

**Minutes of the  
County of Clinton  
Industrial Development Agency  
December 12, 2022**

The meeting was called to order by David Hoover, Vice Chairperson, at 12:10 p.m. at the County of Clinton Industrial Development Agency (CCIDA) office located at 137 Margaret Street, Suite 208, Plattsburgh, New York.

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

EXCUSED: Trent Trahan, Chairperson

STAFF PRESENT: Molly Ryan, Executive Director  
Christopher Canada, Esq., Agency Counsel  
Toni Moffat, Executive Assistant

ALSO PRESENT: Ryan McCune, Nexamp Capital, LLC

D. Hoover stated there was a quorum present.

**Presentation:** Ryan McCune, Great Chazy Solar, LLC Project (Nexamp Capital, LLC)

D. Hoover introduced Ryan McCune of Great Chazy Solar, LLC. R. McCune stated that the Great Chazy Solar Project is a subsidiary of Nexamp Capital which is the operating company, and Nexamp Solar which is the main umbrella and asset management company. Nexamp currently has solar projects representing 500 megawatts of power in the State of New York. The Great Chazy Solar Project is a 5 megawatt A/C solar project and is similar to Nexamp's recent Northway Solar, LLC Project in Peru, New York. This new project will be located in the Town of Champlain on the Mason Road along the Great Chazy River, on land owned by Tony LaPierre. R. McCune indicated this will be the third solar project in the Town of Champlain, with a fourth project in the planning stages. The parcel of land on the Mason Road totals approximately 60 acres and the Project will occupy 36 acres of the total space. The solar array is a single-axis tracker system and will deploy 530w bifacial solar panels connected to the NYSEG grid via central inverters. No energy will be stored on the system. The panels will be mounted to a racking system, secured with ground screws and/or piles. Site access will be via an impervious packed gravel access road, and the site will be enclosed by an eight-foot fence as per town and state regulations. Approval for the Project has gone through the Town of Champlain Planning Board portion. R. McCune indicated that the Town of Champlain recently restructured their solar law and this is the first solar project since the restructuring. The Planning Board handled the site plan and SEQR, and the Zoning Board of Appeals is covering the special use permits with the last one scheduled for review at the December 15, 2022 meeting. One curb cut permit is pending from the County Highway Department, although the Project has received verbal approval and they are awaiting the documentation. R. McCune indicated that if the Project is approved in December 2022, they are planning to start construction mid-2023. The construction bids would be released in February-March with civil work and site prep commencing in June. The Project would likely pause from December through March, with mechanical completion anticipated end of spring 2024. M. Zurlo asked about the Project's discussions with the Town of Champlain proper. R. McCune indicated that they have had many discussions with the Town Board and Supervisor since September 2022 as they navigated with the Town through the retooling of their solar law. R. McCune indicated that the Project has been very well received by the

Town. M. Zurlo asked what needs to happen before the Project is formally approved by the Town. R. McCune indicated the only thing pending is the special use permit which was delayed due to a clerical error in that they were supposed to have a combined site planning and special use permit public hearing together. However, the notification was made only for the site plan so they have to have one more public hearing which will happen on December 15<sup>th</sup> for the special use permit. R. McCune anticipates receiving formal special use approval for the Project from the Town this month.

R. McCune indicated Nexamp Capital uses internal partners for funding of its projects and no bank financing is used. R. McCune stated the internal debt and equity ratio is generally a 60/40 split. The total cost for this Project is \$12 million, with private funding of \$5 million and equity funding of \$7 million, with access to approximately 30 percent investment tax credit. However, since they submitted the application to the CCIDA, the State level funding through New York State Energy Research and Development (NYSERDA) has changed. Initially NYSEDA was offering 12 cents per watt funding, which would mean the Project would receive approximately \$1 million in reimbursements. However, NYSEDA has since dropped the funding down to 5 cents per watt. There may, however, be additional incentives available through the United States Inflation Reduction Act. In order to be eligible for these potential incentives, the Project would have to meet other criteria such as the prevailing wage requirement. Since Nexamp meets this requirement on all their projects, if this incentive is awarded, it is likely this Project would be eligible. R. McCune indicated that as it stands right now, this Project is eligible for \$360,000 NYSEDA funding; however, this amount could potentially increase drastically.

R. McCune indicated that the PILOT deviation requested for this Project is the same as their Northway Solar, LLC Project. M. Ryan indicated that she will prepare a cost benefit analysis for review at the January 2023 CCIDA meeting and the Board will then vote on the Public Hearing Resolution.

Following R. McCune's presentation, a motion was made by J. VanNatten, and seconded by K. Defayette, to suspend the CCIDA meeting at 12:32 p.m.

The CCIDA meeting was reconvened at 12:42 p.m.

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

### **Approval of the Minutes of the November 14, 2022**

D. Hoover asked if there were any questions regarding the draft minutes of the November 14, 2022 meeting of the County of Clinton Industrial Development Agency (CCIDA). There were none.

On a motion by M. Zurlo, and seconded by J. VanNatten, it was unanimously carried to approve the minutes of the November 14, 2022 CCIDA meeting as presented.

### **Public Comment**

There was no public comment.

### **Reports**

#### **Treasurer's Report:**

K. DeFayette reviewed the November 2022 Treasurer's Report. There were no questions or concerns.

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

## **Committee Reports**

### **Audit Committee**

K. DeFayette advised that the Audit Committee met and it is the Committee's recommendation that the Audit for 2022 be initiated.

On a motion by M. Leta, and seconded by J. VanNatten, it was unanimously carried to accept the Committee recommendation and approve to initiate the 2022 CCIDA audit.

### **Governance Committee**

M. Zurlo noted the Governance Committee met and reviewed the 2022 annual reports and recommends Full Board approval of the:

- 2022 CCIDA Missions and Operations Statement
- 2022 CCIDA Operations and Accomplishments
- 2022 CCIDA Performance Measures Report
- 2022 CCIDA Procurement Report
- 2022 CCIDA Real Property Report
- 2022 CCIDA Investment Report

On a motion by K. Defayette, and seconded by J. Trombley, it was unanimously carried to accept the recommendation of the Committee and approve the 2022 annual reports as presented and authorize the posting of same to PARIS.

## **Old Business**

### **GoToMeeting Subscription**

M. Zurlo requested authorization for payment of \$192 for the CCIDA's twelve-month subscription to GoToMeeting for 2023.

On a motion by J. VanNatten, and seconded by M. Leta, it was unanimously carried to approve payment of the invoice for the GoToMeeting subscription in the amount of \$192.

## **New Business**

### **Preparation and Processing of 2022 PILOT Agreements Invoice**

An invoice in the amount of \$4,000 from Clinton County for Services Related to the Preparation and Processing of 2022 PILOT agreements was presented to the Board for authorization of payment.

On a motion by J. VanNatten, and seconded by M. Leta, it was unanimously carried to approve payment of the Clinton County invoice for services related to the preparation and processing of the 2022 PILOT agreements.

## **New York State Economic Development Council Invoice**

An invoice in the amount of \$850 from the New York State Economic Development Council for annual membership dues was presented to the Board for authorization of payment.

On a motion by M. Zurlo, and seconded by K. Defayette, it was unanimously carried to approve payment of the invoice from the New York State Economic Development Council for annual membership dues.

## **2023 Meeting Dates**

The 2023 Meeting Dates of the CCIDA were reviewed and approved.

## **Management Team Report**

### **TDC NNY, Inc.**

M. Ryan advised that TDC NNY, Inc. will be attending the January 2023 CCIDA meeting to request an increase in the sales tax exemption on their latest project due to increased costs. They are still compiling final numbers, but do not believe these costs will exceed the \$100,000 threshold which would require a new public hearing.

### **AES/Noble**

M. Ryan advised that the three AES/Noble windfarms located in the towns of Altona, Clinton and Ellenburg are pursuing projects to repower the current windfarms including modifications to make the existing windmills slightly larger. The cost for each project is \$100,000,000. AES is working with the Office of Renewable Energy Siting (ORES) to obtain the necessary approvals. All three towns have submitted letters to ORES indicating their support of the projects. M. Ryan indicated she has received an email from AES indicating that they would like to extend the PILOT terms currently in place on the Projects for an additional two years and then enter into new PILOT agreements with the CCIDA as three new Projects. By allowing them to extend the current PILOT agreements it would ensure there is no lapse in the PILOT benefits.

C. Canada advised that in order to extend the current PILOT agreements for two additional years, public hearings would be required because additional funding is being requested. M. Zurlo stated that even though this is an interim step, he feels the affected school districts, etc., should also be notified to ensure they are comfortable with the proposed PILOT amendments. C. Canada will determine exactly what is required in order to go forward with amending the current PILOT agreements for these three Projects and advise. C. Canada advised that all conditions currently in place for these Projects would remain in effect during the extension period and until such time as new Projects are in place. M. Leta asked if there are any improvements that should be incorporated into the new PILOT agreements going forward. C. Canada advised that decommissioning aspects should be built into the PILOT agreements, for example stating that there has to be a surety bond in place with a 2 percent escalator/year to ensure that the towns do not have to assume costs associated with decommissioning. M. Leta also stated that language covering events such as catastrophic failures should also be included in the PILOT agreements ensuring that the Company is held responsible for all costs associated with mitigating such an event.

M. Zurlo requested M. Ryan send an email to all three Towns and associated school districts regarding the proposed PILOT extensions and obtain their agreement. Also, he requested C. Canada do a thorough review of the original Noble Energy PILOT agreements to ensure that they meet current standards. C. Canada indicated that the negotiations are just getting underway and he will provide updates as to what benefits are being sought for the new Projects.

**ERS**

M. Ryan advised that ERS has indicated that they would like to close on their PILOT agreement. C. Canada indicated that he anticipates this will happen within the next couple of months. M. Zurlo requested that M. Ryan contact the Mayor of the Village of Rouses Point to ensure that the Village is aware and approves of moving forward with the ERS Project.

**CVPH**

M. Ryan indicated that through the Clinton County Capital Resource Corporation (CCCRC), Champlain Valley Physician's Hospital (CVPH) is currently the holder of a \$14,255,000 bond which was established using the LIBOR (London Interbank Offered Rate) model and they would like to have it reclassified under SOFR (Secured Overnight Financing Rate). CVPH's bond counsel is looking into modifying the bond and will provide us the required documents. C. Canada advised that this will not result in any costs being incurred by the CCCRC.

**South Junction Enterprises**

M. Ryan advised that C. Canada has sent South Junction Enterprises the documents required to have the New York State Department of Transportation (NYSDOT) grant funding followed by the CCIDA rather than the Clinton Grant Facilitation Corporation (CGFC). M. Ryan also stated that NYSDOT has indicated that they would be willing to do partial funding of a reduced project scope based on the increase in costs associated with the Project.

There being no further business to discuss, on a motion by J. VanNatten and seconded by J. Trombley, the meeting adjourned at 1:18 p.m.

  
David Hoover, Vice Chairperson