

**Minutes of the
County of Clinton
Industrial Development Agency
July 11, 2022**

The meeting was called to order by David Hoover, Vice Chairperson, at 12:07 p.m. at the County of Clinton Industrial Development Agency (CCIDA) offices located at 137 Margaret Street, Suite 208, Plattsburgh, New York.

MEMBERS PRESENT: David Hoover, Vice Chairperson
Michael Zurlo, Secretary
Mark Leta, Assistant Secretary (via GoToMeeting)
Keith Defayette, Treasurer and Chief Financial Officer
Joey Trombley, Member
John VanNatten, Member

MEMBERS ABSENT: Trent Trahan, Chairperson

STAFF PRESENT: Molly Ryan, Executive Director
Christopher Canada, Esq., Agency Counsel (via GoToMeeting)
Toni Moffat, Executive Assistant
Dorothy Brunell, Administrative Assistant

OTHERS PRESENT: Jack Goodman, Project Manager - Solar Power Network, LLC

D. Hoover stated there was a quorum present.

D. Hoover waived the reading of the notice of the meeting published in the Press Republican on December 16, 2021.

Reading and Consideration of the Draft Minutes of the Meeting of the County of Clinton Industrial Development Agency (CCIDA) of June 13, 2022.

D. Hoover asked if there were any questions regarding the draft minutes of the June 13, 2022 meeting of the CCIDA. There were none.

On a motion by J. Trombley, and seconded by M. Zurlo, it was unanimously carried to approve the minutes of the June 13, 2022 CCIDA meeting as presented.

Public Comment

There was no public comment.

Reports

Treasurer's Report:

K. Defayette reviewed the June 2022 Treasurer's Report. There were no questions or concerns.

On a motion by J. VanNatten, and seconded by J. Trombley, it was unanimously RESOLVED to approve the June 2022 Treasurer's Report as presented by K. Defayette.

Old Business

There was no old business.

New Business

Solar Power Network, LLC

M. Ryan advised that the cost benefit analysis shows a very clear benefit to the Project. M. Ryan also stated that although not stated in their Application, this Project is a straight lease-back transaction and we will acquire title to the property which is the normal process for these types of projects. M. Ryan asked J. Goodman of Solar Network Power, LLC if he had any questions and he did not.

Public Hearing Resolution

The following resolution was offered by J. VanNatten, seconded by M. Zurlo, to wit:

Resolution No. 07-22-01

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY TO HOLD A PUBLIC HEARING REGARDING A PROPOSED PROJECT TO BE UNDERTAKEN FOR THE BENEFIT OF SOLAR POWER NETWORK, LLC.

WHEREAS, County of Clinton Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 225 of the 1971 Laws of New York, as amended, constituting Section 895-f of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Solar Power Network, LLC, a New York State limited liability company (the "Company"), has submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of a leasehold interest in an approximately 16 acre portion of an approximately 22.80 acre parcel of land located on Military Turnpike (being a portion of Tax Map No. 206.-1-1.17) in the Town of Plattsburgh, Clinton County, New York (such portion being hereinafter referred to as the "Land"), (2) the construction on the Land of a 5MW AC solar photovoltaic electricity generating facility (the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery and equipment

and other tangible personal property (collectively, the "Equipment") all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, pursuant to Section 859-a of the Act, prior to the Agency providing any "financial assistance" (as defined in the Act) of more than \$100,000 to any project, the Agency, among other things, must hold a public hearing pursuant to Section 859-a of the Act with respect to said project; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 859-a of the Act with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby authorizes the Executive Director of the Agency, after consultation with the members of the Agency and Agency Counsel, (A) to establish the time, date and place for a public hearing of the Agency to hear all persons interested in the Project (the "Public Hearing"); (B) to cause the Public Hearing to be held in a city, town or village where the Project Facility is or is to be located, and to cause notice of such Public Hearing to be given to the public by publishing a notice or notices of such Public Hearing in a newspaper of general circulation available to the residents of the governmental units where the Project Facility is or is to be located, such notice or notices to comply with the requirements of Section 859-a of the Act; (C) to cause notice of the Public Hearing to be given to the chief executive officer of the county and of each city, town, village and school district in which the Project Facility is or is to be located to comply with the requirements of Section 859-a of the Act; (D) to conduct such Public Hearing; (E) to cause a report of the Public Hearing fairly summarizing the views presented at such Public Hearing (the "Report") to be prepared; and (F) to cause a copy of the Report to be made available to the members of the Agency.

Section 2. The Chairperson, Vice Chairperson and/or Executive Director of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 3. All action taken by the Executive Director of the Agency in connection with the Public Hearing with respect to the Project prior to the date of this resolution is hereby ratified and confirmed.

Section 4. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Trent Trahan	VOTING	EXCUSED
David Hoover	VOTING	YES
Michael E. Zurlo	VOTING	YES
Keith Defayette	VOTING	YES
Mark Leta	VOTING	EXCUSED
John VanNatten	VOTING	YES
Joey Trombley	VOTING	YES

The foregoing Resolution was thereupon declared duly adopted.

PILOT Deviation Notice Resolution

The following resolution was offered by K. Defayette, seconded by J. Trombley, to wit:

Resolution No. 07-22-02

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO SEND A LETTER TO THE CHIEF EXECUTIVE OFFICERS OF THE AFFECTED TAXING ENTITIES INFORMING THEM OF A PROPOSED DEVIATION FROM THE AGENCY'S UNIFORM TAX EXEMPTION POLICY IN CONNECTION WITH THE PROPOSED SOLAR POWER NETWORK, LLC PROJECT.

WHEREAS, County of Clinton Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 225 of the 1971 Laws of New York, as amended, constituting Section 895-f of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Solar Power Network, LLC, a New York State limited liability company (the "Company"), has submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of a leasehold interest in an approximately 16 acre portion of an approximately 22.80 acre parcel of land located on Military Turnpike (being a portion of Tax Map No. 206.-1-1.17) in the Town of Plattsburgh, Clinton County, New York (such portion being hereinafter referred to as the "Land"), (2) the construction on the Land of a 5MW AC solar photovoltaic electricity generating facility (the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery and equipment and other tangible personal property (collectively, the "Equipment") all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on July 11, 2022 (the "Public Hearing Resolution"), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, in connection with the Application, the Company made a request to the Agency (the "Pilot Request") that the Agency deviate from the Agency's Uniform Tax Exemption Policy (the "Policy") by providing for payment in lieu of taxes being based on the generating capacity of the Project Facility expressed in a dollar per MWAC calculations; and

WHEREAS, the Policy provides that, for a facility similar to the Project Facility, payments in lieu of taxes will normally be determined as follows: the Company would have the benefit of a 50% abatement in real property taxes on the Facility and any portion of the Equipment assessable as real property pursuant to the New York Real Property Tax Law (collectively with the Facility, the "Improvements") in year one of the payment in lieu of tax agreement with a five percent per year increase over the term of the ten year payment in lieu of tax agreement; and

WHEREAS, pursuant to Section 874(4) of the Act and the Policy, prior to taking final action on such request for a deviation from the Policy, the Agency must give the chief executive officers of the County and each city, town, village and school district in which the Project Facility is located (collectively, the "Affected Tax Jurisdictions") no fewer than thirty (30) days prior written notice of the proposed deviation from the Policy and the reasons therefor; and

WHEREAS, pursuant to Section 856(15) of the Act, unless otherwise agreed by the Affected Tax Jurisdictions, payments in lieu of taxes must be allocated among the Affected Tax Jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each Affected Tax Jurisdiction had the Project Facility not been tax exempt due to the status of the Agency;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Having considered both the Application and the Pilot Request, the Agency hereby authorizes the Executive Director of the Agency to send a written notice to the chief executive officers of each of the Affected Tax Jurisdictions informing them that the Agency is considering a proposed deviation from its uniform tax exemption policy with respect to the Project and the reasons therefore (in substantially the form of the draft of said letter attached hereto as Exhibit A), and soliciting any comments that such Affected Tax Jurisdictions may have with respect to said proposed deviation.

Section 2. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Trent Trahan	VOTING	EXCUSED
David Hoover	VOTING	YES
Michael E. Zurlo	VOTING	YES
Keith Defayette	VOTING	YES
Mark Leta	VOTING	EXCUSED
John VanNatten	VOTING	YES
Joey Trombley	VOTING	YES

The foregoing resolution was thereupon declared duly adopted.

EXHIBIT A
PROPOSED FORM OF PILOT DEVIATION LETTER

DRAFT FOR DISCUSSION PURPOSES ONLY
DATED: JULY 11, 2022

COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY

137 Margaret Street, Suite 209
Plattsburgh, New York 12901
Tel: 518-565-4627
Fax: 518-565-4616

July _____, 2022

The Honorable Mark R. Henry, Chairperson
Clinton County Legislature
Clinton County Government Center
137 Margaret Street, Suite 208
Plattsburgh, New York 12901

Dan Mannix, Superintendent
Beekmantown Central School District
37 Eagle Way
West Chazy, New York 12992

Michael E. Zurlo, County Administrator
Clinton County Government Center
137 Margaret Street, Suite 208
Plattsburgh, New York 12901

Ed Marin, Board President
Beekmantown Central School District
37 Eagle Way
West Chazy, New York 12992

Michael S. Cashman, Town Supervisor
Town of Plattsburgh
151 Banker Road
Plattsburgh, New York 12901

RE: Proposed Deviation from Uniform Tax Exemption Policy by
County of Clinton Industrial Development Agency
in connection with its Proposed Solar Power Network, LLC Project

Dear Gentlemen:

This letter is delivered to you pursuant to Section 874(4)(c) of the General Municipal Law.

In June, 2022, County of Clinton Industrial Development Agency (the "Agency") received an application (the "Application") from Solar Power Network, LLC (the "Company"), which Application requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project to consist of the following: (A) (1) the acquisition of a leasehold interest in an approximately 16 acre portion of an approximately 22.80 acre parcel of land located on Military Turnpike (being a portion of Tax Map No. 206.-1-1.17) in the Town of Plattsburgh, Clinton County, New York (such portion being hereinafter referred to as the "Land"), (2) the construction on the Land of a 5MW AC solar photovoltaic electricity generating facility (the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery and equipment and other tangible personal property (collectively, the "Equipment") all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential

exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

In connection with the Application, the Company made a request to the Agency to the Agency (the "Pilot Request") that the Agency deviate from its uniform tax exemption policy (the "Policy") with respect to the payment of real property taxes. Capitalized terms not otherwise defined herein are defined in the Policy. Under the Pilot Request, (i) the Agency would enter into a payment in lieu of tax agreement (the "Proposed Pilot Agreement"), (ii) the Proposed Pilot Agreement would not provide any abatements for any special assessments levied on the Project Facility, (iii) the Company will pay \$4,000 per megawatt for a term of twenty (20) years, and (iv) any portion of the annual payment in lieu of taxes not paid by the Company to each Affected Tax Jurisdiction pursuant to a host community agreement would be payable as a payment in lieu of taxes.

The Policy provides that, for a facility similar to the Project Facility, payments in lieu of taxes will normally be determined as follows: the Company would have the benefit of a 50% abatement in real property taxes on the Facility and any portion of the Equipment assessable as real property pursuant to the New York Real Property Tax Law (collectively with the Facility, the "Improvements") in year one of the payment in lieu of tax agreement with a five percent per year increase over the term of the ten year payment in lieu of tax agreement.

The purpose of this letter is to inform you of such Pilot Request and that the Agency is considering whether to grant the Pilot Request and to approve a Proposed Pilot Agreement conforming to the terms of the Pilot Request. The Agency expects to consider whether to approve the terms of the Proposed Pilot Agreement at its meeting scheduled for August 15, 2022 at 12:00 o'clock p.m., local time at the offices of the Agency located at 137 Margaret Street, Suite 209 in the City of Plattsburgh, Clinton County, New York (the "Meeting"). This letter is forwarded to you for purposes of complying with Section 874 of the General Municipal Law of the State of New York, which requires a thirty (30) day notice prior to the Agency taking final action with respect to the Proposed Pilot Agreement (if said Proposed Pilot Agreement may deviate from the provisions of the Policy).

The Agency considered the following factors in considering the proposed deviation:

1. **The nature of the Project:** solar energy generating facility.
2. **The present use of the property:** The land is currently vacant
3. **The economic condition of the area at the time of the request of the Company and the economic multiplying effect that the Project will have on the area:**

4. **The extent to which the Project will create or retain permanent, private sector jobs and the number of jobs to be created or retained and the salary range of such jobs:** Tow (2) part-time permanent, private sector jobs. Anticipated ____ construction jobs with an average of \$ _____ per construction job.
5. **The estimated value of new tax exemptions to be provided:** Sales Tax Exemption: \$144,826; Real Property Tax Exemption: \$141,400/year.
6. **The economic impact of the Proposed Pilot Agreement on affected tax jurisdictions:** The economic impact of the Proposed Pilot Agreement is positive, since the underlying value of the parcel will likely be largely unaffected and additional revenue will be generated through the Proposed Pilot Agreement. Since the Project is only financially feasible with the Proposed Pilot

Agreement in place, the additional benefit of significant special district tax revenue will also accrue to the community's Fire and EMS districts.

7. The impact of the Proposed Pilot Agreement on existing and proposed businesses and economic development projects in the vicinity: It is anticipated that the Project will require the continuing services of local landscape contractors, generating an increase in activity in the local economy.

8. The amount of private sector investment generated or likely to be generated by the Proposed Pilot Agreement: \$6,930,000.

9. The effect of the Proposed Pilot Agreement on the environment: It is not anticipated that the Project will have a significant impact on the environment..

10. Project Timing: completion anticipated by August, 2023.

11. The extent to which the Proposed Pilot Agreement will require the provision of additional services including, but not limited to, additional educational, transportation, police, emergency medical or fire services: None anticipated.

12. Anticipated tax Revenues: _____.

13. The extent to which the Proposed Pilot Agreement will provide a benefit (economic or otherwise) not otherwise available within the municipality in which the Project Facility is located: (a) contributes to achievement of the Agency's goal of increasing alternative energy development in Clinton County; (b) contributes to New York State goal of development of 50% power from alternative sources; and (d) an additional public benefit will be the fees paid to special districts; this represents significant new revenue for these critical public services.

The Agency will consider the Proposed Pilot Agreement (and the proposed deviation from the Agency's Uniform Tax Exemption Policy) at the Meeting. The Agency would welcome any written comments that you might have on this proposed deviation from the Agency's Uniform Tax Exemption Policy. In accordance with Section 874(4)(c) of the General Municipal Law, prior to taking final action at the Meeting, the Agency will review and respond to any written comments received from any affected tax jurisdiction with respect to the proposed deviation. The Agency will also allow any representative of any affected tax jurisdiction present at the Meeting to address the Agency regarding the proposed deviation.

If you have any questions or comments regarding the foregoing, please do not hesitate to contact me at the above telephone number.

Sincerely yours,

Molly F. Ryan
Executive Director

Remote Access Policy

Minutes from the Remote Access Policy Public Hearing, held on June 21, 2022, were presented for acceptance by the Board.

Remote Access Policy Resolution

The following resolution was offered by J. VanNatten, seconded by K. Defayette, to wit:

Resolution No. 07-22-03

RESOLUTION APPROVING A CERTAIN REMOTE ACCESS POLICY OF THE COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY.

WHEREAS, County of Clinton Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 225 of the 1971 Laws of New York, as amended, constituting Section 895-f of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of commercial, manufacturing and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, under Section 858 of the Act, the Agency has the power to make certain appointments and approve certain administrative matters; and

WHEREAS, the Agency previously considered a Remote Access Policy (the "Remote Access Policy"); and

WHEREAS, by resolution adopted by the members of the Agency on May 9, 2022 (the "Public Hearing Resolution"), the Agency authorized a public hearing to be held pursuant to Section 103-a(2)(a) of the Public Officers Law of the State of New York (the "Remote Access Law") with respect to the Remote Access Policy; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the "Public Hearing"), to hear all persons interested in the Remote Access Policy being contemplated by the Agency with respect to meetings of the Agency, to be posted on June 6, 2022 on a public bulletin board located at 137 Margaret Street, Suite 209 in the City of Plattsburgh, Clinton County, New York, and on the Agency's website, (B) caused notice of the Public Hearing to be published on June 8, 2022 in The Press Republican, a newspaper of general circulation available to the residents of Clinton County, New York, (C) conducted the Public Hearing on June 21, 2022 at 9:00 o'clock a.m. local time, at the offices of the Agency located at 137 Margaret Street, Suite 209 in the City of Plattsburgh, Clinton County, New York, and (D) prepared a report of the Public Hearing (the "Public Hearing Report") fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency; and

WHEREAS, the members of the Agency desire to approve and adopt the Remote Access Policy; and

WHEREAS, copies of a draft of the Remote Access Policy have been presented to the members of the Agency and the members of the Agency have reviewed the drafts of the Remote Access Policy at this meeting;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby approves the Remote Access Policy, presented and reviewed by the members of the Agency, a copy of which is attached hereto as Schedule A.

Section 2. The Agency hereby authorizes the Chairperson, Vice Chairperson and the Executive Director of the Agency to take all steps necessary to implement the matters described in Schedule A attached hereto.

Section 3. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

Trent Trahan	VOTING	EXCUSED
David Hoover	VOTING	YES
Michael E. Zurlo	VOTING	YES
Keith Defayette	VOTING	YES
Mark Leta	VOTING	EXCUSED
John VanNatten	VOTING	YES
Joey Trombley	VOTING	<u>YES</u>

The resolution was thereupon declared duly adopted.

SCHEDULE A

REMOTE ACCESS POLICY

[Adopted on July 11, 2022]

SECTION 1. PURPOSE AND SCOPE. Article 7 of the Public Officers Law of the State of New York (the “Open Meetings Law”) contains various provisions providing that, among other things, every meeting of a public body shall be open to the general public (each, an “Open Meeting”). Section 103-a of the Open Meetings Law (the “Remote Access Law”) further provides that a public body may use videoconferencing to conduct an Open Meeting in certain limited circumstances to be outlined and governed by written procedures of such public body. The purpose of this Policy is to set forth procedures to implement the Remote Access Law as it applies to Open Meetings conducted by County of Clinton Industrial Development Agency (the “Agency”).

SECTION 2. DEFINITIONS. All words and terms used herein and not defined in the Open Meetings Law and the Remote Access Law shall have the meanings assigned to them in Article 18-A of the General Municipal Law of the State of New York (the “Act”), unless otherwise defined herein or unless the context or use indicates another meaning or intent. The following words and terms used herein shall have the respective meanings set forth below, unless the context or use indicates another meaning or intent:

“Immediate Family Member” shall mean a spouse, parent, sibling, child, domestic partner, or individual for whom the member is the designated guardian.

“In-Person Meeting” shall mean any Open Meeting of the Agency which is not a Remote Access Meeting.

“Meeting Notice” shall mean the public notice required to be published by the Agency regarding any Open Meeting pursuant to Section 104 of the Open Meetings Law and Section 103-a(2)(f) of the Remote Access Law.

“Non-Public Location” shall mean any remote location from which a member of the Agency participates in a meeting that is (a) not open to the public and (b) is not required to be disclosed in the Meeting Notice.

“Open Meetings Law” shall mean Article 7 of the Public Officers Law of the State of New York.

“Public Location” shall mean (a) the Offices of the Agency located at 137 Margaret Street – Suite 209, Plattsburgh, New York 12901 or (b) any other physical location that is (i) open to the general public and (ii) identified on the Meeting Notice.

“Remote Access Law” shall mean Section 103-a of the Open Meetings Law.

“Remote Access Meeting” shall mean any Open Meeting of the Agency where a member of the Agency participates in the Open Meeting using videoconferencing from a Non-Public Location.

“Remote Connection” shall mean the process of connecting multiple Public Locations using videoconferencing.

“Sponsoring Municipality” shall mean Clinton County, New York, the municipality for whose benefit the Agency was created.

SECTION 3. GENERAL RULE. (A) All meetings of the Agency, including public hearings held by the Agency, will be Open Meetings.

(B) Members of the Agency shall be physically present at the Public Location(s) identified in the Meeting Notice unless such member is unable to be physically present due to extraordinary circumstances as identified in Section 4 of this Policy.

(C) A majority of the whole number of the members of the Agency shall be physically present at the Public Location(s) identified in the Meeting Notice to establish a quorum. The Agency must satisfy this quorum requirement whether it conducts an In-Person Meeting or a Remote Access Meeting.

(D) Members of the public shall be permitted to attend, listen and observe all Open Meetings at the Physical Location(s) identified in the Meeting Notice unless the in person participation requirement is suspended pursuant to Section 103-a(3) of the Remote Access Law.

(E) If the Agency conducts a Remote Access Meeting pursuant to this Policy, except in the case of executive sessions, members of the public shall be permitted to attend and observe the meeting using a videoconferencing service which permits the public to see, hear and identify the members of the Agency attending said meeting.

(F) If the Agency conducts a Remote Access Meeting pursuant to this Policy, the Agency shall use the videoconferencing technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA) pursuant to Section 103-a(5) of the Remote Access Law.

(G) Nothing herein shall prohibit the Agency from holding meetings entirely by videoconference, with no in-person requirement, during a state of emergency declared by the Governor of the State of New York pursuant to Section 28 of the Executive Law of the State of New York or by the appropriate officials of the Sponsoring Municipality pursuant to Section 24 of the Executive Law if the Agency determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Agency to hold an In-Person Meeting.

SECTION 4. REMOTE ACCESS MEETINGS. (A) The Agency may, at its discretion, conduct a Remote Access Meeting and permit a member or member(s) of the Agency to participate in the meeting from a Non-Public Location using videoconferencing provided that (i) a quorum of members of the Agency are present in the identified Physical Location(s) and (ii) the member of the Agency is unable to be physically present at such meeting due to extraordinary circumstances including, but not limited to:

- (a) disability;
- (b) illness, including but not limited to compliance with applicable quarantine requirements;
- (c) the death of an Immediate Family Member;
- (d) caregiving responsibilities for an Immediate Family Member;
- (e) any other significant or unexpected factor that may preclude physical attendance; and
- (f) other significant or unexpected factors or events which shall be identified by the agency in subsequent amendments to this Policy.

(B) A member of the Agency who wishes to participate in a meeting by videoconference must provide advance notice and justification for such member's absence to the extent possible to both the

Chairperson and the Executive Director of the Agency. The Chairperson and the Executive Director of the Agency may require any member of the Agency requesting to participate in a meeting by videoconference to provide documentation, to the extent possible, supporting such request and may publicly confirm that such documentation was received without publicly stating the contents of such documentation.

SECTION 5. PUBLIC PARTICIPATION. Members of the public shall only be permitted to participate in meetings of the Agency if (a) the Agency invites public comment or (b) public comment is required by law. Where the public is permitted to participate, the Agency shall permit public comment pursuant to its Public Comment Period Policy adopted by the Agency on August 10, 2020, a copy of which is attached hereto as Appendix A. If public participation is permitted at a Remote Access Meeting, the Agency shall ensure that members of the public have equal opportunity to participate in real time in such meetings whether attending in-person or remotely via videoconference.

SECTION 6. REMOTE ACCESS MEETING MINUTES. If the Agency conducts a Remote Access Meeting, the minutes of such meeting shall (a) include which, if any, members of the Agency participated remotely, (b) be available to the public within two (2) weeks from the date of such meeting, and (c) be posted on the Agency's website within two (2) weeks from the date of such meeting. For purposes of this requirement, (I) unabridged video recordings or unabridged audio recordings or unabridged written transcripts may be deemed to be meeting minutes and (II) this requirement shall not require the creation of minutes if the Agency (or committee) would not otherwise take them.

SECTION 7. MEETING NOTICE. The Agency shall give notice to the public and the news media of all meetings of the Agency pursuant to the requirements of Section 104 of the Open Meetings Law and Section 103-a(2)(f) of the Remote Access Law. The Meeting Notice shall include the following information:

- (a) the date and time the meeting is scheduled;
- (b) the Public Location where the meeting will be held;
- (c) the Public Location(s) where members of the Agency will be participating using Remote Connection;
- (d) whether any members of the Agency will be participating using Remote Access;
- (e) where the public can view and/or participate in such meeting whether in-person or remotely; and
- (f) where required documents and records will be posted or available.

SECTION 8. MEETING RECORDS. The Agency shall ensure that (a) each meeting shall be streamed on its website in real time, (b) each meeting shall be recorded, (c) such recordings are posted or linked on the public website of the Agency within five (5) business days following such meeting, and (d) such recordings remain so available for a minimum of five (5) years thereafter, pursuant to Section 103-a(2)(g) of the Remote Access Law and Section 857 of the Act, respectively. The Agency shall further ensure that recordings of any Remote Access Meetings are transcribed upon request.

SECTION 9. POSTING. This Policy shall be conspicuously posted on the Agency's website.

APPENDIX A

PUBLIC COMMENT PERIOD POLICY **[Adopted on August 10, 2020]**

The public comment period shall be reserved as an item of business on the agenda for all regular and special meetings of the County of Clinton Industrial Development Agency (the "Agency"). All comments to be made during the public comment period shall be subject to the following guidelines:

1. Prior to the start of the public comment period, persons wishing to address the members of the Agency will register on a sign-up sheet to be provided by staff of the Agency. Prior to beginning the public comment period, the Chairperson will collect the sign-up sheet and recognize speakers in the order that they registered. Speakers will be asked to identify themselves for the record.

2. Topics must be germane to the Agency.

3. Each speaker shall be limited to a maximum time of three (3) minutes. Each speaker will only be allowed to speak once during the public comment period. The Executive Director of the Agency (the "Executive Director") shall serve as time keeper and will promptly announce when the speaker's time has expired. The public comment period at any meeting of the Agency shall be limited to twenty (20) minutes in duration, subject to extension by the Chairperson at his or her sole discretion.

4. No time may be yielded or transferred from one speaker to another. Each speaker will be concise and avoid repetition. In order to avoid repetition and delay, groups of people supporting the same position are encouraged to designate a spokesperson for the group.

5. The public comment period is not intended to require the members or staff of the Agency to answer any questions. Members of the Agency may ask a speaker to clarify information in order to better understand the speaker's comments. The members of the Agency will not take action on an item presented during the public comment period. Upon completion of the public comment period and when appropriate, the members of the Agency may summarize the comments heard from citizens. If necessary, the item may be added to the agenda of a future meeting, thereby providing the staff an opportunity to research the item and provide data to the members of the Agency for consideration and review.

6. Speakers will address comments to the members of the Agency as a whole and not one individual member. Discussions between speakers and members of the audience will not be permitted during the public comment period.

7. Speakers who have prepared written remarks are encouraged to leave a copy of such remarks with the Executive Director. Speakers who have materials that they want distributed to the members of the Agency related to the item they plan to discuss during the public comment period shall provide ten (10) copies of those documents to the Executive Director prior to the start of the meeting.

8. Speakers shall be civil and courteous in their language and presentation. Insults, personal attacks, accusations, profanity, vulgar language, inappropriate gestures, or other inappropriate behavior will not be tolerated.

9. In order to provide for the maintenance of order and decorum in the conduct of the meeting, the Chairperson may declare "out-of-order" any person who fails to comply with this policy. The Chairperson shall caution any such person to abide by the provisions of this policy. Refusal to do so shall be grounds for removal of the speaker from the meeting.

Management Team Reports

Executive Director's Report

M. Ryan reviewed highlights from her Executive Director's Report.

Project Updates

ERS

M. Ryan advised that ERS has contacted the Village of Rouses Point requesting a meeting. M. Ryan has no further updates as to whether or not a meeting has been scheduled. M. Ryan also advised that C. Canada contacted ERS to request a meeting to get a status update on their Project. C. Canada advised the he has not heard back from ERS. It is planned that M. Ryan and C. Canada will meet with ERS and report back to the full Board at the next meeting.

ABO Follow-Up Questions

M. Ryan advised that she has received some follow-up questions from the ABO regarding the 2021 PARIS Report for the CCIDA. She is working with Shannon Wagner, Esq., at Hodgson Russ to prepare responses. In addition, M. Ryan has determined that she will have to contact several companies directly to verify that the information they provided to us is accurate. M. Ryan indicated that she submitted the PARIS Report based on the information she received from the companies. M. Ryan indicated that this was her first year submitting PARIS reports and next year she will have a better idea of what to look for when companies provide their audit information. In a few other instances, it has been determined that the information was incorrectly entered into the report.

Cloud Nine Economic Development - CRM Database

At a previous CCIDA Board meeting, M. Ryan had discussed the benefits a CRM database designed to manage, track and organize information for economic development projects would provide to the CCIDA. Lewis County currently uses the Cloud Nine CRM database and advised that they spent approximately \$3,000 for the initial set-up and then an additional \$3,000 in consultation fees and database customization to best fit their needs. Cloud Nine did a presentation for M. Ryan and quoted her a price of \$12,000 for a fully customized database setup specifically for our needs. M. Ryan does not feel we need to spend that much and asked the Board how much they would be willing to spend on a CRM database. M. Zurlo stated that based on previous Board discussions, an expenditure of \$5,000 - \$6,000 would be acceptable. J. Trombley suggested M. Ryan investigate a CRM database available at "wiseagent.com" which he is familiar with and the cost is approximately \$30 per month and would not require a large upfront cost. M. Ryan indicated she will look into this CRM database and do a comparison with the Cloud Nine database and report back to the Board at the August 15th CCIDA meeting.

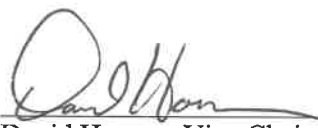
New CCIDA Website Launch/Potential Re-Branding

M. Ryan advised that the new website is now launched and is on several social media platforms. She thanked the Clinton County Information Technology Department for all their assistance. M. Ryan indicated that she used some stock photos on the website and feels that they could be improved upon. Last week she met with the Boire Benner Group, who re-created the CCIDA logo a few years ago. M. Ryan indicated that she would like to have Boire Benner create some promotional materials, photographs, videos, etc. Before moving forward, M. Ryan wanted to check with the Board and get their thoughts on possibly shortening the name of the County of Clinton Industrial Development Agency. She feels that such a long name is cumbersome and wondered if the Board might consider shortening it in some fashion, such as shortening to "Clinton County IDA" or "CCIDA." M. Ryan wants to be sure that all possibilities have been considered before spending money to have promotional materials created. It was asked if it is possible to market the Agency using a different name without legally

changing the name. C. Canada confirmed that it is possible. For example, Franklin County IDA is marketing themselves as Adirondack Frontier but their legal name remains Franklin County Industrial Development Agency. M. Ryan asked what the Board was willing to spend on marketing and promotional materials. After some debate, it was decided there is some flexibility in the current CCIDA operating budget and if it is determined additional money is necessary, the Board can discuss.

J. VanNatten suggested that the CCIDA conduct a strategic planning session, with a facilitator, to discuss what the IDA wants its role to be going forward. M. Zurlo agreed this was a good idea and doing a SWAT analysis would be beneficial in determining a path forward for the Agency. It was agreed the best timing for such a session would be Spring 2023.

There being no further business to discuss, on a motion by M. Zurlo, and seconded by K. Defayette, the meeting adjourned at 12:47 p.m.



David Hoover, Vice Chairperson