

**PILOT DEVIATION APPROVAL RESOLUTION  
BEEKMAN TOWERS PRESERVATION LLC PROJECT**

A regular meeting of County of Clinton Industrial Development Agency (the “Issuer”) was convened in public session in the Clinton County Government Center located at 137 Margaret Street in the City of Plattsburgh, Clinton County, New York on October 23, 2023 at 12:00 o’clock p.m., local time.

The meeting was called to order by the (Vice) Chairperson of the Issuer and, upon roll being called, the following members of the Issuer were:

**PRESENT:**

Trent Trahan	Chairperson
David Hoover	Vice Chairperson
Keith Defayette	Treasurer
Michael E. Zurlo	Secretary
Joey Trombley	Member
John VanNatten	Member

**ABSENT:**

Mark Leta	Assistant Secretary
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**ISSUER STAFF PRESENT INCLUDED THE FOLLOWING:**

Molly Ryan	Executive Director
Toni Moffat	Executive Assistant
Dorothy Brunell	Administrative Assistant
Christopher C. Canada, Esq.	Issuer Counsel
Shannon E. Wagner, Esq.	Issuer Counsel

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

Resolution No. 10-23-03

**RESOLUTION AUTHORIZING A DEVIATION FROM COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY’S UNIFORM TAX EXEMPTION POLICY IN CONNECTION WITH THE PROPOSED PAYMENT IN LIEU OF TAX AGREEMENT TO BE ENTERED INTO BY THE AGENCY IN CONNECTION WITH THE PROPOSED BEEKMAN TOWERS PRESERVATION LLC PROJECT.**

WHEREAS, County of Clinton Industrial Development Agency (the “Issuer”) 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 industrial, manufacturing, warehousing, commercial, research, and recreation 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, the Issuer is authorized and empowered by the provisions of the Enabling Act to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities, and lessen the burdens of government and act in the public interest, and in carrying out the aforesaid purposes and in exercising the powers conferred in the Enabling Act, the Enabling Act declares that the Issuer will be performing essential governmental functions; and

WHEREAS, to accomplish its stated purposes, the Issuer is authorized and empowered under the Enabling Act to issue its revenue bonds to finance the cost of the acquisition, construction and installation of one or more "projects" (as defined in the Enabling Act), to acquire, construct and install said projects or to cause said projects to be acquired, construction and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, in March, 2023, Beekman Towers Preservation LLC, a New York State limited liability company (the "Company"), submitted an application (the "Application") to the Issuer, a copy of which Application is on file at the office of the Issuer, which Application requested that the Issuer 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 an approximately 3 acre parcel of land located at 50 Truman Avenue (tax map number 207.10-2-24) in the City of Plattsburgh, Clinton County, New York (the "Land"), together with an existing building and related improvements located thereon (collectively, the "Facility"); (2) the reconstruction and renovation of the Facility, and (3) the acquisition and installation thereon and therein of certain related furniture, fixtures, machinery and equipment (the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to constitute an affordable elderly housing facility to be owned and operated by the Company; (B) the financing of all or a portion of the costs of the foregoing by the issuance of taxable and/or tax-exempt revenue bonds of the Issuer in one or more issues or series in an aggregate principal amount sufficient to pay all or a portion of the cost of undertaking the Project, together with necessary incidental costs in connection therewith, presently estimated to equal approximately \$21,000,000 but in any event not to exceed \$25,000,000 (the "Obligations"); (C) the payment of a portion of the costs incidental to the issuance of the Obligations, including issuance costs of the Obligations and any reserve funds as may be necessary to secure the Obligations; (D) the granting of certain other "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including exemption from certain sales taxes, deed transfer taxes, mortgage recording taxes and real property taxes (collectively with the Obligations, the "Financial Assistance"); and (E) the lease (with an obligation to purchase) or sale of the Project Facility to Beekman Towers Housing Development Fund Corp., a New York not-for-profit corporation (the "HDFC" and together with the Company, the "Owner"), as nominee for and on behalf of the Company or such other person as may be designated by the Company and agreed upon by the Issuer; and

WHEREAS, the Executive Director of the Issuer (A) caused notice of the public hearing of the Issuer (the "Public Hearing") pursuant to Section 859-a(2) of the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), to hear all persons interested in the Project and the financial assistance being contemplated by the Issuer with respect to the Project, to be published on June 12, 2023 in The Press Republican, a newspaper of general circulation available to the residents of the City of Plattsburgh, Clinton County, New York, (B) caused notice of the Public Hearing to be mailed on June 8, 2023 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is (or will be) located, (C) caused notice of the Public Hearing to be posted on June 8, 2023 at the public bulletin board located at 137 Margaret Street in the City of Plattsburgh, Clinton County, New York, (D) caused

notice of the Public Hearing to be posted on June 8, 2023 on the Issuer's website, (E) conducted the Public Hearing on June 22, 2023 at 10:00 o'clock a.m., local time at the offices of the Issuer located at 137 Margaret Street in the City of Plattsburgh, Clinton County, New York and (F) prepared a report of the Public Hearing (the "Public Hearing Report") which fairly summarized the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Issuer and to the Clinton County Legislature; 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 Issuer on October 23, 2023 (the "SEQR Resolution"), the Issuer determined that the Project constituted a "Type II action" (as such quoted term is defined under SEQRA), and therefore that no further action with respect to the Project was required under SEQRA; and

WHEREAS, in connection with the Project, the Company has requested that the Issuer deviate from its uniform tax exemption policy (the "UTEP") with respect to the terms of the proposed payment in lieu of tax agreement to be entered into by the Issuer with respect to the Project Facility; and

WHEREAS, pursuant to Section 874(4) of the Act, and the UTEP, prior to taking final action on such request for a deviation from the UTEP, the Issuer must give the chief executive officers of the County and each city, town, village and school district in which the Project Facility is located (collectively, the "Affected Tax Jurisdictions") written notice of the proposed deviation from the UTEP and the reasons therefor no fewer than thirty (30) days prior to the meeting of the Issuer at which the members of the Issuer shall consider whether to approve such proposed deviation; and

WHEREAS, on September 11, 2023, the members of the Issuer adopted a resolution which authorized the Executive Director of the Issuer to notify the Affected Tax Jurisdictions of the proposed deviation from the UTEP in connection with the Project, which proposed deviation is outlined in the letter dated September 15, 2023 (the "Pilot Deviation Letter"), a copy of which Pilot Deviation Letter is attached hereto as Exhibit A; and

WHEREAS, by the Pilot Deviation Letter, the Executive Director notified the chief executive officers of the Affected Tax Jurisdictions of the proposed deviation from the UTEP and further notified said chief executive officers that the members of the Issuer would consider whether to approve such proposed deviation at this meeting;

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

Section 1. The Issuer hereby finds and determines as follows:

(A) The Issuer has considered any and all responses from the Affected Tax Jurisdictions to the Pilot Deviation Letter.

(B) The Issuer has reviewed and responded to all written comments received from any Affected Tax Jurisdiction with respect to the proposed deviation.

(C) The Issuer has given all representatives from an Affected Tax Jurisdictions in attendance at this meeting the opportunity to address the members of the Issuer regarding the proposed deviation.

Section 2. Based upon (A) the findings and determinations in Section 1 above, (B) any comments received at the Public Hearing, (C) input received at this meeting from the Affected Tax Jurisdictions with respect to the proposed deviation, (D) the Issuer's knowledge of the Project, (E) the recommendations of Issuer staff, and (F) such further investigation of the Project and the effect of the proposed deviation as the Issuer has deemed appropriate, the Issuer hereby determines to deviate from the UTEP with respect to the terms of the proposed payment in lieu of tax agreement to be entered into by the Issuer with respect to the Project Facility for the reasons set forth in the Pilot Deviation Letter. Based upon the aforementioned, the Issuer hereby approves a deviation from the UTEP, the terms of the approved deviation to be as described in the attached Pilot Deviation Letter.

Section 3. Upon preparation by counsel to the Issuer of a payment in lieu of tax agreement with respect to the Project Facility reflecting the terms of this resolution (the "Payment in Lieu of Tax Agreement") and approval of same by the Chairperson, Vice Chairperson or Executive Director of the Issuer, the Chairperson, Vice Chairperson or Executive Director of the Issuer is hereby authorized, on behalf of the Issuer, to execute and deliver the Payment in Lieu of Tax Agreement, and, where appropriate, the Secretary of the Issuer is hereby authorized to affix the seal of the Issuer thereto and to attest the same, all in such form as is approved by the Chair (or Vice Chair), the execution thereof by the Chairperson, Vice Chairperson or Executive Director to constitute conclusive evidence of such approval.

Section 4. The officers, employees and agents of the Issuer are hereby authorized and directed for and in the name and on behalf of the Issuer to do all acts and things required or provided for by the provisions of the Payment in Lieu of Tax 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 Issuer with all of the terms, covenants and provisions of the Payment in Lieu of Tax Agreement binding upon the Issuer.

Section 5. 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
Keith Defayette	VOTING	Yes
Michael E. Zurlo	VOTING	Yes
Mark Leta	VOTING	Excused
Joey Trombley	VOTING	Yes
John VanNatten	VOTING	Yes

The foregoing resolution was thereupon declared duly adopted.

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

I, the undersigned (Assistant) Secretary of County of Clinton Industrial Development Agency (the “Issuer”), DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Issuer, including the resolution contained therein, held on October 23, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Issuer and of such resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Issuer had due notice of said meeting; (B) said meeting was in all respect duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Issuer present through said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this 23<sup>rd</sup> day of October, 2023.

  
Secretary

(SEAL)

EXHIBIT A

PILOT DEVIATION LETTER

See attached.



Molly Ryan  
Executive Director  
137 Margaret Street, Suite 208  
Plattsburgh, NY 12901  
molly.ryan@clintoncountygov.com  
518.565.4627  
518.593.3762  
518.565.4616

September 15, 2023

Hon. Mark R. Henry, Chairperson  
Clinton County Legislature  
137 Margaret Street, Suite 208  
Plattsburgh, New York 12901

Jay C. Lebrun, Superintendent  
Plattsburgh City School District  
49 Broad Street  
Plattsburgh, New York 12901

Michael E. Zurlo, County Administrator  
Clinton County Government Center  
137 Margaret Street, Suite 208  
Plattsburgh, New York 12901

Amy Gervich, School Board President  
Plattsburgh City School District  
49 Broad Street  
Plattsburgh, New York 12901

Christopher C. Rosenquest, Mayor  
City of Plattsburgh  
41 City Hall Place  
Plattsburgh, New York 12901

Dawn Stetz, District Clerk  
Plattsburgh City School District  
49 Broad Street  
Plattsburgh, New York 12901

RE: Proposed Deviation from Uniform Tax Exemption Policy by  
County of Clinton Industrial Development Agency  
Beekman Towers Preservation LLC Project

Dear Ladies and Gentlemen:

This letter is delivered to you pursuant to Section 874(4)(c) of the General Municipal Law.

In March, 2023, County of Clinton Industrial Development Agency (the "Agency") received an application (the "Application") from Beekman Towers Preservation LLC (the "Company"), which Application requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project to consist of the following: (A) (1) the acquisition of an interest in an approximately 3 acre parcel of land located at 50 Truman Avenue (tax map number 207.10-2-24) in the City of Plattsburgh, Clinton County, New York (the "Land"), together with an existing building and related improvements located thereon (collectively, the "Facility"); (2) the reconstruction and renovation of the Facility, and (3) the acquisition and installation thereon and therein of certain related furniture, fixtures, machinery and equipment (the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to constitute an affordable elderly housing facility to be owned and operated by the Company; (B) the financing of all or a portion of the costs of the foregoing by the issuance of taxable and/or tax-exempt revenue bonds of the Issuer in one or more issues or series in an aggregate principal amount sufficient to pay all or a portion of the cost of undertaking the Project, together with necessary incidental costs in connection therewith, presently estimated to equal approximately \$21,000,000 but in any event not to exceed \$25,000,000 (the "Obligations"); (C) the payment of a portion of the costs incidental to the issuance of the Obligations, including issuance costs of the Obligations and any reserve funds as may be necessary to secure the Obligations; (D) the granting of certain other "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including

exemption from certain sales taxes, deed transfer taxes, mortgage recording taxes and real property taxes (collectively with the Obligations, the "Financial Assistance"); and (E) 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 Issuer.

In connection with the Application, the Company has made a request to the Agency enter into a payment in lieu of tax agreement (the "Proposed Pilot Agreement") which terms would deviate from the Agency's Uniform Tax Exemption Policy (the "Policy"). Capitalized terms not otherwise defined herein are defined in the Policy.

The Proposed Pilot Agreement would not provide any abatements for any special assessments levied on the Project Facility. The Proposed Pilot Agreement would be for a term of twenty (20) years with payments equal to normal taxes calculated based on a fixed assessed value (the "Fixed Assessed Value"). The Fixed Assessed Value for determining payments in lieu of taxes (i) shall be equal to \$5,373,000 in Year one (1) and (ii) shall increase by two percent (2%) per year for the remainder of the term of the Proposed Pilot Agreement, as shown in the following table:

Tax Year	Assessed Value	Tax Year	Assessed Value
1	\$5,373,000	11	\$6,549,657.02
2	\$5,480,460	12	\$6,680,650.16
3	\$5,590,069.20	13	\$6,814,263.16
4	\$5,701,870.58	14	\$6,950,548.43
5	\$5,815,908	15	\$7,089,559.39
6	\$5,932,226.16	16	\$7,231,350.58
7	\$6,050,870.68	17	\$7,375,977.59
8	\$6,171,888.09	18	\$7,523,497.15
9	\$6,295,325.85	19	\$7,673,967.09
10	\$6,421,232.37	20	\$7,827,446.43

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.

The purpose of this letter is to inform you of such Pilot Request and that the Agency is considering whether to grant the Pilot Request and to approve a Proposed Pilot Agreement conforming to the terms of the Pilot Request. The Agency expects to consider whether to approve the terms of the Proposed Pilot Agreement at its meeting scheduled for October 23, 2023 at 12:00 o'clock p.m., local time at the offices of the Agency located at 137 Margaret Street in the City of Plattsburgh, Clinton County, New York (the "Meeting"). This letter is forwarded to you for purposes of complying with Section 874 of the General Municipal Law of the State of New York, and Section 8(A)(2) of the Policy, which requires a thirty (30) day notice prior to the Agency taking final action with respect to the Proposed Pilot Agreement (if said Proposed Pilot Agreement may deviate from the provisions of the Policy).

The Agency considered the following factors in considering the proposed deviation:

1. **The nature of the Project:** The reconstruction and renovation of an existing affordable elderly housing facility.



2. **The present use of the property:** The property currently consists of an existing affordable elderly housing facility.

3. **The economic condition of the area at the time of the request of the Company and the economic multiplying effect that the Project will have on the area:** At the time of the filing of the Application, the economic condition of the area in which the Project Facility is to be located is considered to be distressed. The Project Facility is to be located within census tract 1009.01, which is contiguous to distressed census tract 1031. Therefore, the area is strategically targeted for maintaining and improving affordable housing facilities to provide service and living opportunities for the community.

4. **The extent to which the Project will create or retain permanent, private sector jobs and the number of jobs to be created or retained and the salary range of such jobs:** The Company anticipates that the Project will create various construction jobs during the course of the renovation of the Project Facility and retain three (3) full-time equivalent permanent jobs during the Project's operation.

5. **The estimated value of new tax exemptions to be provided:** The estimated value of the tax exemptions to be provided are the following: \$198,400 in sales and use taxes; \$210,000 in mortgage recording taxes; and \$14,900,000 in real property taxes.

6. **The economic impact of the Proposed Pilot Agreement on affected tax jurisdictions:** The economic impact of the Proposed Pilot Agreement and the development of the Project Facility is positive as it encourages investment in affordable housing in the City of Plattsburgh.

7. **The impact of the Proposed Pilot Agreement on existing and proposed businesses and economic development projects in the vicinity:** The Project will have a positive revitalizing effect on the community by renovating an older property and preserving the scarce resource of senior affordable housing in the City of Plattsburgh to continue helping residents connect with the community and community services.

8. **The amount of private sector investment generated or likely to be generated by the Proposed Pilot Agreement:** The investment by the Company in undertaking the Project is equal to approximately \$32,122,317.

9. **The effect of the Proposed Pilot Agreement on the environment:** It is not anticipated that the Project will have a significant effect on the environment.

10. **Project Timing:** It is anticipated that the Project will be accomplished in a timely fashion.

11. **The extent to which the Proposed Pilot Agreement will require the provision of additional services including, but not limited to, additional educational, transportation, police, emergency medical or fire services:** It is not expected that the Project will generate a substantial burden school, travel, emergency medical, or police services that are available in the area.

12. **Anticipated tax Revenues:** It is anticipated that there will likely be additional sales tax revenues after Project completion relating to certain future operating activities at the Project and related multiplier impacts.

13. **The extent to which the Proposed Pilot Agreement will provide a benefit (economic or otherwise) not otherwise available within the municipality in which the Project Facility is located:** The Project will preserve the scarce resource of affordable senior housing in the City of Plattsburgh. Additionally, the Project will continue to maintain units for residents who earn less than fifty-percent (50%) of the area median income, and will continue to help residents connect with the community and community services.

The Agency will consider the Proposed Pilot Agreement (and the proposed deviation from the Policy at the Meeting. The Agency would welcome any written comments that you might have on this proposed deviation from the Policy. In accordance with Section 874(4)(c) of the General Municipal Law, prior to taking final action at the Meeting, the Agency will review and respond to any written comments received from any affected tax jurisdiction with respect to the proposed deviation. The Agency will also allow any representative of any affected tax jurisdiction present at the Meeting to address the Agency regarding the proposed deviation.

If you have any questions or comments regarding the foregoing, please do not hesitate to contact me at the above telephone number.

Sincerely yours,

  
Molly Ryan  
Executive Director