

Town Board Meeting/Public Hearing September 13, 2021

Supv. Crossen called the monthly meeting of the Alabama Town Board to order at 7:00 p.m.

Public Hearing LL1-2021

MOTION by Councilperson LaGrou to open the public hearing at 7:01 p.m. for Local Law 1-2021 Tax Cap Override. Councilperson Klotzbach seconded the motion, which was approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Roll Call was taken, Councilperson Fisher, LaGrou, Klotzbach, Veazey and Supv. Crossen were present. Also present were Supt. Covel, Mark Masse, Attorney Boylan, Dave Bencic, Drew Reilly, Terry Thompson, Kris Thompson, Bethany Thompson, Paul Winnie and Keilka Salbury. Also present via zoom: Jeremy DeLyser, Wendy Kingsland and Kaylen Olwin.

Supervisor Crossen open the floor for comments on the Proposed Tax Cap Override Law

Dave Bencic – asked if the Town has to override the tax cap rate, will Plug Power affect next years budget? Supv. Crossen answered that Plug Power PILOT/Host Comm. Benefit monies will not be included in the 2022 budget, they would affect the 2023 budget.

No other comments on the proposed local law.

Privilege of the Floor

Wendy Kingsland – introduced Kaylen Olwin, Project Manager, joining their team.

Highway – Supt. Covel gave update:

- 90% oil & stone work completed, 24 lane miles
- Galloway Road was damaged by farm equipment. My-T-Acres to pay for repairs.
- Finalized all water repairs to roads.
- 1,500 tons of salt has been delivered, mixed and put away for winter.
- Worked with the County and other Towns with shared services.
- Truck #113 being repaired from accident.
- Meadville Rd. bridge work is done, road to re-open soon.
- The Highway crew worked hard this summer.

Concrete Cubies – Supt. Covel would like permission to move concrete cubies from Macomber Road to the highway garage. They are being donated to the Town, if the Klotzbach family does not want to keep them. Disc. held.

MOTION by Councilperson Fisher, seconded by Councilperson Veazey to accept the concrete cubies and allow the highway dept. to move them. Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Guard Rail @ Feeder/Klossen Rd

Supt. Covel would like to install a guard rail at the Feeder/Klossen Road intersection to prevent vehicles from going down the embankment. There are a lot of rescue calls at that

location for this. Approx. cost is \$800, there is money in the 2021 budget. Disc. held. Supt. Covel to get prices for next meeting.

Supv. Crossen asked if there were any more comments for the public hearing. None.

MOTION by Councilperson Klotzbach, seconded by Councilperson Fisher to close the public hearing at 7:16 p.m. Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

LL1-2021 Tax Cap Override

Local Law No. 1 of the year 2021
Town of Alabama, County of Genesee

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Alabama to adopt a budget for the fiscal year commencing 2022 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Alabama, County of Genesee,, is hereby authorized to adopt a budget for the fiscal year commencing 2022 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE
TOWN OF ALABAMA
OF LOCAL LAW NO. 1-2021**

WHEREAS, a resolution was duly adopted by the TOWN BOARD of the TOWN of ALABAMA for a public hearing to be held by said Governing Body on September 13, 2021 at 7:00 p.m. at the Town Hall, 2218 Judge Road Oakfield, NY 14125 to hear all interested parties on a proposed Local Law Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law §3-c, and

WHEREAS, notice of said public hearing was duly advertised in The Daily News, the official newspaper of said Town, on Sept. 8, 2021, and

WHEREAS, said public hearing was duly held on September 13, 2021 at 7:00 pm at the Alabama Town Hall, 2218 Judge Road Oakfield, NY 14125 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the TOWN BOARD who declares itself Lead Agency that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the TOWN BOARD of the TOWN of ALABAMA, after due deliberation, finds it in the best interest of said TOWN to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the TOWN BOARD of the TOWN of ALABAMA hereby adopts said Local Law No. 1-2021 entitled A Local Law Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law §3-c , a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the TOWN of ALABAMA, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

A motion was made by Councilperson Fisher, seconded by Councilperson LaGrou, to approve the above resolution and adopt Local Law #1-2021. Approved by roll call vote:
C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

2022 Budget

Supv. Crossen presented the Board Members with a copy of the 2022 Preliminary Budget. He briefly reviewed the budget with them and asked that they review it in detail and contact him with any questions.

Disc. held on the Town Prosecutor, is it needed? Councilpersons Klotzbach and LaGrou to speak to the Justices.

Water District #1

Supv. Crossen informed the board that there are issues with water district #1, we are losing water. We will have to look into it and find out what is causing it. Will be reviewing the water rate for that district as well.

STAMP – Mark Masse gave an update:

Assisting Plug Power with their permits so they can break ground in October.
Finishing up design and engineering on the Niagara County water line.

Supv. Crossen, Attorney Boylan, Drew Reilly and Robert Klavoon met with Town of Batavia to discuss STAMP projects. We need to have an inspector in place for building at the STAMP site. We can hire a third party or have an Intermunicipal Agreement with another Town. Disc. Held. Needs to be a certified NYS Building Inspector.

Plug Power – Drew Reilly

Drew reviewed the final findings statement/project evaluation form with the Board.

Supv. Crossen addressed the Seneca Nation Article 78 Proceeding, the judge has not ruled in the case yet. The Town of Alabama is not a party to the lawsuit.

Sierra Club Resolution – Supv. Crossen sent it to the Town Attorney and Drew Reilly for their review.

State Environmental Quality Review

9/13/21

**FINDINGS STATEMENT
PROJECT EVALUATION FORM
For INDIVIDUAL PROJECTS**

WNY Science & Technology Advanced Manufacturing Park

STAMP

Town of Alabama, Genesee County, NY

Pursuant to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of Alabama Town Board has evaluated the project listed below for conformance to the Final Generic Environmental Impact Statement (January 2012) and the Findings Statement (issued August 2012 by the Town of Alabama and the Amended Findings issued on June 27th, 2017) prepared for the WNY Science & Technology Manufacturing Park.

PROPOSED PROJECT NAME: Plug Power

Using the attached form and the materials submitted by the applicant and their representatives, the following determination was made by unanimous vote of the Alabama Town Board on 9/13/21 for the proposed Plug Power project within the STAMP project site:

Decision: No Further Review.

No further review under SEQR is necessary as it has been determined that the current project conforms to the conditions and thresholds established in the GEIS and Town's Findings Statement completed in August 2012 and the Town's Amended Findings Statement issued on June 27 2017 for the STAMP project.

- No Further Town Action required.

Town of Alabama Town Board

Name of Agency

Robert Crossen

Name of Responsible Officer

Supervisor

Title of Responsible Official

9/14/21

Signature of Responsible Official

Date

Town of Alabama, 2218 Judge Road, Alabama, New York 14125

Address of Agency

Name of Original Action: Western New York Science & Technology Advanced Manufacturing Park (STAMP)

Location: The original STAMP project is located on 1,243.4 acres of land on either side of Crosby Road and bound by State Route 77/ 63 to the east, Judge Road to the south, Tonawanda Seneca Nation to the west and Lewiston Road (State Route 77) to the north, in the Town of Alabama, County of Genesee, State of New York.

Description of the Original Action: The original action involved Incentive Zoning Approval (including creation of new zoning districts and rezoning of land), a Comprehensive Plan Update, and a conceptual site plan to enable future development of an estimated 6 million square feet or more of advanced technology manufacturing and related uses on the site. A Generic Environmental Impact Statement (GEIS) was prepared to assess potential environmental impacts associated with the original proposed action. The GEIS acknowledged that future development of the STAMP site requires water, sewer, gas, telecommunications and roadway infrastructure. The original project was designed (conceptually) to preserve over 640 acres of open space and environmentally sensitive areas, including a 400-foot buffer around the perimeter of the Project Site and along the western boundary adjoining the Tonawanda Seneca Nation. The FGEIS for the original action was accepted as complete on January 19, 2012. The Statement of Findings for the Town of Alabama was filed on August 13, 2012.

(SEE THE AMENDMENTS DESCRIBED IN THE ATTACHED AMEMDED FINDINGS FORM AT THE END OF THIS DOCUMENT CREATED FOR THE AMENDED FINDINGS ISSUED IN 2017)

The proposed action, occurring within the STAMP site, must be assessed for its consistency with the FGEIS and Findings of the original action.

Name of Proposed Action/ Project:

Plug Power

Description of the Proposed Action:

See attached project description

Location of the Proposed Action:

See attached map

Date Final GEIS Accepted as Complete: January 19, 2012

Date Statement of Findings signed:

Lead Agency (Genesee County): March 1, 2012

Town of Alabama: August 13, 2012

Town Board Amended Findings: 6/27/17

Please list any previous Projects approved under the GEIS for the STAMP site:

Roadway construction project (PB site Plan approval)

FACTS AND CONCLUSIONS IN THE GEIS RELIED ON TO SUPPORT THE DECISION:

Alternatives Considered

In accordance with Section 617.9(b)(5)(v) of the SEQR regulations, the GEIS contained a description and evaluation of the range of reasonable alternatives consistent with the sponsor's goals and objectives, including a No-Build Alternative; an Existing Zoning Alternative; a Cluster Residential Alternative; and the Preferred Alternative. During the EIS process, the Preferred Alternative was modified to minimize and/or avoid potential impacts to surface water, wetlands, stormwater and historic and archeological resources.

The basic and overall purpose of the Project is to develop a shovel-ready technology manufacturing site in Western New York. The Project targets green-technology and advanced manufacturing companies involved in developing and manufacturing clean technology, renewable energy, and/or energy efficiency products. These companies include photovoltaic solar cell manufacturing (PV-Solar), flat panel display manufacturing including medical imaging

display, bio-pharmaceutical/ nanotechnology-enabled industries, and green technology research and development for energy efficient building products.

The Preferred Alternative is the establishment of a high technology campus at the Project Site planned to accommodate over 6 million square feet of advanced technology manufacturing uses at full build-out, providing direct employment for over 9,000 people. Phase 1 is planned to attract an anchor technology manufacturing facility potentially comprised of one million square feet. The anchor facility will attract a variety of technology manufacturing support uses and supporting commercial enterprises. The Preferred Alternative will provide new employment opportunities during both the construction and operation phases of the project. It is acknowledged additional water and sewer infrastructure is needed to support the advanced manufacturing uses being developed. The Preferred Alternative offers the potential to expand broadband service. **Roads will be constructed as needed for the phases, generally as illustrated in the DGEIS.**

Under the Preferred Alternative, the Project will visually integrate itself into the existing rural, agrarian setting in a comfortable and compatible manner. Larger technology manufacturing structures should be located on the lower, western portion of the Project Site, while the smaller-scaled supporting structures can be located on the eastern portion of the Project Site to provide a scale transition to neighboring farmland. In addition, significant undeveloped buffer zones are located around the Project Site's perimeter. Development should promote a campus-like setting with high quality building materials and promote the retention of open spaces and environmentally sensitive locations. This type of setting is required not only to preserve the aesthetic of the surrounding community, but to attract and retain the creative-class work force necessary for advanced technology manufacturing.

Is the proposed project consistent with the preferred alternative?

- Project is consistent with the intended user type (e.g. green technology, advanced manufacturing, renewable energy, support industries, etc.)
- Project conforms to the zoning for the STAMP site (TD1, TD2, or TD3), including use, height and other standards.
- Site plan conforms to preservation of buffers, natural space and sensitive environmental areas to greatest degree feasible.
- Building materials are high-quality and compatible with area.

Comments:
<i>Project is an advanced manufacturing facility and meets the buffer requirements and is located per the Master site plan, and is in accordance with the LTMP, and will protect the natural space and sensitive environmental areas. The project is in accordance with the TD zoning requirements - meeting the use, height and other design requirements. The applicant is working with the PB to make sure they conform to the design requirements created for the STAMP site. The project design will be of high-quality materials.</i>

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Public Need and Benefits

As identified in the GEIS developed by GCEDC for the WNY STAMP Project, the Project’s central purpose is to play a significant role in reversing a trend of economic stagnation that has affected the Western New York region. Specific anticipated public benefits include:

- Create good paying, 21st century jobs in the local community.
- Reduce the “brain-drain” of young people leaving the community.
- Provide increased revenues to support local community services.
- Provide enhanced utility infrastructure, such as water, sewer, natural gas, and broadband.
- Reduce local property taxes.
- Demonstrate sustainable development.
- Create a “place” of pride in the community.

The proposed action will achieve these benefits by developing a world-class high technology manufacturing center, with a potential focus on renewable energy, serving as an economic development engine central to the economic sustainability and well-being of western New York.

Does the proposed project help meet these goals?

<i>The project is in general conformance with these goals and will not adversely impact the ability of the STAMP site to meet these goals (jobs creation, increased revenues for Town, Town continues to improve infrastructure, will help with property taxes, and is sustainable). The Town is entering into a Host Community Benefit Agreement.</i>

MITIGATION MEASURES

During the GEIS process, a number of mitigations were identified to minimize or avoid potential adverse impacts associated with development of the STAMP property. The following list is provided to evaluate whether the development of the Proposed Use is consistent with those identified mitigation strategies. ***Mitigations can be evaluated during the site plan process, as applicable. Construction-related mitigations will be made conditions of approval and monitored by the Town.***

Geology and Topography

- During construction, temporary erosion and sedimentation controls such as silt fences and hay bales will be installed at the perimeter of the construction area and around any wetland and other waters that are to remain undisturbed.
- Applicant will monitor silt fences regularly and reinforce with hay bales areas where white water flow is observed to be concentrated.

- Excavated native soils will be used elsewhere on the Project Site for filling and/or construction of berms where feasible and appropriate.
- Stockpiled soils will be maintained inside the construction area and may be encircled with silt fences as needed.
- In wetland areas, the top 6 to 12 inches of hydric soils will be segregated and stockpiled. Once the construction activities are complete, the soils will be replaced in the original layer.
- Sediment traps will be constructed where necessary to impound storm water and allow for the settlement of suspended soils.
- Rip/rap aprons will be established at the outlets of all storm water pipes to dissipate the water's energy and minimize scour.
- Temporary erosion and sediment controls will be monitored regularly. Erosion and sediment controls will be maintained until soils are stabilized.
- All disturbed areas on-site will be stabilized, seeded, and mulched. Stabilization will include final grading and the placement of erosion controls as needed.
- The applicant will contact the Natural Resource Conservation Service before beginning construction to obtain recommendations on appropriate seed mixtures, soil amendments, and mulch to be used on-site.

<p>Comments: <i>The construction requirements will be met by this project and will be approved by the Town Engineer and by other regulatory agencies (SWPPP through NYS) and no wetlands will be impacted. Applicant will need to submit seed mixtures, soil amendments and mulch requirements for approvals.</i></p>

Water Resources

- Projects adjacent to Whitney Creek shall provide a minimum buffer of 100 feet on either side of Whitney Creek.
- Best management practices shall be employed in order to minimize impacts to streams and other waters during construction of facilities, infrastructure or utilities. The following best management practices will be implemented by the Project Sponsor:
 - Work within streams and other waters of the U.S. shall be scheduled during periods of low flow conditions. No work shall be conducted during or immediately after storm events.
 - Work within streams shall be conducted in one continuous operation. Stream beds and banks will be stabilized immediately following construction activities using rip-rap or mulching and revegetation techniques.
 - Silt fence and/or straw bales shall be installed along the edges of the stream to prevent the flow of sediment into the stream and to minimize erosion of stream banks.

- Flume pipes or the dam and pump method will be used, as necessary, to divert water flow during construction activities.
 - Spoil piles and construction debris shall be temporarily stored outside of the stream corridor.
 - Equipment shall cross streams using temporary bridges. No streams shall be forded by construction equipment.
 - Construction staging areas will be located at least 50 feet away from all streams, and storage of chemicals, washing or refueling equipment, and mixing of concrete shall be conducted more than 100 feet away from streams.
- All development shall comply with all applicable NYSDEC requirements. ***Applicant must provide proof of permits and approvals prior to construction.***
- The Proposed Action must complete the Joint Permit Application process, as needed, involving the U.S. Army Corps of Engineers, NYSDEC, and all other applicable regulatory agencies, and comply with any final mitigation strategies to protect, restore, and enhance aquatic resource functions and services established during that permit process.
- New development within the proposed drainage catchment areas to be located at the Project Site shall require stormwater runoff mitigation, including the best management practices outlined above. All stormwater pond designs shall have a forebay and permanent pool to treat water quality and additional storage volume to handle water quantity. As the Project development proceeds, in addition to a main stormwater pond facility to be located in each catchment area, point source treatment practices shall be implemented as required in the pending NYSDEC New York State Stormwater Management Design Manual. Point source treatment practices shall include rain gardens for roof drainage, bioretention swales, and/or infiltration trenches for parking areas.
- Ownership and maintenance of any stormwater facilities, both on-site and off-site, for the Proposed Action has been identified and proof of ownership and the maintenance agreement have been provided to the Town of Alabama.
- The Proposed Action will not withdraw or discharge groundwater.
- Excavations for buildings will not extend into the groundwater table.
- Any storage of chemicals and petroleum will be in strict accordance with applicable state and federal regulations to ensure the avoidance of potential releases to groundwater and/or surface waters.
- Design of the project promotes connectivity between existing habitat and preservation areas.

Comments: The project meets or will meet all these requirements (stormwater, no wetlands permits, BMP's, no ownership of facilities by Town, no work within streams - project is not located near Whitney creek, no groundwater impacts, no large storage of chemicals that could get into groundwater, and does not impact designated greenspace areas) and is in accordance with the buildable areas of the site and the Master Plan.

Air Resources

- Manufacturing uses shall comply with, as necessary, all regulatory requirements of NYSDEC, the United States Environmental Protection Agency (USEPA) and/or the New

York State Department of Health pursuant to the Title V Facility Permit, State Facility Permit, and Air Facility Registration air programs, as well as NYSDEC's Air Guide-1 requirements.

Comments: *No Air Permit is required.*

Terrestrial and Aquatic Ecology

- The Proposed Action is consistent with the Long Term Land Management Plan (LTMP) prepared by the Project Sponsor (Genesee County).
- The Proposed Action is in accordance with the objectives and policies set forth in the LTMP.
- Landscape plans for the development of each site, prepared in accordance with the LTMP, shall be provided to the Town of Alabama Planning Board as a part of the site plan review process for future development on the STAMP property.
- The ownership and maintenance of any open space and/or conservation lands has been identified and proof of ownership and maintenance plan provided to the Town of Alabama.

Comments: *The project is in accordance with the LTMP and the applicant will work with the Town to ensure that any future LTMP requirements are met by the owner. No lands are being dedicated to the Town. Landscape plans will be approved by the PB.*

Technology Industry Health and Safety

- The proposed use will comply with all applicable NYSDEC regulations including those requirements set forth in the Hazardous Substance Bulk Storage Program (6 N.Y.C.R.R. Parts 595-599) and Petroleum Bulk Storage Program (6 N.Y.C.R.R. Parts 612-614).
- All hazardous materials transferred to and from the Project Site shall only be transported in Department of Transportation-approved containers by licensed transporters.
- The storage and use of any petroleum and hazardous substances at the Project Site shall be subject to the federal Spill Prevention Control and Countermeasure ("SPCC") rules
- Facility system design and daily operations at the Project Site shall comply with all applicable Uniform Fire and Building Codes and a site-specific Hazardous Material Management Plan shall be prepared and submitted to the Town of Alabama Fire Department for approval prior to the issuance of any Certificates of Occupancy.
- All employees handling hazardous materials or wastes will be appropriately trained in accordance with applicable Occupational Safety and Health Act (OSHA) and Resource Conservation and Recovery Act (RCRA) regulations.
- Hazardous process chemicals shall not be stored at any locations at the Project Site without the user of such chemicals first providing a Hazardous Materials Inventory Statement to the Town of Alabama Fire Department and other local emergency services agencies as part of a comprehensive safety emergency planning effort for the Project.

- All hazardous materials management practices and engineering controls for the advanced technology and manufacturing facilities to be located at the Project Site shall be managed consistent with the requirements set forth in Section 6.5.1 of the DGEIS.
- All nanotechnology manufacturing facilities to be located at the Project Site shall comply at all times with applicable USEPA, OSHA, and National Institute for Occupational Safety and Health (NIOSH) requirements (as applicable).

Comments: *The applicant has submitted information on materials/chemicals to be stored at the site (minimal hydraulic fluids). Hydrogen (liquid) represents the largest concern, and the applicant has worked with Emergency service providers to get their input and has received their signoff. The project will comply with all State and Federal requirements for any materials stored or produced on site.*

Traffic and Transportation

- Applicant shall, in discussion with NYSDOT, design and implement appropriate traffic improvements.
- For each individual project that is proposed on the STAMP site, the applicant shall provide the Town with the estimated daily and peak hour traffic generation of the project accumulated with traffic counts from previously approved STAMP projects.

Comments: *The project is a very low generator of traffic (cars and trucks) and the Town has continued to work with GCEDC on transportation improvements (with the NYSDOT determining any necessary improvements to Route 77).*

Utilities

NOTE: these mitigations may be affected by new agreements or improvements completed to date. Proposed improvements must meet intent of DGEIS but do not need to match the exact design proposed therein.

- The Proposed Action provides improvements consistent with those outlined in the Water Service Preliminary Report attached as Appendix N to the DGEIS.
- The Proposed Action is consistent with any and all applicable requirements of the Counties of Genesee, Erie, Niagara, the Monroe County Water Authority, the Town of Alabama, and the Village of Oakfield.
- The Proposed Action is consistent with the recommendations set forth in the Sewer Service and Wastewater Treatment Facility Preliminary Report, set forth in Appendix O of the DGEIS, (as necessary and applicable).
- The Proposed Action has adequate electrical service.

- The Proposed Action has ample gas pressure without presenting a potential significant adverse impact to existing natural gas resources.

Comments: *The project's water needs are relatively small and will be shown to not impact the Town system. The proposed action, as it relates to water and sewer, will be shown to meet all other applicable regulatory agency requirements (simple water service, and no sewer service). There are no natural gas needs. The process wastewaters will be handled under an interim and possibly long-term plan through evaporation (nothing discharged on site) and will not affect the long-term plan for the STAMP site. Small quantities of Sanitary wastewaters will also be handled by a holding tank with no discharges. Electrical service will be adequate with the construction of a new substation, which is a separate action to be reviewed with the site plan application for the substation (also see threshold section)*

Community Facilities

- If the Proposed Action is a technology manufacturing facility, a facility-specific emergency services impact study shall be prepared and provided to the Town of Alabama and all local emergency service providers. The study will identify mitigation measures that may be required for the following factors:
 - Potential for increase in police calls
 - Potential for increase in court services
 - Potential for increase in EMS calls
 - Potential for increase in motor vehicle accident calls
 - Potential for increase in hazardous materials calls
 - Potential for increase in fire calls
 - Potential need for fire apparatus
 - Potential incentives to attract additional volunteers for the fire department
 - The study will also demonstrate that there are no adverse impacts to community services that have not already been evaluated in the GEIS process.
- The Proposed Action is consistent with the STAMP recreational trail system. If the recreational trail system is not yet built, the Proposed Action does not interfere with future implementation of the trail system.
- The recreational trail system shall be open and available for public use.

Comments: *Emergency services study/plan has been reviewed and approved by emergency service providers. The project is a relatively small project with minimal employees that should not require large increases in community services. The project appears to be in conformance with the LTMP and long-term plans should not impact or be impacted by this project. This project does not adversely impact the schematic trail system shown in the LTMP.*

Community Character and Demographics

- The Proposed Action incorporates Dark Sky Compliant lighting.
- The Proposed Action conforms to the design standards established by the Town of Alabama.

Comments: *The project will include dark sky compliant lighting and the Planning Board will ensure that the design standards are met (site plan approval).*

Historic and Archeological Resources

- The Proposed Action is consistent with the Phase 1B field investigation and its recommendations.
- Mitigation measures, if any, shall comply with the applicable criteria set forth by the New York State Office of Parks, Recreation & Historic Preservation (NYOPRHP), and may include realignment of structures, impervious services, and other development features to avoid or minimize potential adverse impacts to on-site historic and archeological resources. (Applicant must provide letter from NYOPRHP)
- Applicant has coordinated with the Tonawanda Seneca Nation regarding historic and archeological resources.

Comments: *Applicant and GCEDC are providing documentation of NYSOPRHP sign-off and their work with the Seneca Nation.*

Agricultural Resources

- The Proposed Action is consistent with the Long-term Land Management Plan (see Terrestrial and Aquatic Ecology).
- The Proposed Action is consistent with the Farmland Protection Strategies Report or farmland protection strategies. If the report or strategies are not available, the Proposed Action shall be consistent with the Town's Comprehensive Plan or provide justification for the discrepancy.

Comments: *The project is consistent with the LTMP and with the Town's Agricultural and Farmland Protection Plan and the Comprehensive Plan (both completed and adopted after the completion of the original GEIS – a mitigation of the GEIS).*

CONDITIONS AND THRESHOLD CRITERIA

The GEIS for the Original Action assessed a wide variety of impacts at a conceptual level. By addressing potential impacts and adopting conditions and thresholds for future development and actions upfront, the GEIS established a framework that addressed potential significant adverse environmental impacts at the planning stage, and reduces the requirement for future SEQR review requirements as new construction proceeds at later stages.

Because the GEIS was conceptual, it is expected that specific projects may include proposed changes to the Preferred Alternative, including increases or decreases in total project square footages devoted to a specific use. ***Subsequent agreements have clarified that the first***

phase of development will consist of approximately 1,000,000 square feet of building space along with other related public and private improvements.

THIS PROJECT DOES NOT EXCEED THIS THRESHOLD

This section identifies the threshold criteria to consider when determining whether or not a future use at the Project Site requires supplemental SEQR review. It also reiterates the conditions established in the Findings Statement by Genesee County and the Town of Alabama that must be complied with related to the over-all development of the Project.

Threshold Criteria

The following thresholds are set to facilitate future SEQR review. Any future Project Uses that do not exceed or that conform to any of the following thresholds shall be considered to have been addressed in the Findings Statements, and would not require any further review pursuant to SEQR:

- Maximum cumulative buildable site area: 599.0 acres.¹

This Project: 29.096 Acres

Total to date: 0 (29.096 once this is built) Acres

- Maximum building square footage: 6,130,000 square feet.

This Project: + 116,000 Square Feet

Total to date: 0 Square Feet

- Wetland impacts and mitigation requirements: as established in the Preferred Alternative and described in Section 6.2.2 of the DGEIS.

- Maximum wetland impacts: 9.54 acres (Note: these have been reduced by the GCEDC)

This Project: None Acres impacted wetlands

Total to Date: None Acres impacted wetlands

- Minimum existing wetlands to be enhanced, restored and protected: 112 acres

This Project: None Acres enhanced/restored/protected wetlands

Total to Date: None Acres enhanced/restored/protected wetlands

- Traffic trip generation exceeding 70% of projected trips at Full Build-Out as defined in the Traffic Impact Study (Appendix I of the DGEIS): Maximum of 1,925 trips during PM peak hour.

This Project: Less than 20 Trips during PM Peak Hour

¹ As long as cumulative development within the STAMP site does not exceed these thresholds, it is determined that the issue has been mitigated to the extent feasible. For example, as long as cumulative development within the STAMP site remains below 599 acres, the size of the development is acceptable.

Total to Date: 0 Trips during PM Peak Hour

Utility loads at Project build-out established by the Preferred Alternative

- Water: 3,000,000 gallons per day (Note; this has been amended by the GCEDC since these Findings were issued)

This Project: 280,000 (total) Gallons of water used per day

Total to Date: 0 Gallons of water used per day

- Sewer: 3,000,000 gallons per day (Note; this has been amended by the GCEDC since these Findings were issued)

This Project: 70,500 (none to system) Gallons of wastewater generated per day

Total to Date: 0 Gallons of wastewater generated per day

- Electric Power: 185 megawatts (Note; this has been amended by the GCEDC since these Findings were issued and per the GCEDC is now 485 MW). The town has not evaluated this increase to 485 MW, but this exceedance of the original 185 MW (to 200 MW +/- usage) does not create any impacts that would require further analysis. The original threshold was placed by the GCEDC based on perceived capacities. The GCEDC has reported that current studies have shown a capacity of over 400 MW.

This Project: 200+ megawatts

Total to Date: 0 megawatts

- Natural Gas: 318,600 cubic feet per hour

This Project: None cubic feet per hour

Total to Date: None cubic feet per hour

- Air emissions: the estimated annual emissions (potential to emit) of regulated air pollutants from any single stationary source to be constructed within the Project Site will be below the Major Source Threshold, (*i.e.*, less than 100 tons per year (TPY) of any single criteria pollutant), less than 10 TPY of a hazardous air pollutant and/or less than 25 TPY of combined hazardous air pollutants.

THIS PROJECT DOES NOT REQUIRE AN AIR PERMIT

Any Future Project Uses which exceed or which do not conform to any of the conditions or thresholds listed above shall not be considered to have been addressed by the Findings Statement and must be evaluated by the Town of Alabama Planning Board and Town of Alabama Town Board as to whether an additional SEQR determination and/or review is necessary.

CONDITIONS

This list of conditions is taken from the Findings Statements for the Project. They are provided here as reference only. In addition, an incentive zoning agreement has been signed. Conditions of that agreement should also be referenced in evaluating each project. Also, the Town may require additional studies at each phase, particularly for traffic, to assess the timing of identified mitigations.

All of these Conditions/mitigations (summary provided below) have been evaluated in this document. The following is just a summary of those conditions discussed in the Findings.

GCEDC, as Lead Agency, along with the Town of Alabama, as an involved agency, determined in their Findings Statements for the project that the following mitigative conditions shall be met as part of the overall development of the Project and in conjunction (as applicable) to any Future Project Use.

1. Implementation of the Best Management Practices set forth in Section 7.1.2 of the Findings Statement with respect to soils located at the Project Site.
2. No clearing or grading, other than for site infrastructure, shall occur on the STAMP Site until site plan approval has been granted.
3. A minimum buffer of 100 feet shall be maintained on either side of Whitney Creek. The third drainage way (Unnamed Stream No. 1) shall be re-routed into the second corridor (Unnamed Stream No. 2) to accommodate flow and provide hydrology to enhance and restore wetlands and streams in the protected corridor.
4. Compliance with the Stormwater Best Management Practices set forth in Section 7.2.2 of the Findings Statement. All potential future impacts to wetlands shall be contingent upon the completion of a Joint Permit Application process, as needed, involving the U.S. Army Corps of Engineers, NYSDEC, and other applicable regulatory agencies. The approximately 97 acres of wetlands and 24,300 linear feet of stream and upland buffer areas surrounding wetlands and streams shall be enhanced, restored, and protected in perpetuity on the Project Site. Off-site mitigation targeting the southeastern portion of the Whitney Creek watershed will be completed including the restoration of wetlands that have been drained, enhancement of existing wetlands through invasive species, eradication and control; planting of native vegetation; establishment of forested stream buffers; and permanent protection of all mitigation measures. Lastly, stormwater management practices shall be implemented at the Project Site pursuant to the requirements of NYSDEC's New York State Stormwater Management Design Manual.
5. The ownership and maintenance of any stormwater facilities, both on-site and off-site, which are constructed as a result of this Project, shall be owned and maintained by the Project Sponsor or other government agency, or by a landowner association formed to represent STAMP, and not be the responsibility of the Town of Alabama. Proof of such ownership and maintenance agreement shall be provided to the Town of Alabama prior to construction of any such stormwater facilities.
6. All wetland mitigation shall be undertaken either by the Project Sponsor, individual project applicants, or other entities. The Town of Alabama will not be responsible

for providing wetland mitigation for the Project. All wetland mitigation shall be reviewed and approved by NYSDEC prior to site development.

7. All potential air emissions associated with Future Project Uses shall comply (as applicable) with the regulatory requirements set forth by NYSDEC and USEPA pursuant to the Title V Facility Permit, State Facility Permit, and Air Facility Registration Programs. Facilities seeking to locate at the Project Site will further need to satisfy the requirements of NYSDEC's Air Guide-1 (as needed).
8. The Land Management Plan identified in Section 7.4.2 of the Findings Statement shall be implemented at the Project Site throughout construction and following Project Site development.
9. The ownership and maintenance of any open space and/or conservation lands shall be owned and maintained by the Project Sponsor or other government agency, or by a landowner association formed to represent STAMP, and not be the responsibility of the Town of Alabama.
10. A Long Term Land Management Plan (LTMP) shall be prepared by the Project Sponsor prior to site plan approval. Copies of this Plan will be provided to the Town of Alabama Town Board and Planning Board for use in the review of future site development.
11. Landscape plans for the development of each site, prepared in accordance with the LTMP, shall be provided to the Town of Alabama Planning Board as a part of the site plan review process for future development on the STAMP property.
12. All future manufacturing activities to be conducted at the Project Site shall be subject to appropriate NYSDEC hazardous substances and waste regulations, including but not limited to, those requirements set forth in the Hazardous Substance Bulk Storage Program (6 N.Y.C.R.R. Parts 595-599) and the Petroleum Bulk Storage Program (6 N.Y.C.R.R. Parts 612-614). The storage and use of any petroleum and hazardous substances at the Project Site shall be subject to the federal Spill Prevention Control and Countermeasure rules. The facility system design and daily operations at the Project Site shall comply with all applicable Uniform Fire and Building Code provisions, and a Hazardous Material Management Plan for each Future Project Use shall be prepared and submitted to the Town of Alabama Fire Department for approval during any site plan application process. All employees handling hazardous materials or chemicals will be trained in accordance with applicable OSHA and RCRA regulations. Environmental health and safety programs shall also be implemented at the Project Site in order to comply with the applicable provisions of the Town of Alabama Zoning Laws, New York State Department of Labor regulations, and the Emergency Planning and Community Right-to-Know Act. Hazardous materials shall not be stored at any locations at the Project Site without the user of such materials first providing a Hazardous Materials Inventory Statement to the Town of Alabama Fire Department and all other local emergency service agencies. Lastly, all nanotechnology manufacturing facilities to be located at the Project Site shall comply with applicable USEPA, OSHA, and NIOSH requirements.
13. The main Project Site access road (proposed to be constructed to State Route 63/77 at 70% build-out) shall be constructed by the Project Sponsor to State Route 63/77 prior to completion of the first development project at STAMP.

14. A right turn lane shall be constructed on the eastbound Judge Road approach of the New York Route 77/New York Route 63 intersection. This intersection, and the New York Route 77/Ledge Road intersection, shall be monitored for the potential installation of traffic signals during Phase 1 of the Project.
15. Before the 70% threshold for the Project is reached, a bypass road shall be constructed to the Project Site from New York Route 77/63 Overlap just north of Ham Road to New York Route 77 at the existing location of the intersection of Crosby Road. Designating the bypass road as Route 77 and re-designating existing New York Route 77 through the Hamlet of Alabama shall be completed.
16. Two (2) driveways on New York Route 77; two (2) driveways on Judge Road; and two (2) driveways on New York Route 77/63 Overlap (in addition to the bypass road curb cuts) shall be completed.
17. Traffic capacity improvements shall also be completed at the following off-site intersections in accordance with the recommendations of the Traffic Impact Study and NYSDOT requirements:
 - New York Route 77/New York Route 63/Judge Road
 - New York Route 77/Bloomingdale Road
 - New York Route 77/Ledge Road
 - New York Route 77/Akron Road
 - New York Route 77/I-90 Exit 48A
18. For each individual project that is proposed on the STAMP site, the applicant shall provide the Town with the estimated daily and peak hour traffic generation of the project accumulated with traffic counts from previously approved STAMP projects.
19. To ensure that no additional potential traffic impacts result from the Project that are not anticipated at the time of the Findings Statement, a supplemental traffic analysis shall be conducted by the Project Sponsor throughout build-out of the Project when the following thresholds are met:
 - a. When Phase I (or 1 million square feet of building) is developed or when cumulative peak hour trips generated by the Project equals at least 750 trips during either the AM or PM peak hour, whichever happens first;
 - b. When the Project reaches 70% build-out (4.27 million square feet) or when cumulative peak hour trips generated by the Project equals at least 1,925 trips during either the AM or PM peak hour, whichever happens first.

The supplemental analysis shall focus on the following intersections:

- New York Route 77/New York Route 63/Judge Road
- New York Route 77/Bloomingdale Road
- New York Route 77/Ledge Road
- New York Route 77/Route 63/Lewiston Road

20. The Project Sponsor shall assure that degradation of Town owned and maintained roadways resulting from traffic volumes and/or vehicle classifications brought on by the STAMP Project shall be repaired at no cost to the Town and shall enter into an appropriate road use/ repair agreement with the Town of Alabama and/or explore the conversion of Crosby Road and the portion of Judge Road between the Tonawanda Seneca Nation and State Route 77/63 to Genesee County owned and maintained roadways.
21. Since several Project Site driveways are proposed to access Crosby Road and because the Town of Alabama (current owner of this road) feels this road is under-built for handling the additional traffic volumes and vehicles classifications brought on by this Project, the Project Sponsor shall improve Crosby Road to the expectations of the owner, unless otherwise agreed upon, at no cost to the Town.
22. All interior roads built within the Project Site shall be owned and maintained by the Project Sponsor or other government agency, or by a landowner association formed to represent STAMP, and not be the responsibility of the Town of Alabama. Proof of such ownership and maintenance agreement shall be provided to the Town of Alabama prior to construction of interior roadways.
23. The Project Sponsor shall include the Town of Alabama in any discussions with the New York State Department of Transportation and/or Genesee County Highway Department regarding improvements to roadways within the Town of Alabama as a result of the STAMP Project.
24. The Project Sponsor shall undertake efforts to complete to the maximum extent practicable the following land use and zoning plan goals:
 - a. Negotiation of an incentive zoning agreement pursuant to which GCEDC in exchange for providing certain public amenities to the Town will receive a re-zoning of the Project Site to the Technology Zoning District identified in Section 6.7 of the DGEIS
 - b. Amendment to the Comprehensive Plan for the Town of Alabama to provide for the development of the Project consistent with the other planning goals of the Town and Village, but accepting the vision of the Project's goal of developing a world-class high technology manufacturing center with a focus on renewable energy.
 - c. Adoption of one or more of the strategies found in the FPSR by the Town of Alabama.
25. An Incentive Zoning Agreement between the Project Sponsor and the Town of Alabama shall provide that the Project Sponsor will assist the Town of Alabama, as necessary, to ensure that the following measures are completed in a timely fashion: (1) revising and updating the Comprehensive Plan and Smart Growth Plan to provide for the development of the Project consistent with the planning goals of Genesee County, the Town of Alabama, Town of Oakfield, and the Village of Oakfield, and reflecting the Project goal of developing a world class high technology manufacturing center on the subject property; (2) creating new zoning districts; (3) undertaking any required zoning and/or subdivision revisions; and (4) implementing one or more strategies in the Farmland Protection Strategies Report (FPSR). This agreement shall be in place prior to the commencement of any site development on the STAMP site.

26. The following measures shall be developed in furtherance of securing certain utility resources for the Project:
 - a. Implementation (as applicable and necessary) of the recommendations identified in the Water Service Preliminary Report attached as Appendix N to the DGEIS.
 - b. Implementation (as applicable and necessary) of the recommendations identified in the Sewer Service and Wastewater Treatment Facility Preliminary Report set forth in Appendix O of the DGEIS.
 - c. Completion of the proposed gas distribution plan set forth in the Gas Service Analysis attached as Appendix P to the DGEIS.
 - d. Procurement of Telecommunications Services as needed for the Project Site.
27. The Project Sponsor, pursuant to the terms of the Incentive Zoning Agreement, shall cover the full cost of installation of the water infrastructure described in the Town's Public Water Feasibility Study at the earliest time practicable once all necessary approvals for the water project have been issued, including formation of necessary water districts, and once installation of the water infrastructure is complete, ownership of the water infrastructure shall be transferred to the Town of Alabama at no cost to the Town.
28. The wastewater treatment facility and all associated wastewater infrastructure shall be owned and maintained by the Project Sponsor or other government agency, or by a landowner association formed to represent STAMP. Ownership and maintenance of the wastewater treatment facility and associated infrastructure shall not be the responsibility of the Town of Alabama unless otherwise negotiated with the Town. Proof of such ownership and maintenance agreement shall be provided to the Town of Alabama prior to construction of wastewater facilities and commencement of site development.
29. The Project Sponsor shall request that any communications service providers for the initial phase of the STAMP Project install broadband communications infrastructure in a manner that would facilitate expansion of such service to other portions of the Town of Alabama.
30. The Project Sponsor shall cover the cost of any emergency service impact studies, which includes emergency response to technology industry proposed to be located on the Project Site.
31. The Project Sponsor shall ensure that each actual technology manufacturing facility completes a facility-specific emergency services impact study that is consistent with the findings of the emergency service impact study. Copies of each individual facility-specific study shall be provided to the Town of Alabama and all local emergency service providers.
32. In order to ensure that emergency service responders are adequately prepared for the potential unique needs of a future use, a facility-specific emergency services impact study (as described above in Section 7.9.2) shall be prepared for each actual technology manufacturing facility to be located at the Project Site and submitted to an informal committee composed of local and county emergency response representatives to review and provide input on such studies. Moreover, to ensure the adequacy of these future

studies, a baseline study shall be completed to determine the current baseline levels of services provided by local and county emergency service providers.

33. The recreational trail system shall be owned and maintained by the Project Sponsor or other government agency, or by a landowner association formed to represent STAMP. Ownership and maintenance of the recreational trail system shall not be the responsibility of the Town of Alabama unless otherwise negotiated with the Town. Proof of such ownership and maintenance agreement shall be provided to the Town of Alabama prior to commencement of trail development.
34. The recreational trail system shall be open and available for public use.
35. A Phase 1B field investigation of potential historic and/or archeological resources located at the Project Site shall be completed prior to any Future Project Use being located at the Project Site. Mitigation measures proposed by the Phase 1B field investigation shall be complied with, subject to the applicable criteria set forth by the NYOPRHP, and may include realignment of structures, impervious services, and other development features as needed.
36. The Incentive Zoning Agreement between the Project Sponsor and the Town of Alabama shall provide that the Project Sponsor will assist the Town with the implementation of one or more strategies identified in the Farmland Protection Strategies Report, as determined by the Town.
37. The Project is likely to result in additional residential development throughout the Town. Under current zoning provisions, this residential development will likely take the form of large lot frontage development occurring along existing roads that, in time, becomes more detrimental to the rural/ agricultural character of the Town than clustering residential development would. The Town will revise zoning and subdivision standards to reform how future residential development will be handled.
38. The Project Sponsor shall cover the cost of an economic impact study for the Town of Alabama as it relates to the project.

The Town of Alabama, as an involved agency, has determined that compliance with these mitigations and conditions shall avoid, mitigate and/or minimize to the maximum extent practicable, any potential adverse environmental impacts associated with Future Project Uses.

NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER

Alabama Town Board

AMENDED FINDINGS STATEMENT – FINDINGS FORM - 2017

Supplements the Alabama Town Board Findings Statement dated 8/13/12

September 8 2021 – PLUG POWER PROJECT

**WESTERN NEW YORK SCIENCE & TECHNOLOGY
ADVANCED MANUFACTURING PARK (STAMP)**

This document is a form created to evaluate projects based on the Amended Findings Statement prepared pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as “**SEQRA**”) by the Alabama Town Board as an Involved Agency for the proposed Western New York Science & Technology Advanced Manufacturing Park (“**STAMP**” or the “**Project**”) an advanced manufacturing technology campus on approximately 1,262 acres located on the west side of New York State Route 63/77, approximately five miles north of the I-90/New York State Thruway (“**Site**”) in the Town of Alabama, New York (“**Town**”). The GCEDC is the Project Sponsor and has approved the Project as modified and has issued an Amended Positive Findings.

This Amended Findings Statement draws upon the matters set forth in the SEQRA record, including the generic environmental impact statement consisting of the Draft Generic Environmental Impact Statement (“**DGEIS**”) accepted by the GCEDC on April 14, 2011, the Final Generic Environmental Impact Statement (“**FGEIS**”) accepted by the GCEDC on January 19, 2012, as well as the public comments on the DGEIS received at the May 12, 2011 public hearing and during the public comment period which was conducted from April 21, 2011 through June 23, 2011. (Collectively, the DGEIS and the FGEIS are referred to as the “**GEIS**”). A smart growth impact statement pursuant to the State Smart Growth Public Infrastructure Policy Act was completed by the GCEDC separately from the GEIS in February, 2012.

The purposes of the STAMP GEIS was to identify and evaluate the potential significant adverse environmental impacts of STAMP, compare the reasonable alternatives, and, where applicable, to identify reasonable mitigation measures to reduce the effect of those impacts to the maximum extent practicable, while weighing the substantial potential social and economic benefits of STAMP. The GCEDC, as lead agency, issued a written Findings Statement (“**GCEDC Findings**”) on March 12, 2012, approving the Project and committing to undertake it. The Alabama Town Board issued their Findings Statement on August 13, 2012.

There have been a number of changes contemplated to STAMP since the completion of the GEIS and issuance of the Findings, including changes to sewer service for STAMP (wastewater from STAMP will now be routed to the Village of Medina Wastewater Treatment Facility (“**Medina WWTF**”)) and revisions to the STAMP Master Plan (collectively, all changes are referred to as the “**Project Changes**”). In addition, 1366 Technologies Inc., (“**1366**

Technologies") has recently committed to become the first tenant of STAMP with the construction and operation of a large-scale advanced manufacturing facility in the southwest corner of the Site ("**1366 Facility**"). Certain infrastructure including sewer, water, electrical and natural gas must be extended to the Site in conjunction with the 1366 Facility ("**STAMP Track I Infrastructure**"). These changes have also warranted the GCEDC and the Town of Alabama to propose amendments to their Incentive Zoning Agreement (IZA). This proposed amended IZA will have to be re-adopted by the Town of Alabama Town Board which is a process that requires a SEQR decision.

In light of the proposed 1366 Facility and the Project Changes, the GCEDC conducted an updated environmental review (copy attached to this document; entitled, "Analysis of Environmental Impacts Pursuant to New York State Environmental Quality Review Act," and included Appendices A through X) of the Project to determine whether the 1366 Facility and/or the Project Changes will result in any significant adverse environmental impacts which were not addressed in the GEIS or the GCEDC Findings ("**SEQRA Update**"). This process began with the GCEDC issuing notice of its intent to formally re-establish its Lead Agency status for the purpose of conducting this SEQRA Update in March 2016. No Interested or Involved agencies objected to the GCEDC's intent to formally re-establish its Lead Agency status for the Project. Accordingly, the GCEDC became Lead Agency for purposes of this SEQRA Update in April, 2016.

The GCEDC issued Findings that established their procedures for the SEQRA Update. Specifically, the GCEDC Findings provided:

Final designs for less-defined Project components, as well as any proposed changes to the more well-defined elements (hereinafter referred to "Future Project Use(s)"), may require further evaluation pursuant to SEQRA. GCEDC, as lead agency, will be responsible for performing an environmental determination on Future Project Uses pursuant to SEQRA, and will consider Future Project Uses proposals in relation to: (i) the DGEIS; (ii) the FGEIS; and (iii) this Findings Statement.

Upon development of specific site plans, simultaneously with review by the Town of Alabama Planning Board for site plan approval, GCEDC shall determine if the environmental impacts associated with such Future Project Uses have been adequately addressed in the DGEIS, the FGEIS and this Findings Statement, taking into account whether the Future Project Uses exceed any of the thresholds set forth herein. Such a determination must be made before any site plans for Future Project Uses are approved by the Planning Board.

In the event that GCEDC (and other Involved Agencies) determines that:

1. The Future Project Uses would be carried out in conformance with the conditions and thresholds set forth in this Section 10, then no further SEQRA compliance will be required;
2. The Future Project Uses would be carried out in conformance with the conditions and thresholds set forth in this Section 10, but are not addressed or are not

- adequately addressed in the DGEIS, the FGEIS or this Findings Statement, then an amended Findings Statement will be prepared;
3. The Future Project Uses are not addressed or are not adequately addressed in the DGEIS, the FGEIS or this Findings Statement, but the proposal does not exceed any of the conditions or thresholds set forth in this Section 10, or the proposal does exceed a threshold set forth in this Section 10, but would not result in any potential significant adverse environmental impacts, then a Negative Declaration will be prepared pursuant to 6 N.Y.C.R.R. § 617.10(d)(3); or
 4. The Future Project Uses are not addressed or are not adequately addressed in the DGEIS, the FGEIS or this Findings Statement for the Project and/or the proposed use would exceed the conditions or thresholds set forth in this Section 10 and may have one or more potential significant adverse environmental impacts, then a supplement to the FGEIS will be prepared.

Based on the above, the GCEDC completed an Amended Findings Statement and has issued a Positive Amended Findings Statement. The Alabama Town Board, prior to adopting the proposed amended Incentive Zoning Agreement has also evaluated the project changes and amended IZA and has also determined the need for an amended Findings Statement and completed an Amended Findings.

This Amended Findings Statement compliments the existing Findings Statement and the two work together holistically to address the proposed project and any changes that have been made to the project's scope.

A. Description of Action (For the Amended Findings)

1. GEIS Project Description

Per the FGEIS and the GCEDC Findings, STAMP was proposed to be located on 1,243.40 acres of land. STAMP's GEIS master plan ("**GEIS Master Plan**") provided for the development of a high technology campus accommodating over 6 million square feet of advanced technology manufacturing and related uses providing direct employment of an estimated 9,330 people. Phase 1 of the GEIS Master Plan involved attempting to attract an anchor tenant technology manufacturing facility comprised of approximately 1 million square feet.

Per the FGEIS and the GCEDC and Alabama Town Board Findings, the basic and overall purpose of the Project was defined as the development of an advanced manufacturing technology center in Genesee County ("**County**"). The Project was designed to target green-technology and advanced manufacturing companies involved in developing and manufacturing clean technology, renewable energy and/or energy efficient products. These companies were to include semi-conductor manufacturers, photovoltaic solar cell manufacturers, flat panel display manufacturers including medical imaging display, bio-pharmaceutical/ nanotechnology-enabled industries, and green technology research and development for energy efficient building products.

2. 1366 Technologies

As mentioned earlier, STAMP has secured its first tenant for the Project, 1366 Technologies, which plans to construct a large-scale commercial manufacturing facility that will use a proprietary manufacturing process for making silicon wafers, whereby they produce multi-crystalline silicon wafers for solar cells at substantially lower costs and with less waste than current processes. Since silicon wafers are the largest cost component in the manufacture of silicon photovoltaic modules used in solar cells, this new process is anticipated to reduce the overall cost of solar power.

The 1366 Facility will be located in the southwest corner of the Site on a 105-acre site (“**1366 Parcels**”) which includes 41.1 acres of buildable area. The 1366 Facility is proposed to be built-out in phases. The first phase will include an approximate 150,000+/- sf facility that will initially produce 250MW of silicon wafers annually. The 1366 Facility would be quickly expanded over several years to allow for growth to 600,000+/- square feet to allow for 1 GW of silicon wafer production annually with up to 1,000 employees and approximately \$700 million in total investment.

The 1366 Facility will be constructed, in part, with loan guarantees from the USDOE. According to the GCEDC document, the initial phase of the 1366 Facility is anticipated to commence operation in 2017 (at this time, it appears that this date will be pushed out), with full project build out expected by 2021 or later.

IT MUST BE NOTED THAT THE 1366 PROJECT DID NOT MOVE FORWARD AND TO DATE NO BUSINESSES ARE OCCUPYING THE SITE. THE PROJECT PRESENTLY BEFORE THE TOWN IS A PROPOSAL BY PLUG POWER TO CONSTRUCT AN ADVANCED MANUFACTURING PLANT TO PRODUCE HYDROGEN. SEE ATTACHED FULL DESCRIPTION OF THE ACTION. THE EVALUATION OF THE 1366 PROJECT IS NO LONGER RELEVANT.

3. Contemplated Project Changes Since 2012 (to 2017)

As noted above, since the completion of the GEIS process in 2012, there have been a number of Project Changes summarized below.

a. Master Plan Changes/Updates

Since the completion of the GEIS, there have been a number of changes developed to the GEIS Master Plan as reflected in an updated master plan (“**Updated Master Plan**”) which retains the large green buffer around the majority of the perimeter of the Site and preservation of natural features across the Site within three different zones of development connected by internal walking/biking trails. In the Update Master Plan, more refinement has been added to the layout for the Fabs Complex and the 1366 Facility has been added to the campus in the southwest quadrant of the Site. Specific changes are described below.

(1) Changes to the Site Plan Layout

There are four major changes to the Site Plan layout as reflected in the Updated Master Plan. The first involves reductions in on-Site impacts to aquatic resources. Wetland impacts have been reduced to approximately 4.48 acres of federally regulated wetlands and 3.34 of non-jurisdictional wetlands (total of 7.82 acres). On-Site stream corridor impacts have also been reduced from 9,595 linear feet to approximately 9,446 linear feet.

THE CURRENT PROJECT DOES NOT FURTHER IMPACT THE MASTER PLAN LAYOUT AND THE PROJECT FITS WITHIN THE SITE AS INDICATED IN THE ATTACHED MASTER PLAN AND AS DISCUSSED ABOVE (SEE ATTACHMENT)

The second change involves utility re-routing. The existing 115 kV power line that traverses the Site (from northwest quadrant to southeast/central area of Site) will be relocated to the perimeter of the Site. Electric service to 1366 Technologies will be run from the existing line south of the new access road into the Site from Route 63/77 (“Main Access Road”) to the proposed electric substation north of the 1366 Parcels. Also, natural gas and sewer will be brought into the Site along the future Bypass Road/Connector Road right-of-way.

THE CURRENT PROJECT DOES NOT FURTHER IMPACT THE LOCATION/ROUTING OF THE POWER LINE BUT THERE IS A PROPOSED RELOCATION AND SIZING CHANGE OF THE SUBSTATION. THIS CHANGE IS BEING EVALUATED IN A SEPARATE DOCUMENT AS IT IS A SEPARATE APPLICATION.

The third change involves realignment of the Main Access Road into the Site which has been straightened somewhat to run more directly to Crosby Road. This shift minimizes wetland impacts (.23 acres) while allowing for a larger development footprint north of the Main Access Road on the west side of Crosby Road.

THE CURRENT PROJECT DOES NOT FURTHER IMPACT THE ALIGNMENT OF THE MAIN ACCESS ROAD AND IT SHOULD BE NOTED THAT THIS ROAD WAS APPROVED AND IS CONSTRUCTED.

The fourth change involves the relocation of the Bypass Road and realignment of the Connector Road between the Bypass Road and the Main Access Road. The Bypass Road has been moved southwest to a flat area atop the ridge line that runs along the northeast quadrant of the Site. These realignments result in a small expansion of TD3 and slight reduction to TD1 and TD2.

THE CURRENT PROJECT DOES NOT FURTHER IMPACT THE ALIGNMENT/LOCATION OF THE BYPASS ROAD

(2) Changes to the TD Zoning Boundaries, Buffers and Regulations

The GCEDC has proposed modifications to the TD zoning regulations to clarify the intent of the Town of Alabama Town Board (“Town Board”) with regard to zoning for the Site including: buffer use clarifications, the elimination of the 300-foot buffer on the interior of the Site between TD1/TD2 and TD3, the elimination of the 300-foot buffer for 500 linear feet on each side of the Main Access Road and that this area be zoned TD2, and the addition of solar panels

as a special use permit in TD1 and TD2. The GCEDC is also proposing some minor changes to the TD district lines.

THE CURRENT PROJECT DOES NOT IMPACT THE TD ZONING REGULATIONS OR THE BUFFERS

(3) Timing and Other Changes to the GEIS Master Plan

There are a number of other changes contemplated to the GEIS Master Plan. First, the GCEDC is accelerating the construction of this Main Access Road which will be completed in conjunction with the development of the 1366 Facility. In addition, the GCEDC has expanded the footprint of the Site to include most of the residential properties in the north-central area of STAMP along Crosby Road (except for the northern-most parcel at the intersection of Crosby Road and Lewiston Road). With these changes, the Site is now 1,262 acres. The GCEDC has requested that the Town Board rezone these residential parcels to TD1.

THE CURRENT PROJECT DOES NOT IMPACT ANY TIMING ISSUES OR THE MASTER PLAN OF THE STAMP SITE.

b. Demolition of the Houses along Crosby Road

As a result of the expansion of the footprint of the Site to include all of the residential properties in the north-central section of STAMP along Crosby Road, six additional existing houses on Crosby Road are now proposed for demolition following acquisition by the GCEDC.

THE CURRENT PROJECT DOES NOT IMPACT ANY DEMOLITION PLANS OR INCLUDE ANY FURTHER ACQUISITIONS OR DEMOLITIONS

c. The Town Water Project

In order to extend water service to the Site, the GCEDC has entered into the Incentive Zoning Agreement (“IZA”) with the Town, which, among other things, commits the GCEDC to design and install the municipal water project (“Town Water Project”) The GCEDC has agreed to include the Town Water Project within the scope of this SEQR Update.

THE CURRENT PROJECT DOES NOT HAVE ANY IMPACTS ON THE INCENTIVE ZONING AGREEMENT OR THE TOWN WATER PROJECT, AND STAMP, TO DATE, IS IN ACCORDANCE WITH THE AGREEMENT AND THE WATER PROJECT COMPLETION.

d. Water Service for STAMP

Water required for the Project will be provided to the Site via a new 12 inch transmission water main to be constructed along Judge Road and a portion of Route 63/77 between the Village of Oakfield and the Site. This main will be constructed in conjunction with the Town Water Project and will be owned and maintained by the Town.

THE CURRENT PROJECT DOES NOT HAVE ANY IMPACTS ON THE INCENTIVE ZONING AGREEMENT OR THE TOWN WATER PROJECT, WHICH HAS INCLUDED THE CONSTRUCTION OF THIS TRANSMISSION MAIN.

e. Sewer Service for STAMP

The Village of Medina Wastewater Treatment Facility (“**Medina WWTF**”) has been selected as the preferred sanitary sewer effluent treatment alternative. The Medina WWTF is approximately twelve miles north of the STAMP, and the route from the STAMP site to the Village of Medina has been established with input from the Village of Medina, Orleans County and the Town of Shelby. The Medina WWTF can handle approximately 1 MGD of sewage from STAMP without significant upgrades to its treatment plant. Ultimately, with upgrades, it is anticipated that the Medina WWTF would be able to handle up to 2.5 MGD of sewage from STAMP.

SINCE THE ADOPTION OF THE AMENDED FINDINGS, THE GCEDC HAS MADE CHANGES TO THE PLAN FOR THE SEWER SERVICE TO THE STAMP SITE. THE CURRENT PROJECT DOES NOT PROPOSE TO USE THE NEW PLANNED SYSTEM. THE GCEDC HAS DONE THEIR ENVIRONMENTAL EVALUATION OF THIS SYSTEM CHANGE AND ARE BEGINNING CONSTRUCTION OF SOME OF ITS COMPONENTS.

PLEASE SEE AN ATTACHED DESCRIPTION OF HOW THE PLUG POWER PROJECT WILL HANDLE THEIR WASTEWATERS. FUTURE PROJECTS MAY WARRANT AN EVALUATION OF THIS NEW SEWER ALTERNATIVE BY THE TOWN.

f. The Northern Long Eared Bat

The northern long-eared bat (“**NLE Bat**”) has recently been listed as a Threatened Species under State and Federal law. Potential impacts to the NLE Bat are being re-evaluated based on this species new listing as a Threatened Species.

THERE HAVE BEEN NO CHANGES TO THIS ISSUE AND THE CURRENT PROJECT DOES NOT REQUIRE ANY ADDITIONAL CHANGES

B. Analysis of Environmental Impacts

BASED ON THE ABOVE ANALYSIS, THERE ARE NO FURTHER CHANGES TO BE EVALUATED IN THIS AMENDED FINDINGS DOCUMENT, EXCEPT FOR THE PROJECT’S WASTEWATER SERVICE AND POWER SERVICE, AND THE PLUG POWER PROJECT ITSELF. SEE THE ORIGINAL FINDINGS FORM AT THE BEGINNING OF THIS DOCUMENT FOR ADDITIONAL ANALYSIS OF ALL ENVIRONMENTAL ISSUES OF THE PLUG POWER PROJECT.

This section provides an analysis of the environmental impacts of the Proposed Plug Power Project. For ease in using this form, the references to the 1366 Facility (project did not happen), the demolition of Houses (completed) and the Town Water project (which is almost complete) have been removed. These, due to their status, have been shown to not be further impacted by this project and have been removed from this document. Although many of the other impacts discussed in the Amended Findings are not being impacted, this form will document this.

1. Impacts on Geology and Topography

a. The Project Changes

(1) Master Plan Changes/Updates

Generally, there are no material impacts to geology and topography associated with the Master Plan Changes/Updates. The change to the utility runs and the realignment of both the Main Access Road and Bypass Road will result in minor changes to grading plans on-Site as physical improvements are relocated. However, these changes will reduce earthwork and soil disturbance at the Site. Similarly, adjustments to the zoning regulations may result in minor The inclusion of the residential properties on the north end of Crosby Road will result in minor changes to grading plans on-Site as physical improvements are relocated. All of these changes are minor and well within the scope of actions analyzed in the GEIS/Findings.

THE PLUG POWER PROJECT DOES NOT FURTHER IMPACT THE MASTER PLAN AND THEREFORE NEEDS NO FURTHER EVALUATION ON IMPACTS TO GEOLOGY AND TOPOGRAPHY.

(2) Water Service for STAMP

There are no material impacts to geology and topography associated with water service for STAMP that were not addressed in the GEIS/Findings. As with the Town Water Project, on-Site installation of water related infrastructure will be along current and/or future roads via a combination of open cut method and directional drill method. These installations will result in temporary impacts that were analyzed in the GEIS/Findings.

THE PLUG POWER PROJECT INCLUDES ON-SITE WATER SERVICE THAT IS IN ACCORDANCE WITH THE ORIGINAL AND AMENDED FINDINGS AND HAS NO FURTHER IMPACTS ON GEOLOGY AND TOPOGRAPHY.

(3) Sewer Service for STAMP

There are no material impacts to geology and topography associated with sewer service for STAMP that were not addressed in the GEIS/Findings. Installation of sewer related infrastructure will be along public roads via a combination of open cut method and directional drill method. However, all installation routes will be re-graded to match original topography

after infrastructure installation. Thus, these installations will result in temporary impacts that are consistent with impacts from other infrastructure installations that were analyzed in the GEIS/Findings. This result is based on the work completed by the GCEDC in their Environmental Analysis document.

AS THE PLUG POWER PROJECT WILL NOT BE UTILIZING THE PROPOSED NEW SEWER SERVICE SYSTEM, THE ENVIRONMENTAL ANALYSIS WILL ONLY BE BASED ON THE PROPOSED PLUG POWER SYSTEM. THERE ARE NO IMPACTS ON GEOLOGY AND TOPOGRAPHY (PLUG POWER WILL EVAPORATE PROCESS WASTEWATERS AND TAKE SOLIDS TO AN APPROVED FACILITY AND SANITARY WASTEWATERS WILL GO TO A HOLDING TANK TO BE PUMPED OUT APPROXIMATELY WEEKLY AND TAKEN TO AN APPROVED FACILITY).

2. Impacts on Water Resources

a. The Project Changes

(1) Master Plan Changes/Updates

The STAMP Updated Master Plan shows a reduction in wetland impacts as compared to the GEIS Master Plan. Accordingly, the impacts to water resources from the changes to the Master Plan Changes/Updates are adequately addressed in the GEIS/Findings.

AS NOTED, THE PLUG POWER PROJECT HAS NO IMPACTS ON THE MASTER PLAN.

(2) Water Service for STAMP

There are no material impacts to water resources associated with water service for STAMP that were not addressed in the GEIS/Findings.

(3) Sewer Service for STAMP

The sewer line to Medina will cross the Iroquois National Wildlife Refuge along the Route 63 public right-of-way. This area has large wetlands and several stream crossings. In order to ensure protection of water resources, the GCEDC will employ directional drilling methods. Based on existing soils conditions and the physical limitations with the directional drill equipment, each directional drill set up will be staged a maximum of approximately 1,000 feet. The force main will be installed by directional drill method between each staging area. Thus, the installation of the sewer main will have minimal temporary impacts to less than 0.5 acre of wetland and will not adversely impact water resources along the installation route. If anything, the routing of sewer lines to the Medina WWTF will be beneficial to local water resources by removing proposed treated discharges from nearby streams, including Whitney Creek, Tonawanda Creek, Oak Orchard Creek and/or other small tributaries in the area.

AS THIS PROJECT WILL NOT BE UTILIZING THE PROPOSED NEW SEWER SERVICE SYSTEM (WHICH HAS CHANGED), THE ENVIRONMENTAL ANALYSIS WILL BE BASED ON THE PROPOSED PLUG

POWER SYSTEM. THERE ARE NO IMPACTS ON WATER RESOURCES AS THE SYSTEM DOES NOT INCLUDE A DISCHARGE TO SURFACE OR GROUNDWATERS (THE PROCESS WATERS WILL BE EVAPORATED AND ANY LEFTOVER SOLIDS REMOVED TO AN APPROVED FACILITY AND SEWAGE FROM TOILETS WILL GO TO A HOLDING TANK AND THEN TAKEN TO AN APPROVED EXISTING WASTEWATER TREATMENT PLANT).

3.Impacts on Air Resources

a. The Project Changes

(1) Master Plan Changes/Updates

The Master Plan Changes/Updates have no impacts upon air resources. These changes do not result in larger developable areas or more building square footages. In fact, open space actually increases under the Updated Master Plan. Further, the building square footage threshold established in the GEIS/Findings (6,130,000 sf) has not changed.

NO IMPACTS.

(2) STAMP Water & Sewer Service

There are no material impacts to air resources associated with the water or sewer service for STAMP that were not addressed in the GEIS/Findings (all construction related impacts).

AS THIS PROJECT WILL NOT BE UTILIZING THE PROPOSED NEW SEWER SERVICE SYSTEM, THE ENVIRONMENTAL ANALYSIS WILL BE BASED ON THE PROPOSED PLUG POWER SYSTEM. THERE ARE NO IMPACTS ON AIR RESOURCES AS THE SYSTEM DOES NOT HAVE ANY PROCESSES THAT WOULD REQUIRE AN AIR PERMIT.

4.Impacts on Terrestrial and Aquatic Ecology

a. The Project Changes

(1) Master Plan Changes/Updates

As discussed above in the water resources analysis, the overall changes to the Master Plan Changes/Updates in a net reduction in wetland and aquatic resource impacts from the scope of actions analyzed in the GEIS/Findings. Additionally, these changes do not result in larger developable areas or more building square footages.

NO IMPACTS.

(2) Water Service for STAMP

There are no material impacts to terrestrial and aquatic ecology associated with water service for STAMP that were not addressed in the GEIS/Findings. Accordingly, the impacts to terrestrial and aquatic ecology from water service for STAMP are adequately addressed in the GEIS/Findings.

NO IMPACTS

(3) Sewer Service for STAMP

There are generally no material impacts to terrestrial and aquatic ecology associated with the sewer service for STAMP that were not addressed in the GEIS/Findings. One exception to this general characterization of aquatic resources within the sewer route is Oak Orchard Creek and the associated wetlands to the south of Oak Orchard Creek's intersection with Route 63. This wetland area is owned by USFWS (Iroquois National Wildlife Refuge) and is part of a large complex system that includes riparian, emergent, and forested wetlands. While evidence of disturbance exists, the system as a whole is high quality, federally protected, and linked to mapped significant natural communities and potential occurrence of rare, threatened, and endangered species. The sewer project will disturb only areas within and/or immediately adjacent to an existing DOT right-of-way. Wetlands within or adjacent to this proposed area of disturbance are fragmented edges of the larger system.

In order to ensure the construction of the sewer line across the Iroquois National Wildlife Refuge along the Route 63 public right-of-way will not adversely impact these resources, the force main will be installed by directional drill method which will limit ground disturbance and potential impacts significantly. Accordingly, any potential impacts to terrestrial and aquatic ecology due to construction activities in connection with the Sewer Service for STAMP will be minor, and temporary in nature.

AS THIS PROJECT WILL NOT BE UTILIZING THE PROPOSED NEW SEWER SERVICE SYSTEM, THE ENVIRONMENTAL ANALYSIS WILL BE BASED ON THE PROPOSED PLUG POWER SYSTEM. THERE ARE NO IMPACTS ON TERRESTRIAL OR AQUATIC ECOLOGY RESOURCES AS THE SYSTEM DOES NOT HAVE ANY PROCESSES THAT WOULD IMPACT THESE RESOURCES.

b. The Northern Long Eared Bat

As discussed above, the NLE Bat has recently been listed as a Threatened Species under State and Federal law and potential NLE Bat habitat is present at the Site and within the offsite utility Project areas. A field review of on-Site habitat suitable for the NLE Bat was conducted in November, 2015, taking into account areas of potential disturbance associated with

construction planned for the 1366 Facility, including construction of the entry road, substation and utility areas. Project activities require the removal of trees greater than 3" DBH along the first section of the proposed access road west of Route 63/77, where hedgerows are crossed by the access roads and utilities, and along Crosby Road on residential parcels.

Additional field review was conducted at the site in May, 2016. A Phase 1 Summer Habitat Assessment was completed including data collection at a representative sample sites. Very few trees within the Project area are ideally suited for summer bat habitat due to a paucity of trees with exfoliating bark and no suitable snags. Further, the Project area is not near known maternity sites and are not located within 0.25 mile of a known hibernaculum according to a review of known sites.

To ensure that the future development activities will not have any material impacts to the NLE Bat, any necessary tree removal will be scheduled outside of the pup season (June 1 – July 31) and, where possible, within the hibernation period (October 31 – March 31). The Project location and planned construction schedule put the Project within the category of "excepted from incidental taking prohibitions" in the final 4(d) rule. In this case, the determination is that activities "may affect" but are not likely to adversely affect and/or will not cause a prohibited taking. Thus, future on-Site development activities will not have an adverse impact upon the NLE Bat and the listing of the NLE Bat as a Threatened Species under State and Federal law will have no material impacts to terrestrial and aquatic ecology in conjunction with the Project.

In terms of off-Site development associated with water and sewer infrastructure, a desktop and field review were conducted in December, 2015 and May, 2016 in support of the development of an aquatic resource and ecology investigation report.

The majority of the off-site infrastructure (water and sewer) project areas are upland consisting of previously disturbed areas including road shoulders, mowed lawn and mowed lawn with trees, cropland, excavated ditches, culverts, and brushy cleared land. A smaller portion of the project area, primarily at stream and wetland crossings, consists of intermittent and perennial streams and wetlands. One exception to this general characterization of aquatic resources within the sewer route is Oak Orchard Creek and the associated wetlands to the south of Oak Orchard Creek's intersection with Route 63.

To ensure that the installation of the off-site infrastructure will not have any material impacts to the NLE Bat, any necessary tree removal will be scheduled outside of the pup season (June 1 – July 31) and, where possible, within the hibernation period (October 31 – March 31). The Site location and planned construction schedule put the Project within the category of "excepted from incidental taking prohibitions" in the final 4(d) rule. In this case, the determination is that activities "may affect" but are not likely to adversely affect and/or will not cause a prohibited taking. Thus, the installation of the off-site infrastructure will not have an adverse impact upon the NLE Bat.

THE PLUG POWER PROJECT WILL ADHERE TO ANY REQUIREMENTS FOR NLE BATS AND CREATES NO NEW IMPACTS.

5.Impacts on Technology Industry Health and Safety

a. The Project Changes

(1) Master Plan Changes/Updates

There are no Master Plan Changes/Updates that will impact technology industry health and safety.

NO IMPACTS

(2) STAMP Water & Sewer Service

There are no material impacts to health and safety associated with the Town Water Project, water service for STAMP and/or sewer service for STAMP that were not addressed in the GEIS/Findings.

AS THIS PROJECT WILL NOT BE UTILIZING THE PROPOSED NEW SEWER SERVICE SYSTEM, THE ENVIRONMENTAL ANALYSIS WILL BE BASED ON THE PROPOSED PLUG POWER SYSTEM. THERE ARE NO IMPACTS ON TECHNOLOGY INDUSTRY HEALTH AND SAFETY AS THE SEWER SYSTEM DOES NOT HAVE ANY PROCESSES THAT WOULD IMPACT HEALTH AND SAFETY (EVAPORATION, STORAGE AND SHIPMENT OF WASTES TO APPROVED FACILITIES. THE WATER SERVICE IN STAMP WILL ALSO NOT BE IMPACTED AS THE FLOW REQUIREMENTS ARE RELATIVELY SMALL (MUCH LESS THAN THE THRESHOLD ESTABLISHED)

6.Impacts on Traffic and Transportation

a. The Project Changes

(1) Master Plan Changes/Updates

The realignment of the Bypass Road will improve traffic flow due to better intersection designs. The other changes to the site plan layout do not result in larger developable areas or more building square footages. Further, the building square footage threshold established in the GEIS/Findings (6,130,000 sf) has not changed.

NO IMPACTS

(2) STAMP Water & Sewer Service

The construction and excavation work associated with the installation of the water and sewer mains and related facilities will require the transportation of construction materials, including

loads of water piping, gravel, topsoil and related construction materials. There will also be minor impacts because the water infrastructure will be installed within existing road right-of-ways requiring lane closures and traffic re-routing. These impacts will be minor and temporary and are within the scope of construction activities analyzed in the GEIS/Findings.

AS THIS PROJECT WILL NOT BE UTILIZING THE PROPOSED NEW SEWER SERVICE SYSTEM, THE ENVIRONMENTAL ANALYSIS WILL BE BASED ON THE PROPOSED PLUG POWER SYSTEM. THE PROPOSED WASTEWATER HANDLING SYSTEM WILL RESULT IN ADDITIONAL TRUCK TRIPS (CARRYING WASTES TO OFFSITE FACILITIES), BUT THESE TRIPS ARE EXTREMELY SMALL (WILL BE LESS THAN ONE TRIP PER DAY). THE PROPOSED WATER SYSTEM IS A WATER SERVICE THAT HAS NO IMPACTS ON TRANSPORTATION.

7. Impacts to Land Use and Zoning

a. The Project Changes

(1) Master Plan Changes/Updates

In terms of changes to the site plan layout, the realignment of the Bypass Road and the connector road to the Main Access Road will have a small impact on land use and zoning. Specifically, TD3 will, according to the GCEDC, increase in size from approximately 72.3 acres to 89.4 while TD1 and TD2 will decrease in size. However, the density of the build out in each of the districts will not change.

In terms of the buffer use clarifications, all of the uses included in the clarifications were identified as permitted uses in the GEIS/Findings. Thus, there are no impacts to land use and zoning from the buffer use clarifications that were not analyzed and addressed in the GEIS/Findings.

In terms of the elimination of the 300-foot buffer on the interior of the Site between TD1/TD2 and TD3, this change creates the possibility of a minor visual impact to the Hamlet as buildings at the top of the ridgeline, which is within the buffer area, may be visible to the Hamlet. In order to address and mitigate this, the GCEDC is proposing new minimum setbacks from the Bypass Road, which has been relocated atop the ridgeline, to ensure that buildings are adequately setback from the ridgeline. The new setbacks along the Bypass Road are actually more restrictive than the current buffer, except for a very small area, approximately 1.3 acres, in the area where the Bypass Road meets Lewiston Road.

In terms of the elimination of the 300-foot buffer for 500 linear feet on each side of the Main Access Road, this too, will create visual impacts as structures associated with the Project are developed along Route 63/77. In order to mitigate this issue, the GCEDC and the Town have agreed to work together on revised design guidelines and an enhanced landscape plan for this area to ensure the construction of high quality, attractive buildings.

In terms of adding solar panels as a special use permit in TD1 and TD2, this change will have no significant impact on land use or zoning, particularly because it is simply adding to the previously included cell towers and windmills as other uses by special use permits.

In terms of the addition of the residential houses on the north end of Crosby Road, this change will result in an important, but minor change to land use in the overall context of the Project. Specifically, these properties (owned or controlled by the GCEDC) will be rezoned from A-R to TD1. With the exception of one property along Lewiston Road, all of the properties along Crosby may be acquired and demolished. At the request of the Town, a setback of 30 feet from Crosby Road for construction of new structures within the area to be rezoned will be established.

NO FURTHER CHANGES ARE PROPOSED AND THE PLUG POWER PROJECT WILL ADHERE TO THESE PLANS AND HAVE NO FURTHER IMPACTS TO LAND USE AND ZONING.

b. STAMP Water & Sewer Service

There are no material impacts to land use and zoning associated with water service and/or sewer service for STAMP that were not addressed in the GEIS/Findings.

AS THIS PROJECT WILL NOT BE UTILIZING THE PROPOSED NEW SEWER SERVICE SYSTEM, THE ENVIRONMENTAL ANALYSIS WILL BE BASED ON THE PROPOSED PLUG POWER SYSTEM. THERE ARE NO IMPACTS ON LAND USE AND ZONING AS THE SEWER/WASTEWATER SYSTEM DOES NOT HAVE ANY CONSTRUCTION OF FACILITIES AT THE SITE. THE WATER SYSTEM IS A WATER SERVICE. NEITHER THE WATER OR SEWER SYSTEM HAS ANY IMPACTS ON LAND USE AND ZONING.

8.Impacts to Utilities

a. The Project Changes

(1) Master Plan Changes/Updates

The Master Plan Changes/Updates will not result in larger developable areas or more building square footages. While the utility rerouting portion of the site plan changes will have an impact upon the physical location of utility corridors, there are no impacts to utilities associated with the utility rerouting.

NO IMPACTS

(2) Water Service for STAMP

Consistent with the Water Service Preliminary Report, attached as *Appendix N* to the DGEIS, a phased approach to water supply is being applied at STAMP. Also, consistent with the Water Service Preliminary Report, water supply for Phase 1 of STAMP (1 MGD) will be supplied by Genesee County.

Based on the current proposal, the Town of Alabama's water consultant has confirmed that there will be no negative impacts to the pressures or flows to the Town's residents.

THE PLUG POWER PROJECT IS NOT A LARGE USER OF WATER AND THE TOWN ENGINEER HAS DETERMINED THAT THE PROJECT WILL NOT CREATE ANY ADDITIONAL IMPACTS TO THE WATER SYSTEM.

(3) Sewer Service for STAMP

The Medina WWTF is currently permitted for 4.5 MGD of capacity while actual discharges average between 1.5 MGD and 2.2 MGD. A detailed peak flow analysis was undertaken which confirms that the Medina WWTF has capacity to accommodate an additional 1 MGD.

AS THIS PROJECT WILL NOT BE UTILIZING THE PROPOSED NEW SEWER SERVICE SYSTEM, THE ENVIRONMENTAL ANALYSIS WILL BE BASED ON THE PROPOSED PLUG POWER SYSTEM. THERE ARE NO IMPACTS ON UTILITIES AS THE SYSTEM DOES NOT HAVE ANY PROCESSES THAT WOULD BE DISCHARGING TO THE PROPOSED WASTEWATER SYSTEM. THE PROJECT ALSO DOES NOT ADVERSELY IMPACT THE FUTURE WASTEWATER PLANS FOR THE SITE.

9.Impacts to Community Facilities

a. The Project Changes

(1) Master Plan Changes/Updates

There are no Master Plan Changes/Updates that will impact community facilities. The site plan changes do not result in larger developable areas or increased building square footages. In addition, the Town will have no responsibility for maintaining any portion of the Site.

NO IMPACTS

(2) Water Service for STAMP

There are no material impacts to community facilities associated with water service for STAMP that were not addressed in the GEIS/Findings.

NO IMPACTS

(3) Sewer Service for STAMP

There are no material impacts to community facilities associated with sewer service for STAMP. The Medina WWTF is currently permitted for 4.5 MGD of capacity. Actual discharges average between 1.5 MGD and 2.2 MGD. A detailed peak flow analysis was undertaken to confirm that the Medina WWTF has the capacity to treat up to 1 MGD of wastewater from STAMP during peak periods. Flow monitoring for sections of the Village of Medina was implemented during the sanitary sewer route analysis.

AS THIS PROJECT WILL NOT BE UTILIZING THE PROPOSED NEW SEWER SERVICE SYSTEM, THE ENVIRONMENTAL ANALYSIS WILL BE BASED ON THE PROPOSED PLUG POWER SYSTEM. THERE ARE NO IMPACTS ON COMMUNITY FACILITIES AS THE SYSTEM WILL NOT BE UTILIZING ANY COMMUNITY FACILITIES.

10. Impacts to Community Character and Demographics

a. Aesthetics

(1) The Project Changes

(i) Master Plan Changes/Updates

The Main Access Road into the Site from Route 63/77 had a significant curve to the north in the GEIS Master Plan. In the Updated Master Plan, the alignment has been straightened somewhat to run more directly to Crosby Road. Nonetheless, a curve in the Main Access Road has been maintained to provide a more interesting visual context from the Main Access Road entrance looking towards the interior of the Site.

The elimination of the 300-foot buffer on the interior of the Site between TD1/TD2 and TD3, creates the possibility of a minor visual impact to the Hamlet as buildings at the top of the ridgeline, which is within the buffer area, may be visible to the Hamlet. In order to address and mitigate this, the GCEDC is proposing new minimum setbacks from the Bypass Road, which has been relocated atop the ridgeline, to ensure that buildings are adequately setback from the ridgeline. The new setbacks along the Bypass Road are actually more restrictive than the current buffer, except for a very small area, approximately 1.3 acres, in the area where the Bypass Road meets Lewiston Road.

The elimination of the 300-foot buffer for 500 linear feet on each side of the Main Access Road will create visual impacts as structures associated with the Project are developed along Route

63/77. In order to mitigate this issue, the GCEDC and the Town will work together on revised design guidelines for this area to ensure the construction of high quality, attractive buildings, and an improved landscape plan along Route 63/77.

The Town will require not only additional design standards, but the inclusion of landscaping and elements to reduce the visual impacts of these buildings and to provide a rural character to match the area.

The incorporation of the residential properties at the north end of Crosby into the Project make it possible for buildings in TD1 to move closer to the Hamlet than was evaluated in the GEIS. In order to mitigate this issue, the GCEDC is proposing new setback of thirty (30) feet from this section of Crosby Road. In addition, in order to ensure that there are no visual impacts that were not addressed in the GEIS/Findings, if and when specific buildings are proposed in locations along the north end of Crosby Road closer to the Hamlet than what was evaluated in the GEIS, subsequent visual impact analysis would have to be completed at that time. This analysis may result in additional landscaping, alterations to building designs or other methods of screening and buffering these buildings and associated parking areas.

NO IMPACTS

(ii) STAMP Water & Sewer Service

During installation of the force main and related facilities, large equipment and materials will be located temporarily in proximity to the installation routes. All such impacts are short-term and limited.

AS THIS PROJECT WILL NOT BE UTILIZING THE PROPOSED NEW SEWER SERVICE SYSTEM, THE ENVIRONMENTAL ANALYSIS WILL BE BASED ON THE PROPOSED PLUG POWER SYSTEM. THERE ARE NO IMPACTS ON COMMUNITY CHARACTER AND DEMOGRAPHICS. THERE WILL NOT BE ANYTHING BUILT AT THE SITE RELATING TO WASTEWATER TREATMENT THAT WOULD AFFECT COMMUNITY CHARACTER OR DEMOGRAPHICS.

b. Noise

(1) The Project Changes

(i) Master Plan Changes/Updates

The changes to the TD zoning boundaries and buffers and the incorporation of the residential properties on the north end of Crosby Road will bring some development closer to the STAMP boundary. However, there will be no changes to the noise limits set for the STAMP boundaries in the GEIS/Findings. Future uses within these areas that were previously undevelopable will have to comply with these noise limits. The Planting/landscape buffer discussed previously will also help in reducing these potential noise impacts.

NO IMPACTS

(ii) STAMP Water & Sewer Service

During installation of the water and sewer mains and related facilities, noise levels will temporarily increase during construction. All such impacts, which will take place during daylight working hours, when noise sensitivity is typically lowest, are well within the scope of construction activities analyzed in the GEIS/Findings.

AS THIS PROJECT WILL NOT BE UTILIZING THE PROPOSED NEW SEWER SERVICE SYSTEM, THE ENVIRONMENTAL ANALYSIS WILL BE BASED ON THE PROPOSED PLUG POWER SYSTEM. THERE ARE NO IMPACTS ON NOISE AS THE APPLICANT HAS PROVIDED NOISE INFORMATION ILLUSTRATING THIS AND THE SEWAGE/PROCESS WASTE COLLECTION WILL ONLY INVOLVE AN EVAPORATION SYSTEM AND TRUCKS.

c. Socioeconomics

(1) The Project Changes

(i) Master Plan Changes/Updates

The Master Plan Changes/Updates will have no impact upon socioeconomics.

NO IMPACTS

(ii) STAMP Water & Sewer Service

The Town Water Project is expected to have a positive socioeconomic benefit upon the Town by dramatically expanding the availability of public water to existing households within the Town. These benefits are consistent with and will build upon the socioeconomic benefits of the Project as a whole.

AS THIS PROJECT WILL NOT BE UTILIZING THE PROPOSED NEW SEWER SERVICE SYSTEM, THE ENVIRONMENTAL ANALYSIS WILL BE BASED ON THE PROPOSED PLUG POWER SYSTEM. THERE ARE NO IMPACTS ON SOCIOECONOMICS AS THE SYSTEM DOES NOT HAVE ANY COSTS FOR THE TOWN AND WILL ALLOW THE PLUG POWER PROJECT TO MOVE FORWARD UNDER THE IZA AGREEMENT. THE PLUG POWER PROJECT HAS PAID ALL OF THE APPLICATION FEES TO COVER TOWN COSTS AND IS ENTERING INTO A COMMUNITY BENEFIT AGREEMENT WITH THE TOWN.

11. Impacts on Historic and Archaeological Resources

a. The Project Changes

(1) Master Plan Changes/Updates

There are no Master Plan Changes/Updates that will impact historic or archeological resources that will not be addressed through the programmatic agreement.

NO IMPACTS

(2) Water Service for STAMP

There are no material impacts to historic or archeological resources associated with water service for STAMP that were not addressed in the GEIS/Findings. Accordingly, the impacts to historic or archeological resources from water service for STAMP are adequately addressed in the GEIS/Findings.

NO IMPACTS

(3) Sewer Service for STAMP

A Phase 1A Cultural Resource investigation was completed for the sewer route by Deuel Archaeology & CRM in December 2015. It was recommended that a Phase 1B subsurface investigation, in the form of shovel testing be conducted for the archeologically sensitive areas. SHPO indicated in their February 25, 2016 letter, they concur with the Phase 1B testing recommendation and concluded they have no building/structural concerns. A specific scope for the Phase 1B investigation has been developed by the GCEDC in consultation with SHPO and the Phase 1B work is currently underway. Upon completion of the Phase 1B work, additional survey work will be undertaken as necessary consistent with the requirements of the Programmatic Agreement.

AS THIS PROJECT WILL NOT BE UTILIZING THE PROPOSED NEW SEWER SERVICE SYSTEM, THE ENVIRONMENTAL ANALYSIS WILL BE BASED ON THE PROPOSED PLUG POWER SYSTEM. THERE ARE NO IMPACTS ON HISTORIC AND ARCHAEOLOGICAL RESOURCES AS THE SYSTEM DOES NOT INCLUDE ANY ADDITIONAL PHYSICAL IMPACTS TO THE SITE (OTHER THAN THOSE ALREADY ANTICIPATED).

12. Impacts on Agricultural Resources

a. The Project Changes

(1) Master Plan Changes/Updates

There are no Master Plan Changes/Updates that will impact agricultural resources. The GEIS assumed all agricultural lands within the Project area would eventually be developed.

NO IMPACTS

(2) Water Service for STAMP

There are no material impacts to agricultural resources associated with water service for STAMP that were not addressed in the GEIS/Findings.

NO IMPACTS

(3) Sewer Service for STAMP

There are no material impacts to agricultural resources associated with sewer service for STAMP. Accordingly, the impacts to agricultural resources from sewer service for STAMP are adequately addressed in the GEIS/Findings. Nonetheless, GCEDC plans to coordinate with NYS Department of Agriculture to ensure no further agency review is necessary in connection with construction of sewer service for STAMP as this aspect of the Project was unknown at the time that the GCEDC received its certification for the Project.

AS THIS PROJECT WILL NOT BE UTILIZING THE PROPOSED NEW SEWER SERVICE SYSTEM, THE ENVIRONMENTAL ANALYSIS WILL BE BASED ON THE PROPOSED PLUG POWER SYSTEM. THERE ARE NO IMPACTS ON AGRICULTURE AS THE SYSTEM DOES NOT HAVE ANY NEW AREAS OF CONSTRUCTION THAT WOULD IMPACT THESE RESOURCES.

13. Short Term Construction Impacts

a. The Project Changes

(1) Master Plan Changes/Updates

There are no short-term construction related impacts associated with the Master Plan Changes/Updates that were not addressed in the GEIS/Findings.

NO IMPACTS

(2) STAMP Water & Sewer Service

During installation of the water and sewer mains and related facilities, air and water quality may be temporarily impacted by construction activities and equipment. Noise levels will also temporarily increase during construction. All such impacts are well within the scope of construction activities analyzed in the GEIS/Findings.

AS THIS PROJECT WILL NOT BE UTILIZING THE PROPOSED NEW SEWER SERVICE SYSTEM, THE ENVIRONMENTAL ANALYSIS WILL BE BASED ON THE PROPOSED PLUG POWER SYSTEM. THERE

ARE NO SHORT-TERM CONSTRUCTION IMPACTS AS THE SYSTEM DOES NOT INVOLVE ANY ADDITIONAL CONSTRUCTION THAN ANTICIPATED PREVIOUSLY AND ANALYZED IN THE GEIS.

14. Future Conditions and Thresholds

a. The Plug Power project

The Plug Power project does not exceed any of the conditions and thresholds set forth in the GEIS/Findings (As illustrated in the Findings Form). Specifically:

- The Plug Power project will not cause an exceedance of the maximum buildable Site area established (618.18 acres);
- The Plug Power project will not cause an exceedance of the maximum building square footage;
- The Plug Power project will not cause an exceedance of wetland impacts examined in the GEIS/Findings;
- The Plug Power project will be constructed in compliance with the zoning regulations established by the STAMP TD;
- The Plug Power project will not cause traffic trip generation in exceedance of 70% of projected trips established in the GEIS/Findings; and
- The Plug Power project will not cause an exceedance of any utility loads established for the Project in the GEIS/Findings (except for the electric – see discussion).

b. The Project Changes

(1) Master Plan Changes/Updates

None of the Master Plan Changes/Updates exceed any of the conditions and thresholds set forth in the GEIS/Findings.

(2) Water Service for STAMP

The water service for STAMP will not exceed any of the conditions and thresholds set forth in the GEIS/Findings. According to the Town of Alabama's water consultant the 3.0 MGD threshold is still valid as of 2017. Once the 3 MGD threshold is reached, GCEDC will need to re-evaluate the system, make any necessary improvements and set the next threshold.

NO EXCEEDANCE OF THRESHOLDS FOR PLUG POWER

(3) Sewer Service for STAMP

The sewer service for STAMP, which will now be provided via a force main to the Medina WWTF rather than via an on-Site WWTP, although a different method that was contemplated in the GEIS/Findings, will not exceed any of the conditions and thresholds set forth in the GEIS/Findings. The threshold for sewer will be reduced from 3.0 MGD to 1.0 MGD, as this is the volume that the Medina WWTF can handle without significant upgrades to its treatment plant.

AS THIS PROJECT WILL NOT BE UTILIZING THE PROPOSED NEW SEWER SERVICE SYSTEM, THE ENVIRONMENTAL ANALYSIS WILL BE BASED ON THE PROPOSED PLUG POWER SYSTEM. THERE ARE NO IMPACTS ON FUTURE CONDITIONS AND THRESHOLDS. IT SHOULD BE NOTED THAT THE WASTEWATERS FROM PLUG POWER WILL NOT BE PUT INTO THIS NEW SYSTEM.

15. Incomplete GEIS/Findings Mitigation

a. Long Term Management Plan

As part of GCEDC's plan for mitigation to avoid and/or minimize any potential impacts to the terrestrial and aquatic ecologies, the GCEDC Findings required the preparation of a LTMP. Town Board Findings required preparation of the LTMP prior to any site plan approvals for use in the review of future Site development. To date, the final LTMP has not been completed, but a draft of the document has been reviewed with the Town Board. In order to ensure that there are no adverse impacts associated with the development of the 1366 Parcels, the GCEDC has proposed deed restrictions and/or conservation easements to further protect wetlands in accordance with the goals of the LTMP. This is being implemented relative to the 1366 Parcels even though the LTMP is still being developed. These restrictions will help to protect wetlands on the Site from being impacted by future development. The GCEDC will also work closely with the Town and will undertake site plan review for any component of the Project in accordance with the goals set forth by the LTMP.

NOTE: LTMP COMPLETED AND ACCEPTED BY THE TOWN

b. Farmland Protection Plan

The GCEDC Findings and the Town Board Findings require the GCEDC to assist the Town with implementing one or more strategies in the FPSR. To date, a committee has been formed, and is in the early stages of development and exploration of options and programs as outlined in the DGEIS, the FPSR and other sources. The formation of this committee was identified as a protection strategy in the FPSR and thus, the Town has now implemented at least one protection strategy from the FPSR. Nonetheless, the GCEDC will continue to work with the Town to advance farmland protection in the Town. The Alabama draft Farmland Protection Plan has been completed and adoption is anticipated in the coming months.

NOTE: THE TOWN'S AGRICULTURE AND FARMLAND PROTECTION PLAN HAS BEEN COMPLETED

c. Comprehensive Plan Update

As agreed upon in the IZA, the GCEDC is tasked with assisting the Town with updating its comprehensive plan. To date, the GCEDC has secured a grant on behalf of the Town in order to cover a portion of the cost for the update, which is anticipated to be completed in full in 2017.

The need for a comprehensive plan update emerged from the Town's concerns about potential long-term development pressure from STAMP on the rest of the Town. The implementation of the first phase of the 1366 Facility will produce limited development pressure on the Town. Moreover, the Town has imposed a moratorium on the issuance of commercial building permits outside of the Site until the comprehensive plan update is complete. Thus, there will be no adverse impacts from moving forward with initial development at STAMP before the comprehensive plan update has been completed.

NOTE: THE TOWN'S COMPREHENSIVE PLAN UPDATE HAS BEEN COMPLETED

d. Design Guidelines

Design standards for buildings to be constructed at STAMP have been discussed between the Town and the GCEDC for several years. In the FGEIS, in response to a comment about design guidelines, the GCEDC noted an intent to form an Architectural Review Committee that would develop design standards for the Site. In the IZA, the Town zoning regulations for the Site provide that any development within any Technology District shall conform to the Town of Alabama's Design Guidelines.

Since the Town adopted its Design Guidelines for STAMP, the GCEDC has formed an Architectural Review Committee comprised of a representative from GCEDC and an architect from GCEDC's engineering firm, Clark Patterson & Lee. A representative from the County Department of Planning also serves on the Committee. In order to help the community understand what specific types of buildings may be constructed at STAMP consistent with the Town's design guidelines, the Committee has developed a series of photographic renderings with explanatory narrative for each of the three TD districts at the Site. In order to ensure that there are no adverse impacts resulting from moving forward with initial development at STAMP prior to development of more specific design guidelines, the Town and the GCEDC have agreed to work closely with 1366 Technologies through the site plan review process to develop a site plan that is consistent with the goals that both the Town and the GCEDC seek to achieve through more specific design guidelines. For the 1366 Facility, particular attention will be paid to building materials visible from public rights of way and landscaping and screening measures.

NOTE: THE TOWN'S DESIGN GUIDELINES HAVE BEEN COMPLETED AND MUST BE ADHERED TO.

16. Unavoidable Adverse Impacts

a. The Plug Power project

The development of Plug Power will result in several unavoidable adverse impacts including short-term unavoidable construction impacts, use of real property, loss of agricultural use on the Site, consumption of energy and the resources that go into making that energy, altered habitats on-Site, and impacts to existing traffic patterns. These impacts are consistent with the analysis of unavoidable adverse impacts in the GEIS/Findings.

b. The Project Changes

(1) Master Plan Changes/Updates

The Master Plan Changes/Updates will not result in any material changes to unavoidable adverse impacts as discussed in the GEIS/Findings.

NO CHANGES FOR PLUG POWER

(2) Water Service for STAMP

The consumption of water supplies for STAMP is consistent with the analysis of unavoidable adverse impacts in the GEIS/Findings.

NO CHANGES FOR PLUG POWER

(3) Sewer Service for STAMP

The installation of sewer service for STAMP will result in several unavoidable adverse impacts including short-term unavoidable construction impacts, use of real property, impacts to water resources and consumption of energy and the resources that go into making that energy. These impacts are consistent with the analysis of unavoidable adverse impacts in the GEIS/Findings.

AS THIS PROJECT WILL NOT BE UTILIZING THE PROPOSED NEW SEWER SERVICE SYSTEM, THE ENVIRONMENTAL ANALYSIS WILL BE BASED ON THE PROPOSED PLUG POWER SYSTEM. THERE ARE NO ADDITIONAL UNAVOIDABLE IMPACTS CAUSED BY THIS PROPOSED PLUG POWER SYSTEM (SOME SMALL INCREASES IN ENERGY USE FOR THE PROCESS WASTEWATER SYSTEM FOR DRYING).

C. Threshold Criteria (the following are additions or amendments to the thresholds established in the original Findings, which are all still applicable)

Future Project Uses which do not exceed or that conform to any of the following thresholds (plus those in the original Findings) shall be considered to have been addressed by this Findings Statements, and would not require any further review pursuant to SEQR:

- Utility loads at Project build-out established by the Preferred Alternative:
 - Sewer: 1,000,000 gallons per day

THE PROPOSED PLUG POWER SEWER DESIGN WILL NOT AFFECT THIS THRESHOLD.

- Socioeconomic:
 - At 5 years after the first project, or first phase of the first project, is complete, an economic impact analysis will be re-completed, with assistance (paid for) of the GCEDC, to analyze the project's impacts on the costs to the Town versus the taxes

collected and those projected to be collected over the next 5 years. If required, additional mitigations may be necessary.

- At 5 years after the aforementioned economic analysis is complete, another economic analysis will be completed with assistance from the GCEDC to again analyze the STAMP impact on the costs to the Town versus taxes collected. If required, additional mitigations may be necessary.

THE TOWN MAY WANT TO EVALUATE THIS THRESHOLD AND DECIDE ON AN ECONOMIC ANALYSIS UPDATE IN THE FUTURE (THE PRESENT PROJECT IS RELATIVELY SMALL AND IS ENTERING INTO A COMMUNITY BENEFIT AGREEMENT)

Future Project Uses which exceed or which do not conform to any of the conditions or thresholds listed above shall not be considered to have been addressed by this Findings Statement and must be evaluated by the Town of Alabama Planning Board and Town of Alabama Town Board as to whether an additional SEQR determination and/or review is necessary.

STAMP – Plug Power Finding Resolution.

Motion to Confirm Conformance with the Findings and Amended Findings Issued by the Alabama Town Board, as SEQR Involved Agency, to Approve the Community Investment Agreement with Plug Power Facility at the STAMP Site

By Town Board member: Fisher Seconded By: LaGrou

Whereas, the Town of Alabama (Town) has received a proposed Host Community Investment Agreement with Plug Power, Inc for a facility (Project) to be located in the Western New York Science & Technology Manufacturing Park (STAMP) in the Town of Alabama, and

Whereas, the development and operation of STAMP was the subject of a Generic Environmental Impact Statement and all discretionary actions related to STAMP are subject to the Findings issued under 6 NYCRR Part 617 of the Environmental Conservation Law (SEQR); and

Whereas, in accordance with SEQR, the Genesee County Economic Development Center (GCEDC), as the SEQR Lead Agency, accepted a Final Generic Environmental Impact Statement (FGEIS) on January 19, 2012 and issued Findings on the FGEIS on March 12, 2012 (DGEIS and FGEIS are collectively, the GEIS); and

Whereas, the Town Board issued its own written findings for STAMP on August 13, 2012 (2012 Findings) prior to rezoning STAMP from Agricultural Residential to Advanced Manufacturing; and

Whereas, in 2016 several changes were made to the Project and the GCEDC and the Town issued Amended Findings on June 27, 2017 (2017 Amended Findings); and

Whereas, in 2020, the GCEDC worked with National Grid and the New York Power Authority to allow STAMP access to high power 345 kv lines, thereby increasing the energy consumption threshold of STAMP from 185 megawatts to 450 megawatts and the GCEDC determined that this change would not result in any significant adverse impact (see 2020 GCEDC Findings); and

Whereas, collectively, the 2012 Findings and the 2017 Amended Findings, are collectively known as The Findings; and

Whereas, in early 2021, the GCEDC undertook a review of the Project to determine whether the Project has the potential to have any significant adverse environmental impacts that were not previously analyzed and addressed in the GEIS and The Findings; and

Whereas, by resolution dated February 4, 2021 (GCEDC Plug Findings), the GCEDC, considering both the magnitude and importance of each potential environmental impact indicated, and upon the GCEDC's knowledge of the GEIS and The Findings as well as STAMP and surrounding area and such further investigations of the Project and its environmental effects as the GCEDC deemed appropriate, the GCEDC found that all potential environmental impacts associated with the Project were adequately addressed in the GEIS and The Findings and that no further SEQRA compliance relative to the Project is required; and

Whereas, by Verified Petition and Complaint dated June 4, 2021, the Tonawanda Seneca Nation (Nation) commenced a proceeding against the GCEDC with respect to the GCEDC Plug Findings, seeking to annul the same (Litigation); and

Whereas, the Nation alleged in the Litigation that GCEDC violated SEQRA by finding that all potential environmental impacts associated with the Project were adequately addressed in the GEIS and The Findings and that no further SEQRA compliance relative to the Project is required; and

Whereas, the Town Board has reviewed and considered the Affidavit of Adam S. Walters (Affidavit), dated July 23, 2021 which refutes the allegations made by the Nation in the Litigation; and

Whereas, the Alabama Town Board, acting as an Involved Agency, and having considered all relevant information set forth in the GEIS and The Findings as well as the 2020 GCEDC Findings and the Affidavit and having weighed and balanced the relevant environmental impacts with social, economic and other essential considerations; and

Whereas, actions carried out in conformance with the mitigating measures as outlined in The Findings avoid or minimize, to the maximum extent practicable, adverse environmental impacts disclosed in the GEIS, and

Whereas, the Alabama Town Board, utilizing the Findings Forms created by the Town Board to evaluate compliance with The Findings, a completed copy of which is attached hereto for the Project and incorporated herein, and discussing each mitigating measure and conditions in these documents, has determined that the Project is in substantial conformance with The Findings.

Now, Therefore, Be It Resolved that the Alabama Town Board, acting as a SEQR Involved Agency, confirms that the action proposed to be taken to Approve the proposed Host Community Investment Agreement for Plug Power, Inc is in substantial conformance with the GEIS and The Findings for STAMP and that no further action is required pursuant to SEQR before approving the proposed Host Community Investment Agreement for Plug Power, Inc; and

Be it Further Resolved that the Supervisor is authorized to sign the Findings Forms, which along with the attached materials, documents this decision; and

Be it Further Resolved that this resolution take effect immediately.

Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Plug Power Host Community Investment Agreement

Disc. held. Plug Power will be paying a PILOT for 20 years, the Town’s portion is approx.. 8%, \$42,805 per year. The fire tax is a special district, Plug Power will be paying the fire tax based on their assessment.

HOST COMMUNITY INVESTMENT AGREEMENT

THIS HOST COMMUNITY INVESTMENT AGREEMENT (the "Community Investment Agreement"), dated as of the 1st day of June 2021, by and between the **TOWN OF ALABAMA**, a municipal corporation, with offices at 2218 Judge Road, Oakfield, New York 14125 (the "Town") on behalf of the Town Board and _____, a _____ having an address c/o **PLUG POWER, INC.**, 968 Albany Shaker Road, Latham, New York 12110 (the "Company").

W I T N E S S E T H:

WHEREAS, the Town has an obligation to promote the health and welfare of its residents, and to protect their real and personal property within the town; and

WHEREAS, pursuant to a resolution duly adopted by the members of the Town Board on _____, 2021 (the "Resolution"), the Town determined to enter into this Community Investment Agreement with the Company; and

WHEREAS, the Company has undertaken a capital project at the WNY STAMP site in the Town of Alabama, Genesee County consisting of the acquisition of approximately 30 acres and the construction of a green hydrogen production facility (the "Facility"); and

WHEREAS, the Company recognizes that such project (the "Project") will impact the surrounding community, particularly the Town of Alabama, Genesee County, New York; and

WHEREAS, in consideration for the impacts on the community and the support and participation of the Town with respect to the Project, the Company has agreed to provide twenty (20) annual payments to the Town, as set forth within this Host Community Investment Agreement (collectively, the "Community Benefits"); and

WHEREAS, in furtherance of satisfying the Community Benefits, the Town shall administer the community benefit fund (the "Fund") established pursuant to the terms and conditions contained herein; and

WHEREAS, the Town and the Company wish to memorialize the terms and conditions associated with the Fund in order to satisfy the Community Benefits.

NOW, THEREFORE, in consideration of the covenants herein contained, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, it is mutually agreed as follows:

Article I – Representations and Covenants

Section 1.1. Representations and Covenants of the Town.

The Town makes the following representations and covenants as the basis for the undertakings on its part herein contained:

(a) The Town is a municipal corporation duly established and validly existing under the laws of the State of New York and has the power to enter into the transaction contemplated by this Community Investment Agreement and to carry out its obligations hereunder.

(b) The Town has been duly authorized by a resolution duly adopted by the Town Board to authorize the Supervisor to execute and deliver this Community Investment Agreement.

(c) Neither the execution and delivery of this Community Investment Agreement, the consummation of the transactions contemplated hereby nor the fulfillment of or compliance with the provisions of this Community Investment Agreement will conflict with or result in a breach of any of the terms, of any agreement or instrument to which the Town is a party or by which it is bound, or will constitute default under any of the foregoing.

Section 1.2. Representations and Covenants of the Company.

The Company makes the following representations and covenants as the basis for the undertakings on its part herein contained:

(a) The Company is a [limited liability company] formed, existing and in good standing under the laws of the [State of Delaware], is authorized to do business in the State, has the authority to enter into this Community Investment Agreement and has duly authorized the execution and delivery of this Community Investment Agreement.

(b) Neither the execution and delivery of this Community Investment Agreement, the consummation of the transactions contemplated hereby nor the fulfillment of or compliance with the provisions of this Community Investment Agreement will conflict with or result in a breach of any of the terms, conditions or provisions of any restriction or any agreement or instrument to which the Company is a party or by which it is bound, or will constitute a default under any of the foregoing, or result in the creation or imposition of any lien of any nature upon any of the property of the Company under the terms of any such instrument or agreement.

(c) Except as disclosed to the Town, there is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, public board or body pending or, to the knowledge of the Company, threatened against or affecting the Company, to which the Company is a party, and in which an adverse result would materially diminish or adversely impact on the Company's ability to fulfill its obligations under this Community Investment Agreement.

Article II - Payee/Payment of Annual Host Community Investment Fee.

Section 2.1. (a) *Payee.* For so long as this Community Investment Agreement is in effect, the Company agrees to pay to the Town (at its address noted above) an annual benefit fee (the "Annual Host Community Investment Fee") on or before January 1 of each calendar year commencing on January 1, 2023 (the "Payment Date"), an amount correlating to the Total Payment Amount, as set forth within **Schedule A** hereto. The Company hereby agrees to pay all such amounts due pursuant to this Community Investment Agreement on or before each Payment Date in accordance with the terms hereof.

(b) *Payment of Annual Host Community Investment Fee.* The Company, pursuant to the terms of this Community Investment Agreement, shall remit to the Town an Annual Host Community Investment Fee equal to an amount correlating to the Total Payment Amount, as set forth within **Schedule A** hereto. The Company's failure to remit any Annual Host Community Investment Fee due pursuant to this Community Investment Agreement within thirty (30) days following notice from the Town that the Company failed to make the applicable payment by the corresponding Payment Date shall require additional payment by the Company of a late payment penalty equal to five percent (5%) of the amount due and (ii) for each month, or any part thereof, that any such Annual Investment Fee is delinquent beyond the first month, interest on the total amount due plus the late payment penalty, in an amount equal to ten percent (10%) per annum.

(c) *Use of Fund; Public Purposes.* The parties agree and acknowledge that payments made hereunder are to provide revenues for public purposes to be undertaken by the Town and/or any duly appointed agent or assignee thereof. The revenues paid by the Company to the Town, which shall be utilized at the sole and absolute discretion of the Town, are to be provided for (but not limited to) the following purposes;

(i) for capital improvements (including equipment) for water, sewer, drainage or construction of public facilities (i.e. town hall, highway facilities) or to pay debt service for capital improvements for those purposes

(ii) for improvements to fire protection

(iii) for purposes of tax stabilization

Article III - Transfer of Facility; Termination; Default.

Section 3.1. This Community Investment Agreement shall be for a term of twenty (20) years to commence as of the date hereof, unless otherwise terminated by the written agreement of the parties hereto or as otherwise provided herein. Any such termination shall require the Company to make a pro-rated payment of Annual Investment Fee as of the date of termination, such pro-rated payment to be reflective of the number of days within the calendar year of termination that this Community Investment Agreement was in effect.

Section 3.2. Reference is made to that certain Tax Agreement by and between the Agency (as hereinafter defined) and the Company (as it may be amended, restated or replaced from time to time, the "Tax Agreement"), pursuant to which the Company is eligible for an exemption from the payment of Real Estate Taxes (as defined in the Tax Agreement). In the event that the Facility is transferred from the Agency (as hereinafter defined) to the Company (i.e., the lease/leaseback agreements are terminated), and the Company is no longer eligible for an exemption from the payment of Real Estate Taxes under the Tax Agreement (a "Tax Exemption Termination Event"), the obligations of the Company to make payments hereunder shall, to such extent, be null and void except as otherwise expressly provided below.

Notwithstanding the foregoing provisions of this Section 3.2, if for any period from and after the occurrence of a Tax Exemption Termination Event the Company is continuing to operate the Facility, then: (a) the Company shall continue to make payments hereunder during such period; and (b) if the total amount of Real Estate Tax levied by the Town against the Facility for any tax year during such period is less than the Total Tax Payment set forth in the Tax Agreement with respect to such tax year, the Company shall pay to the Town an amount equal to the differential between the total amount of Real Estate Tax so levied and such Total Tax Payment, which payment shall be made in the manner provided in the Tax Agreement (as if it remained in effect); provided, however, that the Company shall have no obligation to make the payments described in clauses (a) and (b) above from and after the expiration or earlier termination of this Community Investment Agreement or at any time that the Company has ceased operating the Facility.

Article IV - Miscellaneous.

Section 4.1. This Community Investment Agreement may be executed in any number of counterparts each of which shall be deemed an original but which together shall constitute a single instrument.

Section 4.2. All notices, claims and other communications hereunder shall be in writing and shall be deemed to be duly given if personally delivered or mailed first class, postage prepaid, or by national overnight courier service, or by e-mail, addressed as follows:

To the Town:

Town of Alabama
2218 Judge Road
Oakfield, New York 14125
Attention: Town Supervisor
E-mail:

To Town Counsel:

Boylan Law Office, LLP
45 West Main Street
LeRoy, New York 14482
Attn: Mark S. Boylan, Esq.
E-mail:

To the Company:

Plug Power, Inc.
968 Albany Shaker Road
Latham, New York 12110
Attn:
E-mail:

with a copy to:

c/o Plug Power, Inc.
968 Albany Shaker Road
Latham, New York 12110
Attn: Gerard L. Conway, Jr., Esq.
E-mail:

or at such other address as any party may from time to time furnish to the other party by notice given in accordance with the provisions of this Section. A hand-delivered notice shall be effective upon delivery; a notice sent by certified mail shall be effective three (3) days after mailing; a notice by overnight delivery service shall be effective as of the date of delivery as confirmed by the delivery receipt; and a notice sent by e-mail shall be effective as of the date of delivery as confirmed by the delivery receipt.

Section 4.3. This Community Investment Agreement shall be governed by, and all matters in connection herewith shall be construed and enforced in accordance with, the laws of the State of New York applicable to agreements executed and to be wholly performed therein and the parties hereto hereby agree to submit to the personal jurisdiction of the federal or state courts located in Genesee County, New York.

Section 4.4. The Town, in its exclusive discretion, may assign this Community Investment Agreement to a third-party for purposes of administering the undertakings outlined herein, however, no such assignment shall relieve the Town of its obligations hereunder. In the event of such assignment, the Town shall notify the Company in writing at least thirty (30) days in advance of the effective date of any such assignment.

Notwithstanding anything to the contrary, the Company may sell, assign, or dispose of all or substantially all of its property, and may assign this Community Investment Agreement, to any permitted assignee of, or sublessee under, that certain Leaseback Agreement dated as of the date hereof between Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, as lessor, and the Company (the "Agency"), as lessee (the "Leaseback Agreement"). In such event, the Town will accept the assignee of this Community Investment Agreement as the "Company" for all purposes of this Community Investment Agreement and will release the original Company from any and all liabilities under this Community Investment Agreement with respect to acts, events or omissions occurring after such assignment. The Company and/or the assignee shall notify the Town in writing in the event of such assignment.

Section 4.5. (a) The obligations and agreements of the Town contained herein shall be deemed the obligations and agreements of the Town, and not of any member, officer, agent or employee of the Town in his individual capacity, and the members, officers, agents and employees of the Town shall not be liable personally hereon or thereon or be subject to any personal liability or accountability based upon or in respect hereof or thereof or of any transaction contemplated hereby or thereby.

The obligations and agreements of the Company contained herein shall be deemed the obligations and agreements of the Company, and not of any member, officer, agent or employee of the Company in his or her individual capacity, and the members, officers, agents and employees of the Company shall not be liable personally hereon or thereon or be subject to any personal liability or accountability based upon or in respect hereof or thereof or of any transaction contemplated hereby or thereby.

(b) No order or decree of specific performance with respect to any of the obligations of the Town hereunder shall be sought or enforced against the Town unless (1) the party seeking such order or decree shall first have requested the Town in writing to take the action sought in such order or decree of specific performance, and ten (10) days shall have elapsed from the date of receipt of such request, and the Town shall have refused to comply with such request (or, if compliance therewith would reasonably be expected to take longer than ten (10) days, shall have failed to institute and diligently pursue action to cause compliance with such request) or failed to respond within such notice period, (2) if the Town refuses to comply with such request and the Town's refusal to comply is based upon its reasonable expectation that it will incur fees and expenses, the party seeking such order or decree shall place, in an account with the Town, an amount or undertaking sufficient to cover such reasonable fees and expenses, and (3) if the Town refuses to comply with such request and the Town's refusal to comply is based upon its reasonable expectation that it or any of its members, officers, agents or employees shall be subject to potential liability, the party seeking such order or decree shall (A) agree to indemnify and hold harmless the Town and its members, officers, agents (other than the Company) and employees against any liability incurred as a result of its compliance with such demand, and (B) if requested by the Town, furnish to the Town satisfactory security to protect the Town and its members, officers, agents (other than the Company) and employees against all liability reasonably expected to be incurred as a result of compliance with such request.

Section 4.5. This Community Investment Agreement shall be binding upon and shall inure to the benefit to each of the parties hereto, and their successors and permitted assigns; including, but not limiting to, the sale or transfer of all or any part of the Company.

Section 4.6. Each of the Town and the Company waives claims against each other for, and neither shall be liable to the other for, consequential, incidental, special or punitive damages in connection with the performance or failure to perform this Community Investment Agreement.

[Remainder of Page Intentionally Left Blank]

[Signature Page to Community Investment Agreement]

IN WITNESS WHEREOF, the parties hereto have executed this Community Investment Agreement as of the day and year first above written.

TOWN OF ALABAMA

By: _____
Robert Crossen, Town Supervisor

By: _____

SCHEDULE A
TO
HOST COMMUNITY INVESTMENT AGREEMENT
DATED AS OF JUNE 1, 2021
BETWEEN
TOWN OF ALABAMA
AND
PLUG POWER, INC.

<u>Payment Year</u>	<u>Payment Due Date</u>	<u>Total Payment Amount</u>
Year 1	January 1, 2023	\$ 178,000
Year 2	January 1, 2024	\$ 178,000
Year 3	January 1, 2025	\$ 178,000
Year 4	January 1, 2026	\$ 178,000
Year 5	January 1, 2027	\$ 178,000
Year 6	January 1, 2028	\$ 178,000
Year 7	January 1, 2029	\$ 178,000
Year 8	January 1, 2030	\$ 178,000
Year 9	January 1, 2031	\$ 178,000
Year 10	January 1, 2032	\$ 178,000
Year 11	January 1, 2033	\$ 178,000
Year 12	January 1, 2034	\$ 178,000
Year 13	January 1, 2035	\$ 178,000
Year 14	January 1, 2036	\$ 178,000
Year 15	January 1, 2037	\$ 178,000
Year 16	January 1, 2038	\$ 178,000
Year 17	January 1, 2039	\$ 178,000
Year 18	January 1, 2040	\$ 178,000
Year 19	January 1, 2041	\$ 178,000
Year 20	January 1, 2042	\$ 178,000
TOTAL		\$3,560,000

MOTION by Councilperson Veazey, seconded by Councilperson Fisher to adopt the Host Community Investment Agreement with Plug Power and have Supv. Crossen sign it. Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Water District #2 – Jeremy DeLyser

Phase 2 – couple issues to be resolved.

Phase 3B – water main in service. Sergi to finish restoration soon.

Final closeout docs. Sent to Sergi and Morsch.

Phase 4 – in service, Morsch to do check valve replacement in vault.

Meter antenna – Genesee County rejected using their existing tower. Disc. held.

Application for Hardship Relief from Lateral Restrictions in the Town of Alabama, Genesee County and State certified NYS Agricultural Districts

The Thompson family is applying for public water at 1130 Judge Road, the Hardship Relief form needs to be adopted by the Town so they can fill it out and send it to the County for water. Disc. held.

MOTION by Councilperson Klotzbach, seconded by Councilperson LaGrou to approve the Application for Hardship Relief from Lateral Restrictions in the Town of Alabama, Genesee County and State certified NYS Agricultural Districts. Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Court

JCAP Grant

Councilperson Klotzbach offered the following **RESOLUTION**:

WHEREAS, the Town Board of the Town of Alabama wishes to apply for grant monies to improve the Town Court System.

WHEREAS, the Town Board of the Town of Alabama gives the Town Justices permission to apply for a JCAP Grant for up to \$30,000.00.

Councilperson LaGrou seconded the RESOLUTION which was adopted by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Transfers –

MOTION by Councilperson Klotzbach, seconded by Councilperson LaGrou to transfer \$30,000 from DA5142.4 to DA5110.4 (water line repairs & Galloway Rd) and \$8,000.00 from Water Dist. #1 unexpended funds to SW1-8320.4. Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Executive Session

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to go into executive session at 8:23 p.m. to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation; and/or Negotiations and updates subject to NDAs regarding the IZA; and/or Negotiations regarding the Teamsters Contract with Attorney Boylan, Mark Masse and Drew Reilly.

Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

MOTION by Councilperson Klotzbach, seconded by Councilperson LaGrou to come out of executive session at 9:12 p.m. Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Solar

Supv. Crossen informed the board that the project has been delayed for one (1) year.

Approval of Minutes

8/9/21 & 8/23/21 Board Meetings – MOTION by Councilperson LaGrou, seconded by Councilperson Klotzbach to accept minutes as presented. Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Supervisors Report

9/6/21 -- MOTION by Councilperson Fisher, seconded by Councilperson LaGrou to accept report as written. Approved by Roll Call Vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Audit Bills

MOTION by Councilperson Fisher, seconded by Councilperson Veazey to accept Abstract #009-2021 and pay bills in the amount of \$51,580.95 vouchers 175 to 201 General Fund; \$295,157.39 vouchers 117 to 130 Highway Fund; \$269,124.86 vouchers 33 to 35 Water District 2; \$2,593.46 vouchers 23 and 24 Water District 1. Approved by Roll Call Vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Town Clerk's Report

August 2021 -- MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to accept report as written. Approved by Roll Call Vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Assessor's Report

July 2021 Transfers -- MOTION by Councilperson Fisher, seconded by Councilperson LaGrou to accept report as written. Approved by Roll Call Vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

CEO/ZEO Report

August 2021 -- MOTION by Councilperson LaGrou, seconded by Councilperson Klotzbach to accept report as written. Approved by Roll Call Vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Audit Update

Supv. Crossen had a zoom meeting on Sept. 14th with Freed Maxick, Jeff Smith, Attorney Boylan and the Appraiser to disc. the audit and appraisal results.

Website

Councilperson Klotzbach will meet with Beth again to go over requested changes to website.

Plug Power

Supv. Crossen would like to have a public information meeting with the EDC and Plug Power representatives in January so that Town Residents get direct information and know what is going on.

MOTION by Councilperson Klotzbach, seconded by Councilperson LaGrou to adjourn meeting at 9:31 p.m. Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Respectfully Submitted,

Rebecca L. Borkholder
Town Clerk