

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Agenda – 544th Meeting
Friday, December 15, 2023-8:30 am

James J. Allen Boardroom
Agency Offices – 4287 Main Street, Amherst, NY 14226

1. Roll Call of Members
2. Reading and Approval of Minutes
3. Bills & Communications
4. Treasurer's Report
5. Public Comment
 - a. Speakers Limited to Three (3) Minutes
6. Executive Director's Report
7. Committee Reports
8. Unfinished Business
9. New Business
 - I. Authorization Resolution – New Road Solar 1, LLC
 - II. Greater Jamaica Development Corporation- Boulevard Mall Redevelopment Proposal for RFP Services
10. Adjournment

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Minutes of the 542nd Meeting
Friday, October 20, 2023 – 8:30 am
James J. Allen Boardroom
Agency Offices, 4287 Main Street

PRESENT: Carlton N. Brock, Jr.
William Tuyn
Hadar Borden
Hon. Timothy Drury
Frank LoTempio, III
Nicole Gavigan
David S. Mingoia, Executive Director
Kevin J. Zanner, Hurwitz & Fine PC

ABSENT: Anthony Agostino

GUESTS : AIDA Staff
Sean Hopkins
Jacqui Berger
David Tytka
Tom Frank
Kim Pfluger

Chairman Carlton Brock called the meeting to order and reminded everyone the meeting was being video recorded and live-streamed.

MINUTES

Upon a motion by Hadar Borden, seconded by Frank LoTempio and unanimously carried, the minutes of the August 2023 meeting were approved as presented.

BILLS & COMMUNICATIONS

There were no bills and communications presented at this meeting.

TREASURER'S REPORT

Executive Director Mingoia reviewed the highlights of the Treasurer's Reports for August and September 2023.

Upon a motion by Frank LoTempio, seconded by William Tuyn and unanimously carried, the Treasurer's Reports were approved as presented.

PUBLIC COMMENT

There was no Public Comment at this meeting.

EXECUTIVE DIRECTOR'S REPORT

David Mingoia presented the Executive Director's Report.

COMMITTEE REPORTS

David Mingoia provided a synopsis of the September 2023 Finance and Audit Committee and its review and recommendation of the 2024 Agency Budget. Upon a motion by Frank LoTempio, seconded by William Tuyn and carried unanimously, the 2024 AIDA Budget was approved as presented.

UNFINISHED BUSINESS

There was no Unfinished Business presented at this meeting. Hon. Timothy Drury joined the meeting.

NEW BUSINESS

I. Kistler Instruments Corporation

David Mingoia reviewed the Project Profile and Cost Benefit for the Kistler Instruments Project, noting that the company made a presentation at the October 2023 Executive Committee meeting. After discussion, Frank LoTempio made a motion to approve the project, seconded by William Tuyn. Motion to approve passed by a vote of 6-0.

II. 2635 North Forest Workforce Housing and Infrastructure Project

David Mingoia reviewed the Project Profile and Cost Benefit for the 2635 North Forest Project, noting that a public hearing was held at the October 2023 Executive Committee meeting. After discussion, including the legal basis for providing financial assistance to commercial projects, Frank LoTempio made a motion to approve the project, seconded by William Tuyn. Motion to approve passed by a vote of 6-0.

III. Nominating Committee

Carlton Brock asked for volunteers to serve on the Nominating Committee that will solicit interest for 2024 Officer and Committee Positions. After discussion, Frank LoTempio made a motion to form the committee consisting of Nicole Gavigan, Hadar Borden and Anthony Agostino, seconded by William Tuyn. Motion to approve passed by a vote of 6-0.

9:07 am – Frank LoTempio made a motion to adjourn the meeting. William Tuyn seconded the motion and it passed unanimously.

2024 EXECUTIVE COMMITTEE AND BOARD MEETING DATES

EXECUTIVE (or other) COMMITTEE

BOARD MEETINGS

Thursday, January 4, 2024

Friday, January 19, 2024

Thursday, February 1, 2024

Friday, February 16, 2024

Thursday, March 7, 2024

Friday, March 22, 2024

Thursday, April 4, 2024

Friday, April 18, 2024

Thursday, May 2, 2024

Friday, May 17, 2024

Thursday, June 6, 2024

Friday, June 21, 2024

Thursday, July 11, 2024

Friday, July 19, 2024

Thursday, August 1, 2024

Friday, August 16, 2024

Thursday, September 5, 2024

Friday, September 20, 2024

Thursday, October 3, 2024

Friday, October 18, 2024

Thursday, November 7, 2024

Friday, November 22, 2024

Thursday, December 5, 2024

Friday, December 20, 2024

ALL MEETING TIMES BEGIN AT 8:30 am UNLESS OTHERWISE DIRECTED

Town of Amherst Industrial Development Agency

4287 Main Street

Amherst, New York 14226

716-688-9000

www.AMHERSTIDA.com

EXECUTIVE DIRECTOR'S REPORT

December 15, 2023

Tech Hub

A combined application consisting of the regions of Buffalo, Rochester and Syracuse, is one of 31 approved Tech Hubs by the Federal Government. Establishment of the 31 Tech Hubs seeks to invigorate economic growth in vital technology sections by fueling innovation, drawing private sector investment and generating a multitude of job opportunities. The combined upstate regions had to define its assets and why it should receive potentially tens of millions of dollars against nearly 250 total applicants. The concept, advanced by Senator Schumer, aims to create additional innovation hotspots in the country outside of existing hotbeds like Silicon Valley. Buffalo/Rochester/Syracuse (branded the NY SMART I-Corridor) built its pitch around the semiconductor industry, leveraging other New York State investments including Micron's announcement of its planned fab in Syracuse earlier this year. A key driver in this initiative is the connection with research and development and talent creation across the university landscape. With SUNY Buffalo's Engineering and other innovation taking place at the Amherst campus, our strategy is to support private sector connections to those resources and market available office/research space and land for location opportunities.

Office Space Working Committee

Newmark Ciminelli provided an office market snapshot at our latest assemblage of county public sector entities monitoring the office market post-COVID. Some of the key takeaways:

- Flight to Quality – Most new leases are for higher quality space with new layouts and amenities. Class A enjoys strong occupancy figures in the single digits. Overall, the amount of users looking for new space is declining.
- Increased Popularity in Flex Office Space – Users want flexibility in their office space, and shorter terms on leases. The hybrid model of remote versus in-office work is driving this. There is an uptick in the amount of time workers are required to be in the office over the last year.
- Class B & C space is ripe for conversion, especially in areas with other amenities and that are walkable. Even for users remaining in these spaces, leases are shorter, and more landlord concessions.
- Increase in Sublease Inventory – There are several properties throughout the region that are partially occupied and not readily identified as vacant that are searching for new tenants to assume lease obligations.
- Construction costs and lead times for everything from electrical to equipment is still impacting project feasibility.

PROJECT PROFILE: NEW ROAD SOLAR 1, LLC

\$9,856,249
December 15, 2023



ELIGIBILITY
<ul style="list-style-type: none"> • Renewable Energy Project under NYS IDA Law • Eligible Project Under Uniform Tax Exemption Policy
COMPANY INCENTIVES (EST.)
<ul style="list-style-type: none"> • Sales Tax = \$205,537
PROJECT BENEFITS (EST.)
<ul style="list-style-type: none"> • Property Taxes = \$406,395 (\$4,700 per MW increasing 2% a year for 15 years) • Income Tax = \$123,986 • Sales Tax = \$42,189
EMPLOYMENT
<ul style="list-style-type: none"> • 29 Construction and Related Jobs Created • 2 Part-Time Jobs Created • Total Payroll of New Jobs = \$15,000
PROJECT SCHEDULE
<ul style="list-style-type: none"> • March 2024 - Work Begins • December 2024 - Project Complete

Project Address:
800 New Road
Amherst, New York 14228
(Williamsville School District)

Investment:
Land Lease: \$673,000
Construction: \$8,616,044
Utility Connections: \$317,205
Soft/Other costs: \$250,000



Project Description:
Sol Source Power, LLC, operating for this project as New Road Solar 1, LLC, is a renewable energy company that operates in the Northeast and Midwest. Founded in 2021, the company serves a diverse range of customers, including large independent power producers, school districts and non-profits.

The applicant is seeking to install and operate a 5 MW community solar farm on 30 acres of leased land at 800 New Road. The renewable electricity generated by the system is fed directly into the local utility distribution system, where it can then be purchased by area homes and businesses as credits against their electricity bill. The expected electric generation capacity of this project is enough to power about 1,000 homes.

This project meets NY’s Climate Leadership and Community Protection Act which includes a target of 70% renewable energy generation by 2030 with a goal of a zero emissions electricity sector by 2040. In 2022, General Municipal Law was amended to include language specifically for Industrial Development Agencies to support renewable energy projects. In addition, the New York State Energy Research and Development Authority developed a guidebook and guidelines for siting and incentivizing solar facilities including a PILOT calculator. Locally, the town introduced zoning for solar projects and determined which sites were suitable, mainly properties that have little market value for other uses. The applicant intends to engage local skilled sheep farmers for vegetative maintenance and other local vendors for maintenance and other ground related tasks.

IDAs play an important role as we manage the project on behalf of all taxing jurisdictions and provide certainty for financiers of the project. Under state law, solar projects are exempt from property taxes but for negotiated local PILOTS. The applicant is required per the Town’s Zoning Approval to provide a performance bond to remove the solar panels after the useful life of the project is complete.

**PROJECT PROFILE:
NEW ROAD SOLAR 1, LLC
\$9,856,249**

AIDA COMPANY HISTORY:

None

MATERIAL TERMS:

1. Investment of not less than \$8,377,812 at the project location as noted in the application.
2. Compliance with the Agency's Local Labor Policy in connection with the construction of the Project
3. Execution and delivery of Community Benefit Agreement with Town of Amherst
4. Creation within two (2) years of Project completion of two new part-time jobs and retention of such jobs throughout the Compliance Period

AIDA Project Evaluation Criteria - Energy Production

Advances Renewable Energy Production/Transmission Goals	Adds clean, renewable energy source to meet NYS renewable energy goals.
Provides Capacity or Transmission to Meet Local Demand	Adds additional source of community solar for local residents to opt in to.
Wage Rates	2 part-time jobs created with total payroll of \$15,000
In Region Purchases	The applicant will be sourcing local for vegetation maintenance and other services such as snow plowing and equipment operation and maintenance.
Local Official(s) Support	The Town supports the PILOT and requested AIDA approval prior to approving a special use permit.

Town of Amherst Industrial Development Agency

MRB Cost Benefit Calculator



Date: November 22, 2023
 Project Title: New Road Solar 1, LLC
 Project Location: 800 New Road, Amherst 14228

Economic Impacts

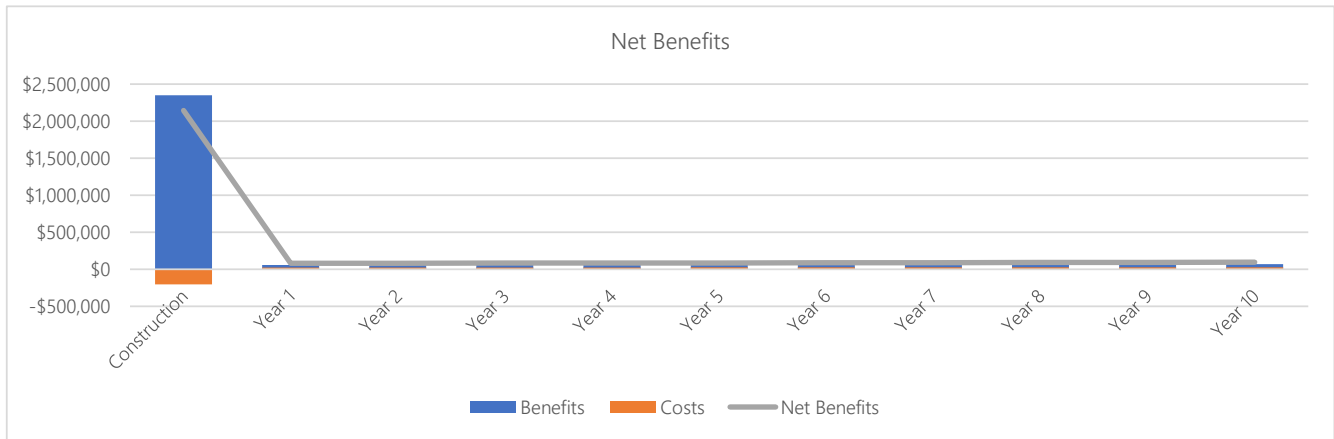
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$9,825,249

		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		15	14	29
Earnings		\$1,435,356	\$780,240	\$2,215,596
Local Spend		\$3,438,837	\$2,418,945	\$5,857,782

		Ongoing (Operations)		
		Direct	Indirect	Total
Jobs		2	1	3
Earnings		\$250,205	\$289,437	\$539,642

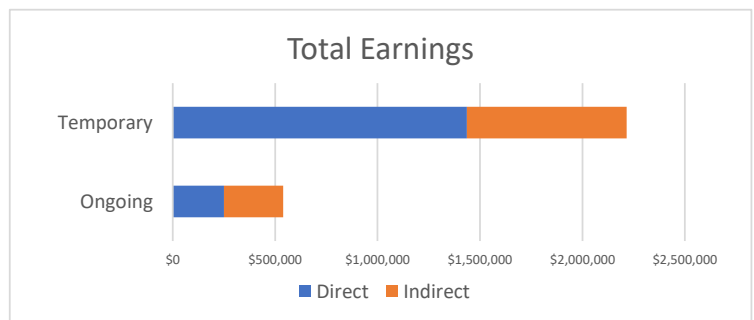
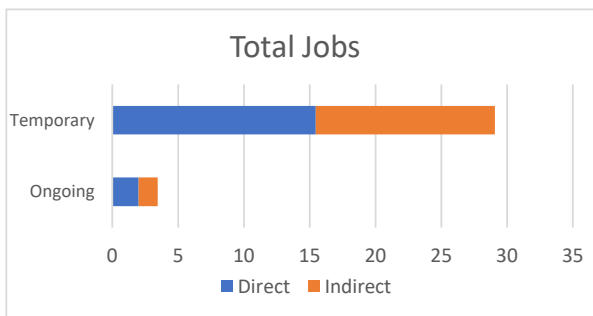
Figure 1



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

Figure 2

Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	-\$406,395	-\$345,588
Sales Tax Exemption	\$205,537	\$205,537
Local Sales Tax Exemption	\$111,577	\$111,577
State Sales Tax Exemption	\$93,960	\$93,960
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	-\$200,858	-\$140,051

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$3,184,536	\$3,042,550
To Private Individuals	\$2,755,238	\$2,674,728
Temporary Payroll	\$2,215,596	\$2,215,596
Ongoing Payroll	\$539,642	\$459,132
Other Payments to Private Individuals	\$0	\$0
To the Public	\$429,298	\$367,822
Increase in Property Tax Revenue	\$406,395	\$345,588
Temporary Jobs - Sales Tax Revenue	\$18,417	\$18,417
Ongoing Jobs - Sales Tax Revenue	\$4,486	\$3,817
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$143,272	\$139,086
To the Public	\$143,272	\$139,086
Temporary Income Tax Revenue	\$99,702	\$99,702
Ongoing Income Tax Revenue	\$24,284	\$20,661
Temporary Jobs - Sales Tax Revenue	\$15,509	\$15,509
Ongoing Jobs - Sales Tax Revenue	\$3,777	\$3,214
Total Benefits to State & Region	\$3,327,809	\$3,181,635

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$3,042,550	-\$234,011	13:1
State	\$139,086	\$93,960	1:1
Grand Total	\$3,181,635	-\$140,051	23:1

*Discounted at 2%

Additional Comments from IDA

Prepared by DM

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

RESOLUTION OF THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE CONSTRUCTION AND EQUIPPING OF A 5.0 MEGAWATT (MW) AC GROUND MOUNTED, UTILITY GRADE COMMUNITY SOLAR ELECTRIC GENERATING FACILITY BY NEW ROAD SOLAR 1, LLC TO BE LOCATED IN THE TOWN OF AMHERST, NEW YORK, FOR LEASE TO THE AGENCY AND SUBSEQUENT LEASE TO NEW ROAD SOLAR 1, LLC, THE EXECUTION OF LEASE AGREEMENTS, THE EXECUTION OF A PILOT AGREEMENT AND THE TAKING OF OTHER ACTIONS.

WHEREAS, the Town of Amherst Industrial Development Agency (the “Agency”) is authorized under the laws of the State of New York, and in particular the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended, and Section 914-a of the General Municipal Law, as amended (collectively, the “Act”), to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial and research facilities and thereby advance the job opportunities, general prosperity and economic welfare of the people of the State of New York and to improve their prosperity and standard of living; and

WHEREAS, New Road Solar 1, LLC, for itself or for related individuals or entities (the “Company”), has submitted an application to the Agency requesting the Agency to undertake a certain project (the “Project”) consisting of: (i) the acquisition of a leasehold interest in certain property located at 800 New Road in the Town of Amherst, New York (SBL Nos. 16.00-2-14.1 and 16.00-2-14.2) (the “Premises”); (ii) the construction and equipping of an approximately 5.0 megawatt (MW) AC ground mounted, utility grade community solar electric generating facility and related improvements (collectively, the “Improvements”); and (iii) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the “Equipment”); and

WHEREAS, the Company submitted an application and other materials and information (collectively, the “Application”) to the Agency to initiate the accomplishment of the above; and

WHEREAS, the Application sets forth certain information with respect to the Company and the Project, including the following: that the Company desires Agency financing for the construction of an approximately 5.0 megawatt (MW) AC ground mounted, utility grade community solar electric generating facility to be and related on-site improvements, to be located on approximately 28.766+/- acres of a 51.98 acre site located at 800 New Road in Amherst, New York, all at a cost of approximately \$9,856,249.00; that the Project will result in substantial capital investment; that if Agency financing is disapproved, the Company would likely not proceed with the Project; and that, therefore, Agency financing is necessary to encourage the Company to proceed with the Project; and

WHEREAS, as set forth in the Countywide Uniform Tax Exemption Policy (the “UTEP”), renewable energy projects are eligible for financial assistance from the Agency and PILOT agreements structured with a term of up to twenty-five (25) years with payments based upon a formula expressed as a dollar value per megawatt (MW) multiplied by the total MWs to be generated by the

project are deemed to be in compliance with the UTEP and are not considered a deviation from the UTEP; and

WHEREAS, after the giving of all required notices (including published notice), the Agency held a public hearing on the Project on December 15, 2023, and has considered all oral and written presentations made at or in connection with said public hearing; and

WHEREAS, the Agency has reviewed the Application, prepared a cost-benefit analysis with respect to the Project and has evaluated the extent to which the Project will create and retain permanent, private-sector jobs, the value of tax exemptions to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the proposed Project in a timely fashion, the extent to which the Project advances renewable energy production and provides capacity or transmission to meet local demand, the extent to which the proposed Project will provide additional sources of revenue for the municipalities and school district and other public benefits that might occur as a result of the Project; and

WHEREAS, the Agency desires to encourage the Company with respect to the consummation of the Project, if by doing so it is able to induce the Company to proceed with the Project; and

WHEREAS, it is anticipated that the Company and the Town of Amherst will enter into a host community agreement in connection with the Project (the “Host Community Agreement”); and

WHEREAS, the Town of Amherst Planning Board (the “Planning Board”) acted as “lead agency” under the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617) (“SEQRA”) for the project, and determined that the Project was a Type I action, and the Company provided to the Agency a copy of the Company’s completed Part 1 of the long-form Environmental Assessment Form (“EAF”); and

WHEREAS, on August 17, 2023, the Planning Board issued a negative declaration under SEQRA with respect to the Project. A copy of the EAF and the negative declaration is attached hereto as Exhibit A (the “Negative Declaration”).

NOW, THEREFORE, THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY HEREBY RESOLVES AS FOLLOWS:

Section 1. Based upon the Agency’s review of the Company’s Application, the EAF, and the Planning Board’s SEQRA determination, the Agency hereby: (a) ratifies and confirms the proceedings undertaken by the Planning Board under SEQRA, including the Planning Board’s determination and issuance of a negative declaration stating that the Project is not expected to have a significant adverse impact on the environment; (b) adopts the Planning Board’s negative declaration with regard to the Project; and (c) determines that all of the provisions of SEQRA that are required to be complied with as a condition precedent to the approval of the Financial Assistance (as defined herein) contemplated by the Agency with respect to the Project and the participation by the Agency in undertaking the Project have been satisfied.

Section 2. The Project is described in the recitals to this Resolution. The financial assistance to be provided by the Agency in connection with the Project includes: (i) an exemption from sales and use taxes for building materials and machinery, equipment, fixtures and furnishings purchased for incorporation into or use at the Project location having a total cost not to exceed \$2,349,000; and (ii) a twenty-five (25) year partial abatement from real property taxes consistent with the renewable energy PILOT schedule as set forth in the UTEP and in accordance with the payment in lieu of tax schedule set forth in Exhibit B attached hereto (the “Financial Assistance”). In addition to any other covenants, obligations and agreements which may be contained in the Project Documents (as hereinafter defined), the provision by the Agency of the Financial Assistance is made subject to the agreement by the Company throughout the period during which the Company is receiving Financial Assistance from the Agency (the “Compliance Period”) to comply with the following covenants and agreements, each of which shall constitute a “Material Factor”:

- (a) Compliance with the Agency’s Local Labor Policy in connection with the construction of the Project;
- (b) Investment of no less than \$8,377,812.00 at the Project location as noted in the Application;
- (c) Execution and delivery of a Community Benefit Agreement between the Company and the Town of Amherst; and
- (d) Creation within two (2) years of Project completion two (2) new part-time jobs and retention of such jobs throughout the Compliance Period.

Section 3. The Agency hereby determines that the Project and the financing thereof by the Agency pursuant to the New York State Industrial Development Agency Act will promote and is authorized by and will be in furtherance of the policy of the State as set forth in said Act.

Section 4. The Agency hereby authorizes the Company, as agent for the Agency, to proceed with the Project as herein authorized. The Agency is hereby authorized to acquire an interest in the Project site and the buildings thereon, if any, and to make renovations or additions thereto. The Company is authorized to proceed with the acquisition and construction of the Project as set forth in any Project Agreement, the Agency Lease Agreement or Installment Sale Contract (as hereinafter defined).

Section 5. The Chairman, Vice Chairman, Executive Director, Secretary, Treasurer, and Assistant Secretary of the Agency, and other appropriate officials of the Agency and its agents and employees, are hereby authorized and directed to do and cause to be done any and all acts and things necessary or proper for carrying out this Resolution and to complete the Project in cooperation with the Company.

Section 6. The Company is authorized, as agent of the Agency, to initiate the construction of the Project, and the acquisition of machinery and equipment which will be a part thereof or will be used in connection therewith, and to advance such funds as may be necessary to accomplish such purposes. The designation of the Company as agent hereunder is limited to purchases of sales-taxable tangible personal property and services in connection with the Project which do not exceed a total

cost of \$2,349,000.00 and shall not apply to any other purchase by the Company or any operating expenses of the Company. The Company shall report to the Agency, at such times as the Agency shall require, or as may otherwise be prescribed by the Commissioner of the New York State Department of Taxation and Finance (the "Commissioner"), the value of all sales and use tax exemptions claimed by the Company or agents of the Company or any operators of the Project, including, but not limited to, consultants or subcontractors of such agents or Project operators under the authority granted pursuant to this Resolution. A failure to report may result in the revocation of the designation of the Company as agent and repayment of any sales and use tax exemptions claimed.

Section 7. The Agency is hereby authorized to enter into a project agreement with respect to the provision of the Financial Assistance authorized herein (the "Project Agreement"), to acquire an interest in the Project site and construct a facility thereon, and execute and deliver a lease by the Company to the Agency (the "Company Lease"), an Agency Lease Agreement (the "Agency Lease Agreement") or Installment Sale Contract (the "Installment Sale Contract") between the Agency and the Company, the PILOT Agreement, and such other documents as may be necessary to fulfill the intent of the parties to the transaction (collectively, the "Project Documents"), in a form satisfactory to Agency counsel. The Chairman, Vice Chairman, Executive Director, Secretary, Treasurer, or Assistant Secretary are each hereby authorized to execute such documents and to make or approve such amendments or modifications to the Project Agreement, Company Lease, the Agency Lease Agreement, Installment Sale Contract, the PILOT Agreement and such other documents executed and delivered in connection therewith as they deem necessary under the circumstances provided, however, that such modifications do not materially alter the risk to the Agency.

Section 8. Reserved.

Section 9. Any such action heretofore taken by the Company initiating the acquisition, installation and construction of the Project is hereby ratified, confirmed and approved.

Section 10. Any expenses incurred by the Agency with respect to the Project and the financing thereof shall be paid by the Company. By acceptance hereof, the Company agrees to pay such expenses and further agrees to indemnify the Agency, its members, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency with respect to the Project and the financing thereof.

Section 11. In the event a lease is not executed between the Company and the Agency by the expiration date of this Resolution (as such date may be extended as provided herein) or the termination of this Resolution, the Company shall then be required to pay all sales taxes which would have been levied in connection with the acquisition, construction and installation of all improvements to the real property and the machinery and equipment which constitute the Project, as if the Agency did not have an interest in the Project from the date the Company commenced its acquisition, construction and installation. In addition, in the event, because of the involvement of the Agency, the Company claims an exemption from state sales or use tax in connection with the Project, and such exemption is claimed with respect to property or services not authorized hereunder, or which exemption is in excess of the amounts authorized hereunder, or is otherwise not permitted under this Resolution, or if the Company shall fail to comply with a material term or condition regarding the use

of property or services acquired by the Company as agent for the Agency as set forth in this Resolution or in any document authorized hereunder, then the Company shall each be required to remit to the Agency an amount equal to the amount of state sales and use taxes for which such exemption was improperly claimed. A failure to remit such amounts may result in an assessment against the Company by the Commissioner of state sales and use taxes, together with any relevant penalties and interest.

In addition to the foregoing, in the event the Agency determines that Company is in violation of a material term, or in the event that the Company closes the Project or relocates its operations to a location outside of the Town of Amherst within the time period during which the Company is receiving Financial Assistance from the Agency or in the event the Agency determines, in its judgment, that the Company knowingly and intentionally submitted false or intentionally misleading information in its application to the Agency or in any report or certification submitted to the Agency for the purpose of obtaining or maintaining any Financial Assistance from the Agency (each referred to herein as a “Recapture Event”), the Agency may, in accordance with its policies and procedures then in effect, (i) revoke the designation of the Company and any agents of the Company (including, but not limited to, consultants, sub-contractors or equipment lessors of the Company) as agents for the Agency in connection with the Project and terminate the exemption from New York State and local sales and use taxes conferred with respect to the Project and/or (ii) require that the Company, commencing with the tax fiscal year next following such Recapture Event make payments in lieu of taxes on the Project with respect to all applicable taxing authorities in such amounts as would be payable as real estate taxes levied on the Project if the Agency did not have an interest in the Project or otherwise modify the amount or terms of any Financial Assistance being provided by the Agency in connection with the Project and/or (iii) require that the Company pay to the Agency an amount equal to all or a portion (as determined by the Agency in its discretion) of the total value of (y) all sales tax exemptions claimed by the Company and any agents of the Company, including, but not limited to, consultants, sub-contractors, or any equipment lessors of the Company under the authority granted under this Resolution and the Project Agreement, and/or (z) any exemption from real property taxes received by reason of the Agency’s leasehold interest in the Project. If the Agency makes any of the foregoing determinations and requires a repayment of all or a portion of the Financial Assistance received by the Company, the Company shall (i) cooperate with the Agency in its efforts to recover or recapture any or all Financial Assistance obtained by the Company and (ii) promptly pay over any or all such amounts to the Agency that the Agency demands in connection therewith. Upon receipt of such amounts, the Agency shall then redistribute such amounts to the appropriate affected tax jurisdiction(s) unless otherwise agreed to by any affected tax jurisdiction.

Section 12. The Agency has made and makes no representation or warranty whatsoever, either express or implied, with respect to the merchantability, condition, environmental status, fitness, design, operation or workmanship of any part of the Project, its fitness for any particular purpose, the quality or capacity of the materials in the Project, or the suitability of the Project for the Company’s purposes or needs. The Company is satisfied that the Project is suitable and fit for its purposes. The Agency shall not be liable in any manner whatsoever to anyone for any loss, damage or expense of any kind or nature caused, directly or indirectly, by the Project property or the use or maintenance thereof or the failure of operation thereof, or the repair, service or adjustment thereof, or by any delay or failure to provide any such maintenance, repairs, service or adjustment, or by any interruption of service or loss of use thereof or for any loss of business howsoever caused, and the Company hereby

indemnifies and holds the Agency harmless from any such loss, damage or expense.

Section 13. Should the appropriate officers of the Agency determine, in their absolute discretion, that there is reason to believe that the activities of any past or present owner or operator of the Premises have resulted in the generation of any “hazardous substance” (as the term has been defined from time to time in any applicable federal or state law, rule or regulation), or that any party has stored, disposed or released any such substance on the Premises or within a one (1) mile radius thereof, the Agency shall be under no obligation to enter into a lease as contemplated by this Resolution.

Section 14. No covenant, stipulation, obligation or agreement herein contained or contained in the Project Documents, or other documents, nor the breach thereof, shall constitute or give rise to or impose upon the Agency a pecuniary liability or a charge upon its general credit, nor shall be deemed to be a covenant, stipulation, obligation or agreement of any member, officer, agent or employee of the Agency in his or her individual capacity.

Section 15. Should the Agency’s participation in the Project be challenged by any party, in the courts or otherwise, the Company shall defend, indemnify and hold harmless the Agency and its members, officers and employees from any and all losses arising from any such challenge including, but not limited to, the fees and disbursements of the Agency’s counsel. Should any court of competent jurisdiction determine that the Agency is not authorized under Article 18-A of the General Municipal Law to participate in the Project, this Resolution shall automatically become null, void and of no further force and effect (except for the obligations in this Section 15), and the Agency shall have no liability to the Company hereunder or otherwise.

Section 16. This Resolution shall take effect immediately and shall continue in full force and effect for one (1) year from the date hereof and on or after such one (1) year anniversary, the Agency may, at its option (a) terminate the effectiveness of this Resolution (except with respect to the obligations of the Company pursuant to Sections 10, 11 and 15 of this Resolution which shall survive any expiration or termination) or (b) allow the Company additional time in which to close the transactions contemplated by this Resolution based upon affirmative actions taken by the Company to complete such transactions.

Section 17. This Resolution is subject to the Company’s receipt of all necessary municipal approvals in connection with the Project and compliance with all local building and zoning requirements.

[Remainder of page intentionally left blank]

ADOPTED: December 15, 2023

ACCEPTED AND AGREED TO: _____, 2023.

NEW ROAD SOLAR 1, LLC

By: _____
Name: _____
Title: _____

EXHIBIT A

EAF and Negative Declaration

See attached.

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: 800 & 850 New Road Solar Project		
Project Location (describe, and attach a general location map): 800 & 850 New Road, Amherst, NY 14228 (Tax Map No.'s 16.00-2-14.1 & 16.00-2-14.2)		
Brief Description of Proposed Action (include purpose or need): Construct and operate a 5.0 Mw (AC) ground mounted, utility grade solar energy system.		
Name of Applicant/Sponsor: New Road Solar 1, LLC. c/o Sol Source Power, LLC. [contact - Steve Long]		Telephone: (603) 455 - 9483
		E-Mail: Steve@solsourcepower.com
Address: 1 Washington Place		
City/PO: Troy	State: NY	Zip Code: 12180
Project Contact (if not same as sponsor; give name and title/role): Erdman Anthony Consulting Engineers [contact - Marc Kenward]		Telephone: (585) 427 - 8888
		E-Mail: KwnwardMD@erdmananthony.com
Address: 145 Culver Road, Suite 200		
City/PO: Rochester	State: NY	Zip Code: 14620
Property Owner (if not same as sponsor): Anthony Cimato; Cimato Enterprises, Inc.; [contact for both - Ferdinando Cimato, President]		Telephone: (716) 861-3529
		E-Mail: cimatoenterprises5647@gmail.com
Address: 9220 Transit Rd.		
City/PO: East Amherst	State: NY	Zip Code: 14051

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Amherst Planning Board: Special Use Permit & Site Plan Review	January 2023
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Amherst Building Department: Floodplain Development Permit	January 2023
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Erie County Planning Board	TBD
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC GP-0-20-001 for Stormwater Discharges NYS DEC Wetland Permit	TBD
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	US Army Corps of Engineers - Nationwide Permit 51 (Renewable Energy) for minor wetland impacts	TBD
<p>i. Coastal Resources.</p> <p><i>i.</i> Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/>Yes<input checked="" type="checkbox"/>No</p> <p><i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/>Yes<input checked="" type="checkbox"/>No</p> <p><i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/>Yes<input checked="" type="checkbox"/>No</p>		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? YesNo

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? YesNo

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? YesNo

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) YesNo

If Yes, identify the plan(s):

NYS Heritage Areas: West Erie Canal Corridor _____

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? YesNo

If Yes, identify the plan(s):

Town of Amherst Farmland Protection & Agricultural Development Plan - June 2021. _____

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Suburban Agricultural & General Business (General Business to be rezoned to Suburban Agricultural)

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
If Yes,
i. What is the proposed new zoning for the site? General Business to Suburban Agricultural

C.4. Existing community services.

a. In what school district is the project site located? Williamsville Central School District

b. What police or other public protection forces serve the project site?
Amherst Police Department, Erie County Sheriff's Office, NY State Police

c. Which fire protection and emergency medical services serve the project site?
North Amherst Fire Department,

d. What parks serve the project site?
Jurek Park, The Paw Park-Off-Leash Dog Park, Dann Lake Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Construct and Operate a utility grade (large scale) solar energy project

b. a. Total acreage of the site of the proposed action?	<u>51.98</u> acres	Project will encompass approximately 28.766 +/- acres of the total parcel area.
b. Total acreage to be physically disturbed?	<u>6.834</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>51.98</u> acres	

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: _____ months
ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) Yes No
 If Yes:

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Wetland W2. See separately submitted Wetland Delineation Report Dated August 2022.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
Approximately 0.172 AC of Wetland W2 will be within the fenced solar array. Trees in this area will be cut and stumps removed.

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No
If Yes, describe: Trees will be cut and tree stumps will be removed.

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 2824 Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. Electrical Equipment Pads and equipment. Note that solar arrays are considered disconnected roof-top draining onto grass meadow. New access drive is permeable stone.

 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
 Sheet flow across grass meadow. Proposed stormwater run-off is equal to the existing conditions with an overall composite (run-off) curve number (CN) of 79 compared to the existing curve number of 79.
 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:00 am - 6:00 pm _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ Daylight Hours _____ • Saturday: _____ Daylight Hours _____ • Sunday: _____ Daylight Hours _____ • Holidays: _____ Daylight Hours _____
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): General Business

ii. If mix of uses, generally describe: _____

b. Land uses and coverytypes on the project site.

Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.130	0.065	-0.115
• Forested	15.332	9.940	-5.392
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	36.518	40.731	+4.213
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	12.283	12.111	-0.172
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Pervious Driveway</u>	0	1.243	+1.243

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:
Amherst Baby & Child Care Center, Inc. _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ >6.67 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Lakemont silt loam	_____	47.5 %
Odessa silt loam	_____	31.5 %
Niagara silt loam	_____	20.1 %

d. What is the average depth to the water table on the project site? Average: 0 to 1.5 feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained 100 % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No

If Yes:

i. Name of aquifer: _____



<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>Deer, possum, raccoon, skunk _____ Fox, woodchucks _____</p> <p>Songbirds, Turkey, Hawks, blackbirds _____ Meadow Moles, Field Mice _____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p style="margin-left: 20px;">Proposed action will limit hunting activities to areas outside the fenced array. _____</p>	
E.3. Designated Public Resources On or Near Project Site	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? Farmland of Statewide Importance - 48.4% of site. Prime Farmland if Drained - 51.6% of site. _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): USDA NRCS Web Soil Survey _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): Archaeological Buffer Area

ii. Basis for identification: NYS Office of Parks, Recreation & Historic Preservation - Cultural Resource Information System (CRIS) website

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: Jurek Park, The Paw Park-Off-Leash Dog Park, Dann Lake Park, Depeau Park, Billy Wilson Park, Nature View Park, Great Baehre Conservation Park, Amherst Veterans Canal Park, Meadow Lakes Park, Walton Woods Park, and Bassett Park

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Scenic points, & parks

iii. Distance between project and resource: 0.54, 0.68, 1.46, 1.85, 3.18, 3.60, 3.60, 3.70, 3.88, 3.89, and 4.13 miles

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

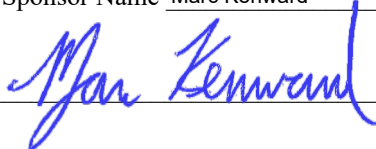
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

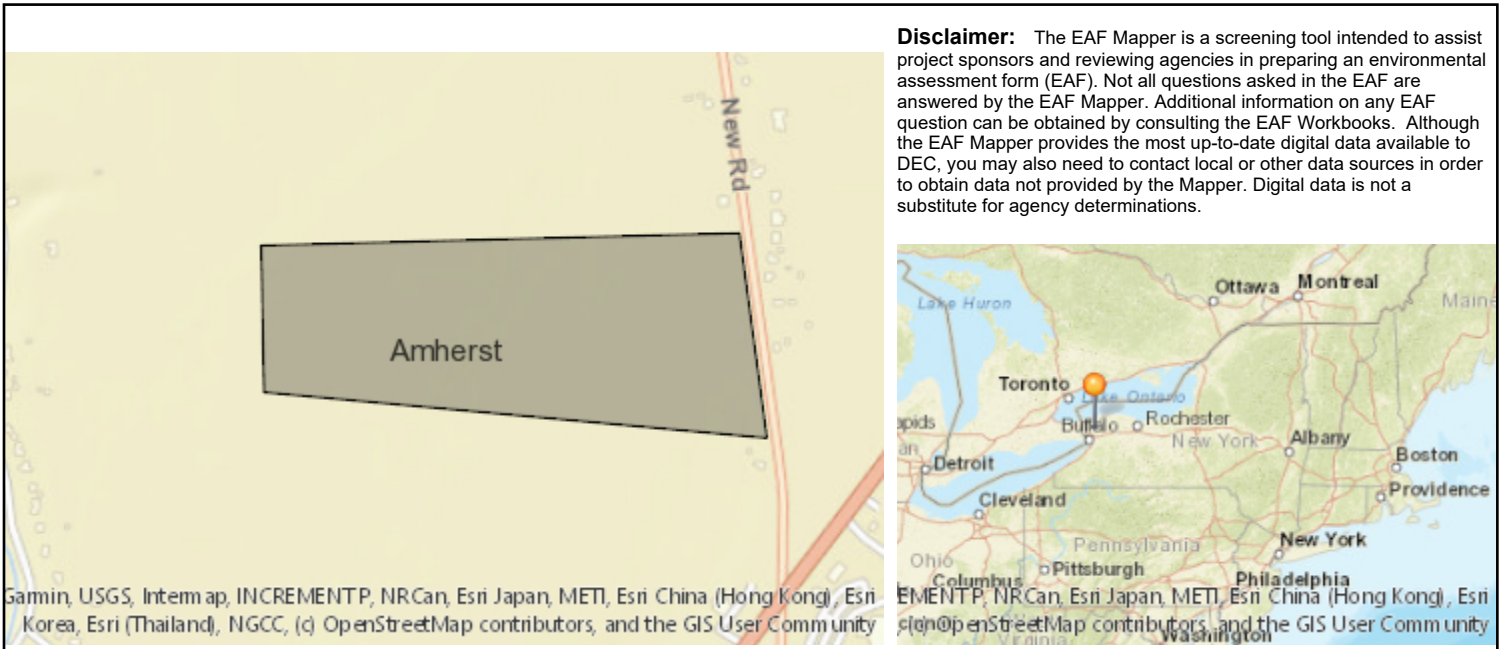
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Marc Kenward Date January 20, 2023

Signature  Title Senior Associate

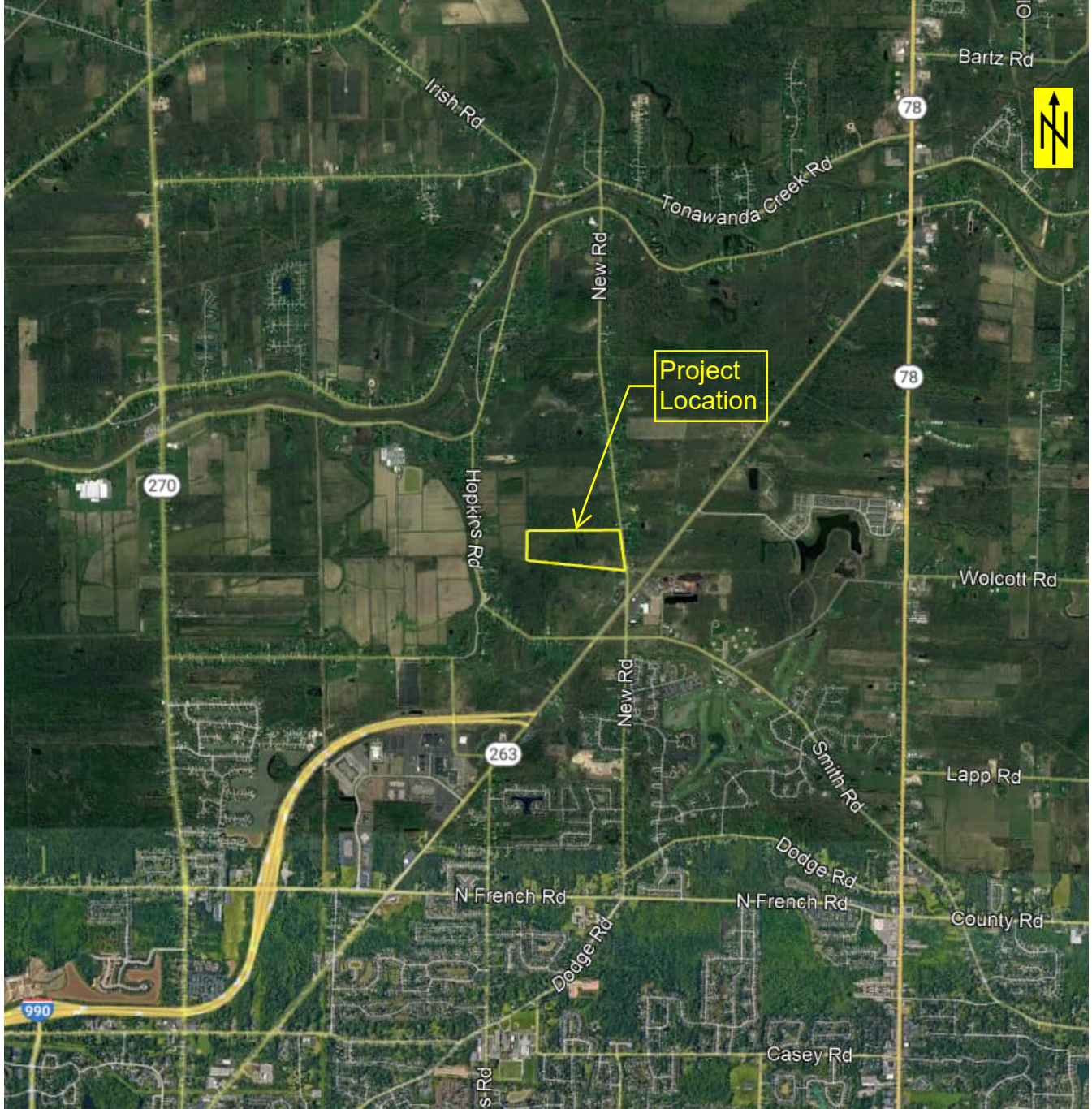
Erdman Anthony Consulting Engineers
 145 Culver Road, Suite 200
 Rochester, NY 14620 (585) 427 - 8888
 KenwardMD@erdmananthony.com

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B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No

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**ERDMAN
ANTHONY**



145 Culver Road, Suite 200
Rochester, NY 14620
(585) 427-8888

TITLE:

PROJECT LOCATION MAP

850 & 800 New Road, Amherst, New York

Prepared For: Sol Source Power, Inc.

SCALE:
NTS

REFERENCE:

FIGURE I

DRAWING BY:
NA

DATE:
November, 2022

PROJECT:
19720.01

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'23 AUG 25 AM 9:45

SEQR Negative Declaration

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Planning Board	Project:	SP-2023-01
Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	Date:	August 17, 2023

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action:	Site Plan Review
SEQR Status:	Type 1 Action
Description of Action:	The construction of a Tier III Solar Energy System (5Mw of power) that includes a solar array, an access road and associated equipment pads interior to the site. The array will be located on 27.52 ± acres of the total 51.98 ± acres of land and a fence will surround the entire project site. Work will include the site improvements not specifically stated above, including, stormwater, utilities, grading, lighting, paving, and landscaping.
Location:	800 & 850 New Road, Amherst, Erie County
Petitioner:	Sol Source Power, LLC

REASONS SUPPORTING THIS DETERMINATION

Based on information submitted by the applicant including a Full Environmental Assessment Form (EAF) - Part I, (as amended) and a complete site plan application, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that this action will not have a significant impact on the environment, as follows:

1. The Engineering Department on April 18, 2023 reviewed the Grading, Drainage and Utility, and Erosion Control Plans submitted on April 14, 2023. A Custom Soil Resource Report for the subject site was prepared by the United States Department of Agriculture with the National Resources Conservation Services and submitted to the Planning Department on January 23, 2023. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems.

The Stormwater Pollution Prevention Plan (SWPPP) submitted on July 20, 2023 was also reviewed. Based on its review of these documents, the Stormwater Management Officer has determined that the project has or will have met all applicable requirements and has no objection to its approval.

2. The Planning Department reviewed a Landscape Plan submitted on July 18, 2023 and determined that it meets or exceeds Zoning Ordinance requirements for greenspace. The Landscape Plan has or will have met all Zoning Ordinance and Town requirements for landscaping.

A Forestry Assessment Report prepared by Keister Consulting Inc., stated that the removal of trees on the subject site is justified due to the lack of significant trees both in size and health. It was further stated that many of the existing trees are being negatively impacted by insects and that the existing groundcover would prohibit the growth of new trees.

Further, a Habitat Assessment Report was prepared by Earth Dimensions Inc., concluded that the subject site contains a potentially suitable habitat for the Monarch Butterfly and the Northern long-eared Bat. In response, the petitioner has agreed to use a wildflower seed mix to mitigate for the potential impacts to the Monarch Butterfly' habitat. The New York State Department of Environmental Conservation (NYSDEC) in their letter dated May 23, 2023, states that there is "no records of rare or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity".

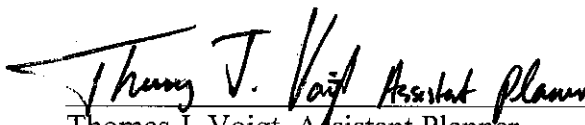
Therefore, the project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources.

3. The project is not expected to create any substantive conflict with the Town Comprehensive Plan. The Planning Department in their review of August 1, 2023 has reviewed the application documents and Building Department in their review of April 19, 2023 has reviewed the application documents and determined that the subject project has or will have met all International Building Code – 2015 and Zoning Ordinance regulations.
4. The project is within an area identified by the State as having potential archaeological or historical significance. A Phase 1 Archeological Investigation was prepared by Hartgen Archeological Resources and received by the Planning Department on July 18, 2023 concluded that the project will not have a significant impact on historical or cultural resources. The NYS Office of Parks, Recreation and Historic Preservation has reviewed the project and, as stated in their letter of June 13, 2023, determined that there will be no impact on these resources.
5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The project is located in the Suburban Agriculture (SA) zoning district; neighboring uses are single family residential on the east, west, and south zoned SA, vacant land to the north zoned SA, and vacant land to the east and south zoned Traditional Neighborhood Development District (TND); therefore, the project is consistent with surrounding land use and zoning designations.
6. The proposed subject development will include the construction of a Tier III Solar Energy System which will not cause a major change in the use of either the quantity or type of energy.
7. The project will not create any hazard to human health. The Fire Chief's Association on April 21, 2023, has reviewed the project and has no objection to the approval of the site plan, as all requirements of this agency has or will have been met.
8. The project will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The use of sheep, goats, lambs or practices such as Apiculture is required to be incorporated into the project to maintain an agricultural use of that land. Further, a vegetative management plan has been submitted and reviewed by the Town's Landscape Architect that includes the preservation of existing vegetation and soils. The construction of a Tier III Solar Energy System on approximately 53% of the subject site (27.52 out of 51.98 acres) will be consistent with the scale of surrounding land uses.
9. The function of the proposed construction of a Tier III Solar Energy System will not significantly increase the number of people using the site over its previous level of use.

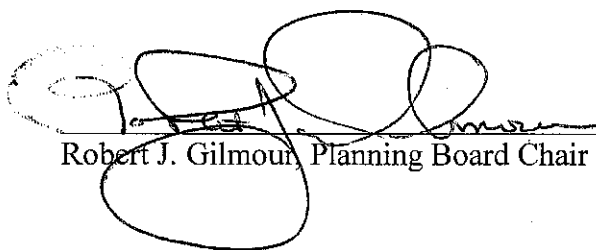
10. Review by the Town Traffic/Safety Board dated April 20, 2023, and NYSDOT dated February 2, 2023, indicates that significant negative traffic impacts are not expected to result from the proposed project.
11. A coordinated review of the project has been undertaken by Town Departments, in addition to those mentioned above, Highway on March 27, 2023, Assessor on February 2, 2023, , and Right-of-Way Agent on February 2, 2023 along with outside agencies including the Erie County Department of Environment and Planning on February 22, 2023, New York State Department of Transportation on February 2, 2023, New York State Department of Environmental Conservation on February 9, 2023, and the New York State Office of Parks, Recreation and Historic Preservation on June 13, 2023. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.
12. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to cause significant negative environmental impacts.

Planning Board Approval

Moved by: Chmiel; Seconded by: Kahn Ayes 6, Noes 0, Absent 1 (Raffaele)


Thomas J. Voigt, Assistant Planner

8/24/23
Date


Robert J. Gilmour, Planning Board Chair

8/24/23.
Date

TV/ac

X:\Current_Planning\Files\Site Plans\2023\SP-2023-01 (800_&_850_New_Road)_2023\SP-2023-01_neg dec_081723.docx

cc: Commissioner of Building
Town Engineer
Fire Chiefs'
Highway
Traffic/Safety
ECDEP
NYSDEC
Steve Long, Sol Source Power, 1 Washington Place, Troy, NY 12180
Marc Kenward, Erdman Anthony Consulting, 145 Culver Rd., Ste. 200, Rochester, NY 14620

EXHIBIT B

PILOT Schedule

PILOT Payments shall be calculated as follows:

The PILOT Agreement between the Agency and the Company will provide for payments by the Company of \$4,700.00 per megawatt (MW) AC installed capacity, subject to an annual increase of three percent (3%). The PILOT Agreement will have a term of twenty-five (25) years.

In accordance with Section 858(15) of the General Municipal Law, PILOT payments shall be allocated among the affected tax jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each affected tax jurisdiction had the Project not been tax exempt due to the status of the Agency involved in the Project.

MEMORANDUM

December 8, 2023

TO: Town of Amherst IDA Board of Directors

FROM: David S. Mingoia, Executive Director

RE: Greater Jamaica Development Corporation-Boulevard Mall Redevelopment Proposal for RFP Services

At the December 1st Executive Committee meeting, the Executive Committee reviewed a proposal for the Agency to contract with Greater Jamaica Development Corporation (GJDC) to provide RFP services for the Boulevard Mall Redevelopment project. The item was presented as a “single source” procurement under the Agency’s procurement policy. The Executive Committee reviewed the GJDC proposal and requested that the Board be presented with terms to consider with respect to a proposed contract with GJDC. The following sets forth the principal proposed terms of the contract to be entered into with GJDC, which have been shared with GJDC:

- A. Services: GJDC will provide the services described in its November 2023 proposal. The Agency and GJDC will agree upon a timeline for services to be rendered.
- B. Fee; Invoicing: Ten Thousand Dollars (\$10,000) per month, inclusive of expenses. GJDC will invoice the Agency on a monthly basis on or before the tenth day of each month. Payments will be made within thirty (30) days from receipt of invoice. Invoices will include a detailed description of the services performed.
- C. Term: One year term commencing in 2024, with the Agency having an option to extend the term subject to Agency Board approval.
- D. Termination by Agency: The Agency may terminate the agreement upon thirty (30) days’ notice for any reason. The Agency may also terminate the agreement immediately in the event of a material breach by GJDC.
- E. Termination by GJDC. GJDC may terminate the agreement upon thirty (30) days’ notice in the event of non-payment or other material breach.
- F. Suspension by Agency. The Agency may suspend services under the agreement for a period not to exceed ninety (90) days in the event of a material delay or change in circumstances associated with the Boulevard Mall redevelopment project. During the period of suspension, no payments will be due GJDC.
- G. Work Product. RFP documents generated by GJDC will be owned by the Agency.

H. Other. Standard provisions for dispute resolution, venue, governing law, etc. will be included in the agreement.

Action:

Board approval is requested for a contract with Greater Jamaica Development Corporation to provide RPF Services for the Boulevard Mall redevelopment project upon the terms described in this memorandum, with such modifications as the Executive Director, in consultation with Agency counsel, may negotiate with GJDC.