

PUBLIC HEARING SCRIPT

**RPNY Solar 2, LLC and/or Individual(s)
or Affiliate(s), Subsidiary(ies), or
Entity(ies) formed or to be formed on its
behalf Project**

Public Hearing to be held on September 20, 2021 at 10:00 a.m.,
in the meeting room at Marilla Town Hall, 1740 Two Rod Road,
Town of Marilla, Erie County, New York

ATTENDANCE:

Ben Vollmer – Renewable Properties
Chuck Manganaro – Marilla Assessor
Kevin Zanner – Hurwitz & Fine, P.C.

☒ 1. WELCOME: Call to Order and Identity of Hearing Officer.

Hearing Officer: Welcome. This public hearing is now open; it is 10:00 a.m. My name is Grant Lesswing. I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at www.ecidany.com.

☒ 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the RPNY Solar 2, LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf project. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Friday, September 10, 2021.

☒ 3. PROJECT SUMMARY: Description of Project and Contemplated Agency Benefits.

Hearing Officer: The proposed project (the "Project") consists of: (i) the acquisition by the Agency of a leasehold interest in approximately 22 acres of real property located at 11061 Bullis Road in the Town of Marilla, New York (the "Land", being more particularly described as a portion of tax parcel No. 139.000-12-14.000, as may be subdivided); (ii) the planning, design, construction and operation of a 4.5 MW solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of

time and sublease such interest in the Facility back to the Company (the “Straight Lease Transaction”).

The Agency will acquire a leasehold interest in the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance to the Company for qualifying portions of the Facility in the form of sales and use tax exemption benefits, mortgage recording tax exemption benefits, and real property tax abatement benefits.

The terms of the PILOT Agreement contain a deviation from the Agency’s Uniform Tax Exemption Policy (the "Policy"). The Agency is contemplating a deviation from the Policy as follows: The Agency contemplates providing a fixed annual PILOT payment of \$4,500 per megawatt (MW) of the Facility’s nameplate capacity for a term of up to twenty five (25) years, increasing annually by two percent (2%).

4. FORMAT OF HEARING: Review rules and manner in which the hearing will proceed.

Hearing Officer: All those in attendance are required to register by signing the sign-in sheet at the front of the room; you will not be permitted to speak unless you have registered. Everyone who has registered will be given an opportunity to make statements and/or comments on the Project.

If you have a written statement or comment to submit for the record, you may leave it at this public hearing, submit it on the Agency’s website or deliver it to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes at 4:00 p.m. on September 21, 2021. There are no limitations on written statements or comments.

5. PUBLIC COMMENT: Hearing Officer gives the Public an opportunity to speak.

Hearing Officer: If anyone is interested in making a statement or comment, please raise your hand, state your name and address; if you are representing a company, please identify the company. I request that speakers keep statements and/or comments to 5 minutes, and if possible, 3 minutes.

The Hearing Officer calls on those who raise their hand.

Ben Vollmer – Project Developer, Renewable Properties. We are developing a solar project here in the Town of Marilla on Bullis Road. It is a 4.5 MW project to be constructed on approximately 22-acres of a 45-acre parcel. We received our land use permit approval from the Town of Marilla earlier this year and we have entered into a long-term lease with a local landowner. The anticipated life of the solar project is 35 years after which point, we will remove all equipment from the site and restore the land to substantially the same condition as existed prior to construction. To ensure that this is done we have submitted a decommissioning Bond to the Town of Marilla.

We are requesting benefits from the Erie County IDA in a form of a PILOT, a sales and use tax exemption and a mortgage recording tax exemption. Without these benefits the project would not be viable. As part of our application which has been submitted to the Erie County IDA and complies with

all the components of their draft solar PILOT policy, we have agreed to a host community benefit payment with the Town of Marilla in the amount of \$100,000. It will be used to promote agricultural initiatives in the Town. Further the PILOT payments represent a significant increase in money for the taxing jurisdictions which currently receive only around \$600 a year from this parcel. PILOT payments will start out at over \$20,000 a year escalating annually and that does not include special district taxes which are exempt from the PILOT agreement and will be due as assessed. Community members have the opportunity to subscribe to energy produced from the project and in doing so can save money on their energy bills. With support from the Town of Marilla and the Erie County IDA we think this is a win for everyone involved. Thank you for your time.

6. ADJOURNMENT:

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 10:06 a.m.

**SIGN IN SHEET
PUBLIC HEARING**

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Town of Marilla, Erie County, New York

**RPNY Solar 2, LLC and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 11061 Bullis Road, Marilla, New York 14037

Name	Company and/or Address	X box to speak/ comment
Ben Vollmer	Renewable Properties 879 Sanchez Street San Francisco, CA 94114	X
Chuck Manganaro	Marilla Town Assessor's Office Marilla Town Hall 1740 Two Rod Road Town of Marilla, NY 14037	
Kevin Zanner	Hurwitz & Fine, P.C. 424 Main Street 1300 Liberty Building Buffalo NY 14202	