



Tioga County Industrial Development Agency  
September 6, 2023 – 4:30 pm  
Ronald E Dougherty County Office Building  
56 Main Street, Owego, NY 13827  
Legislative Conference Room, 1<sup>st</sup> Floor  
Agenda

## Call to Order and Introductions

### Attendance

IDA Board Members

Roll Call: J. Ceccherelli, K. Gillette, M. Sauerbrey, T. Monell, E. Knolles,  
J. Ward, M. Townsend

Excused:

Guests: C. Curtis, M. Schnabl, J. Meagher, L. Tinney

### Privilege of the Floor

### Approval of Minutes

- A. [August 2, 2023 Regular Meeting Minutes](#)
- B. [August 21, 2023 Loan Committee Meeting Minutes](#)

### Financials

- A. [Balance Sheet](#)
- B. [Profit & Loss](#)
- C. [Transaction Detail](#)
- D. [Accounts Receivable](#)

**ED&P Update:** L. Tinney Report

### New Business: C. Curtis

- A. [Lease Request](#)
- B. Suneast Valley Solar LLC
  1. [Amended PILOT Application](#)
  2. Inducement Resolution

### Committee Reports: C. Curtis

- A. Public Authority Accountability Act (PAAA)
  1. Audit Committee Report: M. Townsend, E. Knolles, J. Ward
    - a. No report
  2. Governance Committee: J. Ceccherelli, M. Townsend, E. Knolles
    - a. No report
  3. Finance Committee: J. Ceccherelli, M. Townsend, J. Ward
    - a. No report
  4. Loan Committee: J. Ward, K. Dougherty, D. Barton, E. Knolles
    - a. HeaHea Retreat – Loan disbursement - RBEG \$100,000 & IRP \$62,500



- b. Broad Street Barber Shop façade loan paid in full
- 5. Railroad Committee: M. Sauerbrey, K. Gillette, T. Monell
  - a. No report

**PILOT Updates: C. Curtis**

- A. Sales Tax Exemptions Update:
  - 1. Best Bev LLC - \$1,261,733.77/Authorized \$1,619,751.00
  - 2. RB Robinson - \$36,231.89/Authorized \$55,990.00

**Grant Updates: C. Curtis**

- A. New York State Division of Homeland Security and Emergency Services (DHSES)  
DR-4567 Planning Grant – Richford Railroad
  - 1. Approved; Contract Executed; Study in Progress by Larson Design Group
- B. ARC Grant Application – Engineering Design Lounsberry Industrial Hub Buildings - Approved
  - 1. Approved – Proposals Received
  - [LDG](#)
  - [Hunt](#)
  - [Fagan](#)
  - [Delta](#)
- C. ESD Grant Application – Municipal Water Extension to Raymond Hadley
  - 1. Approved; Contract Executed; Study in Progress by Larson Design Group
- D. ESD Water Tank – ESD AB017
  - 1. Reimbursement (\$350,000) forthcoming
- E. Local Meat Capacity Grant – Reed Brook Meats application submitted 7-14-23
- F. Blodgett Road – Application submitted by SWCD

**Motion to move into Executive Session pursuant to Public Officers Law Section 105**

**Next Meeting: Wednesday October 4, 2023**



Tioga County Industrial Development Agency
August 2, 2023 – 4:30 pm
Ronald E Dougherty County Office Building
56 Main Street, Owego, NY 13827
Legislative Conference Room, 1st Floor
Regular Board Meeting Minutes

I. Call to Order and Introductions: Ms. Ceccherelli called the meeting to order at 4:32 pm.

II. Attendance

IDA Board Members

Roll Call: J. Ceccherelli, K. Gillette, T. Monell, E. Knolles, J. Ward, M. Townsend

Excused: M. Sauerbrey

Guests: C. Curtis, J. Meagher, L. Tinney

III. Privilege of the Floor: None

IV. Approval of Minutes

A. July 12, 2023 Regular Meeting Minutes

Motion to approve July 12, 2023 regular board meeting minutes, as written. (K. Gillette, T. Monell)

Aye – 6 Abstain – 0
No – 0 Carried

V. Financials

A. Balance Sheet

B. Profit & Loss

C. Transaction Detail

D. Accounts Receivable

Motion to acknowledge financials, as written. (K. Gillette, T. Monell)

Aye – 6 Abstain – 0
No – 0 Carried

VI. ED&P Update: L. Tinney Report

Ms. Tinney updated the board on the following items:

- Village of Owego DRI Administration continues. The MOU between the IDA and the County regarding administration fees has been approved by the county attorney. A resolution will now go to the legislature so the legislative chair can sign the agreement. Once approved, Chairwoman Ceccherelli will sign.
The newest DRI projects are moving along.
The department is administering two Restore NY projects, one for Fuddy Duddy’s and one for the Tioga Trails building.
The department is administering a CDBG for the Neighborhood Depot Racker project, expected completion is June 2024.
Village of Waverly New York Forward \$4.5 million grant local planning committee meetings are underway, along with one community engagement session. Call for



projects is due on August 15. Once projects are submitted, the local planning committee will review them and choose which ones will go to the state for review.

- The potential housing project in the Village of Waverly is being delayed until spring to apply for funding.
- The Town of Nichols broadband project is complete. Fiber is now available to 800 addresses, with 300 residents being connected so far.
- The Land Bank continues to have discussions with a potential developer around the Liberty Street properties in the Village of Owego.
- The New York Main Street project in the Village of Candor is nearing completion.
- Workforce Development: A meeting will be held at the end of this month for the Talent Supply Table to talk about progress thus far. Education Workforce Coordinator Lanning continues to pursue partnerships with Broom Tioga Workforce
- Planning Director Jardine is working on the county-wide strategic plan. Legislators have met with the consultants, department head meeting with the consultants will be tomorrow. The hazard mitigation plan is ongoing as well.
- Sustainability Manager Pratt continues to work with municipalities and holding e-waste events. A lunch and learn event was held in partnership with the Chamber for businesses to learn about having charging stations at their businesses. Ms. Pratt is also working on updating the solid waste management plan.
- Tourism: the hotel motel tax local law renewal is due, which is renewed every three years. Tourism director Maffei recommends the tax remain at 4%, which is the same as other counties in our region.
- Presentation: Ms. Curtis will be speaking at the lenders round table event, and Ms. Tinney and Ms. Curtis are working with the Greater Valley Chamber of Commerce to hold their own business owner funding session.

**VII. Project Updates: C. Curtis**

- A. Local Meat Capacity Grant: Ms. Curtis submitted Reed Brook Meats application on 7-14-23.
- B. Blodgett Road
  - 1. Soil and Water will submit the WQIP application for the Blodgett Road Creek project. The match will likely be \$66,500 instead of \$80,000.

**VIII. New Business: C. Curtis**

**IX. Committee Reports: C. Curtis**

- A. Public Authority Accountability Act (PAAA)
  - 1. Audit Committee Report: M. Townsend, E. Knolles, J. Ward
    - a. No report
  - 2. Governance Committee: J. Ceccherelli, M. Townsend, E. Knolles
    - a. No report
  - 3. Finance Committee: J. Ceccherelli, M. Townsend, J. Ward
    - a. No report
  - 4. Loan Committee: J. Ward, K. Dougherty, D. Barton, E. Knolles
    - a. No report
  - 5. Railroad Committee: M. Sauerbrey, K. Gillette, T. Monell



a. RJ Corman client acquisition: Ms. Curtis spoke with Jim Conway from RJ Corman who advised that Upstate Shredding is going to be a customer of the railroad again. They have ordered 100 cars per month. Norfolk Southern has been sending 50 cars per week and will try to get 100 cars per week. Upstate Shredding said that they can fill as many cars as they can provide.

Mr. Conway also noted that they are talking to another company who is looking to locate in the county. Ms. Tinney and Ms. Curtis are going to attend the meeting with RJ Corman and the company. Mr. Conway noted that he will provide monthly updates on all progress.

**X. PILOT Updates: C. Curtis**

A. Sales Tax Exemptions Update:

- 1. Owego Gardens II – Home Leasing - \$192,816.17/Authorized \$524,194
- 2. RB Robinson - \$36,231.89/Authorized \$55,990
- 3. Best Bev LLC – Best Bev provided a letter explaining their overages and sales tax exemptions, and requesting a new sales tax exemption of \$1,619,000 based on \$20,246,000 in expenditures. This will also result in an increase in their fee to the IDA as well.

**Motion to authorize increase in sales tax exemption for Best Bev, LLC to \$1,619,751.20. (T.Monell, K. Gillette)**

**Aye – 6                      Abstain – 0**  
**No – 0                        Carried**

4. Best Buy: The fully executed final PILOT payment agreement extension has been fully executed. Mr. Meagher is working with their attorney to ensure all required documentation is complete.

**XI. Grant Updates: C. Curtis**

- A. New York State Division of Homeland Security and Emergency Services (DHSES) DR-4567 Planning Grant – Richford Railroad
  - 1. Approved; Contract Executed; Study in Progress by Larson Design Group
- B. ARC Grant Application – Engineering Design Lounsberry Industrial Hub Buildings
  - 1. Approved – Proposals due August 4th
- C. ESD Grant Application – Municipal Water Extension to Raymond Hadley
  - 1. Approved; Contract Executed; Study in Progress by Larson Design Group
- D. ESD Water Tank – ESD AB017
  - 1. Reimbursement (\$350,000) anticipated by August 19, 2023

**XII. Motion to move into Executive Session at 4:50 pm pursuant to Public Officers Law Section 105 to discuss financial matters. (K. Gillette, T. Monell)**

**Motion to adjourn Executive Session at 4:59 pm.**

**XIII. Next Meeting: Wednesday September 6, 2023**

**XIV. Adjournment: Mr. Monell motioned to adjourn the meeting at 5:00 pm.**



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ECONOMIC DEVELOPMENT & PLANNING

| INDUSTRIAL DEVELOPMENT AGENCY

| LOCAL DEVELOPMENT CORPORATION

Tioga County IDA  
Loan Committee Meeting  
August 21, 2023 – 12 pm  
Agenda

Members: K. Dougherty, D. Barton, J. Ward, E. Knolles  
Present: D. Barton, J. Ward, E. Knolles  
Guests: C. Curtis

Meeting called to order at 12:01

New Business

A. TCIDA IRP Loan – Approved 2022

1. HeaHea – Nadia Constant - \$162,500

Recommend the following in order to consider approval of revising loan disbursement to be split into a \$100,000 RBEG Loan and a \$62,500 IRP Loan:

- Confirm Joe Meagher approval
- Confirm RBEG funds source and guidelines

Meeting adjourned at 12:26

## Tioga County Industrial Development Agency

## Balance Sheet

09/01/23

As of August 31, 2023

Accrual Basis

	Aug 31, 23	Aug 31, 22	\$ Change
<b>ASSETS</b>			
<b>Current Assets</b>			
<b>Checking/Savings</b>			
CD Site Dev Com Bank 158	100,501.19	0.00	100,501.19
CD Site Dev Com Bank 156	100,501.18	0.00	100,501.18
CD Site Dev Com Bank 155	100,501.18	0.00	100,501.18
<b>Restricted Cash Accounts</b>			
COVID-19	22,253.35	325,377.70	-303,124.35
Community- Facade Improvement	239,620.55	223,830.60	15,789.95
<b>USDA Funds</b>			
CCTC- Loan Loss Reserve	40,473.61	40,487.50	-13.89
TSB- IRP 2016 (Formerly IRP 4)	68,101.74	128,544.12	-60,442.38
TSB- RBEG	66,323.89	156,433.81	-90,109.92
<b>Total USDA Funds</b>	<b>174,899.24</b>	<b>325,465.43</b>	<b>-150,566.19</b>
<b>Total Restricted Cash Accounts</b>	<b>436,773.14</b>	<b>874,673.73</b>	<b>-437,900.59</b>
<b>CCTC- CDs</b>			
<b>Site Development</b>			
Site Development 2441	0.00	100,262.00	-100,262.00
Site Development 2440	0.00	100,149.67	-100,149.67
Site Development 2439	0.00	100,149.67	-100,149.67
<b>Total Site Development</b>	<b>0.00</b>	<b>300,561.34</b>	<b>-300,561.34</b>
<b>Land Acquisition (879)</b>	<b>553,069.56</b>	<b>549,763.55</b>	<b>3,306.01</b>
<b>Capital Improvement (284)</b>	<b>325,351.58</b>	<b>323,406.76</b>	<b>1,944.82</b>
<b>Total CCTC- CDs</b>	<b>878,421.14</b>	<b>1,173,731.65</b>	<b>-295,310.51</b>
<b>Temporarily Restricted Cash Acc</b>			
TSB-Owego Gardens	421,503.35	989,060.35	-567,557.00
TSB-Crown Cork and Seal	105.67	105.67	0.00
Community- BestBuy PILOT Acct.	369.98	369.98	0.00
<b>Total Temporarily Restricted Cash Acc</b>	<b>421,979.00</b>	<b>989,536.00</b>	<b>-567,557.00</b>
<b>Unrestricted Cash Accounts</b>			
TSB ICS	0.00	500,708.05	-500,708.05
TSB- checking	172,142.15	51,566.63	120,575.52
TSB- general fund	25,784.83	25,762.98	21.85
<b>Total Unrestricted Cash Accounts</b>	<b>197,926.98</b>	<b>578,037.66</b>	<b>-380,110.68</b>
<b>Total Checking/Savings</b>	<b>2,236,603.81</b>	<b>3,615,979.04</b>	<b>-1,379,375.23</b>
<b>Other Current Assets</b>			
<b>COVID-19 ERLP</b>			
C-7-A	2,141.86	11,457.67	-9,315.81
C-5-A	509.36	4,027.86	-3,518.50
C-4-A	575.55	4,257.97	-3,682.42
C-1-A	-78.47	11,871.66	-11,950.13
<b>Total COVID-19 ERLP</b>	<b>3,148.30</b>	<b>31,615.16</b>	<b>-28,466.86</b>
<b>Accounts Receivable 1300.01</b>	<b>746,453.05</b>	<b>746,453.05</b>	<b>0.00</b>
<b>Allowance for Doubtful Accounts</b>	<b>-35,000.00</b>	<b>-35,000.00</b>	<b>0.00</b>
<b>Commercial Facade Loan Program</b>			
Loan Rec - 2017-01-C	6,875.00	14,375.00	-7,500.00
Loan Rec - 2018-01-C	-5.00	1,770.02	-1,775.02
Loan Rec - 2017-02-C	2,163.14	8,651.90	-6,488.76
<b>Total Commercial Facade Loan Program</b>	<b>9,033.14</b>	<b>24,796.92</b>	<b>-15,763.78</b>
<b>RBEG</b>			
RBEG 2023-01-A	100,000.00	0.00	100,000.00
Loan Rec - RBEG 2019 -06	50,493.99	58,029.48	-7,535.49
<b>Total RBEG</b>	<b>150,493.99</b>	<b>58,029.48</b>	<b>92,464.51</b>

## Tioga County Industrial Development Agency

## Balance Sheet

09/01/23

As of August 31, 2023

Accrual Basis

	Aug 31, 23	Aug 31, 22	\$ Change
<b>IRP 4</b>			
IRP 4 2023-01-A	62,500.00	0.00	62,500.00
Loan Rec 2021-02-A	9,649.93	12,800.01	-3,150.08
Loan Rec 2021-01-A	63,700.34	70,451.68	-6,751.34
Loan Rec 2019-07-A	33,956.48	35,974.55	-2,018.07
Loan Rec - 2019 - 06A	63,117.26	72,536.62	-9,419.36
Loan Rec 2018-02-A	0.00	4,209.96	-4,209.96
Loan Rec 2018-01-A	52,019.05	56,138.20	-4,119.15
Loan Rec 2017-04-A	27,210.45	29,599.34	-2,388.89
Loan Rec 2017-01-A	10,028.04	12,723.11	-2,695.07
Loan Rec 2009-02-A	48,251.58	49,051.58	-800.00
<b>Total IRP 4</b>	<b>370,433.13</b>	<b>343,485.05</b>	<b>26,948.08</b>
<b>Total Other Current Assets</b>	<b>1,244,561.61</b>	<b>1,169,379.66</b>	<b>75,181.95</b>
<b>Total Current Assets</b>	<b>3,481,165.42</b>	<b>4,785,358.70</b>	<b>-1,304,193.28</b>
<b>Fixed Assets</b>			
Land-Rizzuto	78,395.16	78,395.16	0.00
Land- Cavataio	2,500.00	2,500.00	0.00
Land-general	601,707.05	601,707.05	0.00
Land-Louns			
Lopke	8,993.03	8,993.03	0.00
Town of Nichols	20,000.00	20,000.00	0.00
Berry	2,452.20	2,452.20	0.00
Hess	259,561.43	259,561.43	0.00
Land-Louns - Other	139,612.53	139,612.53	0.00
<b>Total Land-Louns</b>	<b>430,619.19</b>	<b>430,619.19</b>	<b>0.00</b>
Land 434	376,800.36	376,800.36	0.00
Railroad Improvements	1,979,330.50	1,979,330.50	0.00
Z Accumulated Depreciation	-1,257,126.24	-1,237,003.24	-20,123.00
<b>Total Fixed Assets</b>	<b>2,212,226.02</b>	<b>2,232,349.02</b>	<b>-20,123.00</b>
<b>TOTAL ASSETS</b>	<b>5,693,391.44</b>	<b>7,017,707.72</b>	<b>-1,324,316.28</b>
<b>LIABILITIES &amp; EQUITY</b>			
<b>Liabilities</b>			
<b>Current Liabilities</b>			
Other Current Liabilities			
<b>PILOT Payments</b>			
Spencer-Tioga Solar	95,084.00	93,220.00	1,864.00
Gateway Owego, LLC	1,900.00	1,800.00	100.00
Crown Cork and Seal	300,000.00	300,000.00	0.00
Owego Gardens	24,488.00	24,009.00	479.00
Best Buy PP	0.00	570,000.00	-570,000.00
<b>Total PILOT Payments</b>	<b>421,472.00</b>	<b>989,029.00</b>	<b>-567,557.00</b>
<b>Total Other Current Liabilities</b>	<b>421,472.00</b>	<b>989,029.00</b>	<b>-567,557.00</b>
<b>Total Current Liabilities</b>	<b>421,472.00</b>	<b>989,029.00</b>	<b>-567,557.00</b>
<b>Long Term Liabilities</b>			
Tioga County COVID-19 ERLP	24,413.43	356,137.07	-331,723.64
Loan Pay- IRP 4	181,558.10	191,977.33	-10,419.23
Loan Pay- IRP 3	149,722.87	160,457.30	-10,734.43
Loan Pay- IRP 2	78,342.87	89,784.03	-11,441.16
Loan Pay- IRP 1	30,507.49	38,382.80	-7,875.31
<b>Total Long Term Liabilities</b>	<b>464,544.76</b>	<b>836,738.53</b>	<b>-372,193.77</b>
<b>Total Liabilities</b>	<b>886,016.76</b>	<b>1,825,767.53</b>	<b>-939,750.77</b>
<b>Equity</b>			
Board Designated Funds	1,406,302.63	1,406,302.63	0.00
1110 - Retained Earnings	3,694,570.69	4,536,718.32	-842,147.63
Net Income	-293,498.64	-751,080.76	457,582.12
<b>Total Equity</b>	<b>4,807,374.68</b>	<b>5,191,940.19</b>	<b>-384,565.51</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>5,693,391.44</b>	<b>7,017,707.72</b>	<b>-1,324,316.28</b>

## Tioga County Industrial Development Agency

## Profit &amp; Loss

09/01/23

January through August 2023

Accrual Basis

	Jan - Aug 23	Jan - Aug 22	\$ Change
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
<b>Loan Interest Income</b>			
COVID-19 C-7-A	113.72	253.30	-139.58
COVID-19 C-5-A	33.38	89.49	-56.11
COVID-19 C-1-A	268.61	179.21	89.40
COVID-19 C-2-A	0.00	112.92	-112.92
COVID-19 C-4-A	31.00	78.31	-47.31
RBEG 2019 -06	1,422.66	1,622.64	-199.98
<b>IRP 2</b>			
2011-03-A	0.00	27.05	-27.05
<b>Total IRP 2</b>	0.00	27.05	-27.05
<b>IRP 3</b>			
2007-08-A	0.00	181.93	-181.93
<b>Total IRP 3</b>	0.00	181.93	-181.93
<b>IRP 4</b>			
2019 - 06A	1,778.33	2,025.76	-247.43
2021-02-A	180.66	172.36	8.30
2021-01-A	1,107.96	1,377.48	-269.52
2019-07-A	1,215.30	1,285.28	-69.98
2018-02-A	35.13	128.69	-93.56
2018-01-A	1,704.90	1,860.17	-155.27
2017-04-A	843.51	913.98	-70.47
2017-05-A	0.00	19.41	-19.41
2017-01-A	186.51	202.16	-15.65
<b>Total IRP 4</b>	7,052.30	7,985.29	-932.99
<b>Loan Interest Income - Other</b>	0.00	29.35	-29.35
<b>Total Loan Interest Income</b>	8,921.67	10,559.49	-1,637.82
<b>Loan Program Fee</b>			
Facade	0.00	300.00	-300.00
IRP 4	1,625.00	300.00	1,325.00
<b>Total Loan Program Fee</b>	1,625.00	600.00	1,025.00
<b>Loan Late Fee</b>			
COVID-19 C-5-A	17.30	0.00	17.30
COVID-19 C-1-A	216.50	129.90	86.60
2016-02-C	0.00	104.15	-104.15
2017-01-A	14.40	0.00	14.40
2018-01-C	5.00	0.00	5.00
<b>Total Loan Late Fee</b>	253.20	234.05	19.15
<b>Loan Administrative Fee</b>	658.13	134.37	523.76
<b>4110 - Grants</b>			
Workforce Coordinator	25,198.49	0.00	25,198.49
DRI-HCR	207,555.37	0.00	207,555.37
<b>Total 4110 - Grants</b>	232,753.86	0.00	232,753.86

## Tioga County Industrial Development Agency

09/01/23

## Profit &amp; Loss

Accrual Basis

January through August 2023

	Jan - Aug 23	Jan - Aug 22	\$ Change
<b>Interest Income-</b>			
Interest Income - TSB COVID19	1.36	105.64	-104.28
CCTC- CD Site Development 2441	239.61	0.00	239.61
CCTC- CD Site Development 2440	50.59	0.00	50.59
CCTC- CD Site Development 2439	50.59	0.00	50.59
Interest Income- TSB ICS	0.00	516.64	-516.64
Community- Facade Improvement	13.59	13.99	-0.40
CCTC Loan Loss Reserve Account	7.08	8.07	-0.99
TSB- checking	269.71	25.27	244.44
TSB-general fund	16.42	13.78	2.64
TSB- IRP 4	124.20	17.91	106.29
TSB- RBEG	141.81	20.43	121.38
TSB- marketing	0.00	0.04	-0.04
<b>Total Interest Income-</b>	<b>914.96</b>	<b>721.77</b>	<b>193.19</b>
<b>Leases/Licenses</b>			
RR leases	-13.78	0.00	-13.78
Leases/Licenses - Other	15,005.42	12,437.22	2,568.20
<b>Total Leases/Licenses</b>	<b>14,991.64</b>	<b>12,437.22</b>	<b>2,554.42</b>
<b>OHRy</b>			
freight	28,971.14	57,741.90	-28,770.76
<b>Total OHRy</b>	<b>28,971.14</b>	<b>57,741.90</b>	<b>-28,770.76</b>
<b>4170 · PILOT Program Fees</b>			
Best Bev	50,308.61	0.00	50,308.61
Sales Tax Exemption App Fee	2,395.00	0.00	2,395.00
SunEast Valley Solar	2,500.00	2,500.00	0.00
Tioga Downs	1,500.00	0.00	1,500.00
<b>Total 4170 · PILOT Program Fees</b>	<b>56,703.61</b>	<b>2,500.00</b>	<b>54,203.61</b>
<b>Total Income</b>	<b>345,793.21</b>	<b>84,928.80</b>	<b>260,864.41</b>
<b>Expense</b>			
<b>Grant Expense</b>			
Richford Railroad	1,265.00	0.00	1,265.00
Raymond Hadley Water	1,617.00	0.00	1,617.00
Workforce Coordinator	25,198.49	0.00	25,198.49
DRI-HCR	205,407.73	0.00	205,407.73
<b>Total Grant Expense</b>	<b>233,488.22</b>	<b>0.00</b>	<b>233,488.22</b>
<b>Marketing</b>	0.00	294.50	-294.50
<b>Education</b>			
Curtis	0.00	100.00	-100.00
<b>Total Education</b>	<b>0.00</b>	<b>100.00</b>	<b>-100.00</b>
<b>Loan Admin Fee</b>			
IRP 4	80.40	134.37	-53.97
Loan Admin Fee - Other	124.47	0.00	124.47
<b>Total Loan Admin Fee</b>	<b>204.87</b>	<b>134.37</b>	<b>70.50</b>
<b>Loan Program Expense</b>			
Marketing	237.50	237.50	0.00
Loan Program Expense - Other	73.25	223.85	-150.60
<b>Total Loan Program Expense</b>	<b>310.75</b>	<b>461.35</b>	<b>-150.60</b>
<b>6120 · Bank Service Charges</b>	96.80	10.00	86.80
<b>6160 · Dues and Subscriptions</b>	1,714.00	1,769.00	-55.00

## Tioga County Industrial Development Agency

## Profit &amp; Loss

09/01/23

January through August 2023

Accrual Basis

	Jan - Aug 23	Jan - Aug 22	\$ Change
<b>Employee benefit</b>			
IRA Company Match	381.60	667.34	-285.74
<b>Total Employee benefit</b>	381.60	667.34	-285.74
<b>6180 · Insurance</b>			
Crime (Smith Brothers)	636.00	0.00	636.00
WC (Utica)	280.00	630.00	-350.00
Travel/Accident (Hartford)	0.00	750.00	-750.00
D & O (Philadelphia Ins. Co)	3,696.00	3,483.00	213.00
6190 · Disability (First Rehab Life)	375.29	388.80	-13.51
Employee Health (SSA)	4,831.36	4,070.26	761.10
6185 · Property & Liability (Dryden)	12,458.71	11,224.42	1,234.29
RR Liability (Steadfast)	28,017.90	29,055.60	-1,037.70
<b>Total 6180 · Insurance</b>	50,295.26	49,602.08	693.18
<b>6200 · Interest Expense</b>			
6205 · Loan Int Exp Covid	435.24	330.35	104.89
6220 · Loan Interest			
IRP 1	383.83	0.00	383.83
IRP 2	897.84	0.00	897.84
IRP 3	1,604.57	0.00	1,604.57
IRP 4	1,919.77	2,022.93	-103.16
<b>Total 6220 · Loan Interest</b>	4,806.01	2,022.93	2,783.08
6200 · Interest Expense - Other	0.00	3,183.77	-3,183.77
<b>Total 6200 · Interest Expense</b>	5,241.25	5,537.05	-295.80
Lounsberry land	0.00	3,120.00	-3,120.00
6240 · Miscellaneous	1,325.00	1,160.00	165.00
6550 · Office Supplies	549.90	0.00	549.90
<b>6560 · Payroll Expenses</b>			
Payroll Expenses - HSA	1,200.00	1,950.00	-750.00
6560 · Payroll Expenses - Other	40,264.85	36,522.29	3,742.56
<b>Total 6560 · Payroll Expenses</b>	41,464.85	38,472.29	2,992.56
<b>6270 · Professional Fees</b>			
BiziLife LLC	4,322.80	4,140.00	182.80
Ec Dev Specialist Position	10,000.00	10,000.00	0.00
Administrative Services			
Tinney	15,750.00	17,000.00	-1,250.00
<b>Total Administrative Services</b>	15,750.00	17,000.00	-1,250.00
<b>6650 · Accounting</b>			
Jan Nolis	1,220.00	1,385.00	-165.00
6650 · Accounting - Other	8,500.00	7,600.00	900.00
<b>Total 6650 · Accounting</b>	9,720.00	8,985.00	735.00
<b>6280 · Legal Fees</b>			
Loan Program Fees	0.00	0.00	0.00
6280 · Legal Fees - Other	23,661.15	17,778.00	5,883.15
<b>Total 6280 · Legal Fees</b>	23,661.15	17,778.00	5,883.15
6270 · Professional Fees - Other	962.00	3,848.00	-2,886.00
<b>Total 6270 · Professional Fees</b>	64,415.95	61,751.00	2,664.95
<b>6670 · Program Expense</b>			
Water Tower	237,904.52	668,657.90	-430,753.38
<b>Total 6670 · Program Expense</b>	237,904.52	668,657.90	-430,753.38

## Tioga County Industrial Development Agency

09/01/23

## Profit &amp; Loss

Accrual Basis

January through August 2023

	Jan - Aug 23	Jan - Aug 22	\$ Change
<b>Property Taxes</b>			
Stanton Hill 9.64A Town Lot	222.30	206.68	15.62
96 · Smith Creek Rd	27.48	25.55	1.93
540 · Stanton Hill	168.24	156.42	11.82
Spring St	0.28	0.27	0.01
Berry Road (47)	141.77	131.81	9.96
Carmichael Road	7.78	58.26	-50.48
Smith Creek Road	23.55	21.90	1.65
Glenmary Drive	10.81	10.10	0.71
Metro Road	9.01	8.42	0.59
<b>Total Property Taxes</b>	<b>611.22</b>	<b>619.41</b>	<b>-8.19</b>
<b>Recording fees</b>	<b>390.00</b>	<b>0.00</b>	<b>390.00</b>
6770 · Supplies	530.21	953.28	-423.07
<b>6350 · Travel &amp; Ent</b>			
6380 · Travel	242.32	0.00	242.32
6350 · Travel & Ent - Other	125.13	2,699.99	-2,574.86
<b>Total 6350 · Travel &amp; Ent</b>	<b>367.45</b>	<b>2,699.99</b>	<b>-2,332.54</b>
<b>Total Expense</b>	<b>639,291.85</b>	<b>836,009.56</b>	<b>-196,717.71</b>
<b>Net Ordinary Income</b>	<b>-293,498.64</b>	<b>-751,080.76</b>	<b>457,582.12</b>
<b>Net Income</b>	<b>-293,498.64</b>	<b>-751,080.76</b>	<b>457,582.12</b>

**Tioga County Industrial Development Agency  
Transaction Detail**

August 2023

Accrual Basis

Type	Date	Num	Name	Memo	Amount
<b>Restricted Cash Accounts</b>					
<b>COVID-19</b>					
Deposit	08/09/2023			Loan Pmts	1,088.61
Total COVID-19					1,088.61
<b>Community- Facade Improvement</b>					
Deposit	08/03/2023			Loan pmt	625.00
Deposit	08/09/2023			Loan pmt	540.73
Deposit	08/24/2023			Loan Pmt	150.00
Deposit	08/29/2023			Final Loan Pmt - Broad St Facade Loan Paid in Full	125.02
Total Community- Facade Improvement					1,440.75
<b>USDA Funds</b>					
<b>TSB- IRP 2016 (Formerly IRP 4)</b>					
Deposit	08/01/2023			Loan pmt	306.00
Deposit	08/04/2023			Loan Pmt	321.55
Deposit	08/09/2023			Loan pmts	2,302.79
Deposit	08/10/2023			Loan Pmt	559.08
Check	08/17/2023	1093	Thomas, Collison & Meagher	VOID: HeaHea - Nadia Constant - Loan Disbursement	0.00
Check	08/23/2023	1094	Thomas, Collison & Meagher	HeaHea - Nadia Constant - IRP Loan Disbursement	-62,500.00
Deposit	08/24/2023			HeaHea Loan Commitment Fee	1,625.00
Total TSB- IRP 2016 (Formerly IRP 4)					-57,385.58
<b>TSB- RBEG</b>					
Deposit	08/09/2023			Loan Pmt	809.96
Check	08/23/2023	1054	Thomas, Collison & Meagher	HeaHea - Nadia Constant - Loan Disbursement	-100,000.00
Total TSB- RBEG					-99,190.04
Total USDA Funds					-156,575.62
Total Restricted Cash Accounts					-154,046.26
<b>Unrestricted Cash Accounts</b>					
<b>TSB- checking</b>					
Check	08/02/2023	7096	Christine E Curtis	Pay Period: 7/16/23-7/29/23	-1,668.17
Check	08/02/2023	7097	Jan Nolis, CPA	Prof Svcs	-190.00
Check	08/02/2023	7098	Tioga County Treasurer	4th QTR 2022 Postage; original pmt ck#6987 never cashed	-19.92
Check	08/02/2023	7099	Tioga County	IT Inv 5202 June Wireless	-37.99
Check	08/02/2023	7100	LeeAnn Tinney	Aug 2023 Professional Services	-2,125.00
Deposit	08/03/2023			RJ corman June & 2nd QTR 2023 Loan Admin Fee	3,155.20
Check	08/07/2023	X	NYS Division of the Treasury	State Tax	-178.38
Deposit	08/09/2023			2023 Lease Wunder	481.81
Check	08/14/2023	7101	Tioga County Clerk	Veolia Property transfer/easement filing	-390.00
Check	08/14/2023	7103	Jan Nolis, CPA	Prof Svcs	-125.00
Check	08/15/2023	X	EFTPS 941 Tax Payment	July 2023 Federal Tax Deposit	-1,006.62
Check	08/16/2023	7102	Christine E Curtis	Pay Period: 7/30/23-8/12/23	-1,668.16
Check	08/23/2023	7104	Christine Curtis	HSA July & Aug 2023	-300.00
Deposit	08/28/2023			PILOT App Fee - SUNEAST VALLEY SOLAR	2,500.00
Deposit	08/29/2023			Education Workforce Coordinator 3/1/23-6/30/23 ARC Rfnd	13,726.86
Deposit	08/29/2023			Best Bev LLC Sales Tax Agency Fee 50308.61 & '23 Engelbert Lease 450.00	50,758.61
Check	08/30/2023	7105	Christine E Curtis	Pay Period: 8/13/2023-8/26/2023	-1,668.16
Check	08/30/2023	7106	Franklin Templeton	Aug 2023 Simple IRA - C. Curtis	-127.20
Check	08/30/2023	7107	Larson Design Group	Raymond Hadley Water Study Inv#1242838	-1,367.00
Check	08/30/2023	7108	Larson Design Group	Richford Railroad Study Inv#124839	-1,265.00
Check	08/30/2023	7109	Utica National Insurance Group	Acc# 203167808 Workers Comp Policy 5273358	-607.00
Check	08/30/2023	7110	Excellus Health Plan	Sep 2023 Inv#36217897	-543.30
Check	08/30/2023	7111	Christine Curtis	Mileage 4/29/23-8/29/23	-125.13
Total TSB- checking					57,210.45
Total Unrestricted Cash Accounts					57,210.45
<b>TOTAL</b>					<b>-96,835.81</b>

ACCOUNTS RECEIVABLE - OUTSTANDING ITEMS

\$ 126,000.00	Crown Cork & Seal	Agency fee - annual installments of \$42,000 (3 remaining)
\$ 453.05	NYS DOT	Waverly Trade Center's final pass-thru grant disbursement
\$ 350,000.00	ESD	Water tank grant: Project AB017 Tioga County IDA E-Site Water System Capital
\$ 270,000.00	Suez	Water tank - installation refund
<b>\$ 746,453.05</b>	<b>Total</b>	



Placing Drop across Rail Road  
Appx 1892' North of Browns Lane  
Crossing 362353L

Railroad Crossing  
Closest Browns Lane  
Owego  
Tioga County  
Owego & Harford Railway (OHRY)  
Crossing 362353L

To Route 38 / North Ave

Verizon  
Pole 21

Railway  
ROW

Appx  
1892'

Browns  
Lane

Height Over  
RxR appx 25'

RxR ROW – appx 50'  
Crossing at 90 Deg  
Will be attaching with a  
Fiber Drop above the other  
Telecom Carriers

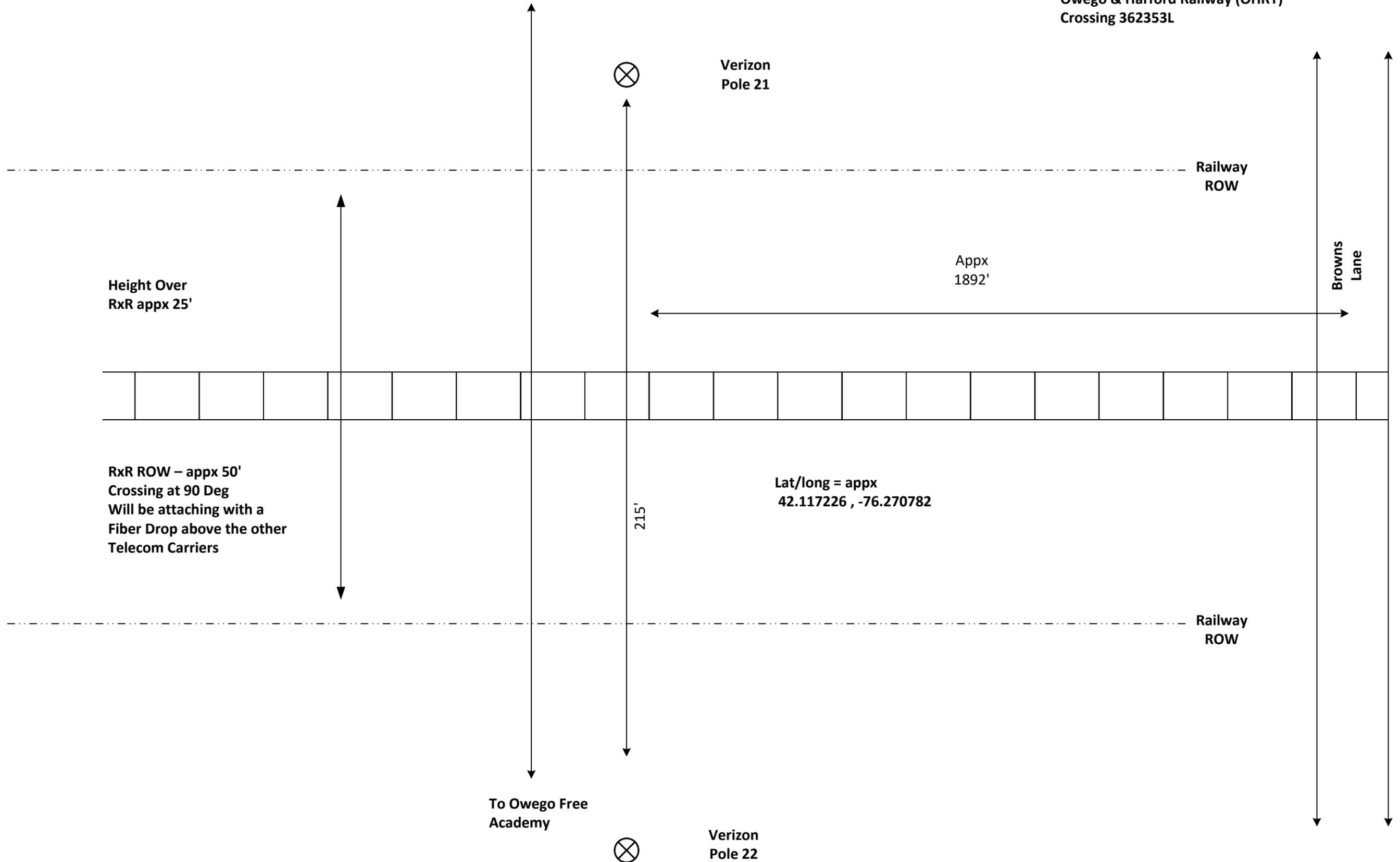
Lat/long = appx  
42.117226 , -76.270782

215'

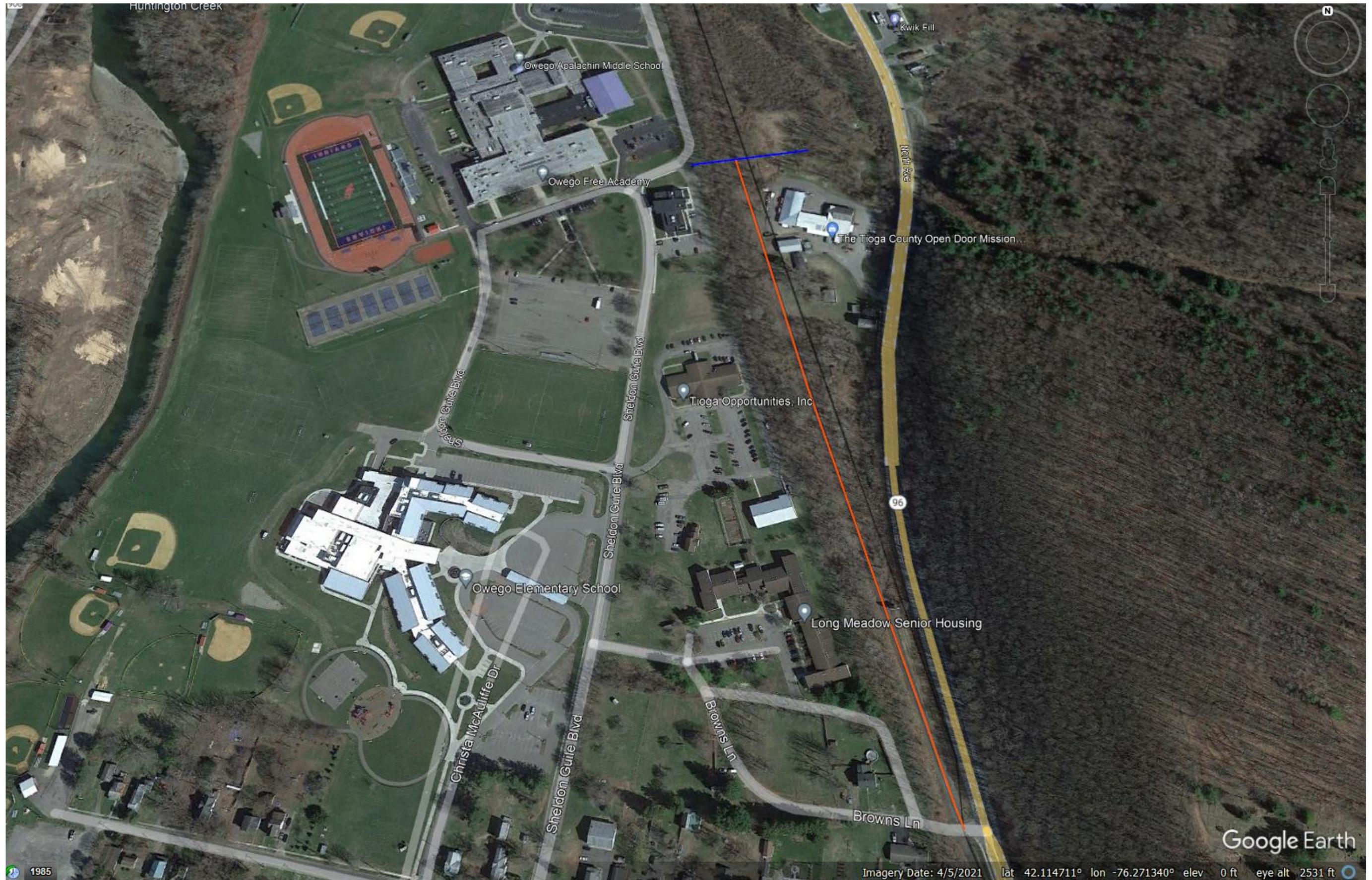
Railway  
ROW

To Owego Free  
Academy

Verizon  
Pole 22



Blue = Aerial Crossing and Orange = Closest RxR Road Crossing Browns Lane



**TIOGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**APPLICATION FOR FINANCIAL ASSISTANCE**

**PLEASE NOTE:** PRIOR TO SUBMITTING A COMPLETED FINAL APPLICATION AND EAF, PLEASE ARRANGE TO MEET WITH THE AGENCY'S STAFF TO REVIEW YOUR DRAFT APPLICATION AND EAF

Date: 06/10/2021

APPLICATION OF: SUNEAST VALLEY SOLAR LLC  
APPLICANT NAME

SUNEAST VALLEY SOLAR LLC  
OWNERSHIP OF PROPOSED PROJECT  
(APPLICANT OR OTHER OWNER)

Type of Application:

- |  |  |
|--|--|
| <input type="checkbox"/> Tax-Exempt Bonds                  | <input type="checkbox"/> Taxable Bonds   |
| <input type="checkbox"/> Both Taxable and Tax-Exempt Bonds | <input checked="" type="checkbox"/> Sale/Leaseback<br><input checked="" type="checkbox"/> Bank Financing |
| <input type="checkbox"/> Refunding                         | <input type="checkbox"/> Amendment   |
| <input type="checkbox"/> Second Mortgage                   | <input type="checkbox"/> Transfer  |

Type of Project:

- |   |   |
|---|---|
| <input type="checkbox"/> Industrial/Manufacturing                         | <input type="checkbox"/> Warehousing                                    |
| <input type="checkbox"/> Commercial/Office                                | <input type="checkbox"/> Pollution Control/<br>(indicate type)<br>_____ |
| <input type="checkbox"/> Not-for-Profit/Civic<br>(Specify) _____<br>_____ | <input checked="" type="checkbox"/> Energy or Cogeneration Facility     |
| <input type="checkbox"/> Commercial/Retail                                | <input type="checkbox"/> Other (specify)<br>_____<br>_____              |
| <input type="checkbox"/> Solid Waste                                      |   |

Description of Project (check one or more):

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> New Construction  | <input type="checkbox"/> Acquisition of existing facility         |
| <input type="checkbox"/> Addition to existing facility<br><input type="checkbox"/> Existing IDA project                 | <input type="checkbox"/> Purchase of new machinery and equipment  |
| <input type="checkbox"/> Renovation/modernization of existing facility<br><input type="checkbox"/> Existing IDA project | <input type="checkbox"/> Purchase of used machinery and equipment |

Please respond to all items either by filling in blanks, by attachment (by marking space "See Attachment Number 1," etc.) or by N.A., where not applicable. This application must be filed in 4 copies. A complete application is essential for the Agency's determination of whether to provide the financial assistance requested. A non-refundable application fee of \$2,500.00 is required at the time of submission of this application to the Tioga County Industrial Development Agency (the "Agency"). In the event that multiple public hearings are required, \$500.00 per hearing will be charged in addition to the application fee.

The attached Environmental Assessment Form ("EAF") is an integral part of this application. This application will not be deemed complete unless accompanied by a fully completed EAF.

Before inducement, Bond Counsel (or Transaction Counsel, in the case of a Sale/Leaseback) will require a \$2,500 deposit which will be applied to actual out-of-pocket fees and disbursements made during the inducement and negotiation processes, and will be reflected on their final statement at closing.

Information provided herein will not be made public by the Agency prior to the passage of an Official Inducement Resolution, but may be subject to disclosure under the New York Freedom of Information Law.

APPLICANTS FOR FINANCIAL ASSISTANCE TO RETAIL FACILITIES ALSO COMPLETE RIDER A

APPLICANTS FOR TAX-EXEMPT BONDS ALSO COMPLETE RIDER B

I. OWNER DATA

A. PROPOSED PROJECT OWNER (THE "OWNER")

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CONTACT \_\_\_\_\_ POSITION \_\_\_\_\_

PHONE \_\_\_\_\_ FEDERAL EMPLOYER I.D.# \_\_\_\_\_

FAX \_\_\_\_\_ E-MAIL \_\_\_\_\_

NAICS CODE \_\_\_\_\_

BUSINESS TYPE:

SOLE PROPRIETORSHIP  LIMITED LIABILITY COMPANY

GENERAL PARTNERSHIP  LIMITED PARTNERSHIP

OTHER (PLEASE DESCRIBE) \_\_\_\_\_

State and Date of Organization \_\_\_\_\_

PRIVATELY HELD CORPORATION

PUBLIC CORPORATION  LISTED ON \_\_\_\_\_ EXCHANGE

State and Date of Incorporation \_\_\_\_\_

NOT-FOR-PROFIT CORPORATION

Qualified Under Section \_\_\_\_ of Internal Revenue Code (attach a copy of IRS Determination Letter)

State and Date of Incorporation or Charter \_\_\_\_\_

EDUCATION CORPORATION

Qualified Under Section \_\_\_\_ of the Internal Revenue Code (attach a copy of IRS Determination Letter)

State and Date of Incorporation or Charter \_\_\_\_\_

ATTORNEY James Muscato  
 FIRM NAME Young / Sommer LLC  
 ADDRESS Executive Woods, Five Palisades Drive, Albany, NY 12205  
 PHONE 518.438.9907 x 243 FAX 518-438-9914  
 E-MAIL jmuscato@youngsommer.com

B. FACILITY USER (tenant using more than 10% of the square footage of the Facility, if different than the Owner) (THE "USER")

NAME N/A  
 ADDRESS N/A  
 CONTACT N/A POSITION N/A  
 PHONE N/A FEDERAL EMPLOYER I.D.# N/A  
 FAX N/A E-MAIL N/A  
 NAICS CODE N/A

BUSINESS TYPE:

SOLE PROPRIETORSHIP  LIMITED LIABILITY COMPANY

GENERAL PARTNERSHIP  LIMITED PARTNERSHIP

OTHER (PLEASE DESCRIBE) N/A

State and Date of Organization N/A

PRIVATELY HELD CORPORATION

PUBLIC CORPORATION  LISTED ON N/A EXCHANGE

State and Date of Incorporation N/A

NOT-FOR-PROFIT CORPORATION

Qualified Under Section N/A of Internal Revenue Code (attach a copy of IRS Determination Letter)

State and Date of Incorporation or Charter N/A

EDUCATION CORPORATION

Qualified Under Section N/A of the Internal Revenue Code (attach a copy of IRS Determination Letter)

State and Date of Incorporation or Charter  
N/A

ATTORNEY N/A

FIRM NAME N/A

ADDRESS N/A

PHONE N/A FAX N/A

E-MAIL N/A

(Please provide names of each additional User, if any, and all of the information requested above, on a separate sheet and attach it to this questionnaire.)

- C. Any related person (e.g., stockholder, principal, partner, member, parent corporation, sister corporation, subsidiary) to the above Owner or User proposed to be a user of the Project.

<u>NAME</u>	<u>BUSINESS TYPE</u>	<u>RELATIONSHIP</u>
SED NY HOLDINGS LLC	LLC	PARENT CORP
_____	_____	_____

- D. Principal stockholders or partners of the Owner and the User, if any (i.e., owners of 5% or more equity in the Owner or the User):

<u>NAME</u>	<u>% OWNED</u>	<u>WHICH COMPANY</u>
SED NY HOLDINGS LLC	100	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- E. **APPLICANTS FOR TAX-EXEMPT FINANCING:** If any of the above persons, or a group of them, owns more than a 50% interest in the Owner or the User, list all other persons that are related to the Owner or the User by virtue of such owners having more than a 50% interest in such other persons.

N/A

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- F. **APPLICANTS FOR TAX-EXEMPT FINANCING:** Is the Owner or the User related to any other person by reason of more than 50% common ownership? If so, indicate the name of each related person and the Owner's or User's relationship to such person.

N/A

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- G. List the Owner's and the User's parent corporations, sister corporations and subsidiaries if any.

SED NY HOLDINGS LLC - PARENT CORP.

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- H. Has the Owner or the User (or any other entity listed in answer to questions C-G above) been involved in or benefitted by any prior tax-exempt bond financing in the town/city/village in which this Project is located, whether through the Agency, JDA or another issuer? If so, please explain in full (e.g., name of issuer and beneficiary; original amount of issue; date of issue; current amount outstanding; purpose of issue; etc.).

NO

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- I. Has the Owner or the User (or any related person) made a public offering or private placement of its stock within the last year? If so, please describe and provide the prospectus or other offering materials used.

NO

- J. Has the Owner or the User (or any related person) applied to any other Industrial Development Agency in regard to this Project? If so, please provide details of any action taken with respect to the Project and the current status of such application.

NO

- K. List the major bank references of the Owner and the User.

Silicon Valley Bank (SVB)

II. OWNER'S OPERATIONS AT CURRENT LOCATION

- A. Address 2593 Montrose Turnpike, Owego, NY 13827
- B. Acreage of existing facility Approx. 168 acres
- C. Number of buildings and square feet of each building  
N/A
- D. Owned or leased Leased & Owned
- E. Please describe the type of operation (e.g., manufacturing, wholesale, distribution, retail, etc.) and products and services offered at current location: Utility-scale solar energy generation system

F. Employment (current number of full-time employees or the equivalent) 0

G. Annual payroll amount 0

III. USER'S OPERATIONS AT CURRENT LOCATION

A. Address (Project not currently in operation)

B. Acreage of existing facility N/A

C. Number of buildings and square feet of each N/A

D. Owned or leased N/A

E. Please describe the type of operation (e.g., manufacturing, wholesale, distribution, retail, etc.) and products and services offered at current location: N/A

F. Employment (current number of full time employees or the equivalent) N/A

G. Annual payroll amount N/A

IV. PROPOSED PROJECT DATA

A. Location of Project - Please attach a map highlighting the location of the Project. In addition, please give the real property tax map number and exact street address of the Project, including the city or village (if any) and town in which the Project will be located. (If no street address is available, please include a survey and the most precise description available.) Please also identify the school district within which the Project will be located: Please see map of location attached

Tax ID No. 493089140.00-1-29.111, 493089140.00-1-35.1, and 493089140.00-1- 36.111

Address: 2593 Montrose Turnpike, Owego, NY 13827

B. Project Site - Please submit 3 copies of plans or sketches of the proposed acquisition, renovation or construction (under separate cover is permissible). Also attach a photograph of the site or existing facility to be improved.

1. Acreage Approx. 168 acres

2. Acquisition of existing buildings:

a) Existing buildings to be acquired (number of buildings and square feet of each building):

0

b) Does the Project consist of additions and/or renovations to existing buildings? If so, indicate the nature of the expansion and/or renovation in reasonable detail.

No

3. New Construction:

a) Number and square feet of each new building to be constructed:

0

b) Builder or contractor and address:

N/A

c) Architect and address:

N/A

4. Present use of the Project site:

Hay

5. Present user of Project site:

Owners

6. Relationship of present user of Project site to the Owner, if any: NONE

C. Project Use Description – Please provide a detailed description of the Project and the Project’s intended use. (E.g., “The construction and equipping of an approximately \_\_\_\_\_ square foot building, of which \_\_\_\_\_ square feet will be used for the manufacturing of \_\_\_\_\_, \_\_\_\_\_ square feet will be used for warehousing finished products and \_\_\_\_\_ square feet will be used for office space, and the acquisition and installation of the following items of machinery and equipment: \_\_\_\_\_, all to be used by the Owner/User in connection with the manufacturing and/or warehousing of \_\_\_\_\_ for the \_\_\_\_\_ industry.) If additional space is necessary, please attach an exhibit to this application.

**APPLICANTS FOR TAX-EXEMPT FINANCING PLEASE NOTE:** The Tax Reform Act of 1986 limits the types of facilities that are eligible for tax-exempt financing to manufacturing facilities, civic facilities and certain other exempt facilities.

SunEast Valley Solar LLC proposes the installation of a ground-mounted utility-scale solar energy generation system on leased property in the Town of Owego. The project site is located on 2593 Montrose Tpk in the Town of Owego, Tioga County. The Project will be able to generate up to 20 MWac of power and will interconnect to the NYSEG Owego 34.5 kV Station.

D. Are there utilities on site? Yes

- a. Water (indicate municipal or other) Parcels served by private wells
- b. Sewer (indicate municipal or other) Parcels served by private septic systems
- c. Electric (Name of utility company) New York State Electric & Gas (NYSEG)
- d. Gas (Name of utility company) New York State Electric & Gas (NYSEG)

- E. If any space in the Project is to be leased by the Agency or the Owner to third parties, or subleased by the User to third parties, indicate the total square footage of the Project to be leased to each tenant, and the proposed use of that space by each tenant. Although the tenants may not yet be known, the general purposes for which the Project will be used must still be indicated (e.g., manufacturing, office, warehouse, etc.). Use a separate sheet, if necessary.

N/A

- F. 1. List principal items or categories of equipment to be acquired as part of the Project and identify whether equipment will be new or used.

New equipment: Electrical equipment - (wires, connectors, breakers, etc)

modules, inverters, step-up transformer, mounting equipment - (rails, clamps, fittings, etc)

2. Have any of the items or categories listed above been ordered or obtained? If so, enclose copies of purchase orders, contracts and/or invoices.

Yes - An inverter and a step-up transformer have been acquired.

(please see purchase orders attached)

- G. Has construction work on the Project begun? If so, complete the following:

- |    |                |                              |  |                     |
|----|----------------|------------------------------|--|---------------------|
| 1. | Site clearance | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <u>0</u> % complete |
| 2. | Foundation     | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <u>0</u> % complete |
| 3. | Footings       | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <u>0</u> % complete |
| 4. | Steel          | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <u>0</u> % complete |
| 5. | Masonry        | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <u>0</u> % complete |

6. Other (describe below):

n/a

H. Existing facilities within New York State:

1. Are there other facilities owned, leased or used by the Owner or User (or any related person) within the state? If so, tell where such facilities are located and describe the terms of the Owner's or the User's (or any related person's) interest in such facilities.

No

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2. If there are other facilities within the state, is it expected that any of these other facilities will close or be subject to reduced activity as a result of the proposed Project?

yes  no

3. If you answered "No" to question 2 above, please explain in detail how current facilities will be utilized.

SunEast Valley Solar LLC Project will generate power that will help New York State meet its goal of 70% renewable energy by 2030.

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4. If you answered "Yes" to question 2 above, please indicate whether the Project is reasonably necessary for the Owner or User, as applicable, to maintain its competitive position in its industry and explain in detail.

N/A

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5. Has the Owner or the User thought about moving to another state? Has the Owner or the User engaged in any negotiations in that regard? If so, please explain.

No

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6. Will the Project meet current zoning requirements at its proposed location?

yes  no

a) What is the present zoning? AG - Agricultural

b) What zoning is required? None

c) If a change of zoning is required, please provide the details regarding, and described the status of, any change of zoning request.

Change of zoning is not required

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7. Is the Project site in an Agricultural District, in a primarily agricultural area, or currently in agricultural use? If yes, provide details.

Project site zoned AG-agricultural, and is strictly used for hay. The land is not used to grow any crops.

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8. Is the Project site in a Historic District or does it contain any buildings of historical significance? If yes, describe.

No

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9. Are any federal or state wetlands or any other environmentally critical or sensitive areas on or contiguous to the Project site? If yes, describe.

No

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10. Does the Project site contain any underground or above ground storage tanks or wells, whether or not currently in use? If yes, describe.

No existing or former underground storage tanks / above ground storage tanks (ASTs) are on the Project site.

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11. List any state, local or federal consents or approvals (e.g., site plan approval, special use permit, environmental permits, certificates of need) that will be necessary in connection with the Project and describe the status of each such consent or approval.

Special Use Permit, Zoning Board of Appeals, Town of Owego - Approved

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- I. Does the Owner or the User (or any related person) currently lease the Project site?

yes  no

- J. Does the Owner or the User (or any related person) now own the Project site?

yes  no



	<u>TOTAL COST AND</u> <u>% BOND FINANCED</u>	
LAND* .....	_____	( _____ %)
<b>ACQUISITION AND REHABILITATION COSTS:</b>		
Existing Building** .....	_____	( _____ %)
Cost of Rehabilitation .....	_____	( _____ %)
<b>COST OF NEW CONSTRUCTION:</b>		
Construction of New Building .....	_____	( _____ %)
New Additions to or Expansions of Existing of Existing Building .....	_____	( _____ %)
ENGINEERING/ARCHITECTURAL FEES .....	_____	( _____ %)
MANUFACTURING EQUIP. TO BE INSTALLED...	_____	( _____ %)
OTHER EQUIP. TO BE INSTALLED .....	_____	( _____ %)
LEGAL FEES (Bank, Bond, Agency & Company Counsel).....	_____	( _____ %)
FINANCIAL CHARGES (specify).....	_____	( _____ %)
AGENCY FEES.....	_____	( _____ %)
OTHER FEES/CHARGES, etc. (specify):		
_____	_____	( _____ %)
_____	_____	( _____ %)
TOTAL PROJECT COSTS:	\$ _____	( _____ %)
AMOUNT OF BOND REQUESTED (if applicable):	\$ _____	

\* **APPLICANTS FOR TAX-EXEMPT FINANCING NOTE:** If acquiring land, please note that federal law prohibits the use of 25% or more of tax-exempt bond proceeds for the purchase of land.

\*\* **APPLICANTS FOR TAX-EXEMPT FINANCING NOTE:** If acquiring existing buildings, please note that federal law prohibits the acquisition of existing buildings with tax-exempt bond proceeds unless the rehabilitation expenses to be incurred with respect

to the building within three years are equal to or greater than 15% of the portion of the cost of acquiring the building that is financed with tax-exempt bond proceeds. Rehabilitation does not include any amount expended on new construction (additions or expansions). These provisions do not apply to “Civic Facilities” for 501(c)(3) organizations.

B. Method of financing costs:

	<u>AMOUNT</u>	<u>TERM</u>
1. Tax-exempt bond financing	\$ _____	_____ years
2. Taxable bond Financing	\$ _____	_____ years
3. IDA Sale/Leaseback with conventional financing***	\$ _____	_____ years
4. IDA Sale/Leaseback with Owner/User Financing	\$ _____	_____ years
5. JDA or other governmental funding***	\$ _____	_____ years
6. Other loans***	\$ _____	_____ years
7. Company’s/Owner’s equity contribution	\$ _____	
<b>TOTAL PROJECT COSTS:</b>	<b>\$ _____</b>	

\*\*\* Copies of all commitments must be submitted to the Agency before drafting of any bond or transaction documents can begin.

C. **APPLICANTS FOR TAX-EXEMPT FINANCING:** Have any of the above costs, which are to be reimbursed out of tax-exempt bond proceeds, been paid or incurred (including contracts of sale or purchase orders) as of the date of this application?

- yes
  no

If so, please give particulars, including dates paid or incurred on a separate sheet.

- D. **APPLICANTS FOR TAX-EXEMPT FINANCING:** Are costs of working capital, moving expenses, work in progress or stock in trade included in the proposed uses of the tax-exempt bond proceeds? Give details.

N/A

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- E. Will any of the funds to be borrowed through the Agency be used to repay or refinance an existing mortgage, outstanding loan or outstanding bond issue? Give details.

N/A

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- F. Has the Owner made any arrangements for the marketing or the purchase of the bond or bonds? If so, indicate with whom and provide copies of any commitments and/or term sheets.

N/A

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VI. MEASURES OF GROWTH AND BENEFITS

- A. Please complete the chart below by indicating on line #1 the present number of full-time or equivalent employees and the annual payroll for all current facilities of the User. On line #2, please provide the information with respect to Tioga County facilities only. (If no facilities are currently in Tioga County, indicate "0.") On lines #3 and #4, provide projections of employment and payroll at the proposed Project in Tioga County for the first and second year after the Project's completion:

		<u>Full Time or Equivalent Employees</u>	<u>Annual Payroll \$</u>
1.	PRESENT (All Current Facilities)	_____	_____
2.	PRESENT (Tioga County Only)	_____	_____
3.	FIRST YEAR (Tioga County Only)	_____	_____
4.	SECOND YEAR (Tioga County Only)	_____	_____

B. What, if any, will be the expected increase in the annual dollar amount of sales or business activity?

\$ \_\_\_\_\_

C. Describe, if applicable, other benefits anticipated as a result of this Project, including but not limited to job retention.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**VII. PROJECT CONSTRUCTION SCHEDULE**

A. What is the proposed date for commencement of construction or acquisition of the Project?

\_\_\_\_\_

B. Give an accurate estimate of the time schedule to complete the Project and when the first use of the Project is expected to occur (use additional sheets if necessary).

\_\_\_\_\_

\_\_\_\_\_

C. At what time or times and in what amount or amounts is it estimated that funds will be required? Please provide your most accurate estimate.

\_\_\_\_\_

\_\_\_\_\_

VIII. WHAT TYPE OF FINANCIAL ASSISTANCE IS THE APPLICANT REQUESTING?

Standard PILOT

Deviation from Standard PILOT

If Deviation from Standard PILOT is requested, please explain SunEast Valley Solar requests that the financial assistance provided to the Project be based on a per-MWac basis.

We propose \$6,000 per-MWac.

IX. ATTACH THE FOLLOWING FINANCIAL INFORMATION OF THE OWNER AND THE USER

- A. Financial statements for last two fiscal years (unless included in the Owner's or User's annual report).
- B. Owner's and User's annual reports (or Form 10-Ks) for the two most recent fiscal years.
- C. Quarterly reports (Form 10-Qs) and current reports (Form 8-Ks ) since the most recent annual report, if any.
- D. In addition, if applicable, please attach the financial information described above in items A, B, and C of any expected guarantor of a proposed bond issue other than the Owner or the User.
- E. Upon the request of the Applicant, the Agency will review the information submitted pursuant to this Section VIII and return all copies to the Applicant within two weeks after the inducement date. Please indicate whether you require the information to be returned.

yes

no

BY SIGNING THIS APPLICATION, I CERTIFY THAT I HAVE READ AND UNDERSTOOD THE PROJECT POLICY MANUAL PROVIDED TO ME BY THE IDA AND AGREE TO COMPLY WITH THE TERMS AND CONDITIONS SET FORTH THEREIN.

SIGNATURE OF PERSON  
COMPLETING APPLICATION



Name: MICHAEL D. BECKNER

Title: AUTHORIZED MANAGER

Company: SUNEAST VALLEY SOLAR LLC

Date of Application: 05/25/2021

**CERTIFICATION**

Michael D Beckner (name of representative of entity submitting application, or name of individual submitting application) deposes and says that s/he (choose and complete one of the following two options) (i) is a/the Vice President (title) of SunEast Development LLC (entity name), the entity named in the attached application, or (ii) is the individual named in the attached application; that s/he has read the foregoing application and knows the contents thereof; and that the same is true to his/her knowledge.

Deponent further says that s/he is duly authorized to make this certification on behalf of her/himself or on behalf of the entity named in the attached application. The grounds of deponent's belief relative to all matters in said application which are not stated upon his/her own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as, if deponent is not an individual applicant, information acquired by deponent in the course of his/her duties in connection with said entity and from the books and papers of said entity.

As (i) the representative of said entity, or (ii) the individual applicant (such entity or individual applicant hereinafter referred to as the "Applicant"), deponent acknowledges and agrees that the Applicant shall be and is responsible for all costs incurred by the Tioga County Industrial Development Agency (hereinafter referred to as the "Agency") acting on behalf of the Applicant in connection with this application and all matters relating to the issuance of bonds or the provision of financial assistance to which this application relates. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified period of time to take reasonable, proper or requested action or withdraws, abandons, cancels or neglects the application, then upon presentation of an invoice, the Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred with respect to the application up to that date and time, including fees to bond counsel or transaction counsel for the Agency and fees of general counsel for the Agency. Upon the successful conclusion of the transaction or sale of the bond issue contemplated herein, the Applicant shall pay to the Agency an administrative fee set by the Agency in accordance with its fee schedule in effect on the date of the foregoing application, which amount is payable at closing. The Applicant understands that the Agency's bond counsel's fees and general counsel's fees are considered issuance expenses and, therefore, can be paid or reimbursed out of the proceeds of any resultant tax-exempt bond issue only up to an aggregate amount not exceeding 2% of the face amount of such tax-exempt issue.

Michael D Beckner

Name: Michael D. Beckner  
Title: VP

Sworn to before me this 10<sup>th</sup>  
day of June, 2021

Ann K. Thompson  
(Seal)

**ANN K. THOMPSON**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES JAN. 31, 2025

NEW YORK STATE FINANCIAL REPORTING  
REQUIREMENTS FOR INDUSTRIAL DEVELOPMENT AGENCIES

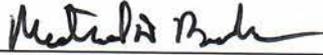
Please be advised that the New York General Municipal Law imposes certain reporting requirements on IDAs and recipients of IDA financial assistance. Of particular importance to IDA applicants is Section 859 (copy attached). This section requires IDAs to transmit financial statements within 90 days following the end of an Agency's fiscal year (Tioga County IDA FY is calendar), prepared by an independent, certified public accountant, to the New York State Comptroller, the Commissioner of the New York State Department of Economic Development and the governing body of the municipality for whose benefit the Agency was created (Tioga County). These audited financial statements shall include supplemental schedules listing the following information:

1. All straight-lease ("sale-leaseback") transactions and whether or not they are obligations of the Agency.
2. All bonds and notes issued, outstanding or retired during the period and whether or not they are or were obligations of the Agency.
3. All new bond issues shall be listed and for each new bond issue, the following information is required:
  - a. Name of the project financed with the bond proceeds.
  - b. Whether the project occupant is a not-for-profit corporation.
  - c. Name and address of each owner of the project.
  - d. The estimated amount of tax exemptions authorized for each project.
  - e. Purpose for which the bond was issued.
  - f. Bond interest rate at issuance and, if variable, the range of interest rates applicable.
  - g. Bond maturity date.
  - h. Federal tax status of the bond issue.
  - i. Estimate of the number of jobs created and retained for the project.
4. All new straight lease transactions shall be listed and for each new straight lease transaction, the following information is required:
  - a. Name of the project.
  - b. Whether the project occupant is a not-for-profit corporation.
  - c. Name and address of each owner of the project.
  - d. The estimated amount of tax exemptions authorized for each project.
  - e. Purpose for which each transaction was made.
  - f. Method of financial assistance utilized for each project, other than the tax exemptions claimed by the project.
  - g. Estimate of the number of jobs created and retained for the project.

Also of importance to IDA applicants is Section 874(8) of the General Municipal Law (copy

attached), which requires agents (i.e., project owners and/or occupants) of the Agency to file an annual statement with the State Department of Taxation and Finance, of the value of all sales tax exemptions claimed by such agents or their agents, including but not limited to consultants or subcontractors, who claim exemption from sales tax by virtue of the Agency's involvement in a transaction. The penalty for failure to file the statement is removal of authority to act as agent of the Agency.

Please sign below to indicate that you have read and understood the above.



Name: Michael D Beckner

Title: Vice President

Company: SunEast Development LLC

Date: 6/10/2021

RIDER A

TO BE COMPLETED BY ALL APPLICANTS FOR FINANCIAL ASSISTANCE FOR  
RETAIL PROJECTS OR PROJECTS WITH A RETAIL COMPONENT:

1. What percentage of the total Project cost will be used to finance premises that will be primarily used in making retail sales of goods or services to customers who personally visit the premises?

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2. If the Agency does not provide the financial assistance requested in this application, will the Applicant or the Project User (if different from the Applicant) locate some or all of the jobs attributable to the Project outside New York State? If so, describe.

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3. Will the proposed Project make available to residents of the city, town or village within which the Project will be located goods or services that are not otherwise reasonably available to such residents? If so, describe.

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RIDER B

TO BE COMPLETED BY ALL APPLICANTS FOR TAX-EXEMPT FINANCING

(Note: Bond Counsel also will require applicant to complete a Bond Counsel Questionnaire to determine whether the Project qualifies, in whole or in part, for tax-exempt financing. The information requested in this Rider is for initial screening and structuring purposes.)

A. List capital expenditures with respect to this Project:

	<u>Past 3 Years</u>	<u>Next 3 Years</u>	<u>Total</u>
Land	\$ _____	\$ _____	\$ _____
Buildings	\$ _____	\$ _____	\$ _____
Equipment	\$ _____	\$ _____	\$ _____
Engineering	\$ _____	\$ _____	\$ _____
Architecture	\$ _____	\$ _____	\$ _____
Research and development	\$ _____	\$ _____	\$ _____
Interest during construction	\$ _____	\$ _____	\$ _____
Other (please explain)	\$ _____	\$ _____	\$ _____

If an expenditure may be either treated as a capital expenditure or may be currently expensed, for these purposes it must be treated as a capital expenditure.

Research and development expenses (other than in-house wages and supplies) with respect to a facility must be treated as capital expenditures with respect to products to be produced at the facility and with respect to equipment to be used there. Research and development expenses allocable to the project under the foregoing rule must be treated as capital expenditures with respect to it even though the research and development work takes place in a different municipality or state.

Costs of molds, etc., to be used at a facility are capital expenditures even if paid by the customer.

Costs of Equipment to be moved to a facility are capital expenditures even if the purchase and initial use of the equipment occurred outside the municipality.

B. List capital expenditures with respect to other facilities of the Company or any related corporation or person, if the facilities are located in the same municipality.

	<u>Past 3 Years</u>	<u>Next 3 Years</u>	<u>Total</u>
Land	\$ _____	\$ _____	\$ _____
Buildings	\$ _____	\$ _____	\$ _____
Equipment	\$ _____	\$ _____	\$ _____
Engineering	\$ _____	\$ _____	\$ _____
Architecture	\$ _____	\$ _____	\$ _____
Research and development	\$ _____	\$ _____	\$ _____
Interest during construction	\$ _____	\$ _____	\$ _____
Other (please explain)	\$ _____	\$ _____	\$ _____



July 22, 2022

LeeAnn Tinney, Director  
Tioga County Department of Economic Development & Planning  
56 Main Street  
Owego, NY 13827

Re: Scope of Services – Lounsberry Industrial Pocket: PEMB Buildings  
Buck Road, Nichols, NY

Dear LeeAnn:

Larson Design Group (LDG) is pleased to propose the following Agreement for providing Engineering services for the above-referenced project. This proposal will remain open for acceptance for thirty (30) days from the date above.

### **Description of Project**

TCEDP has requested a proposal to provide civil, architectural, structural and electrical engineering design services for two (2) 40,000SF warehouse buildings on property owned by the Tioga County IDA on Buck Road, Nichols, NY. The buildings will be a pre-engineered metal building with steel superstructure design to be provided by the building manufacturer. LDG will provide civil, architectural coordination, foundation design and electrical design documents for use in obtaining a building permit. This proposal is based on the site concept plan provided on May 3, 2022

### **Scope of Services**

The Basic Services to be provided are described below and in the attached Terms and Conditions (Exhibit A).

1. LDG will facilitate a kickoff meeting via videoconference with the Client to review project scope, schedule, and expectations.
2. LDG will perform structural and electrical code review and develop design criteria.
3. LDG will coordinate with a preferred PEMB manufacturer for a PEMB drawing package including anchor bolt layout and reactions from the manufacturer which LDG will rely on to be accurate for the design requirements of the foundation system.
4. LDG will hire a geotechnical engineering subconsultant for development of a geotechnical report indicating recommended foundation system, allowable soil bearing capacity and seismic site classification. LDG can subcontractor this service for an additional fee if requested.
5. LDG will perform structural design calculations for the foundation system and slab on grade.
6. LDG will provide structural permitting/construction drawings of the approved building arrangement to include:
  - a. Foundation plan
  - b. Sections and Details as required
7. LDG will begin coordination with the electric utility. It is assumed all coordination can be done remotely.
8. LDG will perform electrical design calculations to determine the following:
  - a. Connected and demand load for service and equipment sizing

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**Larson Design Group**

1000 Commerce Park Drive, Suite 201, Williamsport, PA 17701  
570.323.6603 | [larsondesigngroup.com](http://larsondesigngroup.com)



- b. Short Circuit calculations to determine equipment bracing
  - c. ComCheck calculations to confirm energy code compliance
9. LDG will provide electrical permitting/construction drawings of the approved building arrangement to include:
  - a. Power Plans showing circuiting for all electrical outlets, HVAC equipment, Fire Alarm panel, and miscellaneous equipment.
  - b. Lighting Plans showing lighting controls, wiring, and conduit routing
  - c. Fire alarm plan with notes dictating system requirements and device locations
  - d. Panel schedules, one-line and details
10. LDG will provide Site/Civil Engineering Services required to provide conceptual site plan and design elements (i.e. site layout, site grading, stormwater drainage design, parking lot design, lighting layout design, utility line design, and site notes.)
11. LDG will prepare a conceptual site plan design package, that will illustrate, but not be limited to, the following: setbacks, circulation, layout of the pedestrian access route, parking areas, driveways, edge of paving/sidewalk, dumpster enclosure, buildings, and landscaping. Additionally, it will identify grades and slopes necessary to achieve accessibility from parking areas and building(s). The following drawings will be prepared as part of the conceptual site plan design package:
  - a. Existing Site Conditions Plan
  - b. General Notes
  - c. Site Layout Plan
  - d. Site Details
  - e. Site Grading and Drainage Plan
  - f. Soil Erosion and Sediment Control Plan
  - g. Erosion Control Details
  - h. Erosion Control Notes
12. LDG will review the Town of Nichols and Tioga County ordinances to confirm the proposed development is in conformance with the requirements for building and parking setbacks, parking spaces, stormwater management, lighting design, and landscaping/screening.
13. LDG will prepare specifications as required in the form of notes on drawings. No technical specification manual will be provided.
14. LDG will prepare one submission for Client review at approximately 90% completion.
15. A final submission will be prepared for the purpose of permitting and construction. This submission will be sealed by an Engineer licensed in New York State.
16. LDG will respond to one round of comments from the Building Code Official following submission for building permit.
17. A stormwater pollution prevention plan (SWPPP) will be prepared as required by NYSDEC for any site work requiring soil disturbance.

### Conditions

1. This proposal is limited to Civil, Architectural Coordination, Foundation Design and Electrical Design. Mechanical, Plumbing, and Structural frame submissions may be required by the authority having jurisdiction and will be provided by others, if required.
2. All Drawings shall be 2D and drawn in AutoCad format. All submissions are expected to be electronic.
3. Foundation design will be strictly based upon the anchor configuration and column reactions provided by the Owner. It is the Owner's responsibility to ensure that the provided reactions are



compliant with the building use, site design criteria, and building codes for the location in which it is being constructed.

4. Foundations will be shallow spread footings for the purposes of this proposal. Should deep foundations such as caissons or pile foundations or a structural floor slab be required this will be considered an additional service requiring an additional fee.
5. The building shell is to be a pre-engineered metal building designed by the pre-engineered building manufacturer. If a building shell is other than a pre-engineered metal building additional structural engineering services will be required and will be considered an additional service. Final engineered design of the steel structure will be "Delegated Design" through the Contractor's PEMB provider during construction.
6. Bidding and Construction phase services are not included.
7. Services required to make changes resulting from value-engineering review or project peer review shall be considered an Additional Service and will require an additional fee.
8. Redesign of any portions of the work due to hidden conditions or inaccurate information provided by the client will be considered an Additional Service requiring an additional fee.
9. Review and design of alternate or substitute structural systems or materials is considered an Additional Service and will require an additional fee.
10. Services rendered for special foundations when the discovery of poor or unexpected soil conditions is made after execution of the Agreement shall be considered an Additional Service and will require an additional fee.
11. Services required to make changes requiring redesign of previously accepted work as the result of Client request or redirection may result in additional services requiring additional fees.
12. As-built record drawings are not included but are available as an additional service.
13. TCEDP will be responsible for any determination of environmental impacts and compliance with the SEQR requirements.

## **Schedule**

We estimate the project will have the following schedule, assuming "week 0" is when a notice to proceed is executed.

- Project Coordination and Set-up – Week 0 through Week 1 (1 week total)
- Geotechnical Evaluation – Week 1 through Week 7 (6 weeks total)
- Electrical Coordination with Utility – Week 1 through Week 12 (11 weeks total)
- Coordination with PEMB Manufacturer – Week 4 through Week 10 (6 weeks total)
- Site Work Design – Week 1 through Week 9 (8 weeks total)
- Structural Design and Code Review - Week 8 through Week 12 (4 weeks total)
- Electrical Design and Code Review – Week 8 through Week 12 (4 weeks total)
- Permit Documents – Week 12 through Week 14 (2 weeks total)
- SWPPP Development – Week 9 through Week 14 (5 weeks total)
- Permit Review and Approval Process – Week 14 through Week 20 (6 weeks total)

This schedule will allow the design professionals the ability to provide Tioga County with a "bid ready" set of documents.



### **Engineering Compensation**

Compensation for our services shall be a lump sum fee of **\$52,100.00** (Fifty-Two Thousand One Hundred Dollars). Additional Services shall be charged at our standard hourly rates or billed at a mutually agreed upon fee.

### **Additional Provisions**

The Client agrees that the scope, methods, details, techniques, and pricing data contained in this proposal shall be considered confidential and proprietary and shall not be released or otherwise made available to any third party without the express written consent of the Engineer. Client hereby agrees to allow Engineer to utilize Client's name and brief Project description in marketing material.

We trust the above to be satisfactory. Please return a signed copy of this proposal as acceptance. Upon receipt of the signed proposal, a short form agreement will be developed and sent to your office for approval and signature to serve as our authorization to proceed with this work.

The costs of services, other than those specifically included and described above in this Letter of Agreement, have not been estimated. If Additional Services are requested, LDG will provide an estimate of our costs as required. No out of scope services will be provided without your written authorization.

*At LDG we know that client service excellence is fundamentally linked to project outcomes. Our commitment to client-focused expectations is supported by our use of a third-party service that monitors our performance through direct client feedback during the project process. This monitoring will either be through web-based feedback surveys or direct conversations by the third party service.*

Thank you for considering Larson Design Group for this work. If the Scope of Services is not correct, or if you have any questions regarding other aspects of the Agreement, please call us immediately.

We are looking forward to working with you on this Project.

Sincerely,

LARSON DESIGN GROUP, INC.  
(D/B/A Larson Design Group and/or LDG)

A handwritten signature in blue ink that reads "Jason L. Bellis".

Jason L. Bellis, PE  
Project Manager – Site Engineering

cc: File 7557-005

August 4, 2023

Christine E Curtis  
Executive Director  
Tioga County Industrial Development Agency  
[curtisc@co.tioga.ny.us](mailto:curtisc@co.tioga.ny.us)

**Re: Proposal for Warehouse Design Services  
Buck Road Nichols, NY**

Dear Christine Curtis:

Hunt Engineers, Architects, Land Surveyors, and Landscape Architect DPC (HUNT) is pleased to present this proposal for civil, architectural, structural, and electrical engineering design services related to two new warehouse buildings. The proposed site is on property owned by Tioga County Industrial Development Agency (TCIDA) on Buck Road in Nichols, NY.

**Project Description**

It is our understanding that TCIDA is looking to obtain proposals for design services for two new 40,000 square foot warehouse buildings. The proposed site is predominately vacant farmland located on Buck Road in Nichols, NY. The warehouses are to be pre-engineered metal buildings and with the superstructure design to be completed by the building manufacturer. The design services requested are site/civil design, architectural coordination and structural foundation design, and electrical design.

Site/civil design services for the project will include conceptual layout, grading, stormwater drainage, parking lots, lighting, and site utilities including setbacks, circulation, sidewalks, and landscaping. This work will include review of local ordinances and zoning as required to provide documents for preliminary and final site plan approval. HUNT will assist TCIDA in coordination, review, and meetings required to obtain final approval.

Structural and architectural services for this project will include code compliance review, foundation design, required code compliance drawings, and permit drawings with foundation plans and details. Code compliance review will be done based on State and Local Code requirements. Foundation design will be provided based on building loads provided by the PEMB manufacturer. HUNT will also assist TCIDA in soliciting geotechnical work required for foundation and site design.

Electrical design services will include determining required load demand and providing permit and construction level documents with electrical layout, lighting plans, fire alarm plans, and panel schedules. Electrical design will be based on building layout, HVAC equipment and Code requirements. HUNT will coordinate electrical utility once demand is determined.

**Scope of Services**

HUNT proposes the following scope of services and design approach as broken down per discipline:

### **Site Scope/Approach**

HUNT understands the site/civil development portion of the requested proposal. The request outlines a site plan approval process with the Town of Nichols with comments/review from Tioga County. The milestones and scope of services for this process are outlined below.

#### **A. Owner Kick off Meeting**

- a. Determine schedule, existing conditions, development intent, user requirements and contact information.

#### **B. Preliminary Site Layout**

- a. Utilizing arial imagery, spatially plan all required elements on the site based on zoning requirements.
- b. Verify any additional permitting or zoning variances that may be required.
- c. Determine stormwater design approach and locate potential infiltration areas for geotechnical/infiltration testing. Preliminary infiltration testing and soil borings as required for structural design.
- d. Utilize a rough building footprint for placement on the property with all known elements of site development, including parking and vehicular circulation.
- e. Determine utility design requirements.
- f. Coordinate SEQR requirements and environmental impacts.
- g. Review comments with Tioga IDA and incorporate them into the conceptual plan.
- h. Survey to be completed as additional service, or by others.

#### **C. Conceptual Plan Draft**

- a. Present the draft conceptual plan to Tioga IDA and incorporate comments prior to submission to the Town of Nichols.
- b. Review prepared SEQR draft.

#### **D. Conceptual Plan Submission (Town of Nichols)**

- a. Submit required documents to the Town prior to the planning board meeting as required.
- b. Attend and present at Town Planning board meeting.
- c. Review Board comments with Tioga IDA.
- d. Prepare response to all comments prior to Final Site Plan Submission.
- e. Coordinate geotechnical subcontract to perform final infiltration testing for stormwater design.

#### **E. Final Site Plan Draft**

- a. Review proposed documents with Tioga IDA and incorporate comments prior to submission to the Town.
- b. Owner review of 90% completed set.

#### **F. Final Site Plan Submission (Town of Nichols)**

- a. Submit required documents to the Town prior to the planning board meeting as required.
- b. Attend and present at Town Planning board meeting.
- c. Request Planning board approval.

**G. Prepare Bid Documents**

- a. Prepare specifications.
  - i. Coordinate front end specification with all design disciplines and Tioga IDA.
- b. Make any modifications to approved Final Site Plan submission documents.

Exemptions:

- Survey: Survey will be required for site plan approval if one has not been completed. HUNT will require a Civil 3d file to utilize with certified property boundaries.
- Utility design to extend public water or sewer to provide a connection to this development.
- Application are not included in this proposal fees.
- Zoning board of appeal application and associated hearing are not included in this proposal.
- Additional planning board meetings.
- Traffic Studies and NYS DOT permitting.
- NYS DOH applications beyond backflow prevention permitting.
- Stormwater inspection services during construction.
- Additional geotechnical testing due to unfavorable results or major change in scope.
- Environmental assessments, environmental impact statement (EIS), etc. beyond desktop review and Phase 1, such as items relating to endangered species/habitat investigations, traffic impact studies, noise analysis, viewshed analysis, and archaeological investigations. These items, if required, can be discussed with Tioga County IDA and a fee agreed upon.
- Landscape Architectural services above and beyond the minimum required by the Town.
- Soil and hazardous material testing.
- This proposal is for permit level documents. If bid documents are required, this will be an additional service.

**Structural and Architectural Design Scope/Approach**

HUNT understands the structural and architectural design portion of the requested proposal. The scope of services requested and needed based on our understanding of the work, for building permit along with our approach to provide them is outlined below.

**A. Structural and Architectural Code Review**

- a. Perform architectural Code review to determine requirements for Code Compliance.
- b. Provide structural Code review to determine loading requirements and foundation requirements.

**B. Preliminary Foundation Design**

- a. Complete preliminary foundation design and layout based on floor plan and preliminary building layouts.
- b. Develop soil boring layout and RFP for geotechnical services to obtain both foundation and site required recommendations.
- c. Solicit proposals for geotechnical services.
- d. Review proposals and make recommendations for geotechnical services.

**C. Final Foundation Design and Permit Level Drawings**

- a. Review building layout, loading, and reactions from PEMB manufacture.

- b. Review geotechnical report.
- c. Complete foundation design calculations based on reactions provided by PEMB manufacture and foundation design parameters provided in the geotechnical report.
- d. Complete permit drawings with foundation layout and details.
- e. Complete required architectural Code Compliance drawings for building permit.
- f. Final stamped Code Compliance and Foundation drawings will be provided.

Exemptions:

- HUNT will coordinate Geotechnical Services, but the actual contract will be between the geotechnical company and TCIDA. If TCIDA wishes to have this as a subconsultant agreement through HUNT an estimated additional service has been provided.
- This proposal is for permit level documents. If bid documents are required, this will be an additional service.

**Electrical Scope/Approach**

HUNT understands the electrical design portion of the requested proposal. The scope of the services requested and our approach to provide them is outlined below.

**A. Design Calculations and Review**

- a. Review building layout and usage to determine power needs.
- b. Determine electrical needs of HVAC equipment based on equipment selections provided.
- c. Complete ComCheck based on energy code requirements.
- d. Complete Code review for electrical services.
- e. Complete Code Review to determine fire alarm requirements.
- f. Design required building electrical service based on overall power needs.

**B. Electrical Permit Drawings**

- a. Provide electrical plans for circuiting to outlets, HVAC equipment, fire alarm panel, and other equipment.
- b. Provide lighting plans include controls and wiring diagrams.
- c. Provide fire alarm plan including device locations and system requirements.
- d. Provide plans and schedules including one-line diagram and details for electrical panels.
- e. Final stamped permit plans will be provided.

**C. Electrical Utility Coordination**

- a. Coordinate remotely with electrical utility once service needs are determined.

Exemptions:

- This proposal is for permit level documents. If bid documents are required, this will be an additional service.

## **Parameters**

- All design will be completed in accordance with the 2020 Building Code of New York State.
- TCIDA will facilitate coordination with PEMB to obtain building reactions for design.
- TCIDA will facilitate coordination with HVAC and other miscellaneous equipment that is being provided. This is critical in determining electrical demands.
- Coordination with Electrical Utility cannot begin until overall building electrical demands are determined.
- Bidding and Construction Phase Services are not included in this proposal.

## **Schedule**

With scope items being dependent on receiving information that is outside the scope of this proposal, HUNT has provided time durations based on receiving required information. These durations are broken down per discipline. If selected HUNT would develop a detailed schedule based on information the TCIDA currently has and when additional information can be obtained.

### **SITE DEVELOPMENT SCHEDULE**

Site development design will require coordination with the development of Architectural, MEP, and Structural design. It is also dependent on exploratory/field work. Some key timeframes that would frame our schedule:

1. Survey (Additional service or by others)
  - a. Duration: 1-3 months from approval
2. Geotechnical exploration and reporting (subconsultant)
  - a. Duration: 3-4 months from owner kick off meeting
3. Planning Board submissions and meetings
  - a. Duration: meetings are typically monthly, but Tioga IDA review will require meetings between.
4. Conceptual Site Design
  - a. Duration: 2-3 months and will be dependent on survey.
5. Final Site Design
  - a. Duration: 2-3 months following preliminary approval and geotechnical report.

### **Structural and Architectural Design Schedule**

Final structural design will be dependent on receiving final building reactions and geotechnical recommendations. Architectural coordination and Code Compliance will be based on preliminary floor plans and conceptual site layout. Some key timeframes for this schedule are below:

1. Preliminary Foundation Design and Geotechnical RFP
  - a. Duration: 1 month once provided with floorplan, and conceptual site layout.
2. Permit Level Foundation and Code Compliance Drawings

- a. Duration: 1-2 months once building reactions and geotechnical report are received.

### **Electrical Design Schedule**

Electrical design and utility coordination will require development of architectural plans along with equipment layout and selections. Some key timeframes for this schedule are below:

1. Electrical Design
  - a. Duration: 1-2 months once provided with floorplan and equipment selections.
2. Electrical Utility Coordination
  - a. Duration: 1-2 months once load demands are determined.

### **Proposed Fees**

HUNT proposes to provide the scope of services outlined above for the lump sum fees listed below. These fees include disbursements (printing, mileage, etc.)

1. Site Design Fee	\$39,000
2. Structural and Architectural Design Fee	\$24,000
3. Electrical Design Fee	\$12,000
<b>Total For Base Scope</b>	<b>\$75,000</b>

### Additional Services

1. Bid Document	\$10,000
2. Geotechnical Report (Estimated) <ol style="list-style-type: none"><li>a. Infiltration Tests and Building Borings</li></ol>	\$25,000 - \$30,000

If the above scope of services and the associated fees are acceptable, please let us know and we will develop a contract for the work.

Should you have any questions or want to further discuss this proposal in greater detail, please do not hesitate to call contact me at (607) 358-1035 or [binnsn@hunt-eas.com](mailto:binnsn@hunt-eas.com).

Sincerely,



Nathan G Binns, PE  
Director of Structural Engineering



August 4, 2023

Ms. Christine Curtis, Executive Director  
Tioga County Industrial Development Agency  
56 Main Street  
Owego, New York 13827

Via E-mail: [curtisc@tiogacountyny.gov](mailto:curtisc@tiogacountyny.gov)

RE: Proposal for Engineering Services  
Buck Road Warehouse Buildings  
Nichols (T), Tioga (Co.), New York

Dear Christine:

Fagan Engineers & Land Surveyors, P.C. (FE) is pleased to respond to your recent request for proposal (RFP) for Engineering Services for the two proposed 40,000 SF warehouse buildings on Buck Road in Nichols, NY. We are teaming with EC4B Engineering, P.C. for the electrical engineering portions of the project. We propose the following Scope of Services to develop a “bid ready” set of documents based on your RFP:

## **SCOPE OF SERVICES**

### **Site Plan**

1. Existing Conditions Survey – FE will perform an existing conditions survey of the project parcel to be utilized for base mapping. FE will utilize the boundary survey provided by Others.
2. Concept Plans – FE will develop three concept plans for the full development of the proposed site with Phase 1 consisting of the two PEMB buildings. FE will present the concepts to the IDA for review and comment.
3. Site Plan – FE will refine the selected concept plan to a sufficient level for pricing and Planning Board initial submittals. The Site Plans will be developed in accordance with the Local Zoning Law and will depict proposed buildings, drives, site lighting, landscaping, etc. The Site Plan drawings will also include required details and profiles of the site construction elements sufficient for pricing.
4. Drainage Plan – FE will develop a drainage plan in accordance with the local/state regulations and typical engineering standards. Since the project will disturb more than one acre, a Full Stormwater Pollution Prevention Plan (SWPPP) and SPDES General Construction Permit will be required by the New York State Department of Environmental Conservation (NYSDEC).

5. Grading Plan – FE will prepare a preliminary grading plan which will show existing contours, proposed contours, and spot elevations for the proposed project. This data will include bulk earthwork estimates for cut/fill.
6. Utility Plan – FE will coordinate with the local utility companies for the proposed location of their services (water, cable, electric, gas, etc.) and to ensure capacity. FE will prepare a utility plan depicting the location of all necessary utilities for pricing purposes.
7. Project Civil Drawings – FE will provide a set of permitting/construction drawings including specification notes on the drawings. A technical specification manual will not be provided per your requirements.
8. Site Plan Submission – FE will develop a complete site plan package submittal for the Town Planning Board. FE will complete the Planning Board Application and SEQR Forms.
9. Review Agency Coordination/Meetings – FE anticipates up to three meetings to obtain Site Plan approval. FE will provide all coordination for local approvals including attendance at pre-planning meetings with Town Staff. FE and EC4B respond to one round of Building Code Official comments.

### **Building Design**

10. PEMB Drawings – FE will develop PEMB layout drawings for the two proposed warehouse buildings. FE will coordinate with the IDA on the building footprints during the Concept Plan phase of the Site Plan scope.
11. Coordinate with PEMB Manufacturer – FE will coordinate with the preferred PEMB manufacturer, which will be relied upon for accurate design requirements for the foundation system.
12. Geotechnical Engineer – FE will retain a geotechnical engineering subconsultant for development of a geotechnical report indicating recommended foundation system, allowable soil bearing capacity and seismic site classification.
13. Foundation Design – FE will design the foundations for the PEMB based on the design requirements provided by the preferred PEMB manufacturer.
14. Permit Drawings – FE will prepare final submission for the purpose of permitting and construction; sealed by an Engineer licensed in New York State.
15. Building Code Review – FE will coordinate with the Building Code Official and respond to one round of comments following submission for building permit.

### **Electric Design**

16. Utility Coordination – EC4B will coordinate with the electric utility provider remotely.
17. Electric Utility Coordination and Demand – EC4B will provide electric design calculations to determine the following:
  - Connected and demand load for service and equipment sizing.
  - Short Circuit calculations to determine equipment bracing.
  - Com Check calculations to confirm energy code compliance.
18. Electric Permitting/construction Drawings – EC4B will provide electric permitting/construction drawings of the approved building arrangement to include:
  - Power Plans showing circuiting for all electrical outlets, HVAC equipment (HVAC design by others), Fire Alarm panel, and miscellaneous equipment
  - Lighting Plans showing lighting controls, wiring, and conduit routing
  - Fire alarm plan with notes dictating system requirements and device locations.
  - Panel schedules, one-lined and details. complex. Design will include a permit set design.
  - Power to site lighting design.

### **FEES**

Fagan Engineers & Land Surveyors, P.C. proposes to proceed on a lump sum basis in the amount of \$80,000. FE will invoice against the lump sum amount for services provided during all phases of the project will be due and payable within 30 calendar days of their submission to you.

**ADDITIONAL SERVICES NOT INCLUDED**

Any work mutually agreed upon beyond the Scope of Services defined in this proposal and the provided Request for Proposal (RFP) would be deemed "Extra Work", including, but not limited to:

- Boundary Survey
- Traffic Impact Study
- Final HVAC Design
- Project Manual – All Specifications will be provided on the Project Drawings
- Arc Flash and breaker coordination studies
- Identification of contaminated soils and design of remediation projects.
- Bidding and Construction Administration
- Site Inspection & Testing
- Record Drawings

**SCHEDULE**

Upon acceptance of this proposal, Fagan Engineers & Land Surveyors, P.C. will complete the services outlined herein at a mutually agreed upon time schedule. FE and EC4B have planned for a 20-week time frame from award of the contract to final deliverables. The schedule includes a 90% drawing set for the Tioga County IDA and a final sealed drawing set suitable for permitting/construction. Work will commence immediately upon receipt of this agreement.

\*\*\*\*\*

**CONSULTANT CONTRACT PROVISIONS**

**GENERAL** - These Standard Terms and Conditions, together with the attached proposal, constitute the Professional Services Agreement ("Agreement") between Fagan Engineers & Land Surveyors, PC ("CONSULTANT") and the person or entity to whom the proposal is addressed ("Client") to perform basic or additional services.

**1. CONTRACT** – These Contract Provisions and the accompanying Proposal constitute the full and complete Agreement between the parties and may be changed, amended, added to, superseded, or waived only if both parties specifically agree in writing to such amendment of the Agreement. In the event of any inconsistency between these Contract Provisions and any proposal, contract, purchase order, requisition, notice to proceed, or like document, these Contract Provisions shall govern.

**2. RIGHT OF ENTRY** – When entry to property is required for the CONSULTANT to perform its services, the Client agrees to obtain legal right-of-entry on the property.

**3. DOCUMENTS** – All reports, notes, drawings, specifications, data, calculations, and other documents, including those in electronic form, prepared by CONSULTANT are instruments of CONSULTANT's service that shall remain CONSULTANT's property. The Client agrees not to use CONSULTANT-generated documents for marketing purposes, for projects other than the project for which the documents were prepared by CONSULTANT, or for future modifications to this project, without CONSULTANT's express written permission.

Any reuse or distribution to third parties without such express written permission or project-specific adaptation by CONSULTANT will be at the Client's sole risk and without liability to CONSULTANT or its employees, subsidiaries, independent professional associates, subconsultants, and subcontractors. Client shall, to the fullest extent permitted by law, defend, indemnify, and hold harmless CONSULTANT from and against any and all costs, expenses, fees, losses, claims, demands, liabilities, suits, actions, and damages whatsoever arising out of or resulting from such unauthorized reuse or distribution.

**4. DISPOSAL OF SAMPLES** – CONSULTANT will discard samples upon completion of the work covered under this Agreement, unless the Client instructs otherwise in writing.

**5. HAZARDOUS MATERIALS** – The scope of CONSULTANT's services for this Agreement does not include any responsibility for detection, remediation, accidental release, or services relating to waste, oil, asbestos, lead, or other hazardous materials, as defined by Federal, State, and local laws or regulations.

**6. CONSTRUCTION PHASE SERVICES** – If CONSULTANT performs any services during the construction phase of the project, CONSULTANT shall not supervise, direct, or have control over Contractor's work. CONSULTANT shall not have authority over or responsibility for the construction means, methods, techniques, sequences or procedures or for safety precautions and programs in connection with the work of the Contractor. CONSULTANT does not guarantee the performance of the construction contract by the Contractor and does not assume responsibility for the Contractor's failure to furnish and perform its work in accordance with the Contract Documents.

**7. STANDARD OF CARE** – CONSULTANT and its employees, subsidiaries, independent professional associates, subconsultants, and subcontractors will exercise that degree of care and skill ordinarily practiced under similar circumstances by design professionals providing similar services. Client agrees that services provided will be rendered without any warranty, express or implied.

CONSULTANT shall exercise usual and customary professional care in its efforts to comply with applicable codes, regulations, laws rules, ordinances, and such other requirements in effect as of the date of execution of this Agreement.

**8. OPINION OF PROBABLE COSTS** – When required as part of its work, CONSULTANT will furnish opinions of probable cost, but does not guarantee the accuracy of such estimates. Opinions of probable cost, financial evaluations, feasibility studies, economic analyses of alternate solutions, and utilitarian considerations of operations and maintenance costs prepared by CONSULTANT hereunder will be made on the basis of CONSULTANT's experience and qualifications and will represent CONSULTANT's judgment as an experienced and qualified design professional. However, users of the probable cost opinions must recognize that CONSULTANT does not have control over the cost of labor, material, equipment, or services furnished by others or over market conditions or contractors' methods of determining prices or performing the work.

**9. SUSPENSION OF WORK** – The Client may, at any time, by written notice, suspend further work by CONSULTANT. The Client shall remain liable for, and shall promptly pay CONSULTANT for all services rendered to the date of suspension of services, plus suspension charges, which shall include the cost of assembling documents, personnel and equipment, rescheduling or reassignment, and commitments made to others on Client's behalf.

Client shall pay CONSULTANT pursuant to the rates and charges set forth in the Proposal. CONSULTANT will submit monthly invoices to Client for services rendered and expenses incurred. If Client does not pay invoices within thirty (30) days of submission of invoice, CONSULTANT may, upon written notice to the Client, suspend further work until payments are brought current. The Client agrees to indemnify and hold CONSULTANT harmless from any claim or liability resulting from such suspension.

**10. CHANGES OR DELAYS** – Unless the accompanying Proposal provides otherwise, the proposed fees constitute CONSULTANT's estimate to perform the services required to complete the Project. Required services often are not fully definable in the initial planning; accordingly, developments may dictate a change in the scope of services to be performed. Where this occurs, changes in the Agreement shall be negotiated and an equitable adjustment shall be made.

Costs and schedule commitments shall be subject to renegotiation for unreasonable delays caused by the Client's failure to provide specified facilities, direction, or information, or if CONSULTANT's failure to perform is due to any act of God, labor trouble, fire, inclement weather, act of governmental authority, failure of transportation, accident, power failure, or interruption or any other cause beyond the reasonable control of CONSULTANT. Temporary work stoppage caused by any of the above may result in additional cost beyond that outlined in the accompanying Proposal.

**11. LIABILITY** – To the fullest extent permitted by law, the total liability, in the aggregate, of CONSULTANT and CONSULTANT's officers, directors, employees, agents, and consultants to Client and anyone claiming by, through or under Client, for any and all injuries, claims, losses, expenses, or damages whatsoever arising out of or in any way related to CONSULTANT's services, the Project or this Agreement, from any cause or causes whatsoever, including but not limited to, negligence, strict liability, breach of contract or breach of warranty shall not exceed the total compensation received by CONSULTANT under this Agreement.

**12. CONFLICTS OF INTEREST** – This assignment may involve parties with adverse interests to clients with whom CONSULTANT has current or past relationships. It is CONSULTANT policy to make reasonable attempts to identify such relationships prior to acceptance of a professional assignment, but CONSULTANT cannot assure that conflicts or perceived conflicts will not arise, and CONSULTANT does not accept responsibility for such occurrences.

**13. REIMBURSABLE EXPENSES** – CONSULTANT will bill direct nonpayroll expenses at cost plus 10%. Direct expenses include all reasonable expenses resulting from required responses to subpoenas or court orders related to work under the Contract.

**14. MISCELLANEOUS**

**Governing Law:** The laws of the state in which the CONSULTANT office executing this Agreement is located shall govern the validity and interpretation of this Agreement.

**Invalid Terms:** In the event any of these Contract Provisions are found to be illegal or otherwise unenforceable, the unenforceable Contract Provision will be stricken. Striking such a Contract Provision shall have no effect on the enforceability of the remaining Contract Provisions and those remaining Contract Provisions shall continue in full force and effect as if the unenforceable Contract Provision were never included in the Agreement.

**Mediation:** The Client and CONSULTANT agree to submit all claims and disputes arising out of this Agreement to non-binding mediation prior to the initiation of legal proceedings. This provision shall survive completion or termination of this Agreement; however, neither party shall seek mediation of any claim or dispute arising out of this Agreement beyond the period of time that would bar the initiation of legal proceedings to litigate such claim or dispute under the applicable law.

**CONSULTANT Reliance:** CONSULTANT shall be entitled to rely, without liability, on the accuracy and completeness of any and all information provided by Client, Client's consultants and contractors, and information from public records, without the need for independent verification.

**Certifications:** CONSULTANT shall not be required to sign any documents, no matter by whom requested, that would result in CONSULTANT's having to certify, guaranty, or warrant the existence of conditions that CONSULTANT cannot ascertain.

**Third Parties:** Nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either the Client or CONSULTANT. CONSULTANT's services hereunder are being performed solely for the benefit of the Client, and no other entity shall have any claim against CONSULTANT because of this Agreement or CONSULTANT's performance of services hereunder.

**Consequential Damages:** Neither the Client nor the CONSULTANT shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of, or connected in any way to the Project or this Agreement. This mutual waiver includes, but is not limited to, damages related to loss of use, loss of profits, loss of income, loss of reputation, unrealized savings or diminution of property value and shall apply to any cause of action including negligence, strict liability, breach of contract and breach of warranty.

**Force Majeure:** The CONSULTANT shall not be responsible for delays caused by factors beyond the CONSULTANT'S reasonable control, including but not limited to delays because of strikes, lockouts, work slowdowns or stoppages, government ordered industry shutdowns, power or server outages, acts of nature, widespread infectious disease outbreaks (including, but not limited to epidemics and pandemics), failure of any governmental or other regulatory authority to act in a timely manner, failure of the Client to furnish timely information or approve or disapprove of the CONSULTANT'S services or work product, or delays caused by performance by the Client or by contractors of any level. When such delays beyond the CONSULTANT'S reasonable control occur, the Client agrees that the CONSULTANT shall not be responsible for damages, nor shall the CONSULTANT be deemed in default of this Agreement.

Page 6  
Ms. Christine Curtis  
August 4, 2023

Should this proposal for engineering services be acceptable, please sign the acceptance section below which will constitute an agreement between us. Please return one executed copy for our files. Thank you for the opportunity to submit this proposal, and we look forward to working with you on this project.

Sincerely,

FAGAN ENGINEERS & LAND SURVEYORS, P.C.



James B. Gensel, P.E., CPESC  
President

**AGREEMENT ACCEPTANCE SECTION**

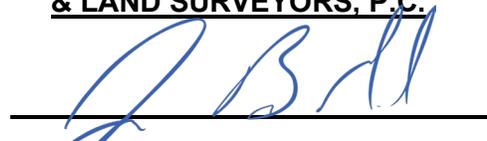
**TIOGA COUNTY IDA**

**FAGAN ENGINEERS  
& LAND SURVEYORS, P.C.**

ACCEPTED BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_



\_\_\_\_\_  
**President**  
\_\_\_\_\_  
**August 4, 2023**

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## **TIOGA COUNTY IDA**

### *Design Services for Two Warehouse Buildings*

**AUGUST 4, 2023**



Ms. Christine E. Curtis  
Executive Director  
Tioga County IDA  
56 Main Street  
Owego, NY 13827

**Re: Design Services for  
Two Warehouse Buildings**

**AUGUST 4, 2023**

Dear Ms. Curtis,

Thank you for this opportunity to offer our qualifications in response to the RFP: Tioga County IDA Design Services for Two Warehouse Buildings. We have emailed a copy of our submission.

**Delta Engineers, Architects, Land Surveyors, & Landscape Architects, DPC (Delta)** is a full service firm that was established in the City of Binghamton in 1976. Our corporate headquarters are in Endwell, NY. We also have offices in Schenectady, NY, Syracuse, NY, Vernon, NY and Chevy Chase, MD.

We deliver a wide range of services targeted to clients in ten primary market sectors, including architectural, engineering, environmental, and civil engineering services. Our professional staff includes 24 licensed engineers, architects, land surveyors, and landscape architects as well as a full-time support staff of 83 experienced designers, technicians, industrial hygienists, ecological scientists, construction support, and administrative staff who provide cost efficient services.

One of our core principles is Community, and we believe that this project be of a great benefit to not only Nichols, but Tioga County as a whole.

**Delta** has experience with pre-fabricated buildings. You will learn more about these projects later in this proposal. We do not plan to utilize any subconsultants on this project. However, if required, we have a host of other companies that we have a great deal of experience working with.

We also have a great working relationship with the Tioga County Industrial Development Agency, dating back to 1998.

**Delta** is an **ISO 9001:2015 Certified** company. Our Quality Management System (QMS) has improved the consistency and accuracy of the projects that we deliver. Every project team member, from project manager to CAD technician, adheres to our QMS, and every project is thoroughly reviewed before delivery.

Our Project Manager and primary point of contact will be **Christopher S. Lynch, RA**. You can reach Mr. Lynch at **607-231-6661** or by email at **clynch@delta-eas.com**. He is based in our Endwell Office located at **860 Hooper Road, Endwell, NY 13760**.

Our focus is to always be a **"seamless extension of our clients' organizations."** We look forward to the opportunity to work with the Tioga County Industrial Development Agency and help design buildings that will be of great use for generations to come.

Respectfully,

**DELTA ENGINEERS, ARCHITECTS, LAND SURVEYORS, & LANDSCAPE ARCHITECTS, DPC**



Anthony R. Paniccia, PE, JD  
President & CEO

# FIRM OVERVIEW

AN ISO 9001:2015 CERTIFIED COMPANY

## WHO WE ARE

**Delta Engineers, Architects, Land Surveyors, & Landscape Architects, DPC (Delta)**, an **ISO 9001:2015 certified company**, was founded in the City of Binghamton in 1976 and has grown from pure civil engineering roots into a 107 person, multidisciplinary professional services firm that delivers a wide range of services targeted to clients in ten primary market sectors: Architecture, Facilities, Landscape Architecture, Civil Engineering Services, Transportation, Environmental, Specialty Precast, Specialty Sports Engineering, Survey & Mapping, and Ecological Services. We have five total offices, four in New York (Endwell, Schenectady, Syracuse and Vernon) and one in Maryland (Chevy Chase). Our mission statement is stated simply: **“we are a seamless extension of our clients’ organizations.”** Our commitment is to the community, as well as to our clients.

## EXPERIENCE AND DEPTH

**Delta** project managers have an average of 29 years of design and management experience and are personally committed to satisfying our clients on every assignment. Our staff includes 24 licensed engineers, architects, and land surveyors, as well as a support staff of 83 other engineers, architects, technicians, industrial hygienists, cost estimators, and administrative staff that provide time and cost efficient services. This depth is key to our ability to handle concurrent projects with no adverse effect on performance.

## SOLID INFRASTRUCTURE

Internally, we have upgraded our IT data infrastructure and design platforms to include the Panzura Global Cloud Storage System. We continue to base our project management back office capabilities on the Newforma Project Management software suite. These tools have enhanced the security of our client data and our ability to collaborate without barriers.

## RESPONSIVENESS

Responsiveness is an integral part of the **Delta** culture. Our corporate structure, group organization, and project management approach allow us to form the right team of architects, engineers, and support staff required for a project without delay. We take pride in providing effective solutions for our clients quickly and reliably.

## DESIGN CAPABILITIES

Our design technology capabilities have grown significantly in recent years. We have fully embraced Building Information Modeling (BIM) to capture efficiencies and improve design quality across the entire life cycle of facility design. Using the latest Revit®, AutoCAD, and laser scanning technology, we help our clients visualize design alternatives to determine which options best meet their needs.

## DESIGN EXCELLENCE

The quality of **Delta’s** construction documents is second to none. Change orders on any **Delta** projects are well within any sort of industry standard, and we have the references and “score cards” to prove it. From programming to construction documents, each submission will contain and show the information developed and vetted clearly and concisely.

## ISO 9001:2015 QUALITY MANAGEMENT SYSTEM (QMS)

Our comprehensive Quality Management System (QMS) ensures that every project that we perform is rigorously peer reviewed in-house before delivery to ensure that all deliverables meet or exceed project requirements. Our formal, defined review processes that **Delta** uses on every project ensure consistent, high quality results across all disciplines.

## EXPERIENCE WITH LEED® CERTIFICATION

**Delta** has significant experience with Leadership in Energy and Environmental Design (LEED) consulting and green building design. We provide a comprehensive approach to the LEED® design process for both new and existing buildings. Our LEED® experience has ranged from roles as lead Project Architect, lead Engineer, Project Manager, and Commissioning Agent.

We understand the importance of LEED® principles being an integral part of the design process from conception through construction. We work with our clients and their project teams to provide technical expertise and peace of mind throughout the LEED design and certification process.

**Delta** has demonstrated commitment to LEED® standards for developing sustainable buildings in many contexts. Beginning in the early 2000’s, **Delta** recognized the importance of LEED® design and began a deliberate initiative to become a leader in green design and project management. **Delta** has been a member of the United States Green Building Council (USGBC) since 2006. **Delta** has five staff members who hold LEED® certifications.

STAFF MEMBER	TITLE	CREDENTIALS
Frederick C. Allabaugh Jr.	Project Manager	PE, LEED AP
Donald P. Harris	Senior Project Engineer	PE, LEED AP
William C. Nichols	Senior Project Manager	PE, LEED AP
Richard R. Sanguinito	Vice President/Director of Facilities Services	PE, LEED AP
John M. Spritzer III	Senior Structural Engineer	PE, LEED AP

# FIRM OVERVIEW

AN ISO 9001:2015 CERTIFIED COMPANY

## ARCHITECTURE



Delta provides comprehensive architectural programming, phasing, and full design services for new and renovation projects from concept through construction completion for institutional, commercial, industrial and residential clients. Our services are typically integrated with multidisciplinary civil, structural, mechanical, electrical, plumbing, fire protection, environmental, interior design, landscape architecture, construction administration, and overall project management services to ensure close coordination to client requirements.

## FACILITIES ENGINEERING



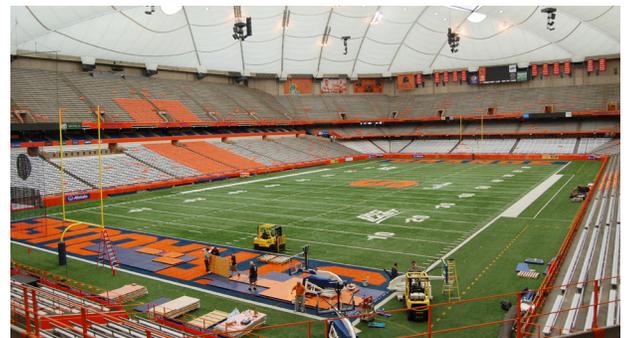
Delta provides comprehensive project management, planning, design, and construction support services for all phases of new and renovation facilities projects from architectural concept through construction completion. Delta architects and engineers deliver an integrated package of structural, civil, mechanical, electrical, plumbing, fire protection, environmental, and construction administration services that are customized to our clients' requirements. Projects range from small single system renovations such as a fire protection system upgrade to complex renovations involving design coordination across all design disciplines such as a complete dormitory upgrade.

## CIVIL ENGINEERING SERVICES



Our site/civil engineers work with you on site feasibility and selection. Our site preparation services cover road and parking facilities, drainage, water supply, utility planning, overall planning, and permit support. We also develop Storm Water Pollution Prevention Plans, erosion and sediment control plans, sanitary sewer plans, retaining wall solutions, and pedestrian facility design which fully American with Disability Act and Proposed Right-of-Way Access Guidelines compliant.

## SURVEY AND MAPPING



Delta provides precision survey and mapping services for institutional, academic, commercial, and residential clients that range from simple boundary line determinations to complex 3-D site assessments. Specialty areas include the integration of laser scanning into engineering design for transportation and facility projects and the highest quality mapping for topographic, ALTA, and construction site surveys.

# FIRM OVERVIEW

AN ISO 9001:2015 CERTIFIED COMPANY

## TRANSPORTATION ENGINEERING



Delta provides comprehensive project management, design, analysis, bid support, and construction administration services for transportation, safety, and quality of life infrastructure projects including bridge, highway, traffic, parking, recreational trail and road usage. Delta delivers a complete portfolio of services for municipal, county, state, federal and private clients and offers special expertise in the rehabilitation of historic, metal truss, and concrete arch bridges. We also provide specialized construction support services and rapid response disaster recovery assistance.

## LANDSCAPE ARCHITECTURE



Delta provides comprehensive landscape architecture services in the areas of community and land planning, recreational planning, and urban and environmental design. Our design solutions incorporate an understanding of how people interact with their environment and reflect our principles of stewardship first. Having the resources of a full service architecture, engineering, and professional services firm under the same roof means that specialized expertise is always available to address additional scope or project integration challenges.

## ENVIRONMENTAL ENGINEERING



Delta provides responsive asbestos project design, inspection, and monitoring services, lead-based paint hazard assessment, thermal imaging, remediation design, and monitoring services, industrial hygiene investigations, hazardous material and water sampling, safety and compliance services, indoor air quality evaluations, and related environmental services.

## ECOLOGICAL SCIENCE



Delta provides a wide range of ecological science services with focus on a complete suite of wetland delineation, mitigation, and permitting services for institutional, commercial, and industrial clients. We also specialize in studies of natural resources, wildlife, vegetation, fisheries, habitat inventories, water quality, endangered species and provide environmental and construction monitoring.

# FIRM OVERVIEW

AN ISO 9001:2015 CERTIFIED COMPANY

## SPECIALTY PRECAST



Our Specialty Precast Group (Delta Precast) provides structural design and consulting engineering services licensed in 49 states for precast concrete manufacturers and other clients throughout the United States that enable them to streamline their project design and approval workflows. We also offer software packages that support development of approved construction drawings from our Engineers-of-Record.

## SPECIALTY SPORTS ENGINEERING



Delta has been working extensively in the sports-related field for over 10 years. We have provided structural design for some of the most iconic stadiums in the world for major league baseball teams including the Yankees, Red Sox, and the Washington Nationals. We have also been involved in design work for NFL teams, along with other professional, college, and high school teams.



107  
EMPLOYEES



24 REGISTERED  
ARCHITECTS,  
ENGINEERS,  
& SURVEYORS



LICENSED IN  
ALL 50 STATES

### Team Leaders



**ANTHONY R. PANICCIA, PE, JD**  
*President & CEO*  
607-231-6610  
[apaniccia@delta-eas.com](mailto:apaniccia@delta-eas.com)



**CHRISTOPHER S. LYNCH, RA**  
*Project Manager*  
607-231-6661  
[clynch@delta-eas.com](mailto:clynch@delta-eas.com)

### OFFICE LOCATIONS

#### Greater Binghamton Region

860 Hooper Road  
Endwell, New York 13760  
Tel 607-231-6600 Fax 607-231-6650

#### Syracuse Region

4873 NYS Route 5  
Vernon, New York 13476  
Tel 315-953-4200 Fax 315-953-4202

6700 Thompson Road, Ste. 1  
Syracuse, NY 13211  
Tel 315-695-7228

#### New York State Capital Region

220 Harborside Drive, Ste. 202  
Schenectady, New York 12305  
Tel 518-427-7200 Fax 518-427-7210

#### National Capital Region

8401 Connecticut Ave, Suite 350  
Chevy Chase, Maryland 20815  
Tel 301-718-0080 Fax 301-718-9520

# GREATER BINGHAMTON SPORTS COMPLEX NEW BUILDING

AN ISO 9001:2015 CERTIFIED COMPANY

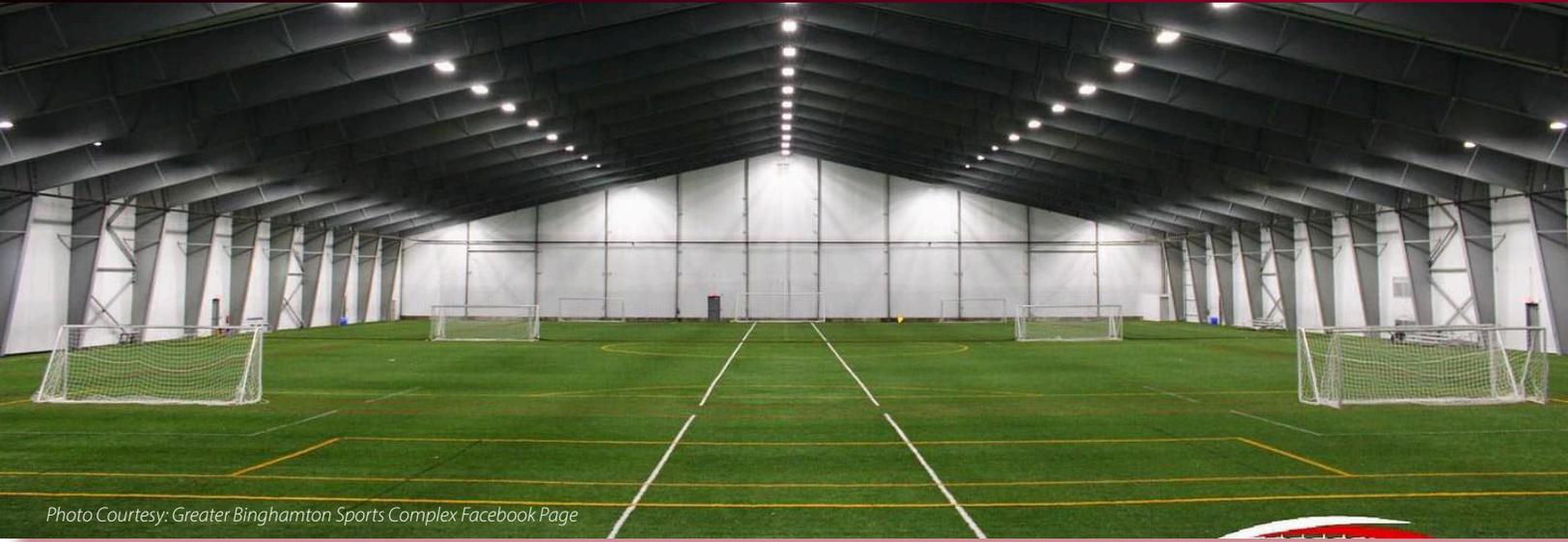


Photo Courtesy: Greater Binghamton Sports Complex Facebook Page

## OWNER

Greater Binghamton Sports  
Complex

## CLIENT

Greater Binghamton Sports  
Complex

## CONTACT & PHONE

Bahij Kashou  
Owner  
607-729-5165

## COMPLETION DATES

*Professional Services*  
2021  
*Construction Services*  
2022

## CONSTRUCTION COST

\$4,325,000

## SERVICES

Architecture, Structural,  
Mechanical, Electrical, Plumbing,  
Civil, Cost Estimating, Construction  
Administration

## PROJECT DELIVERY METHOD

Design-Build

## DELTA PROJECT MANAGER

Christopher S. Thomas

Delta Engineers, Architects, Land Surveyors, & Landscape Architects, DPC (Delta) provided professional Architectural and Engineering services for the construction of a pre-engineered metal building to be the new home of the Greater Binghamton Sports Complex.

Delta developed documents that were used for approval by the Town of Union Planning Board and permit level documents for the owner.

In addition, Delta assessed the site, considering topography, property off-sets, cost implications, traffic patterns, parking and more.

Delta provided architectural, structural, mechanical, electrical, plumbing, site/civil, cost estimating and construction administration services for this project.

# NEW YORK STATE ACADEMY OF FIRE SCIENCE FIELD OPERATIONS BUILDING DESIGN & CA

AN ISO 9001:2015 CERTIFIED COMPANY



## OWNER

New York State  
Department of Homeland Security  
and Emergency Services

## CLIENT

New York State  
Office of General Services

## CONTACT & PHONE

Sukhjit Singh  
Director of Consultant Procurement  
518-473-7287

## COMPLETION DATES

*Professional Services*  
2016

*Construction Services*  
2020

## CONSTRUCTION COST

\$4,500,000

## SERVICES

Architecture, Structural, Mechanical,  
Electrical, Plumbing  
Fire Protection, Site/Civil  
Cost Estimating, and Construction  
Administration

## DELTA PROJECT MANAGER

Anthony R. Panicica, PE, JD

New York State Office of General Services selected Delta to provide a program report, design services, construction documents, and construction administration for a new 20,000 sq. ft. Field Operations Building for the Department of Homeland Security and Emergency Services (DHSES). The new facility will be located on the training grounds of the Academy of Fire Science in Montour Falls, NY. The project objective is to provide heated storage for approximately \$2M worth of fire apparatus, a fully functional classroom, and storage areas for firefighter turnout gear and associated training equipment.

This new Fire Science Field Operations Building will create a safer breathing environment for students by the removal of contaminated firefighting gear from the main building and will also reduce the risk of accidents related to driving apparatus on open roads to the current training grounds. It will include six double stacked apparatus bays, classroom space for 50 students, locker rooms, turnout gear storage for 50 students and 25 instructors, turnout gear wash and maintenance areas, kitchenette, and office. To meet budgetary and construction schedule requirements, the new facility will be a pre-engineered building system.



# MONTGOMERY COUNTY PUBLIC SAFETY GARAGE FACILITY

AN ISO 9001:2015 CERTIFIED COMPANY



## OWNER

Montgomery  
County, NY

## CLIENT

Montgomery  
County, NY

## CONTACT & PHONE

Amanda Bearcroft  
Senior Planner/GIS  
518-853-8334

## COMPLETION DATES

*Professional Services*  
2018

*Construction Services*  
2019

## CONSTRUCTION COST

\$1,265,000

## SERVICES

Architectural, Structural  
Mechanical, Electrical,  
Plumbing, Fire Protection,  
Site/Civil

## DELTA PROJECT MANAGER

Anthony R. Paniccia, PE, JD

This project involved the design of a fire and safety equipment storage garage for the emergency services and sheriff's department in Montgomery County, NY. The storage building was to be a pre-engineered metal building on a concrete foundation. Delta provided a mechanical

design of the heating and cooling systems, sprinkler systems, and the specialized plumbing systems for the garage area, as well as electrical work including power, data, interior lighting, fire alarm, cable TV, and site lighting. Delta also provided architectural design and plumbing design services.



# TOWN OF BOVINA

## HIGHWAY FACILITY BUILDING DESIGN

AN ISO 9001:2015 CERTIFIED COMPANY



### OWNER

Town of Bovina, NY

### CLIENT

Town of Bovina, NY

### CONTACT & PHONE

Tina Mole  
Town Supervisor  
607-746-6675

### COMPLETION DATES

*Professional Services*  
2010  
*Construction*  
2010

### CONSTRUCTION COST

\$500,000

### SERVICES

Architectural, Mechanical  
Electrical, Plumbing  
and Fire Protection

### DELTA PROJECT MANAGER

Anthony R. Paniccia, PE, JD

This project involved the design of a new 6,480 sq. ft. pre-engineered highway facility building in the Town of Bovina, NY. This facility needed to be able to accommodate the town's administrative offices, support spaces, and five vehicle bays to house the majority of Bovina's highway equipment fleet.

Delta provided full architectural and engineering services and worked closely with the building committee and highway superintendent to meet the programmatic needs within a fixed budget. The mechanical scope of work involved providing three options for a heating source within the building, which included an in-floor radiant heating system, a CoRayVac infrared heating system, and a forced air heating system.



# PROJECT SCHEDULE

AN ISO 9001:2015 CERTIFIED COMPANY

Delta has put together the following schedule for this project.

Schedule	Dates
Project Award	9/8/2023
Kickoff Meeting	week of 9/11/2023
Engage Preferred PEMB Manufacturer	9/18/2023
Goethechnical Proposals Received & Award	10/6/2023
90% Construction Documents	12/1/2023
Client Review	12/15/2023
Geotechnical Report Finished	12/29/2023
Issue Bid Documents/Submit for Building Permit	1/31/2024
Issue Addendum for Building Department Comments	2/16/2024

# PROJECT COMPENSATION

AN ISO 9001:2015 CERTIFIED COMPANY

Delta has put together the following compensation proposal for this project.

Service	Price
Survey	\$10,000
Geotechnical Engineering	\$12,500
Site/Civil Engineering	\$25,000
Structural Engineering	\$12,500
Architectural Design	\$28,000
Electrical Engineering	\$10,000
Total	\$98,000

