Steuben County Industrial Development Agency
7234 Route 54 North
PO Box 393
Bath, NY 14810

Board of Directors Meeting

August 27, 2026

Steuben County Industrial Development Agency will hold a Board Meeting at 12:00 pm on August 27, 2026. The meeting is open to the public and those wishing to view the meeting as it is being held may do so by visiting:

Steuben County IDA Board of Directors August 27, 2026 Meeting 12:00 PM

Sincerely,

Dean Strobel
Board Chair

Steuben County Industrial Development Agency
Regular Meeting of the Board of Directors
Agenda
August 27, 2026, 12:00 pm

1.	**Call to Order** – Quorum Present	Strobel
2.	**Secretary's Report** – July 23, 2026, minutes	Davidson
3.	**Treasurer's Report**	
	a) July Financials	Russo
4.	**New Business:**	
	a) Cohocton Railroad Property Disposition	Johnson
	b) Town of Urbana Railroad Conveyance	Johnson
5.	**Old Business:**	
	a) CPMCo Country Club Final Resolution	Johnson
	b) OSC PARIS Response	Johnson
	c) BONTRANS/PowerUp	Johnson
6.	**Project/Policy Updates**	
	a) Data Center Moratorium	Johnson
7.	**Executive Session –** Open Meetings Law Article 7, Open Meeting Law, Section 105 Paragraph D – Discussions regarding proposed, pending, Or current litigation.	Strobel
8.	**Adjournment**	Strobel

Steuben County Industrial Development Agency
Board of Director's Meeting Minutes
July 23, 2026

I. **Call To Order:** The Regular Meeting of the Steuben County Industrial Development Agency (IDA) was called to order at 12:02 pm by Chair Strobel, who confirmed that there was a quorum present.

Present:	Dean Strobel	Chairman
	Kelly Fitzpatrick	Vice Chair
	Mike Davidson	Secretary
	Sarah Creath	Member
	Mark Alger	Member
	James Johnson	Executive Director
	Jill Staats	Deputy Director
	Matt Bull	Director of Community & Infrastructure Dev
	Kelly Hortman	Administrative Assistant
	Russ Gaenzle	IDA Counsel
Guests:	Kamala Keeley	Three Rivers/Corning Incorporated
	Steven Nonkes	Harris Beach Murtha (via Zoom)
Absent:	Michelle Caulfield	Member
	Tony Russo	Treasurer

II. **Secretary's Report –** A motion to approve the June 25, 2026, meeting minutes, as presented in the Board Packet, was made by Alger and seconded by Fitzpatrick. All voted in favor, and the motion passed.

III. **Treasurer's Report -**

a) **Treasurer's Report:** Johnson presented the Treasurer's Report as included in the board packet. All categories are within budgeted amounts and there were no major concerns reported. A motion to approve the June 2026 financial statements, as presented, was made by Davidson and seconded by Alger. All voted in favor, and the motion passed.

b) **CD Renewal:** Johnson discussed two Certificates of Deposit (CDs) maturing on August 3, 2026, and August 10, 2026.
The CD maturing on August 3, 2026, valued at $1,676,534, was recommended by staff for renewal at the best interest rate available. A motion to approve the renewal was made by Fitzpatrick and seconded by Alger. All voted in favor, and the motion passed.
The CD maturing on August 10, 2026, with a balance of $1,288,757 will be allowed to mature and remain available to support the Wayland Power Up grant needs.

IV. **New Business**

a) **CPMCO Initial Resolution:** Johnson presented the Corning Property Management Company application and Initial Resolution as included in the board packet. CPMCO requests sales tax benefits to support the redevelopment of property recently purchased and property operated by the Corning Country Club. The proposed project includes the construction of a new driving range and practice facilities, including putting and short-game areas, as well as improvements to the country club grounds and clubhouse. The project will also revitalize the former Fun Park property to enhance the region's ability to attract outside tournaments and increase regional economic activity through higher visitor attendance and spending. IDA assistance can be granted under the tourism allowance, and staff have requested a market analysis from CPMCO to be presented before a final IDA determination is made. A motion to approve the CPMCO Application and Initial Resolution, as presented in the Board Packet, was made by Davidson and seconded by Alger. All voted in favor, with the exception of Creath, who abstained. The motion passed.

b) **Insurance RFP:** Staats reviewed the Insurance Request for Proposals (RFP) as presented in the Board Packet. The IDA will be seeking proposals from qualified insurance brokers. Discussion was held amongst the board and staff about the need for a firm that can provide personal support. Section A-5 of the Scope of Services will be revised to clarify that the selected broker will meet annually with IDA staff in person to discuss any recommended changes to insurance coverage. A motion to approve the Insurance RFP, with the noted revision to Section A-5, was made by Alger and seconded by Fitzpatrick. All members voted in favor, and the motion passed.

V. Old Business

a) **Shirley's Authorizing Resolution:** Johnson presented the Authorizing Resolution for the sale of a parcel of land to Shirley's of Bath. When the IDA purchased the Scudder property in the Town of Bath in 2023, it was discovered that a portion of Shirley's building encroached onto the property. To correct the property boundary, the IDA agreed to sell a 200-foot by 50-foot parcel to Shirley's of Bath. The Authorizing Resolution finalizes the transaction. A motion to approve the Authorizing Resolution was made by Fitzpatrick and seconded by Creath. All voted in favor, and the motion passed.

b) **Bonatrans Power Up Grant:** Johnson discussed the Wayland Business Park electric grid upgrade project, the Power Up Grant, and the NYSEG Letter of Intent, as presented in the Board Packet. NYSEG's preliminary cost estimate to complete the project has been reduced nearly 50% to $8,393,000.00 because it was determined portions of the original cost estimate had already been allocated to other investments along the line. These changes were reviewed by staff with NYSEG and presented to the State who have responded favorably. Staff continue to work with ESD to update the project schedule and payment agreement. To begin the engineering phase, NYSEG has requested an advance payment of approximately $1,090,000.00 from the IDA. Johnson explained that the advance is expected to be reimbursed at a rate of 90% upon final agreement with the State with the remaining 10% payment made at the end of the project. A motion to authorize the Executive Director to execute documents and make the initial payment of up to$1,090,000.00, pending legal review, was made by Davidson and seconded by Creath. All voted in favor, and the motion passed.

c) **Route 54 Study Update:** Staats provided an update on the Route 54 Project, the former Philips site. A Notice of Intent to Declare Lead Agency has been sent to all involved agencies, formally initiating the SEQRA review process. The review period is expected to take approximately 30 days. Staats noted that a resolution related to the project will be presented for Board consideration at the August Board meeting. Johnson noted that they have been meeting with the agency legal and engineering teams to develop a proposed redevelopment strategy to present to DEC and Signify in hopes of establishing a timeline for redevelopment to take place.

VI. Project/Policy Updates

a) **Curtiss School Renovation Project:** Bull reported that he attended the ribbon-cutting ceremony for the Curtiss School Renovation Project. He noted that the project has community support and is progressing well.
b) **Dana Lyon Apartments:** Johnson reported that staff attended a tour of the renovated building and apartments. Occupancy of the apartments is scheduled to begin on August 1, 2026.
c) **Park Grove Apartment Project:** Johnson provided an update on the Park Grove Apartment Project. Construction has begun on the site. Initially, there were concerns from nearby residents regarding truck access and the location of construction equipment. Through ongoing communication with the residents and project team, those concerns have been addressed, and the project is continuing to move forward as planned.
d) **CFA Updates:** Bull provided an update regarding CFA projects. There are currently six ongoing projects/applications the IDA is assisting with at some level.

VII. Executive Session

Pursuant to Article 7, Section 105(d) of the Open Meetings Law, regarding discussions of proposed, pending, or current litigation:
At 12:46 p.m., Alger made a motion to enter Executive Session, seconded by Creath. All voted in favor, and the motion passed.
At 1:11 p.m., Alger made a motion to exit Executive Session, seconded by Fitzpatrick. No action was taken.

VIII. Adjournment – With no further business to discuss, Alger made a motion to adjourn the meeting at 1:11 p.m., seconded by Creath. All voted in favor, and the meeting adjourned.

Respectfully submitted,
Mike Davidson
Secretary

Statement of Financial Position by Fund with Comparison to Prior Year End
Steuben County Industrial Development Agency
For 7/31/2026

SCIDA

	This Year	Last Year	Change
Assets			
Current Assets			
10.0200.020.00 SCIDA Checking xx3375 - Five Star Bank	805,766.69	736,663.49	69,103.20
10.0205.020.00 SCIDA Escrow Acct xx9305	12,170.00	52,348.39	(40,178.39)
10.0209.020.00 SCIDA Project Account xx1901	12,316.16	12,316.16	0.00
10.0210.020.00 Petty Cash	100.00	100.00	0.00
10.0215.020.00 Chemung Canal Trust Company	1,020,674.40	1,009,138.45	11,535.95
10.0221.020.00 SCIDA Five Star CD	692,619.09	673,722.56	18,896.53
10.0222.020.00 SCIDA Chemung CD	540,607.18	531,797.26	8,809.92
10.0223.020.00 SCIDA Five Star CD	1,676,534.07	1,630,304.88	46,229.19
10.0224.020.00 SCIDA Five Star CD	1,258,757.08	1,235,901.37	22,855.71
10.0240.020.00 Prepaid Expenses	0.00	17,660.25	(17,660.25)
Total Current Assets	6,019,544.67	5,899,952.81	119,591.86
Non-Current Assets			
10.0199.030.00 Deferred Outflows of Resources	119,338.00	119,338.00	0.00
Total Non-Current Assets	119,338.00	119,338.00	0.00
Fixed Assets			
Land			
10.0100.010.00 Land - B&W Railroad	380,250.00	380,250.00	0.00
10.0102.010.00 B&H Railroad	102,653.00	102,653.00	0.00
10.0104.010.00 Engine House - Livonia	100,000.00	100,000.00	0.00
10.0106.010.00 Land - Railroad	39,979.00	39,979.00	0.00
10.0108.010.00 Land - Scudder Property	226,735.76	226,735.76	0.00
Total Land	849,617.76	849,617.76	0.00
Buildings			
10.0120.010.00 Building - Office	167,416.00	167,416.00	0.00
10.0122.010.00 B&W Railroad	380,250.00	380,250.00	0.00
10.0124.010.00 Building Improvements	67,735.86	67,735.86	0.00
10.0126.010.00 B&H Railroad	922,522.80	922,522.80	0.00
Total Buildings	1,537,924.66	1,537,924.66	0.00
Equipment			
10.0145.010.00 Office Equipment	36,632.16	36,632.16	0.00
Total Equipment	36,632.16	36,632.16	0.00
Goodwill			
10.0175.010.00 Website Design	30,000.00	30,000.00	0.00
Total Goodwill	30,000.00	30,000.00	0.00
Depreciation			
10.0180.010.00 Accumulated Depreciation	(1,096,381.68)	(1,096,381.68)	0.00
10.0185.010.00 Accumulated Amortization	(30,000.00)	(30,000.00)	0.00
Total Depreciation	(1,126,381.68)	(1,126,381.68)	0.00
Total Assets	**7,466,675.57**	**7,347,083.71**	**119,591.86**
Liabilities and Fund Balance			
Liabilities			
Current Liabilities			
10.0600.060.00 Accounts Payable	977.58	10,014.72	(9,037.14)
10.0601.060.00 Payroll Liabilities - Accrued Payroll	0.00	16,432.64	(16,432.64)
10.0610.060.00 Payroll Liabilities - PR Taxes	2.10	1,231.76	(1,229.66)
10.0611.060.00 Payroll Liabilities - Retirement	2,290.14	1,340.19	949.95
10.0613.060.00 Payroll Liabilities - United Way	330.10	139.60	190.50
10.0630.060.00 Escrow Funds Payable	8,457.99	8,457.98	0.01
10.0687.000.00 Compensated Absences - Accrued	7,644.38	7,644.38	0.00
10.0688.060.00 Escrow Funds Payable - Projects	25,969.21	0.00	25,969.21
Total Current Liabilities	45,671.50	45,261.27	410.23
Non-Current Liabilities			
10.0680.070.00 Net Pension Liability	169,065.00	169,065.00	0.00
10.0685.070.00 Deferred Inflows of Resources	36,683.00	36,683.00	0.00
Total Non-Current Liabilities	205,748.00	205,748.00	0.00
Total Liabilities	251,419.50	251,009.27	410.23

Statement of Financial Position by Fund with Comparison to Prior Year End
Steuben County Industrial Development Agency
For 7/31/2026

SCIDA

	This Year	Last Year	Change
Fund Equity			
NonSpendable Fund Balance			
Fund Balance			
10.0915.090.00 Fund Balance	7,096,074.44	6,841,856.33	254,218.11
Total Fund Balance	7,096,074.44	6,841,856.33	254,218.11
Current Year Change in Fund Balance	119,181.63	254,218.11	(135,036.48)
Total Fund Equity	7,215,256.07	7,096,074.44	119,181.63
Total Liabilities and Fund Balance	**7,466,675.57**	**7,347,083.71**	**119,591.86**

Statement of Activity - MTD and YTD by Department
Steuben County Industrial Development Agency
For 7/31/2026

SCIDA

	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	Variance
Income				
Administrative Income				
10.2140.100.00 Administrative Income	77,538.14	385,438.14	1,300,000.00	(914,561.86)
Total Administrative Income	77,538.14	385,438.14	1,300,000.00	(914,561.86)
Business Development Income				
10.2710.100.00 Business Development Support Income	0.00	130,000.00	130,000.00	0.00
Total Business Development Income	0.00	130,000.00	130,000.00	0.00
Other Income				
10.2815.100.00 Grant Income Site Developement	0.00	0.00	75,000.00	(75,000.00)
10.2820.100.00 ARC Grant Income	0.00	0.00	200,000.00	(200,000.00)
10.2825.100.00 ARC Project Reimbursements	0.00	0.00	101,747.00	(101,747.00)
10.2870.100.00 Miscellaneous Income	0.00	315.25	2,000.00	(1,684.75)
10.2891.100.00 Interest Income	1,736.26	109,631.39	120,000.00	(10,368.61)
Total Other Income	1,736.26	109,946.64	498,747.00	(388,800.36)
Total Income	**79,274.40**	**625,384.78**	**1,928,747.00**	**(1,303,362.22)**
Expenses				
Office Expenses				
10.6125.400.00 Continuing Education Expense	0.00	0.00	5,000.00	5,000.00
10.6130.400.00 Dues & Subscriptions Expense	1,054.91	13,782.05	15,640.00	1,857.95
10.6140.400.00 Miscellaneous Office Expense	0.00	0.00	2,200.00	2,200.00
10.6150.400.00 Postage & Delivery Expense	0.00	316.00	2,000.00	1,684.00
10.6155.400.00 Cleaning Expense	240.00	1,640.00	2,936.00	1,296.00
10.6160.400.00 Copier Expense	189.35	1,480.95	2,833.00	1,352.05
10.6165.400.00 Office Supplies Expense	601.29	2,559.93	3,000.00	440.07
10.6170.400.00 Payroll Fees Expense	240.00	1,012.50	2,080.00	1,067.50
Total Office Expenses	2,325.55	20,791.43	35,689.00	14,897.57
Professional Services Expense				
10.6200.400.00 Legal Services Expense	0.00	0.00	15,000.00	15,000.00
10.6205.400.00 Maintenance Expense	1,775.00	3,215.00	30,000.00	26,785.00
10.6210.400.00 Accounting Expense	2,575.00	30,125.00	43,000.00	12,875.00
10.6220.400.00 Consulting Expense	0.00	0.00	10,000.00	10,000.00
Total Professional Services Expenses	4,350.00	33,340.00	98,000.00	64,660.00
Salaries & Wages Expense				
10.6560.400.00 Payroll Expenses	49,595.52	243,537.36	430,376.00	186,838.64
10.6561.400.00 Payroll Taxes Expense	3,859.47	17,536.80	32,924.00	15,387.20
10.6599.400.00 Retirement (ERS) Expense	0.00	15,910.25	64,099.00	48,188.75
Total Salaries & Wages Expenses	53,454.99	276,984.41	527,399.00	250,414.59
Administrative Expenses				
10.6625.400.00 Technology Upgrades Expense	618.00	3,338.00	6,000.00	2,662.00
10.6645.400.00 Marketing Expense	0.00	7,566.28	25,000.00	17,433.72

Statement of Activity - MTD and YTD by Department
Steuben County Industrial Development Agency
For 7/31/2026

SCIDA

	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	Variance
Total Administrative Expenses	618.00	10,904.28	31,000.00	20,095.72
Utility Expenses				
10.6650.400.00 Internet Access Expense	60.00	420.00	824.00	404.00
10.6655.400.00 Telephone Expense	1,256.18	3,681.83	4,320.00	638.17
10.6660.400.00 Utilities Expense	261.73	2,380.45	4,774.00	2,393.55
10.6665.400.00 Refuse Expense	35.00	245.00	386.00	141.00
Total Utility Expenses	1,612.91	6,727.28	10,304.00	3,576.72
Travel Expenses				
10.6700.400.00 Travel & Entertainment Expense	383.74	3,190.39	8,000.00	4,809.61
10.6705.400.00 Community Engagement	294.50	482.22	6,500.00	6,017.78
10.6710.400.00 Conferences Expense	407.04	6,019.48	10,000.00	3,980.52
Total Travel Expenses	1,085.28	9,692.09	24,500.00	14,807.91
Insurance Expense				
10.6810.400.00 Health Insurance Expense	5,724.91	51,397.33	80,694.00	29,296.67
10.6815.400.00 Dental Insurance Expense	0.00	1,424.94	2,850.00	1,425.06
10.6820.400.00 Vehicle Allowance Expense	1,723.86	9,029.76	14,940.00	5,910.24
10.6825.400.00 Liability Insurance Expense	813.75	10,855.06	23,881.00	13,025.94
10.6830.400.00 Disability Insurance Expense	0.00	1,436.73	2,031.00	594.27
10.6835.400.00 Life Insurance Expense	0.00	1,254.99	1,532.00	277.01
10.6840.400.00 Workers' Compensation Insurance Expense	0.00	375.20	2,390.00	2,014.80
10.6845.400.00 Vision Insurance	0.00	0.00	432.00	432.00
Total Insurance Expense	8,262.52	75,774.01	128,750.00	52,975.99
Infrastructure Expense				
10.6905.400.00 Project Costs Expense	245.29	21,924.33	75,000.00	53,075.67
10.6915.400.00 Site Development Expense	50,065.32	50,065.32	91,000.00	40,934.68
Total Infrastructure Expense	50,310.61	71,989.65	166,000.00	94,010.35
Other Expenses				
10.6670.400.00 ARC Project Expense	0.00	0.00	400,000.00	400,000.00
Total Other Expenses	0.00	0.00	400,000.00	400,000.00
Total Expenses	**122,019.86**	**506,203.15**	**1,421,642.00**	**915,438.85**
Excess Revenue Over (Under) Expenses	**(42,745.46)**	**119,181.63**	**507,105.00**	**(387,923.37)**

PROPERTY CONVEYANCE AGREEMENT

This Property Conveyance Agreement ("Agreement") is entered into as of **________, 2026** (the "Effective Date"), by and between the **Steuben County Industrial Development Agency**, a public benefit corporation organized under the laws of the State of New York ("Grantor"), and the **Town of Urbana**, Steuben County, New York, a municipal corporation ("Grantee").

RECITALS

WHEREAS, Grantor owns certain real property formerly utilized as the Bath & Hammondsport Railway corridor located within the Town of Urbana, Steuben County, New York; and

WHEREAS, the corridor is no longer required by Grantor for its intended economic development purposes, or Grantor has determined that public recreational use of the corridor will further the public interest and economic development of Steuben County; and

WHEREAS, Grantee desires to acquire the property for the development, operation, and maintenance of a public recreational trail, open space, and related public purposes; and

WHEREAS, the parties desire to provide for the conveyance of the property subject to the terms and conditions contained herein.

NOW, THEREFORE, the parties agree as follows:

1. Property

Grantor agrees to convey to Grantee all of its right, title, and interest in the former railroad corridor located within the Town of Urbana, including all associated rights-of-way, railroad bed, bridges, culverts, track, drainage facilities, and appurtenances owned by Grantor, as more particularly described in Exhibit A.

Grantor shall ~~also~~ convey ~~such rights as it may possess to any grants from FEMA and ARC as well as all documentation and contact information relevant to said grants.~~ only such right, title and interest, if any, as Grantor possesses in and to the Property. Nothing contained herein shall obligate Grantor to assign, transfer or assume any grant agreement, funding agreement, reimbursement agreement or other governmental funding arrangement. Grantor shall, at Grantee's sole cost and expense, reasonably cooperate with Grantee in seeking any approvals, consents or acknowledgments from applicable governmental agencies that may be required in connection with any permitted transfer, assumption or administration of such grants or funding arrangements, provided that such cooperation shall not require Grantor to incur any liability or expense or to make any representation, warranty or covenant regarding such grants or funding arrangements.

2. Consideration

The conveyance shall be made for the sum of One Dollar ($1.00) and other good and valuable consideration, including the Grantee's agreement to preserve the corridor for public recreational purposes.

3. Purpose

The property shall be used primarily for:

- Public recreational trails;
- Walking and bicycling;
- Snowmobiling where permitted;
- Cross-country skiing;
- Conservation and environmental education;
- Other public recreational purposes approved by the Town.

4. Existing Easements

This conveyance shall be subject to:

- Existing utility easements;
- Highway crossing rights;
- Recorded rights-of-way;
- Any rights retained by governmental agencies;
- Existing licenses that survive conveyance~~.~~;
- any matter affecting title whether or not of record.

5. Environmental Condition; As-Is Conveyance

GRANTEE ACKNOWLEDGES AND AGREES THAT THE PROPERTY IS BEING CONVEYED IN ITS PRESENT "AS IS," "WHERE IS," AND "WITH ALL FAULTS" CONDITION. EXCEPT AS EXPRESSLY SET FORTH HEREIN, GRANTOR MAKES NO REPRESENTATION OR WARRANTY OF ANY KIND, WHETHER EXPRESS OR IMPLIED, INCLUDING WITH RESPECT TO TITLE, MARKETABILITY, CONDITION, SUITABILITY FOR ANY PARTICULAR PURPOSE, ENVIRONMENTAL CONDITION, COMPLIANCE WITH LAW, PHYSICAL CONDITION, GRANT COMPLIANCE, THE STATUS OF ANY RAILROAD ABANDONMENT OR REGULATORY PROCEEDINGS, OR THE EXISTENCE OR CONDITION OF ANY IMPROVEMENTS.

Grantee has conducted, or shall conduct prior to Closing, such investigations and inspections as Grantee deems appropriate and is relying solely upon its own review and investigation.

Effective as of Closing, Grantee shall assume all responsibility and liability relating to the ownership, operation, maintenance, administration, environmental condition and future use of the Property, including any obligations relating to railroad abandonment matters, grant compliance matters, environmental matters, permitting matters and regulatory requirements arising from or relating to the Property after Closing.

~~The property is conveyed "AS IS, WHERE IS," without warranty as to environmental condition.~~

~~Grantor shall provide any environmental reports in its possession.~~

~~Grantee acknowledges responsibility for future environmental compliance after the date of closing.~~

6. Railroad Regulatory Matters

~~Closing shall occur only after all necessary federal and state approvals have been obtained, including any approvals required by the Surface Transportation Board or any successor agency.~~

Grantee shall be solely responsible for obtaining all federal, state and local approvals, permits, consents, authorizations and determinations required in connection with the conveyance, ownership, operation, maintenance or use of the Property, including any approval, authorization or determination required from the Surface Transportation Board or any successor agency and any railroad abandonment proceeding.

Grantor shall reasonably cooperate with Grantee in connection with obtaining such approvals, at no cost or expense to Grantor and without assuming any liability in connection therewith.

Notwithstanding anything contained herein to the contrary, Grantor shall have no obligation to commence, prosecute, complete or fund any railroad abandonment proceeding, permit application, grant transfer request, environmental review process or other governmental approval process relating to the Property. Grantee shall bear sole responsibility for the same.

7. Maintenance

Upon closing, Grantee shall be solely responsible for:

- Maintenance;
- Repairs;
- Snow removal, if applicable;
- Liability insurance;
- Public safety.

8. Indemnification

~~Grantee agrees to indemnify and hold harmless Grantor from claims arising after the date of conveyance, except claims resulting from Grantor's own negligence or misconduct occurring before closing.~~

From and after Closing, Grantee shall defend, indemnify and hold harmless Grantor and its officers, directors, members, employees, agents and representatives from and against any and all claims, liabilities, damages, losses, costs and expenses (including reasonable attorneys' fees and expenses) arising out of or relating to:

(a) the ownership, operation, maintenance, repair or use of the Property;

(b) any environmental condition, environmental claim or environmental liability affecting the Property;

(c) any railroad abandonment proceeding, railroad regulatory matter or related governmental proceeding;

(d) any grant, funding, reimbursement or governmental assistance program relating to the Property;

(e) title matters, easement matters, boundary disputes or claims affecting the Property; and

(f) any injury, death, property damage or other claim occurring on or relating to the Property;

whether arising before, on or after the Closing Date, except to the extent finally determined by a court of competent jurisdiction to have resulted solely from the gross negligence or willful misconduct of Grantor.

9. Assumption of Property Obligations.

Effective as of Closing, Grantee assumes and agrees to perform all obligations, liabilities and responsibilities relating to the Property, including without limitation obligations associated with railroad abandonment proceedings, trail development, grant administration, permitting, maintenance, environmental compliance, public safety, title matters and regulatory compliance. Grantor shall have no obligation to fund, perform or participate in any such activities after Closing. Without limiting the foregoing, Grantee expressly assumes all obligations, costs, liabilities and risks associated with railroad abandonment proceedings, environmental conditions, grant administration and compliance, title matters and future operation and maintenance of the Property.

~~9~~10. Closing

Closing is expressly conditioned upon Grantee obtaining all approvals, permits, consents and authorizations contemplated by Section 6.

Grantee shall be solely responsible for obtaining all approvals, permits, consents and authorizations necessary to consummate the transactions contemplated by this Agreement. Grantor shall reasonably cooperate with Grantee's efforts at no cost or expense to Grantor.

Closing shall occur on or before the date that is six (6) months following the Effective Date (the "Initial Outside Closing Date"). Grantee may extend the Initial Outside Closing Date for one additional period of up to six (6) months by written notice to Grantor delivered prior to the Initial Outside Closing Date, provided that Grantee demonstrates, to Grantor's reasonable satisfaction, that it has been diligently and continuously pursuing the governmental approvals and other closing conditions required hereunder.

If Closing has not occurred on or before the date that is twelve (12) months following the Effective Date, either party may terminate this Agreement upon written notice to the other.

~~Closing shall occur upon:~~

- ~~Approval by the Steuben County Industrial Development Agency Board;~~
- ~~Approval by the Town Board of the Town of Urbana;~~
- ~~Completion of title review;~~
- ~~Completion of environmental due diligence;~~
- ~~Satisfaction of all legal requirements.~~

11. Deed

Grantor shall convey title by ~~Warranty deed.~~bargain and sale deed without covenants, or such other form of limited conveyance instrument as Grantor may determine appropriate. Grantee acknowledges that Grantor is conveying only whatever right, title and interest Grantor possesses in the Property and is not providing any covenant of title.

12. Entire Agreement

This Agreement constitutes the complete understanding of the parties.

13. Governing Law

This Agreement shall be governed by the laws of the State of New York.

[Signature page follows]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the Effective Date.

STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY

By: ________________________________

Title: ______________________________

Date: _______________________________

TOWN OF URBANA

By: ________________________________

Supervisor

Date: ______________________________

Summary report: **Litera Compare for Word 11.7.0.54 Document comparison done on 8/10/2026 3:17:14 PM**	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original DMS: nd://4928-2970-6182/1/Railroad Conveyance Agreement.doc	
Modified DMS: nd://4928-2970-6182/2/Railroad Conveyance Agreement.doc	
Changes:	
Add	30
~~Delete~~	21
~~Move From~~	0
Move To	0
Table Insert	0
~~Table Delete~~	0
Table moves to	0
~~Table moves from~~	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	51

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 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:
CCC Driving Range

Project Location (describe, and attach a location map):
11233 East Corning Road; 2501 Country Club Drive; 11377 LPGA Drive, Corning, NY

Brief Description of Proposed Action:
Tax Maps 318.00-01-065.200, 337.00-01 -001.000, 337.09-03-004.000, 337.09-03.005.110, 337.09-03-005.120, and 337.09-03-005.200

The project includes the development of a new driving range and practice facilities, including putting and short-game areas, as well as significant improvements to the Country Club grounds and clubhouse. Redevelopment of the former Fun Park site into a Driving Range for the Corning Country Club includes up to 240 parking spaces.

Name of Applicant or Sponsor:	
Corning Country Club	Telephone: 607.734.2165 x. 220
	E-Mail: James.Gensel@FaganEngineers.c

Address:
2501 Country Club Drive

City/PO:	State:	Zip Code:
Corning	NY	14830

	NO	YES
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.	☑	☐
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: NYSDEC SPDES GC Permits Steuben County IDA	☐	☑

3. a. Total acreage of the site of the proposed action? 321.41 acres
b. Total acreage to be physically disturbed? 12.50 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 321.41 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

☐ Urban ☒ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)
☒ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify:	☑	☐
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?	☑	☐
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:	☐	☑
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: ______ Not Applicable	☑	☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: ______ Not Applicable	☑	☐
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? See No Impact Letter from OPRHP dated 6/15/2026	☑	☐
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?	☐	☑
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: ______ Gorton Creek - No Impacts		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☒ Forest ☒ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Green Floater, Swallowtail ...	☐	☑
16. Is the project site located in the 100-year or 500-year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	☐	☑
a. Will storm water discharges flow to adjacent properties?	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ______	☐	☑
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: ______	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: ______	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: ______	☐	☑
21. Is the project located within, or within ½ mile of, a disadvantaged community?	☑	☐
If No, could impacts from the project affect a disadvantaged community?	☑	☐
If Yes to either question in 21, answer the following question. a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management):		

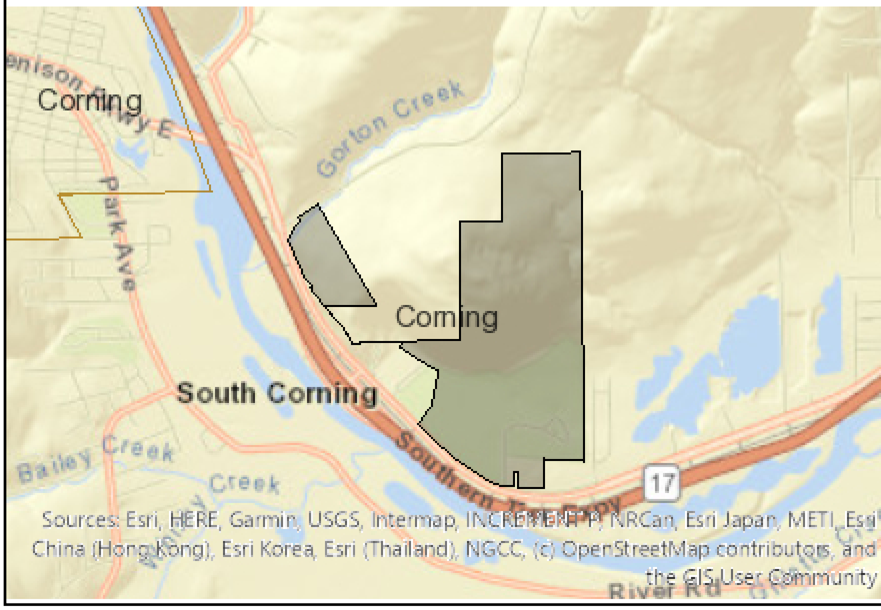
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: James B. Gensel, P.E. Date: 08/21/2026

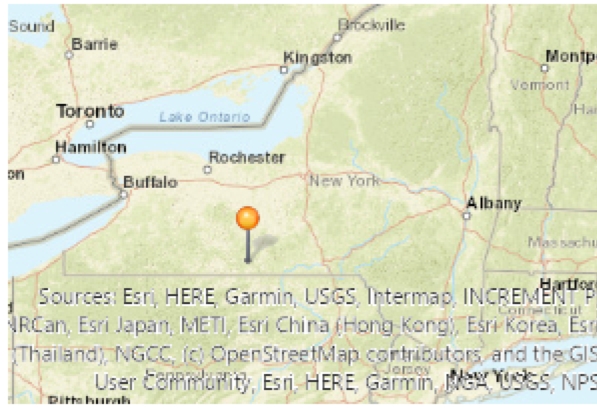
Signature: ______ Title: Engineer for Applicant

EAF Mapper Summary Report

Friday, August 21, 2026 7:48 AM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources to confirm data provided by the Mapper or to obtain data not provided by the Mapper.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Green Floater, Swallowtail Shiner, Bald Eagle
Part 1 / Question 16 [100 or 500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	Yes
Part 1 / Question 21 [Disadvantaged Community]	No

FINAL RESOLUTION
(Corning Property Management Corporation Project)

A regular meeting of the Steuben County Industrial Development Agency was convened on Thursday, August 27, 2026.

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

Resolution No. 08/2026 - ___

RESOLUTION OF THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD WITH RESPECT TO THE CORNING PROPERTY MANAGEMENT CORPORATION PROJECT ON AUGUST 18, 2026; (ii) AUTHORIZING FINANCIAL ASSISTANCE (AS MORE FULLY DESCRIBED BELOW) FOR THE BENEFIT OF CORNING PROPERTY MANAGEMENT CORPORATION; (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 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, **CORNING PROPERTY MANAGEMENT CORPORATION**, 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 planning, design, renovation, reconstruction and rehabilitation of the existing improvements (the "Existing Improvements") located at 11233 East Corning Road, 2452-2561 Country Club Drive, LPGA Drive and 11371 LPGA Drive, each in the Town of Corning, Steuben County, New York (the "Land", being more particularly identified as tax parcel numbers 318.00-01-065.200, 337.00-01-001.000, 337.09-03-004.000, 337.09-03.005.110, 337.09-03-005.120 and 337.09-03-005.200), together with utility and onsite/offsite improvements, waste water improvements, parking improvements, signage, curbage and landscaping improvements (collectively, the "Improvements"); and (iii) 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 Improvemnets and the Improvements, the "Facility"); and

WHEREAS, by resolution adopted by the Agency on July 23, 2026 (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 Tuesday, August 18, 2026, 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, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project; and

WHEREAS, the Agency has received from the Company a Short Environmental Assessment Form ("SEAF") for the Project, and further declared itself Lead Agency, determined the Project to be an Unlisted Action as defined pursuant to 6 N.Y.C.R.R. § 617.2(al) of the SEQRA regulations, and conducted an uncoordinated review of the Project pursuant to SEQRA; and

WHEREAS, the Company has represented to the Agency that the Project is likely to attract a significant number of visitors from outside the economic development region (as established by Section 230 of the New York State Economic Development Law), and therefore the Project constitutes a "tourism destination" as defined in Section 862(2) of the Act; 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 and related documents, and (iii) authorizing the Financial Assistance to the Company; and

WHEREAS, the Project 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 action to be taken by the Agency will induce the Company to undertake the Project and acquire materials to construct the Facility, thereby supporting the State's housing goals, increasing employment opportunities and preventing economic deterioration in the Town of Corning, Steuben County, New York, and otherwise furthering the purposes of the Agency as set forth in the Act.

Section 2. The Public Hearing held by the Agency on Tuesday, August 18, 2026, 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 3. Upon a thorough review and due consideration by the Agency of the SEAF for the Project, the Agency makes the following findings:

(i) The Agency has considered the Project, including identifying the reasonable impacts associated with it, and comparing the same to the parameters and criteria set forth in 6 N.Y.C.R.R. §§ 617.1 and 617.3 of the SEQRA regulations.

(ii) The Agency has classified the Project as an Unlisted Action pursuant to 6 N.Y.C.R.R. § 617.2(al) of the SEQRA regulations.

(iv) The Agency has considered the significance of the potential adverse environmental impacts associated with the Project by: (i) carefully reviewing and examining the responses to the SEAF, including the information in the Parts 1 and 2 of the SEAF, together with examining other available supporting information and documents concerning the Project; ii) carefully reviewing impacts and potential impacts from the Project to land, stormwater and groundwater, wetlands, other water resources, and analyzing any impacts associated with agricultural district designation(s), as well as impacts and potential impacts associated with or to historic, archaeological and other recognized and/or protected resources, and impacts to threatened or endangered plant and animal species, impacts to transportation, including such impacts associated with traffic and considered impacts to community character and cumulative impacts if any, as well as impacts from sites where remedial activities were previously conducted, and considering each of the other potential impacts as required by applicable regulation; (iii) carefully considering the criteria set forth in 6 N.Y.C.R.R. § 617.7(c) in light of such potential impacts; and (iv) thoroughly analyzing the identified areas of relevant environmental concern.

(v) The Agency does not identify any potential significant adverse environmental impact associated with the Project, and based on its review the Agency approves, adopts and incorporates by reference the responses to the SEAF, and therefore issue a Negative Declaration for the Project pursuant to SEQRA.

Section 4. Based upon the Agency's prior review of the Application submitted by the Company, along with supporting materials, the Project will include facilities or property that are primarily used in making retail sales, as defined within Section 862(2) of the Act, to customers who personally visit the Facility. Notwithstanding the foregoing, and based upon the Application and supporting materials prepared and presented by the Company to the Agency, the Project constitutes a "tourism destination" inasmuch as the Project and Facility will likely attract a significant number of visitors from outside the economic development region (as established by Section 230 of the Economic Development Law) in which the Project is located.

Section 5. The Agency is hereby authorized to provide to the Company financial assistance in the form of a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Project (the "Financial Assistance").

Section 6. 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 **$2,767,326.00,** which result in New York State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **$221,386.00**. 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 7. 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 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 8. 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, 2027** (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 9. The Chair, Vice Chair and/or the Executive Director of the Agency are hereby authorized, on behalf of the Agency, to negotiate and execute the Project Agreement, pursuant to which the Agency will appoint the Company as its agent to undertake the Project.

Section 10. The Chair, Vice Chair 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 necessary to undertake the Project, 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") in an amount necessary to undertake the Project; 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 Chair, Vice Chair and/or Executive Director of the Agency shall approve, the execution thereof by the Chair, Vice Chair 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 11. 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.

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

<u>Section 13</u>. 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:

	<u>Yea</u>	***<u>Nay</u>***	***<u>Absent</u>***	***<u>Abstain</u>***
Dean Strobel	[ ]	[ ]	[ ]	[ ]
Kelly Fitzpatrick	[ ]	[ ]	[ ]	[ ]
Tony Russo	[ ]	[ ]	[ ]	[ ]
Mike Davidson	[ ]	[ ]	[ ]	[ ]
Michelle Caulfield	[ ]	[ ]	[ ]	[ ]
Mark R. Alger	[ ]	[ ]	[ ]	[ ]
Sarah Creath	[ ]	[ ]	[ ]	[ ]

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION

(Corning Property Management Corporation 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 August 27, 2026, 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 ________________, 2026.

____
Secretary

<u>EXHIBIT A</u>

Notice Documents

[See Attached]

County of Steuben IDA
2025 PARIS Report
Response to OSC Questions

1. The procurement transactions reported on the Procurement report total $155,406.78, but the Operating Expenses total $892,616 on the CPA report. Can you please confirm that there should not be any other procurement transactions reported that exceeded $5,000 for the 2025 fiscal year?

   The IDA can confirm there are no additional procurements exceeding $5000.

2. Salaries and wages on the summary financials in PARIS and on the IDA's CPA report total $411,663. Total compensation reported on the staff page in PARIS is $423,352.19. We would expect these figures to match. Please provide an explanation for this difference.

   The compensation reported on the PARIS staff page includes an automobile allowance. The auto allowance is reported in the financial statements under the payroll taxes and other benefits.

3. Please confirm that the below fields match what is listed in the project's application, as this information can only be edited in the first year of the project.

Project Code	Project Name	Total Project Amount	Benefited Project Amount	Lease Amount	Fte Before Ida Status	Estimate Jobs Created	Estimate Jobs Retained	Current Fte Employees
4603-22-02A1	BelGioioso	3,050,000.00	3,045,000.00	1.00	225.00	0.00	225.00	197.00
4603-24-04A	J. A. Palmer	1,721,815.00	1,721,815.00	1.00	0.00	0.00	0.00	0.00
4603-25-04A	BelGioioso	4,816,886.00	4,813,886.00		0.00	0.00	0.00	0.00
4603-25-05	Walgreens	0.00	0.00	0.00	13.00	0.00	13.00	13.00

4603-22-02A1 BelGioioso – The information contained in the PARIS Report is consistent with the information provided by the company.

4603-24-04 J. A. Palmer – This information is accurate as presented.

4603-25-04 BelGioioso - The information as presented should be corrected to reflect that the total project amount is $10,483,866 and the project will create 4 jobs with an estimated average annal wage of $49,608.

4603-25-05 Walgreens - The information is accurate as presented.

4. Generally, we expect projects to report sales tax and mortgage recording tax benefits in the first 2-3 years of the project. The projects listed below are reporting sales tax benefits. Can you confirm that this is correct?

Project Code	Project Name	Project Approved Date	Amt State Sales	Amt Local Sales	Amt Mortgage Recording
4603 20 01	NY Bath I, LLC	5/28/2020	9,400.00	9,400.00	0.00
4603 21 06	NY Pulteney I, LLC	8/26/2021	125,129.00	12,129.00	24,258.00
4603-19-03B	Baron Winds II, LLC	5/28/2020	2,565,422.00	2,565,422.00	0.00

The information is correct as presented. All three of these projects were delayed as a result of the state and local permitting processes required to proceed with construction. The IDA Board of Directors received regular updates on the status of the projects and agreed to extend benefits as a result of these unforeseen permitting delays.

5. The below projects are reporting PILOTs that exceed Real Property Tax Exemptions. For real property tax exemptions, the authority should indicate the total amount of taxes for which the Project would have been liable if the Project occurred, but the IDA was not involved. Can you please comment on why the PILOTs are greater than the taxes the project would have been liable for?

Project Code	Project Name	Total RPTE Exemptions	Total Pilot Made
4603 10 03A	Howard Wind LLC	385,695.00	606,384.00

4603 17 06	Corning Property Management Corp.	2,335,140.00	2,629,066.00
4603 19 03	Baron Winds, LLC	655,906.00	673,872.00
4603 21 07A	LP Building Solutions	4,222.46	24,892.00

4603-10-03 Howard Wind – The information is accurate as reported. The PILOT is a negotiated fixed payment PILOT based on total energy generation. During the reporting year the local assessment was reduced as a result of the State implementing a new assessment model for renewable energy projects resulting in a significant drop in total assessed value.

4603-17-06 – Corning Property Management Corp. – The information is accurate as reported. The PILOT is a fixed payment schedule that is nearing the end of its term. The difference is a result of a recent revaluation performed by the local community which reduced the assessed value of the property resulting in a PILOT payment which exceeds the total value of the taxes that would be due. The company is aware and has chosen to continue paying through the life of the benefit period.

4603-19-03 – Baron Wind, LLC – The information is accurate as reported. The PILOT is a negotiated fixed payment PILOT based on total energy generation. During the reporting year the local assessment was reduced as a result of the State implementing a new assessment model for renewable energy projects resulting in a significant drop in total assessed value.

4603-21-07 – LP Building Solutions – The amounts reported are accurate and reflect a fixed payment PILOT schedule for a large manufacturing facility that was just completing construction during the reporting period. The reported exemption amount was calculated using a partial assessment assigned by the municipality during the construction phase. Construction is now complete and the full assessed value will reflect a larger RPTE Exemption in future years of reporting.

6. There are large variances in Real Property Tax Exemptions for the projects listed below. Can you confirm that these figures are correct and explain why such a large variance occurred?

Project Code	Project Name	Total RPTE Exemptions 2025	Total RPTE Exemptions 2024
4603 10 01A	New York State Electric & Gas Corporation Corning Valley Transmission Project	1,538,770.72	905,260.00
4603 11 01A	RM14 Holdings, LLC	151,560.00	334,700.00
4603 19 03	Baron Winds, LLC	655,906.00	1,603,195.00
4603 19 08	Canandaigua Power Partners 2019	2,799,447.00	1,234,187.00
4603 19 09	Canandaigua Power Partners II 2019	468,941.00	224,478.00
4603 20 07	NY Arkport Crossett Road Solar LLC	9,966,518.92	2,294.00

4603-10-01 – New York State Electric and Gas – This mature PILOT is a fixed payment PILOT that was negotiated to support infrastructure upgrades for a large manufacturing expansion. The PILOT covers property in multiple municipalities where assessed values increased between 2024 and 2025 resulting in a larger than anticipated variance. The information is accurate as reported.

4603-19-03 – RM14 Holdings LLC – The information is accurate as reported, the variance is a result of a revaluation which occurred in the municipality during the reporting period.

4603-19-03 – Baron Winds LLC – The information is accurate as reported. The PILOT is a negotiated fixed payment PILOT based on total energy generation. During the reporting year the local assessment was reduced as a result of the State implementing a new assessment model for renewable energy projects resulting in a significant drop in total assessed value.

4603-19-08 Canandaigua Power Partners – The information is accurate as reported. The PILOT is a negotiated fixed payment PILOT based on total energy generation. During the reporting year the local assessment was reduced as a result of the State implementing a new assessment model for renewable energy.

4603-19-09 Canandaigua Power Partners II – The information is accurate as reported. The PILOT is a negotiated fixed payment PILOT based on total energy generation. During the reporting year the local assessment was reduced as a result of the State implementing a new assessment model for renewable energy projects.

4603-20-07 NY Arkport Crossett Road Solar – The information is accurate as reported and is a result of partial assessed value established by the municipality during the construction phase of the project.

7. There are large variances in PILOTs for the projects listed below. Can you confirm that this information is correct and explain why such a large variance occurred?

Project Code	**Project Name**	**Total Pilot Made 2025**	**Total Pilot Made 2024**
4603 10 01A	New York State Electric & Gas Corporation Corning Valley Transmission Project	905,259.70	1,461,454.00
4603 11 01A	RM14 Holdings, LLC	37,597.00	206,842.00

County of Steuben IDA
2025 PARIS Report
Response to OSC Questions

4603-10-01A New York State Electric & Gas 2025 PILOT made should be corrected to reflect $1,538,771

4603-11-01A RM14 Holdings, LLC - 2025 PILOT made should be corrected to reflect $206,842.

8. Please confirm net exemptions for the projects listed below are correct.

Project Code	Project Name	Net Exemptions
4603 19 08	Canandaigua Power Partners 2019	2,229,035.00
4603 20 07	NY Arkport Crossett Road Solar LLC	9,942,660.92
4603-19-03B	Baron Winds II, LLC	5,130,844.00

4603-19-08 Canandaigua Power Partners – The information is accurate as reported. The PILOT is a negotiated fixed payment PILOT based on total energy generation. During the reporting year the local assessment was reduced as a result of the State implementing a new assessment model for renewable energy projects resulting in a significant increase in the calculated exemption.

4603-20-07 NY Arkport Crossett Road Solar – The information is accurate as reported. The reporting period exemption reflects the first payment made after the project was completed and assessed at full value.

4603-19-03 – Baron Winds LLC – The information is accurate as reported. The PILOT is a negotiated fixed payment PILOT based on total energy generation. During the reporting year the local assessment was reduced as a result of the State implementing a new assessment model for renewable energy projects resulting in a significant drop in an increase in the calculated exemption.

9. The projects listed below are reporting significant variances in current FTEs. Please confirm this information is correct.

Project Code	Project Name	Current Fte Employees
4603 10 04A	Corning Inc. Expansion of Glass Research	149.00
4603 13 04A	Corning Inc. Diesel Plant Expansion	684.00
4603 17 01	The Gunlocke Company	145.00
4603 17 05	7100 Route 70A LLC	292.00
4603 17 06	Corning Property Management Corp.	2,624.00

4603 10 04 – Coning Inc Expansion Glass Research – The information is accurate as reported. During the reporting period Corning Inc experienced a business downturn which resulted in a reduction in jobs at most of their facilities. While there was a job loss at the location the project continues to exceed original job commitments.

4603-13-04 – Corning Inc. Diesel Plant Expansion – The information is accurate as reported. During the reporting period Corning Inc experienced a business downturn which resulted in a reduction in jobs at most of their facilities. Staff have been actively monitoring these reductions and expect to see employment levels increase in future reporting periods.

4603-17-01 – The Gunlocke Company – The information is accurate as reported. In January of 2026, the company announced it will be closing its NY based facility and relocating business operations to a facility in Iowa. The reduction in employment in 2025 was likely in anticipation of this announcement. Because of this closure, the IDA Board has taken action to terminate future incentives and place the property back on the tax rolls. No further incentives will be provided.

4603-17-05 – 7100 Route 70A LLC – The information is accurate as reported. The project is a medical arts facility that supports an adjacent hospital and during the reporting period certain services were transferred to the hospital resulting in a reduction of jobs at the project location however the project continues to exceed its original job commitments.

4603-17-06 – Corning Property Management Corp – The information is accurate as reported. During the reporting period Corning Inc experienced a business downturn which resulted in a reduction in jobs at most of their facilities. Staff have been actively monitoring these reductions and expect to see employment levels increase in future reporting periods.

10. The projects listed below are reporting 0 current FTEs. Please confirm this information is correct.

Project Code	Project Name	Current Fte Employees
4603 10 01A	New York State Electric & Gas Corporation Corning Valley Transmission Project	0.00
4603 18 02	Riedman-Purcell CH II, LLC	0.00
4603 19 07	54 W Market Street LLC	0.00
4603 19 10	2-4 Market Street Corning, LLC	0.00
4603 22 01	Northside Place	0.00

4603-23-05A	CFA Apartments LLC	0.00

4603-10-01 – New York State Electric & Gas Corporation Corning Valley Transmission Project – The Information is accurate as reported. This project was for infrastructure expansion to support manufacturing growth in the Erwin community. The resulting job growth has occurred indirectly at supported facilities.

4603-18-02 – Reidman Purcell CH II, LLC – The information is accurate as reported. The project is an expansion of an existing project and there were no jobs committed during the approval process. Any resulting jobs are reported as part of the original investment which has exceeded its job commitments.

4603-19-07 – 54 West Market Street – The information is accurate as reported. The project supported the redevelopment of a multi-story facility in Corning's Urban center. Any resulting jobs are induced and have been created through tenant leases.

4603-19-10 – 2-4 Market Street – The information is accurate as presented. During the reporting period the business closed, and the property was placed for sale. The IDA Board took immediate action to terminate any remaining incentives, and the property has been placed back on the tax roles.

4603-22-01 – Northside Place – The information is accurate as presented. The project is managed by Riedman Development and all committed jobs are reported under the original Riedman project which has exceeded employment commitments.

4603-23-05 – CFA Apartments – The project failed to submit its employment detail prior to the PARIS deadline. The detail has since been provided and the project has resulted in the 2 jobs it had originally committed. The project data will need to be updated in the system.

11. The Siemens Energy, Inc Project (4603-24-03A) has a planned year end of 2025 however it is not marked as being the last year of the project. Please confirm this is correct.

    This is accurate, the project experienced construction delays and the board granted an extension allowing the benefits to be realized for the remainder of the project which has been completed in 2026.

FILED
STATE RECORDS
JUL 14 2026
DEPARTMENT OF STATE

State of New York

Executive Chamber

No. 62

EXECUTIVE ORDER

ESTABLISHING A TEMPORARY MORATORIUM ON DATA CENTERS IN NEW YORK WHILE THE STATE DEVELOPS HIGHER STANDARDS FOR DATA CENTER DEVELOPMENT AND BENEFITS BLUEPRINT TO SUPPORT LOCALITIES

WHEREAS, New York State (the State) is experiencing unprecedented growth in demand for data center development, driven by the need for computing infrastructure that supports artificial intelligence (AI), cloud computing, streaming services, and other computing operations; and

WHEREAS, the increasing demand for data storage and processing capacities, especially for intensive computational tasks, has led to multiple proposals for the construction and operation of data centers that require large amounts of energy and water to run and cool thousands of computer servers; and

WHEREAS, as of May 2026, nearly 12 gigawatts (12,000 megawatts) of data center load requests are in the New York Independent System Operator interconnection queue with more than eight gigawatts entering the queue in 2025 alone, representing accelerating demand growth and a need for action; and

WHEREAS, Energize NY Development, announced in the 2026 State of the State, directs the Public Service Commission to modernize how large energy consumers, including data centers, connect to the grid, while ensuring those consumers pay their fair share or supply their own power; and

WHEREAS, it is the policy of New York State that the cost of electric system upgrades required to provide electric utility service to large loads should not be paid for by every-day New Yorkers; and

WHEREAS, the growth of Statewide electric load caused by data centers challenges the clean energy targets of the State and will require the procurement of additional energy supply to serve this incremental electric load; and

WHEREAS, data center development can be unpredictable and creates potential risk for utilities and ratepayers, including when infrastructure investments are made in anticipation of loads that may not fully materialize; and

WHEREAS, the State is dedicated to environmental quality, sound public health and safety, economic prosperity, and social well-being; and

WHEREAS, New Yorkers have expressed legitimate concerns regarding the potential impacts of the siting and operation of data centers on energy use, water use, water quality, air quality, noise, lighting, quality of life, and other potential environmental impacts; and

WHEREAS, the State's existing regulatory frameworks are not yet prepared to address the large-scale water use and treatment from data centers which could strain aquifers, surface waters, and public infrastructure; and

WHEREAS, as competition for clean freshwater resources increases due to threats to water quality and changing precipitation and drought patterns from climate change, the need to maximize water reuse and implement the best available technologies to conserve water resources becomes increasingly important, especially within sectors of high-water-demand such as data centers; and

WHEREAS, without regulations, policies, or guidance that enable safe, efficient, and economically viable water use and reuse, the State risks exacerbating water scarcity conditions in high-demand areas, constraining industrial growth, and undermining long-term climate resilience; and

WHEREAS, localities across New York are increasingly contending with the costs and benefits of serving as host communities for data centers, and hosting a data center presents unique opportunities for the host community to encourage and secure private sector investment from the developer or operator that delivers meaningful local benefits; and

WHEREAS, while the negotiation of local benefits with data center developers or operators is the responsibility of the locality, the State can offer valuable technical resources and provide best practices to support the negotiation of meaningful local commitments from the developer or operator;

NOW, THEREFORE I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order as follows:

1. Data Center Permitting Moratorium and Generic Environmental Impact Statement (GEIS)

The Department of Public Service (DPS) is directed to examine the impacts associated with the interconnection of data centers to the electric distribution network through its proceeding under Case 26-E-0045, Proceeding on Motion of the Commission to Address Interconnection Reforms for Large Loads. In connection with such proceeding, DPS is further directed to initiate a formal public process, including public comment and a public hearing, to create a Generic Environmental Impact Statement in accordance with the requirements of the State Environmental Quality Review Act at Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder (collectively, SEQRA), to assess the potential environmental impacts of the construction and operation of data centers in the State, including energy demand, water use and quality, air quality, disproportionate impacts on disadvantaged communities, and noise levels. DPS shall submit a report of such Final Generic Environmental Impact Statement and findings statement. DPS shall consult with the Department of Environmental Conservation and other relevant state agencies and authorities.

Until DPS submits its report of the final Generic Environmental Impact Statement and associated findings statement, the Department of Environmental Conservation (DEC), consistent with its obligations under SEQRA, is directed to hold in abeyance all applications for any discretionary permit, approval, license, or similar form of permission for the construction or expansion of a data center that (1) are or may hereafter be pending before DEC and (2) have not been determined to be complete by DEC before the date of this Executive Order. As a condition precedent to a determination of completeness for an application for a discretionary permit, approval, license, or similar form of permission, DEC may require the applicant to identify and describe in writing whether such application relates to or involves the construction or operation of a data center. This provision does not apply to permits, approvals, licenses, or similar forms of permission from local governments. DEC shall assist DPS in the preparation of the Generic Environmental Impact Statement referenced above.

2. Developing a Community Investment Framework

To assist localities across New York in analyzing and attaining local economic benefits and mitigating potential negative effects of serving as a host community for a data center, Empire State Development (ESD) is directed, within 60 days of this Executive Order, to consider feedback on and create and post on its website a Community Investment Framework.

ESD shall include in such Community Investment Framework, guidance associated with:

a. Creation and maintenance of a community investment fund into which data center developers or operators provide capital that can be used for energy affordability efforts and enhancements to public services such as child care, K-12 programming, or public infrastructure.
b. Investments in local infrastructure such as local energy distribution systems, broadband or irrigation systems or wastewater treatment plants
c. Establishment of frameworks that provide organized labor a seat at the table and prioritize prevailing wage standards and project labor agreements for data center construction, local hiring, apprenticeships and workforce development to maximize economic benefits.
d. Transparency through reporting requirements or other means so that communities understand many of the key economic metrics associated with data center development.

Localities and other governmental entities, including but not limited to Industrial Development Agencies, may use the Community Investment Framework to negotiate terms and conditions with the developer or operator of such data center, to help the host community explore ways it can directly benefit from such project through established partnerships, direct investments in the community, and any other appropriate terms.

3. The New York Grid Acceleration Fund

DPS is also directed to consider the development of a mechanism to protect all customers from the risk of significant costs and risks of stranded assets, including consideration of a New York Grid Acceleration Fund, and may consider such as part of the Energize NY Proceeding. The Fund may require data centers to make upfront capital contributions to finance grid improvements, participate in demand response programs, support the procurement of new clean energy supply including distributed energy resources, and establish an insurance pool to which developers may need to contribute. This Fund would help ensure that New York's grid is modernized to maintain reliability while also ensuring the costs of integrating and serving these new loads are not borne by other ratepayers. The Fund could also explore options to support energy affordability.

DPS shall consider assessing how data center contributions to the Fund may be structured, including contribution levels and how funds may be allocated. Additionally, the department shall consider developing a process to work with utilities and other stakeholders to identify necessary infrastructure improvements across the grid. A component of the Fund may include measures to protect ratepayers from project delays, changes in scope, or cancellations that could result in stranded assets. As part of this effort, DPS may evaluate approaches to require data centers to fund new clean electric generation and/or battery storage dedicated to their operations, consistent with the State's clean energy goals, including customer-sited distributed energy resources, to the greatest extent feasible.

4. Interconnection, Reliability, and Cost Allocation

DPS is directed within sixty days to form a Data Center Interconnection Working Group to identify and resolve issues related to the interconnection of data centers, and other large loads, in order to support efficient interconnection of large new customers and the faithful compliance of "beneficiary pays" principles as related to network upgrade and resource adequacy costs.

DPS is directed to convene the State's transmission owners to review their practices and methodologies for studying the system impacts of data centers, and other large loads in order to understand their sufficiency for the purpose of estimating and managing cost impacts, both as they relate to network upgrades and to supply. DPS is directed to report to the Commission within ninety days.

Data centers may also be subject to service classifications and requirements pertaining to data centers to be developed by DPS and as may be established by the Public Service Commission in the exercise of its discretion.

5. Data Center Water Withdrawal Review and Report

DEC shall assess whether any new or amended regulations, policies, reporting, or guidance is necessary or appropriate to help ensure its water withdrawal program requirements, pursuant to 6 NYCRR Parts 601 and 602, accurately and completely reflect the water demands of large use customers in the State, including data centers.

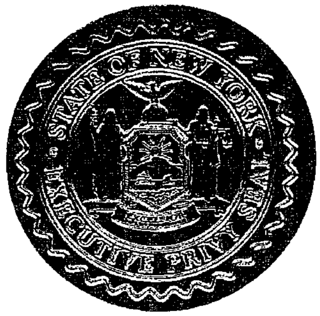
No later than twelve months after the date of this order, DEC shall deliver a report setting forth the results of such assessment and an identification of the potential regulatory, policy, and guidance actions that are necessary or appropriate to address the concerns associated with the siting and operation of data centers in the State.

6. Definition

For the purposes of this Executive Order, "data center" shall mean a facility or group of facilities located on the same site or contiguous sites used to house computer servers, associated components, or computing or telecommunications equipment for the storage, processing, distribution, and / or management of data. Characteristics of data centers subject to this Executive Order include computer servers, associated components, or computing or telecommunications equipment which: (1) are in facilities containing uninterruptible power supply systems, specialized cooling systems designed for high-density computing loads, and / or contain cybersecurity systems designed for secure digital infrastructure operations, (2) provide data storage, cloud computing, and/or content delivery to customers, internal operations, and/or affiliated business operations, oftentimes on a continuous twenty-four-hour cycle, and (3) consume or can consume 50 megawatts of energy or more. Provided, however, that a facility that is primarily used for manufacturing, research (including but not limited to quantum computing research or biomedical research), education (including but not limited to such facilities used by accredited colleges and universities in New York State, to the extent such colleges and universities are engaging in academic research, and the Empire AI consortium, or the institute, as defined in section three hundred sixty-one of the Economic Development Law), or the provision of medical care, is not covered by this definition and thus not subject to this Executive Order.

7. Agency Consultation

In implementing this order, DEC, DPS, and ESD shall consult with one another and with additional partner agencies and authorities in the State, including but not limited to the Authorities Budget Office, Department of Health, the New York State Energy Research and Development Authority, the Long Island Power Authority, the Department of State, as well as the New York Independent System Operator.



G I V E N under my hand and the Privy Seal of the State in the City of Albany this fourteenth day of July in the year two thousand twenty-six.

Kathy Hochul

BY THE GOVERNOR

Secretary to the Governor

Policy Outline for the New York State Data Center Community Investment Framework

In Executive Order No. 62 (Executive Order), Governor Hochul directed Empire State Development (ESD) to assist localities across the State in analyzing and attaining economic benefits and to mitigate potential negative effects of serving as a host community for a data center. Within 60 days, ESD will post on its website a Community Investment Framework (CIF). A CIF for data center projects, as defined in the Executive Order, is a document that includes an example of a structured policy or agreement that establishes how the developer will invest in and partner with the host community and workforce to address the impacts of the project and create lasting local benefits. It serves as a roadmap for balancing economic development with community interests.

Purpose

A CIF is designed to:

- Ensure communities hosting large infrastructure projects share in the economic benefits.
- Mitigate negative impacts associated with construction and operations.
- Promote transparency and accountability.
- Build long-term partnerships between developers and local governments.
- Provide organized labor a seat at the table and fair pay for the workers who build and operate data centers.
- Create predictable expectations for both local governments and developers.

Data centers have a unique profile compared to manufacturing or commercial developments, requiring a targeted approach to their development. Data Centers are projects which typically involve:

- Large capital investments, but relatively few permanent jobs.
- Significant electricity and water demand.

- Dependence on local infrastructure including use of limited large scale industrial sites.

Because of these characteristics, host communities often seek benefits that extend beyond employment, such as infrastructure improvements, environmental investments, and funding for community priorities.

Community Investment Framework

In New York State, the CIF is intended to serve as a standardized expectation for large-scale data center developments, providing local governments and developers with a consistent basis for negotiating community benefits while offering flexibility to tailor investments to local needs.

Empire State Development shall prepare a Community Investment Framework template, that is readily accessible to all communities in New York State, as a tool to codify investments from data center operators.

The Framework will include:

- **Good Neighbor Commitments:** Structure to codify Good Neighbor Commitments, including landscaping, design, and mitigation of noise and light pollution.

- **Labor Commitments:** Establishment of frameworks that prioritize prevailing wage standards and project labor agreements for data center construction, local hiring, apprenticeships, and workforce development to maximize economic benefits.
- **Community Investment Fund:** Structure to include mutually-agreed upon investments by the data center operator that advance the long-term economic vitality and quality of life of the host community.

  Eligible investments may include, but are not limited to:

  - *Public Infrastructure Improvements:* Investments into parks, water and sewer upgrades, roads, energy transmission, public transit systems, bicycle and pedestrian pathways, irrigation systems, water treatment plants, EV charging stations, plazas and gathering spaces, recycling facilities, etc.

- *Community Anchor Institutions:* Investments for public libraries, local hospitals and community health centers, senior centers, food banks, museums, performing arts centers, small business support centers, family service organizations, etc.

- *Housing Initiatives:* Investments to support creation of new housing including affordable and workforce housing, mixed-use projects to increase community vibrancy, adaptive reuse of buildings for housing, weatherization and energy efficiency improvements to lower energy costs for renters, lead paint and asbestos abatement, infill housing development, down payment assistance programs, first time home buyer programs, senior housing improvements, etc.

- *Workforce Development and Training Programs:* Investments into local community colleges, BOCES or other career and technical education programs, registered apprenticeship programs, pre-apprenticeship programs, adult education and literacy programs, STEAM education programs, internship / youth-employment, job-placement or career coaching efforts, etc.

- *Childcare Facilities:* Investments to establish new centers, expansions of existing centers, initiatives to increase access to childcare for local residents, safety upgrades to center spaces, childcare scholarships or tuition assistance investments, etc.

- *Broadband Expansion:* Investments to support installation of fiber-optic networks, expansion of last mile service, wireless infrastructure including public wi-fi assets, network resiliency and redundancy improvements, direct connections and speed upgrades for community assets and local schools, digital literacy training, device lending and digital access programming, etc.

- *Public Safety Initiatives:* Investments into local fire stations and police stations, funding for emergency medical services, public safety training facilities, operational investments to expand community policing initiatives, installation of street lights upgrades to communications / systems, installation of public safety cameras, expansion of community based early intervention programming, cybersecurity enhancements for local government systems, continuity of operations planning and infrastructure, etc.

- *School Facility and EducationalEnhancements:* Investments into school expansions or modernizations, enhanced K-12 programming, classroom renovations, STEM laboratories, library improvements, athletic facilities, playground improvements, school security improvements, direct investments into student programming and educational curricula, afterschool programming, enhanced internship options and college readiness programming, etc.

- *Blight Remediation*: Investments to support rehabilitation and reuse of vacant or abandoned buildings, façade improvements, historic building restoration, adaptive reuse of underutilized sites, streetscape improvements, property acquisition for creative redevelopment, etc.

- *Other Locally Identified Energy Affordability and Community Development Priorities.*

- **Transparency:** Structure to codify ongoing public reporting from the data center operator, to inform the community of key project elements, including regular and consistent reporting on: full-time on-site jobs at the data center, average salary across all full-time on-site employees, water and utility usage and energy demand, total annual tax revenue generated by the project and total tax revenue generated across all years of operation, total construction workers utilized during site build, funding invested into the CIF and intended uses of funds, calculation of CIF investment provided in terms of dollars-invested-per-megawatt-demand, environmental impacts and actions taken to mitigate impacts, etc.

As a baseline for negotiations, Empire State Development shall establish guidance related to contribution levels from data center operators, developed to create a minimum threshold for contributions, such as at **$1 million in data center operator contribution per 1 megawatt (MW) of anticipated utility demand per project.** This recommended contribution level is intended to provide local governments and developers with a consistent starting point for negotiations, while allowing the final investment levels and eligible uses of the Fund to be tailored to the unique needs, priorities, and circumstances of each host community.

Megawatts (MW)	Recommended Community Investment Level
50	$50,000,000
100	$100,000,000
150	$150,000,000
200	$200,000,000
250	$250,000,000
300	$300,000,000
350	$350,000,000
400	$400,000,000

Public Feedback: Over the next 30 days, members of the public may submit feedback on the CIF to DataCenterCIF@esd.ny.gov