

MINUTES OF THE
COUNTY OF CLINTON
INDUSTRIAL DEVELOPMENT AGENCY
MONDAY, AUGUST 10, 2020

Due to COVID-19, the meeting of the Clinton County Industrial Development Agency held on Monday, August 10, 2020 was through teleconference.

The meeting was called to order by Trent Trahan, Chairperson, at 12:05 p.m. via GoToMeeting.

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

ABSENT: Kim Murray, Assistant Secretary
 Mark Leta, Member

STAFF PRESENT: Renee McFarlin, Executive Director
 Toni Moffat, Executive Assistant
 George Cregg, Jr., Esq., Agency Counsel
 Christopher Canada, Esq., Agency Counsel

T. Trahan stated 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 July 17, 2020 Meetings

T. Trahan asked if there were any questions regarding the draft minutes of the July 17, 2020 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 July 17, 2020 meeting of the CCIDA.

Presentations

Josh Bagnato from Transmission Developers, Inc. presented an overview to the Board of their proposed project, the Champlain Hudson Power Express. It is 333 miles of buried HVDC transmission line that will transport renewable energy from Hydro Quebec to Queens, New York. A copy of the presentation has been attached and made a part of the minutes. The construction is scheduled to begin in 2021, with the bulk of the construction occurring in 2022 through 2024, and operational in 2025. They have yet to submit an application but would be asking for long-term tax certainty via a PILOT.

Public Comment

There was no public comment.

Reports

Treasurer's Report

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

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

Old Business

Prime Plattsburgh, LLC

R. McFarlin stated for the Board's consideration, a resolution is being presented to authorize a third PILOT Deviation Notice letter for the Prime Plattsburgh LLC application. The only thing that has changed about the PILOT that triggered the need for this letter is that the number of residential units and commercial square footage for the Project has changed. She reminded the Board that Prime Plattsburgh, LLC submitted an application for a PILOT to be calculated based on a certain dollar amount per unit, whether it was a residential unit or commercial square foot. Prime Plattsburgh, LLC has moved through the process with the Zoning and Planning Boards, things changed. The Project has evolved and it is expected these are the specifications for the final design. There are 104 residential units in the building and 17,900 square feet of commercial space. This is a change from the last letter; a reduction of \$71,500, in total, over the 21-year term of the PILOT. R. McFarlin stated the change is due solely to the fact that Prime Plattsburgh, LLC has proposed to reduce the number of residential units. She reported at the same time, it's not a larger disparity because Prime Plattsburgh, LLC increased the commercial square footage by about 4,000 square feet.

M. Zurlo inquired about the original application compared to the finances contemplated under the third PILOT Deviation Letter, of an additional \$1.1 million, a financial positive impact to the taxing jurisdictions from the original proposal. R. McFarlin replied yes, the positive impact to the taxing jurisdictions from the original proposal versus the current version of the PILOT schedule that the Board is considering, and also accounting for the taxes that the developer would pay on the value of land with two years that Prime Plattsburgh, LLC had originally requested a PILOT for are now unabated. So comparing the two - the application, to today's proposal and schedule, there is a net positive of over \$1.1 million.

R. McFarlin stated there has been a handful of different versions of this proposal, and the IDA has stuck with the formula. There has been continued negotiations to increase the value per unit. She added there was some give and take based on the financials and the construction period, especially with COVID-19, but the only thing that that really changed was the anticipated construction period and issuance of certificates of occupancy.

M. Zurlo inquired if the only action being considered is to approve the deviation letter notice and that no overt Board action on the project itself or authorizing any of the benefits; simply notifying the taxing jurisdiction the third time around.

C. Canada replied yes.

Pilot Deviation Notice Resolution

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

Resolution No. 08-20-01

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 104 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 100% 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 years one through five of the payment in lieu of tax agreement followed by a 50% abatement in year six with a five percent per year increase over the remaining term of the fifteen 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	YES
David Hoover	VOTING	YES
Michael E. Zurlo	VOTING	YES
Keith Defayette	VOTING	YES
Kim Murray	VOTING	EXCUSED
Mark Leta	VOTING	EXCUSED
John VanNatten	VOTING	ABSTAIN

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

August __, 2020

Mark R. Henry
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 104 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 abatement for any special assessments levied on the Project Facility, nor for the land upon which the Project Facility would sit. The Proposed Pilot Agreement would be for a term of twenty-one (21) years, with the Company making payments in each year to the Affected Tax Jurisdiction as follows:

PILOT Year	Projected Tax	Prime Proposed PILOT	City Share of PILOT	County Share of PILOT	PCSD Share of PILOT
1	\$15,399.44	\$0.00	\$0.00	\$0.00	\$0.00
2	\$15,630.43	\$0.00	\$0.00	\$0.00	\$0.00
3	\$15,864.89	\$0.00	\$0.00	\$0.00	\$0.00
4	\$381,932.35	\$0.00	\$0.00	\$0.00	\$0.00
5	\$387,661.34	\$0.00	\$0.00	\$0.00	\$0.00
6	\$393,476.26	\$0.00	\$0.00	\$0.00	\$0.00
7	\$399,378.40	\$0.00	\$0.00	\$0.00	\$0.00
8	\$405,369.08	\$114,400.00	\$33,941.63	\$16,470.04	\$63,988.33
9	\$411,449.61	\$114,400.00	\$33,941.63	\$16,470.04	\$63,988.33
10	\$417,621.36	\$150,200.00	\$44,563.23	\$21,624.12	\$84,012.65
11	\$423,885.68	\$150,200.00	\$44,563.23	\$21,624.12	\$84,012.65
12	\$430,243.96	\$150,200.00	\$44,563.23	\$21,624.12	\$84,012.65
13	\$436,697.62	\$150,200.00	\$44,563.23	\$21,624.12	\$84,012.65
14	\$443,248.09	\$188,900.00	\$56,045.23	\$27,195.72	\$105,659.05
15	\$449,896.81	\$188,900.00	\$56,045.23	\$27,195.72	\$105,659.05
16	\$456,645.26	\$209,700.00	\$62,216.44	\$30,190.27	\$117,293.29
17	\$463,494.94	\$209,700.00	\$62,216.44	\$30,190.27	\$117,293.29
18	\$470,447.37	\$240,900.00	\$71,473.25	\$34,682.10	\$134,744.65
19	\$477,504.08	\$240,900.00	\$71,473.25	\$34,682.10	\$134,744.65
20	\$484,666.64	\$281,050.00	\$83,385.46	\$40,462.45	\$157,202.09
21	\$491,936.64	\$281,050.00	\$83,385.46	\$40,462.45	\$157,202.09
	\$7,872,450.25	\$2,670,700.00	\$708,991.49	\$344,035.21	\$1,336,623.30

As previously referenced, the land upon which the Project Facility would sit would subsequently achieve taxable status. Thus, total anticipated revenues to each jurisdiction are as follows:

[Table appears on following page]

PILOT Year	Prime Proposed PILOT	Anticipated Property Taxes on Land	Total Revenue per Year	City Share of Revenue	County Share of Revenue	PCSD Share of Revenue
1*	\$0.00	\$15,399.44	\$15,399.44	\$4,568.90	\$2,217.04	\$8,613.50
2*	\$0.00	\$15,630.43	\$15,630.43	\$4,637.43	\$2,250.30	\$8,742.70
3*	\$0.00	\$15,864.89	\$15,864.89	\$4,707.00	\$2,284.05	\$8,873.84
4**	\$0.00	\$16,102.86	\$16,102.86	\$4,777.60	\$2,318.31	\$9,006.95
5	\$0.00	\$16,344.40	\$16,344.40	\$4,849.26	\$2,353.09	\$9,142.05
6	\$0.00	\$16,589.57	\$16,589.57	\$4,922.00	\$2,388.38	\$9,279.19
7	\$0.00	\$16,838.41	\$16,838.41	\$4,995.83	\$2,424.21	\$9,418.37
8	\$114,400.00	\$17,090.99	\$131,490.99	\$39,012.40	\$18,930.61	\$73,547.98
9	\$114,400.00	\$17,347.35	\$131,747.35	\$39,088.47	\$18,967.52	\$73,691.37
10	\$150,200.00	\$17,607.57	\$167,807.57	\$49,787.26	\$24,159.07	\$93,861.24
11	\$150,200.00	\$17,871.68	\$168,071.68	\$49,865.62	\$24,197.09	\$94,008.96
12	\$150,200.00	\$18,139.75	\$168,339.75	\$49,945.16	\$24,235.68	\$94,158.91
13	\$150,200.00	\$18,411.85	\$168,611.85	\$50,025.89	\$24,274.86	\$94,311.10
14	\$188,900.00	\$18,688.03	\$207,588.03	\$61,589.83	\$29,886.21	\$116,111.98
15	\$188,900.00	\$18,968.35	\$207,868.35	\$61,673.00	\$29,926.57	\$116,268.77
16	\$209,700.00	\$19,252.87	\$228,952.87	\$67,928.62	\$32,962.09	\$128,062.16
17	\$209,700.00	\$19,541.67	\$229,241.67	\$68,014.31	\$33,003.66	\$128,223.69
18	\$240,900.00	\$19,834.79	\$260,734.79	\$77,358.09	\$37,537.69	\$145,839.01
19	\$240,900.00	\$20,132.31	\$261,032.31	\$77,446.36	\$37,580.53	\$146,005.43
20	\$281,050.00	\$20,434.30	\$301,484.30	\$89,448.16	\$43,404.35	\$168,631.78
21	\$281,050.00	\$20,740.81	\$301,790.81	\$89,539.10	\$43,448.48	\$168,803.23
TOTALS	\$2,670,700.00	\$376,832.34	\$3,047,532.34	\$904,180.31	\$438,749.79	\$1,704,602.23

*Indicates anticipated construction year

**Indicates anticipated issuance of Certificate of Occupancy

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 100% 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 in years one through five of the payment in lieu of tax agreement followed by a 50% abatement in year six with a five percent per year increase over the remaining term of the fifteen 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 the 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 _____, 2020 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 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 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 approximately 3,000 square foot three seasons corrugated metal building that currently houses the Plattsburgh Farmers and Crafters Market.
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:** At the time of the filing of the Application, the economic condition of the area in which the Project Facility is to be located is generally average. The area is also surrounded by distressed census tracts. Therefore, the area is strategically targeted for adding commercial/retail/residential development, based on the presence of vacant or underutilized buildings/real estate.
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 \$30,000 and 48 construction jobs with a salary range of \$37,777.96.
5. **The estimated value of new tax exemptions to be provided:** Mortgage recording tax exemption: \$163,400; sales tax exemption \$680,000; and real property tax exemption \$7,872,450.25.
6. **The economic impact of the Proposed Pilot Agreement on affected tax jurisdictions:** The economic impact of the Proposed Pilot Agreement is positive, as development of the Project Facility is expected to spur additional development in the City of Plattsburgh. The Proposed Project site is a parking lot that currently generates revenues via special assessment district taxes, but those funds are dedicated to maintenance and upkeep of said parking lot. If approved, the Project will generate new revenue for two additional taxing jurisdictions via both the Proposed Pilot Agreement and tax on the land itself, as well as serve as an investment in long-term future revenues when the Project is fully taxable. The Proposed Pilot Agreement and revenue anticipated to be generated by the land on which the Project will sit totals \$3,047,532.34 over twenty-one (21) years.
7. **The impact of the Proposed Pilot Agreement on existing and proposed businesses and economic development projects in the vicinity:** The Project will have a positive impact on the community as a new development/private investment in the core downtown of the City of Plattsburgh. The Proposed Pilot Agreement will facilitate this development, a key component of the City of Plattsburgh's Downtown Revitalization Initiative. The addition of new households in the downtown retail district of the City of Plattsburgh will serve as an enhanced consumer base to increase market demand for products and/or services that will both support existing businesses and spur new the establishment of new businesses in the downtown area.
8. **The amount of private sector investment generated or likely to be generated by the Proposed Pilot Agreement:** \$22,700,000.00.

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 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:** It is not anticipated that the Project will have a significant burden upon the educational facilities for any school district within the City of Plattsburgh. The Real Estate Institute at Stony Brook University published a study in May 2019 (attached) that indicates there are likely to be no more than ten (10) students enrolled as a result of this development.

As an infill development, it is not anticipated that additional emergency services will be required to serve the Proposed Project, as the site is within the existing coverage area of emergency services. After the completion of the Project, neither the employees nor residents of the Project are anticipated to generate a substantial or insurmountable burden on the roadways of the City of Plattsburgh.

12. **Anticipated Tax Revenues:** \$3,047,532.34.

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 Project aligns with the continuing development of the downtown area of the City of Plattsburgh including: (a) encouraging investment in urban land and buildings for employment and housing; and (b) increasing job opportunities for all residents. While several market rate multi-unit housing projects have developed on the outskirts of, or in the vicinity of the City of Plattsburgh over the last decade, none have developed in the retail/core downtown. Without residential development in the downtown of the City of Plattsburgh, the population will remain car-centric, consumer spending will continue at its current levels, and the municipality will remain limited in its ability to attract and retain younger generations of the workforce.

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

Delaware River Solar – Mooers V

R. McFarlin stated Delaware River Solar (DRS) submitted this application back in January, 2020 and the Board approved the resolutions for the Public Hearing and Preliminary SEQ. DRS is requesting the same PILOT Deviation for Mooers V as they did for NY Plattsburgh I. The Board had already inquired of DRS as far as the PILOT payment and the rate per megawatt. DRS had proposed \$4,800 which was within the recommendation from New York State Energy Research Development Authority (NYSERDA) for solar project PILOTs. The Board then requested an increase to \$5,000 per megawatt which DRS agreed to. R. McFarlin stated she has been in communications with all of the taxing jurisdictions. She noted with the COVID-19 Pandemic she has attained consensus from those taxing jurisdictions on the PILOT rate. There are still a couple of questions that need final answers to, but at this point the CCIDA, upon the Board’s approval, will issue the PILOT deviation notice letter to ensure the 30-day notice requirement to the taxing jurisdictions.

M. Zurlo inquired if this is the first Mooers Project that is in the Northern Adirondack Central (NAC) School District. R. McFarlin replied yes. M. Zurlo also inquired if all the Mooers Projects prior to this were in the Northeastern Clinton Central School (NCCS) District and if R. McFarlin has been in communications with NAC on this project. R. McFarlin replied yes and she has been in communication with the NAC School Business official and the superintendent.

Pilot Deviation Notice Resolution

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

Resolution No. 08-20-02

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 NY MOOERS V, 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 September 19, 2019, NY Mooers V, 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 an approximately 22 acre parcel of land located on County Route 11 (being a portion of Tax Map No. 58.-1-7.2) in the Town of Mooers, Clinton County, New York (the “Land”), (2) the construction on the Land of up to a 4MW AC community solar photovoltaic facility to include an interconnection line (collectively, the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (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 solar farm 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 November 4, 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 November 4, 2019 (the “Preliminary SEQR Resolution), the Agency (A) determined (1) to obtain an environmental assessment form relating to the Project (an “EAF”) from the Company, to review the EAF with counsel to the Agency, and prepare proceedings to allow the Agency to comply with the requirements of SEQRA that apply to the Project, and (2) to investigate the advisability of undertaking a coordinated review with respect to the Project and (B) authorized the Executive Director of the Agency to contact all other “involved agencies” for the purpose of ascertaining whether such “involved agencies” were interested in undertaking a coordinated review of the Project and, if so, designating a “lead agency” with respect to the Project (as such quoted terms are defined in SEQRA) and to report to the Agency at its next meeting on the status of the foregoing; 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 the 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	YES
David Hoover	VOTING	YES
Michael E. Zurlo	VOTING	YES
Kim Murray	VOTING	EXCUSED
Keith Defayette	VOTING	YES
Mark Leta	VOTING	EXCUSED
John VanNatten	VOTING	YES

The foregoing Resolution was thereupon declared duly adopted.

EXHIBIT A

PROPOSED FORM OF PILOT DEVIATION LETTER

DRAFT FOR DISCUSSION PURPOSES ONLY

DATED: AUGUST 10, 2020

COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY

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

August __, 2020

Hon. Mark R. Henry, Chairperson
Clinton County Legislature
137 Margaret Street, Suite 208
Plattsburgh, New York 12901

James C. Knight, Jr., Superintendent
Northern Adirondack Central School District
P.O. Box 164, 5572 Route 11
Ellenburg Depot, New York 12935

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

Paul Gilmore, School Board President
Northern Adirondack Central School District
5572 Route 11
Ellenburg Depot, New York 12935

Jeff Menard, Supervisor
Town of Mooers
2508 Route 11
Mooers, New York 12958

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

Dear Ladies and Gentlemen:

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

In September, 2019, County of Clinton Industrial Development Agency (the "Agency") received an application (the "Application") from NY Mooers V, 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 an approximately 22 acre parcel of land located on County Route 11 (being a portion of Tax Map No. 58.-1-7.2) in the Town of Mooers, Clinton County, New York (the "Land"), (2) the construction on the Land of up to a 4MW AC community solar photovoltaic facility to include an interconnection line (collectively, the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other

tangible personal property (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 solar farm 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 Agency has previously approved NY Mooers I, LLC, NY Mooers II, LLC, NY Mooers III, LLC and NY Mooers IV, LLC projects (respectively, the "Mooers I Project", the "Mooers II Project", the "Mooers III Project" and the "Mooers IV Project") similar to the Mooers V Project.

The Proposed Pilot Agreement, which would utilize the same payment in lieu of taxes structure approved for the Mooers I, II, III and IV Projects, would not provide any abatements for any special assessments levied on the Project Facility. The Proposed Pilot Agreement would be for a term of twenty (20) years and provide that the Company will pay an annual amount of \$5,000/MW or \$20,000, which amount will be divided equally among the Affected Tax Jurisdictions, resulting in an annual payment of \$6,666 to each of the three Affected Tax Jurisdictions. Any portion of the \$6,666/MW annual payment in lieu of taxes payment 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 _____, 2020 at 12:00 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 farm.
2. **The present use of the property:** Undeveloped.

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:** The Project is located in the Town of Mooers, where agriculture has historically been the primary industry. Like many areas in the community, the affected parcel is currently not being farmed due to changes in commodity prices and a reluctance of the next generation to assume operation of the family agricultural business. This Project would facilitate productive use of the parcel, advancing the North Country Regional Economic Development Council's Strategic Plan to import dollars by building the region's green energy economy. Since households who sign up for power produced by the array will receive a 10% discount in energy costs, additional dollars will remain in the regional economy, generating resulting multiplier benefits.

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:** No permanent, private sector jobs. Anticipated 39-50 construction jobs with an average of \$40,000 per construction job.

5. **The estimated value of new tax exemptions to be provided:** Sales tax exemption: \$235,000 and mortgage recording tax exemption: \$38,000. Since the Town of Mooers and Northeastern Clinton Central School District did not opt out of Real Property Tax Law Section 487, the tax exemption provided by the Project over the first 15 years would be limited to County of Clinton real property taxes. For Years 16 – 20, the annual exemption would include the Town of Mooers and Northeastern Central School annual property tax.

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:** \$9,880,000

9. **The effect of the Proposed Pilot Agreement on the environment:** The Town of Mooers is the lead agency with respect to the environmental review.

10. **Project Timing:** completion anticipated by June, 2021.

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/Host Community Benefit Agreements:** \$20,000 per year, not including full special district taxes. (Note: If the Company negotiates Host Community Benefit Agreements (HCBA) with each of the taxing jurisdictions, the amount due under the Proposed Pilot Agreement will be reduced by the amount of the HCBA annual payments.)

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) compatible development in an underdeveloped area of Clinton County; (b) contributes to achievement of the Agency's goal of increasing alternative energy development in Clinton County; (c) 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 Policy) at the Meeting. The Agency would welcome any written comments that you might have on this proposed deviation from the 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

CCIDA Bank Account Balance and FDIC Maximum

R. McFarlin reported during the CCIDA audit review, the auditor reported the CCIDA was in violation of the Federal Deposit Insurance Company (FDIC) coverage; that any bank account should not exceed the FDIC maximum of \$250,000. She noted after discussions with a few Board members and counsel, one of the simpler and more straightforward solutions appears to be to open a bank account and deposit \$250,000 into it and continue to use the existing account for operating expenses.

K. Defayette inquired if the CCIDA is able to invest this money in a Certificate of Deposit (CD) at the bank.

G. Cregg Jr., Esq., Agency Counsel, stated any account that you open with the bank will count as long as it is FDIC insured or secured by proper collateral, which is typically US Treasury's. The typical bank CD is backed by FDIC insurance and if it's a CD of the bank and not a CD of some securities provider.

K. Defayette stated he believes if the CCIDA has funds that they may not be using for six months, a year, two years this might be a way to accumulate interest.

M. Zurlo stated he would be in favor of this idea and thinks the Board should charge the Executive Director with looking at different options on what those investments could look like, terms and rates, and such, and then bring a recommendation to the Board.

On a motion by D. Hoover, and seconded by M. Zurlo (J. VanNatten abstained) the Board unanimously approved an application for a new bank account with Saratoga National Bank.

The Board also charged R. McFarlin with researching other investments' return options for action.

Other Business as Required

New Business

Delaware River Solar – Mooers VI

R. McFarlin reported Delaware River Solar (DRS) submitted an application for a sixth project. They are requesting the same terms as with Mooers V and NY Plattsburgh I. Based on the size of the Project, it is \$20,000 per year shared with a pro-rata split across each of the taxing jurisdiction for 20 years. DRS is hoping to progress quickly on the Project and has asked the Board to consider passing three resolutions - the Preliminary SEQR, the Public Hearing and the Deviation Notice Letter. Typically, the deviation notice letter would be presented at a later date except for the fact that conversations with those affected taxing jurisdictions for Mooers V have already begun. She is also hoping the Board will consider allowing her to have conversations on Mooers VI (same terms, \$5,000 per megawatt).

Preliminary SEQR Resolution

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

Resolution No. 08-20-03

RESOLUTION DIRECTING THE EXECUTIVE DIRECTOR OF COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY TO TAKE CERTAIN ACTIONS UNDER ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH A PROPOSED PROJECT TO BE UNDERTAKEN FOR THE BENEFIT OF NY MOOERS VI, 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, NY Mooers VI, 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, 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

an approximately 22 - 25 acre parcel of land located on County Route 11 (being a portion of Tax Map No. 43.-1-16.11) in the Town of Mooers, Clinton County, New York (the "Land"), (2) the construction on the Land of up to a 4.484 MWAC community solar photovoltaic facility to include an interconnection line (collectively, the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (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 solar farm 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) for all "Type I actions", a lead agency must be established, and (B) for any "unlisted action" which involves more than one "involved agency", a lead agency must be established if the Agency determines that there will be a 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

WHEREAS, based upon a review of the Application, the Agency wishes to explore the desirability of following the coordinated review procedures outlined in the Regulations with respect to the Project;

WHEREAS, 6NYCRR Section 617.6 requires that the Agency review a completed environmental assessment form (an "EAF") prior to making a determination as to the potential environmental significance of the Project; and

WHEREAS, the Agency has been informed that the Agency will be receiving an EAF from the Company 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 has reviewed the Application and, based upon the representations made by the Company to the Agency in the Application and at this meeting, the Agency wishes to investigate the advisability of undertaking a coordinated review with respect to the Project.

Section 2. For purposes of investigating the advisability of undertaking a coordinated review 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 Executive Director of the Agency is hereby authorized and directed to take the following actions:

(A) To obtain an EAF with respect to the Project from the Company;

(B) To review the EAF with counsel to the Agency, and prepare proceedings to allow the Agency to comply with the requirements of SEQRA that apply to the Project;

(C) To contact all other "involved agencies" with respect to the Project for the purpose of ascertaining whether they are interested in undertaking a coordinated review with respect to the Project (as such quoted term is defined under SEQRA);

(D) In the event that (1) all other "involved agencies" indicate that they are interested in undertaking a coordinated review of the Project, (2) one of the other "involved agencies" indicates that it desires to be designated as "lead agency" with respect to the Project and (3) the other "involved agencies" are amenable to designating such involved agency as "lead agency", to take all necessary steps to indicate the concurrence of the Agency that such "involved agency" be designated as "lead agency" (as such quoted terms are defined under SEQRA);

(E) In the event that all other "involved agencies" indicated that they are interested in undertaking a coordinated review of the Project and none of the other "involved agencies" indicates that it desires to be designated as the "lead agency" with respect to the Project, to take all necessary steps to arrange for the Agency to be designated as "lead agency" with respect to the Project (as such quoted terms are defined under SEQRA); and

(F) Upon completion of the foregoing steps, to report to the Agency at its next meeting on the status of the environmental review process with respect to the Project.

Section 3. 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	YES
David Hoover	VOTING	YES
Michael E. Zurlo	VOTING	YES
Kim Murray	VOTING	EXCUSED
Keith Defayette	VOTING	YES
Mark Leta	VOTING	EXCUSED
John VanNatten	VOTING	YES

The foregoing Resolution was thereupon declared duly adopted.

Public Hearing Resolution

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

Resolution No. 08-20-04

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 NY MOOERS VI, 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, NY Mooers VI, 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, 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 an approximately 22 - 25 acre parcel of land located on County Route 11 (being a portion of Tax Map No. 43.-1-16.11) in the Town of Mooers, Clinton County, New York (the "Land"), (2) the construction on the Land of up to a 4.484 MWAC community solar photovoltaic facility to include an interconnection line (collectively, the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (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 solar farm 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 (the "Executive Director"), after consultation with the members of the Agency and Agency Counsel, (A) that due to the (1) ban on large meetings or gatherings pursuant to Executive Order 202.1 issued on March 12, 2020, as supplemented, (2) ban on non-essential gatherings of individuals of any size for any reason pursuant to Executive Order 202.10 issued on March 23, 2020, as supplemented, and (3) suspension of the Open Meetings Law relating to public hearings pursuant to Executive Order 202.15 issued on April 9, 2020, as supplemented, each as issued by Governor Cuomo, during the novel Coronavirus (COVID-19)

pandemic, to establish the time, date and electronic method of either conference call or webinar of conducting a public hearing of the Agency to hear all persons interested in the Project (the "Public Hearing"); provided, however, when the ban is lifted or the Executive Orders are rescinded, the Executive Director shall establish the time, date and place for the Public Hearing, which Public Hearing will be held in a city, town or village where the Project Facility is or is to be located, (B) 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 Chairman, Vice Chairman 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 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	YES
David Hoover	VOTING	YES
Michael E. Zurlo	VOTING	YES
Kim Murray	VOTING	EXCUSED
Keith Defayette	VOTING	YES
Mark Leta	VOTING	EXCUSED
John VanNatten	VOTING	YES

The foregoing Resolution was thereupon declared duly adopted.

Pilot Deviation Notice Resolution

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

Resolution No. 08-20-05

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 NY MOOERS VI, 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, NY Mooers VI, 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, 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 an approximately 22 - 25 acre parcel of land located on County Route 11 (being a portion of Tax Map No. 43.-1-16.11) in the Town of Mooers, Clinton County, New York (the "Land"), (2) the construction on the Land of up to a 4.484 MWAC community solar photovoltaic facility to include an interconnection line (collectively, the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (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 solar farm 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 August 10, 2020 (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 August 10, 2020 (the "Preliminary SEQR Resolution), the Agency (A) determined (1) to obtain an environmental assessment form relating to the Project (an "EAF") from the Company, to review the EAF with counsel to the Agency, and prepare proceedings to allow the Agency to comply with the requirements of SEQRA that apply to the Project, and (2) to investigate the advisability of undertaking a coordinated review with respect to the Project and (B) authorized the Executive Director of the Agency to contact all other "involved agencies" for the purpose of ascertaining whether such "involved agencies" were interested in undertaking a coordinated review of the Project and, if so, designating a "lead agency" with respect to the Project (as such quoted terms are defined in SEQRA) and to report to the Agency at its next meeting on the status of the foregoing; 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 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 the 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	YES
David Hoover	VOTING	YES
Michael E. Zurlo	VOTING	YES
Keith Defayette	VOTING	YES
Kim Murray	VOTING	EXCUSED
Mark Leta	VOTING	EXCUSED
John VanNatten	VOTING	YES

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: 518-565-4627
Fax: 518-565-4616

August __, 2020

Hon. Mark R. Henry, Chairperson
Clinton County Legislature
Clinton County Government Center
137 Margaret Street, Suite 208
Plattsburgh, New York 12901
Michael E. Zurlo, County Administrator
Clinton County Government Center
137 Margaret Street, Suite 208
Plattsburgh, New York 12901

Jeff Menard, Superintendent
Northeastern Clinton Central School District
103 Route 276
Champlain, New York 12919

Stephen Southwick, Board President
Northeastern Clinton Central School District
103 Route 276
Champlain, New York 12919

Jeff Menard, Supervisor
Town of Mooers
2508 Route 11
Mooers, New York 12958

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

Dear Gentlemen:

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

In August, 2020, County of Clinton Industrial Development Agency (the "Agency") received an application (the "Application") from NY Mooers VI, LLC (the "Company"), requesting 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 an approximately 22 - 25 acre parcel of land located on County Route 11 (being a portion of Tax Map No. 43.-1-16.11) in the Town of Mooers, Clinton County, New York (the "Land"), (2) the construction on the Land of up to a 4.484 MWAC community solar photovoltaic facility to include an interconnection line (collectively, the "Facility") and (3) the



acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (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 solar farm 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 Agency has previously approved NY Mooers I, LLC, NY Mooers II, LLC, NY Mooers III, LLC and NY Mooers IV, LLC projects (respectively, the "Mooers I Project", the "Mooers II Project", the "Mooers III Project" and the "Mooers IV Project") similar to the Mooers VI Project.

The Proposed Pilot Agreement, which would utilize the same payment in lieu of taxes structure approved for the Mooers I, II, III and IV Projects, would not provide any abatements for any special assessments levied on the Project Facility. The Proposed Pilot Agreement would be for a term of twenty (20) years and provide that the Company will pay an annual amount of \$5,000/MW or \$22,420, which amount will be divided equally among the Affected Tax Jurisdictions, resulting in an annual payment of \$7,473 to each of the three Affected Tax Jurisdictions. Any portion of the \$7,473/MW annual payment in lieu of taxes payment 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 _____, 2020 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 farm.
2. **The present use of the property:** Field crops.
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:** The Project is located in the Town of Mooers, where agriculture has historically been the primary industry. Like many areas in the community, the affected parcel is currently not being farmed due to changes in commodity prices and a reluctance of the next generation to assume operation of the family agricultural business. This Project would facilitate productive use of the parcel, advancing the North Country Regional Economic Development Council's Strategic Plan to import dollars by building the region's green energy economy. Since households who sign up for power produced by the array will receive a 10% discount in energy costs, additional dollars will remain in the regional economy, generating resulting multiplier benefits.
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:** No permanent, private sector jobs. Anticipated 39-50 construction jobs with an average of \$40,000 per construction job.
5. **The estimated value of new tax exemptions to be provided:** Sales Tax Exemption: \$235,000; Mortgage Recording Tax Exemption: \$28,000; Real Property Tax Exemption: \$140,000/year to be replaced by Pilot. Since the Town of Mooers and Northeastern Clinton Central School District did not opt out of Real Property Tax Law Section 487, the tax exemption provided by the Project over the first 15 years would be limited to County of Clinton real property taxes. For Years 16 – 20, the annual exemption would include the Town of Mooers and Northeastern Central School annual property tax.
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:** \$9,613,207.
9. **The effect of the Proposed Pilot Agreement on the environment:** The Town of Mooers is the lead agency with respect to the environmental review.
10. **Project Timing:** completion anticipated by July, 2021.



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:** \$22,420 per year, not including full special district taxes. (Note: If the Company negotiates Host Community Benefit Agreements (HCBA) with each of the taxing jurisdictions, the amount due under the Proposed Pilot Agreement will be reduced by the amount of the HCBA annual payments.)

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) compatible development in an underdeveloped area of Clinton County; (b) contributes to achievement of the Agency's goal of increasing alternative energy development in Clinton County; (c) 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 Policy) at the Meeting. The Agency would welcome any written comments that you might have on this proposed deviation from the 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

Part-time Staff for CCIDA and Affiliates

R. McFarlin stated the Board received information regarding the 2020 budget and a proposal for the creation of a dedicated part-staff member to the CCIDA and its affiliate.

M. Zurlo stated the impetus is a change in staffing in the Clinton County Legislative Office. Retirements and shifting of duties, as well as, a long-term bereavement is putting the office at an additional staff person down. In consultation with R. McFarlin, the solution is the hiring of a part-time staff for the County. The CCIDA would pay for that position; there would be a weaning off of administrative costs in



the current contract. He stated this position went through the Clinton County Personnel process. It was approved and is now subject to the CCIDA Board of Directors approval.

Authorizing Amendment to Administrative Services Agreement and Budget

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

Resolution No. 08-20-06

RESOLUTION AUTHORIZING AMENDMENT TO ADMINISTRATIVE SERVICES AGREEMENT BETWEEN COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY AND CLINTON COUNTY.

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, the County of Clinton, New York (the “County”) currently provides administrative services to the Agency pursuant to an administrative services agreement dated September 10, 2018 (the “Administrative Services Agreement”) by and between the Agency and the County, pursuant to which the County provides administrative services to the Agency to further the objectives, goals and purposes of the Agency in exchange for a monthly fee as provided therein; and

WHEREAS, the County recently notified the Agency that the County will be creating a new part-time administrative position (the “New Position”) as described on Exhibit A attached hereto, pursuant to which additional administrative services will be provided to the Agency by the New Position; and

WHEREAS, the Agency wishes to amend the payment terms set forth in the Administrative Services Agreement to reflect the additional services to be provided by the New Position; and

WHEREAS, the Agency likewise wishes to amend its current budget for the 2020 fiscal year (the “Budget”) to reflect such amendment to the Administrative Services Agreement;

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

Section 1. The Agency hereby authorizes the amendment of the Administrative Services Agreement to reflect the New Position.



Section 2. The Agency hereby authorizes the amendment of the Budget to reflect the New Position.

Section 3. The Agency hereby authorizes the Chairperson, Vice Chairperson and Executive Director of the Agency to take all necessary steps to amend the Administrative Services Agreement and the Budget, respectively, in connection with the New Position.

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	YES
David Hoover	VOTING	YES
Michael E. Zurlo	VOTING	YES
Kim Murray	VOTING	EXCUSED
Keith Defayette	VOTING	YES
Mark Leta	VOTING	EXCUSED
John VanNatten	VOTING	YES

The foregoing resolution was thereupon declared duly adopted.

EXHIBIT A

See attached.



New Position Request – Budget Year: 2020

Department: Economic Development/Legislative Office

Org. Code: A6989660

Title Requested: Senior Typist-M/C

Type: Permanent Contingent Permanent Provisional Temporary Seasonal
 Full-Time Part-Time

Requested Grade: 4 **Step:** 1 **Yearly Salary:** 17,931

Health Insurance Cost:	Medical (NYSHIP Family):	5,338
	Flex Spending: (\$250.00):	0
FICA Cost: (.0765 or 7.65% on Salary):		1,372
Retirement Cost (On Salary and Flex):	Tier: <u>6</u> %: <u>11.2</u>	2,008
<i>(Use Chart Below for Budget Year)</i>		
Subtotal:		26,649
Direct Revenue Offset (Amount):	<u>26,649</u>	
Revenue Code: IDA Grant		
Less Revenue:		26,649
Net County Cost:		0

Retirement Cost - Use the following Rates for Budget Purposes:

General Unit:	Tier 1 – 23.2%	Tier 2 – 21.3%	Tier 3 / 4 – 17.7%	Tier 5 – 15.1%	Tier 6 – 11.2%
Sheriff - Deputies			Tier 3 / 4 – 27.7%	Tier 5 – 25.6%	Tier 6 – 20.9%
Sheriff - Corrections			Tier 3 / 4 – 25.15%	Tier 5 – 22.55%	Tier 6 – 17.95%

Department Head's Signature: Wence A. Y. [Signature] Date: 7.28.20
(Forward to Personnel Director along with a completed MSD-222 (New Position Duties Statement) for review and classification in accordance with Civil Service Rules and Regulations).

To Be completed by the Personnel Director

Title Determination: Senior Typist - m/c

Recommended Grade: 4 Step: 1

Comments: _____

Personnel Director's Signature: Kim Kim Date: 7-28-20



MSD 222(8-80) Revised 8/20/2009

Civil Service Law, Section 22: certification for new positions. Before any new positions in the service of a civil division shall be created, the proposal therefor, including a statement of the duties of the position, shall be referred to the municipal commission having jurisdiction and such commission shall furnish a certificate stating the appropriate civil service title for the proposed position. Any such new position shall be created only with the title approved and certified by the Personnel Director.

**CLINTON COUNTY
DEPARTMENT OF PERSONNEL
NEW POSITIONS DUTIES STATEMENT**

Department head, or other authority requesting the creation of a new position, prepare a separate description for each new position to be created except that one description may cover two or more identical positions in the same organizational unit. Forward original to the Department of Personnel.

AGENCY/DEPARTMENT-UNIT OR SECTION - LOCATION OF PERSON **1. Legislative/Economic Development**

Full-time Part-time If PT list the # of hours 17.5/hrs **Indicate the number of positions you wish to create: 1**

PERCENT OF WORK TIME **2. DESCRIPTION OF DUTIES:** Describe the work in sufficient detail to give a clear word picture of the job. Use a separate paragraph for each kind of work and describe the more important or time-consuming duties first. In the left column, estimate how the total working time is divided.

35	Acts as secretary to an official in cases where assignments call for judgment and experience in making decisions in accordance with established policies and procedures;
25	Working from rough draft or from data personally developed, types accounting and financial statements, payrolls, statistical tabulations and data, form letters, memoranda, vouchers, reports, requisitions, and other materials;
10	Reviews accounts, reports, and other documents for completeness, accuracy, and conformity with established procedures;
5	Has charge of the typing of records and reports and reviews for clerical accuracy and completeness;
10	May be required to attend meetings and type minutes, agendas, backup, resolutions, etc;
5	Maintains, records, organizes, and updates database records and generates, formats, and compiles accurate reports;
5	Answers telephone and gives out routine information or relieves at switchboard;
5	May be responsible for overseeing or maintaining checkbook and petty cash funds.

(Attach additional sheets if more space is needed)



3. Names and Titles of Persons Supervising this position (General, Direct, Administrative, etc.)

Name	Title	Type of Supervision
Renee McFarlin	Economic Development Director	Direct

4. Names and Titles of Persons Supervised by Employee in this position.

Name	Title	Type of Supervision

5. Names and Titles of Persons doing substantially the same kind of level of work as will be done by the incumbent of this position.

Name	Title	Location of Position

6. What minimum qualifications do you think should be required for this position?

Education: High school 2 years
 College _____ years, with specialization in _____
 Other _____ years, with specialization in _____

Experience: (list amount and type)
 2 years of Clerical Experience

Essential knowledge, skills and abilities:

Type of license or certificate required:

The above statements are accurate and complete.

Date: 7-28-20 Title: Economic Development Dir. Signature: Renee A. McFarlin

In accordance with the provisions of Civil Service Law, Section 22 the Clinton County Department of Personnel certifies that the appropriate civil service title for the position described is Senior Typist
 Jurisdictional Class _____ Title _____

Date: 7-28-20

Signature of Personnel Director: Ken Kuder

Circle action below:
 Approved
 Disapproved

Action by Legislative Body or Other Approving Authority

Date: _____ Signature: _____

Return one completed copy to Clinton County Department of Personnel



Clinton County

Jurisdictional Class: Competitive; Non-Competitive when Part Time
Adopted: September 9, 2008
Revised: September 20, 2018

SENIOR TYPIST

DISTINGUISHING FEATURES OF THE CLASS: This is moderately difficult and varied clerical and typing work requiring full-time or substantial part-time use of a typewriter or computer. The incumbent exercises independent judgment in completing work assignments. Work is completed within the limits of prescribed or established procedures. Positions in this class are identified by the extent of assigned responsibility, scope of freedom of action allowed in completing assigned duties, the independence with which the work is performed, and the ability to type. The work is performed under general supervision. Supervision may be exercised over subordinate clerical employees. Excepting the ability to type, this class is equivalent to the class of Senior Clerk. The incumbent does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Acts as secretary to an official in cases where assignments call for judgment and experience in making decisions in accordance with established policies and procedures;
Assigns work, reviews and records work done, instructs new employees in specialized clerical and typing work of a unit, and sets up new employees with computers, phones, etc;
Working from rough draft or from data personally developed, types accounting and financial statements, payrolls, statistical tabulations and data, form letters, memoranda, vouchers, reports, requisitions, and other materials;
Reviews accounts, reports, and other documents for completeness, accuracy, and conformity with established procedures;
Conducts routine correspondence on matters where policies and procedures are well defined;
Supervises and participates in the typing, issuing, and recording of applications, licenses, and permits;
Has charge of the typing of records and reports and reviews for clerical accuracy and completeness;
May be required to attend meetings and type minutes, agendas, backup, resolutions, etc;
Maintains, records, organizes, and updates database records and generates, formats, and compiles accurate reports;
Inputs new information into computer/database systems and updates;
Prepares contracts, flyers, brochures, and other required documents;
Oversees and participates in the typing, processing, indexing, sorting, recording, tracking, and filing of a variety of control records and reports;
Is responsible for the maintenance of personnel records and preparation and input of payrolls;
May be responsible for the tracking and ordering of office supplies or the oversight of such;
Answers telephone and gives out routine information or relieves at switchboard;
Operates typewriter, computers, copying machines, fax machines, scanners, laminators, calculators, and other office equipment and may arrange for maintenance of such machines;
May serve as liaison with other agencies/business offices;
May be responsible for overseeing or maintaining checkbook and petty cash funds.



COVID-19 – CCIDA Reporting Requirements

R. McFarlin stated she was speaking with a CCIDA counterpart and there was a concern rendered if COVID-19 has impacted project job numbers and if projects are out of compliance with what they reported on their application; it can trigger a fallback, based on their not meeting those benchmarks. R. McFarlin stated she discussed with Counsel inquiring if the Board should consider amending their policies or a carve-out for some exception to COVID-19. She was advised that the Board has leeway and the authority to consider drawing back benefits on projects and forgiveness of any potential failures to meet those benchmarks.

Annual Authorities Budget Office and Office of the State Comptroller Reports

R. McFarlin reported the Authorities Budget Office and the Office of the State Comptroller each published reports annually about the performance of industrial development agencies. She reviewed the results with the Board.

Policy Relating to the Public Comment Period for IDA Meetings

R. McFarlin reported a Board member suggested a three-minute time period for public comment during CCIDA meetings and also recommended the Board consider within the policy, limiting the amount of total time in a meeting for public comment to 20 minutes. She stated one of the other components that has always been a part of the policy is that if a member of the public has a comment they would like to share with the Board they can provide it in writing and it can be incorporated into the meeting minutes. Counsel did advise R. McFarlin there is no requirement for public comment during CCIDA meetings and no requirement for it on the agenda.

M. Zurlo stated he is in favor of the three-minute restriction but would not like to tamper someone's ability to speak at a meeting. He suggested extending the total public comment minutes allotted to 30 minutes which would allow for 10 public speakers. If that time period is unable to receive or handle all the comments then the CCIDA could then receive comments by written instrument.

R. McFarlin stated there is a provision in the resolution that grants the Chairman permission to extend the public comment period, at his discretion.

Authorizing Policy Relating to Public Comment Period during Meetings

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

Resolution No. 08-20-07

RESOLUTION AUTHORIZING PUBLIC COMMENT PERIOD POLICY FOR MEETINGS 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 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, meetings of the Agency include a public comment period that provides the public with an opportunity to express their views, comments or opinions with respect to projects involving the Agency; and

WHEREAS, while the members of the Agency recognize the importance of receiving comments from the public with respect to such projects at meetings of the Agency, the members likewise recognize the importance of holding meetings which effectively utilize the time of both the members and the public; and

WHEREAS, to this end, the members of the Agency desire to adopt a policy designed to maintain order and decorum during the public comment period at meetings of the Agency.

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

Section 1. The Agency hereby approves and confirms the Public Comment Period Policy (the "Policy") attached to this resolution as Exhibit A.

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

Section 3. 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	YES
David Hoover	VOTING	YES
Michael E. Zurlo	VOTING	NO
Kim Murray	VOTING	EXCUSED
Keith Defayette	VOTING	YES
Mark Leta	VOTING	EXCUSED
John VanNatten	VOTING	YES

The foregoing resolution was thereupon declared duly adopted.



EXHIBIT A

PUBLIC COMMENT PERIOD POLICY

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

Project Monitoring

R. McFarlin provided status updates for the Board. The Monaghan Medical Building is close to completion and she was apprised that they should be in that location by September.

The Development Corporation has broken ground on the project that the Board approved in March, 2020.

Delaware River Solar - Mooers IV construction was completed and they are anxious to move forward with NY Plattsburgh I, Mooers V and now Mooers VI.

R. McFarlin reported three projects had PILOTS terminated at the end of 2019; Cole-Beekmantown, DHC of Plattsburgh and Ardak Hospitality. M. Zurlo recommended that all administrative work be completed such that they go to roll section one. R. McFarlin stated the way the PILOTS are designed now is that even if for some reason the IDA is still on the title, the project still has to pay the full taxes.

Correspondence

R. McFarlin shared with the Board three correspondences that were received as a follow-up to the July meeting. She reached out to members of the public who wanted to include their thoughts and concerns about CCIDA action pertaining to the proposed Prime Plattsburgh LLC Project.

K. Defayette motioned to go into Executive Session at 1:19 p.m., seconded by J. VanNatten to obtain advice of Counsel.

On a motion by M. Zurlo, and seconded by J. VanNatten, the exited executive session at 1:52 p.m.

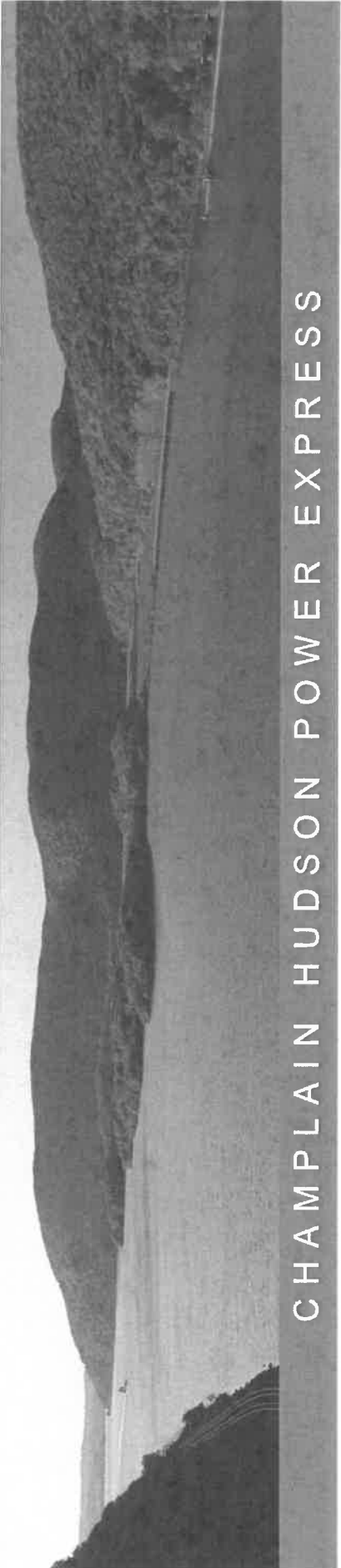
Project Status Updates

R. McFarlin had no additional updates to report.

On a motion by J. VanNatten, and seconded by D. Hoover, it was unanimously carried to adjourn the meeting at 1: 53p.m.

A handwritten signature in blue ink, appearing to read 'Trent Trahan', written over a horizontal line.

Trent Trahan, Chairperson



CHAMPLAIN HUDSON POWER EXPRESS

PROJECT UPDATE FOR CLINTON COUNTY IDA

AUGUST 10, 2020

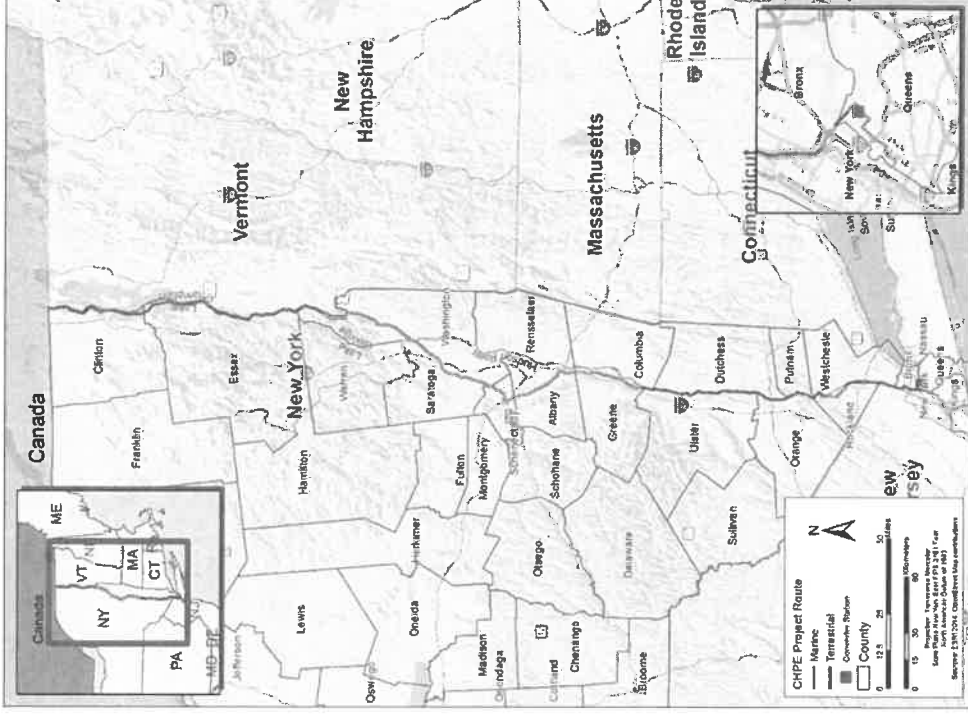


Transmission
Developers Inc.

A **Blackstone** *Portfolio Company*

Champlain Hudson Power Express (“CHPE”) Project Overview

- **1,000 MW buried HVDC transmission line that will transport a minimum of 8.3 TWh of renewable energy directly into NYC**
 - The largest single renewable energy opportunity for New York State, construction ready to help meet New York’s immediate clean energy needs
 - Energy sourced from existing Canadian hydro; no new dam construction required
- **Fully buried to minimize community / environmental impact while maximizing natural disaster resiliency**
 - 333-mile route from Canadian border to NYC (~60% buried in waterways / ~40% buried along existing rights-of-way)
 - Estimated to decrease carbon emissions by 3.4 million metric tons per year
 - Hardened infrastructure will make New York’s aging energy grid safer, more secure, and more reliable
- **Fully permitted and supported**
 - Widespread support in New York
 - All major permits received
 - Project would create thousands of union jobs and significant new revenue for NY Towns, Counties & School Districts, without any additional demand for municipal services

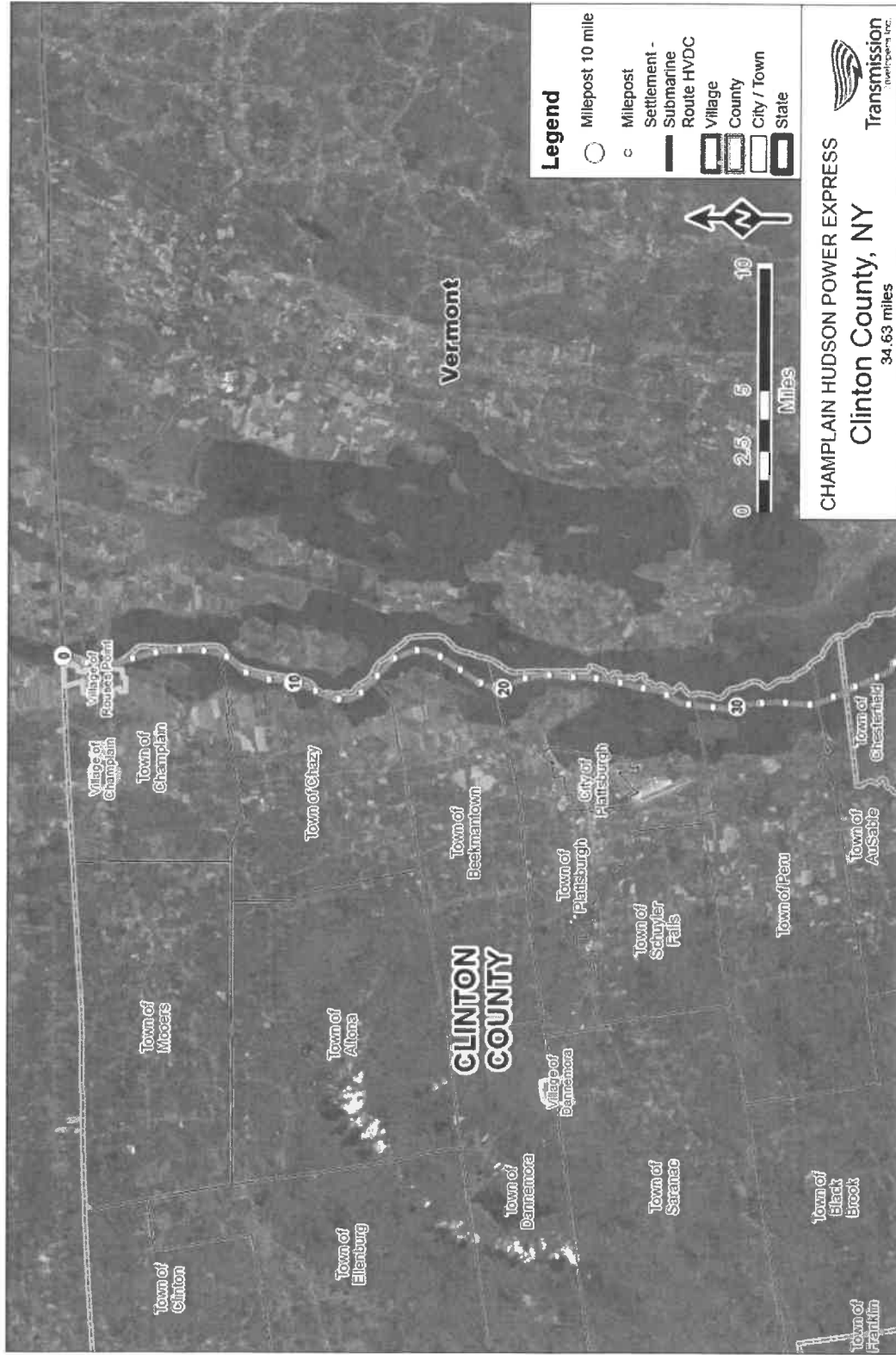


Transmission Developers, Inc. (“TDI”) is a small, innovative company supported by world class suppliers, engineers and energy infrastructure builders, and backed by Blackstone, one of the world’s leading alternative asset managers.

Key Components of CHPE within Clinton County

Item	Details
Route in Clinton County	Approximately 35 miles; entirely within Lake Champlain
Construction Timeline	2021-2024; exact construction season(s) within Clinton County TBD
Estimated Cost in Clinton County	The construction cost of CHPE within Clinton County is estimated to be \$140 MM
Annual Electricity Delivery	8.3 TWh at 1,000 MW
Taxes / PILOT	TDI will be required to pay taxes annually during project operations to Municipalities, Counties and School Districts; PILOT agreements are being pursued
Operating Life	Minimum of 40 years
Technology	High Voltage Direct Current (HVDC), Voltage Source Converter technology
Permitting	Fully permitted within the U.S. by State and Federal Authorities
Supply	Hydro Quebec's existing 36,000 MW renewable hydro system

Overview of Route through Clinton County



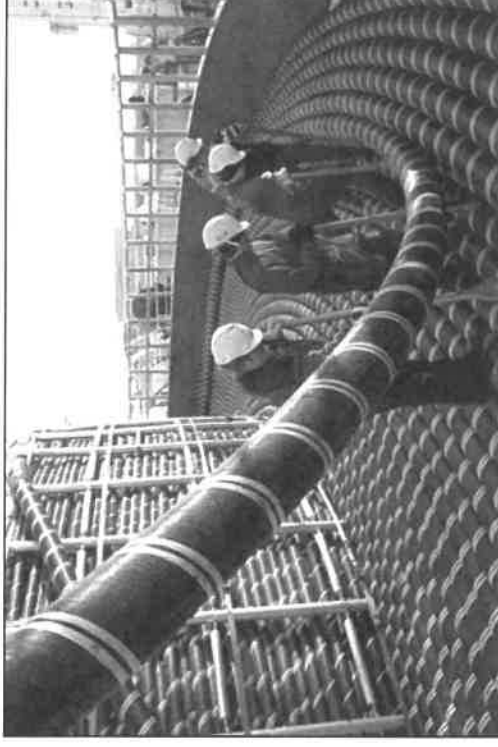
Overview of Technology and Installation

HVDC Transmission Cables

- Proven technology that has been utilized around the world for decades
- Two, 5" diameter cables are buried / submerged along the entire route
- Cables are solid state with a copper core and do not contain liquids

Installation within Lake Champlain

- Cables laid or buried on the floor of Lake Champlain
- No additional protection required due to built-in cable armoring
- Installation closely supervised by environmental inspectors based on permit conditions
- Impacts related to installation and operation deemed minimal by State and Federal Agencies



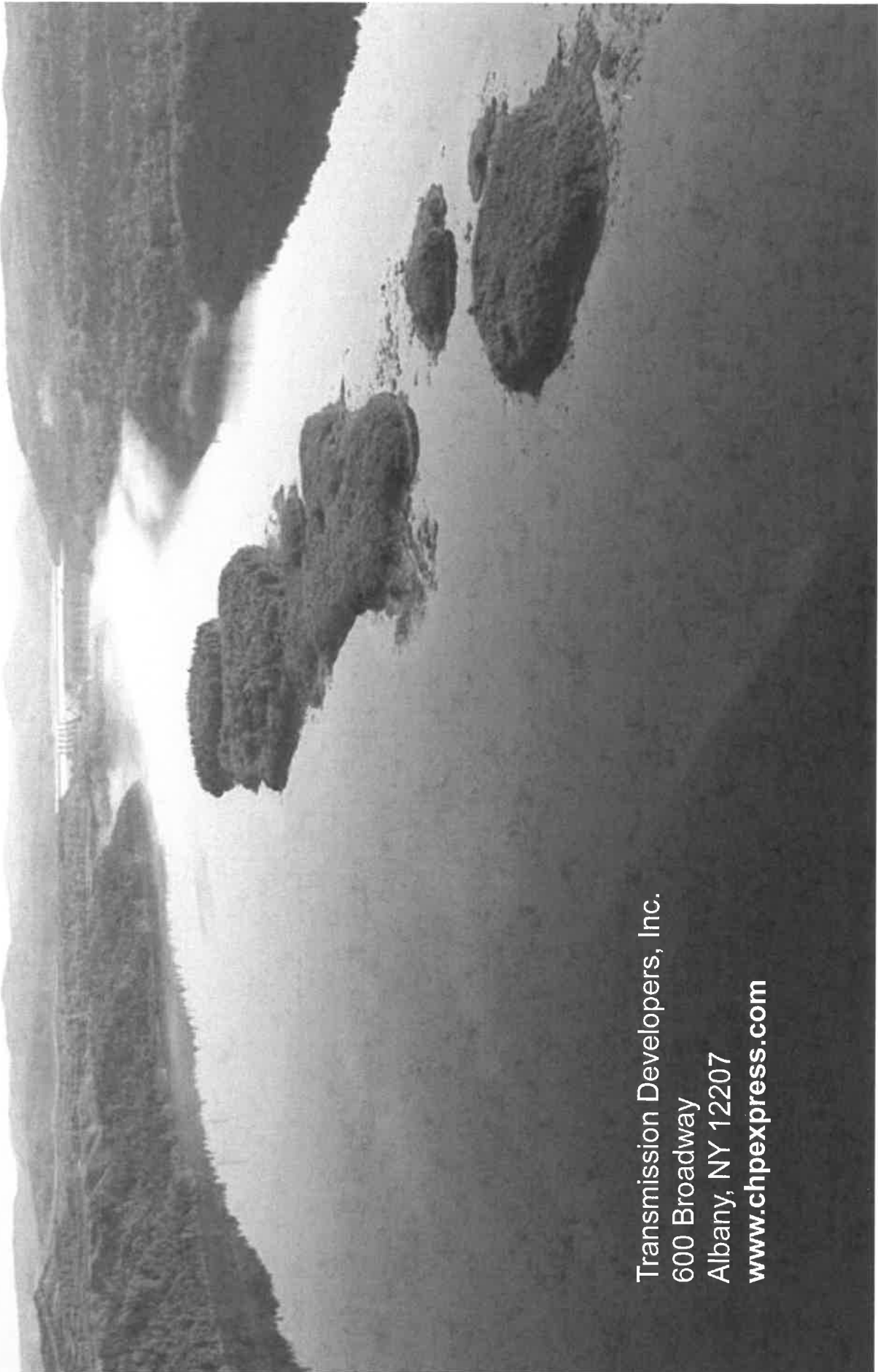
Proposed IDA Transaction

- Would create new revenue and budget certainty for Clinton County tax jurisdictions
- TDI seeks (1) long-term operating cost certainty via a PILOT, (2) sales tax exemption for construction expenditures, and (3) mortgage recording tax exemption for financing
- TDI plans to pursue standardized treatment along the Project route
- Expected operating life of the Project is 40-80 years



Transmission
Developers Inc.

A Blackstone Portfolio Company



Transmission Developers, Inc.
600 Broadway
Albany, NY 12207
www.chpexpress.com