

**County of Clinton Industrial Development Agency
Report of the Public Hearing
Regarding Great Chazy Solar, LLC
February 2, 2023**

The public hearing was called to order by Molly Ryan, Executive Director of the County of Clinton Industrial Development Agency at 10:03 a.m., at the Town of Champlain Town Hall at 10729 Route 9 in the Town of Champlain, New York.

Present: Molly Ryan, Executive Director of the County of Clinton IDA
Dorothy Brunell, Administrative Assistant, County of Clinton IDA
Thomas Trombley, Supervisor – Town of Champlain, NY
Tim Surpitski, Assessor – Town of Champlain, NY

My name is Molly Ryan, and I am the Executive Director of County of Clinton Industrial Development Agency (the “Agency”) in connection with the project which is the subject of this public hearing.

Today I am holding this Public Hearing to allow citizens to make a statement, for the record, relating to the involvement of the Agency with a project (the “Proposed Project”) for the benefit of Great Chazy Solar, LLC, a Delaware State limited liability company (the “Company”).

The Proposed Project consists of the following: (A) (1) the acquisition of a leasehold interest in an approximately 35 acre portion of an approximately 56 acre parcel of land located on Mason Road (being a portion of Tax Map No. 49.-2-1.13 and 34.-1-38) in the Town of Champlain, Clinton County, New York (such portion being hereinafter referred to as the “Land”), (2) the construction on the Land of an approximate 5MW AC solar photovoltaic electricity generating facility comprised of solar modules, racking, inverters, a transformer, pads, a gravel access road, security fencing, wiring and other required improvements (collectively with the improvements, 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.

I intend to provide general information on the Agency’s general authority and public purpose to provide assistance to this Proposed Project. I will then open the comment period to receive comments from all present who wish to comment on either the Proposed Project or the Financial Assistance contemplated by the Agency with respect to the Proposed Project.

Legal Authorization and Powers of the Agency

The provisions of Chapter 1030 of Laws of 1969 of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York as amended, and Chapter 225 of the 1971 Laws of the State of New York, as amended, codified as Section 895-f of said General Municipal Law (collectively, the “Act”), authorize the Agency to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining and equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others.

Purpose of this Public Hearing

Pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (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. Since the proposed "financial assistance" to be provided by the Agency with respect to the Proposed Project may exceed \$100,000, then prior to providing any "financial assistance" (as defined in the Act) of more than \$100,000 to the Proposed Project, the Agency must hold a public hearing on the nature and location of the Project Facility and the proposed "financial assistance" to be provided by the Agency with respect to the Proposed Project.

After consideration of the Application received from the Company, the members of the Agency adopted a resolution on January 9, 2023 (the "Public Hearing Resolution") authorizing the Executive Director of the Agency to conduct this Public Hearing with respect to the Proposed Project pursuant to Section 859-a(2) of the Act.

The Executive Director of the Agency caused notice of this Public Hearing to be (A) mailed on January 12, 2023 to the chief executive officers of Clinton County, the Town of Champlain and the Northeastern Clinton Central School District and (B) published on January 17, 2023 in the Press Republican, a newspaper of general circulation available to the residents of the Town of Champlain, Clinton County, New York. In addition, the Executive Director of the Agency caused notice of this Public Hearing to be posted on January 12, 2023 on the Agency's website and also on a public bulletin board located at the Town of Champlain Town Hall located at 10729 State Rte 9 in the Town of Champlain, Clinton County, New York.

Copies of the notice of this Public Hearing are available on the table.

Now, unless there is any objection, I am going to suggest waiving the full reading of the notice of this Public Hearing, and instead request that the full text of the notice of this Public Hearing be inserted into the record of this Public Hearing.

Public Hearing Notice

Notice is hereby given that a public hearing pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the "Act") will be held by County of Clinton Industrial Development Agency (the "Agency") on the 2nd day of February, 2023 at 10:00 o'clock a.m., local time, at the Town of Champlain Town Hall located at 10729 Route 9 in the Town of Champlain, Clinton County, New York in connection with the following matters:

Great Chazy Solar, LLC, a Delaware limited liability company (the "Company"), submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested 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 35 acre portion of an approximately 56 acre parcel of land located on Mason Road (being a portion of Tax Map No. 49.-2-1.13 and 34.-1-38) in the Town of Champlain, Clinton County, New York (such portion being hereinafter referred to as the "Land"), (2) the construction on the Land of an approximate 5MW AC solar photovoltaic electricity generating facility comprised of solar modules, racking, inverters, a transformer, pads, a gravel access road, security fencing, wiring and other required improvements (collectively with the improvements, 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.

The Agency is considering whether (A) to undertake the Project, and (B) to provide certain exemptions from taxation with respect to the Project, including (1) exemption from mortgage recording taxes with respect to any documents, if any, recorded by the Agency with respect to the Project in the office of the County Clerk of Clinton County, New York or elsewhere, (2) exemption from deed transfer taxes on any real estate transfers, if any, with respect to the Project, (3) exemption from sales taxes relating to the acquisition, construction, renovation and installation of the Project Facility, and (4) in the event that the Project Facility would be subject to real property taxation if owned by the Company but shall be deemed exempt from real property taxation due to the involvement of the Agency therewith, exemption from real property taxes (but not including special assessments and special ad valorem levies), if any, with respect to the Project Facility, subject to the obligation of the Company to make payments in lieu of taxes with respect to the Project Facility. If any portion of the Financial Assistance to be granted by the Agency with respect to the Project is not consistent with the Agency's uniform tax exemption policy, the Agency will follow the procedures for deviation from such policy set forth in Section 874(4) of the Act prior to granting such portion of the Financial Assistance.

If the Agency determines to proceed with the Project, the Project Facility will be acquired, constructed, reconstructed and installed by the Agency and will be leased (with an obligation to purchase) or sold by the Agency to the Company or its designee pursuant to a project agreement (the "Agreement") requiring that the Company or its designee make certain payments to the Agency.

Pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), by resolution adopted by the members of the Agency on January 9, 2023 (the "SEQR Resolution"), the Agency (A) concurred in the determination that the Town of Champlain Planning Board (the "Planning Board") is the "lead agency" with respect to SEQRA, and (B) acknowledged receipt of a negative declaration from the Planning Board issued on November 10, 2022 (the "Negative Declaration"), in which the Planning Board determined that the Project would not have a significant adverse environmental impact on the environment, and therefore, that an environmental statement need not be prepared with respect to the Project.

The Agency will at said time and place hear all persons with views on either the location and nature of the proposed Project, or the Financial Assistance being contemplated by the Agency in connection with the proposed Project. A copy of the Application filed by the Company with the Agency with respect to the Project, including an analysis of the costs and benefits of the Project, is available for public inspection during business hours at the offices of the Agency. A transcript or summary report of the hearing will be made available to the members of the Agency.

Additional information can be obtained from, and written comments may be addressed to: Molly Ryan, Executive Director, County of Clinton Industrial Development Agency, 137 Margaret Street, Suite 209, Plattsburgh, New York 12901; Telephone: 518-565-4627.

Dated: January 11, 2023.

The comments received today at this Public Hearing will be presented to the members of the Agency at or prior to the meeting at which the members of the Agency will consider whether to approve the undertaking of the Proposed Project by the Agency and the granting by the Agency of any "financial assistance" in excess of \$100,000 with respect to the Proposed Project.

Written Comments

The notice of this Public Hearing indicated that written comments could be addressed to: Molly F. Ryan, the Executive Director of the Agency. No written comments have been received by the Agency prior to this Public Hearing.

Open Public Hearing to the Floor for Comments

I will now open this Public Hearing for public comment at 10:10 a.m.

By way of operating rules, if you wish to make a public comment, please raise your hand, and I will call on you. Please wait to be recognized, once recognized, please stand and state your name and address for the record.

When everyone has had the opportunity to speak, I will conclude this Public Hearing. A record of this Public Hearing will be prepared and reviewed by the members of the Agency in connection with the Agency's consideration of the Proposed Project.

Again, the purpose of this Public Hearing is to solicit public comment. We are not here to answer questions. However, we will in the course of this Public Hearing consider questions if we have the information to answer the questions and there is sufficient time to consider such questions.

I will now ask if there is anyone in attendance who wishes to comment on either on the nature and location of the Project Facility or the proposed "financial assistance" being contemplated by the Agency with respect to the Proposed Project.

For the record, please state your name and indicate your comments on either the Proposed Project or the proposed "financial assistance" being contemplated by the Agency with respect to the Proposed Project.

Thomas Trombley, Town Supervisor, Town of Champlain, asked if M. Ryan could provide an explanation of what financial benefits this PILOT agreement will provide. M. Ryan explained that what is proposed is a PILOT Deviation from the County of Clinton IDA's Uniform Tax Exemption Policy because the IDA does not currently have a stipulation for green energy projects. Per the proposed PILOT agreement, the Company would pay \$4,000 per megawatt with a 2% escalator for a term of 20 years. The proposed PILOT also provides a sales tax exemption of approximately \$300,000. The benefit the Company will receive is consistent with the benefits received across the county for other solar projects. Overall, Clinton County, the Town of Champlain and the Northeastern Clinton Central School District will see a net increase

in tax benefit of \$340,000 over 20 years compared to existing usage of the Land. M. Ryan further explained that due to the current New York State Energy Research and Development Agency (NYSERDA) model, as well as the low New York State Electric and Gas (NYSEG) reimbursement rate, this PILOT does not provide any property tax savings to the Company. In fact, the taxes paid to the Town and School District will be greater than if they were to pay taxes based on the assessed value per Section 1 of the Tax Rolls. However, despite this, it is still deemed beneficial by the Company because it will provide consistency given the volatile nature of NYSERDA's benefit formula and allow them to predict what their taxes will be for the next 20 years.

Tim Surpitski, Assessor, Town of Champlain, indicated he had a concern regarding special districts as it is not spelled out in the PILOT agreement. M. Ryan indicated that the Project does have to pay the special district taxes for public benefits. T. Trombley confirmed to T. Surpitski that this is outlined in the PILOT Deviation letter, Item #13, Section (c) which states "an additional public benefit will be the fees paid to special districts; this represents significant new revenue for these critical public services." T. Surpitski indicated that he just wanted to confirm that the special district taxes would be paid on the full assessed value of the property. M. Ryan confirmed that this was true.

T. Surpitski advised that Northeastern Clinton Central School (NCCS) currently allows for a solar exemption for those projects not covered by PILOT agreements which grants them a 10-year school tax exemption. T. Surpitski indicated that if this applicant were to file this exemption paperwork, he would be required to receive the paperwork even though there is a PILOT in place. T. Surpitski asked if this would affect how the payments are doled out between the school district, town and county. M. Ryan advised that she did not know the answer and would check with the agency counsel. **Post Meeting Note:** M. Ryan has sent T. Surpitski an email requesting further clarification of his question regarding the NCCS solar exemption policy.

Formal closure of the public hearing

So, if there are no further comments, I will now close this Public Hearing at 10:25 a.m.

Thank you for attending.



Dorothy Brunell
Administrative Assistant, County of Clinton IDA