

MINUTES OF THE
COUNTY OF CLINTON
INDUSTRIAL DEVELOPMENT AGENCY
MONDAY, JULY 8, 2019

The meeting was called to order by Trent Trahan, Chairperson, at 3:02 p.m., at the offices of the County of Clinton Industrial Development Agency, 137 Margaret Street, Suite 208, Plattsburgh, New York 12901.

MEMBERS PRESENT: Trent Trahan, Chairperson
David Hoover, Vice Chairperson
Keith Defayette, Treasurer and Chief Financial Officer
Michael Zurlo, Secretary
John VanNatten, Member

EXCUSED: Kim Murray, Assistant Secretary
Mark Leta, Member

STAFF PRESENT: Renee McFarlin, Executive Director
George Cregg, Esq., Agency Counsel VIA Conference Call
Nadene Zeigler, Esq., Agency Counsel
Toni Moffat, Executive Assistant

ALSO PRESENT: Jay Corell, Owner, Corell Tax & Accounting
Todd Curley, Vice President, Prime Companies
Dean Devito, Principal, Prime Companies

T. Trahan stated that there was a quorum present.

T. Trahan waived the reading of the notice of the meeting published in the Press Republican on December 22, 2018.

Approval of the Minutes of the June 10, 2019 Meeting

T. Trahan asked if there were any questions regarding the draft minutes of the June 10, 2019 meeting of the County of Clinton Industrial Development Agency (CCIDA). There were none.

On a motion by D. Hoover, and seconded by J. VanNatten, it was unanimously carried to approve the minutes of the June 10, 2019 meeting of the CCIDA.

Public Comment

There was no public comment.

Presentations

Corell Tax & Accounting

Jay Corell of Corell Tax & Accounting provided a summary of the bookkeeping services his company can provide to the Agency on a monthly basis.

Prime Plattsburgh, LLC

Todd Curley, Vice President, Prime Companies and Dean Devito, Principal, Prime Companies reviewed their revised application with the Board. The new plan is one building, 114 residential units, 10,000 square feet of commercial space, interior and exterior parking lots and corporate housing (ExecuStay Suites). D. Devito anticipates the project will create 200-300 construction jobs, possibly 35-40 1st floor (tenant) employees, if applicable, and full-site management and leasing assistance. T. Curley stated this project is not feasible without the assistance of the CCIDA. T. Curley reported the project is currently undergoing site and environmental reviews by the Plattsburgh City Council, City of Plattsburgh Planning Board, City of Plattsburgh Zoning Board of Appeals, as well as the Clinton County Zoning Board for site approval. If everything goes as anticipated, he hopes the time frame for the project would entail to first receiving CCIDA PILOT approval, obtaining the permits (currently in progress) and breaking ground in Spring 2020. R. McFarlin anticipates a CCIDA decision completed by November/December 2019.

R. McFarlin inquired if the project planned to use local labor, and if the project has the endorsement of the Chief Executive Officer of the Taxing Jurisdiction in which the project is located. T. Curley replied yes to both inquiries. R. McFarlin then asked why their application indicates: that there will be local oversight of the property, to which T. Curley answered that there is an on-going easement with the Department of Economic Conservation, and if the project planned to have medical-use office space, to which T. Curley replied that there may be an opportunity for a medical tenant.

The Prime Plattsburgh, Inc. Project is seeking a PILOT, sales tax abatement and mortgage recording tax from the CCIDA.

Treasurer's Report

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

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

Old Business

Hodgson Russ, LLC General Services Bill

R. McFarlin reported that at the April 15, 2019 meeting, the Board approved the first \$7,500 payment of the \$15,000 Hodgson Russ, LLC general services bill.

On a motion by M. Zurlo, seconded by K. Defayette, the second \$7,500 payment to Hodgson Russ, LLC was unanimously approved.

Senator James Skoufis Report

R. McFarlin reported the CCIDA received a request from Senator James Skoufis (of the Oversight Committee) for information due June 30, 2019. Upon advice from Agency counsel, the CCIDA requested and has received an extension for submission by the end of July 2019.

Trustworthy, LLC Public Hearing

R. McFarlin reported the Trustworthy, LLC public hearing is scheduled for Monday, July 15, 2019 in the Town of Plattsburgh's Town Hall.

Vilas Home Public Hearing

R. McFarlin reported the Vilas Home public hearing is scheduled for Monday, July 23, 2019 at City Hall in the City of Plattsburgh. R. McFarlin stated she recently communicated with Eli Schwartzberg, who expects to receive the Certificate of Operation from the Department of Health soon, and would like to close on the project as soon as possible.

Other Business as Required

New Business

Prime Plattsburgh, LLC

R. McFarlin stated the tentative date for the Prime Plattsburgh, Inc. public hearing is Monday, August 5, 2019 at the Clinton County Government Center in the Legislative Chambers.

The following resolution was offered by M. Zurlo, seconded by D. Hoover, to wit:

Resolution No. 07-19-01

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 PRIME PLATTSBURGH, 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, Prime Plattsburgh, 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, 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 an interest in two (2) parcels of land containing in the aggregate approximately 3.36 acres located at 40 Bridge Street (currently tax map no. 207.20-7-14) and 22 Durkee Street (currently tax map no. 207.20-7-15) in the City of Plattsburgh, Clinton County, New York (collectively, the "Land"), (2) the construction on the Land of an approximately 145,338 square foot building and approximately 55,216 square feet of parking space (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 an approximately 114 unit residential apartment complex with ground level commercial/retail space and parking and other directly and indirectly related activities; (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	<u>YES</u>
David Hoover	VOTING	<u>YES</u>
Michael E. Zurlo	VOTING	<u>YES</u>
Keith Defayette	VOTING	<u>YES</u>
Kim Murray	VOTING	<u>EXCUSED</u>
Mark Leta	VOTING	<u>EXCUSED</u>
John VanNatten	VOTING	<u>ABSTAIN</u>

The foregoing Resolution was thereupon declared duly adopted.

The following resolution was offered by K. Defayette, seconded by D. Hoover, to wit:

Resolution No. 07-19-02

RESOLUTION CONSENTING TO THE CITY OF PLATTSBURGH COMMON COUNCIL SERVING AS LEAD AGENCY UNDER ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH A CERTAIN PROJECT FOR PRIME PLATTSBURGH, 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 and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Prime Plattsburgh, 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, 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 an interest in two (2) parcels of land containing in the aggregate approximately 3.36 acres located at 40 Bridge Street (currently tax map no. 207.20-7-14) and 22 Durkee Street (currently tax map no. 207.20-7-15) in the City of Plattsburgh, Clinton County, New York (collectively, the "Land"), (2) the construction on the Land of an approximately 145,338 square foot building and approximately 55,216 square feet of parking space (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 an approximately 114 unit residential apartment complex with ground level commercial/retail space and parking and other directly and indirectly related

activities; (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 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”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, Section 617.6(b) of the Regulations provides that a lead agency must be established for (A) all “Type I actions” and (B) any “unlisted action” which involves more than one “involved agency”, unless the Agency determines that there will be no coordinated review of such “unlisted action” (as such quoted terms are defined in the Regulations); and

WHEREAS, pursuant to the Regulations, the Agency has examined the Application in order to make an initial determination as to the potential environmental significance of the Project and the number of agencies that may be involved with respect to the Project, and, based upon such review, it appears that the Project may constitute a “Type I action” (as such quoted term is defined under SEQRA), and accordingly the Agency wishes to follow the coordinated review procedures outlined in the Regulations with respect to the Project; and

WHEREAS, the Agency has been informed that the City of Plattsburgh Common Council (the “Common Council”) desires to be the “lead agency” with respect to the Project (as such quoted terms are defined in SEQRA);

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

Section 1. Based upon an examination of the Application, and, based further upon the Agency’s knowledge of the area surrounding the Project Facility and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Project:

(A) The Project consists of the following: (A) (1) the acquisition of an interest in two (2) parcels of land containing in the aggregate approximately 3.36 acres located at 40 Bridge Street (currently tax map no. 207.20-7-14) and 22 Durkee Street (currently tax map no. 207.20-7-15) in the City of Plattsburgh, Clinton County, New York (collectively, the “Land”), (2) the construction on the Land of an approximately 145,338 square foot building and approximately 55,216 square feet of parking space (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 an approximately 114 unit residential apartment complex with ground level commercial/retail space and parking and other directly and indirectly related activities; (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

(B) The Project involves more than one “involved agency” (as such quoted term is defined in SEQRA); and

(C) The Project may constitute a “Type I action” (as such quoted term is defined under SEQRA), and accordingly the Agency wishes to follow the coordinated review procedures contained in the Regulations with respect to the Project.

Section 2. For purposes of establishing a “lead agency” with respect to the Project and determining whether the Project may have a “significant effect on the environment” (as such quoted terms are defined under SEQRA), the Agency hereby consents to the Common Council serving as “lead agency” with respect to the Project (as such quoted terms are defined under SEQRA).

Section 3. The Chairperson or Vice Chairperson of the Agency is hereby directed to notify the Common Council of the concurrence by the Agency that the Common Council shall be the “lead agency” with respect to the Project. The Chairperson or Vice Chairperson of the Agency is hereby authorized to execute any written consents necessary to evidence the concurrence by the Agency. Any action previously taken by the Agency staff on this matter is hereby ratified and approved.

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	<u>YES</u>
David Hoover	VOTING	<u>YES</u>
Michael E. Zurlo	VOTING	<u>YES</u>
Keith Defayette	VOTING	<u>YES</u>
Kim Murray	VOTING	<u>EXCUSED</u>
Mark Leta	VOTING	<u>EXCUSED</u>
John VanNatten	VOTING	<u>ABSTAIN</u>

The foregoing Resolution was thereupon declared duly adopted.

R. McFarlin reviewed her calculations estimating Prime Plattsburgh, LLC PILOT benefits to each taxing jurisdiction based on the current market. She has estimated the assessed property value using a model currently used by Clinton County’s Real Property assessors to be approximately \$72,500 per unit and \$9.50 per square foot for retail space. She reiterated that the Agency’s Uniform Taxing Exemption Policy (UTEP) requires that before benefiting a project, the CCIDA would need to show the resource does not exist elsewhere in the area. The City of Plattsburgh engaged a market analysis by Camoin Association that was completed in 2016. The results confirmed the difficulties in getting the first project in downtown Plattsburgh, extremely low vacancy rates for quality residential housing, an opportunity for ExecuStay housing, zero Class A office space, and a need for market housing rates (five percent vacancy rate in 2016).

The following resolution was offered by K. Defayette, seconded by D. Hoover, to wit:

Resolution No. 07-19-03

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 PRIME PLATTSBURGH, 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, in July, 2019, Prime Plattsburgh, LLC, a New York State 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 an interest in two (2) parcels of land containing in the aggregate approximately 3.36 acres located at 40 Bridge Street (currently tax map no. 207.20-7-14) and 22 Durkee Street (currently tax map no. 207.20-7-15) in the City of Plattsburgh, Clinton County, New York (collectively, the “Land”), (2) the construction on the Land of an approximately 145,338 square foot building and approximately 55,216 square feet of parking space (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 an approximately 114 unit residential apartment complex with ground level commercial/retail space and parking and other directly and indirectly related activities; (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 8, 2019 (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, 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 July 8, 2019 (the “Preliminary SEQR Resolution”), the Agency (A) determined (1) that the Project may constitute a “Type I action”, (2) desired to follow the coordinated review procedures outlined in the Regulations, and (3) consented to the City of Plattsburgh Common Council (the “Common Council”) serving as “lead agency” with respect to the Project and (B) authorized the Chairperson or Vice Chairperson to contact the Common Council of the concurrence by the Agency that the Common Council shall be the “lead agency” with respect to the Project (as such quoted terms are defined in SEQRA); 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 fixed payments in lieu of taxes being based on the number of apartments in the Project Facility and the amount of rental space; 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 Agency's Policy, prior to taking final action on such Pilot Request for a deviation from the Agency's Policy, the Agency must give the chief executive officers of the County and each city, town, village and school district in which the Project is located (collectively, the "Affected Tax Jurisdictions") no fewer than thirty (30) days prior written notice of the proposed deviation from the Agency's uniform tax exemption policy and the reasons therefore; 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	<u>YES</u>
David Hoover	VOTING	<u>YES</u>
Michael E. Zurlo	VOTING	<u>YES</u>
Keith Defayette	VOTING	<u>YES</u>
Kim Murray	VOTING	EXCUSED
Mark Leta	VOTING	<u>EXCUSED</u>
John VanNatten	VOTING	<u>ABSTAIN</u>

The foregoing Resolution was thereupon declared duly adopted.

EXHIBIT A

PROPOSED FORM OF PILOT DEVIATION LETTER

COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY

137 Margaret Street, Suite 209
Plattsburgh, New York 12901
Tel: 518-565-4600
Fax: 518-565-4616

July __, 2019

Harry J. McManus
County Legislative Chairperson
County of Clinton
Clinton County Government Center
137 Margaret Street, Suite 208
Plattsburgh, New York 12901

Jay C. Lebrun, Superintendent of Schools
Plattsburgh City School District
49 Broad Street
Plattsburgh, New York 12901

Colin L. Read, Mayor
City of Plattsburgh
41 City Hall Place
Plattsburgh, New York 12901

Leisa Boise, President
Plattsburgh City School District
49 Broad Street
Plattsburgh, New York 12901

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

Dear Ladies and Gentlemen:

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

In July, 2019, County of Clinton Industrial Development Agency (the "Agency") received an application (the "Application") from Prime Plattsburgh, 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 an interest in two (2) parcels of land containing in the aggregate approximately 3.36 acres located at 40 Bridge Street (currently tax map no. 207.20-7-14) and 22 Durkee Street (currently tax map no. 207.20-7-15) in the City of Plattsburgh, Clinton County, New York (collectively, the "Land"), (2) the construction on the Land of an approximately 145,338 square foot building and approximately 55,216 square feet of parking space (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 an approximately 114 unit residential apartment complex with ground level commercial/retail space and parking and other directly and indirectly related activities; (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 has made a request to the Agency enter into a payment in lieu of tax agreement (the "Proposed Pilot Agreement") which terms would deviate from the Agency's Uniform Tax Exemption Policy (the "Policy"). Capitalized terms not otherwise defined herein are defined in the Policy.

The Proposed Pilot Agreement would not provide any abatements for any special assessments levied on the Project Facility. The Proposed Pilot Agreement would be for a term of 21 years, with the Company making the payments in each year as a Pilot Payment to each Affected Tax Jurisdiction as follows:

PILOT Year/Tax Year	Projected Tax	Prime Proposed PILOT	City Payment	County Payment	School Payment
Year 1 (2020)	\$359,220.95	\$0.00	\$0.00	\$0.00	\$0.00
Year 2 (2021)	\$366,405.37	\$0.00	\$0.00	\$0.00	\$0.00
Year 3 (2022)	\$373,733.48	\$0.00	\$0.00	\$0.00	\$0.00
Year 4	\$381,208.15	\$125,400.00	\$36,409.56	\$18,110.80	\$70,879.64
Year 5	\$388,832.31	\$125,400.00	\$36,409.56	\$18,110.80	\$70,879.64
Year 6	\$396,608.95	\$145,698.00	\$42,303.03	\$21,042.33	\$82,352.64
Year 7	\$404,541.13	\$145,698.00	\$42,303.03	\$21,042.33	\$82,352.64
Year 8	\$412,631.96	\$145,698.00	\$42,303.03	\$21,042.33	\$82,352.64
Year 9	\$420,884.60	\$145,698.00	\$42,303.03	\$21,042.33	\$82,352.64
Year 10	\$429,302.29	\$145,698.00	\$42,303.03	\$21,042.33	\$82,352.64
Year 11	\$437,888.33	\$178,647.00	\$51,869.68	\$25,800.96	\$100,976.35
Year 12	\$446,646.10	\$178,647.00	\$51,869.68	\$25,800.96	\$100,976.35
Year 13	\$455,579.02	\$178,647.00	\$51,869.68	\$25,800.96	\$100,976.35
Year 14	\$464,690.60	\$178,647.00	\$51,869.68	\$25,800.96	\$100,976.35
Year 15	\$473,984.41	\$178,647.00	\$51,869.68	\$25,800.96	\$100,976.35
Year 16	\$483,464.10	\$201,447.00	\$58,489.60	\$29,093.84	\$113,863.56
Year 17	\$493,133.39	\$201,447.00	\$58,489.60	\$29,093.84	\$113,863.56
Year 18	\$502,996.05	\$201,447.00	\$58,489.60	\$29,093.84	\$113,863.56
Year 19	\$513,055.97	\$201,447.00	\$58,489.60	\$29,093.84	\$113,863.56
Year 20	\$523,317.09	\$201,447.00	\$58,489.60	\$29,093.84	\$113,863.56
Totals	\$8,728,124.26	\$2,879,760.00	\$836,130.67	\$415,907.25	\$1,627,722.08

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 12, 2019 at 12:00 p.m., local time at the offices of the Agency located in the offices of the Agency located at 137 Margaret Street, Suite 209 in the Town 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 Agency’s Uniform Tax Exemption Policy).

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

1. **The nature of the Project:** residential apartment complex with retail/commercial.
2. **The present use of the property:** parking lot and vacant land.
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:** The Project is expected to create four (4) full time jobs at a salary range of \$ _____ and _____ construction jobs with a salary range of \$ _____.
5. **The estimated value of new tax exemptions to be provided:** Mortgage recording tax exemption: \$163,400; sales tax exemption \$ _____; and real property tax exemption \$ _____.
6. **The economic impact of the Proposed Pilot Agreement on affected tax jurisdictions:** _____.
7. **The impact of the Proposed Pilot Agreement on existing and proposed businesses and economic development projects in the vicinity:** _____.
8. **The amount of private sector investment generated or likely to be generated by the Proposed Pilot Agreement:** \$22,700,000.
9. **The effect of the Proposed Pilot Agreement on the environment:** City of Plattsburgh Common Council is the "lead agency" for purposes of determining the impact of this Project on the environment.
10. **Project Timing:** expect to be completed in 2022.
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:** _____.
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:** _____.

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,

Renee McFarlin
Executive Director

R. McFarlin reported she spoke with Agency counsel regarding if IDA's can employ a stenographer for public hearings and confirmed it is a customary practice. She has contacted a stenographer who will provide the service for under \$500, and that this is permissible within the IDA's procurement policy.

On a motion by D. Hoover, seconded by M. Zurlo, it was unanimously approved to authorize the Executive Director to execute a contract for stenographer services (not to exceed \$500) for the Prime Plattsburgh, LLC public hearing.

Prospective Solar Project for Clinton County Airport

R. McFarlin reported she provided Active Solar representatives with a tour of the property at the Clinton County Airport for a potential three to five MW project. She anticipates to receiving the draft designs in the near future. This project would be contingent upon a land lease from Clinton County, as well as a PILOT from the CCIDA.

Contract for Bookkeeping Services

R. McFarlin reported she has contacted several accounting companies to provide bookkeeping services for the Agency.

On a motion by M. Zurlo, seconded by K. Defayette, it was unanimously approved to authorize the Executive Director to execute a contract for bookkeeping services.

Other Business as Required

Management Team Reports

Executive Director's Report

R. McFarlin reported that Monaghan Medical Corporation received the permits from the Army Corp of Engineers and will break ground soon, if they have not already.

R. McFarlin reported the Agency paid an invoice of \$150 in June to GoDaddy for hosting the Agency's website.

R. McFarlin also stated she received a first draft of the new CCIDA website and hopes to go live in the near future.

R. McFarlin reported the CCIDA will have a new email address that will likely go live at the same time as the new website.

Correspondence

Salvation Army Letter Requesting Sponsorship

R. McFarlin stated that she received a letter from the Salvation Army requesting sponsorship for their Dancing with the Stars Program. Discussion ensued confirming the CCIDA does not provide sponsorship for this type of event.

With no further business to discuss, the meeting was adjourned at 4:32 p.m.



Trent Trahan, Chairperson