



MINUTES OF THE  
COUNTY OF CLINTON  
INDUSTRIAL DEVELOPMENT AGENCY  
MONDAY, APRIL 13, 2020

**Due to COVID-19, the meeting of the Clinton County Industrial Development Agency held on Monday, April 13, 2020 was through teleconference.**

The meeting was called to order by Trent Trahan, Chairperson, at 12:03 p.m. via GoToMeeting.

MEMBERS PRESENT: Trent Trahan, Chairperson  
David Hoover, Vice Chairperson  
Michael Zurlo, Secretary  
Keith Defayette, Treasurer and Chief Financial Officer  
Kim Murray, Assistant Secretary  
Mark Leta, Member  
John VanNatten, Member

STAFF PRESENT: Renee McFarlin, Executive Director  
George Cregg, Esq., Agency Counsel  
Christopher Canada, Esq., Agency Counsel

T. Trahan stated there was a *quorum* present.

T. Trahan waived the reading of the notice of the meeting published in the *Press Republican* on December 22, 2018.

**Approval of the Minutes of the March 16, 2020 Meeting**

T. Trahan asked if there were any questions regarding the draft minutes of the March 16, 2020 meeting of the County of Clinton Industrial Development Agency (CCIDA). There were none.

On a motion by K. Defayette, and seconded by M. Zurlo, it was unanimously carried to approve the minutes of the March 16, 2020 meeting of the CCIDA. Carried (7-0-0).

**Reports**

**Treasurer's Report**

K. Defayette reviewed the Treasurer's Report. There were no questions or concerns.

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



## **Committee Reports**

R. McFarlin reported no committee reports at this time.

## **Audit Committee**

R. McFarlin reported the Governor issued an Executive Order providing authorization to the Authorities Budget Office to extend the reporting deadline for the annual audit.

## **Old Business**

### **PILOT Deviation Letter Resolution**

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

Resolution No. 04-20-01

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO SEND A LETTER  
TO THE CHIEF EXECUTIVE OFFICERS OF THE AFFECTED TAXING ENTITIES  
INFORMING THEM OF A PROPOSED DEVIATION FROM THE AGENCY'S  
UNIFORM TAX EXEMPTION POLICY IN CONNECTION WITH THE  
PROPOSED PRIME PLATTSBURGH, LLC PROJECT

WHEREAS, County of Clinton Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 225 of the 1971 Laws of New York, as amended, constituting Section 895-f of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

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

WHEREAS, in July, 2019, Prime Plattsburgh, LLC, a New York State limited liability company (the "Company") submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in two (2) parcels of land containing in the aggregate approximately 3.36 acres located at 40 Bridge Street (currently tax map no. 207.20-7-14) and 22 Durkee



Street (currently tax map no. 207.20-7-15) in the City of Plattsburgh, Clinton County, New York (collectively, the “Land”), (2) the construction on the Land of an approximately 145,338 square foot building and approximately 55,216 square feet of parking space (collectively, the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery and equipment (collectively, the “Equipment”) (the Land, the Facility and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to constitute an approximately 114 unit residential apartment complex with ground level commercial/retail space and parking and other directly and indirectly related activities; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on July 8, 2019 (the “Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), by resolution adopted by the members of the Agency on July 8, 2019 (the “Preliminary SEQR Resolution”), the Agency (A) determined (1) that the Project may constitute a “Type I action”, (2) desired to follow the coordinated review procedures outlined in the Regulations, and (3) consented to the City of Plattsburgh Common Council (the “Common Council”) serving as “lead agency” with respect to the Project and (B) authorized the Chairperson or Vice Chairperson to contact the Common Council of the concurrence by the Agency that the Common Council shall be the “lead agency” with respect to the Project (as such quoted terms are defined in SEQRA); and

WHEREAS, in connection with the Application, the Company made a request to the Agency (the “Pilot Request”) that the Agency deviate from the Agency’s Uniform Tax Exemption Policy (the “Policy”) by providing for fixed payments in lieu of taxes being based on the number of apartments in the Project Facility and the amount of rental space; and

WHEREAS, the Policy provides that, for a facility similar to the Project Facility, payments in lieu of taxes will normally be determined as follows: the Company would have the benefit of a 50% abatement in real property taxes on the Facility and any portion of the Equipment assessable as real property pursuant to the New York Real Property Tax Law (collectively with the Facility, the “Improvements”) in year one of the payment in lieu of tax agreement with a five percent per year increase over the term of the ten year payment in lieu of tax agreement; and

WHEREAS, pursuant to Section 874(4) of the Act and the Agency’s Policy, prior to taking final action on such Pilot Request for a deviation from the Agency’s Policy, the Agency must give the chief executive officers of the County and each city, town, village and school district in which the Project is located (collectively, the “Affected Tax Jurisdictions”) no fewer than thirty (30) days prior written notice of the proposed deviation from the Agency’s uniform tax exemption policy and the reasons therefore; and



WHEREAS, pursuant to Section 856(15) of the Act, unless otherwise agreed by the Affected Tax Jurisdictions, payments in lieu of taxes must be allocated among the Affected Tax Jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each Affected Tax Jurisdiction had the Project Facility not been tax exempt due to the status of the Agency;

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

Section 1. Having considered both the Application and the Pilot Request, the Agency hereby authorizes the Executive Director of the Agency to send a written notice to the chief executive officers of each of the Affected Tax Jurisdictions informing them that the Agency is considering a proposed deviation from its uniform tax exemption policy with respect to the Project and the reasons therefore (in substantially the form of the draft of said letter attached hereto as Exhibit A), and soliciting any comments that such Affected Tax Jurisdictions may have with respect to said proposed deviation.

Section 2. This Resolution shall take effect immediately.

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

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

The foregoing Resolution was thereupon declared duly adopted.

**Delaware River Solar Projects: Plattsburgh I and Mooers IV Updates**

R. McFarlin reported that conversations between Delaware River Solar and the affected taxing jurisdictions are ongoing.

**ERS-Rouses Point Update**

R. McFarlin reported that ERS-Rouses Point is withdrawing their request for a PILOT deviation and they are now seeking a Tier III PILOT under the Uniform Tax Exemption Policy (UTEPP).

**Other Business as Required**

C. Canada reported on and clarified several Executive Orders from Governor Andrew Cuomo.



## **New Business**

### **Covid-19 – Potential CCIDA Response/Opportunities**

R. McFarlin reported that she and T. Trahan have discussed the potential CCIDA Covid-19 response. The Board determined R. McFarlin should look at ways to offer a fund that would permit the CCIDA/CCCRC to lend funds to local businesses.

## **Management Team Reports**

### **Project Monitoring**

R. McFarlin reported that remaining site visits are indefinitely on hold.

### **Project Status Updates**

R. McFarlin had no additional updates to report.

On a motion by J. VanNatten, and seconded by K. Murray, it was unanimously carried to adjourn the meeting. Carried (7-0-0).



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Trent Trahan, Chairperson