

NOTICE OF PUBLIC HEARING  
ON PROPOSED PROJECT  
AND REVISED FINANCIAL ASSISTANCE  
RELATING THERETO

Notice is hereby given that a public hearing pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the "Act") will be held by County of Clinton Industrial Development Agency (the "Agency") on the 12<sup>th</sup> day of March, 2019 at 7 o'clock p.m., local time, at Mooers Town Hall Meeting Room, located at 2508 Route 11 in the Town of Mooers, Clinton County, New York in connection with the following matters:

On September 20, 2017, the Agency conducted a public hearing for the benefit of NY Mooers IV, LLC, a New York State limited liability company (the "Company"), with respect to a project (the "Project") outlined in an application submitted to the Agency in July, 2017 (the "Application"), said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately 11 acre portion of an approximately 207.7 acre parcel of land located on 297 Boas Road (being a portion of Tax Map No. 58.-1-9) in the Hamlet of Mooers Forks in the Town of Mooers, Clinton County, New York (the "Land"), (2) the construction on the Land of a 2MW 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 December, 2018, the Agency received an amended application (the "Amended Application"), a copy of which is on file at the office of the Agency, pursuant to which, as a result of the replacement of the net energy metering program with the Value of Distributed Energy Resources program by the New York State Public Service Commission and the expected decrease in revenue to the Company as a result thereof, the Company requested a reduction in the dollar amount of payments to be made by the Company to the Affected Tax Jurisdictions (collectively, the "Revised Financial Assistance"), as such term is defined in a proposed payment in lieu of tax agreement (the "Proposed Pilot Agreement") by and between the Agency and the Company (the "Proposed Modification").

As a result of the Proposed Modification, the aggregate amount payable by the Company to the Affected Tax Jurisdictions under the Proposed Pilot Agreement would be more than \$100,000 less than the aggregate amount originally proposed to be paid by the Company to the Affected Tax Jurisdictions under the Proposed Pilot Agreement and, therefore, the Agency desires to provide for compliance with the provisions of Section 859-a of the Act with respect to the Project as modified by the Amended Application.

Pursuant to the Amended Application, the Agency is considering whether (A) to undertake the Project, and (B) to provide certain exemptions from taxation with respect to the Project, including (1) exemption from mortgage recording taxes with respect to any documents, if any, recorded by the Agency with respect to the Project in the office of the County Clerk of Clinton County, New York or

elsewhere, (2) exemption from deed transfer taxes on any real estate transfers, if any, with respect to the Project, (3) exemption from sales taxes relating to the acquisition, construction, renovation and installation of the Project Facility, and (4) in the event that the Project Facility would be subject to real property taxation if owned by the Company but shall be deemed exempt from real property taxation due to the involvement of the Agency therewith, exemption from real property taxes (but not including special assessments and special ad valorem levies), if any, with respect to the Project Facility, subject to the obligation of the Company to make payments in lieu of taxes with respect to the Project Facility. If any portion of the **Revised** Financial Assistance to be granted by the Agency with respect to the Project is not consistent with the Agency's uniform tax exemption policy, the Agency will follow the procedures for deviation from such policy set forth in Section 874(4) of the Act prior to granting such portion of the **Revised** Financial Assistance.

If the Agency determines to proceed with the Project, the Project Facility will be acquired, constructed, reconstructed and installed by the Agency and will be leased (with an obligation to purchase) or sold by the Agency to the Company or its designee pursuant to a project agreement (the "Agreement") requiring that the Company or its designee make certain payments to the Agency.

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 January 14, 2019, the Agency (A) ratified and concurred in the designation of the Town of Mooers, New York (the "Town") as "lead agency" with respect to the Project (as such quoted term is defined in SEQRA) and (B) determined that the Proposed Modification would not change the previous determination made by the Agency pursuant to a resolution adopted by the members of the Agency on August 14, 2017 that the Agency had no information to suggest that the Town was incorrect in determining that the Project will not have a "significant effect on the environment" pursuant to SEQRA (as such quoted phrase is used in SEQRA).

The Agency will at said time and place hear all persons with views on either the location and nature of the proposed Project, the Proposed Modification or the **Revised** Financial Assistance being contemplated by the Agency in connection with the proposed Project, as modified. A copy of the Amended Application filed by the Company with the Agency with respect to the Project, as modified, including an analysis of the costs and benefits of the Project, as modified, is available for public inspection during business hours at the offices of the Agency. A transcript or summary report of the hearing will be made available to the members of the Agency.

Additional information can be obtained from, and written comments may be addressed to: Renee McFarlin, Executive Director, County of Clinton Industrial Development Agency, 137 Margaret Street, Suite 209, Plattsburgh, New York 12901; Telephone: (518) 565-4627.

Dated: February 6, 2019.

COUNTY OF CLINTON INDUSTRIAL  
DEVELOPMENT AGENCY

BY:   
Renee McFarlin, Executive Director