

**County of Clinton Industrial Development Agency
Report of Public Hearing
Regarding TDC NNY, Inc.
November 9, 2021**

The public hearing was called to order by Michael Zurlo, acting as Interim Executive Director of the County of Clinton Industrial Development Agency (CCIDA) at 10:00 a.m. at the Town of Plattsburgh Town Hall located at 151 Banker Road in the Town of Plattsburgh, Clinton County, New York.

Present: Michael E. Zurlo, Interim Executive Director, CCIDA
Toni Moffat, Executive Assistant, CCIDA
Dorothy Brunell, Administrative Assistant, CCIDA
David F. Champagne, TDC NNY, Inc.
Roger Livernois, TDC NNY, Inc.
Danielle King, TDC NNY, Inc.
Jessica Kogut, Town of Plattsburgh
Brian Dowling, Town of Plattsburgh

My name is Michael E. Zurlo, and I am acting as Interim Executive Director to 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 TDC NNY Inc., a New York not-for-profit corporation (the "Company").

The Proposed Project consists of the following: (A) (1) the acquisition of an interest in three (3) parcels of land containing in the aggregate approximately 27.08 acres located on Banker Road (tax map number 205.-4-3) and Tom Miller Road (tax map numbers 205.-4-5 and 205.-4-6) in the Banker Road Industrial Park in the Town of Plattsburgh, Clinton County, New York (collectively, the "Land"), (2) the construction on the Land of an approximately 60,000 square foot building with associated site improvements (collectively, the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery and equipment (collectively, the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to constitute a mixed use office, warehousing and manufacturing facility to be owned and operated by the Company and leased to various tenants; (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 October 13, 2021 (the "Public Hearing Resolution") authorizing the Chairperson of the Agency to conduct this Public Hearing with respect to the Proposed Project pursuant to Section 859-a(2) of the Act.

The Interim Executive Director of the Agency caused notice of this Public Hearing to be (A) mailed on October 25, 2021 to the chief executive officers of Clinton County, the Town of Plattsburgh and the Beekmantown Central School District and (B) published on October 27, 2021 in The Press Republican, a newspaper of general circulation available to the residents of the Town of Plattsburgh, Clinton County, New York. In addition, the Interim Executive Director of the Agency caused notice of this Public Hearing to be posted on October 25, 2021 on a public bulletin board located at the Town of Plattsburgh Town Hall located at 151 Banker Road in the Town of Plattsburgh, Clinton County, New York and on October 26, 2021 on the Agency's website.

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 Article 18-A 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 9th day of November 2021 at 10:00 o'clock a.m., local time, at the Town of Plattsburgh Town Hall located at 151 Banker Road in the Town of Plattsburgh, Clinton County, New York in connection with the following matters:

TDC NNY, Inc., a New York not-for-profit corporation (the "Company"), 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 an interest in three (3) parcels of land containing in the aggregate approximately 27.08 acres located on Banker Road (tax map number 205.-4-3) and Tom Miller Road (tax map numbers 205.-4-5 and 205.-4-6) in the Banker Road Industrial Park in the Town of Plattsburgh, Clinton County, New York (collectively, the "Land"), (2) the construction on the Land of an approximately 60,000 square foot building with associated site improvements (collectively, the

“Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery and equipment (collectively, the “Equipment”) (the Land, the Facility and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to constitute a mixed use office, warehousing and manufacturing facility to be owned and operated by the Company and leased to various tenants; (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.

The Agency has not yet made a determination pursuant to Article 8 of the Environmental Conservation Law (the “SEQR Act”) regarding the potential environmental impact of 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: Michael E. Zurlo, Interim Executive Director, County of Clinton Industrial Development Agency, 137 Margaret Street, Suite 209, Plattsburgh, New York 12901; Telephone: 518-565-4600.

Dated: October 25, 2021.

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: Michael E. Zurlo, the Interim Executive Director of the Agency. No written comments have been received by the Agency prior to this Public Hearing.

Remarks by the Company

I will now introduce David Champagne of the Company, who will describe the Proposed Project in further detail.

D. Champagne explained that the project consists of construction of a 60,000 square foot building which will be partitioned into three separate 20,000 square foot units. The new building will be located on Tom Miller Road in the Town of Plattsburgh. The building is planned with office and warehousing/manufacturing areas with truck access in the back of the building. D. Champagne advised that this project is being built on speculation and no tenants have been identified. They expect to break ground on the new construction in the spring of 2022, with completion by year-end 2022.

Open Public Hearing to the Floor for Comments

I will now open this Public Hearing for public comment at 10:07 o'clock, 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.

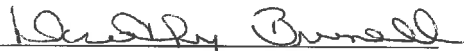
Again, the purpose of this Public Hearing is to solicit public comment. We are not here to answer questions. However, we will in the course of this Public Hearing consider questions if we have the information to answer the questions and there is sufficient time to consider such questions.

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.

Formal closure of the public hearing

So, if there are no further comments, I will now close this Public Hearing at 10:23 o'clock, a.m.

Thank you for attending.


Dorothy Brunell
Administrative Assistant, County of Clinton IDA