, among other southern locales. Your business can also hope for speedy resolution if your site is located in such places as Indiana, Ohio or Iowa, according to site selection experts who responded to our 14th annual survey.

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Steve Kaelble, Staff Editor, Area Development

Steve Kaelble has written for Area Development for more than 30 years. His work has also appeared in numerous other magazines, newspapers, and online publications, as well as broadcast media. He has authored several books and has worked extensively in corporate and internal communications, including creating annual reports. An Indianapolis resident, he holds a bachelor's degree in journalism from Indiana University.



[LEADING METRO LOCATIONS](#)

CAMOIN ASSOCIATES

Growth, Change Creates Opportunities in Food Manufacturing and Processing

January 2, 2024 [Jim Damicis](#) | [Angela Hallowell](#)

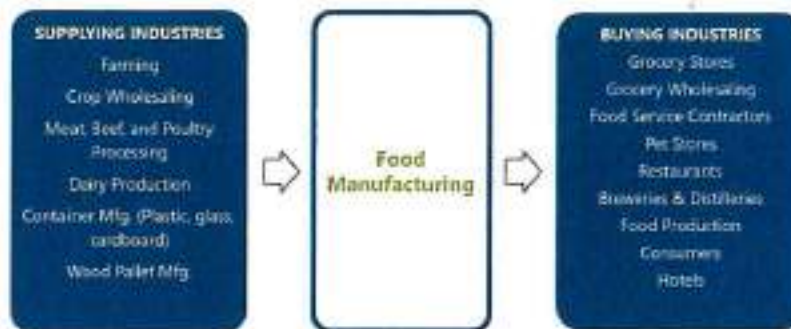


This article originally appeared in the November/December 2023 issue of [Expansion Solutions Magazine](#).

The food manufacturing sector plays an important role in every economy, providing goods for institutions such as schools and hospitals as well as restaurants and grocery stores for everyday consumers.

There is not a state, region, or locality in the United States where food manufacturing and processing do not have a presence, either directly through a company and associated jobs, or as part of the value chain for the overall food economy, including agriculture, warehousing, and

FOOD MANUFACTURING SUPPLY CHAIN



distribution.

In this article, we focus on food manufacturing and processing as defined by the [North American Industry Classification System \(NAICS\) 311](#) . We provide an overview of economic trends in the industry, examine recent issues, and provide insight into business expansion and attraction for regional economic development.

Food Manufacturing Growth is Creating Opportunities

In 2022 there were 1.7 million jobs in food manufacturing across the US, representing just over 1% of all jobs in the nation. Economic output as measured by Gross Regional Product (GRP) in 2022 for food manufacturing was \$181 billion, also representing just over 1% of economic output for all industries.

Though a relatively small sector, food manufacturing is growing faster than the economy as a whole. Between 2017 and 2022 food manufacturing jobs grew 6.6% in the US compared to 3.8% for all sectors, with an additional 8% projected growth from 2022-2027, again outpacing the

US Food Manufacturing Overview

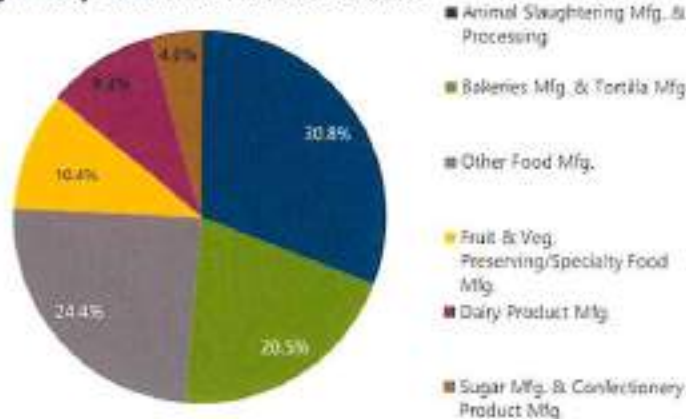
	Food Manufacturing		US Total, all Sectors	
	Jobs	GRP (billions)	Jobs	GRP (billions)
2017	1,625,474	\$181.71	162,682,557	\$17,428.27
2022	1,733,219	\$256.76	168,791,091	\$22,961.48
2027 (projected)	1,872,371	--	180,694,634	--
Change, 2017-2022	107,745	\$75.1	6,108,534	\$5,533.2
% Change, 2017-2022	6.6%	41.3%	3.8%	31.7%
Change, 2022-2027	139,152	--	11,903,543	--
% Change, 2022-2027	8.0%	--	7.1%	--

overall economy. **Source:** Lightcast

Looking at Food Manufacturing subsectors, Animal Slaughtering and Processing and

Bakeries/Tortilla manufacturing together accounted for just over 50% of all jobs.

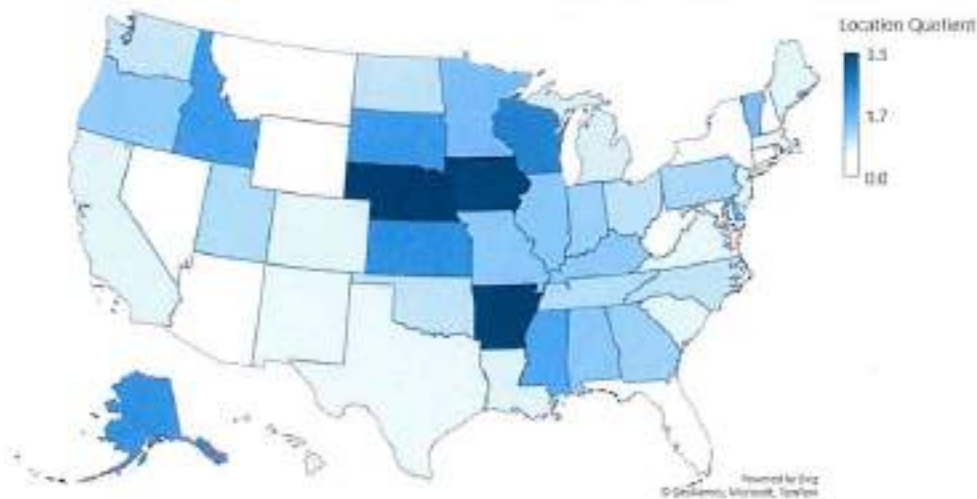
Jobs by Industry as a Share of Total Jobs - US 2022



Source: Lightcast

Jobs in food manufacturing in the US are most concentrated in the Midwest States as well as Alaska. For example, food manufacturing employment is 3.5 times more concentrated in Nebraska than in the nation overall. Notably, states with high concentrations of food manufacturing also have strong activity in other parts of the food value chain. For example, the Midwestern states have strong concentrations in agriculture, while Alaska's economy has relatively high shares of employment in fishing. The combination of multiple food sector activities and value chain assets creates an environment for food manufacturing to flourish.

Employment Concentration in Food Manufacturing in the US (2022)



Top States in US for Food Manufacturing Job Concentration

State Name	2022 (LQ)
Nebraska	3.5
Arkansas	3.4
Iowa	3.4
Wisconsin	2.4
Kansas	2.3
Alaska	2.3
South Dakota	2.1
Idaho	2.1

Source: Lightcast

Examples of recent investments in these states include:

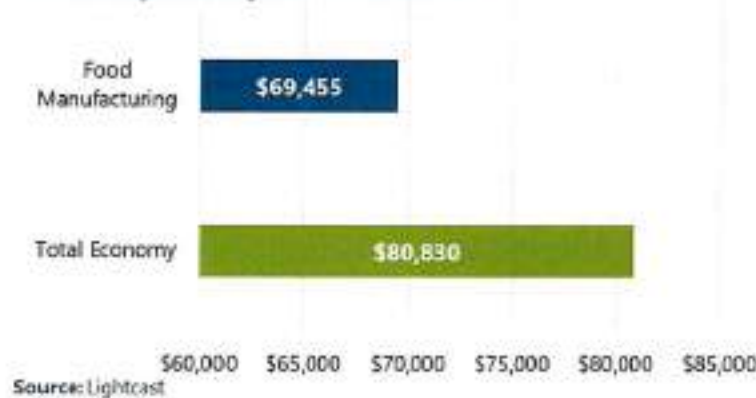
- Walmart's twin investments in beef processing, [with a minority stake in Sustainable Beef's \\$325 million beef processing facility in North Platte, NE](#), as well as a [\\$257 million beef processing and packaging facility in Olathe, KS](#), intended to package and distribute products from the North Platte facility
- Pet food manufacturer Royal Canin USA's (subsidiary of Mars) [investment of \\$185 million into new production lines for its facility in North Sioux City, SD](#), supported by a

\$3.95 million Reinvestment Payment Program grant from the Governor's Office of Economic Development

- Meat products producer Fair Oaks Food's [investment in a \\$134 million, 154,000-square-foot automated facility to produce fully cooked bacon in Davenport, IA](#)

While critical and growing in importance to the US economy, food manufacturing jobs provide relatively low earnings at about \$70,000/year on average, per job, in 2022 compared to \$80,000/year for the economy average. While providing entry-level jobs (those that require little to no education or training) is meaningful, these low wages create challenges for attracting and retaining workers in a highly competitive labor environment.

2022 Average Earnings Per Job in the US



Top 10 Occupations in the US Food Manufacturing Sector (2022)

SOC	Description	Employed in Sector	Share of Sector Jobs	Median Hourly Earnings	Typical Entry Level Education
51-9111	Packaging and Filling Machine Operators and Tenders	158,872	9.20%	\$17.66	High school diploma or equivalent
51-3092	Food Batchmakers	140,604	8.10%	\$17.55	High school diploma or equivalent
51-3022	Meat, Poultry, and Fish Cutters and Trimmers	106,120	6.10%	\$16.85	No formal educational credential
53-7062	Laborers and Freight, Stock, and Material Movers, Hand	101,455	5.90%	\$17.33	No formal educational credential
51-3011	Bakers	87,058	5.00%	\$15.64	No formal educational credential
51-3023	Slaughterers and Meat Packers	73,116	4.20%	\$16.93	No formal educational credential
51-1011	First-Line Supervisors of Production and Operating Workers	66,979	3.90%	\$30.43	High school diploma or equivalent
53-7064	Packers and Packagers, Hand	64,736	3.70%	\$15.82	No formal educational credential
49-9071	Maintenance and Repair Workers, General	43,024	2.50%	\$21.58	High school diploma or equivalent

Source: Lightcast

Recent Food Manufacturing Industry Trends

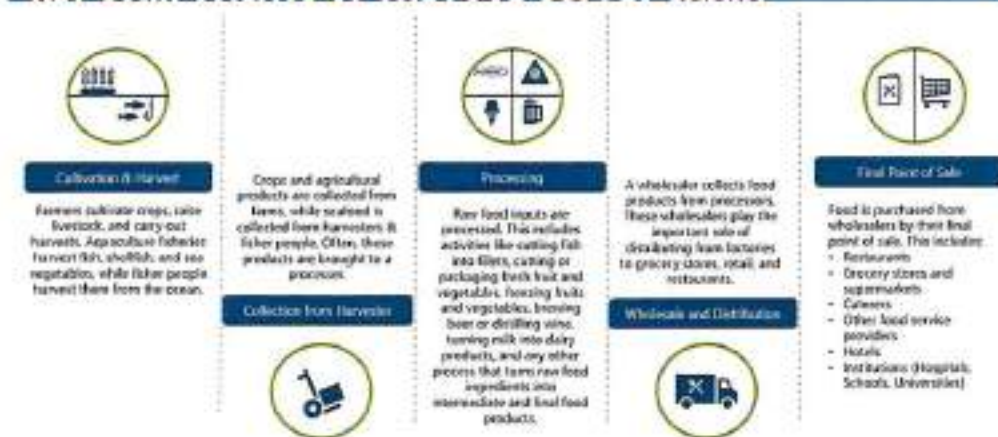
Food manufacturing is being influenced by multiple recent trends and factors including workforce, supply chain, demographics, changing consumer demand, technology, and climate. The following is an overview of three of these and their relationship to the food manufacturing industry.

Infrastructure and Supply Chains

Food manufacturing and processing is one component of a complex system that makes up the food economy. Economic performance and opportunities in food manufacturing depend significantly on costs and prices in each of the other supply and value chain components as well as policies, practices, and market changes. Over the past five years, we have seen multiple factors impact the food supply chain, each creating knock-on impacts for the food manufacturing sector. These include COVID-19; geopolitical events and disruptions such as the war in Ukraine; climate change and major climate events (floods, fires, hurricanes, etc.); labor disruptions including strikes; and more.

Further growth and stability in the sector will continue to require major investment in upkeep, improvements, and expansion of the underlying infrastructure that supports supply chains and logistics, including roads, rails, ports, canals, and airports. This is required to keep supply chains functioning and to create long-term resiliency to external factors.

KEY COMPONENTS OF THE FOOD SUPPLY CHAIN



Consumer Preferences, Demographics, and Diversity

Each of these factors is creating change in the food economy. In the US, the population is becoming more ethnically diverse, which creates new and expanded markets for global ingredients, palettes, and preferences. Meanwhile, Millennials are now the largest generation, creating further change in market preferences.

Other trends such as preferences for convenient food options including grab-n-go, healthy alternatives, plant-based proteins, and local food movements are all creating new opportunities for entrepreneurs and existing companies to satisfy this changing demand.

Technology

Digital technology is transforming all industries including food manufacturing. Ecommerce infrastructure and use are creating new opportunities for food manufacturers, including direct-to-consumer ability. This is particularly beneficial to medium and small food manufacturers.

Additionally, the rise of social media use and channels is further fueling this and allowing companies to build “consumer communities.” Finally, technology in the form of automation and robotics combined with software and sensors is transforming how food is manufactured, tracked, and delivered.

Recommendations and Resources

Based on these recent trends and issues, there are several key takeaways to help economic and business developers grow the local and regional food manufacturing industry.

Support networks and communities of entrepreneurship and innovation specifically within the food economy. Rapid change and technology require new learning and approaches. Larger companies have access to innovation, R&D, and commercialization that small companies are typically lacking. Entrepreneurial networks and related programs and initiatives can provide shared support for capacity building for entrepreneurs seeking to enter the market along with smaller companies already participating in the market.

Provide data analytics and market intelligence to food manufacturing companies and stakeholders within your state or region. There has been a significant increase in data and analytics applicable to the food industry in the past five years. This includes demographic and consumer trends; data on sales, trade, and logistics that provide important intelligence for focusing on new geographic markets; and digital intelligence of marketing, social media, and branding. Again, all of this is commonly accessible to large corporations but typically out of reach for smaller companies and entrepreneurs, though networks and alliances can help aggregate capacity to provide information and related services.

Provide support for small and mid-sized industries in accessing and preparing for trade shows. Trade shows are beneficial both for learning about issues arising within the industry as well as finding new opportunities for penetrating the market through B2B sales and partnerships. The following is a list of some of the prominent trade shows relevant to food manufacturing.

Selected Food Manufacturing and Related Trade Shows

- [AFFI-CON \(AMERICAN FROZEN FOOD INSTITUTE\)](#): Premier business event for frozen food and beverage makers, industry suppliers, and logistical partners
- [AMERICAS FOOD & BEVERAGE SHOW & CONFERENCE](#): The largest food and beverage trade show in the Western Hemisphere, the Americas Food & Beverage Show focuses on increasing trade between food and beverage companies throughout the Americas.
- [INTERNATIONAL FOOD & DRINK EVENT](#): This International Food & Drink Event (IFE) brings together an immersive and interactive event taking place key industry professionals to come and sample the latest products, develop their knowledge on the trends affecting the food and drink sector and network face-to-face with suppliers.
- [PROCESS EXPO](#): This global food equipment and technology show represents the pinnacle of food technology, bringing together the world's most successful food and beverage processors, packaging professionals, equipment manufacturers, and leaders in the field of academia. Joint venture of the Food Processing Suppliers Association

(FPSA), a global trade association serving suppliers in the food and beverage industries, and show partner and manager, Messe Frankfurt.

- IFT (INSTITUTE OF FOOD TECHNOLOGISTS) FIRST ANNUAL MEETING & EXPO: This annual event is the place where “science of food” professionals gather to debate and discuss science and new innovations, explore ingredients and technologies for the future, and collaborate on key issues impacting the global food system.
- SUMMER FANCY FOOD SHOW: The largest specialty food industry event in North America. Makers, manufacturers, buyers, brokers, distributors, and other industry professionals from around the globe rely on the Summer Fancy Food Show for product discovery, networking, and business opportunities.
- SWEETS AND SNACKS EXPO: Popularly known as the largest confectionery, sweets, and snacks trade event in North America, this trade show is held annually.

https://www.oleantimesherald.com/news/suny-jcc-recognized-by-intelligent-com/article_54ddc09a-aff5-11ee-9110-cb5b0afaccd2.html

SUNY JCC recognized by Intelligent.com

Jan 10, 2024



Workforce Development

SUNY Jamestown Community College earned four top-ranked awards for 2024 by Intelligent.com.

In its analysis of more than 3,000 nationwide colleges and universities, the online ranking system found JCC noteworthy for best online associate's degree in administrative assistant, technology and systems, and best online certificate in information technology and among the best community colleges in New York.

The website evaluates each program on a scale from 0 to 100 based on flexibility, faculty, course strength, cost and reputation.

JCC received an Intelligent.com score of 93.36 in the administrative assistant associate program category. For best online certificate in information technology, Intelligent.com ranked JCC at 85.25. Intelligent.com assessed JCC's associate's in IT at 85.21 and awarded the college a 75.22 for overall best community colleges.

The details of each category and complete list of rankings are as follows:

- Best Online Administrative Assistant Associate Degree Programs
- Best Online Certificate in Technology Degree Programs
- Best Online Certificate in Information Technology and Systems Degree Programs
- Best Community Colleges in New York

Registration for spring 2024 at JCC is in full swing. Explore all degrees and programs at sunyjcc.edu/programs.



A dairy farmer in Western New York checks on his cows. (Emily Kenny/Spectrum News 1)

POLITICS

Hochul lays out ideas to boost dairy farms and support for agricultural workforce

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

PUBLISHED 5:02 PM ET JAN. 09, 2024

Gov. Kathy Hochul pushed several initiatives to support New York's farmers as part of her 2024 State of the State proposals, including funding to dairy farmers and creating a "one-stop shop" for the agricultural workforce.

"New York's agriculture industry is a key part of our economy, our communities and our way of life," Hochul said. "As the first governor from upstate New York in nearly a century, I know first-hand how critical this sector is. I'm committed to supporting the growth of agriculture and food production and am continuing to focus on policies and investments that support our farmers."

New York State Agriculture Commissioner Richard Ball said support for farmers and the agriculture community is a necessity for New York state.

"As we move into the new year, we have truly doubled down on our work on filling the gaps in our food system, protecting the natural resources we depend on, and developing a strong generation of future leaders," Ball said in a statement.

New York Farm Bureau President David Fisher said they remain committed to working with Hochul and the state Legislature make improvements to agriculture and family farms.

“In her State of the State, the governor promises to fight for farmers, especially as they face climate and labor challenges. We appreciate the recognition as these issues weigh heavily on New York agriculture,” Fisher said in a statement.

He said there will be more clarity in her support for these initiatives in the executive budget proposal.

“We are hopeful that she will continue to fully fund much needed programs that support environmental conservation, research, and agricultural promotion as well as the expansion of food access programs like Nourish NY and Health School Meals for All,” Fisher said.

Bolstering the dairy industry

After some dairy farmers were forced to dump milk during the pandemic and during last year’s winter storm in Western New York, Hochul is asking for \$34 million in funding over two years for on-farm fluid milk storage technologies and processing infrastructure to mitigate transportation during these types of events.

Mike McMahon, a dairy farmer in Cortland, said the investment in on-farm fluid milk storage would increase storage capacity but won’t extend the time farmers can keep the milk.



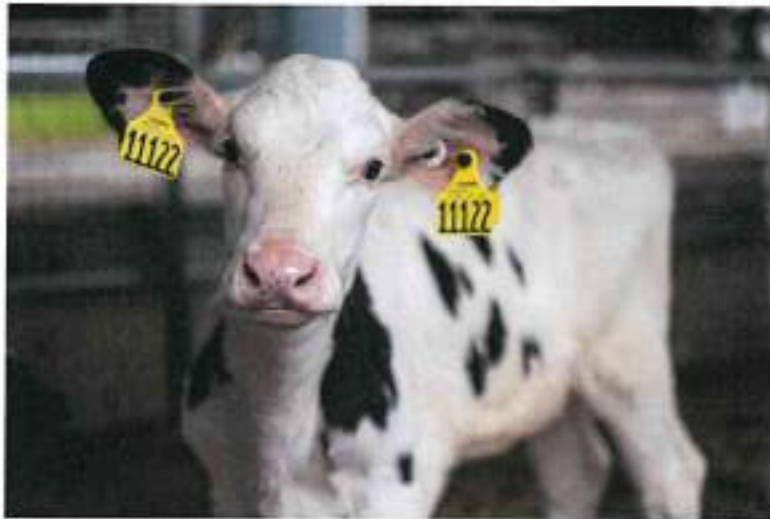
Milk trucks being filled on a Central New York dairy farm. (Emily Kenny/Spectrum News I)

“You can only hold onto milk for a couple of days and after that, the bacteria are going to start growing because it’s so perishable that without doing intensive mitigations like aseptic milk or pasteurization, it’s still only good for a couple of days,” he said.

McMahon said it would cost millions for even one farm to implement the technology to process milk so it can be kept for longer than a few days.

Additionally, Hochul proposed \$21 million for a new Alternative Waste Management and Enhanced Precision Feed Program that would help mitigate greenhouse gas emissions, sequester carbon and scale assistance for farmers.

"I'm a huge believe in [precision feed management] and I think that's money well spent as far as other nutrient management practices that may be enhanced by that there's a lot of technology out there but there never seems to be enough money, so I certainly applaud her for that," said McMahon, whose farm EZ Acres served as a case study by Cornell University.



A calf on McMahon's dairy farm. (Emily Kenny/Spectrum News 1)

McMahon also has implemented precision feeding on his farm.

"You're much more precisely feeding the cow to sustain her body and produce milk without giving her excess protein and things like that, which will result in excess greenhouse gases," he said.

Agricultural workforce

Hochul has proposed a new program to support New York's agricultural workforce, which has seen many changes including reducing the threshold for farmworker overtime.

In collaboration with Cornell University's Agricultural Workforce Development Program, the state would develop a suite of tools, including office hours to take questions, webinars, an FAQs section, a web page to submit questions and information and a hotline for farmworkers and farmers.

It would be supported by the Department of Labor, New York State Public Employee Relations Board and the Department of Agriculture and Markets.



A farmworker works on a Central New York Dairy. (Emily Kenny/Spectrum News 1)

'One health approach'

In an effort to reduce threats to humans, animals and the environment, Hochul is eyeing a "one health approach" to improve disease detection and prevention, food safety education and veterinary care optimization.

Some of these initiatives include increased engagement with New York's Veterinary Diagnostic Laboratory Advisory Board, a new program to prevent the veterinary drug xylazine from being inappropriately used, adjustments to reimbursement and fee structure for on-farm animal health testing programs and a new animal health testing program.



A NYCAMH employee conducts an on-farm safety course on a dairy farm in Central New York. (Emily Kenny/Spectrum News 1)

As part of this, Hochul asked for a \$1 million increase in the budget for the New York Center for Agricultural Medicine and Health, which the [organization has been pushing](#) for over the past several months.

Growing bioeconomy

Hochul wants to develop bioproduction in the agriculture and forestry sectors, including the advancement of wood products and high-value mass timber design in state-funded construction.

Under her plan, the state would invest \$5 million in the promotion of commercialized hemp and another \$2.25 million to strengthen integrated pest management solutions in collaboration with Cornell University. This comes on the heels of her [passing the Birds and Bees Protection Act](#) that will eventually ban the use of neonicotinoid treated corn, wheat and soybean seeds, for which there is currently no good alternative.



Sweet corn being grown on a Baldwinsville vegetable farm. The seeds were treated with neonicotinoid pesticides prior to being planted to protect them from underground pests. (Emily Kenny/Spectrum News 1)

A “blue food transformation”

The final initiative announced by Hochul would improve marine agriculture, promote a healthy natural environment and provide a source of locally produced seafood to New Yorkers.

The \$5 million in funding would go to farmers wanting to invest in marine dock space, processing equipment and other infrastructure needs to grow their businesses. Additionally, the agencies involved in the production and market of seafood will make changes to policies and programs impacting aquaculture.

The Growth, Decline, and Rebirth of the American Shopping Mall: Part 4

January 10, 2024 [Karen Meier](#)

Welcome to the final installment in my series on the impact and redevelopment of American shopping malls over the past several decades. If you've read the previous three articles, you will recall that Part 1 provided a comprehensive history of the shopping mall, exploring its impact on both pop culture and the economy. The next two articles focused on my hometown, Richmond, VA, spotlighting the exciting redevelopments happening at local malls that hold a special place in my childhood memories.

This final article will examine a third landmark mall in the Richmond area and how it has managed to remain open and relevant in the ever-changing landscape of consumer shopping and needs since its opening in the late 1950s.

Reinventing Willow Lawn



Upper right and both bottom photos are courtesy of Sarah North, Senior Director Marketing, Federal Realty

Originally known as Willow Lawn Shopping Center, Willow Lawn was the first shopping center to be built in the Richmond area, opening in 1956. It had an open-air design and included anchor stores such as G.C. Murphy, Giant Food, JCPenney, Peoples Drug, Safeway, and Woolworth's. The mall also has a movie theater, The Willow Lawn Theatre, and duckpin bowling, Willow Bowl. Miller & Rhodes department store opened in 1961.

Up until the 1980s the mall changed very little. Then in 1986, Federal Realty Trust acquired the shopping center. To keep it competitive with other malls that were opening in the area, the shopping center underwent a renovation project that enclosed the middle section of the mall, creating both an open-air strip mall and an enclosed mall in one location. The enclosed portion featured several more stores, as well as a food court. The mall's name was changed to The Shops at Willow Lawn.



Photos courtesy of Sarah North, Senior Director Marketing, Federal Realty

As with the malls featured in my previous articles, The Shops at Willow Lawn experienced several changes in major retail and anchor stores over the years:

- JCPenney, a 37-year tenant, left the mall in 1994 relocating to Virginia Center Commons. The site was demolished in 1996 and replaced with a Hannaford's grocery store until 2000 when it became Kroger.

- Woolworth's closed, and the storefront hosted several businesses before Dick's Sporting Goods opened in 2018.
- Miller & Rhoads, the center's primary anchor for almost 30 years, closed in 1989. The space was repurposed and subdivided into smaller stores, offices, and restaurants.
- G.C. Murphy was acquired by Ames Department Stores in 1985 and was later sold to McCrory's in 1989. In the years since, the space transformed into multiple storefronts. Presently, this location is home to a few different retailers, including Chick-fil-A, LensCrafters, and Claire's, among others. This location was originally located in the section of the mall that was enclosed in 1986.
- Giant Food closed in 1982. It later became Safeway and then was split into two stores: Barnes & Noble from the mid-1990s to 2000, Tower Bookstore from 2000 to 2003, and Tower Records from 1994 to 2006. Staples opened in 2004 and then came Old Navy in 2011. The Old Navy also took over part of the former Peoples Drug, which became CVS Pharmacy in 1994 and was located at the center until 2008.
- Originally Safeway, Hess's, Leggett's, Belk, and Dillard's used the same location from 1987 to 2003 when it relocated to Short Pump Town Center. Both Gold's Gym and Ross Dress for Less took over the space in 2006.
- The Willow Lawn Theatre closed in 1989. The site was demolished and replaced with Regal Willow Lawn Cinemas, which operated from 1990 to 2001.

Another renovation occurred at Willow Lawn in 2005, which turned part of the enclosed mall near one of the entrances into an open-air space again and added parking spaces. The remainder of the enclosed mall



was remodeled as well.

Photo Credits: Top – “Enclosed Portion of The Shops at Willow Lawn” by Ben Schuman is licensed under [Creative Commons BY-SA 2.0 Deed](#); Bottom: Photo courtesy of Sara North, Senior Director Marketing, Federal Realty

In 2011, a third renovation project took place, which involved demolishing the remaining enclosed section of the mall. This transformation brought the mall back to a structure resembling its original design.

New amenities that came with that renovation included an outdoor community gathering space with a children’s play area and a central stage for events and displays. The center’s name was also updated to just Willow Lawn. Many of the stores in the enclosed mall section were relocated to become part of the



new open-air shopping center.

Today, Willow Lawn is home to nearly 50 shops and restaurants. Major tenants include Kroger, Dick’s Sporting Goods, Ross Dress for Less, Gold’s Gym, Staples, and Old Navy.

Willow Lawn's Next Chapter: Vision for a Dynamic Mixed-Use District

In October 2023, the Henrico County Planning Commission's Board of Supervisors approved a rezoning request to redevelop the Willow Lawn shopping center yet again.

The proposed plan by Federal Realty Investment Trust will take the shopping center's 37 acres and turn it into a new mixed-use district that will include over 2,200 residential housing units and multiple stand-alone buildings, one being a 10-story tower with ground-floor retail and upper-level office space. This redevelopment, which is planned to occur over the next 20 to 30 years, would be the largest in the



shopping mall's almost 70-year history.

Source: Henrico County, VA

A planning document submitted to the Henrico County zoning office in late 2023 includes conceptual illustrations for streetscape options, landscaping, architecture style, street lighting and furniture, bike and pedestrian areas, outdoor amenities, and parking garages.

Willow Lawn's Appeal for Growth and Investment

Willow Lawn is positioned as a dynamic hub for growth and investment due to its strategic location with convenient accessibility and visibility, demographic trends indicating population growth, favorable

consumer spending patterns, and the potential for mixed-use development incorporating residential, office, and recreational spaces for a vibrant and sustainable environment.

Just over 9,500 people reside within one mile of the mall, and almost 98,000 people live within three miles, with the daytime population surging to over 24,000 within a one-mile radius. Situated on West Broad Street near a major commercial artery and offering convenient access to Interstate 64, the shopping center enjoys a favorable location between downtown Richmond and Short Pump, attracting customers from both the city and the county.

Willow Lawn's accessibility is further complemented by the GRTC Pulse Bus Rapid Transit route, which includes a stop right at the center. Additionally, the presence of new and expanding mixed-use development at Libbie Mill, just over a mile away, adds to the area's vibrancy and appeal.

Advantages of Continued Mall Redevelopment

Mall redevelopment provides opportunities to transform underutilized spaces, stimulate economic activity, and create vibrant, mixed-use environments that cater to changing consumer preferences and retail trends. It attracts new businesses, increases foot traffic, and revitalizes surrounding neighborhoods.

The specific advantages of converting a shopping mall into a mixed-use development include:

- **Diversification of Land Use:** Incorporating residential, commercial, and office space alongside retail allows for a more diversified use of the land and creates a multifaceted environment.
- **Greater Economic Stability:** Reducing dependence on a single industry with diverse revenue streams helps provide economic sustainability in economic downturns or shifts in consumer behavior.
- **Attracting a Wider Customer Base:** Residential units attract residents, office spaces draw workers, and retail and entertainment options bring in visitors. This creates a more vibrant environment, attracting a diverse customer base.
- **Increased Tax Revenue:** The combination of residential and commercial properties contributes to higher property values and business activity resulting in a more robust tax base.

- **Enhanced Community Spaces:** Mixed-use developments often include vibrant gathering spaces, such as parks, plazas, or recreational areas, which contribute to a sense of community togetherness.
- **Additional Job Creation:** The combination of retail, commercial, and office space generates employment opportunities for the local community.
- **Adaptive Reuse of Existing Space:** Integrating various land uses often involves adaptive reuse of existing structures, which can be more sustainable and cost-effective than building entirely new developments.
- **Improved Walkability and Connectivity:** Pedestrian-friendly environments with easy access to various amenities contribute to a more enjoyable community and help support location businesses.
- **Long-Term Viability:** Mixed-use developments cater to changing lifestyle trends and market demands, allowing for adjustments over time to meet evolving economic and social needs.

Other Mixed-Use Mall Redevelopments Across the United States

Arizona: Kimco Realty plans to replace the closed Costco Auto Center at the Christown Spectrum Shopping Center in Phoenix with a 760-unit apartment complex, marking [the initial phase of a 20 to 25-year redevelopment effort](#). The larger vision for Christown Spectrum includes reimagining the mall with a mix of apartments, a pedestrian plaza, commercial space, retail, offices, and entertainment.

California: [In 2021, the Citrus Heights City Council approved a plan to revitalize the 100-acre Sunrise Mall](#). The redevelopment plan aims to transform the mall into a mixed-use destination with a walkable main street, reducing retail space and introducing housing, hotels, offices, and additional dining and entertainment options.

Illinois: The Westfield Old Orchard Shopping Mall in Skokie is set to [undergo a major redevelopment](#), featuring best-in-class retail, modern residences, chef-led dining, entertainment, gourmet markets, upscale health and wellness amenities, and a public park.

Maryland: Trademark Property Co.'s redevelopment efforts at the Annapolis Town Center in Maryland have resulted in [new leases for retail, restaurants, and fitness tenants](#). The mixed-use property now features increased community green space with Green Village, including a Boat House Pavilion, outdoor ice-skating rink, and a performance stage, along with a climate-controlled paseo connecting parking and retail areas.

Wisconsin: Bayshore Town Center in Glendale has been [transformed into an open-air mixed-use complex](#). The project included the construction of 13 buildings, doubling the mall's size to over 1.1 million square feet, featuring more than 60 retail stores, offices, and residential units.

The shopping mall, as we have explored in this series, has played a pivotal role in shaping American pop and economic culture since the opening of the Southdale Regional Shopping Center in 1956. [Business Insider noted](#) that approximately three new shopping centers were opening every day in the US since 1956, reaching a total of 4,500 large shopping complexes by 1960. And by the mid-1980s, malls and shopping centers accounted for 52% of all US retail sales.

For those of us in our late 30s and beyond, the memory of bustling malls remains vivid, recalling a time when they weren't just shopping destinations but vibrant community hubs. Malls weren't merely places to shop for clothes; they had stores for books, music, electronics, beauty needs, toys, and more. They were social hubs where you could work, hang out with friends, get your ears pierced, enjoy a meal, and even catch a movie or visit an arcade. All these retailers and services, conveniently clustered in one location, significantly influenced how and where consumers spent time and money.

When enclosed malls were originally constructed, the emphasis was primarily on retail, with only a handful of dining options. But, as I mentioned in my first article, malls were designed to accommodate many tenants and uses, with ample square footage, parking, and infrastructure for a range of non-retail functions. So as consumer preferences evolved, malls adapted, repurposing spaces for different needs, demolishing underutilized areas, or reinventing existing spaces to stay relevant. The contemporary mall

landscape includes new “anchor stores” transforming these spaces into areas where people can play, work, and even live.

What do you think? Are the days of the mall rat officially over? Or is this simply a reinvention of the mall experience — one that differs from what our parents, or even we, once knew?
