

**Minutes of the
County of Clinton
Industrial Development Agency
June 12, 2023**

The meeting was called to order by Trent Trahan, Chairperson, at 12:00 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
Michael Zurlo, Secretary
Mark Leta, Assistant Secretary
Keith Defayette, Treasurer and Chief Financial Officer
John VanNatten, Member

MEMBERS ABSENT: David Hoover, Vice Chairperson
Joey Trombley, Member

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

OTHERS PRESENT: Jack Goodman, Project Manager - Solar Power Network, LLC
Pete Goodman, President & CEO – Solar Power Network, LLC
Aaron Ovios, President – RMS

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, 2022.

Reading and Consideration of the Draft Minutes of the Meeting of the County of Clinton Industrial Development Agency (CCIDA) of May 8, 2023.

T. Trahan asked if there were any questions regarding the draft minutes of the May 8, 2023 meeting of the CCIDA. There were none.

On a motion by K. Defayette, and seconded by J. VanNatten, it was unanimously carried to approve the minutes of the May 8, 2023 CCIDA meeting as presented.

Presentations:

Solar Power Network, LLC

Pete Goodman provided an update on their Military Turnpike Solar Project, which was approved for CCIDA benefits in August 2022 but has not yet closed. P. Goodman advised their financing company is currently reviewing the legal documents to ensure the terms and conditions of the CCIDA document comply with their financing terms. P. Goodman expects to have the document back within the next several weeks and the Project should then be ready to move forward.

Jack Goodman explained they have seven applications in-progress, which represent five sites for which they intend to apply for PILOTs. Two sites are in Champlain, one site is on the Hayford Road and will contain three separate Projects, and the other site is on Route 276. They also have three sites in the Town of Plattsburgh, which includes their first non-residential, community solar Project which will be located on a smaller section of land on the Military Turnpike.

Aaron Ovios, President of Robert M. Sunderland (RMS), the local engineering firm representing Solar Power Network, LLC, provided a brief description of their seven proposed solar Projects. Per the applications, the seven proposed Projects are as follows:

- 0.499 MW AC solar farm developed on a 24-acre parcel of land located on the Military Turnpike in the Town of Plattsburgh, Beekmantown Central School District.
- 4.5 MW AC solar farm developed on a 21.9-acre parcel of land located on Benny Blake Road in the Town of Plattsburgh, Beekmantown Central School District.
- 2 MW AC solar farm developed on a 10-acre parcel of land located at 132 Bank Road in the Town of Plattsburgh, Saranac Central School District.
- 0.499 MW, 5 MW, and 5 MW solar farms developed on a 118-acre parcel of land located on the Hayford Road in the Town of Champlain, Northeastern Clinton Central School District.
- 3.5 MW AC solar farm developed on a 16-acre parcel of land located at 382 Route 276 in the Town of Champlain, Northeastern Clinton Central School District.

M. Ryan asked if the SEQRs are complete for the Projects. A. Ovios advised that the SEQR is complete for the Benny Blake site in Plattsburgh. SEQRs for the other two sites in Plattsburgh are scheduled for review next week. SEQRs for the Champlain sites are not complete. M. Zurlo asked if the Projects have been approved by the Towns. A. Ovios advised that the Benny Blake Road Project has been approved by the Town of Plattsburgh and the Military Turnpike site is on the agenda for next week. The Town of Champlain Planning Board has deemed the applications complete and they are scheduled to go before the Zoning Board later this week.

M. Zurlo asked if they are under lease with all the property owners for these Projects. P. Goodman advised that they were. M. Zurlo asked what the difference between the PILOT payments and the current taxes being paid on the properties would be. P. Goodman advised that the PILOT payments would be significantly more. M. Ryan advised that the difference in property taxes will be contained in the cost/benefit analyses.

M. Zurlo asked if any Community Host Agreements have been made. P. Goodman advised that the framework for the Town of Plattsburgh essentially provides the Town with 1 percent of the total project value which would be due at the building permit stage. No Community Host Agreements have been discussed with the Town of Champlain.

M. Zurlo asked when these Projects could be expected to begin producing energy. P. Goodman advised the timeline is set for 2024 as it takes approximately one year to go from this stage in the process to producing energy.

M. Leta asked if there are any electrical system benefits that due to the size of these Projects would benefit other customers besides the solar developer. P. Goodman advised that these Projects are part of the New York Sun Program, and they will be connected to the local electrical grid. Since there will be a green energy benefit and distribution of the energy generated, the answer is yes. M. Leta asked who covers the cost for any upgrades or enhancements to the system that are required. P. Goodman advised that the costs would be covered by the developer. P. Goodman advised that as a rule of thumb, they estimate the cost at approximately 10 cents per watt, or about \$500,000 per site.

M. Zurlo asked if there is a decommissioning requirement in the PILOT agreements. C. Canada advised that this is not covered in the PILOT. A. Ovios advised that both the Town of Plattsburgh and the Town of Champlain have very strict decommissioning requirements.

P. Goodman advised that the application fees for the Projects will be submitted within the next week or two. Once the application fees have been received, M. Ryan will prepare cost benefit analyses for review at the July 10th, 2023 CCIDA meeting. M. Zurlo asked M. Ryan to consolidate the results of the cost/benefit analyses for each of the seven Projects into one report. C. Canada advised Public Hearing Resolutions for each Project will need to be passed and then separate Public Hearings held for each Project, spaced 15 minutes apart. He also requested that any SEQR materials be provided to the CCIDA. A. Ovios advised he would provide that material. M. Ryan also requested that the full assessment value for each of the properties be provided to her as this information is required for the cost benefit analysis.

Legislative Update (Shannon Wagner, Esq.)

Shannon Wagner, Esq., reviewed three pieces of legislation that were passed by the New York State Legislature and signed into law by Governor Hochul which pertain to industrial development agencies.

- 1) **PILOT Notification Bill:** IDA's are required to deliver notification to the Affected Tax Jurisdictions two years prior to the scheduled expiration of a PILOT agreement. S. Wagner recommends that the CCIDA prepare a report identifying each of the Agency's outstanding PILOTs and their expiration dates. Also, if the PILOT terminates early, the notification would need to be made to the Affected Tax Jurisdictions as soon as possible. In the case of any PILOT agreements that are going to be terminating this year or next, S. Wagner recommends the CCIDA send out notification to Affected Tax Jurisdiction as soon as possible. Hodgson Russ has sample forms and letters that they have developed for use by other IDA's and they will share them with the CCIDA. C. Canada advised that PILOT termination dates are part of the PARIS reports.
- 2) **Preliminary Notice Bill:** IDA's are required to deliver to each Affected Tax Jurisdiction a copy of a Public Hearing Resolution or Preliminary Inducement Resolution. This is in addition to the current requirement to provide notification of a deviation from the Agency's uniform tax exemption policy (UTEF) to the Affected Tax Jurisdictions. Notifications are required to be sent via certified mail, return receipt requested, or as an electronic correspondence with a read-receipt. S. Wagner recommends sending these notifications via certified mail because it provides a paper trail. S. Wagner recommends the Public Hearing Resolution be sent out as soon after it is adopted as possible, and the Public Hearing Notice would be sent out separately. S. Wagner advised that the Affected Tax Jurisdictions include the county, town or city, school district superintendent and the school district clerk. S. Wagner recommends including the school board president as well. T. Trahan asked if our database was capable of tracking this. M. Ryan advised that we will use the new CRM database to track this notification process. M. Ryan is currently working with the database company to get the software modified to meet our needs and specifications.
- 3) **Assessment Notification Bill:** The Assessment Notification Bill does not put any additional obligation on the CCIDA, but it does require entities making PILOT payments to provide notification regarding the entity's intention to file for a change of real property assessment. The notification must be provided to the Affected Tax Jurisdictions and to the IDA in writing at least 45 days prior to applying for a change in assessment or challenging an assessment. S. Wagner advised that going forward they can add language in the PILOT Agreements to reflect the requirements of the Assessment Notification Bill if the IDA requests it be added.

Public Comment

There was no public comment.

Reports

Treasurer's Report:

K. Defayette reviewed the May 2023 Treasurer's Report. There were no questions or concerns.

On a motion by M. Zurlo, and seconded by M. Leta, it was unanimously RESOLVED to approve the May 2023 Treasurer's Report as presented by K. Defayette.

Old Business

Beekman Towers Preservation, LLC Project Update

M. Ryan advised that the Public Hearing for this Project has been scheduled for June 22, 2023. M. Zurlo advised that the Project has met with the affected tax jurisdictions and the meetings went well. M. Zurlo met with the Plattsburgh City School District Superintendent, Jay LaBrun, and the Project. A separate meeting was held with the Mayor of Plattsburgh. M. Zurlo advised that there is a desire by all involved to approve a PILOT and for this Project to go forward. However, M. Zurlo indicated there are two things the County would like to see addressed. One issue is the length of proposed PILOT, which is 35 years. The Company has indicated that this is their standard PILOT length. The second issue is the proposed PILOT has a starting point that is less than the current tax obligation. The Company indicated they will take both these issues into consideration. M. Zurlo is still waiting to hear back but once a response is received, the County will schedule a follow-up meeting with the Mayor and the School District Superintendent to discuss. M. Zurlo advised that the Company has indicated that they may seek a PILOT through the City of Plattsburgh rather than seeking a PILOT from the CCIDA. M. Zurlo indicated to them that it is certainly within their rights to do so; however, it might impact the other benefits they are seeking through the CCIDA such as sale tax exemption, mortgage recording tax exemption and tax-exempt bonds. T. Trahan asked what the duration of the original PILOT agreement with the City of Plattsburgh was when the building was first constructed. M. Ryan will contact the City of Plattsburgh to inquire and will advise of the answer. Prior to the Public Hearing, M. Ryan will talk with the Project and ask if they have come to any decisions regarding revisions to their Application and requested PILOT.

AES/Noble Update

M. Ryan advised that the Noble Altona Windpark PILOT agreement will be terminating in July 2023. With regard to the Noble Clinton and Ellenburg Projects, AES has agreed to make a payment equal to what their PILOT payment was last year and as per language in the expired PILOT agreement. M. Ryan anticipates AES will be applying for new PILOT agreements with the CCIDA in the near future. If AES does not submit new applications, the properties will be placed on Section 1 of the tax rolls. Currently, the Town of Clinton residents do not pay any County tax, therefore, the Town will have to address this situation in their budgeting process.

New Business

Invenergy/Catalyze

M. Ryan advised that she has not been contacted by Catalyze; however, she did meet with Invenergy. Invenergy has received approval from the State to move forward with both their solar and wind projects, totaling \$1.9 billion. M. Leta asked how much energy these projects will produce. M. Ryan advised she does not know the

amount generated by the wind projects but the solar projects are projected to produce 469 MWs of power. C. Canada indicated that both Invenergy and Catalyze are represented by Hodgson Russ and they want to avoid any potential conflicts of interest by their representing both sides. C. Canada is suggesting that Hodgson Russ obtain a waiver from both Invenergy and Catalyze stating they are aware that Hodgson Russ also represents the CCIDA and will be preparing all the legal documentation on behalf of the CCIDA. C. Canada proposes that Hodgson Russ act as first chair legal counsel and they will bring in an outside attorney to act as second chair. The role of this outside counsel will be to review all documentation to be sure there are no conflicts of interest. The person C. Canada is suggesting fill this role is an attorney from the firm of FitzGerald Morris Baker Firth in Glens Falls, New York, named Kara Lais, Esq. K. Lais currently represents the Warren County and Washington County IDA and is very knowledgeable from a legal perspective of how IDAs operate. All legal fees associated with the second counsel will be borne by the Company. C. Canada advised that Invenergy is one of Hodgson Russ' largest clients out of their Buffalo, New York office. C. Canada asked if the Board had any objections to moving forward in this manner. The Board agreed that this arrangement would be acceptable. C. Canada advised that once an application is received from Invenergy, a resolution will be prepared and brought before the CCIDA Board for approval prior to initiation of any legal work.

M. Zurlo indicated that he would assume that Invenergy will be negotiating Host Community Agreements with the Towns. It was agreed that M. Ryan would communicate to the Company that they need to keep the anticipated PILOT agreements in mind when negotiating any Host Community Agreements to ensure there are sufficient funds remaining for the PILOTs.

North Country Alliance (NCA) Local Development Corporation 2023 Membership Dues

On a motion by J. VanNatten, and seconded by M. Leta, it was unanimously carried to approve payment of the North Country Alliance Local Development Corporation 2023 Membership Dues in the amount of \$500.

Doing Business in the U.S. – Advertisement

M. Ryan reviewed with the Board the available advertising options. On a motion by J. VanNatten, and seconded by K. Defayette, it was unanimously carried to approve the purchase of a half-page advertisement in the annual publication of *Doing Business in the U.S.* in the amount of \$1,750.

T. Trahan suggested another form of advertising that the CCIDA might want to consider would be to have signs made-up for display at the constructions sites of CCIDA Projects. M. Ryan stated she would look into the costs associated with having this type of signage made-up.

Management Team Reports

Executive Director's Report

M. Ryan reviewed highlights from her Executive Director's Report, including:

Business Expo: The CCIDA had a booth at the Business Expo held on Thursday, June 8th.

Schluter Systems, LLC: Schluter has encountered some delays with their Project and will advise us when they are ready to proceed.

ERS: M. Ryan will be visiting the ERS site in Rouses Point this afternoon for a tour of their facility. The New York State Energy Research and Development Authority (NYSERDA) has advised the Village of Rouses Point that they are, in fact, required to sell any extra power to ERS, and that ERS is also allowed to erect solar panels on their property. ERS is also looking into building a hydrogen power facility on their property. In addition, a company called ThinDown has been talking with ERS about renting some space for a manufacturing operation.

Thindown is seeking a contract with the United States military but in order for that to occur, they would need to have a manufacturing facility located in the United States. Currently, they only have a site in Canada.

There being no further business to discuss, on a motion by J. VanNatten, and seconded by K. Dafayette, the meeting adjourned at 1:12 p.m.



Trent Trahan, Chairperson