

**Minutes of the
County of Clinton
Industrial Development Agency
Monday, June 17, 2024**

The meeting was called to order by Trent Trahan, Chairperson, at 12:04 p.m. at the County of Clinton Industrial Development Agency (CCIDA) office located at 137 Margaret Street, Suite 208, Plattsburgh, New York.

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

EXCUSED: Mark Leta, Assistant Secretary

STAFF PRESENT: Christopher Canada, Esq., Agency Counsel
Shannon Wagner, Esq., Agency Counsel
Molly Ryan, Executive Director
Toni Moffat, Executive Assistant
Dorothy Brunell, Administrative Assistant

OTHERS PRESENT: C.J. Madonna, Esq., General Counsel, Schluter Systems, L.P.
Greg Jandolenko, Director of Facilities, Schluter Systems, L.P.
Marie Agan, Local Representative, Bull Run Energy, LLC

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 13, 2023.

Reading and Consideration of the Draft Minutes of the May 13, 2024 Meeting.

T. Trahan asked if there were any questions regarding the draft minutes of the May 13, 2024 meeting. There were none.

On a motion by D. Hoover, and seconded by J. VanNatten, it was unanimously carried to approve the minutes of the May 13, 2024 meeting of the CCIDA.

Public Comment

There was no public comment.

Reports

Treasurer's Report:

K. Defayette reviewed the May 2024 Treasurer's Report.

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

Old Business

There was no old business to report.

New Business

Elevate518, LLC – Resolution Authorizing Expenditure of Agency Funds

C. Canada stated the Clinton Grant Facilitation Corporation (CGFC) has requested the CCIDA provide the CGFC with \$16,000 as payment to New York State Empire State Development (NYSESD). The CGFC has advised the CCIDA that upon receipt of the grant funding, the CCIDA will be reimbursed. M. Zurlo asked how long the reimbursement would likely take. S. Wagner advised that she did not know for sure, but believed it would be a matter of a few months.

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

Resolution No. 06-24-02

RESOLUTION AUTHORIZING EXPENDITURE OF \$16,000 IN CONNECTION WITH A GRANT BEING ADMINISTERED BY CLINTON GRANT FACILITATION CORPORATION.

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, Elevate518, LLC (the "Company") is undertaking a project (the "Project") consisting of conducting a study regarding the feasibility of, and market for, a new facility to provide indoor sports and events and the utility of the existing, vacant Crete Center located at 2 Beach Road in the City of Plattsburgh, Clinton County, New York; and

WHEREAS, in connection with the Project, the Company wished to submit an application (the "Application") to the New York State Empire State Development ("NYSESD") for grant funding related to the Project; and

WHEREAS, by resolution adopted by the members of the Clinton Grant Facilitation Corporation (the "Corporation") on July 12, 2021, the members of the Corporation authorized the Application to be submitted to the NYSESD (the "Submission Resolution"); and

WHEREAS, the Corporation submitted the Application on behalf of the Company, and the Corporation has been awarded a grant in the amount of \$16,000 from the NYSESD for the Project (the "Grant"); and

WHEREAS, under the terms of the grant agreement entered into between the Corporation and NYSESD (the "Grant Agreement"), the grant proceeds may only be provided on a reimbursement basis; and

WHEREAS, to receive the Grant, the Corporation is required to demonstrate that it has reimbursed the Company for eligible costs in the amount of the Grant; and

WHEREAS, pursuant to the grant and indemnification agreement by and between the Corporation and the Company (the "Grant and Indemnification Agreement"), the Company has provided the Corporation with an invoice payable to the Company in the amount of \$16,000 demonstrating the costs incurred in connection with the Project (the "Invoice"); and

WHEREAS, the Corporation has requested the Agency to assist the Corporation with facilitating the Grant by providing the Corporation with an amount not to exceed \$16,000 (the "Expenditure") in order for the Corporation to provide payment to the Company in connection with the Invoice and, subsequently, to request reimbursement from NYSESD in connection with the Grant; and

WHEREAS, the Corporation has advised the Agency that, upon receipt of the Grant, the Corporation will arrange to have the Agency reimbursed from the proceeds of the Grant; and

WHEREAS, the members of the Agency desire to authorize the Expenditure;

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

Section 1. The Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) The Project constitutes a "project" as such term is defined in the Act;

(C) The Project site is located entirely within the boundaries of Clinton County, New York;

(D) It is desirable and in the public interest for the Agency to make the Expenditure to assist the Corporation with facilitating the Grant.

Section 2. In consequence of the foregoing, the Agency hereby determines to make the Expenditure in connection with the Corporation facilitating the Grant.

Section 3. The Agency is hereby authorized to do all things necessary or appropriate for the accomplishment of the provisions of this resolution, and all acts heretofore taken by the Agency with respect to such resolution are hereby ratified, confirmed and approved.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of this resolution, and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the resolution binding upon the Agency.

Section 5. This resolution shall take effect immediately.

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

Trent Trahan	VOTING	Yes
David Hoover	VOTING	Yes
Michael Zurlo	VOTING	Yes
Keith Defayette	VOTING	Yes
Mark Leta	VOTING	Excused
John VanNatten	VOTING	Yes
Joey Trombley	VOTING	Yes

The resolution was thereupon declared duly adopted.

Schluter Systems, L.P. Manufacturing Facility Project

Approve Public Hearing Meeting Minutes

The Public Hearing for the Schluter Systems, L.P. Project was held on June 4, 2024. M. Ryan reported that Garry Douglas, the President and CEO of the North Country Chamber of Commerce, and Michael Cashman, the Plattsburgh Town Supervisor, attended the Public Hearing to express their support of the Project.

On a motion by M. Zurlo, and seconded by K. Defayette, it was unanimously carried to approve the minutes of the Schluter Systems, L.P. Public Hearing held on June 4, 2024.

SEQR Resolution

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

Resolution No. 06-24-03

RESOLUTION CONCURRING IN THE DETERMINATION BY THE TOWN OF PLATTSBURGH PLANNING BOARD, AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE SCHLUTER SYSTEMS L.P. PROPOSED 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, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Schluter Systems L.P., a New York limited partnership (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 a leasehold interest in an approximately 43.3 acre parcel of land located at 26 Irish Settlement Road (tax map no.: 232.-3-18) in the Town of Plattsburgh, Clinton County, New York (the “Land”), (2) the construction on the Land of an approximately 433,800 square foot manufacturing and warehousing facility (the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment”) all of the foregoing to be owned and operated by the Company as a manufacturing and warehousing facility and other directly and indirectly related activities; (B) the granting of certain other “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 May 13, 2024 (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 the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on May 20, 2024 to the chief executive officers of the county and of each city, town, village and school district in which the Project is or is to be located, (B) caused notice of the Public Hearing to be posted on May 22, 2024 on a public bulletin board located at the Town of Plattsburgh Town Hall located at 151 Banker Road in the Town of Plattsburgh, Clinton County, New York and on May 20, 2024 on the Agency’s website, (C) caused notice of the Public Hearing to be published on May 22, 2024 in the Press Republican, a newspaper of general circulation available to the residents of Clinton County, New York, (D) conducted the Public Hearing on June 4, 2024 at 10:00 o’clock a.m., local time at the Town of Plattsburgh Town Hall located at 151 Banker Road in the Town of Plattsburgh, Clinton County, New York, (E) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency and (F) caused a

copy of the certified Public Hearing Resolution to be sent via certified mail return, receipt requested on May 14, 2024 to the chief executive officers of the County and of each city, town, village and school district in which the Project Facility is to be located to comply with the requirements of Section 859-a of the Act; 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 has been informed that (1) the Town of Plattsburgh Planning Board (the “Planning Board”) was designated to act as “lead agency” with respect to the Project and (2) the Planning Board issued a Determination of Non-Significance on December 6, 2023 (the “Negative Declaration”), attached hereto as Exhibit A, determining that the acquisition, construction and installation of the Project Facility will not have “significant adverse environmental impacts”; and

WHEREAS, the Agency is an “involved agency” with respect to the Project and the Agency now desires to concur in the determination by the Planning Board, as “lead agency” with respect to the Project, to acknowledge receipt of a copy of the Negative Declaration and to indicate whether the Agency has any information to suggest that the Planning Board was incorrect in determining that the Project will not have “significant adverse environmental impacts” pursuant to SEQRA and, therefore, that no environmental impact statement need be prepared with respect to the Project; and

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

Section 1. The Agency has received copies of, and has reviewed, the Application, a resolution of the Planning Board, a full environmental assessment form, supplemental information and the Negative Declaration (collectively, the “Reviewed Documents”) and, based upon said Reviewed Documents, the Agency hereby ratifies and concurs in the designation of the Planning Board as “lead agency” with respect to the Project under SEQRA (as such quoted term is defined in SEQRA).

Section 2. The Agency hereby determines that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Project will not have a “significant effect on the environment” pursuant to SEQRA and, therefore, that an environmental impact statement need not be prepared with respect to the Project (as such quoted phrase is used in SEQRA).

Section 3. The members of the Agency are hereby directed to notify the Planning Board of the concurrence by the Agency that the Planning Board shall be the “lead agency” with respect to the Project, and to further indicate to the Planning Board that the Agency has no information to suggest that the Planning Board was incorrect in its determinations contained in the Negative Declaration.

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
Mark Leta	VOTING	Excused
Keith Defayette	VOTING	Yes
John VanNatten	VOTING	Yes
Joey Trombley	VOTING	Yes
Michael E. Zurlo	VOTING	Yes

The foregoing Resolution was thereupon declared duly adopted.

EXHIBIT A
NEGATIVE DECLARATION

- SEE ATTACHED -

**Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See the attached Part III EAF Supplement

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
See materials listed in the attached EAF Part III Supplement

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Plattsburgh as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: UMS Production Facility 2023

Name of Lead Agency: Town of Plattsburgh Planning Board

Name of Responsible Officer in Lead Agency: Timothy Palmer

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:



Date: 12 6 23

Signature of Preparer (if different from Responsible Officer)

Date: 12/6/2023

For Further Information:

Contact Person: Trevor Cole, AICP

Address: 151 Banker Road Plattsburgh, NY 12901

Telephone Number: (518) 562-6850

E-mail: trevorc@townofplattsburgh.org

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

Page 2 of 2

**TOWN OF PLATTSBURGH
PLANNING BOARD MEETING
DECEMBER 6, 2023**

The Public Hearing is called to order at 5:49 p.m. by the Chairman of the Planning Board for the purpose of hearing all persons interested in, or wanting to comment:

UMS PROPERTIES LLC PRODUCTION FACILITY SITE PLAN 2023- Request to construct a 433,800. sq ft manufacturing facility with material silos, an accessory storage area and a gas tank farm. Located at 26 Irish Settlement Rd. with public water and private sewer. Zoned I; Tax Map Parcel # 232.-3-18; Owner/Applicant UMS Properties LLC; Engineer RMS SEQRA
REVIEW

PERSONS SPEAKING FOR OR AGAINST

Tom Wood- Town resident/Town Board member- concerned about larger projects not looking at solar or geothermal alternatives. He feels with climate change issues we need to start somewhere.

Frank L. - Whispering Pines resident- says traffic will be an issue and trucks will have problems. Air quality is already a problem-it's worse than the landfill.

Carson Arnold- Whispering Pines resident- says air quality is his main concern. The height of the building is a problem and fumes are a problem.

The hearing was adjourned at: 6:06 p.m.

**TOWN OF PLATTSBURGH
PLANNING BOARD MEETING
DECEMBER 6, 2023**

Resolution No. 23-66

Motioned by: Terry Senecal

UMS PROPERTIES LLC PRODUCTION FACILITY SITE PLAN 2023- Request to construct a 433,800 sq ft manufacturing facility with material silos, an accessory storage area and a gas tank farm. Located at 26 Irish Settlement Rd. with public water and private sewer; Zoned I; Tax Map Parcel # 232.-3-18; Owner/Applicant UMS Properties LLC; Engineer RMS **SEQRA REVIEW**; and

WHEREAS, Part 617 of the Environmental Conservation Law - "State Environmental Quality Review Act" (SEQRA), provides for the review of any "ACTION" to determine the effect of the action on the environment, along with any related administrative procedures for the implementation, authorization or approval of the action; and

WHEREAS, said Part 617 of the Environmental Conservation Law provides for an involved agency to review any action for the purpose of determining the effect of the action on the environment; and

WHEREAS, public comment opportunity was provided in consideration of this Project on October 17, 2023, November 21, 2023, and December 6, 2023; and

WHEREAS, the Town's Planning & Community Development Department received and the Site Plan application, maps, plans, and SEQRA EAF Part 1 Long Form, Visual EAF, Traffic Analysis, photo simulations, wetland delineation, stormwater report and other materials as listed in the EAF Part 3 supplement; and

WHEREAS, the Planning Board reviewed, considered, and deliberated upon project-related information including but not limited to: Site Plan application, maps, plans, and SEQRA EAF Part 1 Long Form, Visual EAF, Traffic Analysis, photo simulations, wetland delineation, stormwater report and other materials as listed in the EAF Part 3 Supplement; and

WHEREAS, the project is subject to NYS GML 239m for referral to Clinton County Planning Board for action within 500 feet of a Municipal Boundary and on October 4, 2023 the action was approved by an 7-0 vote of the Clinton County Planning Board; and

WHEREAS, the Town's Planning Board conducted a detailed, coordinated, and comprehensive environmental review of the Project to determine whether there was a significant impact which would require the preparation of a Draft Environmental Impact Statement (DEIS);

Now, therefore, be it

RESOLVED, that the Town's Planning Board does hereby determine that the action does constitute a "TYPE 1 ACTION." in accordance with said Environmental Review procedures and a coordinated review has been conducted; and, be it further

RESOLVED, that the Town's Planning Board acting as the "Lead Agency" in a SEQRA Review does hereby receive and place on file the _____ Subdivision _____ x _____ Site Plan applications, maps, plans, completed EAF and other related material submitted; and, be it further

RESOLVED, that the Town Planning Board has reviewed the Planning & Community Development Department's recommendations and supplemental documents referenced above and does hereby find and determine the following based upon the conclusions of the Part III EAF:

- a) The access and traffic proposed in the Project were reviewed by the Town Planning Board and found acceptable, subject to improvements being made to Whispering Pines Road as deemed necessary by the Town Highway Superintendent and the staggering of shifts as necessary to reduce impacts to the Irish Settlement Road/NY22 intersection; and
- b) The proposed impervious area in the project plan is significant but will be managed in accordance with NYSDEC and Town regulations; and
- c) The lot coverage and density comply with local zoning regulations or will comply with associated variance conditions; and
- d) The erosion and sedimentation from the development and water quality during such development will be properly controlled by the existing storm water facilities; and it is further

RESOLVED, that the Project will not:

- a) create a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, solid waste production, potential for erosion, flooding or drainage problems so long as it complies with all State and or Federal air quality and stormwater regulations and permit conditions as applicable;
- b) involve the removal or destruction of large quantities of vegetation or the interference with plant or animal life or impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of plant or animal, or the habitat area of such species, or other significant adverse impacts to natural resources.
- c) conflict with the Town's current plans or goals for the area where the project is located

- d) impair the character or quality of the neighborhood;
- e) represent a major change in the use of energy which cannot be supported by the infrastructure;
- f) create any hazards to human health;
- g) represent a substantial change in the use of the land;
- h) significantly increase the number of people who would come to the site absent such development in a manner that cannot be supported by the transportation system; or
- i) impair the environmental characteristics of the area; and, be *it further*

RESOLVED, that the Town Planning Board of the Town of Plattsburgh after review of the said Subdivision x Site Plan application, maps, plan, completed EAF, and related materials does hereby determine as "Lead Agency" for the SEQRA Review process that the "Project" will NOT have a significant effect on the environment. Therefore, the preparation of a DEIS is NOT required; and, be it further

RESOLVED, that the Town Planning Board does hereby declare that the Project and environmental review process considered for the development does adequately and sufficiently satisfy the requirements of the State Environmental Quality Review Act for the Project; and be it further

RESOLVED, that the Planning Board of the Town of Plattsburgh does hereby authorize and direct the Chairman of the Planning Board to have prepared and to execute a "Notice of No Significant Environmental Impact" (NEGATIVE DECLARATION) for this "Project"; and, be it further

RESOLVED, that the "Notice of No Significant Environmental Impact" (NEGATIVE DECLARATION) shall be disseminated to those involved Agencies and Governmental Units as required by said Environmental Conservation and Local Law of the Town of Plattsburgh and all related material shall be maintained on file at the Town Hall Offices of the Planning Board and available for Public Inspection.

Seconded By: Debbie Blake

Discussion (Not Verbatim): Town Senior Planner, Trevor Cole informed the Planning Board that the project had submitted a revised and complete SEQRA Long Form EAF Part I which included the accurate square footage of the facility and additional information regarding Air Quality and Energy. Mr. Cole continued that Staff had completed the Part II and drafted a Part III and Part III Supplement for their review and consideration. The slide deck, staff project overview, and public hearing prompted conversation between the Board and the Applicant with staff providing elaboration on specific materials provided in the file. Project Representative, Aaron Ovios, P.E. described the primary components of the Traffic Analysis with a focus on the Rte 22/Irish Settlement intersection. He stated that the project believes there will be limited degradation to the current level of service

because the study is conservative, assuming all new employees will be required for the project however, 60 of the employees will come from existing staff. The Planning Board and applicant discussed the need for upgrades to Whispering Pines Road, to which the Applicant agreed.

Mitigations to the visual impact were discussed and the Applicant agreed that building colors and lighting were negotiable, especially those facing residences along Whispering Pines. The Planning Board expressed a desire to limit lighting impacts to Whispering Pines.

Extensive conversation ensued between the Board, Applicant, and staff regarding Energy and Air Quality which were related to the heating of the building which is by natural gas. It was determined that the primary source of carbon emissions from the site are from natural gas for heating, though the project engineer stated that the fuel demand and emissions ratios are still comparable to calculations for residential or office heating though, this facility is simply much larger. The project informed the Board that they are working closely with the NYSDEC to obtain the necessary permits for operation and all emissions are being examined, from heating, manufacturing, etc. They also stated that unknowns remain for certain manufacturing procedures because they are still in development however, ANY process or emission for the facility is being evaluated by the NYSDEC and they will be required to conform and comply with all of the State and/or Federal permit conditions before they can operate. Members of the Planning Board emphasized their desire to see a strong effort made to incorporate alternative energy into the final design wherever practicable to reduce emissions and energy consumption. Mr. Ovios stated that they will work with NYSEG to determine if any upgrades are needed to NYSEG infrastructure to serve the project but, there is sufficient capacity in the system to serve the project.

Staff reviewed the SEQRA Part II EAF with the Planning Board, specifically identifying items that were indicated to have the potential for a Moderate to Large Environmental Impact. Mr. Cole then read from the Draft Part III and Part III Supplement, further elaborating on potential impacts, additional environmental information, and proposed controls/mitigations. The Board requested minor revision/inclusions which were made by staff. Mr. Cole requested confirmation that the Planning Board reviewed, understood, and agreed with the Part II & III EAF and to offer any changes if they had any. The Board unanimously affirmed their agreement with the conclusions of the Draft documents. The Planning Board then acted to issue a Negative Declaration of Environmental Significance for the project.

	<u>Yes</u>	<u>No</u>
Roll Call:		
Anne Brandell		Excused
Terry Senecal		X
Malana Tamer		Excused
Debbie Blake		X
James Sherman		Excused
Jay White		X
Tim Palmer, Chairman		X
Carried: 4-0		



Approving Resolution

C.J. Madonna, Esq., Company General Counsel, advised that he had spoken to J. Kelleher, Esq., who is counsel for the Peru Central School District. J. Kelleher provided the Company with a draft Host Community Agreement (HCA). C.J. Madonna advised that the Company is requesting the effective date of the HCA be changed to when the PILOT payments begin. C.J. Madonna stated that he also spoke with M. Cashman, the Plattsburgh Town Supervisor, who advised that the Town of Plattsburgh is not requesting an HCA. C.J. Madonna also stated that he had a conversation with M. Zurlo, who was representing Clinton County. C.J. Madonna indicated that he felt the conversation was productive.

C. Canada advised that this is a standard Approving Resolution which states that the school district and the Company intend to enter into a HCA. C. Canada advised the PILOT would include the Town and the County. He further advised that each of the taxing jurisdictions would adopt resolutions approving the allocation of real property tax payments under the PILOT agreement for the Town and the County, and the HCA for the school district. C. Canada stated the CCIDA will not provide any financial assistance until these resolutions are in place.

C.J. Madonna advised that the Company has one supplier who is requesting a substantial down payment, which involves millions of dollars, and he asked when the sales tax exemption would go into effect. C. Canada advised that the resolutions from the affected taxing jurisdictions all need to be in place before any benefits can be provided. C. Canada advised that Hodgson Russ will work with the Company to provide them the required resolutions as soon as possible. M. Zurlo advised the next Regular Session of the Clinton County Legislature is scheduled for June 26, 2024.

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

Resolution No. 06-24-04

RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT FOR SCHLUTER SYSTEMS L.P. (THE "COMPANY").

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 commercial, manufacturing and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Schluter Systems L.P., a New York limited partnership (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 a leasehold interest in an approximately 43.3 acre parcel of land located at 26 Irish Settlement Road (tax map no.: 232.-3-18) in the Town of Plattsburgh, Clinton County, New York (the “Land”), (2) the construction on the Land of an approximately 433,800 square foot manufacturing and warehousing facility (the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment”) all of the foregoing to be owned and operated by the Company as a manufacturing and warehousing facility 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 property 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 May 13, 2024 (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 the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on May 20, 2024 to the chief executive officers of the county and of each city, town, village and school district in which the Project is or is to be located, (B) caused notice of the Public Hearing to be posted on May 22, 2024 on a public bulletin board located at the Town of Plattsburgh Town Hall located at 151 Banker Road in the Town of Plattsburgh, Clinton County, New York and on May 20, 2024 on the Agency’s website, (C) caused notice of the Public Hearing to be published on May 22, 2024 in the Press Republican, a newspaper of general circulation available to the residents of Clinton County, New York, (D) conducted the Public Hearing on June 4, 2024 at 10:00 o’clock a.m., local time at the Town of Plattsburgh Town Hall located at 151 Banker Road in the Town of Plattsburgh, Clinton County, New York, (E) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency and (F) caused a copy of the certified Public Hearing Resolution to be sent via certified mail return, receipt requested on May 14, 2024 to the chief executive officers of the County and of each city, town, village and school district in which the Project Facility is to be located to comply with the requirements of Section 859-a of the Act; 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 June 17, 2024, the Agency (A) concurred in the determination that the Town of Plattsburgh Planning Board (the “Planning Board”) is the “lead agency” with respect to SEQRA and (B) acknowledged the receipt of a negative declaration from the Planning Board issued on December 6, 2023 (the “Negative Declaration”), in which the Planning Board determined that the Project is a “Type 1 Action” that would not have a significant adverse environmental impact on the environment, and therefore, an environmental impact statement need not be prepared with respect to the Project; and

WHEREAS, the Agency has given due consideration to the Application, and to representations by the Company that (A) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Company to undertake the Project in Clinton County, New York and (B) the

completion of the Project will not result in the removal of a plant or facility of any proposed occupant of the Project Facility from one area of the State of New York to another area in the State of New York and will not result in the abandonment of one or more plants or facilities of any occupant of the Project Facility located in the State of New York; and

WHEREAS, the Agency desires to encourage the Company to preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of County, New York by undertaking the Project in Clinton County, New York; and

WHEREAS, in order to consummate the Project and the granting of the Financial Assistance described in the notice of the Public Hearing, the Agency proposes to enter into the following documents (hereinafter collectively referred to as the "Agency Documents"): (A) a certain lease to agency (the "Lease to Agency" or the "Underlying Lease") by and between the Company, as landlord, and the Agency, as tenant, pursuant to which the Company will lease to the Agency a portion of the Land and all improvements now or hereafter located on said portion of the Land (collectively, the "Leased Premises"); (B) a certain license agreement (the "License to Agency" or the "License Agreement") by and between the Company, as licensor, and the Agency, as licensee, pursuant to which the Company will grant to the Agency (1) a license to enter upon the balance of the Land (the "Licensed Premises") for the purpose of undertaking and completing the Project and (2) in the event of an occurrence of an Event of Default by the Company, an additional license to enter upon the Licensed Premises for the purpose of pursuing its remedies under the Lease Agreement (as hereinafter defined); (C) a lease agreement (and a memorandum thereof) (the "Lease Agreement") by and between the Agency and the Company, pursuant to which, among other things, the Company agrees to undertake the Project as agent of the Agency and the Company further agrees to lease the Project Facility from the Agency and, as rental thereunder, to pay the Agency's administrative fee relating to the Project and to pay all expenses incurred by the Agency with respect to the Project; (D) payment in lieu of tax agreement (the "Payment in Lieu of Tax Agreement") by and between the Agency and the Company, pursuant to which the Company will agree to pay certain payments in lieu of taxes with respect to the Project Facility; (E) a uniform agency project agreement (the "Uniform Agency Project Agreement") by and between the Agency and the Company regarding the granting of the financial assistance and the potential recapture of such assistance; (F) a certain recapture agreement (the "Section 875 GML Recapture Agreement") by and between the Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes; (G) a sales tax exemption letter (the "Sales Tax Exemption Letter") to ensure the granting of the sales tax exemption which forms a part of the Financial Assistance; (H) a New York State Department of Taxation and Finance form entitled "IDA Appointment of Project Operator or Agency for Sales Tax Purposes" (the form required to be filed pursuant to Section 874(9) of the Act) (the "Thirty-Day Sales Tax Report") and any additional report to the Commissioner of the State Department of Taxation and Finance concerning the amount of sales tax exemption benefit for the Project (the "Additional Thirty-Day Project Report"); (I) if the Company intends to finance the Project with borrowed money, a mortgage and any other security documents and related documents (collectively, the "Mortgage") from the Agency and the Company to the Company's lender with respect to the Project ("the "Lender"), which Mortgage will grant a lien on and security interest in the Project Facility to secure a loan from the Lender to the Company with respect to the Project (the "Loan"); (J) if the Company requests the Agency to appoint a contractor or contractors, as agent(s) of the Agency (each, a "Contractor") (1) a certain agency indemnification agreement (the "Contractor Agency and Indemnification Agreement") by and between the Agency and the Contractor, (2) a certain recapture agreement (the "Contractor Section 875 GML Recapture Agreement") by and between the Agency and the Contractor, (3) a sales tax exemption letter (the "Contractor Sales Tax Exemption Letter") and (4) a Thirty-Day Sales Tax Report (the "Contractor Thirty-Day Sales Tax Report") and any additional report to the Commissioner of the State Department of Taxation and Finance concerning the amount of sales tax exemption benefit for the Project (the "Additional Thirty-Day Project Report") (collectively, the "Contractor Documents"); (K) if the Company intends to request the Agency to appoint (1) the Company,

as agent of the Agency and (2) a contractor or contractors, as agent(s) of the Agency prior to closing on the Project and the Lease Agreement, agency and indemnification agreements, interim Section 875 GML recapture agreements, interim sales tax exemption letters and interim thirty-day sales tax reports (collectively, the "Interim Documents"); and (L) various certificates relating to the Project (the "Closing Documents"); and

WHEREAS, as a result of discussions had by the Agency with the Town of Plattsburgh (the "Town"), the Peru Central School District (the "District") and Clinton County (the "County"), as the affected jurisdictions (within the meaning of such term in Section 854(16) of the New York State General Municipal Law) (the "Affected Tax Jurisdictions"), the Agency and the Affected Tax Jurisdictions desire that the District enter into a host community agreement (the "HCA") with the Company in lieu of receiving payments under the Payment in Lieu of Tax Agreement; and

WHEREAS, Section 858(15) of the Act requires the Agency to obtain the written consent of the Affected Tax Jurisdictions when the Agency proposes to allocate and distribute payments in lieu of taxes (each a "PILOT payment") to the Affected Tax Jurisdictions in a manner that is different from the distribution and allocation of real property tax payments that would be in effect if the Agency was not involved in the Project and the Project Facility was not exempt from real property taxes (as each capitalized term is defined in the Payment in Lieu of Tax Agreement); and

WHEREAS, should the District enter into the HCA, the District would not receive payments relating to real property tax under the Payment in Lieu of Tax Agreement but would instead receive such payments under the HCA; and

WHEREAS, the Agency desires that the County, the Town, and the District each adopt resolutions approving the allocation of real property tax payments to the Affected Taxing Jurisdictions under the Payment in Lieu of Tax Agreement;

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

Section 1. All action taken by the Executive Director of the Agency with respect to the Public Hearing with respect to the Project is hereby ratified and confirmed.

Section 2. The law firm of Hodgson Russ LLP is hereby appointed Agency Counsel to the Agency with respect to all matters in connection with the Project. Agency Counsel for the Agency is hereby authorized, at the expense of the Company, to work with the Company, counsel to the Company, counsel to the Agency and others to prepare, for submission to the Agency, all documents necessary to effect the transactions contemplated by this Resolution. Agency Counsel has prepared and submitted an initial draft of the Agency Documents to staff of the Agency.

Section 3. The Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act;

(B) The Project constitutes a "project," as such term is defined in the Act;

(C) The Project site is located entirely within the boundaries of Clinton County, New York;

(D) It is estimated at the present time that the costs of the planning, development, acquisition, construction, reconstruction and installation of the Project Facility (collectively, the “Project Costs”) will be approximately \$279,600,000;

(E) The completion of the Project will not result in the removal of a plant or facility of any proposed occupant of the Project Facility from one area of the State of New York to another area in the State of New York and will not result in the abandonment of one or more plants or facilities of any occupant of the Project Facility located in the State of New York;

(F) The Project Facility does not constitute a project where facilities or property that are primarily used in making retail sales of goods and/or services to customers who personally visit such facilities constitute more than one-third of the total cost of the Project, and accordingly the Project is not prohibited by the provisions of Section 862(2)(a) of the Act, and accordingly the Agency is authorized to provide financial assistance in respect of the Project pursuant to Section 862(2)(a) of the Act;

(G) The granting of the Financial Assistance by the Agency with respect to the Project will promote and maintain the job opportunities, general prosperity and economic welfare of the citizens of Clinton County, New York and the State of New York and improve their standard of living, and thereby serve the public purposes of the Act;

(H) The Agency has reviewed the Public Hearing Report and has fully considered all comments contained therein;

(I) The Project should receive the Financial Assistance in the form of exemptions from sales tax and real property tax based on the description of expected public benefits to occur as a result of this Project, as described on Exhibit A attached hereto; and

(J) It is desirable and in the public interest for the Agency to enter into the Agency Documents.

Section 4. In consequence of the foregoing, the Agency hereby determines to: (A) accept the License Agreement; (B) lease the Project Facility to the Company pursuant to the Lease Agreement; (C) acquire, construct and install the Project Facility, or cause the Project Facility to be acquired, installed and constructed; (D) enter into the Payment in Lieu of Tax Agreement; (E) enter into the Uniform Agency Project Agreement; (F) enter into the Section 875 GML Recapture Agreement; (G) secure the Loan by entering into the Mortgage; and (H) grant the Financial Assistance with respect to the Project; provided, however, that no financial assistance shall be provided to the Project by the Agency unless and until the Affected Tax Jurisdictions shall, pursuant to Section 858(15) of the Act, provided written consent to the proposed allocation and distribution of PILOT payments under the Payment in Lieu of Tax Agreement with respect to the Project.

Section 5. The Agency is hereby authorized (A) to acquire a license in the Licensed Premises pursuant to the License Agreement, (B) to acquire a leasehold interest in the Leased Premises pursuant to the Underlying Lease, (C) to acquire title to the Equipment pursuant to a bill of sale (the “Bill of Sale to Agency”) from the Company to the Agency, and (D) to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisitions are hereby approved, ratified and confirmed; provided, however, that no financial assistance shall be provided to the Project by the Agency unless and until the Affected Tax Jurisdictions shall, pursuant to Section

858(15) of the Act, have provided written consent to the proposed allocation and distribution of PILOT payments under the Payment in Lieu of Tax Agreement with respect to the Project.

Section 6. The Agency is hereby authorized to acquire, construct and install the Project Facility as described in the Lease Agreement and to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition, construction and installation are hereby ratified, confirmed and approved.

Section 7. The Chairperson, Vice Chairperson or Executive Director of the Agency, with the assistance of Agency Counsel and/or Special Counsel, is authorized to negotiate and approve the form and substance of the Agency Documents.

Section 8. (A) The Chairperson, Vice Chairperson or Executive Director of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Agency Documents, and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in the forms thereof as the Chairperson, Vice Chairperson or Executive Director shall approve, the execution thereof by the Chairperson, Vice Chairperson or Executive Director to constitute conclusive evidence of such approval.

(B) The Chairperson, Vice Chairperson or Executive Director of the Agency is hereby further authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency (as defined in and pursuant to the Lease Agreement).

Section 9. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Agency Documents, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Agency Documents binding upon the Agency.

Section 10. 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
Mark Leta	VOTING	Excused
Keith Defayette	VOTING	Yes
John VanNatten	VOTING	Yes
Joey Trombley	VOTING	Yes
Michael E. Zurlo	VOTING	No

Prior to casting his vote, M. Zurlo stated that Clinton County is 100 percent in favor of this Project, as well as any future Schluter Projects that may come before this Board. However, M. Zurlo advised that in discussions with the Company, he had let them know that the County felt there was a better way to benefit the Project, and, therefore, as a reflection of the County's opinion, he would be voting "No" on this Approving Resolution.

T. Trahan expressed to the Company that the CCIDA is happy to be able to support this Project.

The foregoing resolution was thereupon declared duly adopted.

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EXHIBIT A

DESCRIPTION OF THE EXPECTED PUBLIC BENEFITS

In the discussions had between the Project Beneficiary and the Agency with respect to the Project Beneficiary's request for Financial Assistance from the Agency with respect to the Project, the Project Beneficiary has represented to the Agency that the Project is expected to provide the following benefits to the Agency and/or to the residents of Clinton County, New York (the "Public Benefits"):

Description of Benefit		Applicable to Project (indicate Yes or NO)		Expected Benefit
1.	Retention of existing jobs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	702 full time equivalent existing jobs at the other Company locations.
2.	Creation of new permanent jobs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	48 full time equivalent new jobs at the Project Facility within 2 years of the completion of the Project Facility.
3.	Estimated Value of Tax Exemptions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Sales tax exemption is estimated at \$3,450,000 and real property tax exemption is estimated at \$6,700,000.
4.	Private sector investment	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Estimate \$279,600,000.
5.	Likelihood of project being completed in a timely fashion	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Anticipated completion in a timely manner.
6.	Extent of new revenue provided to local taxing jurisdictions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The Project will provide a revenue source to the affected tax jurisdictions in the form of PILOT payments.
7.	Extent of new revenue provided to local taxing jurisdictions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	(a) create many spin off jobs; (b) buy local philosophy; (c) financial support for community projects; (d) increased educational opportunities for local high school students; (e) an additional public benefit will be the fees paid to special districts; this represents significant new revenue for these critical public services and (f) the Company will be entering into a host community benefit agreement with the School District.

8.	Local labor construction jobs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The Company anticipates hiring 40 construction jobs within the first year of construction with anticipation of 200 construction jobs for the following year.
9.	Regional wealth creation (% of sales /customers outside of the County)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	N/A
10.	Located in a highly distressed census tract	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	N/A
11.	Alignment with local planning efforts and development efforts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The Project is consistent with local planning and development efforts.
12.	Promotes walkable community areas	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	The Project site is not located in an urban setting with sidewalks.
13.	Elimination or reduction of blight	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	The Project site is not located in a blighted area.
14.	Proximity/support of regional tourism attractions/facilities	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	N/A
15.	Local or County official support	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The Project has local and county support.
16.	Building or site has historic designation	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	There is no historic designation.
17.	Provides brownfield remediation	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	No brownfields present.

Mooers VI, LLC

Resolution Authorizing Amendment to Basic Documents/Modification Agreement

M. Ryan stated the Mooers VI, LLC Solar Project is nearing completion and the Company has advised that the Project construction is slightly outside of the original lease lines that were established by the Company and the landowner and between the Company and the CCIDA. Therefore, the Company is requesting the CCIDA modify the basic documents to correct the land descriptions and enter into a modification agreement. C. Canada stated that the corrected land description does not vary significantly from the land description contained in the original basic documents.

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

Resolution No. 06-24-05

RESOLUTION AUTHORIZING THE EXECUTION BY COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY OF A CERTAIN MODIFICATION AGREEMENT IN CONNECTION WITH THE 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 Laws of 1969 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, renovating, improving, maintaining, equipping and furnishing of manufacturing, 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, pursuant to a closing on October 20, 2022 (the "Closing"), the Agency entered into a lease agreement dated as of October 1, 2022 (the "Lease Agreement") by and between the Agency and NY Mooers VI, LLC (the "Company") in connection with a project (the "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 sales and use taxes, real property transfer taxes, mortgage recording taxes and real estate taxes (collectively, the "Financial Assistance"); (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 taxes, real estate transfer taxes, mortgage recording taxes and real property taxes (collectively, the “Financial Assistance”); and (C) the lease of the Project Facility to the Company pursuant to the Lease Agreement; and

WHEREAS, simultaneously with the execution and delivery of the Lease Agreement (the “Closing”), (A) the Company executed and delivered to the Agency a certain lease to agency dated as of October 1, 2022 (the “Lease to Agency”) by and between the Company, as landlord, and the Agency, as tenant, pursuant to which the Company leased to the Agency a portion of the Land and all improvements now or hereafter located on said portion of the Land (collectively, the “Leased Premises”); (B) the Company and the Agency executed and delivered (1) a certain payment in lieu of tax agreement dated as of October 1, 2022 (the “Payment in Lieu of Tax Agreement”) by and between the Agency and the Company, pursuant to which the Company agreed to pay certain payments in lieu of taxes with respect to the Project Facility, (2) a certain recapture agreement (the “Section 875 GML Recapture Agreement”) by and between the Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes; (C) the Agency and the Company executed and delivered the uniform agency project agreement dated as of October 1, 2022 (the “Uniform Agency Project Agreement”) by and between the Agency and the Company relating to the terms of the granting by the Agency of the Financial Assistance to the Company; (D) the Agency filed with the assessor and mailed to the chief executive officer of each “affected tax jurisdiction” (within the meaning of such quoted term in Section 854(16) of the Act) a copy of a New York State Board of Real Property Services Form 412-a (the form required to be filed by the Agency in order for the Agency to obtain a real property tax exemption with respect to the Project Facility under Section 412-a of the Real Property Tax Law) (the “Real Property Tax Exemption Form”) relating to the Project Facility and the Payment in Lieu of Tax Agreement; (E) the Agency executed and delivered to the Company a sales tax exemption letter (the “Sales Tax Exemption Letter”) to ensure the granting of the sales tax exemption which formed a part of the Financial Assistance; (F) the Agency filed with the New York State Department of Taxation and Finance the form entitled “IDA Appointment of Project Operator or Agent for Sales Tax Purposes” (the form required to be filed pursuant to Section 874(9) of the Act) (the “Thirty-Day Sales Tax Report”) (collectively, with the Lease Agreement and the “Basic Documents”); and

WHEREAS, in order to finance a portion of the costs of the Project, the Company obtained a loan in the principal sum of up to \$11,900,000 (the “Loan”) from Live Oak Banking Company (the “Lender”), which Loan was secured by a leasehold, subleasehold and sub-subleasehold mortgage, security agreement and fixture filing dated December 16, 2022 (the “Mortgage”) from the Agency and the Company to the Lender; and

WHEREAS, subsequent to the Closing, as the Project is nearly complete, the Company was informed that the Project is slightly outside the original lease lines established by the Company and the landowner and between the Company and the Agency, therefore, pursuant to the request (the “Request”), attached hereto as Schedule A, the Company is requesting the Agency to modify the Basic Documents to revise the Exhibit “A” Land descriptions to correct the Land descriptions currently attached to the Basic Documents (the “Modification”); and

WHEREAS, in connection with the Modification, the Company has requested that the Agency enter into a certain modification agreement, by and between the Company and the Agency, substantially in the form attached hereto as Exhibit A (hereinafter referred to as the “Modification Agreement”); and

WHEREAS, pursuant to the Request, the Agency has been informed that the corrected land description does not vary significantly from the land description contained in the Basic Documents, therefore, the Modification is within the scope of the Project on which a public hearing was held and for which was the subject of the SEQRA (defined below) review; 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 adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), it appears that the Modification constitutes a Type II action under SEQRA;

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

Section 1. Based upon an examination of the Modification, the Agency hereby determines that the actions to be taken by the Agency in compliance with the Modification constitute a “Type II action” pursuant to 6 NYCRR 617.5(23), and therefor that, pursuant to 6 NYCRR 617.6(a)(1)(i), the Agency has no further responsibilities under SEQRA with respect to the Modification.

Section 2. Pursuant to the Request, the Agency has determined that the Modification is within the scope of the Project on which a public hearing has been held and for which was the subject of the SEQRA determination.

Section 3. The Agency hereby consents to the Modification and subject to (A) approval of the form of the Modification Agreement by Agency counsel and (B) receipt by the Agency of its administrative fee relating to the Modification and all fees and expenses incurred by the Agency with respect to the Modification, including the fees and expenses incurred by Agency counsel with respect thereto, the Agency hereby authorizes the execution by the Agency of the Modification Agreement.

Section 4. Subject to the satisfaction of the conditions described in Section 3 hereof, the Chairperson (or Vice Chairperson) of the Agency is hereby authorized to execute and deliver the Modification Agreement to the Company, and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chairperson (or Vice Chairperson) shall approve, the execution thereof by the Chairperson (or Vice Chairperson) to constitute conclusive evidence of such approval.

Section 5. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Modification Agreement, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Modification Agreement binding upon the Agency.

Section 6. 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
Joey Trombley	VOTING	Yes
Mark Leta	VOTING	Excused
Keith Defayette	VOTING	Yes
John VanNatten	VOTING	Yes
Michael Zurlo	VOTING	Yes

The foregoing Resolution was thereupon declared duly adopted.

SCHEDULE A

REQUEST

- SEE ATTACHED -

COUCH WHITE LLP

JOSHUA A. SABO, ESQ.

jsabo@couchwhite.com 518.320.3443 direct 518.426.0376 fax

June 5, 2024

Trent Tahan, Chairperson
County of Clinton Industrial Development Agency
137 Margaret Street, Suite 209
Plattsburgh, New York 12901

Re: Clinton County IDA – NY Mooers VI, LLC

Dear Chair Tahan,

We are counsel to NY Mooers VI, LLC and its upstream owners. The County of Clinton Industrial Development Agency (“CCIDA”) and NY Mooers VI, LLC (“Company”) entered into a Lease/Leaseback agreement in December of 2022 relating to a leasehold interest in a portion of a certain parcel of land located on County Route 11 in the Town of Mooers upon which a solar project would be constructed.

The solar project is nearly completely constructed. Unfortunately, the project, as-built, is slightly outside of the original lease lines established between the Company and the landowner and between the Company and CCIDA. The Company is seeking to amend the lease lines, but the total area of the leased property will not change.

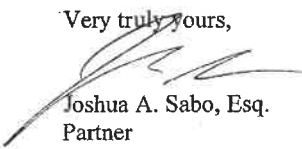
We are requesting CCIDA amend the Lease and Leaseback Agreements with the Company to include the enclosed metes and bounds description in place of the metes and bounds description used in 2022. The Company is also amending the leasehold mortgage to conform to the proposed metes and bounds description and the Company is requesting CCIDA executed the amended mortgage as well.

Please note that both the original lease area and the proposed amended lease area were the subject of the original SEQRA approvals for the solar project relied upon by CCIDA when it originally authorized the agreements with the Company and no additional SEQRA consideration is needed before responding to this request.

The Company is not seeking additional benefits from CCIDA and would not be entitled to additional benefits when these requests are approved. These requests, when granted, will have no impact on the Company’s existing PILOT obligations.

Please feel free to contact me with any questions or concerns about these requests.

Very truly yours,



Joshua A. Sabo, Esq.
Partner

Cc: Nadene Zeigler

ALBANY, NEW YORK CITY & SARATOGA SPRINGS, NY | HARTFORD, CT
540 Broadway | PO Box 22222 | Albany, NY 12201 couchwhite.com

EXHIBIT A
MODIFICATION AGREEMENT

- SEE ATTACHED -

DRAFT FOR DISCUSSION PURPOSES ONLY
DATED: JUNE 17, 2024

COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY

AND

NY MOOERS VI, LLC

MODIFICATION AGREEMENT

DATED AS OF JUNE __, 2024

RELATING TO (A) THE NY MOOERS VI, LLC PROJECT AND (B)
CERTAIN RELATED DOCUMENTS.

TABLE OF CONTENTS

(This Table of Contents is for convenience of reference only and is not part of the Modification Agreement)

	<u>PAGE</u>
PARTIES	1
RECITALS	1
Section 1. Definitions.....
Section 2. Provisions of the Modification Agreement Construed with the Basic Documents.....
Section 3. Basic Documents as Amended to Remain in Effect.....
Section 4. Recording
Section 5. Execution of Counterparts.....
SIGNATURES
ACKNOWLEDGEMENTS
SCHEDULE A	SchA-1
SCHEDULE B	SchB-1

MODIFICATION AGREEMENT

THIS MODIFICATION AGREEMENT dated as of June ____, 2024 is by and between COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY, a public benefit corporation organized and existing under the laws of the State of New York (the "State") having an office for the transaction of business located at 137 Margaret Street, Suite 209, Plattsburgh, New York 12901 (the "Agency") and NY MOOERS VI, LLC, a limited liability company duly organized and validly existing under the laws of the State of New York having an office for the transaction of business located at 140 East 45th Street, Suite 32B-1, New York, New York (the "Company").

WITNESSETH:

WHEREAS, Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "Enabling Act") was duly enacted into law as Chapter 1030 of the Laws of 1969 of the State of New York; and

WHEREAS, the Enabling Act authorizes and provides for the creation of industrial development agencies for the benefit of the several counties, cities, villages and towns in the State of New York (the "State") and empowers such agencies, among other things, to acquire, construct, reconstruct, lease, improve, maintain, equip and dispose of land and any building or other improvement, and all real and personal properties, including, but not limited to, machinery and equipment deemed necessary in connection therewith, whether or not now in existence or under construction, which shall be suitable for manufacturing, warehousing, research, commercial or industrial purposes, in order to advance the job opportunities, health, general prosperity and economic welfare of the people of the State and to improve their standard of living; and

WHEREAS, the Enabling Act further authorizes each such agency to lease or sell any or all of its facilities, for the purpose of carrying out any of its corporate purposes and any agreements made in connection therewith, to mortgage and pledge any or all of its facilities, whether then owned or thereafter acquired, and to pledge the revenues and receipts from the lease or sale thereof; and

WHEREAS, the Agency was created, pursuant to and in accordance with the provisions of the Enabling Act, by 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") and is empowered under the Act to undertake the Project (as hereinafter defined) in order to so advance the job opportunities, health, general prosperity and economic welfare of the people of the State and improve their standard of living; and

WHEREAS, pursuant to a closing on October 20, 2022 (the "Closing"), the Agency entered into a lease agreement dated as of October 1, 2022 (the "Lease Agreement") by and between the Agency and NY Mooers VI, LLC (the "Company") in connection with a project (the "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 sales and use taxes, real property transfer taxes, mortgage recording taxes and real estate taxes (collectively, the "Financial

Assistance”); (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 taxes, real estate transfer taxes, mortgage recording taxes and real property taxes (collectively, the “Financial Assistance”); and (C) the lease of the Project Facility to the Company pursuant to the Lease Agreement; and

WHEREAS, simultaneously with the execution and delivery of the Lease Agreement (the “Closing”), (A) the Company executed and delivered to the Agency a certain lease to agency dated as of October 1, 2022 (the “Lease to Agency”) by and between the Company, as landlord, and the Agency, as tenant, pursuant to which the Company leased to the Agency a portion of the Land and all improvements now or hereafter located on said portion of the Land (collectively, the “Leased Premises”); (B) the Company and the Agency executed and delivered (1) a certain payment in lieu of tax agreement dated as of October 1, 2022 (the “Payment in Lieu of Tax Agreement”) by and between the Agency and the Company, pursuant to which the Company agreed to pay certain payments in lieu of taxes with respect to the Project Facility, (2) a certain recapture agreement (the “Section 875 GML Recapture Agreement”) by and between the Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes; (C) the Agency and the Company executed and delivered the uniform agency project agreement dated as of October 1, 2022 (the “Uniform Agency Project Agreement”) by and between the Agency and the Company relating to the terms of the granting by the Agency of the Financial Assistance to the Company; (D) the Agency filed with the assessor and mailed to the chief executive officer of each “affected tax jurisdiction” (within the meaning of such quoted term in Section 854(16) of the Act) a copy of a New York State Board of Real Property Services Form 412-a (the form required to be filed by the Agency in order for the Agency to obtain a real property tax exemption with respect to the Project Facility under Section 412-a of the Real Property Tax Law) (the “Real Property Tax Exemption Form”) relating to the Project Facility and the Payment in Lieu of Tax Agreement; (E) the Agency executed and delivered to the Company a sales tax exemption letter (the “Sales Tax Exemption Letter”) to ensure the granting of the sales tax exemption which formed a part of the Financial Assistance; (F) the Agency filed with the New York State Department of Taxation and Finance the form entitled “IDA Appointment of Project Operator or Agent for Sales Tax Purposes” (the form required to be filed pursuant to Section 874(9) of the Act) (the “Thirty-Day Sales Tax Report”) (collectively, with the Lease Agreement and the “Basic Documents”); and

WHEREAS, in order to finance a portion of the costs of the Project, the Company obtained a loan in the principal sum of up to \$11,900,000 (the “Loan”) from Live Oak Banking Company (the “Lender”), which Loan was secured by a leasehold, subleasehold and sub-subleasehold mortgage, security agreement and fixture filing dated December 16, 2022 (the “Mortgage”) from the Agency and the Company to the Lender; and

WHEREAS, subsequent to the Closing, as the Project is nearly complete, the Company was informed that the Project is slightly outside the original lease lines established by the Company and the landowner and between the Company and the Agency, so the Company is desirous of modifying the terms of the Basic Documents to revise the Exhibit “A” description of the Land in the Basic Documents and requested that the Agency amend the Exhibit “A” descriptions to the correct Land descriptions currently attached to the Basic Documents (the “Modification”) (the “Corrected Description”); and

WHEREAS, by resolution adopted by the members of the Agency on June 17, 2024 (the “Resolution Authorizing Amendment to Basic Documents”), the members of the Agency (A) determined that pursuant to SEQRA, the Modification is a “Type II” action and therefore the Agency has no further responsibilities under SEQRA with respect to the Modification, (B) determined to amend the Basic Documents to insert the Corrected Description as the description is still within the scope of the Project on which a public hearing was previously held and for which was the subject of the SEQRA determination; and (C) authorized the execution and delivery of this Modification Agreement with respect to the Modification;

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS HEREINAFTER CONTAINED, THE PARTIES HERETO HEREBY FORMALLY COVENANT, AGREE AND BIND THEMSELVES AS FOLLOWS, TO WIT:

SECTION 1. DEFINITIONS. Except as otherwise provided herein, all words and terms used herein shall have the respective meanings ascribed thereto in Article I of the Basic Documents.

SECTION 2. MODIFICATION OF BASIC DOCUMENTS. In each of the Basic Documents where there is a Land description attached as Exhibit "A", or as any other exhibit, the Exhibit A (or other exhibit) which reads as attached hereto as Schedule "A" shall be deemed deleted in its entirety and Schedule "B" attached hereto shall be deemed to be inserted in its place.

SECTION 3. PROVISIONS OF MODIFICATION AGREEMENT CONSTRUED WITH THE BASIC DOCUMENTS. All of the covenants, agreements and provisions of this Modification Agreement shall be deemed to be and shall be construed as part of the Basic Documents and vice versa to the same extent as if fully set forth verbatim therein and herein. In the event of any variation or inconsistency between any covenant, agreement or provision contained in any Basic Document and any covenant, agreement or provision contained in this Modification Agreement, such covenant, agreement or provision contained herein shall govern.

SECTION 4. BASIC DOCUMENTS AS AMENDED TO REMAIN IN EFFECT. Except as amended by this Modification Agreement, the Basic Documents shall remain unmodified and in full force and effect and the terms and conditions thereof are hereby confirmed.

SECTION 5. RECORDING. The Agency shall cause this Modification Agreement to be recorded at the expense of the Company in such office or offices as may at the time be provided by law as the proper place or places for the recordation thereof.

SECTION 6. EXECUTION OF COUNTERPARTS. This Modification Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Modification Agreement as of the day and year first above written.

COUNTY OF CLINTON INDUSTRIAL
DEVELOPMENT AGENCY

By: _____
(Vice) Chairperson

NY MOOERS VI, LLC

By: _____
Authorized Officer

STATE OF NEW YORK)
) :ss.
COUNTY OF CLINTON)

On the _____ day of June, in the year 2024, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
) :ss.
COUNTY OF CLINTON)

On the ____ day of June, in the year 2024, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

SCHEDULE A

PRIOR DESCRIPTION

- SEE ATTACHED -

EXHIBIT A-1

Description of Property

County Route 11
Mooers, NY
Tax ID: 43.-1-16.11

Description of Premises

All that certain piece or portion of lands of Shanna L. Ashline and Neil A. Ashline, Deed Instrument # 2011-242170, on the westerly side of New York State Route 11, situated in the Town of Mooers, County of Clinton, State of New York, and being more particularly described as follows:

COMMENCING at an "RMS" capped iron rod found at the northwesterly corner of lands now or formerly of Larry L. Ashline, Carol I. Ashline and Jana M. Garrant, Deed Instrument # 2009-222175, which point is in the southerly boundary of lands now or formerly of Bernadette M. Bechard, Deed Instrument # 2017-284540.

Thence turning and running northwesterly along the southerly boundary of said lands now or formerly of Bernadette M. Bechard, N 89°32'44" W a distance of 100.21' to the **POINT OF BEGINNING**.

Thence continuing northwesterly along the southerly boundary of said lands now or formerly of Bernadette M. Bechard, N 89°32'44" W a distance of 1,753.03' to a point in the easterly boundary of lands now or formerly of Rabideau Family Irrevocable Trust, Steven C. Rabideau, Trustee, Judy R. Garrant, Trustee, Carol R. Payne, Trustee, and Caroline R. Cayea, Trustee, Deed Instrument # 2009-222476, which point is the northwesterly corner of the herein described parcel.

Thence turning and running southerly along the easterly boundary of said lands now or formerly of Rabideau Family Irrevocable Trust, Steven C. Rabideau, Trustee, Judy R. Garrant, Trustee, Carol R. Payne, Trustee, and Caroline R. Cayea, Trustee and continuing along the easterly boundary of lands now or formerly of Raymond and Clara Rabideau Irrevocable Trust, Steven C. Rabideau, Trustee, Judy R. Garrant, Trustee, Carol R. Payne, Trustee, and Caroline R. Cayea, Trustee, Deed Instrument # 1998-099975, S 01°08'37" W a distance of 945.38' to the southwestly corner of the herein described parcel.

Thence turning and running easterly through said lands of Shanna L. Ashline and Neil A. Ashline, N 89°41'04" E a distance of 1,327.19' to a point.

Thence turning and running northerly and continuing through said lands of Shanna L. Ashline and Neil A. Ashline, N 00°00'00" W a distance of 390.46' to a point.

Thence turning and running easterly and continuing through said lands of Shanna L. Ashline and Neil A. Ashline, N 90°00'00" E a distance of 444.67' to a point.

Thence turning and running northerly and continuing through said lands of Shanna L. Ashline and Neil A. Ashline, N 00°00'00" W a distance of 533.52' to the **POINT OF BEGINNING**.

The above-described portion of land contains 1,471,896.19 sq. ft., or 33.79 acres of land on the westerly side of New York State Route 11.

SCHEDULE B
CORRECTED DESCRIPTION

- SEE ATTACHED -

AMENDED LEASE BOUNDARY LEGAL DESCRIPTION

All that certain piece or portion of lands of Shanna L. Ashline and Neil A. Ashline, and being a portion of "Parcel VI" of Deed Instrument # 2011-242170, on the westerly side of New York State Route 11, situated in the Town of Mooers, County of Clinton, State of New York, and being more particularly described as follows;

COMMENCING at an "RMS" capped iron rod found at the northwesterly corner of lands now or formerly of Larry L. Ashline, Carol I. Ashline and Jana M. Garrant, Deed Instrument # 2009-222175, which point is in the southerly boundary of lands now or formerly of Bernadette M. Bechard, Deed Instrument # 2017-284540.

Thence turning and running northwesterly along the southerly boundary of said lands now or formerly of Bernadette M. Bechard, N 89°32'44" W a distance of 100.21' to the **POINT OF BEGINNING**.

Thence continuing northwesterly along the southerly boundary of said lands now or formerly of Bernadette M. Bechard, N 89°32'44" W a distance of 1,753.03' to a point in the easterly boundary of lands now or formerly of Rabideau Family Irrevocable Trust, Steven C. Rabideau, Trustee, Judy R. Garrant, Trustee, Carol R. Payne, Trustee, and Caroline R. Cayea, Trustee, Deed Instrument # 2009-222476, which point is the northwesterly corner of the herein described parcel.

Thence turning and running southerly along the easterly boundary of said lands now or formerly of Rabideau Family Irrevocable Trust, Steven C. Rabideau, Trustee, Judy R. Garrant, Trustee, Carol R. Payne, Trustee, and Caroline R. Cayea, Trustee and continuing along the easterly boundary of lands now or formerly of Raymond and Clara Rabideau Irrevocable Trust, Steven C. Rabideau, Trustee, Judy R. Garrant, Trustee, Carol R. Payne, Trustee, and Caroline R. Cayea, Trustee, Deed Instrument # 1998-099975, S 01°08'37" W a distance of 898.47' to the southwestly corner of the herein described parcel.

Thence turning and running easterly through said lands of Shanna L. Ashline and Neil A. Ashline, N 89°41'04" E a distance of 1,326.25' to a point.

Thence turning and running northerly and continuing through said lands of Shanna L. Ashline and Neil A. Ashline, N 00°00'00" W a distance of 247.51' to a point.

Thence turning and running easterly and continuing through said lands of Shanna L. Ashline and Neil A. Ashline, N 90°00'00" E a distance of 574.67' to a point.

Thence turning and running northerly and continuing through said lands of Shanna L. Ashline and Neil A. Ashline, N 00°00'00" W a distance of 150.00' to a point.

Thence turning and running westerly and continuing through said lands of Shanna L. Ashline and Neil A. Ashline, S 90°00'00" W a distance of 130.00' to a point.

Thence turning and running northerly and continuing through said lands of Shanna L. Ashline and Neil A. Ashline, N 00°00'00" W a distance of 479.57' to the **POINT OF BEGINNING**.

The above-described portion of land contains 1,471,897.75 sq. ft., or 33.79 acres of land on the westerly side of New York State Route 11.

Clinton County Economic Development Committee Update

M. Zurlo provided the following updates:

- Final paving at the Clinton County Business Innovation Gateway (C-BIG) project is nearing completion, with planned completion scheduled for July 2024. Overall project completion is ahead of schedule.
- Plattsburgh International Airport has received proposals for its Essential Air Service (EAS) contract from Breeze Airways, Boutique Air and Contour Airlines. The EAS contract is up for renewal October 1, 2024. Contour Airlines holds the current EAS contract. The three EAS proposals are currently under review.
- Clinton County is working with CIDC out of Albany, NY, who will be partnering with Champlain Valley Educational Services (CVES) on a large expansion. The CVES expansion will be located on land that the County exchanged with CVES.
- SUNY and Clinton County formed a committee for the purpose of identifying options for the redevelopment of the Institute of Advanced Manufacturing (IAM) facility located at Clinton Community College. A lease has been signed with Boards of Cooperative Educational Services (BOCES), and they will transition some of their operations to that facility. BOCES will maintain the original mission of the IAM facility of workforce training and development.

Clinton County Housing Feasibility Study

M. Ryan briefly reviewed the three housing feasibility study proposals that were presented to the Board at the May 2024 CCIDA meeting. The three proposals were provided by Camoin Associates, LaBella Associates, and MRB Group. M. Ryan stated the purpose of the feasibility study is to identify approximately 12 locations throughout Clinton County that would be feasible for housing development, and would assist the developers in obtaining grant funding for housing projects. M. Ryan advised that, in her opinion, the Camoin proposal is the best fit for the CCIDA's needs. The Lake Champlain/Lake George Regional Planning Board (LCLGRP) also chose the Camoin proposal as the best option. M. Ryan advised that Camoin has done a lot of this type of work throughout the state in the realm of housing.

J. VanNatten asked what the end result of the feasibility study will be. M. Ryan advised the objective is to entice developers to create housing projects at the properties identified in the study that best satisfy local housing needs. C. Canada advised that housing projects are becoming more and more accepted by the New York State Authority Budget Office (ABO) and having a study such as what is being proposed would demonstrate that the CCIDA has done their due diligence in identifying and benefiting housing projects that best fit the housing needs of the County. M. Ryan stated that this feasibility study will also likely bring future projects to the CCIDA.

J. Trombley asked if the properties identified by the feasibility study would already be for sale. M. Ryan advised that if the identified properties are not already for sale, they would likely easily be made available for sale. M. Ryan also advised that when looking at a location, site selectors for businesses like to know what action has been taken to address workforce housing needs. J. Trombley stated the Camoin Associates' proposal is the most expensive of the three, and asked what they are providing for the value. M. Ryan advised that Camoin has done more housing studies than the other two companies and, in her opinion, is the most qualified. MRB has done housing studies on the other side of the state, and Camoin has completed more studies in this area. M. Ryan also stated that in talking with other IDA directors at conferences, Camoin seems to be the standard for housing feasibility studies. LCLGRP did a study of the Lake Champlain/Lake George area to identify potential housing sites. This study was not a feasibility study, but more in the form of a survey. M. Ryan advised that the LC/LG Regional Planning Board hoped that their study would result in counties conducting their own in-depth feasibility studies to identify potential housing sites within their own county.

C. Canada advised that procurement rules do not apply in the selection process since this is for professional services. Therefore, the CCIDA is free to select whichever company best fits the objective, and cost does not dictate the decision. M. Zurlo stated that, in his opinion, the town supervisors throughout the County should be made aware of this study once it is completed. The other board members agreed, and M. Ryan advised that she would make sure that this occurred.

On a motion by M. Zurlo, and seconded by D. Hoover, it was unanimously carried to engage Camoin Associates to perform a housing feasibility study for Clinton County as outlined in their proposal dated May 3, 2024.

Clinton Community College Property Feasibility Study Proposals

M. Ryan provided copies of feasibility study proposals for the Clinton Community College property from CPL Architecture-Engineering-Planning, Camoin Associates, and HR&A Advisors, Inc. M. Ryan asked the Board to review the three proposals in preparation for discussion at the July 8, 2024 CCIDA meeting. The Clinton Community College property is very unique and the purpose of the feasibility study is to identify the best and highest use for the property. M. Zurlo asked how the Clinton County Legislature is being kept apprised of the CCIDA's efforts regarding repurposing this property. M. Ryan advised that she has been keeping the Chairman of the Legislature up-to-date on the status of the CCIDA's actions. J. VanNatten asked if this feasibility study is being conducted at the request of the County. M. Ryan advised that it was. M. Zurlo advised that the IAM facility will not be part of this study.

UTEP Addendums – Green Energy Projects and Housing Projects

S. Wagner provided the Board with copies of Uniform Tax Exemption Policies from several other IDA's (Erie County, Onondago County, Nassau County and Ulster County) for review. Potential revisions to the CCIDA's UTEP will be discussed at the July 2024 CCIDA board meeting. The purpose of updating the CCIDA's UTEP is to include green energy projects as well as housing projects. C. Canada also suggested the CCIDA update its mission statement to include providing benefits to projects that will create workforce housing. C. Canada advised that if the UTEP is updated to include housing projects, a public hearing will need to be held. M. Ryan advised that this topic will be discussed in further detail, including specific language, at future CCIDA meetings.

Management Team Reports

Executive Director's Report

M. Ryan advised that following today's CCIDA meeting, she and C. Canada will be meeting with several school districts to discuss host community agreements going forward.

C. Canada outlined two legislative bills that were recently passed by the New York State Legislature that, if signed into law, will effect IDA's. The first bill would require a representative from Organized Labor and a School District Representative (either school board member or superintendent) be appointed to all IDA boards. The second bill would require IDA's take into consideration within their UTEPs the extent to which a proposed project will provide onsite child daycare facilities. This bill would not require a project to have onsite daycare, only that the IDA take into consideration if it does.

M. Ryan would like to draft a letter to the Governor's office expressing our opposition to the IDA board member requirements and asked for the Board's consent to do so. M. Ryan also indicated that she is asking the County Legislature pass a resolution to do the same. The CCIDA board expressed their support for M. Ryan to send a letter to the Governor as requested.

On a motion by J. VanNatten, and seconded by D. Hoover, it was unanimously carried to convene into Executive Session at 1:00 p.m.

On a motion by J. VanNatten, and seconded by J. Trombley, it was unanimously carried to reconvene the regular session of the CCIDA Board Meeting at 1:28 p.m. No action was taken in the Executive Session.

There being no further business to discuss, on a motion by K. Defayette, and seconded by D. Hoover, the meeting adjourned at 1:20 p.m.



Trent Trahan, Chairperson