

**Minutes of the  
County of Clinton  
Industrial Development Agency  
December 29, 2020**

**Due to COVID-19, this special meeting of the County of Clinton Industrial Development Agency held on Tuesday, December 29, 2020 was through teleconference.**

The meeting was called to order by Trent Trahan, Chairperson, at 12:02 p.m. via GoToMeeting.

**MEMBERS PRESENT:** Trent Trahan, Chairperson  
David Hoover, Vice Chairperson  
Keith Defayette, Treasurer and Chief Financial Officer  
Michael Zurlo, Secretary  
Kim Murray, Assistant Secretary

**MEMBERS EXCUSED:** Mark Leta, Member  
John VanNatten, Member

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

**ALSO PRESENT:** Dean Devito, Principal, Prime Companies  
Kevin Farrington, City of Plattsburgh Resident  
Scott Allen, City of Plattsburgh Resident  
Syl Beaudreau, City of Plattsburgh Resident  
John Seiden, City of Plattsburgh Resident

T. Trahan stated there was a quorum present.

T. Trahan waived the reading of the notice of the meeting published digitally in the Press Republican on Monday, December 28, 2020 and in print Tuesday, December 29, 2020.

Reading and consideration of the Draft Meeting Minutes for December 14, 2020 shall be considered at the next regular meeting of the County of Clinton Industrial Development Agency.

On a motion made by M. Zurlo, and seconded by K. Murray, it was unanimously carried to consider the reading and consideration of the draft meeting minutes from the December 14, 2020 meeting of the CCIDA at the next regular meeting to be held January 11, 2021.

**Public Comment:**

Chairman Trahan reminded meeting attendees of the County of Clinton Industrial Development Agency (CCIDA) policy limiting individual public comments to three (3) minutes. T. Trahan asked if there were any public comments.

S. Allen asked where he could find a copy of the Resolution to review. M. Zurlo advised that a copy of the resolution would be posted on the CCIDA website but a copy would be emailed directly to S. Allen.

There were no further comments.

**Presentation: Prime Plattsburgh, LLC**

Dean Devito, Principal, Prime Companies, was present at the meeting to answer questions. M. Zurlo stated that he would like to verify the changes being contemplated on this PILOT Deviation Notice against what is on the previous Deviation Notice. Specifically, with respect to the project, he would like to confirm that the residential units included in the plan are now 109 units, which is an increase of 5 units, and the commercial space has been decreased by 4,500 square feet, for a revised total of 13,400 square feet. D. Devito confirmed that this was accurate. These changes were made based on requests from the Zoning Board of Appeals. The Zoning Board of Appeals also added the condition that an additional 16 public parking spaces be added. D. Devito stated they should be able to accommodate this condition. D. Devito thanked everyone for their patience as they worked through the deviation process. M. Zurlo asked D. Devito if he expected this to be the last Deviation Notice. D. DeVito indicated that it was.

**Old Business**

There was no old business.

**New Business**

**Prime Plattsburgh, LLC**

R. McFarlin reviewed the changes contained in the proposed Deviation Notice. She indicated the difference between the total dollar amount represented in the August Deviation Letter was based on 104 units and 17,900 square feet of commercial space. The design now includes 109 units, an increase of 5 units, and a total of 13,400 square feet of commercial space, a decrease of 4,500 square feet. The formula remains unchanged per residential unit and per commercial square foot.

M. Zurlo asked if a new Deviation Notice was required since the exact same formula is being used to determine the potential benefit. R. McFarlin stated that in the interest of transparency throughout the process, it was determined that a new Deviation Notice would be issued. C. Canada stated that this is the final number of residential units, the final square footage, and final dollar amount.

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

Resolution No. 12-20-02

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 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 148,499 square foot building and approximately 60,430 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 109 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 of the Agency 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 Policy, prior to taking final action on such Pilot 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 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	YES
Mark Leta	VOTING	EXCUSED
John VanNatten	VOTING	EXCUSED

The foregoing Resolution was thereupon declared duly adopted.

### **Management Team Reports**

R. McFarlin indicated that she would provide any Management Team Reports at the January 11, 2021 meeting.

There being no further business to discuss, on a motion by M. Zurlo, and seconded by K. Defayette, the meeting adjourned at 12:13 p.m.



Trent Trahan, Chairperson