

**County of Clinton Industrial Development Agency
Report of the Public Hearing
Regarding ERS Rouses Point LLC
November 12, 2020**

The public hearing was called to order by Renee McFarlin, Executive Director of the County of Clinton Industrial Development Agency at 9:00 a.m., electronically via GoToMeeting at <https://global.gotomeeting.com/join/532086933>, Plattsburgh, New York.

Present: Renee McFarlin, Executive Director of County of Clinton IDA; Jedidiah Thone, Mayor, Village of Rouses Point, New York; Sarah Stevens, Contractor Appearing on Behalf of ERS, LLC

My name is Renee McFarlin, and I am the Executive Director of County of Clinton Industrial Development Agency (the "Agency") in connection with the project which is the subject of this public hearing.

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 project (the "Proposed Project") for the benefit of ERS Rouses Point LLC, a New York State limited liability company (the "Company").

The Proposed Project consists of the following: (A) (1) the acquisition of an interest in five (5) parcels of land containing approximately 80 acres located at 64 Maple Street and Academy Street (Tax Map Numbers 20.14-1-3.3, 20.14-1-3.1, 20.14-1-5, 20.14-1-27 and 20.14.1-28) in the Village of Rouses Point, Town of Champlain, Clinton County, New York (collectively, the "Land"), together with three (3) buildings located thereon containing in the aggregate approximately 233,876 square feet of space (collectively, the "Facility"), (2) the renovation and reconstruction of the Facility, (3) the further construction on the Land of a rail spur and the making of other infrastructure improvements (collectively, the "Improvements") and (4) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property, including without limitation, tenant improvement and finish (collectively, the "Equipment") (the Land, the Facility, the Improvements and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to constitute various manufacturing, warehouse, industrial and office space to be owned by the Company and leased to various tenants, 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.

I intend to provide general information on the Agency's general authority and public purpose to provide assistance to this Proposed Project. I will then open the comment period to receive comments from all present who wish to comment on either the Proposed Project or the Financial Assistance contemplated by the Agency with respect to the Proposed Project.

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 Project may exceed \$100,000, then prior to providing any “financial assistance” (as defined in the Act) of more than \$100,000 to the Proposed Project, the Agency must hold a public hearing on the nature and location of the Project Facility and the proposed “financial assistance” to be provided by the Agency with respect to the Proposed Project.

After consideration of the Application received from the Company, the members of the Agency adopted a resolution on October 7, 2019 (the “Public Hearing Resolution”) authorizing the Executive Director of the Agency to conduct this Public Hearing with respect to the Proposed Project 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 October 22, 2020 to the chief executive officers of Clinton County, the Village of Rouses Point, the Town of Champlain and the Northeastern Clinton Central School District and (B) published on October 23, 2020 in the Press-Republican, a newspaper of general circulation available to the residents of the Village of Rouses Point, Town of Champlain, Clinton County, New York. In addition, the Executive Director of the Agency caused notice of this Public Hearing to be posted on October 22, 2020 on the Agency’s website and also on a public bulletin board located at 139 Lake Street in the Village of Rouses Point, Town of Champlain, Clinton County, New York.

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 the County of Clinton Industrial Development Agency (the “Agency”) on the 12th day of November, 2020 at 9:00 o’clock a.m., local time, in connection with the ERS Rouses Point LLC Project, described below. As a result of the (1) ban on large meetings or gatherings pursuant to Executive Order 202.1 issued on March 12, 2020, as supplemented, (2) ban on non-essential gatherings of individuals of any size for any reason pursuant to Executive Order 202.10 issued on March 23, 2020, as supplemented and (3) suspension of the Open Meetings Law relating to public hearings pursuant to Executive Order 202.15 issued on April 9, 2020, as supplemented, each as issued by Governor Cuomo in response to the novel Coronavirus (COVID-19) pandemic, the Public Hearing will be held electronically via webinar rather than in person. Members of the public may attend the Public Hearing by viewing and commenting on the Project and the benefits to be granted to ERS Rouses Point LLC, a New York State limited liability company (the “Company”), by the Agency during the Public Hearing by logging into the webinar via computer, tablet or smartphone at:

<https://global.gotomeeting.com/join/532086933>

You can also dial in using your telephone: United States: +1 (872) 240-3311

Access Code: 532-086-933

ERS Rouses Point LLC, a New York State limited liability company (the "Company"), submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in five (5) parcels of land containing approximately 80 acres located at 64 Maple Street and Academy Street (Tax Map Numbers 20.14-1-3.3, 20.14-1-3.1, 20.14-1-5, 20.14-1-27 and 20.14.1-28) in the Village of Rouses Point, Town of Champlain, Clinton County, New York (collectively, the "Land"), together with three (3) buildings located thereon containing in the aggregate approximately 233,876 square feet of space (collectively, the "Facility"), (2) the renovation and reconstruction of the Facility, (3) the further construction on the Land of a rail spur and the making of other infrastructure improvements (collectively, the "Improvements") and (4) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property, including without limitation, tenant improvement and finish (collectively, the "Equipment") (the Land, the Facility, the Improvements and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to constitute various manufacturing, warehouse, industrial and office space to be owned by the Company and leased to various tenants, 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.

The Agency is considering whether (A) to undertake the Project, and (B) to provide certain exemptions from taxation with respect to the Project, including (1) exemption from mortgage recording taxes with respect to any documents, if any, recorded by the Agency with respect to the Project in the office of the County Clerk of Clinton County, New York or elsewhere, (2) exemption from deed transfer taxes on any real estate transfers, if any, with respect to the Project, (3) exemption from sales taxes relating to the acquisition, construction, renovation and installation of the Project Facility, and (4) in the event that the Project Facility would be subject to real property taxation if owned by the Company but shall be deemed exempt from real property taxation due to the involvement of the Agency therewith, exemption from real property taxes (but not including special assessments and special ad valorem levies), if any, with respect to the Project Facility, subject to the obligation of the Company to make payments in lieu of taxes with respect to the Project Facility. If any portion of the Financial Assistance to be granted by the Agency with respect to the Project is not consistent with the Agency's uniform tax exemption policy, the Agency will follow the procedures for deviation from such policy set forth in Section 874(4) of the Act prior to granting such portion of the Financial Assistance.

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

The Agency has not yet made a determination pursuant to Article 8 of the Environmental Conservation Law (the "SEQR Act") regarding the potential environmental impact of the Project.

The Agency will at said time and place hear all persons with views on either the location and nature of the proposed Project, or the Financial Assistance being contemplated by the Agency in connection with the proposed Project. A copy of the Application filed by the Company with the Agency with respect to the Project, including an analysis of the estimated costs and benefits of the Project, is available for public inspection during business hours at the offices of the Agency.

Minutes of the Public Hearing will transcribed and posted on the Agency's website (www.clintoncountyida.com). Additional information can be obtained from, and written comments may be addressed to: Renee McFarlin, Executive Director, County of Clinton Industrial Development Agency, 137 Margaret Street, Suite 209, Plattsburgh, New York 12901; Telephone: (518) 565-4627 and electronically at Renee.McFarlin@clintoncountygov.com.

Dated: October 21, 2020.

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 undertaking of the Proposed Project by the Agency and the granting by the Agency of any "financial assistance" in excess of \$100,000 with respect to the Proposed Project.

Written Comments

The notice of this Public Hearing indicated that written comments could be addressed to: Renee McFarlin, 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 9:06 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 Project.

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 either on the nature and location of the Project Facility or the proposed "financial assistance" being contemplated by the Agency with respect to the Proposed Project.

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

J. Thone, Mayor of Rouses Point, New York, asked if any aid had been decided for the Project. R. McFarlin advised that no aid had been determined as yet. She indicated the Project application is requesting a Tier 3 PILOT under the Uniform Tax Exemption Policy (UTEP) and she briefly outlined the property tax abatement schedule. J. Thone asked if this was the only relief on the table at this time. R. McFarlin indicated the Project is also seeking sales tax abatement and mortgage recording tax abatement. S. Stevens confirmed that this was accurate. R. McFarlin clarified that the property tax abatement would only apply to improvements made to the property. Whatever current taxes are being paid would continue to be paid. J. Thone asked when the tax abatement clock starts if nothing is built on the property for five

years. R. McFarlin indicated that if the County of Clinton Industrial Development Agency (CCIDA) Board approves the Project, the clock would start when the closing documents are filed.

J. Thone asked if this was a state program. R. McFarlin advised that industrial development agencies are legislated by the state. The County of Clinton IDA conducts all activities in accordance with both state regulations and internal policies.

J. Thone asked what type of Project is being planned. R. McFarlin advised that the buildings are being built on spec. The spaces are going to be marketed to anyone who might be interested with the objective to attract manufacturing, but it is possible that it will be warehousing and distribution. S. Stevens confirmed this and added that the site is being developed as an industrial park and they are looking to attract high-tech manufacturing, warehousing and other transportation-related businesses.

J. Thone asked for confirmation that the only two things affected will be sales tax and property tax. R. McFarlin indicated that was accurate with the addition of the mortgage recording tax. J. Thone also asked about the sales tax exemption. R. McFarlin advised that this would apply to only materials that are bought to improve/renovate the site and not for any products that are ultimately manufactured on the site. R. McFarlin stated that the objective of the Program is to incentivize development that generates taxable revenue.

J. Thone asked if there was a recent environmental assessment report available. He indicated that the last one he had seen was from 3-4 years ago and there is on-going testing of the site. S. Stevens indicated that she did not know if there were any new reports available but that she would find out. R. McFarlin advised that the CCIDA will receive a final environmental report before the Board makes its final decision on whether or not to approve the Project.

J. Thone asked if there would be a link available so that people can watch this meeting after-the-fact. R. McFarlin indicated that the link would be posted on the CCIDA website and also indicated that she would have the link to the meeting emailed directly to him.

Formal closure of the public hearing

So, if there are no further comments, I will now close this Public Hearing at 9:31 o'clock, a.m.

Thank you for attending.



Dorothy Brunell
Administrative Assistant, County of Clinton IDA