



# Cortland County

## Industrial Development Agency

### Annual Meeting of the Members of the Cortland County Industrial Development Agency

December 11, 2023 – Noon

40-42 Main Street, Suite A, 2<sup>nd</sup> Floor Cortland New York, 13405

#### Roll Call

Mike McMahon	Chairman	
Stephen Compagni	Vice Chairman	
John O. Reagan	Treasurer	
Clint Brooks	Secretary	
Johanna Ames	Member	
Dr. Kathleen Burke	Member	
Donald Richards	Member	
Brendan O'Bryan	Executive Director	
Karen Niday	Corporate Finance Officer	
Eric Mulvihill	Development Specialist	
John Sidd	Agency Counsel	

Approval of Minutes - November 13, 2023

#### New Business

1. Appoint Officers/Signatories for 2024 –
2. Appoint Standing Committees for 2024 –
3. Authorize Agency Policies for 2024 –
4. Appoint/Reappoint Directors to the Cortland County Business Development Corporation-
5. Review Payment in Lieu of Tax Employment Affidavits –
6. Review IDA Solar Project Summary

#### Monthly Reports

- 1.) Finance Report
- 2.) Director's Report

#### Adjourn



**Cortland County**  
Industrial Development Agency

# Minutes



# Cortland County

## Industrial Development Agency

### Minutes of the Cortland County Industrial Development Agency Meeting of

November 13, 2023 – Noon

40-42 Main Street, Suite A, 2<sup>nd</sup> Floor Cortland New York, 13405

**Roll Call** – Chairman McMahon called the meeting to order at noon

Mike McMahon	Chairman	Present
Stephen Compagni	Vice Chairman	Present
John O. Reagan	Treasurer	Present
Clint Brooks	Secretary	Present
Johanna Ames	Member	Present
Dr. Kathleen Burke	Member	Present
Donald Richards	Member	Remote
Brendan O'Bryan	Executive Director	Present
Karen Niday	Corporate Finance Officer	Present
Eric Mulvihill	Development Specialist	Present
John Sidd	Agency Counsel	Present
Marie Weiss	Carpenters Local 270	Present
Josh Colistra	I-Spice Foods	Present
Savannah Hempstead	Clerk, Cortland County Legislature	Present
Kevin Fitch	Chair, Cortland County Legislature	Present
Nathan Fenno	President, NYS&W Railway	Remote

**Approval of Minutes** - October 10, 2023 – Chairman McMahon made a motion to approve the minutes, Mr. Reagan seconded the motion; all those voting in favor, none opposed.

### **New Business**

1. Review Minutes of Public Hearing for I-Spice LLC Project – Mr. Mulvihill reviewed the minutes of the public hearing.



# Cortland County

## Industrial Development Agency

2. SEQR Determination/Recommendation – iSpice Foods Cortland – Mr. Mulvihill reviewed the staff recommendations in part two of the SEQR documents. The Board concurred with the staff's recommendations on the SEQR documents. Chairman McMahon made a motion to adopt the SEQR Resolution, M. Reagan seconded the motion (See the attached resolution).
3. Consider Resolution to Authorize Inducement of benefits for I-Spice LLC Project – Chairman McMahon made a motion to Authorize Inducement of benefits for I-Spice LLC Project, Mr. Brooks seconded the motion (See the attached resolution).
4. Consider Resolution authorizing the execution of documents in connection with a straight-lease transaction for I-Spice LLC Project – Chairman McMahon made a motion to authorizing the execution of documents in connection with a straight-lease transaction for I-Spice LLC Project, Mr. Compagni seconded the motion (See the attached resolution).
5. Discuss/Review The New York, Susquehanna & Western Railway Corporations PILOT – Mr. Fenno provided an overview of NYS&W's request to extend the current lease terms with the IDA pending action by the New York State Office of Real Property on revisions to railroad property ceilings. Following the presentation and board discussion Chairman McMahon made a motion to extend the current lease agreement with NYS&W for the non-agency rail line with the same payment structure until December 31<sup>st</sup>, 2024, Ms. Ames seconded the motion; all voting in favor, none opposed.
6. Discuss/Review IDA credit card policy - Ms. Niday reviewed the proposed credit card policy. Ms. Ames asked what the credit limits are for each credit card. Ms. Niday explained that the agency has a \$20,000 credit limit. Ms. Ames asked if every member of staff requires a credit card. The policy will be included in the slate of policies for review and adoption at the December Board meeting.

### Monthly Reports

- 1.)Finance Report – Ms. Niday reviewed the monthly financial statements
- 2.)Director's Report

Adjourn – The meeting was adjourned at 12:51 P.M

A regular meeting of the Cortland County Industrial Development Agency was convened in public session at the offices of the Agency located at 40 Main Street, Suite A, in the City of Cortland, Cortland County, New York on November 13, 2023 at 12:00 o'clock p.m., local time.

The meeting was called to order by the Chairman and, upon roll being called, the following members of the Agency were:

PRESENT:

Michael McMahon  
Stephen Compagni  
Clinton Brooks  
John O. Reagan  
Johanna Ames  
Kathleen Burke

Chairman  
Vice Chairman  
Secretary  
Treasurer  
Member  
Member

ABSENT:

REMOTE:

Donald Richards

Member

FOLLOWING PERSONS WERE ALSO PRESENT:

Brendan O'Bryan  
Karen Niday  
Eric J. Mulvihill  
John P. Sidd, Esq.  
Josh Colistra

Executive Director  
Chief Financial Officer  
Community Relations Specialist  
Agency Counsel  
I-Spice, LLC

The following resolution was offered by Chairman McMahon, seconded by Mr. Reagan, to wit:

Resolution No. 2023-11-13-01

RESOLUTION DETERMINING THAT AN ACTION TO  
UNDERTAKE AN INDUSTRIAL PROJECT FOR I-SPICE,  
LLC WILL NOT HAVE A SIGNIFICANT ADVERSE  
ENVIRONMENTAL IMPACT.

WHEREAS, Cortland County Industrial Development Agency ("Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended ("Enabling Act") and Chapter 77 of the 1974 Laws of New York, as amended, constituting Section 902 of said General Municipal

Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

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

WHEREAS, iSpice, LLC ("Company") presented an application (the "Application") to the Agency, a copy of which was presented at this meeting and copies of which are on file at the office of the Agency, requesting that the Agency consider undertaking a project ("Project") consisting of the following: (A)(1) the acquisition of a leasehold interest in approximately 21.78 acres of land ("Land") located on Central Avenue, Elm Street, East Court Street and Dio Way in the City of Cortland, Cortland County, New York; (2) the renovation of an existing commercial building on the Land containing approximately 481,000 square feet of manufacturing, warehouse and office space and a 26,000 square foot out building (collectively, "Facility"); (3) the acquisition and installation therein and thereon of certain furnishings, fixtures and equipment including bottle sorters, augers, bottle filling machine equipment, cappers, labelers, conveyors, tray making machines, assemblers, shrink wrappers, palletizers, mixers and blenders ("Equipment"), all of the foregoing to constitute a facility used for the storage, warehousing, grinding, mixing and packaging of herbs, spices and seasonings to be operated by the Company (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales taxes, real estate transfer taxes, mortgage recording taxes and real property taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company agreed upon by the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended ("SEQRA") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended ("SEQRA Regulations"), the Agency desires to determine whether the Project may have a significant adverse environmental impact therefore requiring the preparation of an environmental impact statement; and

WHEREAS, to aid the Agency in determining whether the Project may have a significant adverse impact upon the environment, the Company has completed and submitted to the Agency Part 1 of a Full Environmental Assessment Form ("Full EAF") for

the Project, which was presented to and reviewed by the Agency at this meeting and prior to this meeting, a copy of which is on file at the office of the Agency; and

WHEREAS, the Agency has examined the Application, Part 1 of the Full EAF, and classified the proposed Project as an "Unlisted Action" subject to SEQR; and

WHEREAS, the Agency desires to establish itself as "Lead Agency" for purposes of the required SEQR review of the Project; and

WHEREAS, coordinated review of an Unlisted Action with other involved agencies is not mandated by the SEQRA Regulations; and

WHEREAS, the Agency, having reviewed the proposed action, has completed a Full EAF Part 2 for the Project and makes the following findings and determination of significance with respect to the Project;

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

Section 1. Based upon the Agency's examination of the Application, its review of Part 1 of the Full EAF and completion of Part 2 of the Full EAF, its consideration of the criteria for determining the significance of the action contained in Section 617.7(c) of the SEQRA Regulations, and the Agency's knowledge of the area surrounding the Project Facility and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, has identified the relevant areas of environmental inquiry and taken the required "hard look" at such areas. As a result, the Agency makes the following findings with respect to the Project, which together are intended to constitute a written elaboration for its determination:

A. The Project is an "Unlisted Action" as defined in the SEQRA Regulations and, therefore, is subject to SEQRA. Coordinated review and notification of other involved agencies is not required for Unlisted Actions and will not be conducted for the Project by the Agency. Other involved agencies must make their own determination of significance with respect to SEQRA.

B. The Project consists of the following: (A)(1) the acquisition of a leasehold interest in approximately 21.78 acres of land (the "Land") located on Central Avenue, Elm Street, East Court Street and Dio Way in the City of Cortland, Cortland County, New York; (2) the renovation of an existing commercial building on the Land containing approximately 481,000 square feet of manufacturing, warehouse and office space and a 26,000 square foot out building (collectively, the "Facility"); (3) the acquisition and installation therein and thereon of certain furnishings, fixtures and equipment including bottle sorters, augers, bottle filling machine equipment, cappers, labelers, conveyors, tray making machines, assemblers, shrink wrappers, palletizers, mixers and blenders (the "Equipment"), all of the foregoing to constitute a facility used for the storage, warehousing, grinding, mixing and packaging of herbs, spices and seasonings to be

operated by the Company (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales taxes, real estate transfer taxes, mortgage recording taxes and real property taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company agreed upon by the Agency; and

C. No potentially large adverse impacts upon the environment are determined by the Agency to exist, based upon its review of Part 1 of the Full EAF, its review and completion of Part 2 of the Full EAF, and its consideration of the criteria for determining significance contained in the SEQRA Regulations, and none are known to the Agency.

D. The Project involves only the acquisition, internal renovation, and reuse of a large existing industrial manufacturing facility. The Project is properly zoned as of right and therefore does not conflict with the community's plans or goals, or community character. Reuse of the Project Facility will prevent it from becoming vacant, thereby avoiding adverse impacts associated with such vacancy, such as becoming an attractive nuisance, creating health and safety impacts, aesthetic impacts, and impact on community character associated with long-term vacancy within a mixed use area.

E. The Facility is served by existing utilities and infrastructure, including public sewer and water. The Project will not differ appreciably from the prior use of the Land and building, and therefore will not cause any substantial adverse change in existing air quality, water quality, traffic, or noise levels.

F. Because the Project will not result in significant physical changes or disturbance to the exterior of this existing building or the Land, the Agency finds that it will not cause significant adverse impacts to natural resources including vegetation or fauna, habitat, threatened or endangered plant or animal species, or any important historical, archeological, architectural, or aesthetic resource. Impacts on the physical environment are determined to be minimal.

G. For all the foregoing reasons, the Agency hereby finds that the Project will not cause or create any significant adverse environmental impacts, and it hereby issues a negative declaration with respect to the Project. The preparation of an environmental impact statement is not required.

Section 2. The Executive Director or the Chief Financial Officer of the Agency are hereby directed to prepare a negative declaration Notice form with respect to the Project, said negative declaration to be substantially in the form and to the effect of the negative declaration attached hereto and incorporating this Resolution, and to cause copies of said negative declaration Notice and Resolution to be: (A) filed in the main office of the Agency,

(B) distributed to the Company, and (C) distributed to the chief executive officers of each of the "affected tax jurisdictions" (within the meaning of the Act).

Section 3. This Resolution 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:

Michael McMahon	VOTING	Aye
Stephen Compagni	VOTING	Aye
Clinton Brooks	VOTING	Aye
John O. Reagan	VOTING	Aye
Johanna Ames	VOTING	Aye
Kathleen Burke	VOTING	Aye
Donald Richards	VOTING	Aye

The foregoing Resolution was thereupon declared and duly adopted.

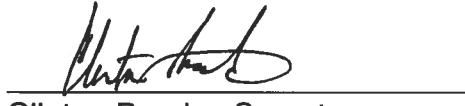
STATE OF NEW YORK )  
COUNTY OF CORTLAND ) ss.:

I, the undersigned Secretary of Cortland County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY, that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 13, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such Resolution set forth therein and of the whole of said original so far as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respect duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public and due notice of the time and place of said meeting was given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present through 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 rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 13<sup>th</sup> day of November, 2023.

  
Clinton Brooks, Secretary

A regular meeting of the Cortland County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 40 Main Street, Suite A, in the City of Cortland, Cortland County, New York on November 13, 2023 at 12:00 o'clock p.m., local time.

The meeting was called to order by the Chairman and, upon roll being called, the following members of the Agency were:

PRESENT:

Michael McMahon	Chairman
Stephen Compagni	Vice Chairman
Clinton Brooks	Secretary
John O. Reagan	Treasurer
Johanna Ames	Member
Kathleen Burke	Member

ABSENT:

REMOTE:

Donald Richards

Member

FOLLOWING PERSONS WERE ALSO PRESENT:

Brendan O'Bryan	Executive Director
Karen Niday	Chief Financial Officer
Eric J. Mulvihill	Community Relations Specialist
John P. Sidd, Esq.	Agency Counsel
Josh Colistra	I-Spice, LLC

The following resolution was offered by Chairman McMahon, seconded by Mr. Brooks, to wit:

Resolution No. 2023-11-13-02

RESOLUTION INDUCING OFFICIAL ACTION TOWARD  
THE ACQUISITION, CONSTRUCTION, INSTALLATION  
AND LEASING OF A CERTAIN COMMERCIAL PROJECT  
FOR I-SPICE, LLC

WHEREAS, Cortland County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the

Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 77 of the 1974 Laws of New York, as amended, constituting Section 902 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

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

WHEREAS, iSpice, LLC ("Company") presented an application (the "Application") to the Agency, a copy of which was presented at this meeting and copies of which are on file at the office of the Agency, requesting that the Agency consider undertaking a project ("Project") consisting of the following: (A)(1) the acquisition of a leasehold interest in approximately 21.78 acres of land ("Land") located on Central Avenue, Elm Street, East Court Street and Dio Way in the City of Cortland, Cortland County, New York; (2) the renovation of an existing commercial building on the Land containing approximately 481,000 square feet of manufacturing, warehouse and office space and a 26,000 square foot out building (collectively, "Facility"); (3) the acquisition and installation therein and thereon of certain furnishings, fixtures and equipment including bottle sorters, augers, bottle filling machine equipment, cappers, labelers, conveyors, tray making machines, assemblers, shrink wrappers, palletizers, mixers and blenders ("Equipment"), all of the foregoing to constitute a facility used for the storage, warehousing, grinding, mixing and packaging of herbs, spices and seasonings to be operated by the Company (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales taxes, real estate transfer taxes, mortgage recording taxes and real property taxes (collectively, "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company agreed upon by the Agency; and

WHEREAS, the Agency has given due consideration to the Application and to representations by the Company that (A) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Company to undertake the Project in Cortland County, New York, and (B) the completion of the Project Facility will not result in the removal of an industrial or manufacturing plant of the Company or any other proposed occupant of the Project Facility from one area of the State of New York to another area of the State of New York or in the abandonment of a plant or facility

of the Company or any other proposed occupant of the Project Facility located in the State of New York; and

WHEREAS, the Agency desires to encourage the Company to preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of Cortland County, New York by undertaking the Project in Cortland County, New York; and

WHEREAS, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project (the "Public Hearing") to be published on October 14, 2023 in the Cortland Standard, a newspaper of general circulation available to residents of the County of Cortland, (B) conducted the Public Hearing on November 1, 2023 at 4:30 o'clock p.m. local time in the Agency's Office located at 40 Main Street, Suite A in the City of Cortland, County of Cortland, New York, (C) prepared a report of the Public Hearing which fairly summarized the views presented at said public hearing and distributed same to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended ("SEQRA Act"), and the regulations ("Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQRA Act, "SEQRA"), by resolution adopted by the members of the Agency on November 13, 2023 ("SEQRA Resolution"), the Agency has determined that the Project will not have a significant effect on the environment and, therefore, that an environmental impact statement is not required to be prepared with respect to the Project; and

WHEREAS, having complied with the requirements of Section 859-a of the Act and the requirements of SEQRA with respect to the Project, the Agency now desires to make its final determination whether to proceed with the Project;

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

Section 1. The Agency has reviewed the Application and based upon the representations made by the Company to the Agency in the Application and at this meeting and, based thereon, the Agency hereby makes the following findings and determinations with respect to the Project:

(A) The Project constitutes a "project" within the meaning of the Act; and

(B) The completion of the Project Facility will not result in the removal of an industrial or manufacturing plant of the Company or any other proposed occupant of the Project Facility from one area of the State of New York to another area of the State of New York and the completion of the Project Facility will not result in the

abandonment of a plant or facility of a proposed occupant of the Project Facility located in the State of New York; and

(C) The Project Facility will not constitute a project where facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities constitute more than one-third of the total cost of the Project; and

(D) The granting of the Financial Assistance by the Agency with respect to the Project, through the granting of the various tax exemptions described in Section 2(D) of this Resolution, will promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of Cortland County, New York and the State of New York and improve their standard of living, and thereby serve the public purposes of the Act.

Section 2. The Agency hereby determines that the Agency has now fully complied with the requirements of Section 859-a of the Act and the requirements of SEQRA that relate to the Project.

Section 3. Having reviewed the Report, and having considered fully all comments contained therein, the Agency hereby further determines to proceed with the Project and the granting of the Financial Assistance described in the notice of the Public Hearing.

Section 4. The Agency will (A) acquire an interest in the Project Facility from the Company pursuant to a deed, lease agreement or other documentation to be negotiated between the Agency and the Company (the "Acquisition Agreement"); (B) construct the Facility and acquire and install the Equipment in the Facility or elsewhere on the Land; (C) lease (with the obligation to purchase) or sell the Project Facility to the Company pursuant to a lease agreement or an installment sale agreement (hereinafter the "Project Agreement") between the Agency and the Company whereby the Company will be obligated, among other things, (1) to make payments to the Agency in amounts and at times so that such payments will be adequate to enable the Agency to timely pay all amounts due on the Acquisition Agreement and (2) to pay all costs incurred by the Agency with respect to the Project and/or the Project Facility, including all costs of operation and maintenance, all taxes and other governmental charges, any required payments in lieu of taxes and the reasonable fees and expenses incurred by the Agency with respect to or in connection with the Project and/or the Project Facility, and (D) provide the Financial Assistance with respect to the Project, in accordance with the Agency's uniform tax exemption policy, including (1) exemption from mortgage recording taxes with respect to any documents recorded by the Agency with respect to the Project in the Office of the County Clerk of Cortland County, New York or elsewhere, (2) exemption from sales taxes relating to the acquisition, construction and installation of the Project Facility, (3) exemption from deed transfer taxes and real estate transfer gains taxes on real estate transfers to and from the Agency with respect to the Project, and (4) exemption from real estate taxes (but not including special assessments and special ad valorem levies)

relating to the Project Facility, subject to the obligation of the Company to make payments in lieu of taxes with respect to the Project Facility.

Section 5. Pursuant to Section 875(3) of the Act, the Agency shall recover, recapture, receive, or otherwise obtain from the Company that portion of the Financial Assistance which constitutes state sales and use tax exemptions taken or purported to be taken by the Company to which the Company is not entitled or which are in excess of the amount authorized by the Agency or which are for property or services not authorized by the Agency as part of the Project or were taken by the Company when the Company failed to comply with a material term or condition to use property or services in the manner required by the Agency. The Company shall cooperate with the Agency in its efforts to recover, recapture, receive, or otherwise obtain such state sales and use tax exemptions and shall promptly pay over any such amounts to the Agency. The failure to pay over such amounts to the Agency shall be grounds for the New York State Commissioner of Taxation and Finance to assess and determine state sales and use taxes due from the Company under Article 28 of the Tax Law of the State of New York, together with any relevant penalties and interest due on such amounts.

Section 6. John P. Sidd, Esq., of the law firm of Hancock Estabrook LLP is hereby appointed Special Counsel to the Agency with respect to all matters in connection with the Project. Special Counsel for the Agency is hereby authorized, at the expense of the Company, to work with the Company, counsel to the Company and others to prepare for submission to the Agency, all documents necessary to effect the transactions contemplated by this Resolution.

Section 7. The Chairman, Vice Chairman and Executive Director of the Agency are hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 8. This Resolution 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:

Michael McMahon	VOTING	Aye
Stephen Compagni	VOTING	Aye
Clinton Brooks	VOTING	Aye
John O. Reagan	VOTING	Aye
Johanna Ames	VOTING	Aye
Kathleen Burke	VOTING	Aye
Donald Richards	VOTING	Aye

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK )

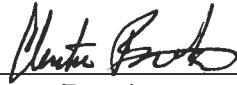
COUNTY OF CORTLAND ) ss.:

I, the undersigned Secretary of Cortland County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY, that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 13, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such Resolution set forth therein and of the whole of said original so far as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respect duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public and due notice of the time and place of said meeting was given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present through 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 rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 13<sup>th</sup> day of November, 2023.



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Clinton Brooks, Secretary

A regular meeting of the Cortland County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 40 Main Street, Suite A, in the City of Cortland, Cortland County, New York on November 13, 2023 at 12:00 o'clock p.m., local time.

The meeting was called to order by the Chairman and, upon roll being called, the following members of the Agency were:

PRESENT:

Michael McMahon  
Stephen Compagni  
Clinton Brooks  
John O. Reagan  
Johanna Ames  
Kathleen Burke

Chairman  
Vice Chairman  
Secretary  
Treasurer  
Member  
Member

ABSENT:

REMOTE:

Donald Richards

Member

FOLLOWING PERSONS WERE ALSO PRESENT:

Brendan O'Bryan  
Karen Niday  
Eric J. Mulvihill  
John P. Sidd, Esq.  
Josh Colistra

Executive Director  
Chief Financial Officer  
Community Relations Specialist  
Agency Counsel  
I-Spice, LLC

The following resolution was offered by Chairman McMahon, seconded by Mr. Compagni, to wit:

Resolution No. 2023-11-13-03

RESOLUTION AUTHORIZING THE EXECUTION OF  
DOCUMENTS IN CONNECTION WITH A STRAIGHT-  
LEASE TRANSACTION FOR A COMMERCIAL PROJECT  
FOR I-Spice, LLC

WHEREAS, Cortland County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New

York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 77 of the 1974 Laws of New York, as amended, constituting Section 902 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

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

WHEREAS, pursuant to an application (the "Application") presented to the Agency by iSpice, LLC (the "Company"), as well as a cost benefit analysis, the members of the Agency, on November 13, 2023, adopted a resolution (the "Inducement Resolution") whereby the Agency agreed to undertake a project (the "Project") consisting of the following: (A)(1) the acquisition of a leasehold interest in approximately 21.78 acres of land ("Land") located on Central Avenue, Elm Street, East Court Street and Dio Way in the City of Cortland, Cortland County, New York, (2) the renovation of an existing commercial building on the Land containing approximately 481,000 square feet of manufacturing, warehouse and office space and a 26,000 square foot out building (collectively, "Facility"); (3) the acquisition and installation therein and thereon of certain furnishings, fixtures and equipment including bottle sorters, augers, bottle filling machine equipment, cappers, labelers, conveyors, tray making machines, assemblers, shrink wrappers, palletizers, mixers and blenders ("Equipment"), all of the foregoing to constitute a facility used for the storage, warehousing, grinding, mixing and packaging of herbs, spices and seasonings to be operated by the Company (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales taxes, real estate transfer taxes, mortgage recording taxes and real property taxes (collectively, "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company agreed upon by the Agency; and

WHEREAS, in order to consummate the Project and the granting of the Financial Assistance described in the notice of the Public Hearing, the Agency proposes to enter into the following documents (hereinafter collectively referred to as the "Agency Documents"): (A) a certain lease to Agency (and a memorandum thereof) (the "Underlying Lease") by and between the Company, as landlord, and the Agency, as tenant pursuant to which the Company will lease to the Agency the Project Facility; (B) a

Uniform Project and Lease Agreement (and a memorandum thereof) (the "Lease Agreement") by and between the Agency and the Company, pursuant to which, among other things, the Company agrees to undertake the Project as agent of the Agency and the Company further agrees to lease the Project Facility from the Agency and, as rental thereunder, to pay the Agency's administrative fee relating to the Project and to pay all expenses incurred by the Agency with respect to the Project; (C) a payment in lieu of tax agreement (the "Payment in Lieu of Tax Agreement") by and between the Agency and the Company, pursuant to which the Company will agree to pay certain payments in lieu of taxes with respect to the Project Facility; and (D) various certificates relating to the Project (the "Closing Documents");

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

Section 1. The Agency hereby finds and determines that:

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

(B) The Project constitutes a "project," as such term is defined in the Act; and

(C) The acquisition of the Project Facility and the lease of the Project Facility to the Company will promote and maintain the job opportunities, general prosperity and economic welfare of the citizens of Cortland County, New York and the State of New York and improve their standard of living; and

(D) It is desirable and in the public interest for the Agency to enter into the Agency Documents.

Section 2. In consequence of the foregoing, the Agency hereby determines to: (A) accept the Underlying Lease; (B) proceed with the Project; (C) acquire the Project Facility; (D) lease the Project Facility to the Company pursuant to the Lease Agreement; (E) enter into the Payment in Lieu of Tax Agreement; and (F) grant the Financial Assistance with respect to the Project.

Section 3. The Agency is hereby authorized to acquire a leasehold interest in the Project Facility pursuant to the Underlying Lease and to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition are hereby approved, ratified and confirmed.

Section 4. The Agency is hereby authorized to acquire the Project Facility as described in the Lease Agreement and to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition are hereby ratified, confirmed and approved.

Section 5. The form and substance of the Agency Documents as approved by the Chairman, Vice Chairman or Executive Director are hereby approved.

Section 6. (A) The Chairman, Vice Chairman and Executive Director of the Agency are each hereby separately authorized, on behalf of the Agency, to execute and deliver the Agency Documents and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, with such changes, variations, omissions and insertions thereto as the Chairman or Vice Chairman or Executive Director shall approve, the execution thereof by the Chairman or Vice Chairman or Executive Director to constitute conclusive evidence of such approval.

(B) The Chairman, Vice Chairman or Executive of the Agency is each hereby further authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency (as defined in and pursuant to the Lease Agreement).

Section 7. 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 or provided for by the provisions of the Agency Documents, and to execute and deliver all such additional 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 Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Agency Documents binding upon the Agency.

Section 8. Pursuant to Section 875(3) of the Act, the Agency shall recover, recapture, receive, or otherwise obtain from the Company that portion of the Financial Assistance which constitutes state sales and use tax exemptions taken or purported to be taken by the Company to which the Company is not entitled or which are in excess of the amount authorized by the Agency or which are for property or services not authorized by the Agency as part of the Project or were taken by the Company when the Company failed to comply with a material term or condition to use property or services in the manner required by the Agency. The Company shall cooperate with the Agency in its efforts to recover, recapture, receive, or otherwise obtain such state sales and use tax exemptions and shall promptly pay over any such amounts to the Agency. The failure to pay over such amounts to the Agency shall be grounds for the New York State Commissioner of Taxation and Finance to assess and determine state sales and use taxes due from the Company under Article 28 of the Tax Law of the State of New York, together with any relevant penalties and interest due on such amounts.

Section 9. This Resolution 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:

Michael McMahon	VOTING	Aye
Stephen Compagni	VOTING	Aye
Clinton Brooks	VOTING	Aye
John O. Reagan	VOTING	Aye
Johanna Ames	VOTING	Aye
Kathleen Burke	VOTING	Aye
Donald Richards	VOTING	Aye

The foregoing Resolution was thereupon declared duly adopted.

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

I, the undersigned Secretary of Cortland County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY, that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 13, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such Resolution set forth therein and of the whole of said original so far as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respect duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public and due notice of the time and place of said meeting was given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present through 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 rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 13<sup>th</sup> day of November, 2023.

  
Clinton Brooks  
 Clinton Brooks, Secretary



## Director's Report

**DRAFT**

## Notes from EDC Fall Academy

EDC in partnership with Camoin Associates has released a report that highlights the economic Benefits Of Industrial Development Agencies Across New York State

The report shows over the last five years that IDA's have created 1.3 Million Jobs and \$141 Billion In Wages Nearly 40,000 New Housing Units, Over 4500 Mw Of New Wind/Solar Energy, Over \$300 Million In New School Tax Revenue In 2021 alone.

During the Legislative review session, the panel discussed the pending legislation that would exclude PILOTS from municipal tax cap calculation. This legislation is heading to the Governor for signature and caps a seven-year lobbying effort.

The State Senate has passed legislation allowing IDA's to support housing projects

The EDC is supporting legislation that would allow IDA's to provide grants and loans to businesses that experience hardships due to natural disasters.

The EDC is opposing proposed legislation that would allow the State Authorities budget office to regulate the formation LDC's

The EDC is opposing legislation that would prohibit IDA's from offering benefits to products in development.

Speakers discussed the next frontier in economic development as a competition for people and the role that IDA's/LDC's play in community development. Workforce development tends to be a zero-sum game, while communities are gaining workers others are losing workforce. Being attractive means more than simply creating jobs.



**Cortland County**  
Industrial Development Agency

## New Business

**CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY RESOLUTION  
APPOINTING OFFICERS**

**APPOINTMENT OF OFFICERS.**

RESOLVED, that the following persons are elected to the office(s) indicated next to their names to serve until their successor(s) shall be duly elected, unless he or she resigns, is removed from office, or is otherwise disqualified from serving as an officer of this corporation, to take their respective office(s) immediately upon such appointment:

<b>Office</b>	<b>Name</b>
Chairman	Michael McMahon
Vice Chairman	Stephen Compagni
Treasurer	John O. Reagan
Secretary	Clint Brooks
Chief Executive Officer	Brendan O'Bryan
Chief Financial Officer	Karen Niday

**CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY RESOLUTION  
APPOINTING SIGNATORIES**

WHEREAS, the Cortland County Industrial Development Agency (IDA) Board of Directors is determined to grant signing and authority to certain person(s) described hereunder.

Name(s):	Position/Title:
Brendan O'Bryan	Chief Executive Officer
Karen Niday	Chief Financial Officer
Michael McMahon	Chairman
John O. Reagan	Treasurer

RESOLVED, that the IDA Board of Directors is hereby authorized and approved to authorize and empower the above-named individual(s) to serve as signatories for this agency subject to agency by-laws.

The undersigned certifies that he is the properly elected and qualified Secretary of the agency which duly conforms pursuant to the laws of the state of New York, and that said meeting was held in accordance with state law and with the Bylaws of the above-named agency.

This resolution has been approved by the Board of Directors of Cortland County IDA on December 11, 2023.

I, as authorized by the agency, hereby certify and attest that all the information above is true and correct.

---

Clint Brooks  
Secretary

**CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY RESOLUTION  
APPOINTING STANDING COMMITTEES FOR 2024**

RESOLVED, that the following persons are elected to the Agency Standing Committees which include Audit, Finance, and Governance. These officers shall serve until their successor(s) shall be duly elected, unless he or she resigns, is removed from office or is otherwise disqualified from serving as an officer of this corporation.

<b>Committee</b>	<b>Name(s)</b>
Audit	John Reagan, Clint Brooks, Kathleen Burke
Finance	John Reagan, Johanna Ames, and Stephen Compagni
Governance	Mike McMahon Kathleen Burke, Don Richards

AND BE IT FURTHER RESOLVED that these officers shall serve on the standing committees until December 31, 2024

The Annual Meeting of the Cortland County Industrial Development Agency (the "Agency") was convened in public session on December 11, 2023, at 12:00 o'clock p.m., local time at 40-42 Main Street Suite A, Cortland NY, 13045

The meeting was called to order by the Chairman and, upon roll being called, the following members of the Agency were:

PRESENT:

ABSENT:

THE FOLLOWING PERSONS WERE ALSO PRESENT:

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:

**Resolution No.:**

**RESOLUTION ADOPTING CERTAIN AGENCY POLICIES,  
STATEMENTS AND PROCEDURES**

WHEREAS, Cortland County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of Laws of 1969 of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 77 of the 1974 Laws of New York, as amended, constituting Section 902 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, renovating, improving, maintaining, equipping and furnishing of manufacturing facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, the Agency desires to adopt certain policies, statements and procedures to assist it in the implementation of its stated purposes and in compliance with the Public Authorities Accountability Act of 2005 and the Public Authorities Reform Act of 2009, as thereafter amended.

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

The Agency hereby adopts the following policies and guidelines in the form presented at this meeting:

1. Acquisition of Real Property Policy
2. Code of Ethics
3. Compensation, Reimbursement and Attendance Policy
4. Conflict of Interest Policy
5. Credit Card Policy
6. Defense and Indemnification Policy

7. Development Policy
8. Discretionary Funds Policy
9. Disposition of Real and Personal Property Policy
10. Fee Schedule
11. Financial Assistance Recapture
12. Fixed Asset Capitalization
13. General Practices and Operating Procedures
14. Investment Policy
15. Member Attendance Policy
16. Mission Statement
17. Organizational Chart
18. Personnel and Whistleblower Policy
19. Procurement of Goods and Services Policy
20. Project Approval Process
21. Records Retention and Disaster Plan
22. Sexual Harassment Prevention Policy
23. Travel Policy

This Resolution 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:

The foregoing Resolution was thereupon declared duly adopted.

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

I, the undersigned Secretary of Cortland County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY, that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on December 11, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such Resolution set forth therein and of the whole of said original so far as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respect duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public and due notice of the time and place of said meeting was given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present through 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 rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 11<sup>th</sup> day of December 2023.

---

Clint Brooks, Secretary

## Credit Card Usage Policy

### General Policy:

The Cortland County Industrial Development Agency ( the “Agency”), at the discretion of it’s Members, shall maintain an agency credit card account for use by its employees whom have been designated to work for the Agency.

A credit card will be issued to personnel from the Agency at the discretion of and upon approval of the Executive Director of the Agency. In the instance that the Executive Director should receive an agency credit card, then the approval shall come from the Chair of the Agency’s Members.

The credit card shall be paid in full monthly by the Agency. No balances except for current charges shall be carried on the card.

All uses of the Agency’s credit card are subject to the purchasing guidelines outlined in the Agency’s Discretionary Funds Policy as well as the Agency’s Procurement Policy.

The credit card may not be used to procure cash advances nor for illegal purchases.

### Usage of Card:

An agency credit card shall be issued to an employee of the Cortland County Industrial Development Agency ( the “Agency”) at the discretion of and upon approval of the Executive Director. In the instance that the Executive Director should receive an agency credit card then the approval shall come from the Chair of the Agency’s Members.

The Cardholder will sign the credit card immediately upon receipt.

Acceptance of the credit card by the Cardholder implies acceptance and agreement with the policies and procedures set forth in the credit card agreement.

The Cardholder will ensure that use of the credit card is within the purchasing guidelines outlined in the Agency’s Discretionary Funds Policy as well as the Agency’s Procurement Policy.

The credit card may not be used to procure cash advances and any illegal purchases.

The Cardholder is responsible at all times for the physical security of the credit card.

The Cardholder will immediately notify both the credit card services company and the Chief Financial Officer if the card is lost or stolen.

The Cardholder shall retain all receipts and will provide them for reconciliation purposes to the CFO at the first available opportunity.

The credit card must be returned immediately to the Agency if:

- Requested by the Executive Director and/or the CFO;

- The Cardholder is no longer employed by the Agency.

The Cardholder agrees to cooperate fully with the Agency if an incorrect charge is identified on the Cardholder's statement.

No purchases of a personal nature shall be made with the corporation credit card.



**Cortland County**  
Industrial Development Agency

# Review Payment In Lieu Of Tax (PILOT) Employment Affidavits

**Cortland County**  
**IDA Projects**  
**Year Ending**  
**2023**

Project Name	Initial Project Investment	Closing & Termination Date	Required Employment	Current Year Penalty Threshold	2022 Reported Jobs Per Affidavit	2023 Reported Jobs Per Affidavit	Comments
<i>Cortland Crown Homes (Housing Visions) Tax Year: 16</i>	<b>\$8,252,000</b>	4/2/2007 - 4/1/2024	N/A	Based on Annual Rents	\$239,024.00	<b>\$242,589.00</b>	2024 real property tax payment will be \$24,258.90 as per the agreement, a 1.5% increase from prior year (payment is an amount equal to the greater of \$12,000 or 10% of gross annual rental income).
<i>Creamery Hills, LP Tax Year: 4</i>	<b>\$1,690,906</b>	2/1/2020 - 1/31/2035	2 P/T (1FTE)	2P/T (1FTE)	2 P/T (1FTE)	<b>2 P/T (1FTE)</b>	Meets the required employment requirements - 100% of goal.
<i>Pyrotek Inc. Tax Year: 13</i>	<b>\$3,336,000</b>	2/1/2011 - 1/31/2027	110 FTE	88 FTE	70	<b>80</b>	Failure to meet the <i>minimum</i> employment requirements (88); met 73% of goal (110) 2023 will be adjusted to 62.5% of the real property tax otherwise due - a 12.5% increase.
<i>CVille LLC (Byrne Dairy) Tax Year: 10</i>	<b>\$30,162,962</b>	9/23/2013 - 1/31/2034	2019+ 78	2019+ 62	65.58	<b>86</b>	Meets employment requirements - 110% of required goal.
<i>Greek Peak Holdings LLC Tax Year: 5</i>	<b>\$1,920,000</b>	11/1/2018 - 12/31/2023	80 F/T	64	100	<b>103</b>	Meets employment requirements - 129% of required goal.
<i>Forkey Construction &amp; Fab Tax Year: 9</i>	<b>\$2,175,000</b>	10/2/2014 - 1/31/2024	133 F/T	106 F/T	96	<b>115</b>	Meets minimum employment requirements - 86% of required goal (133)
<i>Crescent Commons Tax Year: 5</i>	<b>\$16,325,821</b>	8/1/2017 - 7/31/2032	2F/T 2	2F/T 2	<b>2 F/T</b>	<b>2 F/T</b>	Meets employment requirements -100% of required goal. Estimated salaries and fringe benefits reported had no change from the prior year and continue to be in compliance with the application projections.
<i>Lapeer-Cortland Solar Tax Year: 4</i>	<b>\$27,185,245</b>	10/1/2019 - 9/30/2049	N/A	N/A	N/A	N/A	The company has indicated that the total megawatt capacity of the Project Facility is 15MW. Commercial Operations of Project Facility was 03/31/2021
<i>Janis Solar Tax Year: 3</i>	<b>\$22,100,000</b>	1/1/2021 - 12/31/2050	N/A	N/A	N/A	N/A	The company has indicated that the total megawatt capacity of the Project Facility is 20MW. Construction was delayed due to supply chain delays but was able to complete the project and begin operations on 1/17/2023
<i>DG NY C Ville #1 Tax Year 3</i>	<b>\$17,449,190</b>	2/1/2021 - 1/31/2046	N/A	N/A	N/A	N/A	The company has indicated that the total megawatt capacity of the Project Facility is 5MW. Commercial Operations Date of the Project Facility was 10/12/2021.
<i>Yellow 3 LLC Tax Year 3</i>	<b>\$4,758,900</b>	2/1/2021 - 1/31/2036	N/A	N/A	N/A	N/A	The company has indicated that the total megawatt capacity of the Project Facility is 3 MW. Commercial Operations Date of Project Facility was 10/14/2022.
<i>DG NY C Ville #3 Tax Year: 2</i>	<b>\$17,497,224</b>	4/1/2021 - 3/31/2046	N/A	N/A	N/A	N/A	The company has indicated that the total megawatt capacity of the Project Facility is 5 MW. Commercial Operations of Project Facility was 1/19/2023

ANNUAL GROSS RENTAL INCOME AFFIDAVIT  
CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
CORTLAND CROWN HOMES, LLC/HOUSING VISIONS PROJECT

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

James Quinn, being duly sworn deposes and says:

1. I am the Vice President Finance of Cortland Crown Homes, LLC (the "Company") and make this Affidavit pursuant to the terms of the PILOT and Lease Agreements dated as of December 14, 2006 between the Cortland County Industrial Development Agency and the Company.

2. The Annual Gross Rental Income for the twelve (12) month period from November 1, 2022 through October 31, 2023 for the Facility Premises is \$ 242,589.



Sworn to before me this  
6<sup>th</sup> day of November, 2023.

Julie B. Brissette  
Notary Public

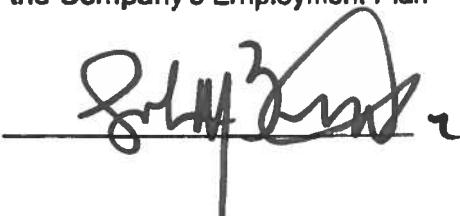
JULIE B. BRISSETTE  
Notary Public, State of New York  
Qualified in Onondaga Co. No. 0189P4871970  
Commission Expires Sept 20, 2026

EMPLOYMENT PLAN STATUS REPORT AFFIDAVIT  
CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
CREAMERY HILLS, L.P. PROJECT

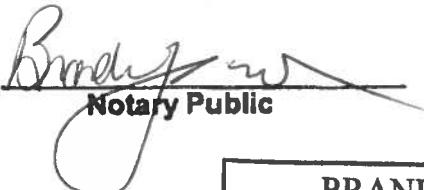
STATE OF NEW YORK )  
COUNTY OF CORTLAND ) ss.:  
13 Broome

John M. Bernardo, being duly sworn deposes and says:

1. I am the Executive Director of Creamery Hills, L.P. (the "Company") and make this Affidavit pursuant to the terms of the PILOT and Lease Agreements dated 2/25/20 between the Cortland County Industrial Development Agency and the Company.
2. The Employment Plan Status Report dated 10/10/23 and attached to this Affidavit is a complete and accurate accounting of the Company's Employment Plan at the Project Facility.



Sworn to before me this  
10<sup>th</sup> day of October, 2023.

  
Brandy L. Jackson  
Notary Public

BRANDY L JACKSON
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01JA6367975
Qualified in Broome County 2025
Commission Expires December 4, 2021

## EMPLOYMENT PLAN STATUS REPORT

To Be Filled by

COMPANY NAME: CREAMERY HILLS, L.P.  
 ADDRESS: 53 FRONT STREET BINGHAMTON, NY 13905  
 PROJECT ADDRESS: 355 CREAMERY ROAD RICHFORD, NY 13835  
 CONTACT PERSON: JOHN M. BERNARDO  
 TELEPHONE NUMBER: 601-723-8989  
 E-MAIL ADDRESS: jbernardo@seppmanagement.com

Average Number of Full Time  
 Equivalent Employees During  
 Preceding Twelve Months<sup>12</sup>

/

Jobs Created:

Management \_\_\_\_\_  
 Professional \_\_\_\_\_  
 Administrative \_\_\_\_\_  
 Production \_\_\_\_\_  
 Independent \_\_\_\_\_  
 Contractors \_\_\_\_\_  
 Other \_\_\_\_\_

Jobs Retained:

Management \_\_\_\_\_  
 Professional \_\_\_\_\_  
 Administrative \_\_\_\_\_  
 Production \_\_\_\_\_  
 Independent \_\_\_\_\_  
 Contractors \_\_\_\_\_  
 Other \_\_\_\_\_

Jobs Listed<sup>3</sup>: \_\_\_\_\_

The salary and fringe benefit averages or ranges for categories of jobs retained and jobs created that was provided in the Application for Financial Assistance are still accurate. If not still accurate, below is a revised list of salary and fringe benefit averages or ranges for categories of jobs retained and jobs created.

Category of Jobs to be Retained and Created	Estimated Average Salary or Range of Salary	Estimated Average Fringe Benefits or Range of Fringe Benefits
Other		

<sup>1</sup> Thirty-Five hours worked per week equals one full time equivalent employee.

<sup>2</sup> Including full time equivalent independent contractors or their employees.

<sup>3</sup> With local Jobs Service Division and local service delivery office created pursuant to the Job Training Partnership Act.

EMPLOYMENT PLAN STATUS REPORT AFFIDAVIT  
CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
PROJECT

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

Robin Fickenscher, being duly sworn deposes and says:

1. I am the HRBP of Pyrotek Inc (the "Company") and make this Affidavit pursuant to the terms of the PILOT and Lease Agreements dated Feb 1 2011 between the Cortland County Industrial Development Agency and the Company.
2. The Employment Plan Status Report dated 11/1/23 and attached to this Affidavit is a complete and accurate accounting of the Company's Employment Plan at the Project Facility.

Robin Fickenscher

Sworn to before me this  
10 day of November, 2023

Christo Raymond  
Notary Public

Christo Raymond  
Notary Public, State of New York  
No. 01RA6194543  
Qualified in Cortland County  
Commission Expires 10/06/2024

## EMPLOYMENT PLAN STATUS REPORT

To Be Filled by

**COMPANY NAME:** Pyrotek Inc  
**ADDRESS:** 641 State Route 13 Cortland NY 13045  
**TYPE OF BUSINESS:** Manufacturer of Capital Equipment for Aluminum Industry  
**CONTACT PERSON:** Robin Fickenscher  
**TELEPHONE NUMBER:** (607) 758-4076

<u>Occupation</u>	<u>Number of New Jobs</u>	<u>Number Listed<sup>1</sup></u>	<u>Number Filled</u>	<u>Average Number of Full Time Equivalent Employees During Preceding Twelve Months<sup>2</sup></u>
				<u>Job Service Division Applicants</u> <u>Job Training Partnership Act eligible persons</u>
Casting/Mold Building	0	0		15
Fabrication/Assembly	6	6	0	18
Quality	1	1	0	3
Procurement	1	1	0	3
Warehouse	3	3	0	7
Supply Chain	2	2	0	3
Engineering	3	3	0	9
Maintenance	0	0		5
Administration	1	1	0	11
				<u>80</u>

<sup>1</sup>With local Job Service Division and local service delivery office created pursuant to the Job Training Partnership Act.  
<sup>2</sup>Thirty-Five hours worked per week equals one full time equivalent employee.

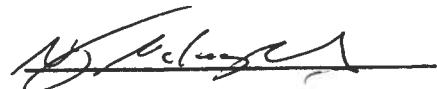
EMPLOYMENT PLAN STATUS REPORT AFFIDAVIT  
CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
C'ville PROJECT

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

Michael J. McLaughlin, being duly sworn deposes and says:

1. I am the HR + Training of Byrne Cortlandville, Inc. (the "Company") and make this Affidavit pursuant to the terms of the PILOT and Lease Agreements dated 10/24/20 between the Cortland County Industrial Development Agency and the Company.

2. The Employment Plan Status Report dated 10/24/20 and attached to this Affidavit is a complete and accurate accounting of the Company's Employment Plan at the Project Facility.



Sworn to before me this  
24<sup>th</sup> day of October, 2023



James A. Gosier  
Notary Public

JAMES A. GOSIER  
Notary Public, State of New York  
No. 4889745  
Qualified in Onondaga County  
Commission Expires March 23, 2027

## EMPLOYMENT PLAN STATUS REPORT

To Be Filled by

COMPANY NAME: Byrne Cortlandville, Inc.  
ADDRESS: 2394 US Route 11, Lafayette, NY 13084  
TYPE OF BUSINESS: Food Manufacturing  
CONTACT PERSON: James Cosier, General Counsel  
TELEPHONE NUMBER: (315) 703-9093

<u>Occupation</u>	<u>Number of New Jobs</u>	<u>Number Listed<sup>1</sup></u>	<u>Number Filled</u>	<u>Average Number of Full Time Equivalent Employees During Preceding Twelve Months<sup>2</sup></u>
			Job Service Division Applicants	Job Training Partnership Act eligible persons

*See Attached*

<sup>1</sup>With local Jobs Service Division and local service delivery office created pursuant to the Job Training Partnership Act.  
<sup>2</sup>Thirty-Five hours worked per week equals one full time equivalent employee.

Byrne Cortlandville Staffing	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23
<i>Cooler/Warehouse</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Facility Management</i>	4	5	5	6	6	6	6	6	4	5	5	4
<i>Maintenance</i>	12	12	12	12	12	12	12	12	12	13	13	14
<i>Plant</i>	54	55	57	55	54	56	58	58	58	61	61	61
<i>Quality</i>	7	7	8	9	9	9	9	9	8	7	7	7
<i>Total</i>	77	79	82	82	81	83	85	85	82	86	86	86
<i>Temporary Employee's through an agency</i>	0	20	21	6	3	3	2	1	0	0	0	0
<b>Grand Total</b>	<b>77</b>	<b>99</b>	<b>103</b>	<b>88</b>	<b>84</b>	<b>86</b>	<b>87</b>	<b>86</b>	<b>82</b>	<b>86</b>	<b>86</b>	<b>86</b>

Dated: October 24, 2023

October 24, 2023

Karen Niday, Chief Financial Officer  
Cortland County Industrial Development Agency  
40 Main Street, Suite A  
Cortland, NY 13045

Re: Annual Employment Plan Status Report  
Byrne Cortlandville, Inc.

Dear Karen:

Enclosed herein please find the annual Employment Plan Status Report of Byrne Cortlandville, Inc., f/k/a C'Ville Yoghurt, Inc.

Thank you for your continued support of Byrne.

Very Truly Yours,

*James A. Gosier*

James A. Gosier, General Counsel

JAG/j  
Enclosure  
102423 1

EMPLOYMENT PLAN STATUS REPORT AFFIDAVIT  
CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
Greek Peak Holding LLC PROJECT  
Phase IV

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

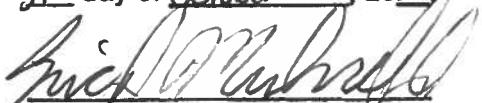
DANIEL F. QUAIL, being duly sworn deposes and says:

1. I am the Acting CFO of Greek Peak Holding LLC (the "Company") and make this Affidavit pursuant to the terms of the PILOT and Lease Agreements dated 4/1/2022 between the Cortland County Industrial Development Agency and the Company.
2. The Employment Plan Status Report dated Sept. 1, 2022 and attached to this Affidavit is a complete and accurate accounting of the Company's Employment Plan at the Project Facility.

*Oct 26, 2023*



Sworn to before me this  
31<sup>st</sup> day of October, 2023



Notary Public

Eric J. Mulvihill  
Notary Public, State of New York  
Reg. No. 01MU6435946  
Qualified in Cortland County  
Commission Expires July 5, 2026

**EMPLOYMENT PLAN STATUS REPORT**

**To Be Filled by**

COMPANY NAME: HOPE LAKE HOLDINGS, LLC  
 GREEK PEAK HOLDINGS, LLC  
 SKI GREEK PEAK, LLC  
 C/O GREEK PEAK HOLDINGS, LLC

ADDRESS: 2000 NYS ROUTE 392  
 CORTLAND, NY 13045

TYPE OF BUSINESS: SKI RESORT

CONTACT PERSON: HERBERT BECKER – CFO

TELEPHONE NUMBER: 607-835-6300 X6336

OCCUPATION	NUMBER OF NEW JOBS	NUMBER LISTED	NUMBER FILLED	AVERAGE NUMBER OF FULL TIME EMPLOYEES DURING PRECEEDING TWELVE MONTHS
ROOMS				23
MAINTENANCE				10
HOA				0
REAL ESTATE				0
G & A				12
SALES & MRKTNG				6
HILL				3
ACTIVITIES				0
HL PARK				1
ARCADE				0
F & B				24
SNOWSPORTS				1
RENTAL				0
R & M				0
RETAIL SHOPS				1
SPA				2
WATERPARK				3
ADVENTURE CENTER				17
<b>TOTAL:</b>				<b>103</b>

2022-2023

**EMPLOYMENT PLAN STATUS REPORT AFFIDAVIT  
CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
PROJECT**

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

Charles Forkay III, being duly sworn deposes and says:

1. I am the President of Forkay Const&Fab Inc (the "Company") and make this Affidavit pursuant to the terms of the PILOT and Lease Agreements dated Nov 1, 2023 between the Cortland County Industrial Development Agency and the Company.
2. The Employment Plan Status Report dated Nov 1, 2023 and attached to this Affidavit is a complete and accurate accounting of the Company's Employment Plan at the Project Facility.



Sworn to before me this  
7 day of November, 2023.



\_\_\_\_\_  
**Notary Public**

BRIAN C. ANJESKI  
Notary Public, State of New York  
No. 01AN6138811  
Qualified in Cortland County  
Commission Ends Dec. 27, 2025

## EMPLOYMENT PLAN STATUS REPORT

**To Be Filled by**

**COMPANY NAME:** Forkey Construction & Fabricating Inc

**ADDRESS:** 3690 Luker Road Cortland NY 13045

**TYPE OF BUSINESS:** Manufacturing

**CONTACT PERSON:** Charlie Forkey III

**TELEPHONE NUMBER:** 607 218 8730

<u>Occupation</u>	<u>Number of New Jobs</u>	<u>Number Listed<sup>1</sup></u>	<u>Number Filled</u>	<u>Average Number of Full Time Equivalent Employees During Preceding Twelve Months<sup>2</sup></u>		
				<u>Job Service Division Applicants</u>	<u>Job Training Partnership Act eligible persons</u>	
Inventory / Stockroom	0	0				1
Production Super.	0	0				1
Plant Manager	0	0				1
Office Staff	1	1				9
Shipping / Receiving	2	2				4
Janitor	0	0				1
Mill Dept Lead	0	0				1
Quote / Sales	0	0				1
Saw Dept Lead	0	0				1
Toolroom	0	0				1
Laser Operator	4	6				11

<sup>1</sup>With local Jobs Service Division and local service delivery office created pursuant to the Job Training Partnership Act.  
<sup>2</sup>Thirty-Five hours worked per week equals one full time equivalent employee.

## EMPLOYMENT PLAN STATUS REPORT

To Be Filled by

**COMPANY NAME:** Forkey Construction & Fabricating Inc  
**ADDRESS:** 3690 Lulker Road Cortland NY 13045  
**TYPE OF BUSINESS:** Manufacturing  
**CONTACT PERSON:** Charlie Forkey III  
**TELEPHONE NUMBER:** 607 218 8730

<u>Occupation</u>	<u>Number of New Jobs</u>	<u>Number Listed<sup>1</sup></u>	<u>Number Filled</u>	<u>Average Number of Full Time Equivalent Employees During Preceding Twelve Months<sup>2</sup></u>	
				<u>Job Service Division Applicants</u>	<u>Job Training Partnership Act eligible persons</u>
Lathe Operator	5	6			13
Mill Operator	2	5			17
Part Cleaner	0	2			5
Saw Operator	0	2			4
Welder	1	1			6
Press Brake	3	3			6
Quality Manager	0	0			1
Safety/Health	0	1			1
Office Manager	0	0			1
Inspector	0	1			2
Delivery Driver	1	1			4

<sup>1</sup>With local Jobs Service Division and local service delivery office created pursuant to the Job Training Partnership Act.

<sup>2</sup>Thirty-Five hours worked per week equals one full time equivalent employee.

## EMPLOYMENT PLAN STATUS REPORT

**To Be Filled by**

**COMPANY NAME:** Forkey Construction & Fabricating Inc

**ADDRESS:** 3690 Lugar Road Cortland NY 13045

**TYPE OF BUSINESS:** Manufacturing

**CONTACT PERSON:** Charlie Forkey III

**TELEPHONE NUMBER:** (607) 218 8730

<b>Occupation</b>	<b>Number of New Jobs</b>	<b>Number Listed<sup>1</sup></b>	<b>Number Filled</b>	<b>Average Number of Full Time Equivalent Employees During Preceding Twelve Months<sup>2</sup></b>
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Job Service Division Applicants	Job Training Partnership Act eligible persons
---------------------------------------	---

Robot Operator	3	6			10
Weld Dept Lead	1	1			3
Forklift Driver	0	0			1
Owners	0	0			2
Engineering Manager	0	0			1
Engineers	0	0			4
Expeditor	0	0			1
Purchasing	0	0			1
Production Planner	0	0			1
<b>Totals</b>	<b>23</b>	<b>38</b>			<b>115</b>

<sup>1</sup>With local Jobs Service Division and local service delivery office created pursuant to the Job Training Partnership Act.

<sup>2</sup>Thirty-Five hours worked per week equals one full time equivalent employee.

Forkey Fabrication Job Detail 2023

<u>Position</u>	<u>2022</u>	<u>2023</u>	<u>2023 Created</u>	<u>2023 Open</u>
Lathe Operator	8	13	5	1
Mill Operator	15	17	2	3
Part Cleaner	6	5	-1	2
Saw Operator	5	4	-1	2
Welder	5	6	1	0
Press Brake	3	6	3	0
Quality Manager	1	1	0	0
Safety/Health	1	0	-1	1
Office Manager	1	1	0	0
Inspector	2	2	0	1
Delivery Driver	3	4	1	1
Inventory/Stockroom	1	1	0	0
Production Supervisor	1	1	0	0
Plant Manager	1	1	0	0
Office Staff	8	9	1	1
Shipping/Receiving	2	4	2	0
Janitor	1	1	0	0
Mill Dept Lead	1	1	0	0
Quoting/Sales	1	1	0	0
Saw Dept Lead	1	1	0	0
Toolroom	1	1	0	0
Laser Operator	7	11	4	2
Robot Operator	7	10	3	3
Weld Dept Lead	2	3	1	0
Forklift Driver	1	1	0	1
Owners	2	2	0	0
Engineering Manager	1	1	0	0
Engineering	4	4	0	0
Expeditor	1	1	0	0
Purchasing Manager	1	1	0	0
Production Planner	1	1	0	0
<b>Totals</b>	<b>95</b>	<b>115</b>	<b>20</b>	<b>18</b>

EMPLOYMENT PLAN STATUS REPORT AFFIDAVIT  
CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
Crescent Commodity LLC PROJECT

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

JAMES QUINN, being duly sworn deposes and says:

1. I am the Vice President of Finance (the "Company") and make this Affidavit pursuant to the terms of the PILOT and Lease Agreements dated \_\_\_\_\_ between the Cortland County Industrial Development Agency and the Company.
2. The Employment Plan Status Report dated 10/10/23 and attached to this Affidavit is a complete and accurate accounting of the Company's Employment Plan at the Project Facility.

James Quinn

Sworn to before me this  
10<sup>th</sup> day of Oct, 2023.

Julie S. Brissette  
Notary Public

JULIE S. BRISSETTE  
Notary Public, State of New York  
Qualified in Onondaga Co. No. 013924871#70  
Commission Expires Sept. 29, 2026

10/10/23

## EMPLOYMENT PLAN STATUS REPORT

To Be Filled by

COMPANY NAME: CRESSENT COMMONS, LLC  
ADDRESS: 1201 S. FAYETTE ST - SUITE 26 - SYRACUSE NY 13210  
PROJECT ADDRESS: 165 S. MAIN STREET, CORTLAND NY 13045  
CONTACT PERSON: JIM QUINN  
TELEPHONE NUMBER: 315 472 - 3420  
E-MAIL ADDRESS: JQUINN@HOUSINGVISIONS.ORG

Average Number of Full Time  
Equivalent Employees During  
Preceding Twelve Months<sup>12</sup>

2

Jobs Created:

Management \_\_\_\_\_  
Professional \_\_\_\_\_  
Administrative \_\_\_\_\_  
Production \_\_\_\_\_  
Independent Contractors \_\_\_\_\_  
Other \_\_\_\_\_

Jobs Retained:

Management 1  
Professional \_\_\_\_\_  
Administrative \_\_\_\_\_  
Production \_\_\_\_\_  
Independent Contractors \_\_\_\_\_  
Other \_\_\_\_\_

Jobs Listed<sup>3</sup>: \_\_\_\_\_

The salary and fringe benefit averages or ranges for categories of jobs retained and jobs created that was provided in the Application for Financial Assistance are still accurate. If not still accurate, below is a revised list of salary and fringe benefit averages or ranges for categories of jobs retained and jobs created.

Category of Jobs to be Retained and Created	Estimated Average Salary or Range of Salary	Estimated Average Fringe Benefits or Range of Fringe Benefits
Other		

<sup>1</sup> Thirty-Five hours worked per week equals one full time equivalent employee.

<sup>2</sup> Including full time equivalent independent contractors or their employees.

<sup>3</sup> With local Jobs Service Division and local service delivery office created pursuant to the Job Training Partnership Act.

**ANNUAL AC MEGAWATT AFFIDAVIT  
CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
Bellisario PROJECT**

STATE OF Florida )  
COUNTY OF Palm Beach ) ss.:

Justin P. Edwardo, being duly sworn deposes and says:

1. I am the Property Tax Analyst of DG Empire Bright, LLC (the "Company") and make this Affidavit pursuant to the terms of the PILOT and Uniform Project and Lease Agreement dated as of October 1, 2019 between the Cortland County Industrial Development Agency and the Company.

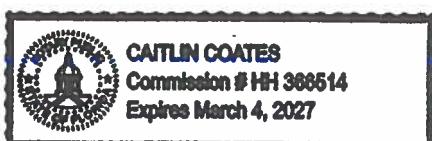
2. The total AC megawatt capacity of the Project Facility is 15 \_\_\_\_\_.

3. The Commercial Operations Date of the Project Facility is 03/31/2021.  
"Commercial Operations Date" means the first date on which the Project Facility is fully operational, connected to the local power grid, and duly authorized to deliver and sell electricity.

  
Justin P. Edwards  
Associate Analyst- Property Tax

Sworn to before me this  
24 day of October, 2023.

Caitlin Coates  
Notary Public



ANNUAL AC MEGAWATT AFFIDAVIT  
CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
JANIS SOLAR, LLC PROJECT

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

Jon Yoder, being duly sworn deposes and says:

1. I am an Authorized Signatory of JANIS SOLAR, LLC (the "Company") and make this Affidavit pursuant to the terms of the PILOT and Lease Agreements dated as of February 1, 2021 between the Cortland County Industrial Development Agency and the Company.
2. The total AC megawatt capacity of the Project Facility is 20 megawatts.
3. The Commercial Operations Date of the Project Facility is March 17, 2023. "Commercial Operations Date" means the first date on which the Project Facility is fully operational, connected to the local power grid, and duly authorized to deliver and sell electricity.



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Jon Yoder

Sworn to before me this  
8 day of March, 2023.



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Notary Public

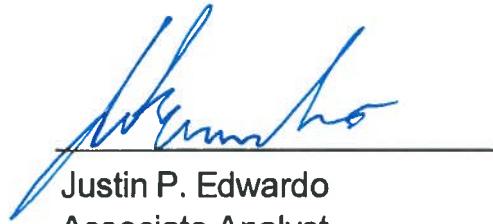
ROBERT A. PANASCI  
Notary Public, State of New York  
Qualified in Albany County  
No. 02PA6071041  
Commission Expires March 11, 2024

ANNUAL AC MEGAWATT AFFIDAVIT  
CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
Cortlandville I PROJECT

STATE OF Florida )  
COUNTY OF Palm Beach ) ss.:

Justin P. Edwardo, being duly sworn deposes and says:

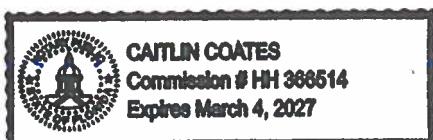
1. I am the Property Tax Analyst of DG Empire Shine (the "Company") and make this Affidavit pursuant to the terms of the PILOT and Uniform Project and Lease Agreement dated as of February 1, 2021 between the Cortland County Industrial Development Agency and the Company.
2. The total AC megawatt capacity of the Project Facility is 5.
3. The Commercial Operations Date of the Project Facility is October 12, 2021. "Commercial Operations Date" means the first date on which the Project Facility is fully operational, connected to the local power grid, and duly authorized to deliver and sell electricity.



Justin P. Edwardo  
Associate Analyst -  
Property Tax

Sworn to before me this  
20 day of October, 2023

Caitlin Coates  
Notary Public



**ANNUAL AC MEGAWATT AFFIDAVIT  
CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
PROJECT**

STATE OF California )  
COUNTY OF San Diego ) ss.:

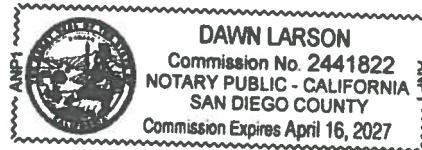
David Trepeck, being duly sworn deposes and says:

1. I am the Manager of Yellow 3 LLC (the "Company") and make this Affidavit pursuant to the terms of the PILOT and Uniform Project and Lease Agreement dated as of March 1, 2021 between the Cortland County Industrial Development Agency and the Company.
2. The total AC megawatt capacity of the Project Facility is 3 MW.
3. The Commercial Operations Date of the Project Facility is 10/14/22. "Commercial Operations Date" means the first date on which the Project Facility is fully operational, connected to the local power grid, and duly authorized to deliver and sell electricity.



Sworn to before me this  
14 day of Nov, 2023

David Trepeck  
Notary Public



ANNUAL AC MEGAWATT AFFIDAVIT  
CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
Cortlandville III PROJECT

STATE OF Florida )  
COUNTY OF Palm Beach ) ss.:

Justin P. Edwardo, being duly sworn deposes and says:

1. I am the Property Tax Analyst of DG Empire Shine (the "Company") and make this Affidavit pursuant to the terms of the PILOT and Uniform Project and Lease Agreement dated as of April 1, 2021 between the Cortland County Industrial Development Agency and the Company.

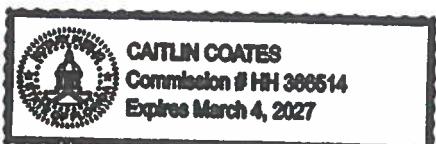
2. The total AC megawatt capacity of the Project Facility is 5.

3. The Commercial Operations Date of the Project Facility is 1/19/2023.  
"Commercial Operations Date" means the first date on which the Project Facility is fully operational, connected to the local power grid, and duly authorized to deliver and sell electricity.



Justin P. Edwardo  
Associate Analyst -  
Property Tax

Sworn to before me this  
26 day of October, 2023.

  
\_\_\_\_\_  
Caitlin Coates  
Notary Public



**Cortland County**  
Industrial Development Agency

# Financial Reports

Cortland County IDA  
Balance Sheet  
November 30, 2023

ASSETS

<b>CURRENT ASSETS</b>	
NBT - Checking 5112	\$ 48,396.01
NBT Proj Invest Checking	918,427.98
NBT Money Mkt Savings	49,426.08
Prepaid Expenses	1,307.18
<b>TOTAL CURRENT ASSETS</b>	<b>1,017,557.25</b>
<b>PROPERTY AND EQUIPMENT</b>	
Land-Railroad Properties	209,818.00
Land-Contento Property	91,835.00
Land-Cleveland St - Apex	303,143.60
Leasehold Improvements	3,376.80
Accum.Depreciation-L.H.I.	(2,532.60)
Office Equipment	5,909.00
Accum.Depreciation-Equip	(5,909.00)
<b>NET PROPERTY &amp; EQUIPMENT</b>	<b>605,640.80</b>
<b>RECEIVABLES</b>	
Lease A/R - Park Outdoor	<u>68,595.69</u>
<b>TOTAL RECEIVABLES</b>	<b><u>68,595.69</u></b>
<b>TOTAL ASSETS</b>	<b><u>\$ 1,691,793.74</u></b>

LIABILITIES/FUND BALANCE

<b>CURRENT LIABILITIES</b>	
<b>TOTAL CURRENT LIABILITIES</b>	<b>0.00</b>
<b>LONG TERM LIABILITIES</b>	
Due to BDC-Contento Property	\$ 91,835.00
Deferred Inflows-Leases	<u>68,595.69</u>
<b>TOTAL LONG TERM LIABILITIES</b>	<b>160,430.69</b>
<b>TOTAL LIABILITIES</b>	<b>160,430.69</b>
<b>FUND BALANCE</b>	
Unrestricted Earnings	1,495,310.17
Net Income	36,052.88
<b>TOTAL FUND BALANCE</b>	<b><u>1,531,363.05</u></b>
<b>TOTAL LIAB &amp; FUND BALANCE</b>	<b><u>\$ 1,691,793.74</u></b>

**Cortland County IDA**  
**Income Statement**  
For the Eleven Months Ending November 30, 2023

	Current Month	Year to Date
<b>REVENUE</b>		
Application Fees	\$ 1,000.00	\$ 1,000.00
Project Fee	23,981.50	23,981.50
Interest on Deposits	2,121.29	20,066.27
Lease Interest Revenue	0.00	2,161.69
Land Lease	0.00	14,171.31
National Grid Grant Program	0.00	61,149.00
Cort Crown Homes PILOT	0.00	23,902.40
Creamery Hills PILOT	0.00	10,341.33
83-85 Main LLC PILOT	0.00	14,000.00
Lapeer Cortland Solar PILOT	0.00	45,000.00
DG NY 1 C Ville LLC	0.00	22,950.00
Janis Solar LLC	0.00	30,600.00
Yellow 3 LLC	0.00	16,830.00
DG NY C'Ville #3	0.00	22,500.00
 Total Revenue	 27,102.79	 308,653.50
 <b>TOTAL REVENUE</b>	 27,102.79	 308,653.50
 <b>EXPENSES</b>		
Apex/Cleveland St Property	1,128.09	17,512.04
Accounting	0.00	8,000.00
Bank Charges	0.00	20.00
Legal	976.50	4,438.48
Professional Services	0.00	4,250.00
Office Supplies/Maintenance	0.00	150.00
Property Tax-Sewer/Water	0.00	198.03
D & O Insurance	119.50	1,401.82
Depreciation	0.00	506.52
Cort Crown Homes PILOT	0.00	23,902.40
Creamery Hills PILOT	0.00	10,341.33
83-85 Main LLC PILOT	0.00	14,000.00
Lapeer Cortland Solar PILOT	0.00	45,000.00
DG NY 1 C Ville	0.00	22,950.00
Janis Solar LLC	0.00	30,600.00
Yellow 3 LLC	0.00	16,830.00
DG NY C'Ville #3	0.00	22,500.00
BDC Admin Support	0.00	50,000.00
 TOTAL EXPENSES	 2,224.09	 272,600.62
 <b>NET INCOME</b>	 \$ 24,878.70	 \$ 36,052.88



**Cortland County**  
Industrial Development Agency

## Solar Projects Summary

**Cortland County IDA  
Solar Project  
Summary  
2023**

Project Name	Mw rate	Annual PILOT Payment	PILOT Term(# Years)	Project Investment	Project Fee 1%	# of Acres	Status
Lapeer Cortland Solar 15Mw	\$3,000	\$45,000	30 years /\$1,350,000	\$27,185,245	\$270,000	100	Closed
Locust Solar I - City 5Mw	\$4,500 +2%	\$22,500 + 2% increase	25 years/\$720,682	\$15,690,800	\$39,227	39	Terminated
Locust Solar II-C'Ville 5Mw	\$4,500 +2%	\$22,500 +2% increase	25 years/\$720,682	\$13,616,000	waived/terminate	20	Terminated
Cortlandville I 5Mw	\$4,500 +2%	\$22,500 2% increase	25 years/\$720,682	\$17,449,190	\$174,491.90	31	Closed
Cortlandville III 5Mw	\$4,500 +2%	\$22,500 + 2% increase	25 years/\$720,682	\$17,497,224	\$174,972.24	42	Closed
Yellow 3 Tower Rd Cville 3MW	\$5,500+ 2%	\$16,500 + 2% increase	15 years/\$285,341	\$4,758,900	\$47,589	18	Closed
	\$1,500 Host	\$4,500 (does not increase)	15 years/\$67,500				
Janis Solar - Willet 20 Mw	\$1,500 + 2%	\$30,000 + 2%increase	30 years/\$1,217,042	\$22,100,000	\$221,000	94	Closed
	\$550 +2%HOST	\$11,000 + 2% increase	30 years/\$446,249				
<b>TOTALS:</b>				<b>\$118,297,359</b>	<b>\$927,280</b>	<b>344</b>	

**Mw PILOT Payments 48MW**  
**Host Community Payments**

**\$181,500 + 2% increase**  
**\$15,500 + 2% increase**

**Pending Projects:**

NY Harford I O'Brien Hill Rd 5MW	25 year request	TBD	TBD	23.25	In discussions
C'Ville PV 3023 Rt 215 5 MW	15 year request	TBD	TBD	32	In discussions
Davis Hill Dev Pendleton St 3MW	25 year request	TBD	TBD	12.67	In discussions
EDF Homer/Cortland/Solon 90MW	15 year request	TBD	TBD	600	In discussions

**Pending MWs = 103MW**



**Cortland County**  
Industrial Development Agency

## Director's Report

# **Cortland County Business Development Corporation**

***and***

# **Cortland County Industrial Development Agency**

## **2023 Annual Report**

The BDC and the IDA are the county's lead economic development agencies working closely with their many local, state, and national partners to retain, create, and attract jobs and to grow Cortland County as a desirable community in which to work, live, and invest. The work to achieve these goals was comprehensive over the past year.

### **Business Assistance for Covid Recovery**

- **Agency missions evolved with the beginning of the pandemic in 2020 and carried through the bulk of the 2023 year with ongoing efforts to provide information and resources to the local business community as it worked to recover from pandemic difficulties. Areas of focus:**
  - BDC COVID loans;
  - Distribution of \$600,000 in American Rescue Plan Act (ARPA) dollars to Cortland businesses qualifying for one of three grant programs designed to assist with infrastructure improvements that had been put off or canceled because of the pandemic. Fund allocations are expected to conclude by the fourth quarter of 2023.
- **Downtown Revitalization Initiative**  
The IDA continues to work with the building owner of its offices at 40 Main St. in Downtown Cortland to improve the property in anticipation of acquiring it sometime in 2023/2024. The agency has also been instrumental in helping the building's owner to meet state requirements for final drawdown of a DRI grant making the acquisition possible.

- **The BDC Continues as a Leading Advocate for Cortland Downtown Revitalization**

Construction is underway for:

- A \$12 million main street rebuild in downtown Cortland partially underwritten by a \$5 million DRO allocation
- New public gathering space
- New traffic pattern
- New focus on the arts
- renovation of vacant buildings
- updated fiber optics

Working with project contractors and the Cortland County Convention and Visitor's Bureau, the BDC has also taken the lead on a public information program making the construction process easier for downtown stakeholders. The website *crownicityrising* is the centerpiece of the program. The site is maintained by BDC and CVB staff.

Several other private-sector projects underwritten by the DRI are in various stages of completion.

Staff worked with the village of Homer in 2022 and provided \$10,000 in marketing support to help it secure its own \$10 million DRI grant , and the former BDC executive director served as the Local Planning Committee (LPC) co-chair. The current BDC executive director attended, and actively participated in all LPC meetings. A variety of public and private projects have been proposed for funding under the grant. Project proposals are now being reviewed and will be key to a final submission to the state by late fall 2023.

The BDC also worked with the Village of Marathon to raise its interest in applying for a \$4.5 million NY Forward grant, helped form its initial local organizing committee, and underwrote a \$15,000 fee to hire consulting services for the project. The application was submitted by the fourth quarter of 2023.

- **Agencies continue as trusted partner for small business development, and are involved in an array of other projects broad in scope:**

- The IDA coordinated the cleanup of a former manufacturing site on the city's east side throughout the second half of 2022 and is now working with engineers for environmental analysis of the site and eventual submission for redevelopment under the state's Brownfield Cleanup Program. The buildings on the site were demolished after the manufacturer ceased operations, but the resultant debris field was left for the community to deal with. The IDA stepped in with partnership between the County and the City to make the cleanup happen with minimal impact on local taxpayers. no impact on local taxpayers.

The agency has also been working through the process of completing a Phase I and Phase II Environmental Site Assessment (ESA). This assessment will tell all interested parties if there is contamination on the site, what type of contamination is on the site, and where that contamination is located. The Phase I ESA has been completed and the Phase II is awaiting quality review by the Environmental Protection Agency.

Upon receipt of a completed ESA we will work with the City to engage the community to complete a Site Reuse plan for the site to determine a best and highest future use for the site.

- The BDC is working with C&S Companies to complete and submit a grant application to the Environmental Protection Agency to receive funds through the Community wide Brownfield site assessment grant. This grant will provide the agency with up to \$500,000 to complete environmental assessments on sites countywide. This will help to determine what might be needed to develop future sites. We should know more about our acceptance of our application by mid-late quarter 1 in 2024.
- The BDC and the IDA engaged in discussions related to the announced \$100 billion chip fab development by Micron in the town of Clay, Onondaga County. Opportunities abound for the region both

for supply chains moving to the region and for housing to accommodate an estimated influx of thousands to the Micron facility when it becomes operational sometime in 2025.

A Micron “task force” comprising local business and community leaders is now convening to identify opportunities for future growth in the county because of the Micron development.

Micron Task Force has met with the Micron Community Engagement Committee to discuss Cortland County’s role in the coming Micron Community Investment and bi-lateral support.

This local task force has also started a series of meetings with local community members and elected officials to discuss the challenges and opportunities coming to the region due to Micron development

- Redevelopment of the Ramada Inn
- Marketing of the former Buckbee Mears Plant for productive re-use
- Redevelopment of the Werninck building into upscale housing
- The growth of quality health care in Cortland County
- Facilitating Route 13 Corridor Development
- Other Brownfield redevelopment opportunities across Cortland County

- **Industrial Development**

- The community was left with a major challenge in 2022 with the closing of the 500,000 square-foot Voyant manufacturing facility in the city of Cortland. The closure impacted 350 full-time and 150 part-time workers and there were no immediate prospects to replace those jobs.

The building was sold to a local ownership group in late 2022, and the IDA worked with that group throughout 2023 to market the site and the community to prospects and to define how the agency might provide incentives for site acquisition and job creation.

Those efforts have culminated with an agreement by iSpice, a national spice importer and distributor, to acquire the facility and

create up to 350 jobs over the next five years and the approval of a 10-year PILOT with total exemptions (Sales Tax, Mortgage Recording, and Real Property taxes) at an estimated value of #3,014,350. The plant is scheduled to be operational by the end of 2024.

- **BDC Small Business Consulting**
  - Core service for aspiring entrepreneurs
  - Services offered by staff and Small Business Development Center
  - Other inquiries handed by staff on a regular basis
    - \* site selection
    - \* grant inquiries (most frequent)
    - \* referral services
- **The BDC continues to play a key role in non-traditional economic development – sports tourism:**
  - Key consultant to burgeoning Gutchess Lumber Sports Park. Four fully turfed baseball fields were in service by spring 2023, with thousands of players, families and friends visiting the site over the course of the year. The park continues to grow in partnership with the national youth baseball organization Prep Baseball Report, and other community amenities are being added to the complex as well
  - Key partner in activities of the Cortland Regional Sports Council, host of the New York State Senior Games as well as a variety of other high school athletic events.
- **New Frontiers**
  - The agency continues dialogue with town and county leaders as solar development continues as an opportunity in Cortland County.
  - This includes potential projects with; EDF, NY Harford, C'Ville PV, and Davis Hill Development. All these projects are in varying degrees of discussion with either the municipalities or the companies. Will see more development on all of these in 2024
- **Important community partner for growth and advancement of health care, education, tourism, and other sectors**

- Guthrie Cortland Medical Center
- Leadership Cortland
- Cortland County Convention and Visitors Bureau
- Cortland Career Works
- Cortland County Department of Planning
- SUNY Cortland
- TC3
- Cortland Chamber of Commerce

- **2024 Planning and Development for the future**
  - Craft and release an RFP to do a comprehensive site inventory listing. This will identify all developable sites (brownfields, greenfields, and buildings) within Cortland County. This will give us an idea on what is out there, nimble with RFQ responses from the state, prepare for future development (Micron, etc..), identify barriers to development, and provide the IDA/BDC insight on strategic development sites to keep the county moving forward.
  - Working with the Southern Tier 8 Regional Commission and Cortland County Planning on expansion of broadband internet to the county. Looking at different avenues to provide high-speed internet to the more rural parts of the county.
  - Engage the local municipalities to continue to think about what kind of impact they would like Micron to have in their location. Help them access capital to update/create strategic plans for their municipality, so the wants/needs of their constituents are being addressed.
  - Work with local municipalities to identify communities that would benefit from accessing the state's DRI and NY Forward funding (Ex. Marathon). This will not fit for all locations, but many in the county could advance their location with an influx of private and public funding.
  - Want to engage the Board, going forward in the new year, on what the mission/vision means to them and what directives we should be looking at as an organization.