

County of Clinton Industrial Development Agency
Report of the Public Hearing
Regarding Saranac Power Partners, L.P.
February 29, 2024

The public hearing was called to order by Molly Ryan, Executive Director of the County of Clinton Industrial Development Agency at 10:00 a.m., at the Town of Plattsburgh Town Hall located at 151 Banker Road, Plattsburgh, New York.

Present: Molly Ryan, Executive Director, County of Clinton IDA
Dorothy Brunell, Administrative Assistant, County of Clinton IDA
Michael Cashman, Supervisor, Town of Plattsburgh
Kevin MacLeod, Esq., Counsel for Saranac Power Partners, L.P. (Via Teleconference)

My name is Molly Ryan, and I am the Executive Director of County of Clinton Industrial Development Agency (the "Agency").

Today I am holding this Public Hearing to allow citizens to make a statement, for the record, relating to the involvement of the Agency with a request (the "PILOT Request") from Saranac Power Partners, L.P., a New York State limited partnership (the "Company"). Pursuant to the PILOT Request, the Company has requested that the Agency make certain further amendments (the "Proposed Amendments") to an amended and restated payment in lieu of tax agreement dated as of January 1, 2018 (the "Amended and Restated PILOT") by and among the Agency, the Company and the PILOT Mortgage Agent (as defined in the Amended and Restated PILOT).

Pursuant to the Amended and Restated PILOT, the Company agreed to pay certain payments in lieu of taxes in connection with a project (the "Project") consisting of the following: (A) (1) the acquisition of fee title to, leasehold interests in and certain easements to various parcels of real property located in the Town of Plattsburgh, Clinton County, New York (the "Land"), (2) the construction on the Land of a 240MW natural gas-fired cogeneration facility and related transmission lines and electrical energy interconnection facilities (the "Facility") and (3) the acquisition and installation of various machinery and equipment (the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"); (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 taxes, real estate transfer taxes, mortgage recording taxes and real property taxes (the "Financial Assistance"); and (C) the sale of the Project Facility to the Company pursuant to an installment sale agreement dated as of December 1, 1992 (the "Installment Sale Agreement") by and between the Agency and the Company.

The Proposed Amendments would provide for an extension of the Amended and Restated PILOT for an additional term of five (5) years scheduled to terminate on March 31, 2029. Pursuant to the terms of the First Amendment to Amended and Restated PILOT, the Company would continue to make semi-annual payments in lieu of taxes in amounts to be determined by the Agency and the Company during such additional term.

Because the Proposed Amendments are not consistent with the Agency's uniform tax exemption policy, the Agency is also following the procedures for deviation from such policy set forth in such policy and in Section 874(4) of the Act.

I intend to provide general information on the Agency's general authority and public purpose to undertake the Proposed Amendments. I will then open the comment period to receive comments from all present who wish to comment on the Proposed Amendments.

Legal Authorization and Powers of the Agency

The provisions of Chapter 1030 of Laws of 1969 of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York as amended, and Chapter 225 of the 1971 Laws of the State of New York, as amended, codified as Section 895-f of said General Municipal Law (collectively, the “Act”), authorize the Agency to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining and equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others.

Purpose of this Public Hearing

Pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the “Act”), prior to the Agency providing any “financial assistance” (as defined in the Act) of more than \$100,000 to any project, the Agency, among other things, must hold a public hearing pursuant to Section 859-a of the Act with respect to said project. Since the proposed “financial assistance” to be provided by the Agency with respect to the Proposed Amendments may exceed \$100,000, then prior to providing any “financial assistance” (as defined in the Act) of more than \$100,000 with respect to the Proposed Amendments, the Agency must hold a public hearing on the Proposed Amendments and the proposed “financial assistance” to be provided by the Agency with respect to the Proposed Amendments.

After consideration of the PILOT Request received from the Company, the members of the Agency adopted a resolution on January 8, 2024 authorizing the Executive Director of the Agency to, among other things, conduct this Public Hearing with respect to the Proposed Amendments pursuant to Section 859-a(2) of the Act.

The Executive Director of the Agency caused notice of this Public Hearing to be (A) mailed on February 15, 2024 to the chief executive officers of Clinton County, the Town of Plattsburgh and the Beekmantown Central School District and (B) published on February 17, 2024 in the Press Republican, a newspaper of general circulation available to the residents of the Town of Plattsburgh, Clinton County, New York. In addition, the Executive Director of the Agency caused notice of this Public Hearing to be posted on February 15, 2024 on the Agency’s website and also on a public bulletin board located at Plattsburgh Town Hall located at 151 Banker Road, in the Town of Plattsburgh, Clinton County, New York.

Copies of the notice of this Public Hearing are available on the table.

Now, unless there is any objection, I am going to suggest waiving the full reading of the notice of this Public Hearing, and instead request that the full text of the notice of this Public Hearing be inserted into the record of this Public Hearing.

Public Hearing Notice

Notice is hereby given that a public hearing pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the “Act”) will be held by County of Clinton Industrial Development Agency (the “Agency”) on the 29th day of February, 2024, at 10:00 o’clock local time, at the Plattsburgh Town Hall located at 151 Banker Road, Plattsburgh, New York in the Town of Plattsburgh, Clinton County, New York, in connection with the following matters:

Saranac Power Partners, L.P. (the “Company”) entered into a payment in lieu of tax agreement dated as of December 29, 1992 (the “Original PILOT”) by and between the Agency and the Company, as amended pursuant to a first amendment to payment in lieu of tax agreement dated as of March 1, 2009 (the “First Amendment to PILOT”), as further amended pursuant to a second amendment to payment in lieu of tax agreement dated as of December 1, 2009 (the “Second Amendment to PILOT”), as further amended

pursuant to a third amendment to payment in lieu of tax agreement dated as of December 1, 2013 (the "Third Amendment to PILOT") and as further amended pursuant to a fourth amendment to payment in lieu of tax agreement dated as of December 1, 2016 (the "Fourth Amendment to PILOT"), each by and among the Agency, the Company and the PILOT Mortgage Agent (as defined in the Original PILOT) (the Original PILOT, as amended by the First Amendment to PILOT, the Second Amendment to PILOT, the Third Amendment to PILOT and the Fourth Amendment to PILOT, being referred to hereinafter as the "Amended PILOT"), which Amended PILOT was amended and restated by an amended and restated payment in lieu of tax agreement dated as of January 1, 2018 (the "Amended and Restated PILOT") by and among the Agency, the Company and the PILOT Mortgage Agent), pursuant to which the Company agreed to pay certain payments in lieu of taxes with respect to the following project (the "Project") consisting of the following: (A) (1) the acquisition of fee title to, leasehold interests in and certain easements to various parcels of real property located in the Town of Plattsburgh, Clinton County, New York (the "Land"), (2) the construction on the Land of a 240MW natural gas-fired cogeneration facility and related transmission lines and electrical energy interconnection facilities (the "Facility") and (3) the acquisition and installation of various machinery and equipment (the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"); (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 taxes, real estate transfer taxes, mortgage recording taxes and real property taxes (the "Financial Assistance"); and (C) the sale of the Project Facility to the Company pursuant to an installment sale agreement date as of December 1, 1992 (the "Installment Sale Agreement") by and between the Agency and the Company.

In connection with the Project, the Company has requested that the Agency amend the Amended and Restated PILOT (the "First Amendment to Amended and Restated PILOT"). The First Amendment to Amended and Restated PILOT will amend the Amended and Restated PILOT in order to extend the term of the Amended and Restated PILOT for an additional five (5) years on its existing terms.

Pursuant to Article 8 of the Environmental Conservation Law (collectively, "SEQRA"), the execution and delivery of the First Amendment to Amended and Restated PILOT would constitute a "Type II action" pursuant to SEQRA and, therefore, no further action would be required by the Agency with respect to the First Amendment to Amended and Restated PILOT pursuant to SEQRA.

The Agency will at said time and place hear all persons with views on either the proposed First Amendment to Amended and Restated PILOT or the financial assistance being contemplated by the Agency in connection with the proposed First Amendment to Amended and Restated PILOT. A transcript or summary report of the hearing will be made available to the members of the Agency.

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

Dated: February 15, 2024.

The comments received today at this Public Hearing will be presented to the members of the Agency at or prior to the meeting at which the members of the Agency will consider whether to approve the Proposed Amendments and the granting by the Agency of any "financial assistance" in excess of \$100,000 with respect to the Proposed Amendments.

Written Comments

The notice of this Public Hearing indicated that written comments could be addressed to: Molly F. Ryan, the Executive Director of the Agency. No written comments have been received by the Agency prior to this Public Hearing.

Open Public Hearing to the Floor for Comments

I will now open this Public Hearing for public comment at 10:05 o'clock, a.m.

By way of operating rules, if you wish to make a public comment, please raise your hand, and I will call on you. Please wait to be recognized, once recognized, please stand and state your name and address for the record.

When everyone has had the opportunity to speak, I will conclude this Public Hearing. A record of this Public Hearing will be prepared and reviewed by the members of the Agency in connection with the Agency's consideration of the Proposed Amendments.

Again, the purpose of this Public Hearing is to solicit public comment. We are not here to answer questions. However, we will in the course of this Public Hearing consider questions if we have the information to answer the questions and there is sufficient time to consider such questions.

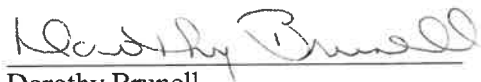
I will now ask if there is anyone in attendance who wishes to comment on the Proposed Amendments.

For the record, please state your name and indicate your comments on either the Proposed Amendments or the proposed "financial assistance" being contemplated by the Agency with respect to the Proposed Amendments.

Formal closure of the public hearing

So, if there are no further comments, I will now close this Public Hearing at 10:15 o'clock, a.m.

Thank you for attending.



Dorothy Brunell
Administrative Assistant, County of Clinton IDA