

Steuben County Industrial Development Agency
7234 Route 54 North
PO Box 393
Bath, NY 14810
January 26, 2023
Regular Meeting Notice

The Steuben County Industrial Development Agency will hold a Regular Business Meeting at 12:00 pm on January 26, 2023. This meeting is open to the public and those wishing to view the meeting as it is held may do so by visiting:

<https://us02web.zoom.us/j/84961151486?pwd=dIBPUnFHRWkwenppSig3WWZ0dmpDUT09>

Sincerely,

Mark Alger
Board Chair

Steuben County Industrial Development Agency
Regular Meeting of the Board of Directors

Agenda

January 26, 2023

12:00 pm

1. Call to Order – Quorum Present Alger
2. Swearing in New Board Members
Oath of Office J. Hunter, Steuben County Clerk
M. Caulfield-Member, S. VanEtten-Vice Chair, T. Russo-Treasurer
3. EFPR Annual Audit Presentation – Kristie Beach Johnson
4. Secretary’s Report Strobel
 - a) December 14, 2022 Minutes
5. Treasurer’s Report Russo
 - a) December 2022 Draft Financials
6. Appointment of Committees Alger
7. New Business
 - a) NY Budget 2023 Policy Update Presented by Ryan Silva,
Executive Director of the New York State Economic
Development Council (NYSEDC)
 - b) Application and Initial Resolution Staats
TJA – NY – Cohocton Solar Farm
 - c) Application and Initial Resolution
Finger Lakes Enviro-Tech
8. Old Business
 - a) Final Resolution Momentum of Western NY, LLC Johnson
 - b) NYSEDC Conference Johnson
9. Other Business
 - a) Project Updates Johnson

10. Executive Session – Public Officers Law, Article 7
Open Meetings Law – Section 105, Paragraph 1f
The employment of a particular person Alger

11. Adjournment Alger

RESOLUTION

A regular meeting of the Steuben County Industrial Development Agency was convened on Thursday, January 26, 2023.

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

Resolution No. 01/2023 - _____

RESOLUTION OF THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") APPROVING THE OATH OF OFFICE OF THE AGENCY'S BOARD MEMBERS.

WHEREAS, the Agency wishes to renew the term of three of its current board members.

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

Section 1. The Agency hereby approves the Oath of Office for the following board members:

- (a) Tony Russo, as Treasurer, for a renewal of term expiring December 31, 2025;
- (b) Michelle Caulfield, as Member, for a renewal of term expiring December 31, 2025;
and
- (c) Scott VanEtten, as Vice Charman, for a renewal of term expiring December 31, 2023.

Section 2. This Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Mark R. Alger	[]	[]	[]	[]
Scott VanEtten	[]	[]	[]	[]
Anthony Russo	[]	[]	[]	[]
Dean Strobel	[]	[]	[]	[]
Mike Davidson	[]	[]	[]	[]
Christine G. Sharkey	[]	[]	[]	[]
Michelle Caulfield	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION

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

I, the undersigned, Secretary of the Steuben County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Steuben County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on January 26, 2023, with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this ___ day of _____, 2023.

Secretary

Steuben County Industrial Development Agency 2023 Nominating Committee Report

Board Terms

2022

Tony Russo

Michelle Caulfield

2023

Mike Davidson

Chris Sharkey

2024

Mark Alger

Dean Strobel

Appointed to three-year (3) terms by Steuben County Legislature on a rotating basis.

Annual Appointment of Steuben County Legislative Chair

Scott VanEtten

2023 Slate

Tony Russo(Expires 12/31/25)

Michelle Caulfield(Expires 12/31/25)

Scott VanEtten (Expires 12/31/23)

2023 Officers

Mark Alger, Chair

Scott VanEtten, Vice Chair

Anthony Russo, Treasurer

Dean Strobel, Secretary

Kristie M. Beach

CPAs, PLLC



January 26, 2023

Audit Plan Presentation

Kristie M. Beach, CPAs, PLLC

585.721.5663 | kmbeachcpa.com

TABLE OF CONTENTS

Scope of Services & Engagement Team1

Management’s Responsibilities2

Engagement Objectives3

Audit Approach – Planned Scope4

Overall Audit Timeline6

Updated or New Accounting and Reporting Standards.....7

SCOPE OF SERVICES

Kristie M. Beach, CPA, PLLC will perform the services below for the year ended December 31, 2022:

Audit Services

- Perform the annual audits of the financial statements in accordance with Generally Accepted Auditing Standards and Government Auditing Standards for:
 - Steuben County Industrial Development Agency
 - Steuben County Economic Development Corporation

Management Letter (SAS 115 Letter)

Preparation of management letter containing comments and recommendations with respect to accounting and administrative controls and efficiencies along with internal controls.

Meetings

Meet with the Board of Directors and Finance/Audit Committee to present reports, as requested.

ENGAGEMENT TEAM MEMBERS



Kristie Beach, CPA
Partner
kmbeach@kmbeachcpa.com
585.721.5663

MANAGEMENT'S RESPONSIBILITIES

Management is responsible for preparing, with the oversight of the Board of Directors and Finance/Audit Committee, the financial statements and disclosures in conformity with accounting principles generally accepted in the United States of America (GAAP). Management's responsibilities also include the following:

- Establish and maintain effective internal control over financial reporting and proper accounting records.
- Identify and ensure compliance with relevant laws and regulations.
- Safeguard the Organization's assets.
- Select appropriate accounting principles.
- Use reasonable judgments and accounting estimates.
- Make all financial records and related information available to Kristie M. Beach, CPAs.
- If applicable, record material audit adjustments and affirm to Kristie M. Beach, CPAs that the impact of any uncorrected misstatements is immaterial to the financial statements taken as a whole.
- Provide Kristie M. Beach, CPAs with a letter confirming representations made during the audit.

Relating to third party transactions and other non-attest services, management needs to assume responsibility for:

- Overseeing the financial statements, by designating an individual, preferably within senior management, who possesses suitable skill, knowledge, and/or experience. The member should assess and be satisfied that such individual understands the services to be performed sufficiently to oversee them. However, the individual is not required to possess the expertise to perform or reperform the services.
- Evaluating the adequacy and results of the services performed.
- Accepting responsibility for the results of the services and providing an acknowledgement in writing in regard to their responsibilities. Acknowledgement to include the following:
 - Objectives of the engagement
 - Services to be performed
 - Client's acceptance of its responsibilities
 - Firm's responsibilities
 - Any limitations of the engagement

ENGAGEMENT OBJECTIVES

Our objectives with respect to the audit of the Organizations' financial statements are summarized below:

- Plan and perform an audit to obtain reasonable assurance about whether the financial statements are free of material misstatements, whether caused by error or fraud. An audit does not provide absolute assurance relative to or any guarantee of the accuracy of the financial statements and is subject to the inherent risk that errors or fraud, if they exist, may not be detected.
- Obtain a sufficient understanding of the Organizations' internal control to plan the audit of the financial statements. However, such understanding is required for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.
- Discuss any significant issues discussed with management in connection with our appointment or retention.
- Communicate our responsibilities in relation to the audit and establish an understanding of the terms of the engagement, including providing you with engagement letters.
- Provide an overview of the overall audit strategy, timing of the audit and significant risks identified.
- Inquire of the Board of Directors and Finance/Audit Committee about risks of material misstatement, including fraud risks, and whether they are aware of other matters that may be relevant to the audit such as violations or possible violations of laws or regulations and complaints or concerns raised regarding accounting or auditing matters.
- Communicate with management and the Board of Directors and Finance/Audit Committee regarding significant deficiencies and material weaknesses identified during our audit and other timely observations that are significant and relevant to the financial reporting process.
- Work with management toward timely issuance of financial statements.
- Maintain our independence with respect to the Organizations.

AUDIT APPROACH – PLANNED SCOPE

Overall, our audit strategy is to focus on higher risk areas of material misstatement (whether due to error or fraud) and other areas of concern for management and the Board of Directors and Finance/Audit Committee.

Our audit strategy includes consideration of:

- Prior year audit results along with interim results, including discussions with management regarding the Organizations operations, business activities, and risks.
- Inherent risk within the Organizations (i.e., the susceptibility of the financial statements to material error or fraud) before recognizing the effectiveness of the control systems.
- A continual assessment of materiality thresholds based upon qualitative and quantitative factors affecting the Organizations.
- Changes in staffing levels, particularly those involved in the financial activities of the Organizations.
- Recent developments within the industry, regulatory environment, and general economic conditions.
- Recently issued and effective accounting and financial reporting guidance.
- The Organizations significant and critical accounting policies and procedures, including those requiring significant management judgments and estimates and those related to significant unusual transactions, including identification of related parties.
- The control environment, risk management and monitoring processes, and the possibility that the control systems and procedures may fail to prevent or detect a material error or fraud. We will place reliance on internal controls, where applicable, in determining the degree of detailed substantive testing required.
- Information about systems and the computer environment in which financial records and related systems operate.

Auditing standards generally accepted in the United States of America require us to identify significant risks in the planning stage of our audit. Based upon our initial assessment the preliminary primary areas of focus in our overall audit strategy include:

- Revenue Recognition
- Management override of controls (always considered)
- Fraud risks (always considered)
- Internal Control over Financial Reporting (always considered)

AUDIT APPROACH – PLANNED SCOPE

Based upon our initial assessment, our audit will entail a combination of testing controls for reliance and substantive testing. The preliminary primary areas of focus in our overall audit strategy include:

- Cash and Cash Equivalents
- Investments – Certificates of Deposit
- Accounts Receivables and Allowance (if any)
- Revenue Recognition
 - Grants income
 - Business development support
 - Other revenues
- Capital Assets
 - Property and equipment
- Other Assets and Liabilities
 - Accounts payable
 - Net pension liability
- Net Position/Net Assets
- Supplemental Schedule of Straight Lease Projects (Agency)
- Compliance with Public Authorities Law

We will communicate to management, the Board of Directors and Finance/Audit Committee, in a timely manner, any significant changes to the planned audit strategy or the significant risks initially identified that may occur during the audit to the results of audit procedures or in response to external factors.

OVERALL AUDIT TIMELINE

The following represents our anticipated schedule with regard to our audit of the annual financial statements of the Organizations:

	Jan	Feb	Mar
Planning meeting with management and Finance/Audit Committee (1/26/2023)	✓		
Develop Audit Strategy, and Determine Nature and Scope of Testing	✓		
Risk Assessment, Internal Control Discussions & Interim Fieldwork	✓		
Fieldwork	✓	✓	
Agency Project Information Testing			✓
Financial Statement Preparation & Wrap		✓	✓
Meeting with management, Finance/Audit Committee and Board – Post Audit			✓
Release Final Financial Statements & Internal Control Letter (3/31/2023)			✓
Periodic Meetings and Discussions With Management	✓	✓	✓

UPDATED OR NEW ACCOUNTING AND REPORTING STANDARDS

<p>GASB Statement No. 87 Leases</p>	<p>This Statement will increase the usefulness of governments' financial statements by requiring reporting of certain lease liabilities that currently are not reported. It will enhance comparability of financial statements among governments by requiring lessees and lessors to report leases under a single model. This Statement also will enhance the decision-usefulness of the information provided to financial statement users by requiring notes to financial statements related to the timing, significance, and purpose of a government's leasing arrangements.</p> <p>*** Effective for periods beginning after June 15, 2021. ***</p>
<p>GASB Statement No. 91 Conduit Debt Obligations</p>	<p>The requirements of this Statement include a single method be used for the reporting of conduit debt obligations. The focus of the Statement is to improve financial reporting by eliminating diversity in practice associated with (1) commitments extended by issuers, (2) arrangements associated with conduit debt obligations, and (3) related note disclosures.</p> <p>*** Effective for periods beginning after December 15, 2021.***</p>
<p>GASB Statement No. 92 Omnibus 2020</p>	<p>The requirements of this Statement will enhance comparability in accounting and financial reporting and to improve the consistency of authoritative literature by addressing practice issues that have been identified during implementation and application of certain GASB statements.</p> <p>*** Effective for periods beginning after June 15, 2021.***</p>
<p>GASB Statement No. 93 Replacement of Interbank Offered Rates</p>	<p>The requirements of this Statement include addressing those and other accounting and financial reporting implications that result from the replacement of an Interbank Offered Rate (IBOR).</p> <p>*** Effective for periods beginning after June 15, 2021.***</p>
<p>GASB Statement No. 94 Public-Private and Public-Public Partnerships (PPP's) and Availability Payment Arrangements (APA's)</p>	<p>The requirements of this Statement will improve financial reporting by establishing the definitions of PPPs and APAs and providing uniform guidance on accounting and financial reporting for transactions that meet those definitions. The focus of the Statement is to improve financial reporting by addressing issues related to public-private and public-public partnership arrangements.</p> <p>*** Effective for periods beginning after June 15, 2022.***</p>

UPDATED OR NEW ACCOUNTING AND REPORTING STANDARDS

<p>GASB Statement No. 96 Subscription-Based Information Technology Arrangements (SBITAs)</p>	<p>The requirements of this Statement will improve financial reporting by establishing a definition for SBITAs and providing uniform guidance for accounting and financial reporting for transactions that meet that definition. The focus of the Statement is to provide guidance on the accounting and financial reporting for subscription-based information technology arrangements for government end users.</p> <p>*** Effective for periods beginning after June 15, 2022.***</p>
<p>GASB Statement No. 97 Certain Component Unit Criteria, and Accounting and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans</p>	<p>The requirements of this Statement will result in more consistent financial reporting of defined contribution pension plans, defined contribution OPEB plans, and other employee benefit plans, while mitigating the costs associated with reporting those plans. The focus of the Statement is to (1) increase consistency and comparability related to the reporting of fiduciary component units in circumstances in which a potential component unit does not have a governing board and the primary government performs the duties that a governing board typically would perform, (2) mitigate costs associated with the reporting of certain defined contribution pension plans, defined contribution other postemployment benefit plans, and employee benefit plans other than pension plans or OPEB plans as fiduciary component units in fiduciary fund financial statements, and (3) enhance the relevance, consistency, and comparability of the accounting and financial reporting for Internal Revenue Code Section 457 deferred compensation plans that meet the definition of a pension plan and for benefits provided through those plans.</p> <p>*** Effective for periods beginning after June 15, 2021.***</p>
<p>GASB Statement No. 99 Omnibus 2022</p>	<p>The objectives of this Statement are to enhance comparability in accounting and financial reporting and to improve the consistency of authoritative literature by addressing (1) practice issues that have been identified during implementation and application of certain GASB Statements and (2) accounting and financial reporting for financial guarantees.</p> <p>*** Effective for periods beginning after June 15, 2023.***</p>
<p>GASB Statement No. 100 Accounting Changes and Error Corrections</p>	<p>The primary objective of this Statement is to enhance accounting and financial reporting requirements for accounting changes and error corrections to provide more understandable, reliable, relevant, consistent, and comparable information for making decisions or assessing accountability.</p> <p>*** Effective for periods beginning after June 15, 2023.***</p>

UPDATED OR NEW ACCOUNTING AND REPORTING STANDARDS

<p>GASB Statement No. 101 Compensated Absences</p>	<p>The objective of this Statement is to better meet the information needs of financial statement users by updating the recognition and measurement guidance for compensated absences. That objective is achieved by aligning the recognition and measurement guidance under a unified model and by amending certain previously required disclosures.</p> <p>*** Effective for periods beginning after December 15, 2023.***</p>
---	---

Steuben County Industrial Development Agency
7234 Route 54N, P.O. Box 393, Bath, NY 14810
Minutes of the Regular Meeting, December 14, 2022

- I. Call to Order:** The Regular Meeting of the Steuben County Industrial Development Agency was called to order at 12:08pm by Chairman Mark Alger. Chairman Alger confirmed that there was a quorum present.

Present:	Mark Alger	Chair
	Dean Strobel	Secretary
	Michelle Caulfield	Member
	Chris Sharkey	Member
	Mike Davidson	Member
Absent:	Scott VanEtten	Vice Chair
	Tony Russo	Treasurer
Staff:	Jamie Johnson	Executive Director
	Jill Staats	IDA Staff
	Stacy Housworth	IDA Staff
	JC Smith	IDA Staff
	Russ Gaenzle	IDA Counsel

II. Secretary's Report:

A motion to approve the November 17, 2022 Regular Meeting Minutes of the Steuben County Industrial Development Agency as presented in the board materials was made by Michelle Caulfield, seconded by Chris Sharkey. All in favor. Approved.

III. Treasurer's Report:

The November 2022 financial statements were reported to the board by Executive Director Johnson, as presented in the board packet. A motion to approve the November 2022 financial statements was made by Chris Sharkey, seconded by Michelle Caulfield. All in favor. Approved.

Executive Director Johnson provided the board with an updated year end estimate. The year-end estimate of the Project Costs expense line was increased to \$55,000 to include expenses related to legal work for site development efforts.

IV. New Business:

a) Nominating Committee:

Member Chris Sharkey presented the Nominating Committee Report to the board. There are two (2) board positions expiring in 2022; Tony Russo, Treasurer and Michelle Caulfield, member. The committee approved the annual appointment of Scott VanEtten, Steuben County Legislative Chair, to the position of Vice Chair. The 2023 officer's positions were also approved by the committee. The nominating

report is included in the board materials. A motion to approve the nominating committee report was made by Chris Sharkey, seconded by Mike Davidson. All in favor. Approved.

b) Request for Quote – Building Condition Study

Executive Director Johnson presented the board with three (3) quotes received from Foor and Associates, Hunt Engineers and LaBella. The board agreed that the study will help them make educated decisions about the current footprint, future space needs and what is possible to renovate the current building. All three proposals were from qualified firms and after discussion, the board agreed to move forward with the quote received from Foor and Associates as it most closely aligns with the board's strategic space planning. A motion to accept the quote from Foor and Associates was made by Dean Strobel, seconded by Chris Sharkey. All in favor. Approved.

V. Old Business:

a) Howard Wind Ratification of New Ownership

The Howard Wind Project, owned by Everpower Wind Holdings, Inc. has been sold to Greenbacker Wind, LLC. This does not change the current IDA benefits to the project. A motion to approve the Authorizing Resolution for Howard Wind ownership transfer was made by Michelle Caulfield, seconded by Mike Davidson. All in favor. Approved.

b) Canisteo Wind Project Update

Executive Director Johnson referenced the letter received from Invenergy regarding the construction delays of the Canisteo Wind Project. Invenergy states that the delay is due to grid capacity issues. Invenergy feels they have adequately addressed all concerns and expects a decision by NYSERDA in the second quarter of 2023. If approved, commercial operations could begin in fourth quarter of 2026.

c) Storflex Final Resolution

The Final Resolution for the Storflex project was presented to the board for approval. The benefits include a PILOT agreement and sales tax benefits not to exceed \$664,000 on \$8,300,000 worth of new construction purchases. This project is also pending final funding approval from Empire State Development. A motion to approve the Final Resolution was made by Mike Davidson, seconded by Dean Strobel. Chris Sharkey abstained from voting due to a professional conflict. All others in favor. Approved.

d) LP Corp Sales Tax Increase Request

LP Corp requested an increase of their sales tax benefit from \$1,040,000 to \$2,040,000 citing rapidly rising inflation and material costs. A motion to approve the sales tax benefit increase was made by Dean Strobel, seconded by Michelle Caulfield. All in favor. Approved.

e) NY Arkport Crossett Rd Solar Project

The NY Arkport Crossett Rd project has been purchased by Greenbacker Wind, LLC who has requested a reinstatement of sales tax benefits and a one-year reinstatement of the PILOT schedule to move the project forward into the construction phase. A motion to approve the sales tax extension benefit, PILOT extension and transfer of ownership was made by Mike Davidson, seconded by Chris Sharkey. All in favor. Approved.

VI. Other Business:

a) Board Evaluations, Financial Disclosure and Conflict of Interest

The annual forms were handed out to the board and need to be returned in January.

b) Project Updates

Deputy Director Staats handed out the 2022 Annual Report. The board thanked Jill for her hard work on the piece. Executive Director Johnson thanked JC Smith, IDA Infrastructure Specialist, for his hard work this year on the Bath sewer, Hammondsport sewer and ARC Grant projects. Johnson also thanked Jill Staats and Stacy Housworth for their dedication to the agency. Director Johnson closed by thanking the board for their leadership and guidance through a very successful year.

c) 2023 Board Meeting Schedule

The board was provided the 2023 meeting schedule as presented in the board packet.

VII. Adjournment:

With no further business to discuss, a motion was made by Chris Sharkey to adjourn the meeting at 1:00pm, seconded by Dean Strobel. All in favor. Approved.

A full recording of this meeting is available at <https://steubencountyida.com/wp-content/uploads/2022/01/Board%20Meeting%2012%2014%202022.mp4>.

Respectfully Submitted,

Dean Strobel
Secretary

SCIDA
Balance Sheet
As of December 30, 2022

	Dec 30, 22
ASSETS	
Current Assets	
Checking/Savings	
200 · Five Star Bank checking	1,288,338.99
209 · Escrow Project Account	12,316.15
210 · Petty cash	100.00
213 · Five Star CD 225274906	606,034.33
215 · Chemung Canal Trust Company	1,469,089.97
218 · Five Star CD 225343789	1,000,000.00
Total Checking/Savings	4,375,879.44
Other Current Assets	
217 · Prepaid Expenses	8,771.83
Total Other Current Assets	8,771.83
Total Current Assets	4,384,651.27
Fixed Assets	
100 · Land - B&W Railroad	380,250.00
101 · B&H Railroad	102,653.00
102 · B&H Railroad Equipment	14,250.00
103 · Building - Office	161,544.00
104 · Engine House - Livonia	100,000.00
105 · Land - Industrial Park 1	285,440.40
106 · Land - Railroad	39,979.00
107 · Office Equipment	33,968.35
108 · B&W Railroad	380,250.00
109 · Building Improvements	15,100.00
110 · Babcock Ladder Land	50,000.00
111 · B & H Railroad	922,522.80
112 · Accumulated Depreciation	-893,369.64
150 · Website Design	30,000.00
Total Fixed Assets	1,622,587.91
Other Assets	
151 · Accumulated Amortization	-30,000.00
199 · Deferred Outflows of Resources	216,258.00
Total Other Assets	186,258.00
TOTAL ASSETS	6,193,497.18
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
2100 · Payroll Liabilities	947.50
261 · Deferred Inflows of Resources	276,330.00
Total Other Current Liabilities	277,277.50
Total Current Liabilities	277,277.50
Long Term Liabilities	
260 · Net Pension Liability	930.00
Total Long Term Liabilities	930.00
Total Liabilities	278,207.50

12:43 PM

01/17/23

Accrual Basis

SCIDA
Balance Sheet
As of December 30, 2022

	<u>Dec 30, 22</u>
Equity	
1110 · Retained Earnings	4,697,604.32
1120 · Temp Restricted-Millennium	224,946.12
Net Income	<u>992,739.24</u>
Total Equity	<u>5,915,289.68</u>
TOTAL LIABILITIES & EQUITY	<u><u>6,193,497.18</u></u>

SCIDA
Profit & Loss Budget Performance
December 2022

	Dec 22	Budget	Jan - Dec 22	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
2140 - Administrative Income	0.00	0.00	1,556,702.50	1,222,123.00	1,222,123.00
2145 - Lease Income	0.00	0.00	18.00	1,775.00	1,775.00
2401 - Interest Income	348.99	726.66	8,715.97	8,720.00	8,720.00
2770 - Miscellaneous Income	0.00	416.66	178.85	5,000.00	5,000.00
2780 - Reimbursed Expenses	330.00	165.00	2,145.00	1,980.00	1,980.00
2810 - Business Development Support	0.00	0.00	75,000.00	75,000.00	75,000.00
2812 - Infrastructure Development	0.00	0.00	834,000.15	750,000.00	750,000.00
Total Income	678.99	1,308.32	2,476,760.47	2,064,598.00	2,064,598.00
Gross Profit	678.99	1,308.32	2,476,760.47	2,064,598.00	2,064,598.00
Expense					
6110 - Automobile Expense	1,007.61	1,075.08	13,751.02	12,901.00	12,901.00
6145 - Continuing Education	0.00	0.00	3,288.70	8,927.00	8,927.00
6160 - Dues and Subscriptions	98.79	750.00	9,422.40	9,000.00	9,000.00
6180 - Insurance					
6181 - Health Insurance	0.00	3,000.00	40,030.68	36,000.00	36,000.00
6182 - Dental Insurance	0.00	135.91	1,668.66	1,631.00	1,631.00
6185 - Liability Insurance	0.00	0.00	10,662.64	9,434.00	9,434.00
6190 - Disability Insurance	0.00	0.00	2,097.73	1,390.00	1,390.00
6195 - Life Insurance	0.00	0.00	1,254.99	1,293.00	1,293.00
6196 - Workers' Compensation	0.00	0.00	1,475.00	1,640.00	1,640.00
6180 - Insurance - Other	0.00	0.00	3,528.00	0.00	0.00
Total 6180 - Insurance	0.00	3,135.91	60,717.70	51,388.00	51,388.00
6240 - Miscellaneous Office Expenses	87.28	416.66	1,660.82	5,000.00	5,000.00
6250 - Postage and Delivery	0.00	250.00	2,105.25	3,000.00	3,000.00
6270 - Professional Fees					
6650 - Accounting	0.00	0.00	10,960.00	12,000.00	12,000.00
6655 - Consulting	0.00	2,083.33	8,500.00	25,000.00	25,000.00
Total 6270 - Professional Fees	0.00	2,083.33	19,460.00	37,000.00	37,000.00

SCIDA
Profit & Loss Budget Performance
December 2022

	Dec 22	Budget	Jan - Dec 22	YTD Budget	Annual Budget
6276 · Infrastructure Development Fees	0.00	0.00	821,683.88	750,000.00	750,000.00
6340 · Telephone	269.26	433.75	3,327.02	5,205.00	5,205.00
6350 · Travel & Ent					
6350 · Travel & Ent - Other	63.75	666.66	750.24	8,000.00	8,000.00
Total 6350 · Travel & Ent	63.75	666.66	750.24	8,000.00	8,000.00
6390 · Utilities	442.73	500.00	3,357.09	4,300.00	4,300.00
6465 · Community Engagement	0.00	3,250.00	7,281.00	6,500.00	6,500.00
6495 · Cleaning	230.00	236.91	2,732.00	2,843.00	2,843.00
6505 · Conferences	401.97	500.00	7,362.46	6,500.00	6,500.00
6515 · Copier	0.00	208.33	2,249.78	2,500.00	2,500.00
6535 · Internet access	60.00	66.66	720.00	800.00	800.00
6540 · Legal Services	0.00	375.00	0.00	4,500.00	4,500.00
6545 · Maintenance	137.55	566.66	5,607.38	6,800.00	6,800.00
6550 · Office Supplies	190.07	397.91	1,237.50	4,775.00	4,775.00
6560 · Payroll Expenses	36,458.82	29,166.66	348,709.97	350,000.00	350,000.00
6561 · Payroll Taxes	1,797.96	2,083.33	25,349.44	25,000.00	25,000.00
6576 · Project Costs	640.01	17,083.80	49,182.61	100,000.00	100,000.00
6590 · Refuse	30.00	34.33	407.67	412.00	412.00
6595 · Retirement	0.00	0.00	36,263.00	35,000.00	35,000.00
6625 · Technology upgrades	170.00	416.66	2,204.63	5,000.00	5,000.00
6645 · Marketing	3,150.00	2,916.66	47,064.68	35,000.00	35,000.00
6647 · Manufacturing Day Video & Event	0.00	2,044.00	11,775.00	24,528.00	24,528.00
6651 · Payroll Fees	245.95	192.00	2,677.41	2,305.00	2,305.00
Total Expense	45,481.75	68,850.30	1,490,348.65	1,507,184.00	1,507,184.00
Net Ordinary Income	-44,802.76	-67,541.98	986,411.82	557,414.00	557,414.00
Net Income	-44,802.76	-67,541.98	986,411.82	557,414.00	557,414.00

Steuben County IDA 2023 Committee Appointments

Governance

Chris Sharkey, Chair

Michelle Caulfield

Mike Davidson

Finance/Audit

Tony Russo, Chair

Scott VanEtten

Chris Sharkey

Personnel/Nominating

Mark Alger

Dean Strobel

Chris Sharkey

Project Summary Sheet

TJA-NY-Cohocton Solar Farm, LLC

January 2023

Project Description

TJA-NY-Cohocton Solar Farm is the LLC formed under Dimension Renewable Energy to construct and operate a 5 MW solar project at 11190 NY 391 in the Town of Cohocton. Approximately 25 acres will be used for this project. Dimension is building several solar projects in upstate New York and has several built across the country. Electricity will be sold under the community solar model, whereby local residents who live in NYSEG's territory will be given the option to purchase it to save on their electricity bills.

The company will be applying for sales and property tax exemptions.

Total Project Investment	\$9,689,667
Jobs Retained	0
Job Created	0
	Short-term job potential: construction jobs
	Long-term job potential: various professions will be hired on a part-time, contract basis as needed during the life of the project, such as electrical workers
Benefit to Cost Ratio	3:1 (assumes a full assessment value based on the state's appraisal model which has been challenged in court)
Estimated PILOT Savings	\$524,958
Estimated Mortgage Tax Savings	\$0
Estimated Sales Tax Savings	\$387,641
Total Savings	\$912,599
Comments	The project will generate \$668,178 in additional property tax revenue over 20 years for the taxing jurisdictions based on the PILOT schedule.
Estimated Project Start Date	Summer 2023
Estimated Project Completion Date	Spring 2024

Evaluative Criteria for Energy Projects

1. Private Sector Investment – The project will result in \$9.7 million private sector investment, create construction jobs and induce local spending for lodging, restaurants and gas stations during the construction period.
2. Advances State Renewable Energy Production Goals – This project will assist in meeting the state's climate action goals to generate 70% of electricity from renewable sources by 2030 and by reducing greenhouse gases 85% by 2050.

TJA-NY-Cohocton Solar Farm

Steuben County IDA PILOT Assessment - DRAFT

11190 State Route 371

Cohocton Tax Rate/\$1,000 \$7.09
 County Tax Rate/\$1,000 \$10.44
 School District Tax Rate/\$1,000 \$21.31
 Total Tax Rate/\$1000 \$38.84

Distribution Rate
 18.25%
 26.88%
 54.87%

Per MW PILOT Rate \$5,500.00 plus 2% annually
 Rated Megawatts 5
 Total PILOT payment over 20 years \$685,353

Abatement Year	Taxes on 25 acres of land	Total PILOT Payment	Town Payment w/ PILOT and 25 acres	County Payment w/ PILOT and 25 acres	School Payment w/ PILOT and 25 acres	Total Taxes w/ PILOT and 25 acres
Year 1	\$707	\$27,500	\$5,149	\$7,582	\$15,476	\$28,207
Year 2	\$721	\$28,050	\$5,252	\$7,734	\$15,786	\$28,771
Year 3	\$735	\$28,611	\$5,357	\$7,888	\$16,101	\$29,346
Year 4	\$750	\$29,183	\$5,464	\$8,046	\$16,423	\$29,933
Year 5	\$765	\$29,767	\$5,573	\$8,207	\$16,752	\$30,532
Year 6	\$780	\$30,362	\$5,685	\$8,371	\$17,087	\$31,143
Year 7	\$796	\$30,969	\$5,799	\$8,538	\$17,429	\$31,766
Year 8	\$812	\$31,589	\$5,915	\$8,709	\$17,777	\$32,401
Year 9	\$828	\$32,221	\$6,033	\$8,883	\$18,133	\$33,049
Year 10	\$845	\$32,865	\$6,154	\$9,061	\$18,495	\$33,710
Year 11	\$862	\$33,522	\$6,277	\$9,242	\$18,865	\$34,384
Year 12	\$879	\$34,193	\$6,402	\$9,427	\$19,242	\$35,072
Year 13	\$897	\$34,877	\$6,530	\$9,616	\$19,627	\$35,773
Year 14	\$914	\$35,574	\$6,661	\$9,808	\$20,020	\$36,489
Year 15	\$933	\$36,286	\$6,794	\$10,004	\$20,420	\$37,218
Year 16	\$951	\$37,011	\$6,930	\$10,204	\$20,829	\$37,963
Year 17	\$970	\$37,752	\$7,068	\$10,408	\$21,245	\$38,722
Year 18	\$990	\$38,507	\$7,210	\$10,616	\$21,670	\$39,496
Year 19	\$1,010	\$39,277	\$7,354	\$10,829	\$22,104	\$40,286
Year 20	\$1,030	\$40,062	\$7,501	\$11,045	\$22,546	\$41,092
	\$17,176	\$668,178	\$125,107	\$184,220	\$376,027	\$685,353

Steuben County Industrial Development Agency

MRB Cost Benefit Calculator

Date: January 1, 2023
 Project Title: TJA-NY-Cohocton Solar Farm
 Project Location: Cohocton, NY



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

Project Total Investment

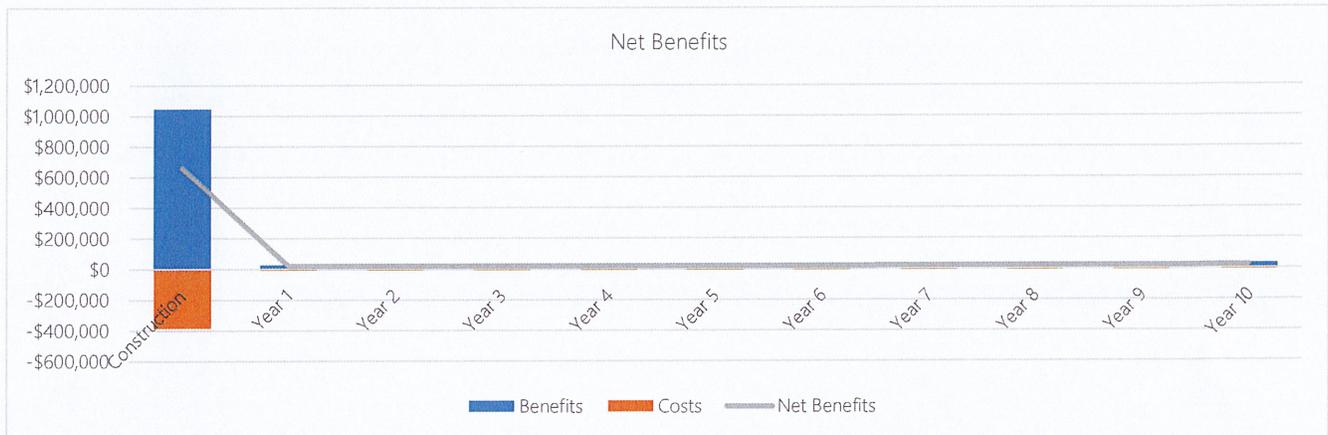
\$9,689,667

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	14	4	17
Earnings	\$808,885	\$178,554	\$987,439
Local Spend	\$1,937,933	\$566,158	\$2,504,092

	Ongoing (Operations)		
	Direct	Indirect	Total
Jobs	0	0	0
Earnings	\$0	\$0	\$0

Aggregate over life of the PILOT

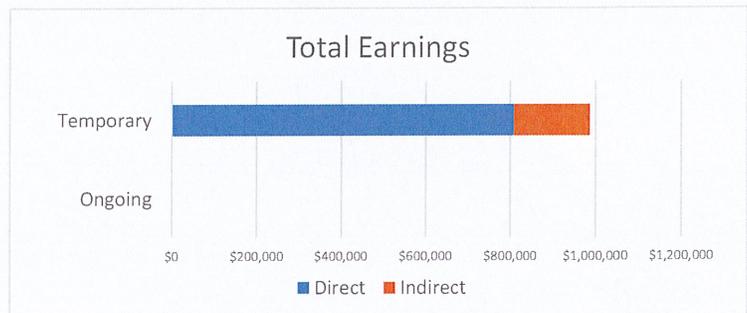
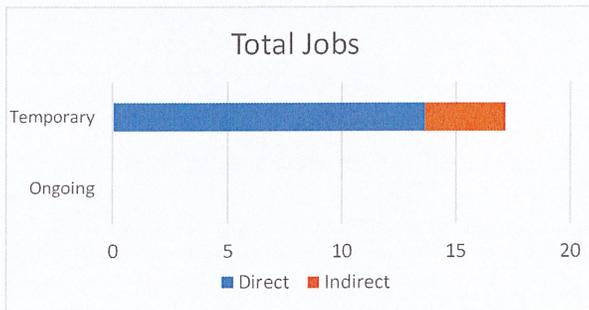
Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$178,363	\$137,317
Sales Tax Exemption	\$387,641	\$387,641
Local Sales Tax Exemption	\$193,821	\$193,821
State Sales Tax Exemption	\$193,821	\$193,821
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$566,004	\$524,958

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$1,662,529	\$1,533,567
To Private Individuals	\$987,439	\$987,439
Temporary Payroll	\$987,439	\$987,439
Ongoing Payroll	\$0	\$0
Other Payments to Private Individuals	\$0	\$0
To the Public	\$675,090	\$546,128
Increase in Property Tax Revenue	\$668,178	\$539,216
Temporary Jobs - Sales Tax Revenue	\$6,912	\$6,912
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$51,347	\$51,347
To the Public	\$51,347	\$51,347
Temporary Income Tax Revenue	\$44,435	\$44,435
Ongoing Income Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$6,912	\$6,912
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
Total Benefits to State & Region	\$1,713,875	\$1,584,913

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$1,533,567	\$331,137	5:1
State	\$51,347	\$193,821	:1
Grand Total	\$1,584,913	\$524,958	3:1

*Discounted at 2%

Additional Comments from IDA

This project will assist the state in acheiving its clean energy goals.

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

Project Number:



Application for Financial Assistance

Please complete the application and mail the *original, signed copy*, along with the **\$1,000 application fee**, to:

Steuben County IDA
PO Box 393
7234 State Route 54
Bath, NY 14810

Information in the application is subject to public review under the New York State Freedom of Information Law. Please contact the IDA with any questions at 607-776-3316.

Section 1: Applicant Information (company receiving benefit)

Applicant Name: TJA-NY-Cohocton Solar Farm, LLC

Applicant Address: 3050 Peachtree Rd., 4th floor, Suite 460, Atlanta, GA 30305

Phone: 866-777-7969

Federal Tax ID: 86-1252055

NAICS Code: 221114

Will a real estate holding company be used to own the property? Yes No

Name of real estate holding company: Click or tap here to enter text.

Federal Tax ID: Type here to enter text

Type of Entity: Limited Liability Company

Year Established: 2021

State in which entity is established: Delaware

Stockholders, members, or partners with 20% or more in ownership:

Name	% Ownership
Dimension NY 1, LLC	100
Type here to enter text.	Type here to enter text.
Type here to enter text.	Type here to enter text.

Is the Applicant or any of its owners involved in any lawsuits which could have a financial impact on the company?

Yes No

Has the Applicant or any of its owners ever been involved in a bankruptcy? Yes No

Are all owners noted above citizens of the United States? Yes No

Provide a brief history of the Applicant, including operations, operating performance, changes in operations, current size and locations, products and/or services, major accounts, principal competitors, and major events affecting sales/services.

TJA-NY-Cohocton Solar Farm, LLC is a wholly owned subsidiary of Dimension NY 1, LLC. TJA-NY-Cohocton Solar Farm, LLC is developing and will own and operate a 5.0 MWac community solar farm on the project site. The project will generate clean renewable energy that will be injected into the local utility grid operated by NYSEG. The community solar credits generated by the project will be sold to local residents and small businesses at a discount to retail electricity prices, providing long term economic impact to our subscribers.

Dimension NY 1, LLC, the parent company, is developing multiple solar projects across upstate New York. Its principals have significant experience developing, building, and financing solar projects across the United States. Currently, Dimension has active community solar projects in Westchester, Livingston, Lewis, Yates, Chenango, Onondaga, Oneida, Cortland, Chautauqua, Cattaraugus, and Monroe Counties.

Estimated % of sales (equal to 100%):

Within Steuben County: 6%

Outside Steuben County but in NY State: 94%

Outside New York but in U.S.: 0%

Outside U.S.: 0%

What % of annual supplies, raw materials, and vendor services are purchased from firms in Steuben County?

0% : Applicant will use commercially reasonable efforts to use local suppliers, including requiring the Applicant's contractors to use commercially reasonable efforts, to identify local suppliers; however, the ability to use local suppliers will be limited by the availability of project specific solar equipment within the local labor market.

Authorized Signatory Name: Sam Youneszadeh

Title: Authorized Member

Phone: 877-277-8506

Email: legal@dimension-energy.com

Name of Corporate Contact (if different from Authorized Signatory): Jordan Ruttenberg

Title: VP, Business Development

Phone: 781-915-8125

Email: jruttenberg@dimension-energy.com

Name of Attorney: Genevieve Trigg

Firm Name: Barclay Damon, LLP

Phone: 518-429-4265

Email: gtrigg@barclaydamon.com

Section 2: Project Description and Details

Municipality(s) of current operations:

Town of Cohocton

Will the Project result in the abandonment of one or more plants/facilities of the Applicant located in New York?

Yes No

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

Type here to enter text.

Property address(es) of Project location:

11190 NY 371, Cohocton, NY 14826

Tax map number(s) of Project location:

030.00-01-005.200

Town/Village/City taxes are paid to:

Cohocton

School district taxes are paid to:

Wayland-Cohocton SD District

Are property tax payments current? Yes No

If no, please explain: Type here to enter text.

Does Applicant or any related party currently hold fee title to the Project property?

Yes No

If no, provide the name of the current owner: Ovan Capital, LLC

If no, does Applicant or any related party have an option to purchase the Project property?

Yes No

What is the present use of the property? Tree Farm, Ag, Forest

What is the present zoning/land use? AG-R

Description of the project: (check all that apply)

<input checked="" type="checkbox"/> New construction	<input type="checkbox"/> Acquisition of existing building
<input type="checkbox"/> Addition to existing building	<input type="checkbox"/> Purchase of machinery and/or equipment
<input type="checkbox"/> Renovation of existing building	<input type="checkbox"/> Other

Please provide a narrative description of the project, including specific uses and activities that will occur at the site, products to be made or services to be offered, as well as markets for the goods/services. Please include the impact of this project on Applicant in terms of operations and profitability, or other factors affecting operations.

TJA-NY-Cohocton Solar Farm, LLC is developing plans for a 5 MW-AC solar array to be installed on approximately 25 acres of agricultural field located on Route 371 in the town of Cohocton. Activities include the installation of a ground-mounted solar energy system of approximately 12,532 modules/ panels, new electrical equipment and accessories including electrical lines, gravel access road and a wildlife friendly perimeter fence. New landscaping will be installed to screen the project site along with the maintenance of existing natural buffers and vegetation. TJA-NY-Cohocton Solar Farm, LLC, will participate in the NYSERDA NY-Sun Initiative to provide clean energy to local businesses and residences.

Select the project type for all end users at the site; you may check more than one box:

<input type="checkbox"/> Industrial	<input type="checkbox"/> Multi-tenant
<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Not-for-profit
<input type="checkbox"/> Back Office	<input type="checkbox"/> Healthcare
<input type="checkbox"/> Retail	<input type="checkbox"/> Other: Type here to enter text.
<input type="checkbox"/> Housing	<input type="checkbox"/> Other: Type here to enter text.
<input type="checkbox"/> Mixed Use	<input type="checkbox"/> Other: Type here to enter text.

Has or will Applicant enter into any tenant leases for this Project? Yes No

If yes, please complete the chart below:

Tenant Name	Current Location	# sq. ft.	% of total sq. ft.	Business type
Name	Address	Type here to enter text.	Type here to enter text.	Type
Name	Address	Type here to enter text.	Type here to enter text.	Type
Name	Address	Type here to enter text.	Type here to enter text.	Type

What is the Project's start date when equipment will be ordered or construction begins?
 Summer 2023

What is the Project's estimated completion?

Spring, 2024

When will operations commence?

Spring, 2024

Have construction contracts been signed? Yes No

Has financing been finalized? Yes No

Is this part of a multi-phase project? Yes No

If Yes, please explain: Type here to enter text.

Have site plans been submitted to the appropriate planning board? Yes No

If Yes, has the Project received site plan approval? Yes No

If the Project has received site plan approval, please provide a copy of the Environmental Assessment Form including the Negative Declaration.

Please provide the IDA with the status of any other required approvals:

Building Permit – Not started

SHPO – Letter of No Adverse Impact dated 12/8/2022

NYSDEC Notice of Intent – Not started

ACOE – Letter of No Jurisdiction- Underway

FAA – Determination of No Hazard to Air Navigation dated 9/12/2022

Will customers personally visit the Project site for Retail Sales or Services? The terms refer to (a) sales by a registered vendor under Article 28 (Section 1101(b)(4)(i)) of the Tax Law of the State of New York primarily engaged in the retail sale of tangible personal property or (b) sales of a service to customers who personally visit the Project site.

Retail Sales Yes No

Services Yes No

If either question above is answered Yes, please complete the questions below. If not, please move on to the Financial Assistance and Project Budget section.

Retail/Service Industry-Only Questions

What percentage of the cost of the Project can be tied to the retail or service portion of the business?

Type here to enter text.

If the answer is less than 33%, do not complete the remainder of this section and move on to Section 3: Financial Assistance and Project Budget.

For Projects where 33% or more is tied to retail sales or service:

1. Will the Project be operated by a not-for-profit corporation?

Yes No

2. Is the Project location or facility likely to attract a significant number of visitors from outside the economic development region in which the project will be located?

Yes* 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 Project is to be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

Yes* 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 No

5. Is the Project located in a highly distressed area, as defined by the US Census Bureau?

Yes No

*If the answer to question 2 or 3 is Yes, please provide a third-party market analysis or other documentation supporting the response.

Section 3: Financial Assistance and Project Budget

Choose the type of assistance being requested: (check all that apply)

Sales Tax Exemption Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Property Tax Exemption Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Mortgage Tax Exemption Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Tax Exempt IR Bond Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Describe the reasons why the IDA's assistance is necessary, and the effect the Project will have on Applicant's operations. Focus on competitiveness issues, Project shortfalls, etc.

The Company develops and maintains solar projects to facilitate renewable energy growth and provides additional services in other areas of the state. But for the IDA's assistance, the project would not be economically viable, and the Company will not be able to survive. As of late, inflation has increased all construction-related costs significantly, placing a more considerable burden on developers to make projects financially feasible. These additional costs, along with significant delays and uncertainty on project materials, make the PILOT a financially crucial aspect of the project business model.

Is there likelihood that the Project would not be undertaken but for the financial assistance provided by the IDA?

Yes No

If the Project could be undertaken without financial assistance provided by the IDA, explain below why the Project should be provided financial assistance.

Type here to enter text.

What would be the impact on the Applicant and the associated municipalities if the IDA does not provide financial assistance?

On a state level, without continued growth of solar facilities in New York State, NYS will not meet its ambitious CLCPA goals by 2030. Incentives will be decreased/removed altogether, and development activities will be forced to migrate to other states.

On a more local level, if assistance is not provided and this project is forced to terminate, the Town of Cohocton, Steuben County and the Wayland-Cohocton School District will lose the opportunity to take advantage of much higher tax revenues from this property. In addition, this project will stabilize and provide resilience to the local utility grid, along with developer-funded upgrades to the substation and electrical feeders, all of which will not happen without this financial assistance.

List below the Sources and Uses of funds for the Project:

<u>Use of Funds</u>	<u>Amount</u>
Land Acquisition:	\$0
Building Purchase:	\$0
Construction or Renovation – Labor:	\$1,922,504.70
Construction or Renovation – Materials:	\$571,811.50
Site Work/Infrastructure:	\$1,456,935.10
Machinery, Equipment, Fixtures – Taxable:	\$0
Machinery, Equipment, Fixtures – Non-Taxable:	\$5,633,527.50
Soft Costs, Professional Fees:	\$104,888.50
Refinance of existing debt:	\$0
Other: Type here to enter text.	\$0

Total Uses:	\$9,689,667.30
<u>Source of Funds</u>	<u>Amount</u>
Equity:	\$8,877,593.30
Financial Institution:	\$0
Public Sector Assistance: (MW Block Grant from NYSERDA)	\$812,074
Other: Type here to enter text.	\$0
Other: Type here to enter text.	\$0
Other: Type here to enter text.	\$0
Total Sources:	\$9,689,667.30
% Public Sources Used to Finance Project:	8.3%

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

If Yes, please describe: Site Control costs related to the Lease of the property, engineering, legal and permitting costs.

If applying for a **Mortgage Recording Tax Exemption**, please list:

Mortgage Amount: \$0

Mortgage Recording Tax Exemption requested (multiply mortgage amount by 1.25%): \$0

If applying for a **Sales Tax Exemption***, please list:

Total cost of goods and services that are subject to NY State and Local Sales Tax: \$0 *See attached

Sales Tax Exemption requested (multiply total cost by 8%):

\$387,640.83

*The estimated sales tax amount listed above will be provided to the New York State Department of Taxation and Finance. Applicant acknowledges that the transaction documents may 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 IDA may authorize with respect to this Application. The IDA 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.

If applying for a **Property Tax Exemption**, IDA staff will use the information contained in this application to create an estimate of real property tax abatement, based on current property tax rates and assessed values, which will be provided to the Applicant and attached to this application.

Section 4: Project Employment

Is the Project necessary to retain existing employment? Yes No

Is the Project necessary to expand employment? Yes No

Please complete the following chart with new and retained jobs using the definitions below:

- A – Retained Jobs are those that exist at the time of application.
- B – Jobs Created are those that will be created as a result of the Project in the first year
- C – Jobs Created are those that will be created as a result of the Project in the second year
- D – Jobs Created are those that will be created as a result of the Project in the third year
- E – The sum of jobs to be created during the first three years of the Project.
- F – The average wage of those existing and created jobs for each Job Type.
- G – The average cost of benefits offered for existing and created jobs for each Job Type.

Full Time – Any regularly-scheduled employee who works 30 hours or more each week.

Part Time – Any employee who works less than 30 hours per week or who is employed on a temporary basis.

	A	B	C	D	E	F	G
Job Type	Retained Jobs	# Jobs Created Year 1	# Jobs Created Year 2	# Jobs Created Year 3	Total New Jobs Created	Average Annual Wage	Average Annual Benefit Cost
Full Time							

Management	0	0	0	0	0	\$0	\$0
Professional	0	0	0	0	0	\$0	\$0
Administrative	0	0	0	0	0	\$0	\$0
Production	0	0	0	0	0	\$0	\$0
Independent Contractor	0	0	0	0	0	\$0	\$0
Other: Type here to enter text.	0	0	0	0	0	\$0	\$0
Total FT	0	0	0	0	0	\$0	\$0
Part Time							
Management	0	0	0	0	0	\$0	\$0
Professional	0	0	0	0	0	\$0	\$0
Administrative	0	0	0	0	0	\$0	\$0
Production	0	0	0	0	0	\$0	\$0
Independent Contractor	0	0	0	0	0	\$0	\$0
Other: Type here to enter text.	0	0	0	0	0	\$0	\$0
Total PT	0	0	0	0	0	\$0	\$0
Total FTE	0	0	0	0	0	\$0	\$0

How many of the new, FTE jobs to be created within three years will be filled by residents of the Labor Market Area that includes Steuben, Schuyler, Chemung, Yates, Allegany, and Livingston Counties?

The Project will create no permanent jobs.

The IDA may utilize the foregoing employment projections, among other items, to determine the Financial Assistance that will be offered by the IDA 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.

Please complete the chart below if Applicant provides employment at other sites in New York State:

Address: Type here to enter text.	Address: Type here to enter text.	Address: Type here to enter text.
-----------------------------------	-----------------------------------	-----------------------------------

Total FTEs	0	0	0
------------	---	---	---

Section 5: Representations, Certifications, and Indemnification

Before completing this section, has IDA staff reviewed all previous sections of the Application and acknowledged that they are complete? Yes No

As an authorized representative of Applicant, **Sam Youneszadeh** confirms that he/she is the **Authorized Member** of **TJA-NY-Cohocton Solar Farm, LLC** named in the Application, and that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the IDA, also known as the "Agency," and as follows:

1. 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.
2. 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.
3. 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.
4. 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.

5. 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.
6. 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.
7. 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.

8. 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.
9. By executing and submitting this Application, the Applicant covenants and agrees to pay the following fees to the Agency and the Agency's general counsel and/or the Agency's bond/transaction counsel, the same to be paid at the times indicated:
 - a. a non-refundable \$1,000 application and publication fee (the "Application Fee");
 - b. an amount equal to one percent (1%) of the total project costs, unless otherwise agreed to by the Agency; and
 - c. 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.
10. 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.
11. 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 8 and 9 are obligations that are not dependent on final documentation of the transaction contemplated by this Application.
12. 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.
13. 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.**

14. The Applicant acknowledges that it has been provided a copy of the Agency's Policy for Termination of Agency Benefits and Recapture of Agency Benefits Previously Granted (the "Termination and Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Termination and Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Termination and 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 of Agency financial assistance so provided and/or previously granted.
15. 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.
16. 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.
17. 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, as well as may lead to other possible enforcement actions.
18. 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.
19. In the event that (a) the Company does not proceed to final IDA approval within six (6) months of the date of the initial resolution and/or (b) close with the IDA on the proposed Financial Assistance within twelve (12) months of the date of the initial resolution, the IDA reserves the right to rescind and cancel all approvals provided.
20. 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.

21. The Applicant and the individual executing this Application on behalf of Applicant acknowledge receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. Applicant further acknowledges and understands that it has certain obligations as related thereto pursuant to Section 224-a(8)(a) of the New York Labor Law.

STATE OF NEW YORK)
COUNTY OF) ss.:

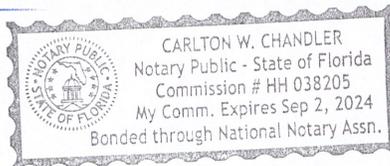
SAM YANNOZZO, being first duly sworn, deposes and says:

1. That I am the Authorized Officer (Corporate Office) of TJA-NY - Choctaw Solar Farm, 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]
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 11 day of JANUARY, 2023.

[Signature]
(Notary Public)



Steuben County IDA
Applicant: TJA-NY-Cohocton Solar Farm, LLC
Application Supplement

Sales tax exemption calculation:

In response to the amount of sales tax exemption requested on p.9 of the application, we have calculated the request as follows:

- (i) multiplying the local sales tax rate (4%) to the cost of solar generation/production materials and equipment;
- (ii) multiplying the combined state and local sales tax rate (8%) to the cost of all other non-generation materials, and
- (iii) adding the exemptions calculated in steps (i) and (ii).

Non-taxable (state):

Total costs of solar machinery and equipment = \$5,633,527.50
(ie. modules, racking, invertors, etc.)

Taxable:

Total costs of construction or renovation (wiring DC, AV, MV) = \$ 571,811.50
Site work costs (includes access road, fencing, landscaping, etc) = \$1,456,935.10
2,028,746.00

4% exemption: $.04 \times 5,633,527.50 = \$225,341.10$

8% exemption: $.08 \times 2,028,746 = \$162,299.73$

Total sales and use tax exemption: $[\$225,341.10 + \$162,299.73] = \$387,640.83$

INITIAL RESOLUTION
(TJA-NY-Cohocton Solar Farm, LLC Project)

A regular meeting of the Steuben County Industrial Development Agency was convened on Thursday, January 26, 2023.

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

Resolution No. 01/2023 - _____

RESOLUTION OF THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING THE APPLICATION OF TJA-NY-COHOCTON SOLAR FARM, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW), (ii) AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING WITH RESPECT TO THE PROJECT, (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED WITH RESPECT TO THE PROJECT, AND (iv) AUTHORIZING THE NEGOTIATION OF CERTAIN AGREEMENTS RELATING TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 178 of the Laws of 1972 of the State of New York, as amended (hereinafter collectively called the "Act"), the **STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **TJA-NY-COHOCTON SOLAR FARM, LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (collectively, the "Company"), has submitted an application (the "Application"), a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project"), consisting of: (i) the acquisition by the Agency of a leasehold interest in approximately 25 acres of real property located at 11190 NYS Route 371, Town of Cohocton, New York and all other lands where by license or easement or other agreement the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly identified as a portion of tax parcel number 030.00-01-005.200, as may be subdivided); (ii) the planning, design, construction and operation of a 5MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); and (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, pursuant to Article 18-A of the General Municipal Law the Agency desires to adopt a resolution describing the Project and the Financial Assistance (as defined below) that the Agency is contemplating with respect to the Project; and

WHEREAS, it is contemplated that the Agency will hold a public hearing and (i) negotiate and enter into a project agreement, pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project (the "Project Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), and a payment-in-lieu-of-tax agreement (the "Tax Agreement"), (iii) take a leasehold interest (or other interest) in the Land and the Improvements and personal property constituting the Facility (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (iv) provide Financial Assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, and equipping of the Facility and (b) a partial real property tax abatement structured within the Tax Agreement (collectively, the "Financial Assistance").

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

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's Application, the Agency hereby finds and determines that:

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

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

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

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

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

the Act, and (B) negotiate (1) the Project Agreement, pursuant to which the Agency appoints the Company as its agent to undertake the Project, (2) the Lease Agreement, pursuant to which the Company leases the Project to the Agency, (3) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, (4) the Tax Agreement, pursuant to which the Company agrees to make certain payments in lieu of real property taxes for the benefit of affected tax jurisdictions, and (5) related documents; provided (i) the rental payments under the Leaseback Agreement 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 Tax Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation therefrom have been complied with.

Section 3. The Agency is hereby authorized to conduct a public hearing in compliance with the Act.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 5. In the event that (a) the Company does not proceed to final Agency approval within six (6) months of the date hereof and/or (b) close with the Agency on the proposed Financial Assistance within twelve (12) months of the date hereof, the Agency reserves the right to rescind and cancel this resolution and all approvals made hereunder or under any other Agency resolution or action.

Section 6. These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Mark R. Alger	[]	[]	[]	[]
Scott J. VanEtten	[]	[]	[]	[]
Anthony Russo	[]	[]	[]	[]
Dean Strobel	[]	[]	[]	[]
Mike Davidson	[]	[]	[]	[]
Christine Sharkey	[]	[]	[]	[]
Michelle Caulfield	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION
(TJA-NY-Cohocton Solar Farm, LLC Project)

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

I, the undersigned, Secretary of the Steuben County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Steuben County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on January 26, 2023, with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this ___ day of _____, 2023.

Secretary

Project Summary Sheet

Finger Lakes Enviro-tech

January 2023

Project Description

Finger Lakes Enviro-Tech dba T&R Environmental (T&R) was started in 2009 to handle transportation related emergency spill and hazmat response. Since then, T&R Environmental has developed into a full-fledged large scale environmental company routinely handling projects in excess of \$5 million. This has allowed T&R to grow into the company of today including base operations in Bath, NY and satellite locations in Victor and Painted Post.

T&R Environmental has now purchased the property on Industrial Park Road to facilitate this growth. The parcel location consists of approximately 12 acres and (1) 25,000 sq ft industrial warehouse. The warehouse building is currently being retrofitted (not as part of the IDA project) to better serve the company for accessibility and functionality. In a second phase, investments will be made in the addition of repair/maintenance bays with truck lifts, equipment, etc. to keep repairs and maintenance in-house. In addition, T&R's emergency services division will be expanded with more dedicated equipment, vehicles and resources to respond to spill and hazmat situations in Western NY.

In order to create this property as the hub of all operations, a comprehensive administrative building will also be constructed at the parcel to house all admin staff. This will include new IT, furniture, parking areas, conference and training areas. This project will help T&R function more efficiently and effectively with top-of-the-line equipment, centralized resources and in-house solutions to day-to-day problems.

Without this project, it would be extremely difficult for T&R to expand at the rate of growth. It is anticipated that the market will require T&R's services.

Total Project Investment	\$2,025,000
Jobs Retained	42
Job Created	9
Benefit to Cost Ratio	16:1
Estimated PILOT Savings	No PILOT is being provided.
Estimated Mortgage Tax Savings	N/A
Estimated Sales Tax Savings	\$131,600
Total Savings	\$131,600
Comments	
Estimated Project Start Date	Q1 2023
Estimated Project Completion Date	Q2 2024

Evaluative Criteria for Manufacturing, Warehouse, Distribution

1. Private Sector Investment
The proposed project will leverage \$2,025,000 in private sector investment to repurpose and expand an existing facility in the town of Bath.
2. Create or Retain Jobs
The project will retain 42 jobs and create 9 more within three years. Because of inflationary costs the project has seen cost over runs making IDA support necessary to advance the project as proposed.



Application for Financial Assistance

Please complete the application and mail the *original, signed copy*, along with the **\$1,000 application fee**, to:

Steuben County IDA
PO Box 393
7234 State Route 54
Bath, NY 14810

Information in the application is subject to public review under the New York State Freedom of Information Law. Please contact the IDA with any questions at 607-776-3316.

Section 1: Applicant Information (company receiving benefit)

Applicant Name: Finger Lakes Enviro-Tech, LLC. & Finger Lakes Land Holdings, LLC.

Applicant Address: 691 Addison Road, Painted Post, NY 14870

Phone: 607-383-5500

Federal Tax ID: 26-4266947 & 82-1381268

NAICS Code: 562910

Will a real estate holding company be used to own the property? Yes No

Name of real estate holding company: Finger Lakes Land Holdings, LLC.

Federal Tax ID: 82-1381268

Type of Entity: Limited Liability Company

Year Established: 2009 & 2017

State in which entity is established: New York

Stockholders, members, or partners with 20% or more in ownership:

Name	% Ownership
Brian T Polmanteer	90%
Type here to enter text.	Type here to enter text.
Type here to enter text.	Type here to enter text.

Is the Applicant or any of its owners involved in any lawsuits which could have a financial impact on the company?

Yes No

Has the Applicant or any of its owners ever been involved in a bankruptcy? Yes No

Are all owners noted above citizens of the United States? Yes No

Provide a brief history of the Applicant, including operations, operating performance, changes in operations, current size and locations, products and/or services, major accounts, principal competitors, and major events affecting sales/services.

Finger Lakes Enviro-Tech dba T&R Environmental (T&R) was started in 2009 to handle transportation related emergency spill and hazmat response. T&R strived to be a leader in emergency spill response, hazmat response and traffic control, specializing as the only private company in Western New York handling hazmat tank truck incidents alongside the NYS Department of Homeland Security (DHSES), Office of Fire Prevention and Control (OFPC). Since then, T&R Environmental has developed into a full-fledged large scale environmental company routinely handling projects in excess of \$5 million. The trained staff, large equipment inventory, insurance and bonding capabilities, along with relationships with regulatory agencies has allowed T&R to grow into the company of today including base operations in Bath, NY and satellite locations in Victor and Painted Post.

T&R Environmental has now purchased the property on Industrial Park Road in hopes of supporting the next phase of expansion. Major contracts with local industrial facilities and multi-year contracts with NYSDEC spanning from Lake Erie to Oswego, NY and past Binghamton all factor into supporting such growth. The primary competition for T&R in the southern tier has sold, with T&R acquiring equipment and personnel in 2022.

A push towards a “greener” New York State will create more demand than ever for T&R’s services by operating for both a proactive industrial work and reactive emergency response needs while also supporting long-term remedial projects for a cleaner NYS.

In 2017, Finger Lakes Land Holdings (FLLH) was started by the same ownership in order to effectively manage properties and lease back to the service-based companies. FLLH has no employees and operates to support growth, build-to-suit and lease back to T&R companies and others locally.

Estimated % of sales (equal to 100%):

Within Steuben County: 35%

Outside Steuben County but in NY State: 55%

Outside New York but in U.S.: 10%

Outside U.S.: 0%

What % of annual supplies, raw materials, and vendor services are purchased from firms in Steuben County?

75%

Authorized Signatory Name: Brian T. Polmanteer

Title: Member

Phone: 607-368-1314

Email: polmanteerb@trenviro.com

Name of Corporate Contact (if different from Authorized Signatory): Lauren Case

Title: VP of Internal Operations

Phone: 607-368-1970

Email: caselh@trenviro.com

Name of Attorney: Aaron Mullen

Firm Name: Mullen Associates

Phone: 607-776-1000

Email: aaron@m-alaw.com

Section 2: Project Description and Details

Municipality(s) of current operations:

Town of Bath, NY

Will the Project result in the abandonment of one or more plants/facilities of the Applicant located in New York?

Yes No

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

Type here to enter text.

Property address(es) of Project location:

6824 Industrial Park Rd, Bath, NY 14810

Tax map number(s) of Project location:

144.00-02-005.123

Town/Village/City taxes are paid to:

Town of Bath

School district taxes are paid to:

Bath Central School District

Are property tax payments current? Yes No

If no, please explain: Type here to enter text.

Does Applicant or any related party currently hold fee title to the Project property?

Yes No

If no, provide the name of the current owner: Type here to enter text.

If no, does Applicant or any related party have an option to purchase the Project property?

Yes No

What is the present use of the property? Warehouse building and appx. 10 acres vacant in parcel

What is the present zoning/land use? No zoning/industrial

Description of the project: (check all that apply)

New construction

Acquisition of existing building

<input type="checkbox"/> Addition to existing building	<input checked="" type="checkbox"/> Purchase of machinery and/or equipment
<input checked="" type="checkbox"/> Renovation of existing building	<input type="checkbox"/> Other

Please provide a narrative description of the project, including specific uses and activities that will occur at the site, products to be made or services to be offered, as well as markets for the goods/services. Please include the impact of this project on Applicant in terms of operations and profitability, or other factors affecting operations.

The parcel located at 6824 Industrial Park Road consists of approximately 12 acres and (1) 25,000 sq ft industrial warehouse. For comparison sake, the previous T&R warehouse was approximately 8,000 sq ft. The warehouse building is currently being retrofitted (not as part of IDA project) to better serve our company for accessibility and functionality. In a second phase of the building (will be included in IDA project), addition of repair/maintenance bays with truck lifts, equipment, etc. will be installed to keep repairs and maintenance in-house. In addition, T&R's emergency services division will be expanded with more dedicated equipment, vehicles and resources to respond to spill and hazmat situations in Western NY.

In order to create this property as the hub of all operations, a comprehensive administrative building will be constructed at the parcel, by FLLH, to house all admin staff. This will include new IT, furniture, parking areas, conference and training areas.

This project will help T&R function more efficiently and effectively with top of the line equipment, centralized resources and in-house solutions to day-to-day problems. Without this project, it would be extremely difficult for T&R to expand at the rate of growth it is anticipated that the market will require for T&R's services.

Select the project type for all end users at the site; you may check more than one box:

<input type="checkbox"/> Industrial	<input type="checkbox"/> Multi-tenant
<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Not-for-profit
<input checked="" type="checkbox"/> Back Office	<input type="checkbox"/> Healthcare
<input type="checkbox"/> Retail	<input type="checkbox"/> Other: Type here to enter text.
<input type="checkbox"/> Housing	<input type="checkbox"/> Other: Type here to enter text.
<input type="checkbox"/> Mixed Use	<input type="checkbox"/> Other: Type here to enter text.

Has or will Applicant enter into any tenant leases for this Project? Yes No

If yes, please complete the chart below:

Tenant Name	Current Location	# sq. ft.	% of total sq. ft.	Business type
Finger Lakes Enviro-Tech	691 Addison Road, Painted Post	All	All	Environmental Remediation
Name	Address	Type here to enter text.	Type here to enter text.	Type
Name	Address	Type here to enter text.	Type here to enter text.	Type

What is the Project's start date when equipment will be ordered or construction begins?

February 2023

What is the Project's estimated completion?

January 2024

When will operations commence?

Summer 2023

Have construction contracts been signed? Yes No

Has financing been finalized? Yes No

Is this part of a multi-phase project? Yes No

If Yes, please explain: Type here to enter text.

Have site plans been submitted to the appropriate planning board? Yes No

If Yes, has the Project received site plan approval? Yes No

If the Project has received site plan approval, please provide a copy of the Environmental Assessment Form including the Negative Declaration.

Please provide the IDA with the status of any other required approvals:

Site plans to be brought to the February Planning Board meeting for approval

Will customers personally visit the Project site for Retail Sales or Services? The terms refer to (a) sales by a registered vendor under Article 28 (Section 1101(b)(4)(i)) of the Tax Law of the State of New York primarily engaged in the retail sale of tangible personal property or (b) sales of a service to customers who personally visit the Project site.

Retail Sales Yes No

Services Yes No

If either question above is answered Yes, please complete the questions below. If not, please move on to the Financial Assistance and Project Budget section.

Retail/Service Industry-Only Questions

What percentage of the cost of the Project can be tied to the retail or service portion of the business?
Type here to enter text.

If the answer is less than 33%, do not complete the remainder of this section and move on to Section 3: Financial Assistance and Project Budget.

For Projects where 33% or more is tied to retail sales or service:

1. Will the Project be operated by a not-for-profit corporation?

Yes No

2. Is the Project location or facility likely to attract a significant number of visitors from outside the economic development region in which the project will be located?

Yes* 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 Project is to be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

Yes* 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 No

5. Is the Project located in a highly distressed area, as defined by the US Census Bureau?

Yes No

*If the answer to question 2 or 3 is Yes, please provide a third-party market analysis or other documentation supporting the response.

Section 3: Financial Assistance and Project Budget

Choose the type of assistance being requested: (check all that apply)

Sales Tax Exemption Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Property Tax Exemption Yes <input type="checkbox"/> No <input type="checkbox"/>
---	---

Mortgage Tax Exemption Yes <input type="checkbox"/> No <input type="checkbox"/>	Tax Exempt IR Bond Yes <input type="checkbox"/> No <input type="checkbox"/>
--	--

Describe the reasons why the IDA’s assistance is necessary, and the effect the Project will have on Applicant’s operations. Focus on competitiveness issues, Project shortfalls, etc.

The IDA assistance would expedite the expansion and overall growth that the company has planned that will expand services, increase employees and appropriate equipment. As a growing number of FLE’s competitors are national firms, they need to strive for top of the line equipment, personnel and facilities to maximize efficiency and remain competitive.

Is there likelihood that the Project would not be undertaken but for the financial assistance provided by the IDA?
 Yes No

If the Project could be undertaken without financial assistance provided by the IDA, explain below why the Project should be provided financial assistance.

Without assistance from the IDA, the overall project would be slowed significantly and therefore slow/reduce the company expansion and additions of jobs for the area.

What would be the impact on the Applicant and the associated municipalities if the IDA does not provide financial assistance?

Without assistance there would be a slower start to adding jobs to the area. It would also reduce growth to company assets, therefore limiting provisions for expansion of environmental services needed in the area.

List below the Sources and Uses of funds for the Project:

<u>Use of Funds</u>	<u>Amount</u>
Land Acquisition:	\$0
Building Purchase:	\$0
Construction or Renovation – Labor:	\$380,000
Construction or Renovation – Materials:	\$490,000
Site Work/Infrastructure:	\$150,000
Machinery, Equipment, Fixtures – Taxable:	\$1,005,000
Machinery, Equipment, Fixtures – Non-Taxable:	\$0

Soft Costs, Professional Fees:	\$0
Refinance of existing debt:	\$0
Other: Type here to enter text.	\$0
Total Uses:	\$2,025,000
<u>Source of Funds</u>	<u>Amount</u>
Equity:	\$1,025,000
Financial Institution:	\$1,000,000
Public Sector Assistance:	\$0
Other: Type here to enter text.	\$0
Other: Type here to enter text.	\$0
Other: Type here to enter text.	\$0
Total Sources:	\$2,025,000
% Public Sources Used to Finance Project:	

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

If Yes, please describe: Type here to enter text.

If applying for a **Mortgage Recording Tax Exemption**, please list:

Mortgage Amount: \$0

Mortgage Recording Tax Exemption requested (multiply mortgage amount by 1.25%): \$0

If applying for a **Sales Tax Exemption***, please list:

Total cost of goods and services that are subject to NY State and Local Sales Tax:	\$1,645,000.00
Sales Tax Exemption requested (multiply total cost by 8%):	\$131,600.00

*The estimated sales tax amount listed above will be provided to the New York State Department of Taxation and Finance. Applicant acknowledges that the transaction documents may 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 IDA may authorize with respect to this Application. The IDA 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.

If applying for a **Property Tax Exemption**, IDA staff will use the information contained in this application to create an estimate of real property tax abatement, based on current property tax rates and assessed values, which will be provided to the Applicant and attached to this application.

Section 4: Project Employment

Is the Project necessary to retain existing employment? Yes No

Is the Project necessary to expand employment? Yes No

Please complete the following chart with new and retained jobs using the definitions below:

- A – Retained Jobs are those that exist at the time of application.
- B – Jobs Created are those that will be created as a result of the Project in the first year
- C – Jobs Created are those that will be created as a result of the Project in the second year
- D – Jobs Created are those that will be created as a result of the Project in the third year
- E – The sum of jobs to be created during the first three years of the Project.
- F – The average wage of those existing and created jobs for each Job Type.
- G – The average cost of benefits offered for existing and created jobs for each Job Type.

Full Time – Any regularly-scheduled employee who works 30 hours or more each week.
Part Time – Any employee who works less than 30 hours per week or who is employed on a temporary basis.

	A	B	C	D	E	F	G
Job Type	Retained Jobs	# Jobs Created Year 1	# Jobs Created Year 2	# Jobs Created Year 3	Total New Jobs Created	Average Annual Wage	Average Annual Benefit Cost
Full Time							
Management	5	2	0	0	2	\$75k	+5%
Professional	1	0	0	0	0	\$70k	+5%
Administrative	6	1	1	0	2	\$45k	+5%
Production	0	0	0	0	0	\$0	\$0
Independent Contractor	0	0	0	0	0	\$0	\$0
Other: field services/drivers	22	1	2	2	5	\$55k	+5%
Total FT	33	4	3	2	9	\$0	\$0
Part Time							
Management	0	0	0	0	0	\$0	\$0
Professional	0	0	0	0	0	\$0	\$0
Administrative	1	0	0	0	0	\$0	\$0
Production	0	0	0	0	0	\$0	\$0
Independent Contractor	0	0	0	0	0	\$0	\$0
Other: field services/drivers	8	0	0	0	0	\$0	\$0
Total PT	9	0	0	0	0	\$0	\$0
Total FTE	42	0	0	0	0	\$0	\$0

How many of the new, FTE jobs to be created within three years will be filled by residents of the Labor Market Area that includes Steuben, Schuyler, Chemung, Yates, Allegany, and Livingston Counties?

95%

The IDA may utilize the foregoing employment projections, among other items, to determine the Financial Assistance that will be offered by the IDA 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.

Please complete the chart below if Applicant provides employment at other sites in New York State:

	Address: Type here to enter text.	Address: Type here to enter text.	Address: Type here to enter text.
Total FTEs	0	0	0

Section 5: Representations, Certifications, and Indemnification

Before completing this section, has IDA staff reviewed all previous sections of the Application and acknowledged that they are complete? Yes No

As an authorized representative of Applicant, **Brian Polmanteer** confirms that he/she is the **member** of **Finger Lakes Enviro-Tech, LLC.** named in the Application, and that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the IDA, also known as the "Agency," and as follows:

1. 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.
2. 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.
3. 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.

4. **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.
5. 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.
6. 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.
7. **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.

8. 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.
9. By executing and submitting this Application, the Applicant covenants and agrees to pay the following fees to the Agency and the Agency's general counsel and/or the Agency's bond/transaction counsel, the same to be paid at the times indicated:
 - a. a non-refundable \$1,000 application and publication fee (the "Application Fee");
 - b. an amount equal to one percent (1%) of the total project costs, unless otherwise agreed to by the Agency; and
 - c. 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.
10. 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.
11. 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 8 and 9 are obligations that are not dependent on final documentation of the transaction contemplated by this Application.

12. 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.
13. 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.**
14. The Applicant acknowledges that it has been provided a copy of the Agency's Policy for Termination of Agency Benefits and Recapture of Agency Benefits Previously Granted (the "Termination and Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Termination and Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Termination and 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 of Agency financial assistance so provided and/or previously granted.
15. 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.
16. 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.
17. 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, as well as may lead to other possible enforcement actions.
18. 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.
19. In the event that (a) the Company does not proceed to final IDA approval within six (6) months of the date of the initial resolution and/or (b) close with the IDA on the proposed Financial Assistance within

20. 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.
21. The Applicant and the individual executing this Application on behalf of Applicant acknowledge receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. Applicant further acknowledges and understands that it has certain obligations as related thereto pursuant to Section 224-a(8)(a) of the New York Labor Law.

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

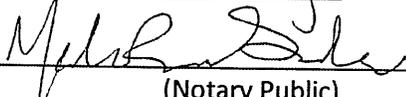
Brian Polmanteer, being first duly sworn, deposes and says:

1. That I am the member (Corporate Office) of Finger Lakes Enviro-Tech (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 18 day of January, 2023.



 (Notary Public)

MAKENNA RAE SADOWSKI
 NOTARY PUBLIC, STATE OF NEW YORK
 NO. 01SA6439538
 QUALIFIED IN ALLEGANY COUNTY
 MY COMMISSION EXPIRES AUG 29, 2026

Steuben County Industrial Development Agency

MRB Cost Benefit Calculator



Date: January 19, 2023
 Project Title: Finger Lakes Enviro Tech 4603-23-02
 Project Location: 6824 Industrial Park Road, Bath

Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

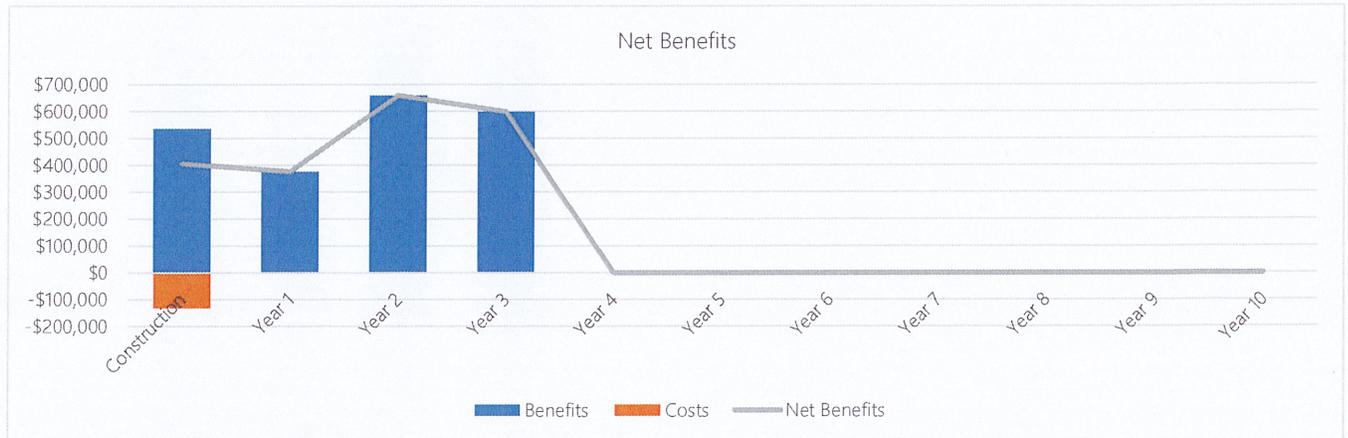
Project Total Investment
 \$2,025,000

		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		7	2	9
Earnings		\$418,706	\$88,879	\$507,585
Local Spend		\$1,012,500	\$285,378	\$1,297,878

		Ongoing (Operations)		
		Direct	Indirect	Total
Jobs		0	0	0
Earnings		\$1,250,000	\$291,552	\$1,541,552

Aggregate over life of the PILOT

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

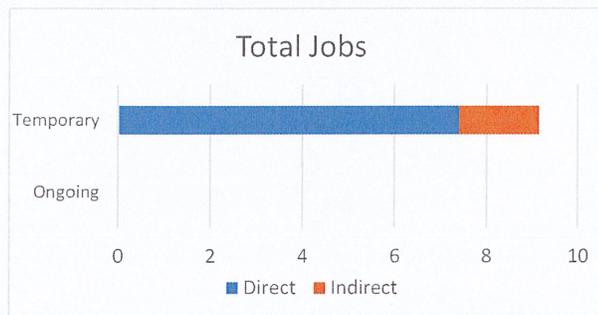
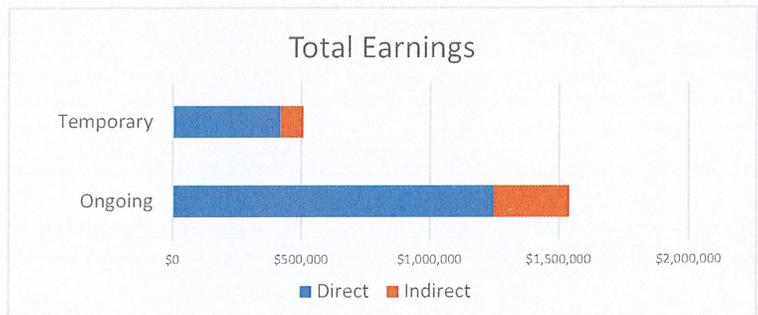


Figure 3



Fiscal Impacts

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$131,600	\$131,600
Local Sales Tax Exemption	\$65,800	\$65,800
State Sales Tax Exemption	\$65,800	\$65,800
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$131,600	\$131,600

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$2,065,151	\$2,000,992
To Private Individuals	\$2,049,137	\$1,985,520
Temporary Payroll	\$507,585	\$507,585
Ongoing Payroll	\$1,541,552	\$1,477,934
Other Payments to Private Individuals	\$0	\$0
To the Public	\$16,014	\$15,472
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$3,553	\$3,553
Ongoing Jobs - Sales Tax Revenue	\$12,461	\$11,919
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$108,225	\$104,821
To the Public	\$108,225	\$104,821
Temporary Income Tax Revenue	\$22,841	\$22,841
Ongoing Income Tax Revenue	\$69,370	\$66,507
Temporary Jobs - Sales Tax Revenue	\$3,553	\$3,553
Ongoing Jobs - Sales Tax Revenue	\$12,461	\$11,919
Total Benefits to State & Region	\$2,173,376	\$2,105,812

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$2,000,992	\$65,800	30:1
State	\$104,821	\$65,800	2:1
Grand Total	\$2,105,812	\$131,600	16:1

*Discounted at 2%

Additional Comments from IDA

Finger Lakes Enviro-Tech dba T&R Environmental (T&R) was started in 2009 to handle transportation related emergency spill and hazmat response. Since then, T&R Environmental has developed into a full-fledged large scale environmental company routinely handling projects in excess of \$5 million. This has allowed T&R to grow into the company of today including base operations in Bath, NY and satellite locations in Victor and Painted Post. T&R Environmental has now purchased the property on Industria Park Road to facilitate the next phase of expansion. A push towards a "greener" New York State will create more demand than ever for T&R's services by operating for both a proactive industrial work and reactive emergency response needs while also supporting

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

INITIAL RESOLUTION

(Finger Lakes Land Holdings LLC Project – Finger Lakes Enviro-Tech, LLC)

A regular meeting of the Steuben County Industrial Development Agency was convened on Thursday, January 26, 2023.

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

Resolution No. 01/2022 - _____

RESOLUTION OF THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING THE APPLICATION OF FINGER LAKES LAND HOLDINGS LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW), (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT AND (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED WITH RESPECT TO THE PROJECT

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 178 of the Laws of 1972 of the State of New York, as amended (hereinafter collectively called the "Act"), the **STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **FINGER LAKES LAND HOLDINGS LLC**, for itself and/or on behalf of an entity or entities formed or to be formed (collectively, the "Company"), has submitted an application to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the addition to an approximately 25,000 square foot industrial warehouse facility (the "Existing Improvements") to accommodate repair/maintenance bays, together with the planning, design and construction of an approximately 8,000 square foot administrative building all located at 6824 Industrial Park Road in the Town of Bath, Steuben County, New York (the "Land", being more particularly described as tax parcel No. 144.00-02-005.123) and to be leased by the Company to **FINGER LAKES ENVIRO-TECH, LLC** (collectively, the "Improvements"); and (ii) the acquisition of and installation in and around the Land, the Existing Improvements and the Improvements by the Company of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land, the Existing Improvements and the Improvements, the "Facility"); and

WHEREAS, pursuant to Article 18-A of the General Municipal Law the Agency desires to adopt a resolution describing the Project and the Financial Assistance (as defined below) that the Agency is contemplating with respect to the Project; and

WHEREAS, it is contemplated that the Agency will hold a public hearing and (i) negotiate and enter into a project agreement, pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project (the "Project Agreement"), and (ii) provide Financial Assistance to the Company in the form of a sales and use tax exemption for purchases and rentals related to the acquisition, construction, and equipping of the Facility and (the "Financial Assistance").

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

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's Application, the Agency hereby finds and determines that:

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

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

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

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

Section 2. The Chairman, Vice Chairman and/or Executive Director of the Agency are hereby authorized, on behalf of the Agency, to (A) hold a public hearing in compliance with the Act, and (B) negotiate (1) the Project Agreement, pursuant to which the Agency appoints the Company as its agent to undertake the Project, and (2) related documents.

Section 3. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing

resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 4. These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Mark R. Alger	[]	[]	[]	[]
Scott VanEtten	[]	[]	[]	[]
Anthony Russo	[]	[]	[]	[]
Dean Strobel	[]	[]	[]	[]
Mike Davidson	[]	[]	[]	[]
Christine G. Sharkey	[]	[]	[]	[]
Michelle Caulfield	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

CERTIFICATION

(Finger Lakes Land Holdings LLC Project – Finger Lakes Enviro-Tech, LLC)

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

I, the undersigned, Chairman of the Steuben County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Steuben County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on January 26, 2023, with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this ___ day of _____, 2023.

Secretary

Project Summary Sheet

Momentum of Western New York, LLC (“Momentum”)

July 2022

Project Description

Momentum is a new, material recovery and recycling company formed in 2022, located in Bath, that will offer services to industrial and commercial businesses and municipalities. Services provided will fill a growing need, both locally and nationally, to separate from the waste stream those parts that are recyclable, with the goal being to decrease the amount of waste going to a landfill. Permitted waste will include non-hazardous liquids, sludges, soils, and solids as well as non-hazardous absorbents; no hazardous materials will be accepted at the facility. The company will specialize in windmill blade recycling and will be adding solar panels to its list of recyclable goods. (The recycling of windmill blades has been occurring through a sister company, T&R Environmental, in Bath. The scraps are sent to the Steuben County landfill to serve as daily cover. This line of business will be transferred to Momentum.)

The company is currently undergoing a rigorous approval process through the NYSDEC for a Part 360 permit which will allow Momentum to accept and recycle the waste. As such, the facility and associated structures will be designed in accordance with the strictest environmental regulations and material handling to conform to the associated NYSDEC permits.

Momentum is a spin-off of another successful business in the Bath community – T&R Environmental. Both companies will continue to be owned and operated by Brian Polmanteer and his management staff.

Total Project Investment	\$3.3 million
Jobs Retained	3
Job Created	12
Benefit to Cost Ratio	43:1
Estimated PILOT Savings	\$125,648
Estimated Mortgage Tax Savings	\$17,500
Estimated Sales Tax Savings	\$176,000
Total Savings	\$319,148
Comments	The facility will be built on vacant land, thereby increasing the tax base. With customers across the country, new wealth will be brought into the county. Brian Polmanteer was born and raised in Bath and has chosen to start and grow his successful companies here.
Estimated Project Start Date	October 2022
Estimated Project Completion Date	September 2023

Evaluative Criteria for Manufacturing/Warehouse/Distribution:

1. Private Sector Investment – The project will result in a \$3.3 million investment into state-of-the-art buildings and new technology in a rapid-growing industry at a time when companies are concerned about sustainability and landfills are nearing capacity. Research and development will be needed to determine the most efficient and safe methods for material recycling.
2. Regional Wealth Creation – The company will be collecting waste from all parts of the state and across the country, which will result in new revenue entering the economy.
3. Create or Retain Jobs – The company will be creating 12 new jobs with an average wage of \$58,750.

Application To

**STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY/
STEUBEN AREA ECONOMIC DEVELOPMENT CORPORATION**
For
FINANCIAL ASSISTANCE**

Section I: Applicant Information

Please answer all questions. Use "None" or "Not Applicable" where necessary.

A) Applicant Information-company receiving benefit:

Applicant Name: Momentum of Western New York, LLC

Applicant Address: 691 Addison Road, Painted Post, NY 14870

Phone: _____ Fax: _____

Website: [REDACTED] E-mail: _____

Federal ID#: _____ NAICS: _____

Will a Real Estate Holding Company be utilized to own the Project property/facility? Yes or No

What is the name of the Real Estate Holding Company: _____

Federal ID#: _____

B) Authorized Signatory:

Name: _____

Title: _____

Address: _____

Phone: _____ Fax: _____

E-Mail: _____

C) Corporate Contact (if different from individual completing application):

Name: _____

Title: _____

Address: _____

Phone: _____ Fax: _____

E-Mail: _____

D) Company Counsel:

Name of Attorney: _____

Firm Name: _____

Address: _____

Phone: _____ Fax: _____

E-mail: _____

E) Identify the assistance being requested of the Agency (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)

F) 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 type="checkbox"/> |

Other (please specify) _____

Year Established: _____

State in which Organization is established: _____

G) List all stockholders, members, or partners with % of ownership greater than 20%:

<u>Name</u>	<u>% of ownership</u>
_____	_____
_____	_____
_____	_____

H) Applicant Business Description:

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

Estimated % of sales within County/City/Town/Village: _____

Estimated % of sales outside County/City/Town/Village, but within New York State: _____

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

Estimated % of sales outside the U.S. _____

(*Percentage to equal 100%)

D) What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in County/City/Town Village. _____

Section II: Project Description & Details

A) Project Location:

Municipality or Municipalities of current operations: _____

Provide the property address of the Proposed Project:

subdivision of property at closing

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, 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: _____

What are the current real estate taxes on the proposed Project Site? _____

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

Land: \$ _____

Buildings(s): \$ _____

Are Real Property Taxes current? Yes or No. If no, please explain _____

Town/City/Village: _____ School District: _____

Does the Applicant or any related entity currently hold fee title to the Project site? Yes or No
If No, indicate name of present owner of the Project Site: _____

Does Applicant or related entity have an option/contract to purchase the Project site? Yes or No

Describe the present use of the proposed Project site: _____

B) Please provide narrative of project and the purpose of the project (new build, renovations, 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): _____

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 confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency?

Yes or No

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

If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and County/City/Town/Village? _____

C) Will Project include leasing any equipment Yes or No

If Yes, please describe: _____

D) Site Characteristics:

Describe the present zoning/land use: _____

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

If not, please describe required zoning/land use: _____

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

Is the proposed project located on a site where the known or potential presence of contaminants is complicating the development/use of the property? If yes, please explain: _____

E) Provide any additional site information or details that may be applicable to the proposed project:

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

Industrial	<input type="checkbox"/>	Back Office	<input type="checkbox"/>
Acquisition of Existing Facility	<input type="checkbox"/>	Retail	<input type="checkbox"/>
Housing	<input type="checkbox"/>	Mixed Use	<input type="checkbox"/>
Equipment Purchase	<input type="checkbox"/>	Facility for Aging	<input type="checkbox"/>
Multi-Tenant	<input type="checkbox"/>	Civic Facility (not for profit)	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	Other _____	<input type="checkbox"/>

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

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 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.

G) Project Information:

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. Reconstruction/Renovation: _____ square feet \$ _____
 5. Infrastructure Work: \$ _____
 6. Manufacturing Equipment: \$ _____
 7. Non-Manufacturing Equipment (furniture, fixtures, etc.): \$ _____
 8. Soft Costs: (professional services, etc.): \$ _____
 9. Other, Specify: _____ \$ _____
- Total Project Costs: \$ _____

Project refinancing; estimated amount
(for refinancing of existing debt only)

\$ _____

Sources of Funds for Project Costs:

1. Bank Financing: \$ _____

2. Equity (excluding equity that is attributed to grants/tax credits): \$ _____

3. Tax Exempt Bond Issuance (if applicable): \$ _____

4. Taxable Bond Issuance (if applicable): \$ _____

5. Public Sources (Include sum total of all state and federal grants and tax credits): \$ _____

Identify each state and federal grant/credit:

_____ \$ _____
*
_____ \$ _____
_____ \$ _____
_____ \$ _____

Total Sources of Funds for Project Costs: \$ _____

**we have received a preliminary award letter for this grant, however, if not received, the remaining funds will be bank sourced*

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

If Yes, describe particulars: _____

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

Mortgage Amount (include sum total of construction/permanent): \$ _____

Estimated Mortgage Recording Tax Exemption Benefit (product of Mortgage Amount as indicated above multiplied by 1.25%): \$ _____

Sales and Use Tax: 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:

\$ _____

Estimated State and local Sales and Use Tax Benefit (product of 8% multiplied by the figure above):

\$ _____

*** 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 may 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. 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.*

Real Property Tax Benefit:

IDA PILOT Benefit: 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 as depicted in Section IV of the Application.

Percentage of Project Costs financed from Public Sector sources: Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon Sources of Funds for Project Costs as depicted above in Section II(G) of the Application.

H) What is your Project timetable (provide dates):

1. Start date – acquisition of equipment or construction of facilities: _____
2. Estimated completion date of Project: _____
3. Project occupancy – estimated starting date of operations: _____
4. Have construction contracts been signed? Yes or No
5. Has financing been finalized? Yes or No

D) Have site plans been submitted to the appropriate planning department?

Yes or No

If yes, has the Project received site plan approval from the planning department?

Yes or No.

If yes, please provide the Agency with a copy of the related State Environmental Quality Review Act (“SEQRA”) determination that may have been required to be submitted along with a copy of the approved site plans.

Please provide the Agency with the status of any required planning department or other approval: _____
 NYSDEC Part 360 Permit, estimated approval Feb 2023

J) Is the Project necessary to retain existing employment: Yes or No

Is the Project necessary to expand employment: Yes or No

K) Employment Plan (Specific to the proposed Project location):

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of jobs to be CREATED after project completion			Estimate number of residents of the Labor Market Area in which the Project is located that will fill the jobs to be created after project completion*		
			12 months	24 months	36 months	12 months	24 months	36 months
Full Time								
Part Time								
Total FTE								

*For purposes of this question, please estimate the number of FT and PT jobs that will be filled, as indicated in the third column, by residents of the Labor Marker Area, in the fourth column. The Labor Marker Area includes Steuben, Schuyler, Chemung, Yates, Allegany, and Livingston Counties.

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

Category of Jobs to be Retained and Created	Average Salary for Jobs Created	Average Fringe Benefits for Jobs Created	Average Salary for Jobs Retained	Average Fringe Benefits for Jobs Retained
Management				
Professional				
Administrative				
Production				
Independent Contractor				
Other				

Employment at other locations in the state: (provide address and number of employees at each location):

Sister Company Finger Lakes EnviroTech/Finger Lakes Land Holdings Employees

	Address 691 Addison Road, Painted Post	Address 7244 NY-415, Bath	Address 7575 Hannan Pkwy, Victor
Full time			
Part Time			
Total FTEs			

Please note: 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.

Section III 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.

Please 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, please continue. If no, proceed to section IV.

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

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

If the answer to A is Yes AND the answer to Question B is greater than 33.33%, please answer the questions below:

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 in which the project will be located?

Yes or No

If yes, please provide a third-party market analysis or other documentation supporting your response.

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

If yes, please provide a third party market analysis or other documentation supporting your response.

4. Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?

Yes or No.

If yes, explain _____

5. Is the project located in a Highly Distressed Area, as defined by the US Census Bureau?

Yes or No

Section IV: Estimate of Real Property Tax Abatement Benefits and Percentage of Project Costs financed from Public Sector sources

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

Estimates provided are based on current property tax rates and assessed values.

PILOT Estimate Table

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property*	County Tax Rate/1,000	Local (town/village/city) Tax Rate/1,000	School Tax Rate/1,000

*Apply equalization rate to value

Abatement Year	Current Taxes	New Without PILOT	Total Tax Liability	Proposed PILOT New	Total PILOT New + Existing	PILOT Savings
Total						

Section V Representations, Certifications and Indemnification

This Section of the Application can only be completed upon the Applicant receiving, and must be completed after the Applicant receives, IDA Staff confirmation that Section I through Section IV of the Application are complete.

_____ (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the _____ (title) of _____ (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 and the Agency's general counsel and/or the Agency's bond/transaction counsel, the same to be paid at the times indicated:
 - (i) a non-refundable \$1,000 application and publication fee (the "Application Fee");
 - (ii) an amount equal to one percent (1%) of the total project costs, unless otherwise agreed to by the Agency; and
 - (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 acknowledges that it has been provided with a copy of the Agency's Policy for Termination of Agency Benefits and Recapture of Agency Benefits Previously Granted (the "Termination and Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Termination and Recapture Policy is applicable to the Project that is the

subject of this Application, and that the Agency will implement the Termination and 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 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. In the event that (a) the Company does not proceed to final IDA approval within six (6) months of the date of the initial resolution and/or (b) close with the IDA on the proposed Financial Assistance within twelve (12) months of the date of the initial resolution, the IDA reserves the right to rescind and cancel all approvals provided.
- T. 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.
- U. The Applicant and the individual executing this Application on behalf of Applicant acknowledge receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. Applicant further acknowledges and understands that it has certain obligations as related thereto pursuant to Section 224-a(8)(a) of the New York Labor Law.

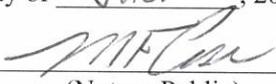
STATE OF NEW YORK)
COUNTY OF Steuben) ss.:

Brian T. Polmanteer, being first duly sworn, deposes and says:

1. That I am the Sole Member (Corporate Office) of Momentum of Western NY, 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 20th day of July, 2022


(Notary Public)

MICHAEL F. CASE
Notary Public, State of New York
Registered in Steuben County
No. 4857005
Commission Expires 04/28/26

Section I, Part H. Applicant Business Description:

Momentum of Western New York, LLC. (Momentum) proposes to design, construct, and operate the regions newest, state of the art material recovery and recycling facility within the Town of Bath's expanding industrial center with a valid NYSDEC Part 360 Permit. The facility will fill a growing need within the community and nation relating to the ultimate disposal of products, reduction in total landfill airspace available for use, and environmental sustainability related to post-consumer materials handling. The facility and associated structures will be designed in accordance with the strictest environmental regulations and material handling to conform to the associated NYSDEC permits. The permitted waste streams will include: non-hazardous liquids, sludges, soils and solids as well as non-hazardous absorbents. Construction and Demolition(C&D) debris management and materials salvage solutions for solar panel will also be undertaken at the facility. This facility will not process and will not be permitted to accept hazardous wastes on-site. The accepted waste streams all currently face dwindling opportunities for proper disposal at local facilities as they currently sit (i.e. without management/processing/reduction operations). Momentum's processes will allow these waste materials to be separated, processed, solidified in the most efficient manner possible for the most cost-effective and environmentally conscious disposal. Targeted clients will include a multitude of industrial/commercial facilities, state and local municipalities, local companies (such as car wash facilities, gas stations, etc.) to provide client-centered solutions for waste management.

Section II, Part B.

Narrative and Purpose of the Project:

Momentum of Western New York, LLC. (Momentum) proposes to design, construct, and operate the regions newest, state of the art material recovery and recycling facility within the Town of Bath's expanding industrial center. The project will be completed in a phased approach focusing first on major building work, site work, critical infrastructure then work will transition in the second year to specialized environmental operations within the facility. Expansion is planned to continue to an adjacent parcel following purchase to grow operations. The facility will fill a growing need within the community and nation relating to the ultimate disposal of products, reduction in total landfill airspace available for use, and environmental sustainability related to post-consumer materials handling. The facility and associated structures will be designed in accordance with the strictest environmental regulations and will have a valid NYSDEC Part 360 Permit to perform the materials handling and recycling as proposed.

Statement of Need:

Space for disposal of industrial and post-consumer waste streams is dwindling at landfills. Landfills face a difficult road ahead when permitting additional airspace. Renewable energy infrastructure is coming to the end of its useful life and will be replaced with new units in upcoming years. However, many materials transported to the landfill for direct burial still have useful characteristics. Momentum seeks to connect these facts to reduce the volume of waste going to landfills by maximizing options for beneficial reuse of industrial waste. In order for this work to happen however, NYSDEC permits and approvals are required which take significant time and upfront resources. The costs to properly permit the facility are far above and beyond what it would take to start-up/operate the facility not requiring the NYSDECs involvement.

Steuben County Industrial Development Agency

MRB Cost Benefit Calculator



Date: July 21, 2022
 Project Title: Momentum of Western New York
 Project Location: Bath, NY

Economic Impacts

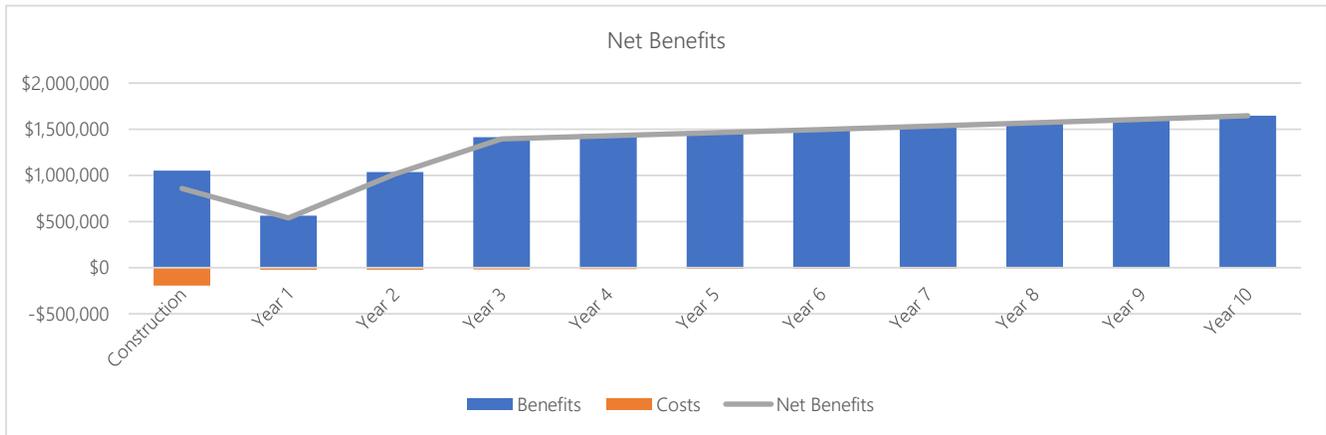
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$3,300,000

		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		14	3	18
Earnings		\$818,803	\$173,808	\$992,611
Local Spend		\$1,980,000	\$558,072	\$2,538,072

		Ongoing (Operations)		
		Direct	Indirect	Total
Jobs		15	4	19
Earnings		\$9,109,033	\$3,825,674	\$12,934,707

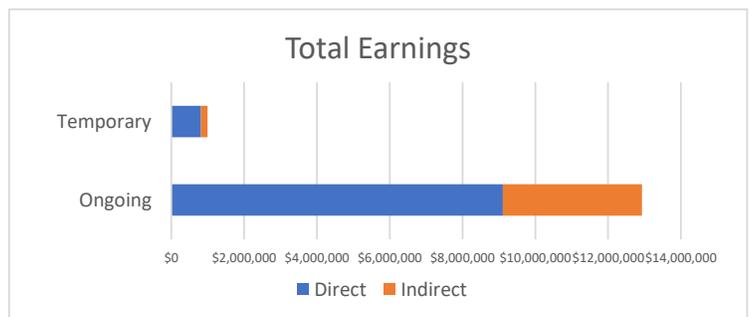
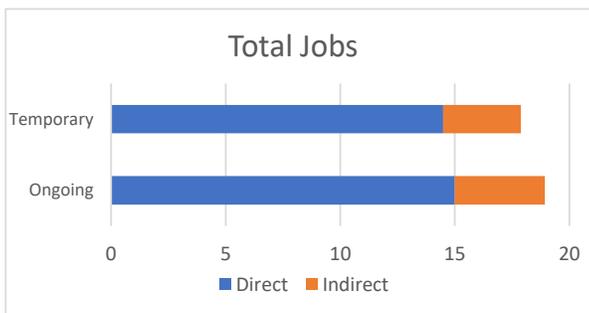
Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$125,648	\$116,735
Sales Tax Exemption	\$176,000	\$176,000
Local Sales Tax Exemption	\$88,000	\$88,000
State Sales Tax Exemption	\$88,000	\$88,000
Mortgage Recording Tax Exemption	\$17,500	\$17,500
Local Mortgage Recording Tax Exemption	\$5,833	\$5,833
State Mortgage Recording Tax Exemption	\$11,667	\$11,667
Total Costs	\$319,148	\$310,235

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$14,141,917	\$12,676,675
To Private Individuals	\$13,927,318	\$12,488,637
Temporary Payroll	\$992,611	\$992,611
Ongoing Payroll	\$12,934,707	\$11,496,026
Other Payments to Private Individuals	\$0	\$0
To the Public	\$214,598	\$188,038
Increase in Property Tax Revenue	\$117,107	\$100,618
Temporary Jobs - Sales Tax Revenue	\$6,948	\$6,948
Ongoing Jobs - Sales Tax Revenue	\$90,543	\$80,472
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$724,221	\$649,409
To the Public	\$724,221	\$649,409
Temporary Income Tax Revenue	\$44,668	\$44,668
Ongoing Income Tax Revenue	\$582,062	\$517,321
Temporary Jobs - Sales Tax Revenue	\$6,948	\$6,948
Ongoing Jobs - Sales Tax Revenue	\$90,543	\$80,472
Total Benefits to State & Region	\$14,866,137	\$13,326,084

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$12,676,675	\$210,569	60:1
State	\$649,409	\$99,667	7:1
Grand Total	\$13,326,084	\$310,235	43:1

*Discounted at 2%

Additional Comments from IDA

Momentum is a new, material recovery and recycling company formed in 2022, located in Bath, that will offer services to industrial and commercial businesses and municipalities. Services provided will fill a growing need, both locally and nationally, to separate from the waste stream those parts that are recyclable, with the goal being to decrease the amount of waste going to a landfill. Permitted waste will include non-hazardous liquids, sludges, soils, and solids as well as non-hazardous absorbents; no hazardous materials will be accepted at the facility. The company will specialize in windmill blade recycling and will be adding solar panels to its list of recyclable goods.

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

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: Momentum of Western New York				
Project Location (describe, and attach a location map): 0 N Industrial Park Rd, Bath, NY 14810				
Brief Description of Proposed Action: Momentum of Western New York, LLC proposes to construct a materials management facility for the consolidation and processing of materials to increase recycling and recovery of difficult to manage materials, including using waste minimization techniques.				
Name of Applicant or Sponsor: Momentum of Western New York, LLC (C/O Kyle Stone)		Telephone: (607) 383-5500 E-Mail: stonek@trenviro.com		
Address: 691 Addison Road				
City/PO: Painted Post		State: NY	Zip Code: 14870	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town Bath Site Plan Approval, NYSDEC Part 360 Permit, SPDES, Empire State Development Grant, IDA Tax Abatement			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 16.9 acres b. Total acreage to be physically disturbed? _____ 7 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 50.6 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 checked="" type="checkbox"/> Residential (suburban)				
<input checked="" type="checkbox"/> Forest <input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Project: _____

Date: _____

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

PRINT FORM

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

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

BATH TOWN PLANNING
 BOARD: James Hopkins, Chairman

Jan W Hopkins
 Date
 1/3/23

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>BATH TOWN PLANNING BOARD</u>	<u>JANUARY 3RD, 2023</u>
Name of Lead Agency	Date
<u>James W Hopkins</u>	<u>CHAIRMAN</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>James W Hopkins</u>	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

FINAL RESOLUTION
(Momentum of Western New York, LLC Project)

A regular meeting of the Steuben County Industrial Development Agency was convened on Thursday, January 26, 2023.

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

Resolution No. 01/2023 - ____

RESOLUTION OF THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD WITH RESPECT TO THE MOMENTUM OF WESTERN NEW YORK, LLC PROJECT ON AUGUST 17, 2022; (ii) AUTHORIZING FINANCIAL ASSISTANCE (AS MORE FULLY DESCRIBED BELOW) FOR THE BENEFIT OF MOMENTUM OF WESTERN NEW YORK, LLC; (iii) MAKING A DETERMINATION WITH RESPECT TO ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW AND 6 N.Y.C.R.R. PART 617; AND (iv) AUTHORIZING THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 178 of the Laws of 1972 of the State of New York, as amended (hereinafter collectively called the "Act"), the **STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **MOMENTUM OF WESTERN NEW YORK, LLC**, for itself and/or on behalf of an entity or entities formed or to be formed (collectively, the "Company"), has submitted an application to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition of a leasehold or other interest in certain real property located at Industrial Park North in the Town of Bath, New York (the "Land", as may be subdivided and assigned a new address and tax parcel No.); (ii) the planning, design, construction and operation of an approximately 28,000 square foot material recovery and recycling facility (collectively, the "Improvements"); and (iii) the acquisition of and installation in and around the Land and the Improvements by the Company of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, by resolution adopted by the Agency on July 28, 2022 (the "Inducement Resolution"), the Agency accepted the Application as submitted by the Company and, among

other things, (i) described the Financial Assistance (as defined below) being contemplated by the Agency and (ii) authorized the Agency to hold a public hearing regarding the contemplated Financial Assistance; and

WHEREAS, pursuant to Section 859-a of the Act, on Wednesday, August 17, 2022, at 11:00 a.m., the Agency held a public hearing with respect to the Project and the proposed Financial Assistance 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. A copy of the Notice of Public Hearing published and forwarded to the affected taxing jurisdictions at least ten (10) days prior to said Public Hearing are attached hereto as Exhibit A; and

WHEREAS, the Town of Bath Planning Board (the "Planning Board"), as lead agency, conducted a coordinated review of the Project pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), which resulted in the issuance of a negative declaration by the Planning Board, dated January 3, 2023 (the "Negative Declaration") attached hereto as Exhibit B, concluding the SEQRA process; and

WHEREAS, the Agency desires to adopt a resolution (i) acknowledging that the Public Hearing was held in compliance with the Act, (ii) authorizing the negotiation, execution and delivery by the Agency of a Project Agreement, Lease Agreement, Leaseback Agreement, Tax Agreement and related documents, and (iii) authorizing the Financial Assistance to the Company; and

WHEREAS, the Project Agreement, Lease Agreement, Leaseback Agreement and Tax Agreement and related documents have been negotiated and are presented to this meeting for execution.

NOW, THEREFORE, BE IT RESOLVED BY THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Public Hearing held by the Agency Wednesday, August 17, 2022, at 11:00 a.m., concerning the Project and the Financial Assistance was duly held in accordance with the Act, including but not limited to the giving of at least ten (10) days published notice of the Public Hearing (such notice also provided to the Chief Executive Officer of each affected tax jurisdiction), affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

Section 2. The Planning Board has conducted a coordinated review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"). The Planning Board also issued a Negative Declaration on January 3, 2023, determining that the Project did not present a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, including but not limited to, the Short Environmental Assessment Form, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies

the Negative Declaration previously issued by the Planning Board pursuant to 6 N.Y.C.R.R. Part 617.7.

Section 3. The Agency is hereby authorized to provide to the Company financial assistance in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Project, (b) a partial real property tax abatement structured through the Tax Agreement and (c) an exemption from mortgage recording taxes imposed on the financing related to the Project (collectively, the "Financial Assistance").

Section 4. Based upon the representation and warranties made by the Company in the Application, the Agency hereby 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 up to approximately **\$2,200,000.00**, which result in New York State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$176,000.00**. The Agency agrees to consider any requests by the Company for increase 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, to the extent required, the Agency authorizes and conducts any supplemental public hearing(s).

Section 5. Pursuant to Section 875(3) of the Act, 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 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 Sales and Use Tax Exemption Benefits; (ii) the 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 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; (v) the 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 a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the Company obtains mortgage recording tax benefits and/or real property tax abatements and fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project (collectively, items (i) through (vi) hereby defined as a "Recapture Event").

As a condition precedent of receiving Sales and Use Tax Exemption Benefits, mortgage recording tax exemption benefits and real property tax abatement benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must (i) if a Recapture Event determination is made by the Agency,

cooperate with the Agency in its efforts to recover or recapture any Sales and Use Tax Exemption Benefits, mortgage recording tax benefits and/or real property tax abatement benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands, if and as so required to be paid over as determined by the Agency.

Section 6. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy 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, reconstruct, 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 Project Agreement shall expire on **December 31, 2023** (unless extended for good cause by the Executive Director of the Agency) if the Lease Agreement, the Leaseback Agreement and the Tax Agreement contemplated have not been executed and delivered

Section 7. The Chairman, Vice Chairman and/or the Executive Director of the Agency are hereby authorized, on behalf of the Agency, to negotiate and execute (A) the Project Agreement, pursuant to which the Agency will appoint the Company as its agent to undertake the Project, (B) the Lease Agreement, pursuant to which the Company leases the Project to the Agency, (C) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, and (D) the Tax Agreement; provided (i) the rental payments under the Leaseback Agreement 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 Tax Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

Section 8. The Chairman, Vice Chairman and/or Executive Director of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record 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/financial institution identified by the Company (the "Lender") up to a maximum principal amount not to exceed **\$1,400,000.00**, acquire the Facility and/or finance or re-finance equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement and Tax Agreement, collectively called the "Agency Documents"); and, where appropriate, the Secretary or 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 Chairman, Vice Chairman and/or Executive Director of the Agency shall approve, the execution thereof by the Chairman, Vice Chairman and/or 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 9. The Agency is hereby authorized to provide the Company with an exemption from mortgage recording taxes as permitted by New York State law in an amount not to exceed Seventeen Thousand Five Hundred and 00/100 Dollars (**\$17,500.00**).

Section 10. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 11. In the event that the Company does not close with the Agency on the proposed financial assistance within twelve (12) months of the date hereof, the Agency reserves the right to rescind and cancel this resolution and all approvals made hereunder or under any other Agency resolution or action.

Section 12. These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Mark R. Alger	[]	[]	[]	[]
Scott J. Van Etten	[]	[]	[]	[]
Anthony Russo	[]	[]	[]	[]
Dean Strobel	[]	[]	[]	[]
Mike Davidson	[]	[]	[]	[]
Christine G. Sharkey	[]	[]	[]	[]
Michelle Caulfield	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION
(Momentum of Western New York, LLC Project)

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

I, the undersigned, Secretary, of the Steuben County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Steuben County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on January 26, 2023, with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this ___ day of _____, 2023.

Secretary

EXHIBIT A

Notice Documents

[See Attached]

EXHIBIT B

Negative Declaration of Town of Bath Planning Board

[See Attached]