

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Executive Committee Meeting Agenda

September 5, 2024 – 8:30 am
Agency Offices, 4287 Main Street

1. Roll Call of Members
2. Reading and Approval of Minutes
3. New Business
 - a. Iskalo Development – 26 West Spring Street Amendment Request
 - b. New Road Solar 1, LLC – Ownership Change
 - c. Project Updates
4. Adjournment

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Minutes of the Executive Committee Meeting
July 11, 2024 – 8:30 AM
Agency Office, 4287 Main Street

Executive Committee: Carlton N. Brock Jr.
William W. Tuyn
Anthony Agostino
David S. Mingoia, Executive Director

Guests: Nicole Gavigan
Hardar Borden
Frank LoTempio III
Hon. Timothy Drury
Kevin Zanner
Joann Piasecki
David Chiazza
Sean Hopkins

Mr. Brock opened the meeting at 8:33 AM and requested a motion to approve the previous meeting's minutes. Mr. Agostino made the motion, seconded by Mr. Tuyn and carried unanimously.

Mr. Mingoia provided information on the public hearing notice for 26 west Spring Street. David Chiazza from Iskalo Development presented information on the proposed project in the Village of Williamsville. Mr. Chiazza provided an overview of the project and the request for a 10-year PILOT based on the financial feasibility of the project impacted by the cost to adaptively reuse the vacant office property. Mr. Mingoia closed the public hearing without anyone else making comment during.

Mr. Mingoia then provided an overview of the draft project profile for 26 West Spring Street and cost benefit analysis. After discussion, Mr. Tuyn made a motion to forward the project to the Board of Directors, seconded by Mr. Agostino and carried unanimously.

At 8:55 AM, Mr. Tuyn made a motion to adjourn, seconded by Mr. Agostino and carried unanimously.



July 29, 2024

Mr. David S. Mingoia
Executive Director
Amherst Industrial Development Agency
5166 Main Street
Amherst NY 14226

Re: 26 West Spring Street Adaptive Re-use Project

Dear David:


We are in receipt of the Authorization Resolution and Project Agreement following the Board meeting on July 19th. In review of these documents, I became aware that an error was made in the application submitted for the Project that understated the materials portion of the anticipated construction cost. As a result, the estimated sales tax exemption amount set forth in the Authorization Resolution and Project Agreement is also understated.

The construction amount for the Project set forth in the application is \$1,250,000. For an adaptive re-use project involving conversion to multi-family, it would be customary to have applied a 50/50 breakdown to the construction budget for allocation between labor and materials (vs. say, 60/40 labor and materials for a warehouse project). The proformas we prepared for the 26 W Spring Street project that were used in preparing the presentation submitted with our application utilized the 50/50 breakdown which resulted in a \$625,000 allocation for construction materials and \$54,687 for estimated sales tax exemption. However, the construction materials figure used in the application, \$388,320 (31%) is an errantly low amount which resulted in an equally low sales tax exemption estimate of \$33,978.

We regret making this error and ask that the Board's consideration in amending the Authorization Resolution and Project Agreement at their next meeting such that the anticipated materials portion of the construction is \$625,000 which, if exempt from sales tax, would provide an exemption not to exceed \$54,687. We also ask for your guidance on how to proceed with the Project Authorization and Project Agreement that are in hand. As we understand the Board may not meet again until September, we do not wish to risk expiration of the inducement. Please advise at your earliest convenience.

Sincerely,

ISKALO DEVELOPMENT CORP.



David Chiazza
Executive Vice President

CC: Sean W. Hopkins, Esq.

COUCH WHITE^{LLP}

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August 29, 2024

Via First Class Mail

David Mingoa
Executive Director
Town of Amherst Industrial Development Agency
4287 Main Street
Amherst, New York 14226

Re: New Road Solar, LLC and Town of Amherst IDA

Dear Mr. Mingoa:

We are local counsel to Generate Capital and its subsidiaries (“Generate”). Generate has recently acquired all of the membership interests in New Road Solar 1, LLC, (“New Road”) the former subsidiary of Sol Source Power, LLC. (“Sol Source”).

Generate raised \$1.5 Billion in capital earlier this year to continue developing and operating energy and other infrastructure projects predominately in the renewable sector. Since I joined Couch White in 2020, we have worked with Generate to successfully acquire, develop and operate over fifty (50) community solar projects throughout New York State. Generate’s contact representative for the New Road Project is:

Bethel Gashaw
Generate
560 Davis Street, Suite 250
San Francisco, CA 94111
+1- (415) 360-3063 #319 (mobile)
bethel.gashaw@generatecapital.com

Please be advised that New Road has obtained the requisite special use permit from the Town. The Host Community Agreement is in an agreed upon form but has not yet been fully executed by the parties. We are confirming that the anticipated project costs are the same as those costs described in New Road’s application to the Town of Amherst Industrial Development Agency (“IDA”). We anticipate construction of the Project to begin in March of 2025 and be completed in December of 2025. It is our intention to file the RP-487 after the project is completed and begin receiving PILOT benefits in lieu of the school tax bill payable in September of 2026. The MIPA between Sol Source and Generate is being redacted and will be provided under separate cover.

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Thank you for your consideration of the change of control of New Road as it pertains to the pending application before the IDA. Please feel free to contact me with any additional questions or concerns.

Very truly yours,

Joshua A. Sabo

Joshua A. Sabo, Esq.
Partner

JAS/kem