

# NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

## APPLICATION FOR FINANCIAL ASSISTANCE

Somerset Solar, LLC

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(Applicant Name)

6311 Inducon Corporate Drive, Suite One  
Sanborn, New York 14132  
Phone: 716-278-8760 Fax: 716-278-8769  
<http://niagaracountybusiness.com>

Updated April 2022

- I. Subject to the applicable statute, information provided by applicant will be treated as confidential until such time as the Agency takes action on the request. However, in accordance with Article 6 of the Public Officers Law, all records in possession of the Agency are open to public inspection and copy.
- II. The Niagara County Industrial Development Agency has a one thousand dollar (\$1000.00) non-refundable application fee that must accompany the application submission.
- III. At the time of the project closing, project applicant is required to pay certain costs associated with the project. The applicant shall be responsible for the payment of an Agency fee in the amount of one percent (1.00%) of the total value of the project, together with Agency counsel fees as set forth in the Agency fee policy schedule, together with various related costs, including but not limited to public hearing expenses. Upon request, a fee summary will be provided to each applicant.
- IV. One (1) original signed copy of the Application and Environmental Assessment form should be submitted with the Application for Assistance.

*The Niagara County Industrial Development Agency does not discriminate on the basis of race, color, religion, sex, sexual orientation, marital status, age, national origin, disability or status as a disabled or Vietnam Veteran or any other characteristic protected by law.*

6311 Inducon Corporate Drive, Suite One ■ Sanborn, NY 14132-9099 ■ 716-278-8760  
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# NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

## APPLICATION FOR FINANCIAL ASSISTANCE

### I. APPLICANT INFORMATION

Company Name: Somerset Solar, LLC

Mailing Address: 292 Madison Avenue, 15th Floor

City/Town/Village & Zip code: New York, New York 10017

Phone: (866) 757-7697

Website: https://www.aes.com/somerset-solar-project

Fed Id. No.: 87-4029784

Contact Person, and Title: Mario Rice (Senior Development Manager)

Email: mario.rice@aes.com

**Principal Owners/Officers/Directors** (list owners with 15% or more in equity holdings with percentage ownership):

ACE DevCo NC, LLC

**Corporate Structure** (attach schematic if applicant is a subsidiary or otherwise affiliated with another entity)

#### Form of Entity

#### Corporation

Date of Incorporation: \_\_\_\_\_

State of Incorporation: \_\_\_\_\_

#### Partnership

General \_\_\_\_\_ or Limited \_\_\_\_\_

Number of general partners \_\_\_\_\_

If applicable, number of limited partners \_\_\_\_\_

Date of formation \_\_\_\_\_

Jurisdiction of Formation \_\_\_\_\_

#### Limited Liability Company/Partnership (number of members <sup>1</sup> \_\_\_\_\_)

Date of organization: November 22, 2021

State of Organization: Delaware

#### Sole Proprietorship

If a foreign organization, is the applicant authorized to do business in the State of New York?

\_\_\_\_\_

**Applicant's Counsel**

Company Name: Young / Sommer

Contact Person, and Title: Rob Panasci

Mailing Address: 500 Federal Street, 5th Floor

City/Town/Village & Zip code: Troy, NY 12180

Email: rpanasci@youngsommer.com

Phone: (518) 438-9907

Fax No.: (518) 438-9914

**II. PROJECT INFORMATION**

**A)** Project Address: Lake Rd, Somerset, NY

Tax Map Number (SBL) Multiple SBLs (See Attached)  
(Section/Block/Lot)  
SWIS Number 293889  
Located in City of \_\_\_\_\_  
Located in Town of Somerset  
Located in Village of \_\_\_\_\_  
School District of Barker

**B)** Current Assessment of Property:

Land \$2,085,400  
Total \$4,745,900

**C)** Present legal owner of the site Somerset Operating Co / Terrior

If other than from applicant, by what means will the site be acquired for this project?

Lease

**D)** Describe the project:

125MWac Utility Scale solar project to be built in the Town of Somerset  
connecting to the existing 345kV Kintigh Substation. The project has recieved  
it's Article 8 siting permit and is expected to enter construction in Q4 2025.

1. Project site (land)

**(a)** Indicate approximate size (In acres or square feet) of project site.  
1,784 acres under lease, 700 acres to be utilized as facility site.

**(b)** Indicate the present use of the project site.  
Agricultural / Industrial / Vacant

2. Indicate number, size (in square feet) and approximate age of existing buildings on site

N/A Leased area does not include buildings

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3. Does the project consist of the construction of a new building or buildings?  
If yes, indicate number and size (in square feet) of new buildings.

No

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4. Does the project consist of additions and/or renovations to existing buildings? If yes, indicate nature of expansion and/or renovation.

No

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5. If any space in the project is to be leased to third parties, indicate total square footage of the project amount to be leased to each tenant and proposed use by each tenant.

No

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6. List principal items/categories of equipment to be acquired as part of the project.

PV Modules, Inverters, transformers, electrical equipment, including wires,

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cabling, racking, piles and fencing.

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7. Has construction work on this project begun?

No

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**E) Inter-Municipal Move Determination**

Will the project result in the removal of a plant or facility of the applicant from one area of the State of New York to another?

Yes or  No

Will the project result in the removal of a plant or facility of another proposed occupant of the project from one area of the State of New York to another area of the State of New York?

Yes or  No

Will the project result in the abandonment of one or more plants or facilities located in the State of New York?

Yes or  No

If Yes to any of the questions above, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

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- F) Furnish a copy of any environmental application presently in process of completion concerning this project, providing name and address of the agency, and copy all pending or completed documentation and determinations.

III. **SOURCES & USES OF FUNDS**

A) Estimated Project Costs:

Property Acquisition		\$
Construction (Improvements)		\$ 169,222,181
Equipment Purchases/Fixtures/Furnishings		\$ 100,863,553
Soft costs (i.e. engineering, architectural)		\$ 6,535,357
Other (describe)	N/A	\$
<b>TOTAL USES OF FUNDS</b>		<b>\$ 276,621,091</b>

B) Sources of Funds for Project Costs (*Must match above Total Uses of Funds*):

Bank Financing	Debt Financing (20%)	\$ 55,324,218
Equity	Tax Equity (55%)	\$ 152,141,600
Grants/Tax Credits		\$
Taxable or Tax Exempt Bond		\$
Other	Sponsor Equity (25%)	\$ 69,155,273
<b>TOTAL SOURCES OF FUNDS</b>		<b>\$ 276,621,091</b>

C) Identify each state and federal grant/credit:

50% Federal ITC	\$ 138,310,545.50
	\$
	\$
	\$
<b>TOTAL PUBLIC FUNDS</b>	<b>\$ 138,310,545.50</b>

**IV. FINANCIAL ASSISTANCE REQUESTED**

**A.) Benefits Requested:**

- Sales Tax Exemption
  Mortgage Recording Tax Exemption  
 Real Property Tax Abatement (PILOT)

**B.) Value of Incentives: LEAVE THIS SECTION BLANK (will be estimated by NCIDA Staff)**

Property Tax Exemption

Estimated duration of Property Tax exemption: 20 years

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$ 8,176,900

Estimated value of Sales Tax exemption for fixtures and equipment: \$ 406,715

Estimated duration of Sales Tax exemption: 2 years

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ 414,932

**C.) Financial Assistance Determination:**

If financial incentives are not provided by NCIDA, is the project financially viable?

Yes or  No

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

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**V. EMPLOYMENT PLAN**

	# of Retained Jobs	Retained Jobs Average Annual Salary	# of Created Jobs <i>(3 yrs after project completion)</i>	Created Jobs Average Annual Salary
Full Time			2	\$ 102,500
Part time		\$ 0	0	\$ 0
<b>TOTAL FTEs</b>	0	\$ 0	2	\$ 102,500

Annual Salary Range of Jobs to be Created: \$ 85,000 to 120,000

\$ \_\_\_\_\_ **Category of Jobs to be Retained and Created:**

**Job Categories** (ie. Management, Administrative, Production, etc.) Construction,  
Operations & Maintenance

**VI. REPRESENTATIONS BY THE APPLICANT**

The Applicant understands and agrees with the Agency as follows:

- A. Job Listings: In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entitle") of the service delivery area created by the federal job training partnership act (Public Law 97-300)("JTPA") in which the project is located.
  
- B. First Consideration for Employment: In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the proposed project.
  
- C. Compliance with Section 224-a(8)(a) of N.Y Labor Law. The applicant acknowledges receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. You further acknowledge and understand that you have certain obligations as related thereto pursuant to Section 224-a(8)(a) of the New York Labor.
  
- D. Annual Sales Tax Filings: In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the Applicant.
  
- E. Annual Employment Reports: The applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.

- F. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
- § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- G. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- H. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- I. Recapture: Should the Applicant not expend or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- J. Absence of Conflicts of Interest: The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described.

The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

Owner	Address	Town	County	Parcel ID
Somerset Operating Company	Lake Rd. Barker, NY 14012	Somerset	Niagara	8.00-1-1.11
Somerset Operating Company	Lake Rd. Barker, NY 14012	Somerset	Niagara	8.00-1-1.12
Somerset Operating Company	Lake Rd. Barker, NY 14012	Somerset	Niagara	8.00-1-1.2
Somerset Operating Company	Lake Rd. Barker, NY 14013	Somerset	Niagara	8.00-1-38
Terroir Development Company	7725 Lake Rd. Barker, NY 14012	Somerset	Niagara	7.00-3-28

Virginia  
STATE OF ~~NEW YORK~~ <sup>ARC</sup> )  
COUNTY OF Chesapeake ) ss.:

Neil Habig, being first duly sworn, deposes and says:

1. That I am the **Director** (Corporate Office) of **Somerset Solar, LLC** (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

*Neil Habig*

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury  
this 12th day of February, 2026.

*April Ridley-Cutts*  
\_\_\_\_\_  
(Notary Public)



Notarized remotely online using communication technology via Proof.  
This Application should be submitted to the Niagara County Industrial Development Agency, 6311  
Inducon Corporate Drive, Suite One, Sanborn, New York 14132.

Attach copies of preliminary plans or sketches of proposed construction or rehabilitation or both.

**HOLD HARMLESS AGREEMENT**

Applicant hereby releases the NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, and (B) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and reasonable attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all out of pocket costs incurred by the Agency in processing of the Application, including reasonable attorneys' fees, if any. Notwithstanding anything contained herein to the contrary, the foregoing indemnities shall not be applicable with respect to misconduct, negligence, or criminal activity on the part of the Agency. It is understood and agreed that the Applicant has the right to join in any defense, and participate in the management of the defense, of any claim for which the Agency seeks indemnification.

In addition to the foregoing, the Applicant understands and acknowledges that (i) this application does not create or give rise to any legal obligations on the part of the Niagara County Industrial Development Agency (the "Agency") or the Applicant except as expressly stated herein, (ii) the terms and conditions governing the award of the financial assistance described herein will be set forth in a separate agreement(s), with the Agency, the form of which will be provided to the Applicant only upon the processing and approval of this application, (iii) the requested financial assistance described in application is based upon the representations made by the Applicant, based upon the Applicant's actual knowledge as of the date of this application, to the Agency, regarding the project, and (iv) that the Agency reserves the right to revise the financial assistance described in this application if any aspect of the project changes after receipt of the application, including changes to the number of jobs, amount of capital investment, or wages, by way of example only. In addition, the Applicant reserves the right to retract, clarify, amend or modify any such representations made prior to (or concurrently with) the submittal of this application to the Agency.

*Neil Habig*

\_\_\_\_\_  
(Applicant Signature)

By: Neil Habig

Name: Neil Habig

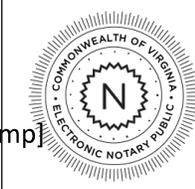
Title: Director

Commonwealth of Virginia      County of Chesapeake

*April Ridley-Cutts*

\_\_\_\_\_  
(Notary Public)

Sworn to before me this 12th day  
of February, 2026

[stamp]  **April Ridley-Cutts**  
REGISTRATION NUMBER 00358833  
COMMISSION EXPIRES July 31, 2029

TOWN BOARD REGULAR MEETING  
July 9, 2025

A Regular Meeting of the Town Board of the Town of Somerset, County of Niagara and the State of New York was held at the Town Hall, 8700 Haight Road, Barker, New York on the 9<sup>th</sup> day of July, 2025.

Present: Jeffrey M. Dewart----- Supervisor  
Gail Damon ----- Councilwoman  
Jon Hotaling ----- Councilman  
Fred Leuer ----- Councilman  
Cameron Kiner ----- Councilman  
Tracy L. Carmer----- Town Clerk  
Jesse J. Green ----- Supt of Water/Sewer/Grounds  
Mindy Austin ----- Confidential Asst. to the Supervisor  
Abe Platt----- Attorney

Absent: Michael M. Flint ----- Supt. of Highways  
Brian Sibiga ----- Engineer

Audience: 3 residents

Supervisor Dewart called the meeting to order at 6:00PM with the Pledge to the Flag and a prayer for guidance.

RESOLUTION 73-2025

**APPROVAL OF THE MINUTES**

On a motion of Councilman Kiner, seconded by Councilman Leuer, the following resolution was

ADOPTED: Ayes 5 Dewart, Damon, Hotaling, Leuer, Kiner  
Nays 0

Resolved the minutes of the previous meetings on June 11, 2025 and June 18, 2025 are accepted as submitted.

RESOLUTION 74-2025

**APPROVAL OF SUPERVISOR'S REPORT**

On a motion of Councilman Hotaling, seconded by Councilwoman Damon, the following resolution was

ADOPTED: Ayes 5 Dewart, Damon, Hotaling, Leuer, Kiner  
Nays 0

Resolved the Supervisor's Report for June 2025 is accepted as submitted.

MONTHLY REPORTS RECEIVED

Supervisor  
Police

COMMUNICATIONS

Clerk Carmer advised that we received:

- A Request from Aaron Davis to use the Town Roads again this year, along with a copy of the insurance certificate, for the Barker Cornfest 5K.
- A letter from the Secretary of Transportation advising that recipients of US DOT funding no longer have to adhere to any policy requirements implemented by the previous administration which reference or relate in any way to climate change, "greenhouse gas" emissions, racial equity, gender identity, "diversity, equity, and inclusion" goals, environmental justice, or the Justice 40 Initiative.
- Charter Communications is increasing their packages by \$5.00 per month; digital receivers will decrease from \$97.00 to \$60.00; and a few channels are being added.
- A request from the Med-Project to allow residents to obtain postage paid mailers at the Town Hall to dispose of unwanted medicine.
- Notification from the Niagara County Health Department that they received a grant in the amount of \$200,000 to help offset the cost of replacing failing septic systems on properties along the lakefront.

ENGINEER UPDATE

Supervisor Dewart provided an update on the bridge replacement project. A pre-construction meeting was held, and the project should start in approximately 2 weeks.

RESOLUTION 75-2025

**CHANGES TO THE CODE OF SOMERSET – Proposed Local Law #3**

On the introduction of Councilman Hotaling, seconded by Councilwoman Damon, the following resolution was

ADOPTED: Ayes           5       Dewart, Damon, Hotaling, Leuer, Kiner  
              Nays            0

Resolved a proposed local law to amend the Town's Battery Energy Storage System to modify the definition of UPS and provide a process for obtaining a special use permit to operate a UPS system is introduced.

RESOLUTION 76-2025

**CALL FOR PUBLIC HEARING ON PROPOSED LOCAL LAW #3**

On a motion of Councilman Hotaling, seconded by Councilwoman Damon, the following resolution was

ADOPTED: Ayes           5       Dewart, Damon, Hotaling, Leuer, Kiner  
              Nays            0

**WHEREAS**, the Code of the Town of Somerset contains and specifies the local laws and ordinances of the Town of Somerset; and

TOWN BOARD MEETING  
JULY 9, 2025 PAGE 3

**WHEREAS**, a proposed local law entitled “A Local Law Modifying the Battery Energy Storage Systems Code to Recognize an Uninterruptible Power Source (UPS) as a distinct use and to provide for a procedural process for UPS approval” has been introduced; and

**WHEREAS**, the Town would like to commence the process of considering the local law in accordance with Article 8 of the Environment Conservation Law, which requires SEQR review of the proposed local law; and

**WHEREAS**, the Town would like to refer the proposed local law to the Niagara County Planning Board in accordance with General Municipal Law Section 239-m and to the neighboring municipalities under General Municipal Law Section 239-nn;

**NOW, THEREFORE, BE IT RESOLVED**, that the Somerset Town Board authorizes the Town Engineer (Wendel WD Architecture, Engineering, Surveying and Landscape Architecture, P.C.) to take all steps necessary to commence the SEQR review process relative to this proposed local law; and be it further

**RESOLVED**, the Somerset Town Board authorizes the completion of the General Municipal Law Section 239-m referral to the Niagara County Planning Board and General Municipal Law Section 239-nn referral to the neighboring municipalities; and be it further

**RESOLVED**, that the Town of Somerset Town Board does hereby call for a public hearing to be held on August 13, 2025, at 6:00 p.m. at Somerset Town Hall, 8700 Haight Road, Barker, New York to hear and consider a local law entitled “A Local Law Modifying the Battery Energy Storage Systems Code to Recognize an Uninterruptible Power Source (UPS) as a distinct use and to provide for a procedural process for UPS approval.”

RESOLUTION 77-2025

**ROAD CLOSURE FOR CORNFEST 5K**

On a motion of Councilman Leuer, seconded by Councilman Kiner, the following resolution was

ADOPTED: Ayes                    5                    Dewart, Damon, Hotaling, Leuer, Kiner  
                  Nays                    0

**WHEREAS**, the Town has received a request from the organizers of the annual Cornfest event to close Coleman Road from East Avenue to Johnson Creek Road during the 5k race on August 9, 2025, from 8:50 a.m. to 10:00 a.m.;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Somerset hereby authorizes the closure of Coleman Road from East Avenue to Johnson Creek Road on August 9, 2025, from 8:50 a.m. to 10:00 a.m. upon receipt of proof of insurance from the organizers of Cornfest.

RESOLUTION 78-2025

**SRO AGREEMENT WITH BARKER CENTRAL SCHOOL**

On a motion of Councilman Hotaling, seconded by Councilman Kiner, the following resolution was

ADOPTED: Ayes           5                   Dewart, Damon, Hotaling, Leuer, Kiner  
              Nays            0

**WHEREAS**, the Barker Central School District desires to enter into an agreement with the Town of Somerset, whereby the Town will provide the School District with one full-time School Resource Officer, and

**WHEREAS**, the Town will be reimbursed for the total cost of the school resource officer by the School District in accordance with the terms of the contract; and

**WHEREAS**, the term of the agreement shall commence on the date of execution of the contract and continue to June 30, 2026;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Somerset that the Town Supervisor is hereby authorized to enter into an Agreement with the Barker Central School District, after review and approval by the Town Attorney, whereby the Town will provide the School District with one full-time school resource officer for the 2025-2026 school year, the cost of which to be reimbursed by the School District in accordance with the terms of the contract.

RESOLUTION 79-2025

**FIREWORKS FOR BARKER CORN FESTIVAL**

On a motion of Councilman Leuer, seconded by Councilwoman Damon, the following resolution was

ADOPTED: Ayes           5                   Dewart, Damon, Hotaling, Leuer, Kiner  
              Nays            0

**WHEREAS**, the Town is the owner of a park and recreation area known as the "Somerset Town Park" located in the Town of Somerset, and

**WHEREAS**, the Hartland Independence Day 4<sup>th</sup> of July Committee has requested the use of said park and facilities for a celebration to be held on August 9, 2025, which would include a fireworks display, and

**WHEREAS**, the Town is agreeable to granting a license to the Hartland Independence Day 4<sup>th</sup> of July Committee for such a special event;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Somerset authorizes the Town Supervisor to enter into an agreement with the Hartland

TOWN BOARD MEETING  
JULY 9, 2025 PAGE 5

Independence Day 4<sup>th</sup> of July Committee for use of the Town Park on August 9, 2025, upon review and approval of the Town Attorney.

RESOLUTION 80-2025

**SOMERSET SOLAR PROJECT PILOT**

On a motion of Councilman Hotaling, seconded by Councilwoman Damon, the following resolution was

ADOPTED: Ayes                   5       Dewart, Damon, Hotaling, Leuer, Kiner  
              Nays                    0

**WHEREAS**, on or about April 7, 2023, Somerset Solar, LLC ("Somerset Solar") filed an Application for a 94-c Permit for Major Renewable Energy Facility with the New York State Office of Renewable Energy Siting ("ORES") to operate a 125-megawatt solar facility ("Facility") in the Town of Somerset, Niagara County, New York ("Town"); and

**WHEREAS**, on December 23, 2024, ORES issued a Siting Permit to Somerset Solar to operate a Major Renewable Energy Facility in the Town ("Permit"); and

**WHEREAS**, the Permit requires Somerset Solar to provide host community benefits, such as Payments in Lieu of Taxes ("PILOT"), other payments pursuant to a host community agreement, or other project(s) agreed to by the Town; and

**WHEREAS**, Somerset Solar has proposed providing the Town with host community benefits through annual payments pursuant to a Host Community Agreement and a PILOT; and

**WHEREAS**, Somerset Solar intends to file an application with the Niagara County Industrial Development Agency ("NCIDA") for a PILOT to assist in the construction and operation of the Facility and to provide host community benefits to the Town; and

**WHEREAS**, in accordance with NCIDA's Uniform Tax Exemption Policy and Solar Project Policy, NCIDA will not accept a solar project PILOT application without the written consent of the host municipality; and

**WHEREAS**, the Facility is subject to Real Property Tax Law § 575-b, which mandates that solar projects of at least one megawatt must be assessed for real property tax values under the Discounted Cash Flow methodology using a model formula and discount rates established by the Department of Taxation and Finance; and

**WHEREAS**, the Town stands to generate more revenue from the Facility through payments pursuant to a Host Community Agreement and PILOT with Somerset Solar than it would otherwise receive if the Town collected taxes on the Facility assessed pursuant to Real Property Tax Law § 575-b;

**NOW, THEREFORE BE IT RESOLVED**, the Town Board of the Town of Somerset finds that it is in the Town's best interest to consent to Somerset Solar's application to NCIDA for a solar project PILOT; and

**BE IT FURTHER RESOLVED**, that such consent shall be limited to the filing of a PILOT application by Somerset Solar with NCIDA, and that Town reserves the right to act in its best interests throughout the PILOT application process, which may include, but is not limited to, objecting to the contents of the PILOT application and/or requesting NCIDA to deviate from its Uniform Tax Exemption Policy and Solar Project Policy; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is authorized to deliver a letter of consent to NCIDA that is consistent and in accordance with this Resolution.

RESOLUTION 81-2025

**AUDIT OF CLAIMS**

On a motion of Councilman Kiner, seconded by Councilman Leuer, the following resolution was

ADOPTED: Ayes                5        Dewart, Damon, Hotaling, Leuer, Kiner  
                  Nays                0

Resolved that the bills have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	No.244 through No. 278	\$ 44,268.96
Highway Fund	No. 63 through No. 71	\$ 28,613.97
Sewer Fund	No. 72 through No. 82	\$ 6,499.85
Water Fund	No. 55 through No. 67	\$ 7,478.22

PRIVILEGE OF THE FLOOR

Jim Hoffman stated:

- that the noise still exists and bothers the neighbors, and with the expansion there will be more noise so it needs to be addressed. He feels that noise is an environmental effect and he referred to a resolution that we passed last July.

Councilman Hotaling advised that the plant has spend \$1 million on new fans for the first 2 buildings, so they are trying to address the issue.

- Jim asked where he can find information on the value and taxes to be paid on the project.

Supervisor Dewart said that assessment cannot happen until the building is completed.

- Jim is glad that the battery law is being updated.
- The railroad ties are clutter and that is an indication of what they think of us.

Supervisor Dewart said that they are working on figuring out how to get rid of the ties.

- Lake Road damage has not been fixed, so Jim asked what is the status of this.

Supervisor Dewart stated that the state keeps pulling the funding for it.

TOWN BOARD MEETING  
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RESOLUTION 82-2025

**ENTER EXECUTIVE SESSION**

On a motion of Councilman Hotaling, seconded by Councilwoman Damon, the following resolution was

ADOPTED: Ayes           5       Dewart, Damon, Hotaling, Leuer, Kiner  
              Nays            0

Resolved to enter into executive at 6:27pm to discuss a personnel matter.

RESOLUTION 83-2025

**ZONING BOARD VACANCY**

On a motion of Councilwoman Damon, seconded by Councilman Kiner, the following resolution was

ADOPTED: Ayes           5       Dewart, Damon, Hotaling, Leuer, Kiner  
              Nays            0

Resolved to relieve Amos Andrews of his duties as a member of the Zoning Board of Appeals, effective immediately, pursuant to the Zoning Board of Appeals' policy on meeting attendance.

On a motion of Councilman Leuer, seconded by Councilman Hotaling, the meeting adjourned at 6:47P.M. subject to the Call of the Clerk.

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Tracy L. Carmer, RMC  
Town Clerk