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ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
Special Meeting

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HELD ON: March 24, 2021

TIME: 11:00 a.m.

HELD AT: Crossroads Commerce and Conference Center  
6087 State Route 19 North  
Belmont, New York

BEFORE: TONIA L. TINKER  
Court Reporter

1                   \*\*\*Note from Court Reporter\*\*\*  
2                   The use of dashes (--) indicates an interruption or  
3                   an abrupt change in thought. It does not mean there  
4                   was a drop in the transcription.

4                   MR. EWELL: So I would like to call  
5                   our meeting to order today at 10:04 and  
6                   I would like a motion to adjourn for an  
7                   attorney-client advice session.

8                   Do I have a motion?

9                   MR. SHAYLER: It's Randy. Motion  
10                  to move.

11                  MR. EWELL: Randy.

12                  MR. JOHNSEN: Second.

13                  MR. EWELL: Mike, second. Okay.

14                  Any discussion? All in favor, say  
15                  aye.

16                  MR. SHAYLER: Aye.

17                  MR. FRANK: Aye.

18                  MR. WILDAY: Aye.

19                  MR. EWELL: Opposed? Okay.

20                  Craig, let us know when we are  
21                  adjourned, please.

22                  (Meeting adjourned.)

23                  MR. CLARK: We are live.

24                  MR. EWELL: Okay. I would like to

1 call to order the meeting of the IDA.

2 And is there --

3 MR. CLARK: We have to motion to  
4 come out of an attorney-client meeting.

5 MS. HOPKINS: I will make a motion  
6 to come out of --

7 MR. EWELL: It wasn't  
8 attorney-client. We were actually  
9 adjourned.

10 MR. CLARK: Okay. So we're live.

11 MR. EWELL: Okay. So present we  
12 have Craig Clark, Pam, myself, Randy,  
13 Doug, Mike, Skip and Judy; so we have a  
14 full board.

15 Okay. The first item we would like  
16 to discuss is the PILOT settlement. Can  
17 you go over that, Dan?

18 MR. SPITZER: Yeah. Exceedingly  
19 good news here. As you know, the IDA,  
20 on behalf of the three taxing  
21 jurisdictions, the county, the town of  
22 Hume and the Fillmore Central School  
23 District, commenced a proceeding against  
24 the Alliance Power Plant. For those who

1 are unfamiliar with Alliance, that's the  
2 old RG&E plant next to the tomato house  
3 up in Hume, and they have agreed to pay  
4 all of the back amounts due and they  
5 have us -- are executing today the  
6 settlement.

7 The settlement will result in a  
8 check being paid to the IDA for  
9 distribution to the communities. That  
10 money is direct savings to the taxpayer.  
11 After expenses, it should be about  
12 \$680,000 reduction in taxpayer expenses  
13 in those three communities.

14 The PILOT going forward is reduced  
15 to an assessment of \$2 million, which  
16 for an aging power plant is actually a  
17 very fair number. We have a number of  
18 them around the state that are assessed  
19 at significantly lower than that at that  
20 age; so this a really good settlement  
21 that was raised without protracted  
22 litigation.

23 You have already approved the  
24 authority for this, but I wanted the

1 communities to know and the public to  
2 know that that has been resolved in a  
3 real positive benefit for the county  
4 with what we were afraid was a long lost  
5 taxpayer.

6 MR. EWELL: Okay. Thanks very  
7 much.

8 MS. HOPKINS: Are you looking for a  
9 motion for that?

10 MR. EWELL: Nope. It was just  
11 confirmation.

12 MS. HOPKINS: Thank you.

13 MR. EWELL: So the next item on the  
14 agenda is Great Lakes Cheese project  
15 block consideration of funding  
16 agreement.

17 I'm looking for a motion to approve  
18 funding agreement.

19 MR. JOHNSON: So moved. Mike.

20 MR. EWELL: Mike.

21 MS. HOPKINS: Second. Judy.

22 MR. EWELL: Okay. Any discussion?

23 MR. SPITZER: Mr. Chairman, if you  
24 would like, I can explain what's in

1 front of you for the public.

2 MR. EWELL: Okay. Thank you.

3 MR. SPITZER: We have received an  
4 application for financial assistance  
5 from Great Lakes Cheese. Great Lakes  
6 Cheese has been working diligently for  
7 over six months to reach a deal with the  
8 property owners for the selected sight.  
9 They have been unable to do so and,  
10 therefore, asked us to commence eminent  
11 domain proceedings.

12 This is furtherance to that  
13 consideration. The IDA board has made  
14 no decisions on this project. It has  
15 not agreed to provide financial  
16 assistance, it has not agreed to do  
17 eminent domain. It is continuing to go  
18 through the procedures.

19 We have held three public hearings,  
20 which were well attended, I think far  
21 more than most of our public hearings.  
22 One of them focused on the financial  
23 incentives, two of them were  
24 specifically about the eminent domain

1 procedure proceedings and we had good  
2 commentary from the property owners and  
3 neighbors in both of those hearings.

4 This is another step in the --  
5 putting together an appropriate  
6 consideration is that -- a funding  
7 agreement, so that should the board  
8 decide to go forward with this, the  
9 expenses are covered by the applicant.

10 When we make the offer, the money  
11 will be in the bank, if we go ahead and  
12 make an offer. This agreement  
13 specifically addresses the issue that  
14 was raised at the hearing of the  
15 financial wherewithal to do the taking,  
16 should we decide to do it.

17 Obviously, it is still our  
18 preference that the company reach a deal  
19 and the company has made a very  
20 significant above fair market value  
21 offer; so we certainly hope that works  
22 out, but this is another step in our job  
23 of doing things before we consider the  
24 potential taking that, there be this

1 funding agreement in place.

2 The funding agreement also  
3 acknowledges that should the company  
4 leave and move to another part of the  
5 county, while that's good to save the  
6 jobs of the county and good new  
7 employment, it, obviously, will have an  
8 impact on the town of Cuba. It  
9 establishes a Cuba community fund that  
10 the IDA will have some funds from the  
11 administrative fee if it receives that  
12 fee to set aside to assist that  
13 community with studying reuse of the  
14 facility or other economic development.

15 We have done, as part of our cost  
16 and benefit analysis consideration, we  
17 recognize that -- and this was brought  
18 up in the first public hearing -- there  
19 will be a loss of revenue to the town  
20 and school district. There will also be  
21 a loss of revenue to the county during  
22 the abatement period.

23 Obviously, all of those things are  
24 significantly less than the worst case



1 scenario of the company leaving the  
2 county completely, but we are well aware  
3 of those costs and we have reached out  
4 to the Cuba community leaders to work  
5 with us to deal with that.

6 So that's in the agreement. I'm  
7 happy to answer any other specific  
8 questions about the agreement which is  
9 before you.

10 MS. HOPKINS: Mr. Chairman, I would  
11 like to move. Would you accept that?  
12 Rich, are you there?

13 MR. EWELL: Yes.

14 MS. HOPKINS: Okay.

15 UNKNOWN SPEAKER: Rich, I'll  
16 second.

17 MR. EWELL: Okay. Thank you. And  
18 any further discussion? Okay. Let's do  
19 a roll call vote.

20 Judy?

21 MS. HOPKINS: Yes.

22 MR. EWELL: Mike.

23 MR. JOHNSEN: Yes.

24 MR. EWELL: Doug?

1 MR. FRANK: Yes.

2 MR. EWELL: Randy?

3 MR. SHAYLER: Yes.

4 MR. EWELL: Skip?

5 MR. WILDAY: Yes.

6 UNKNOWN SPEAKER: And I vote yes.

7 MR. EWELL: Okay. Thank you,  
8 everyone.

9 I believe next on our agenda we  
10 have Sheila Hess. Dan, would you be  
11 able to introduce her?

12 MR. SPITZER: Sure. So the next  
13 item -- just in case, for anybody who is  
14 listening, while there are other  
15 resolutions on the agenda, there's no  
16 other action items planned for today  
17 related to Great Lakes Cheese or any  
18 other project.

19 We have been working to make sure  
20 that an appropriate environmental review  
21 is done for the project. We have  
22 retained a number of experts. The board  
23 specifically authorized Clark Patterson  
24 Lee to lead the effort from the IDA side

1 of the environmental evaluation.

2 Clark Patterson Lee has done a  
3 number of studies, some of which I think  
4 have already been posted. The traffic  
5 study is posted. The traffic study  
6 concluded that there would be no  
7 impacts. That's one of the reasons this  
8 site was considered. It makes a lot of  
9 sense as it's right off the highway.

10 The phase one study was done,  
11 confirming that this property is not  
12 contaminated. Among other consultants  
13 that they hire is Sheila Hess from CC  
14 Environmental. Ms. Hess is an expert in  
15 a number of the areas that are of  
16 interest.

17 She has been leading the  
18 exploration of any impacts to wildlife,  
19 to threatened and endangered species as  
20 well as the wetlands delineation to the  
21 extent that there were or could  
22 potentially be any wetlands out there.

23 So Ms. Hess is with us and what I  
24 would ask her to do is simply explain

1           what it is that you're doing and what  
2           you're working on for the board and the  
3           for the public.

4           MS. HESS: Sure. Can everyone hear  
5           me okay?

6           MR. EWELL: Yes.

7           MS. HESS: Thank you. All right.  
8           Well, I was actually just out at the  
9           site; so I let Dan and Craig know that I  
10          could stop in here for a second.

11          My team is delineating all the  
12          wetlands, the streams and the drainages  
13          on-site and that way we can get that  
14          information to engineers and project  
15          designers and they can avoid and  
16          minimize any impacts to those.

17          Right now we are delineating an  
18          area where the discharge location will  
19          potentially be, picking up some extra  
20          information out there. We're also -- we  
21          did some consultation for listed  
22          species. There's a northern long-eared  
23          bat, which any potential impacts to the  
24          bat can be avoided by minimizing tree

1 removal, and any trees we do have to cut  
2 down we will cut in the winter; so the  
3 bat is probably a nonissue.

4 And then, also there's an active  
5 eagle nest adjacent to this site toward  
6 the river. It's about 660 feet from the  
7 edge of the field; so a lot of  
8 disturbance and the due diligence that's  
9 going on right now can stay outside of  
10 that area, but there is an eagle sitting  
11 on that nest.

12 DEC and Fish and Wildlife Service  
13 both decided that in light of the  
14 proposed development, it would require a  
15 take permit. And a take permit is a  
16 process where the project identifies  
17 potential impacts to the nesting bald  
18 eagle or golden eagle and identifies an  
19 avoidance and minimization measures.

20 For example, this is just an  
21 example, but maybe concentrating  
22 pedestrian activity for this project on  
23 the far side of the building so that --  
24 you know, eagles are particularly

1 sensitive to people walking around and  
2 less sensitive to cars, so little design  
3 changes like that.

4 Ultimately, it is a take permit  
5 though, so there would be monitoring  
6 involved and if the eagles decide to  
7 relocate or decide to not nest there,  
8 the permit will require a mitigation for  
9 the potential impact. And, again, an as  
10 example, right now what we are looking  
11 at what would be a payment to the county  
12 rehabilitator, wildlife rehabilitator.

13 There's really not any concern  
14 about population impacts to the eagle.  
15 The eagle is considered threatened by  
16 the state and it's protected. It's been  
17 delisted by Fish and Wildlife Service,  
18 but it's protected under their Bald  
19 Eagle and Golden Eagle Act; so it's not  
20 a population concern, but under Part 182  
21 of the DEC Rights, you should not  
22 disturb any listed species.

23 So in this case, it's more of a  
24 disturbance issue of this particular

1 pair. That's a process we are working  
2 through right now. We have the first  
3 draft put together. We are mating for  
4 some information and then we will have a  
5 meeting with regulatory to review.

6 I know that's a lot of information  
7 there, so if anyone has any questions,  
8 just let me know.

9 MR. SPITZER: So if you would also  
10 describe what you do when you do a  
11 wetlands delineation and what that means  
12 and what the process is that you go  
13 through.

14 MS. HESS: Sure. So delineation,  
15 we are delineating utilizing the Army  
16 Corps method, which means that a wetland  
17 has to meet three criteria. To be  
18 considered a wetland, it has to have  
19 wetland vegetation, hydric soils, so  
20 looking at the soils to see if there's  
21 any evidence of ponding and flooding  
22 during the growing season, and then it  
23 has to have signs of hydrology as well.

24 So we conducted a delineation

1 across the entire field. There's one  
2 little wetland that actually was also  
3 mapped by Fish and Wildlife Service out  
4 in the center, it's about .1 acre. That  
5 delineated out and is likely isolated  
6 and possibly not jurisdictional, but it  
7 is very small.

8 And then, the other areas we looked  
9 at are around the edges of the field in  
10 between the field and the river, which  
11 is also a significant natural community.  
12 It's listed by New York State Natural  
13 Heritage Program as a floodplain forest.  
14 There's not a lot of our floodplain  
15 forests left in New York State.

16 They are also really good for  
17 farming, so they have a lot of mineral  
18 content and this particular floodplain  
19 forest is intact, high quality. We  
20 could not delineate wetlands out there  
21 because it doesn't meet soil criteria.  
22 We will have to see what regulatory says  
23 about that, but right now we are looking  
24 at another area.



1                   And we do map drainages as well.  
2                   So drainages are often jurisdictional  
3                   for Army Corps of Engineers permit  
4                   requirements. We have a few of those  
5                   maps along with a stream, an unnamed  
6                   stream that's on the -- I can't picture  
7                   the -- like, the northeast side. Is  
8                   that where the drainage is going, the  
9                   discharge?

10                  MR. SPITZER: I believe the  
11                  drainage has not been determined yet as  
12                  to where it will go. We are acquiring  
13                  property based on the idea that the DEC  
14                  has not yet determined, assuming we go  
15                  forward with the acquiring of the  
16                  property, the DEC has not determined  
17                  where the appropriate place to drain in  
18                  parts of the river would be and so it's  
19                  all potential.

20                  MS. HESS: Well, I guess what I  
21                  would say as breaking news is the  
22                  additional area that we're looking at  
23                  right now, there's one small wetland and  
24                  drainage in there, which doesn't

1 surprise me. It's down near the river.

2 Once we have the delineation maps  
3 complete, those go to engineering. They  
4 can bring that data into their design,  
5 do whatever they can to minimize on  
6 those impacts. And we would also be  
7 sending that to Army Core and DEC for  
8 their review and to process those  
9 permits that be might be required.

10 MR. SPITZER: The other person who  
11 may be on the phone with us, Andrew, are  
12 you on the phone? Nobody is on the  
13 phone. Okay.

14 So the environmental consultants  
15 will continue doing their job. Andrew  
16 Pasa from CPL is putting together the  
17 draft, part two and part three of the  
18 environmental assessment form.

19 You will recall we issued a part  
20 one of the environmental assessment form  
21 when we did our notice of intent in  
22 January. At the meeting on Monday --  
23 when we set up the next meeting, we will  
24 walk through that form with you and ask

1 -- basically, the board fills that form  
2 out based on the consultant's advice.  
3 And then, if appropriate, you can  
4 consider adopting environmental decision  
5 either to do an environmental impact  
6 statement or not do an environmental  
7 impact statement at that time.

8 Are there any other questions for  
9 Ms. Hess or about the environmental  
10 process?

11 MS. HOPKINS: Just thank you very  
12 much for doing all of that and really  
13 allowing us to know exactly what's  
14 happening here. Thank you.

15 MS. HESS: Thank you.

16 MR. CLARK: Anything else from the  
17 board?

18 UNKNOWN SPEAKER: Nope. Thank you.

19 MR. CLARK: Thank you.

20 MR. EWELL: Okay. The next item is  
21 to set the next meeting.

22 Craig, would you like to take that,  
23 please?

24 MR. CLARK: Yeah. We will go ahead

1 and send another special board meeting,  
2 get the notice out and we will do that  
3 on Monday. And if the board agrees, why  
4 don't we do that also at 11:00.

5 MR. EWELL: Okay.

6 MR. CLARK: I will send out the  
7 notification to everybody so that we  
8 know it's going to happen on Monday, the  
9 11th, okay?

10 MR. EWELL: All right. Thank you.  
11 If there's no other business, I would  
12 entertain a motion to adjourn?

13 MR. SPITZER: I do have one other  
14 announcement, Mr. Chairman.

15 MR. CLARK: Dan has one other  
16 announcement.

17 MR. SPITZER: I got an email from  
18 Oya, they're closing their free meals in  
19 Independence.

20 MR. CLARK: Yeah, that's the solar  
21 projects. They're going to be -- I  
22 signed all of the paperwork actually.  
23 They are closing their projects, yes.

24 MR. SPITZER: Dan, so it looks like

1                   they're closing in the next few days.

2                   Just an announcement.

3                   MR. CLARK:    Thanks for the update.

4                   MR. EWELL:    Do I have a motion to  
5                   adjourn?

6                   MR. WILDAY:   I will move again.  
7                   Sure, Rich.

8                   MR. EWELL:    Skip.

9                   Do I have a second?

10                  MR. JOHNSEN:   Second.

11                  MR. EWELL:    Second, Mike.  Thank  
12                  you.  Okay.  Any discussion?  All in  
13                  favor, say aye.

14                  MS. HOPKINS:   Aye.

15                  MR. SHAYLER:   Aye.

16                  MR. FRANK:     Aye.

17                  UNKNOWN SPEAKER:  Aye.

18                  MR. EWELL:    Opposed?  Okay.  Thank  
19                  you, everybody.  Have a nice day.

20                  (Meeting concluded.)

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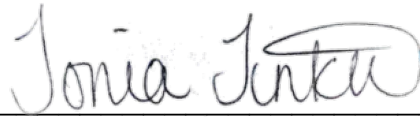
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**CERTIFICATION:**

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the above cause and that this is a correct transcript of the same to the best of my ability.



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TONIA L. TINKER