

**County of Clinton Industrial Development Agency  
Report of the Public Hearing  
Regarding NY Mooers IV, LLC  
March 12, 2019**

The public hearing was called to order by Renee McFarlin, Executive Director of the County of Clinton Industrial Development Agency at 8:07 p.m., at the Town of Mooers Town Hall Meeting Room, 2508 Route 11, Mooers, New York.

Present: Renee McFarlin, Executive Director of the County of Clinton IDA

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 NY Mooers IV, LLC, a New York limited liability company (the "Company").

The Proposed Project consists of the following: (A) (1) the acquisition of a leasehold interest in an approximately 16.399 acre portion of an approximately 207.7 acre parcel of land located on 297 Boas Road (being a portion of Tax Map No. 58.-1-9) in the Hamlet of Mooers Forks in the Town of Mooers, Clinton County, New York (the "Land"), (2) the construction on the Land of a 2MW AC community solar photovoltaic facility to include an interconnection line (collectively, the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the "Equipment") (the Land, the Facility, and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to constitute a solar farm 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 property transfer taxes and mortgage recording taxes (collectively, the "Initial Financial Assistance"); and (C) the lease 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 the 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.

## **Initial Public Hearing and 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.

In July 2017, the Company submitted an application relating to the Proposed Project (the "Application"). After consideration of the Application received from the Company, the members of the Agency adopted a resolution on January 14, 2019 (the "Initial Public Hearing Resolution") authorizing the Executive Director of the Agency to conduct a public hearing with respect to the Proposed Project pursuant to Section 859-a(2) of the Act (the "Initial Public Hearing").

Pursuant to the authorization contained in the Initial Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of the Initial Public Hearing pursuant to Section 859-a of the Act, to hear all persons interested in the Proposed Project and the financial assistance being contemplated by the Agency with respect to the Proposed Project, to be mailed on August 24, 2017 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located, (B) caused notice of the Initial Public Hearing to be posted (1) on August 24, 2017 at Mooers Town Hall in the Town of Mooers, Clinton County, New York and (2) on the Agency's website on August 31, 2017, (C) caused notice of the Initial Public Hearing to be published on May 19, 2017 in the Press Republican, a newspaper of general circulation available to the residents of Hamlet of Mooers Forks in the Town of Mooers, Clinton County, New York, (D) conducted the Initial Public Hearing on September 20, 2017 at 2:00 o'clock p.m., local time at the Mooers Town Hall Meeting Room, 2508 Route 11 in the Town of Mooers, Clinton County, New York, and (E) prepared a report of the Initial Public Hearing (the "Initial Public Hearing Report") fairly summarizing the views presented at such Initial Public Hearing and caused copies of said Initial Public Hearing Report to be made available to the members of the Agency.

By resolution adopted by the members of the Agency on October 16, 2017 (the "Approving Resolution"), the Agency determined to grant the Initial Financial Assistance and to enter into, among other things, a payment in lieu of tax agreement (the "Initial PILOT Agreement") by and between the Agency and the Company, pursuant to which the Company agreed to pay certain payments in lieu of taxes with respect to the Project Facility. To date, the Initial PILOT Agreement has not been entered into between the Agency and the Company.

Thereafter, in December, 2018, the Company presented a supplemental application (the "Supplemental Application") to the Agency, a copy of which is on file at the office of the Agency, pursuant to which, as a result of the replacement of the net energy metering program with the Value of Distributed Energy Resources program by the New York State Public Service Commission and the expected decrease in revenue to the Company as a result thereof, the Company requested a reduction in the dollar amount of payments to be made by the Company (the "Revised Financial Assistance") to Clinton County, Town of Mooers and Northeastern Clinton Central School District (collectively, the "Affected Tax Jurisdictions") under a proposed payment in lieu of tax agreement (the "Proposed PILOT Agreement") by and between the Agency and the Company (collectively, the "Proposed Modification").

As a result of the Proposed Modification, the aggregate amount payable by the Company to the Affected Tax Jurisdictions under the Proposed PILOT Agreement would be more than \$100,000 less than the aggregate amount originally proposed to be paid by the Company to the Affected Tax Jurisdictions under the Original PILOT Agreement. After consideration of the Supplemental Application received from the Company, the members of the Agency adopted a resolution on January 14, 2019 authorizing the Executive Director of the Agency to conduct this public hearing with respect to the Proposed Modification 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 or personally delivered on February 6, 2019 to the chief executive officers of the Affected Tax Jurisdictions and (B) published on February 12, 2019 in The Press Republican, a newspaper of general circulation available to the residents of Town of Mooers, Clinton County, New York. In addition, the Executive Director of the Agency caused notice of this public hearing to be posted on February 8, 2019 on the Agency's website and also on February 20, 2019 on a public bulletin board located at the Town of Mooers Town Hall located at 2508 Route 11 in the Town of Mooers, 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 12<sup>th</sup> day of March, 2019 at 7 o'clock p.m., local time, at Mooers Town Hall Meeting Room, located at 2508 Route 11 in the Town of Mooers, Clinton County, New York in connection with the following matters:

On September 20, 2017, the Agency conducted a public hearing for the benefit of NY Mooers IV, LLC, a New York State limited liability company (the "Company"), with respect to a project (the "Project") outlined in an application submitted to the Agency in July, 2017 (the "Application"), said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately 11 acre portion of an approximately 207.7 acre parcel of land located on 297 Boas Road (being a portion of Tax Map No. 58.-1-9) in the Hamlet of Mooers Forks in the Town of Mooers, Clinton County, New York (the "Land"), (2) the construction on the Land of a 2MW AC community solar photovoltaic facility to include an interconnection line (collectively, the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the "Equipment") (the Land, the Facility, and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to constitute a solar farm 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.

In December, 2018, the Agency received an amended application (the "Amended Application"), a copy of which is on file at the office of the Agency, pursuant to which, as a result of the replacement of the net energy metering program with the Value of Distributed Energy Resources program by the New York State Public Service Commission and the expected decrease in revenue to the Company as a result

thereof, the Company requested a reduction in the dollar amount of payments to be made by the Company to the Affected Tax Jurisdictions (collectively, the “**Revised** Financial Assistance”), as such term is defined in a proposed payment in lieu of tax agreement (the “Proposed Pilot Agreement”) by and between the Agency and the Company (the “Proposed Modification”).

As a result of the Proposed Modification, the aggregate amount payable by the Company to the Affected Tax Jurisdictions under the Proposed Pilot Agreement would be more than \$100,000 less than the aggregate amount originally proposed to be paid by the Company to the Affected Tax Jurisdictions under the Proposed Pilot Agreement and, therefore, the Agency desires to provide for compliance with the provisions of Section 859-a of the Act with respect to the Project as modified by the Amended Application.

Pursuant to the Amended Application, 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 **Revised** 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 **Revised** 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.

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 January 14, 2019, the Agency (A) ratified and concurred in the designation of the Town of Mooers, New York (the “Town”) as “lead agency” with respect to the Project (as such quoted term is defined in SEQRA) and (B) determined that the Proposed Modification would not change the previous determination made by the Agency pursuant to a resolution adopted by the members of the Agency on August 14, 2017 that the Agency had no information to suggest that the Town was incorrect in determining that the Project will not have a “significant effect on the environment” pursuant to SEQRA (as such quoted phrase is used in SEQRA).

The Agency will at said time and place hear all persons with views on either the location and nature of the proposed Project, the Proposed Modification or the **Revised** Financial Assistance being contemplated by the Agency in connection with the proposed Project, as modified. A copy of the Amended Application filed by the Company with the Agency with respect to the Project, as modified, including an analysis of the costs and benefits of the Project, as modified, is available for public inspection during business hours at the offices of the Agency. 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: Renee McFarlin, Executive Director, County of Clinton Industrial Development Agency, 137 Margaret Street, Suite 209, Plattsburgh, New York 12901; Telephone: (518) 565-4627.

Dated: February 6, 2019.

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 the Revised Financial Assistance 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 8:12 o'clock, p.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.

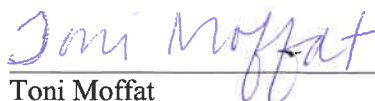
Again, the purpose of this Public Hearing is to solicit public comment. We are not here to answer questions. However, we will in the course of this Public Hearing consider questions if we have the information to answer the questions and there is sufficient time to consider such questions.

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 Revised Financial Assistance being contemplated by the Agency with respect to the Proposed Project.

### **Formal closure of the public hearing**

So, if there are no further comments, I will now close this public hearing at 8:27 o'clock, p.m.

Thank you for attending.



Toni Moffat  
Executive Assistant, County of Clinton IDA