

**Minutes of the
County of Clinton
Industrial Development Agency
January 11, 2021**

Due to COVID-19, this meeting of the County of Clinton Industrial Development Agency held on Monday, January 11, 2021 was through teleconference.

The meeting was called to order by Trent Trahan, Chairperson, at 12:10 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
 Mark Leta, Member
 John VanNatten, Member

STAFF PRESENT: Renee McFarlin, Executive Director
 Toni Moffat, Executive Assistant
 Dorothy Brunell, Administrative Assistant
 Christopher Canada, Esq., Agency Counsel
 George Cregg, Jr., 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 18, 2020.

Approval of the Minutes of the December 14, 2020 Meeting and the December 29, 2020 Special Meeting

T. Trahan asked if there were any questions regarding the draft minutes of the December 14, 2020 meeting and the December 29, 2020 special meeting of the County of Clinton Industrial Development Agency (CCIDA). There were none.

On a motion by K. Defayette, and seconded by M. Leta, it was unanimously carried to approve the minutes of the December 14, 2020 meeting and the December 29, 2020 special meeting of the CCIDA.

Public Comment

There was no public comment.

Reports

K. DeFayette reviewed the Treasurer's Report. M. Zurlo asked which project the \$75,600 deposit was from. R. McFarlin advised it was associated with Delaware River Solar.

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

Old Business

There was no old business.

New Business

Mount Whitney Meadows, LLC (SterRx) Project Application

PUBLIC HEARING RESOLUTION

The following Resolution was offered by M. Leta, seconded by K. Murray, to wit:

Resolution No. 01-21-01

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF THE COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY TO HOLD A PUBLIC HEARING REGARDING A PROPOSED PROJECT TO BE UNDERTAKEN FOR THE BENEFIT OF MOUNT WHITNEY MEADOWS, 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, Mount Whitney Meadows, 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 24.31 acre parcel of land located on the south side of Connecticut Road (Tax Map No. 233.-5-52) in the Town of Plattsburgh, Clinton County, New York (the "Land"), (2) the construction on the Land of an approximately 60,000 square foot pre-engineered, insulated, metal building (the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery and equipment (collectively, the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to constitute a manufacturing facility to be owned by the Company and leased to Sterrx, LLC (the "Tenant") and other directly and indirectly related activities; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, pursuant to Section 859-a of the Act, prior to the Agency providing any “financial assistance” (as defined in the Act) of more than \$100,000 to any project, the Agency, among other things, must hold a public hearing pursuant to Section 859-a of the Act with respect to said project; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 859-a of the Act with respect to the Project;

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

Section 1. The Agency hereby authorizes the Executive Director of the Agency, after consultation with the members of the Agency and Agency Counsel, (A) 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 Chairperson, Vice Chairperson and/or Executive Director of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 3. All action taken by the Executive Director of the Agency in connection with the Public Hearing with respect to the Project prior to the date of this Resolution is hereby ratified and confirmed.

Section 4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

PRELIMINARY SEQR RESOLUTION

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

Resolution No. 01-21-02

RESOLUTION DIRECTING THE EXECUTIVE DIRECTOR OF THE 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 MOUNT WHITNEY MEADOWS, 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, Mount Whitney Meadows, 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 24.31 acre parcel of land located on the south side of Connecticut Road (Tax Map No. 233.-5-52) in the Town of Plattsburgh, Clinton County, New York (the "Land"), (2) the construction on the Land of an approximately 60,000 square foot pre-engineered, insulated, metal building (the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery and equipment (collectively, the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to constitute a manufacturing facility to be owned by the Company and leased to Sterrx, LLC (the "Tenant") 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; and

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	YES
Keith Defayette	VOTING	YES
Mark Leta	VOTING	YES
John VanNatten	VOTING	YES

The foregoing Resolution was thereupon declared duly adopted.

Vilas Home, LLC Public Hearing Minutes

Minutes from the Vilas Home, LLC Public Hearing were presented for acceptance by the Board.

R. McFarlin advised that E. Schwartzberg and F. Wachtmeister were present for the public hearing. F. Wachtmeister expressed his concern that the application included a deviation from the Uniform Tax Exemption Policy (UTEP). R. McFarlin advised F. Wachtmeister that there is no deviation associated with this project.

On January 3, 2021, F. Wachtmeister followed-up with an email to R. McFarlin and advised that he had reviewed the Vilas Home application and realizes now that there is no deviation from UTEP involved with this project. In his email, F. Wachtmeister also indicated that he hopes that the Vilas Home Project will be monitored to ensure that they follow-through on their promised scholarships and incentives. He also requested a copy of the SEQR be provided to him once completed. In her January 4, 2021 email response to F. Wachtmeister, R. McFarlin indicated that she will check-in annually with E. Schwartzberg on the status of the commitments made on his application. She also indicated that she would provide him with the SEQR documents he requested.

M. Zurlo indicated that the scholarship incentives need to be part of the annual Vilas Home Project monitoring. R. McFarlin stated that historically none of our previous projects have relied as heavily on these categories in the scoring process. She stated she would discuss this with C. Canada and G. Cregg, as well as the CCIDA’s auditing firm, to identify the best way to ensure we obtain this type of information on projects this year as well as in subsequent years. She stated she will report her findings to the Board at the next meeting.

On a motion by M. Zurlo, and seconded by J. VanNatten, it was unanimously carried to accept the minutes from the Vilas Home, LLC Project Public Hearing.

Management Team Reports

Project Monitoring

R. McFarlin indicated there are no updates on existing projects at this time. The results of the Annual Audit for 2020 will be available at the March meeting for the Board's review. Site visits are not an option at this time due to COVID-19. Site visits will resume as soon as it is prudent to do so.

R. McFarlin reviewed project tracking spreadsheets which detail the status of active projects, as well as inquiries and anticipated applications.

Project Status Updates

Prime Plattsburgh, LLC Project is anticipated to go before the Plattsburgh City Planning Board on January 12, 2021. At a special meeting, the Plattsburgh City Zoning Board approved the project with one condition. The Planning Board approval is the last step before the IDA considers the application at its February 8, 2021 meeting.

ERS Rouses Point, LLC Project (Pfizer redevelopment) should have final resolutions presented at the IDA's February 8th meeting. R. McFarlin stated she is currently working through the SEQR with the company.

Green National Development, LLC Project (Beekman Towers) advised they are seeking a larger bond issuance than initially requested. R. McFarlin advised that the typical bond allocation does not cover what they are now requesting. She will discuss with counsel to determine how this might impact their application.

Correspondence

K. Mousseau's email dated December 30, 2020 regarding the proposed Prime Project was reviewed. In his email, K. Mousseau expresses his disagreement with the Board's consideration of the 21-year PILOT sales tax exemption and property tax abatement. R. McFarlin responded in an email addressing three of his assertions. K. Mousseau responded with an email on January 5th in which he shared his belief that the Project will have a negative impact on Plattsburgh, as well as his disapproval of the fact that Prime is under contract for grant funding with Empire State Development.

There being no further business to discuss, on a motion by M. Zurlo, and seconded by K. Defayette, the meeting adjourned at 12:30 p.m.


Trent Trahan, Chairperson