## Minutes of the County of Clinton Industrial Development Agency March 24, 2025

The meeting was called to order by Trent Trahan, Chairperson, at 12:37 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

David Hoover, Vice Chairperson

Michael Zurlo, Secretary

Mark Leta, Assistant Secretary John VanNatten, Member

MEMBERS ABSENT: Keith Defayette, Treasurer and Chief Financial Officer

Joey Trombley, Member

STAFF PRESENT: Molly Ryan, Executive Director

Toni Moffat, Executive Assistant

Dorothy Brunell, Administrative Assistant Christopher Canada, Esq., Agency Counsel Shannon Wagner, Esq., Agency Counsel

OTHERS PRESENT: Eric Will, AES Clean Energy

Bret Hastings, AES Clean Energy Maitland Robinson, AES Clean Energy

Jason Menghile, Vortex USA, Inc. (via VideoConference)

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 13, 2024.

# Reading and Consideration of the Draft Minutes of the February 10, 2025 Meeting.

T. Trahan asked if there were any questions regarding the draft minutes of the February 10, 2025 meeting. There were none.

On a motion by J. VanNatten, and seconded by D. Hoover, it was unanimously carried to approve the minutes of the February 10, 2025 meeting of the CCIDA.

#### **Public Comment**

There was no public comment.

#### Presentation

M. Ryan advised that the CCIDA had recently received an application from AES for their Valcour Clinton NewCo, LLC Project. Representatives from AES were in attendance to provide the board with an

overview of the proposed wind farm project. Eric Will introduced himself and advised that his primary role at AES is stakeholder relations; i.e., the landowners, IDA's, towns, etc. E. Will introduced Brett Hastings, Director of Field Operations for AES. B. Hastings leads all wind development projects for AES in the eastern United States. E. Will introduced Maitland Robinson, who is the lead developer for the Clinton Wind Project. E. Will stated that AES is committed to producing electricity and they do not develop projects and then sell them. AES' goal is to sell clean energy to their customers. M. Leta asked what is the scope of the Valcour Project portfolio. E. Will explained that the Valcour portfolio is comprised of six wind parks, all of them being the former Noble projects. Three of the Valcour projects are located in Clinton County and one is located in Franklin County. The remaining two projects are located in Wyoming County, in western New York.

M. Robinson advised the proposed Project will repower the existing Clinton Windpark located in the town of Clinton, New York. The Clinton Windpark currently supplies clean electricity to the power grid. Once repowered, the Project will supply approximately 110 MegaWatts of power and will be contracted with New York State Energy Research and Development Authority (NYSERDA) to meet New York State's climate and energy goals. M. Robinson stated the Project will continue to provide renewable energy for up to an additional 30 years and will produce more electricity than the current operating facility due to improved technology and efficiency. The Project footprint is approximately 344 acres, involving 90 landowners. The Project will provide enough electricity to power 50,942 homes and will reduce carbon dioxide emissions by 229,915 metric tons. The Project will create 150 to 200 temporary jobs, including general labor, specialized labor and management. The jobs will commence in the fall of 2026 for a period of two years. The Clinton Repower Project will replace the current 67 windmills with 24 new, larger, state of the art wind turbines with a capacity ranging from 4.5 to 6.1 megawatts each. Supply agreements are expected to be executed in the spring of 2025 for turbines, transformers and other necessary equipment. The estimated Project cost is \$384,157,701, with an anticipated completion date/commercial operation date (COD) in 2028.

The Project is requesting sales tax exemption, mortgage tax abatement and a PILOT agreement. The PILOT being requested is \$4,000 per megawatt, with a 2% accelerator for 20 years. E. Will advised that no Host Community Agreements have been negotiated at this time and will not be until the PILOT agreement has been approved. The Project estimates that during construction, AES expects to spend over \$1.7 million in the community at local businesses, and an additional \$850,000 in construction-related services from local contractors.

M. Zurlo asked if the Project would move forward without the requested CCIDA benefits. E. Will advised that it would not and that the CCIDA benefits are necessary for this Project. E. Will was asked how the old turbines will be taken down and he stated that explosives will be used to fell the current wind turbines, and advised the felling process is a well orchestrated and precise operation. E. Will advised that AES expects to submit applications for the Ellenburg and Altona wind projects within the next few weeks.

#### Reports

#### Treasurer's Report:

M. Leta reviewed the February 2025 Treasurer's Report.

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

#### **Committee Reports**

#### **Audit Committee**

M. Leta noted the Audit Committee met and reviewed the draft audited financial statements with D. Bushey of Martindale Keysor & Co., PLLC and the Committee is recommending Board approval of same and authorization to post the document to PARIS.

On a motion by D. Hoover, and seconded by J. VanNatten, it was unanimously RESOLVED to approve the draft audited financial statements as presented by D. Bushey and authorize to post same to PARIS.

#### **Governance Committee**

M. Zurlo noted the Governance Committee met and reviewed the 2024 annual reports and recommends Full Board approval of the:

- 2024 CCIDA Missions and Operations Statement
- 2024 CCIDA Operations and Accomplishments
- 2024 CCIDA Performance Measures Report
- 2024 CCIDA Procurement Report
- 2024 CCIDA Real Property Report
- 2024 CCIDA Investment Report

On a motion by M. Leta, and seconded by D. Hoover, it was unanimously carried to accept the recommendation of the Committee and approve the 2024 annual reports as presented and authorize the posting of same to PARIS.

#### **Old Business**

# **Clinton County Tax Department Scope of PILOT Services**

M. Ryan stated that the Treasurer's office had supplied information outlining the PILOT services they provide to the CCIDA. M. Ryan asked the board if they had any questions or if they would like any further information, and they did not.

#### **New Business**

#### Vortex USA, Inc.

M. Ryan advised that the Project understands that since the closing will be after the March 1, 2025 deadline, they will be on Tax Roll Section 1 until 2026. Jason Menghile expressed his thanks for the CCIDA's support of this Project.

#### **SEQR Resolution**

The following resolution was offered by M. Zurlo, seconded by D. Hoover, to wit:

Resolution No. 03-25-01

RESOLUTION CONCURRING IN THE DETERMINATION BY TOWN OF PLATTSBURGH PLANNING BOARD AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE VORTEX USA INC. 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 commercial 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 and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Vortex USA Inc., a business corporation organized and existing under the laws of the State of Delaware (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 a leasehold interest in an approximately 6.35 acre parcel of land located at 31 Northern Avenue (Tax Map No.: 233.-5-25) in the Town of Plattsburgh, Clinton County, New York (the "Land") together with an existing building located thereon (the "Existing Facility"), (2) the reconstruction and renovation of the Existing 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 Existing Facility, and the Equipment are hereinafter, collectively, referred to as the "Project Facility") all of the foregoing to be owned and operated by the Company, or an affiliate thereof, as an industrial, manufacturing and warehousing facility 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 "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 December 9, 2024 (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. Pursuant to Section 859-a of the Act, the Executive Director of the Agency caused a copy of the certified Public Hearing Resolution to be sent via certified mail return, receipt requested on December 12, 2024 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 (collectively, the "Affected Tax Jurisdictions"); and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the "Public Hearing") pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the Financial Assistance being contemplated by the Agency with respect to the Project, to be mailed on January 3, 2025 to the chief executive officers of the Affected Tax Jurisdictions, (B) caused notice of the Public Hearing to be posted on January 6, 2025 on the Agency's website and on a public bulletin board located at the Plattsburgh Town Hall located at 151 Banker Road, in the Town of Plattsburgh, Clinton County, New York, (C) caused notice of the Public Hearing to be published on January 23, 2024 in the Press Republican, a newspaper of general circulation available to the residents of the Town of Plattsburgh, Clinton County, New York, (D) conducted the Public Hearing on February 5, 2025 at 9:30 o'clock a.m., local time at the Plattsburgh Town Hall located at 151 Banker Road, in the Town of Plattsburgh, Clinton County, New York, and (E) prepared a report of the Public Hearing (the "Public Hearing Report") fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency; 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"), the Agency has been informed that (1) the Town of Plattsburgh Planning Board (the "Planning Board") was designated to act as "lead agency" (as defined under SEQRA) with respect to the Project, and (2) the Planning Board determined that the Project is an "unlisted action" which will not have a "significant effect on the environment" and, therefore, that an "environmental impact statement" is not required to be prepared with respect to the Project and issued a Determination of Non Significance on March 18, 2025 (the "Negative Declaration"), which Negative Declaration is attached hereto as Exhibit A, determining that the acquisition, construction, and installation of the Project Facility will not have a "significant effect on the environment"; and

WHEREAS, the Agency is an "involved agency" with respect to the Project and the Agency now desires to concur in the determination by the Planning Board, as "lead agency" with respect to the Project, to acknowledge receipt of a copy of the Negative Declaration and to indicate whether the Agency has any information to suggest that the Planning Board was incorrect in determining that the Project will have "no "significant effect on the environment" pursuant to SEQRA and, therefore, that no environmental impact statement need be prepared with respect to the Project;

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

Section 1. The Agency has received copies of, and has reviewed, the Application, a full environmental assessment form (the "EAF") and the Negative Declaration (collectively, the "Reviewed Documents") and, based upon said Reviewed Documents, the Agency hereby ratifies and concurs in the designation of the Planning Board as "lead agency" with respect to the Project under SEQRA (as such quoted term is defined in SEQRA).

Section 2. The Agency hereby determines that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Project will not have a "significant effect on the environment" pursuant to the SEQRA and, therefore, that environmental impact statement need not be prepared with respect to the Project (as such quoted phrase is used in SEQRA).

Section 3. The members of the Agency are hereby directed to notify the Planning Board of the concurrence by the Agency that the Planning Board shall be the "lead agency" with respect to the Project, and to further indicate to the Planning Board that the Agency has no information to suggest that the Planning Board was incorrect in its determinations contained in the Negative Declaration.

# Section 4. 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 VOTING	Yes Yes
David Hoover Michael E. Zurlo	VOTING	Yes
Mark Leta	VOTING	Yes
Keith Defayette	VOTING	Excused
John VanNatten	VOTING	Yes
Joey Trombley	VOTING	Excused

The foregoing resolution was thereupon declared duly adopted.

[Remainder of page left blank intentionally]

# EXHIBIT A NEGATIVE DECLARATION - SEE ATTACHED -

#### TOWN OF PLATTSBURGH PLANNING BOARD MEETING MARCH 18, 2025

Resolution No. 25-14A

Motioned by: James Sherman

WHEREAS, the Town of Plattsburgh's Planning Board has before it a project known as the:

VORTEX INTERNATIONAL SITE PLAN 2025- Request for a change of use of an existing building to a manufacturing and warehouse facility with minor site improvements. Located on Northern Ave. with public water and public sewer, Zoned A2, Tax Map Parcel # 233.-5-25; Owner/Applicant: Vortex International; Engineer: AEDA SEQRA DETERMINATION; and

WHEREAS, Part 617 of the Environmental Conservation Law - "State Environmental Quality Review Act" (SEQRA), provides for the review of any "ACTION" to determine the effect of the action on the environment, along with any related administrative procedures for the implementation, authorization or approval of the action; and

WHEREAS, said Part 617 of the Environmental Conservation Law provides for an involved agency to review any action for the purpose of determining the effect of the action on the environment; and

WHEREAS, public comment opportunity was provided in consideration of this Project on March 18, 2025; and

WHEREAS, the Town's Planning & Community Development Department received and reviewed the Site Plan application, maps, plans, and SEQRA Part 1 Short EAF; and

WHEREAS, the Town's Planning Board reviewed the information filed with the application for the Project, including the EAF Part 1, and additional information provided to supplement and clarify the same; and

WHEREAS, the Town's Planning Board conducted a detailed and comprehensive environmental review of the Project to determine whether there was a significant impact which would require the preparation of a Draft Environmental Impact Statement (DEIS);

Now, therefore, be it

RESOLVED, that the Town's Planning Board does hereby determine that the project is an <u>UNLISTED "ACTION"</u> in accordance with said Environmental Review procedures and a coordinated review will not be done; and, be it further

RESOLVED, that the Town's Planning Board acting as the "Lead Agency" in a SEQRA Review does hereby receive and place on file the \_\_\_\_Subdivision \_\_\_x \_\_Site Plan applications, maps, plans, completed EAF and other related material submitted; and, be it further

RESOLVED, that the Town Planning Board has reviewed the Planning & Community Development Department's recommendations and supplemental documents referenced above and does hereby find and determine the following:

- The access and traffic proposed in the Project were reviewed by the Town Planning Board and found acceptable; and
- b) The proposed impervious area in the project plan is significant but will be managed in compliance with Town and State regulations; and
- The lot coverage in the Project and density comply with local zoning regulations; and
- d) The erosion and sedimentation from the development and water quality during such development will be properly controlled by the existing storm water facilities; and it is further

#### RESOLVED, that the Project does not:

- a) involve a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, solid waste production, potential for erosion, flooding or drainage problems;
- involve the removal or destruction of large qualities of vegetation or the interference with plant or animal life or impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of plant or animal, or the habitat area of such species, or other significant adverse impacts to natural resources,
- c) conflict with the Town's current plans or goals for the area where the project is located
- d) impair the character or quality of the neighborhood;
- e) represent a major change in the use of energy;
- f) create any hazards to human health;
- g) represent a substantial change in the use of the land;
- h) significantly increase the number of people who would come to the site absent such development; or

i) impair the environmental characteristics of the area; and, it is further

RESOLVED, that the Town Planning Board of the Town of Plattsburgh after review of the said\_\_Subdivision\_x\_Site Plan application, maps, plan, completed EAF, and related materials does hereby determine as "Lead Agency" for the SEQRA Review process that the "Project" will NOT have a significant effect on the environment. Therefore, the preparation of a DEIS is NOT required; and, be it further

RESOLVED, that the Town Planning Board does hereby declare that the Project and environmental review process considered for the development does adequately and sufficiently satisfy the requirements of the State Environmental Quality Review Act for the Project; and be it further

RESOLVED, that a copy of this resolution be forwarded to other involved agencies who may be reviewing the Project for their records and files, and that the attached Negative Declaration Notice of Determination of Non-Significance be filed accordingly.

RESOLVED, that the Planning Board of the Town of Plattsburgh does hereby authorize and direct the Chairman of the Planning Board to have prepared and to execute a "Notice of No Significant Environmental Impact" (NEGATIVE DECLARATION) for this "Project"; and, be it further

RESOLVED, that the "Notice of No Significant Environmental Impact" (NEGATIVE DECLARATION) shall be disseminated to those involved Agencies and Governmental Units as required by said Environmental Conservation and Local Law of the Town of Plattsburgh and all related material shall be maintained on file at the Town Hall Offices of the Planning Board and available for Public Inspection.

Seconded By: Terry Senecal

Discussion (Not Verbatim): Town Senior Planner, Jessica Kogut informed the Planning Board that the project had submitted a complete SEQRA short form EAF Part I and that Staff had completed Part II for their review. Ms. Kogut indicated that staff had not identified any significant environmental issues associated with the project. Ms. Kogut informed the Planning Board that a draft resolution had been prepared for their consideration and, if they concurred with the answers to Part II EAF, they could file a Negative Declaration of environmental significance for the project.

Yes No

		103	110
Roll Call:			
	Anne Brandell	X	
,	Terry Senecal	X	
AAA	Debbie Blake	X	
A Or - I	ames Sherman	X	
A. A.	Ialana Tamer	Excused	
	áy White	Excused	
	arah Cayea (Alt.)	Excused	
	im Palmer, Chairman	X	
Carried: 5-0	1,000		
	N		
Kobu Kolinges	-, Dep.		
31.19.125			

# Short Environmental Assessment Form Part 1 - Project Information

#### Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information		
Part 1 - Project and Spousor unformation		
Name of Action or Project:		
Vortex International - Building Renovations		
Project Location (describe, and attach a location map):		
31 Northern Avenue, Plattsburgh, NY 12903		
Brief Description of Proposed Action:		
Interior renovation of en existing 51,620 sq.ft. building for purpose of a new warehouse and n structures/equipment, excluding any activities that may require NYSDEC air facility permitting improvements to include striping of thirty (30) new parking spaces and installation of a paved lot within the property. Project parcel Identified by the Town of Plattsburgh as Tax Map ID 233	driveway and sidewalk corne	itional adjustic g, welding, etc.). Minor site actions to the existing parking
Name of Applicant or Sponsor:	Telephone: 514-714-902	8
Vortex International	E-Mail: mcapplello@vort	ex-inti.com
Address:		
7800 Trans-Canada Highway		T 171 - 171 - 111
City/PO:	State: Canada	Zip Code: H9R1C6
Pointe-Claire, QC		NO YES
<ol> <li>Does the proposed action only involve the legislative adoption of a plan, loca administrative rule, or regulation?</li> <li>If Yes, attach a narrative description of the intent of the proposed action and the emay be affected in the municipality and proceed to Part 2. If no, continue to quest</li> <li>Does the proposed action require a permit, approval or funding from any oth</li> </ol>	environmental resources that ion 2.	
<ol> <li>Does the proposed action require a permit, approval of Infinite from any If Yes, list agency(s) name and permit or approval: Town of Plattsburgh - Building Pe Town of Plattsburgh - Building Pe</li> </ol>	oproval	
a. Total acreage of the site of the proposed action?     b. Total acreage to be physically disturbed?     c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	6.35 acres 0.10 acres 6.35 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:  5. Ulthan Rural (non-agriculture)  Industrial  Commerci	ial Residential (subu	rban)
5		·
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Spe	ену):	

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					2.24.5
5.	Ìs	the proposed action,	NO	YES	N/A
	a.	A permitted use under the zoning regulations?		$\checkmark$	
	b.	Consistent with the adopted comprehensive plan?		<b>V</b>	
-	_			NO	YES
6.	Is	the proposed action consistent with the predominant character of the existing built or natural landscape?			7
				ш	(A)
7.	Is	the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
lf Y	ćes,	identify:			
_	_			NO	YES
8.	a.	Will the proposed action result in a substantial increase in traffic above present levels?		7	П
	b.	Are public transportation services available at or near the site of the proposed action?		岃	H
	_	the standard of the monosed		岩	
	c.	action?		V	YES
9.		oes the proposed action meet or exceed the state energy code requirements?		NO	YES
Ift	he p	proposed action will exceed requirements, describe design features and technologies:			
_					V
_					
10.	W	fill the proposed action connect to an existing public/private water supply?		NO	YES
		If No, describe method for providing potable water:			
		If No, describe method for providing possite water.			$  \checkmark  $
-					
11.	W	fill the proposed action connect to existing wastewater utilities?		NO	YES
		If No, describe method for providing wastewater treatment:			
				ш	V
_		to a hydring prohagological site or distri	ct	NO	YES
wyh	ich	Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district is listed on the National or State Register of Historic Places, or that has been determined by the			1123
Co	mm	nissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the	е	V	ш
Sta	ite F	Register of Historic Places?			
		. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for			V
	hae	sological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			
13	. а.	Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain retlands or other waterbodies regulated by a federal, state or local agency?		NO	YES
				Ш	M
		. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
lf'	Yes	, identify the wetland or waterbody and extent of alterations in square feet or acres:		- 1	
_					100
				4-01	15
					1

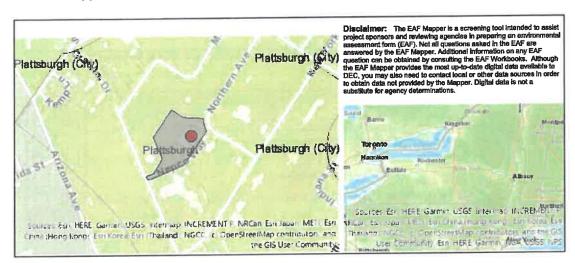
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Shoreline			
Wetland   Urban   Suburban	14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☐ Shoreline		
Federal government as threatened or endangered?	☐ Wetland ☐ Urban ☑ Suburban		
16. Is the project site located in the 100-year flood plan?	15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources?  If Yes,  a. Will storm water discharges flow to adjacent properties?  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  If Yes, briefly describe:  18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?  If Yes, explain the purpose and size of the impoundment:  19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?  If Yes, describe:  20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe:  20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe:  20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe:  20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe:  21. Legal Translation (ongoing or completed) for hazardous waste?  If Yes, describe:  22. Legal Translation (ongoing or completed) for hazardous waste?  If Yes, describe:  23. Legal Translation (ongoing or completed) for hazardous waste?  If Yes, describe:  24. Legal Translation (ongoing or completed) for hazardous waste?  If Yes, describe:  25. Legal Translation (ongoing or completed) for hazardous waste?  If Yes, describe:  26. Legal Translation (ongoing or completed) for hazardous waste?  If Yes, describe:  27. Legal Translation (ongoing or completed) for hazardous waste?  If Yes, describe:  28. Legal Translation (ongoing or completed) for hazardous waste?  If Yes, describe:  29. Legal Translat	Federal government as threatened or endangered?	V	
17. Will the proposed action create storm water discharge, either from point or non-point sources?  If Yes,  a. Will storm water discharges flow to adjacent properties?  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  If Yes, briefly describe:  18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?  If Yes, explain the purpose and size of the impoundment:  19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?  If Yes, describe:  20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe:  21. Will storage remediation included the removal of two [2] above ground fuel tanks as recorded under site no. 5-600897 and closed on 4007/2019.  11. CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE  Applicant/sponsor/name:  Stephen Hamelin  Date: Feb 24 2025	16. Is the project site located in the 100-year flood plan?	NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources?  If Yes,  a. Will storm water discharges flow to adjacent properties?  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  If Yes, briefly describe:  18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?  If Yes, explain the purpose and size of the impoundment:  19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?  If Yes, describe:  20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe:  21. Will storage remediation included the removal of two [2] above ground fuel tanks as recorded under site no. 5-600897 and closed on 4007/2019.  12. I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE  Applicant/sponsor/name: Stephen Hamelin  Date: Feb 24 2025		V	
If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  If Yes, briefly describe:	17 Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  If Yes, briefly describe:  18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?  If Yes, explain the purpose and size of the impoundment:  19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?  If Yes, describe:  20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe:  10. YES  21. YES  22. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe:  11. It is the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  12. It is the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  12. It is the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  13. It is the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  14. It is the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  15. It is the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  16. It is the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?  16. It is the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	If Yes,		<b>V</b>
If Yes, briefly describe:  18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?  19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?  19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?  10. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  10. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  11. It is not the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  12. It is not the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  13. It is not the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  14. It is not the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  15. It is not the impoundment:  16. It is not the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  17. It is not the impoundment:  18. Does the impoundment in the impoundment of two in the impoundment in the i	a. Will storm water discharges flow to adjacent properties?	V	
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?  If Yes, explain the purpose and size of the impoundment:  19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?  If Yes, describe:  20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe:  20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe:  20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe:  21. A Lagrange remediation included the removal of two [2] above ground fuel tanks as recorded under site no. 5-600897 and closed on 4007/2019.  I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE  Applicant/sponsor/name:  Stephen Hamelin  Date: Feb 24 2025		V	
or other liquids (e.g., retention pond, waste lagoon, dam)?  If Yes, explain the purpose and size of the impoundment:  19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?  If Yes, describe:  20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe:  20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe:  21. Let Yes, describe:  22. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe:  23. Let Yes, describe and closed on the impoundment:  24. Let Yes, describe and closed on the impoundment:  25. Let Yes, describe and closed on the impoundment:  26. Let Yes, describe and closed on the impoundment:  27. Let Yes, explain the purpose and size of the impoundment:  28. Let Yes, explain the purpose and size of the impoundment:  29. Let Yes, explain the purpose and size of the impoundment:  20. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?  In Yes, describe:  20. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?  In Yes, describe:  20. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?  In Yes, describe:  20. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?  In Yes, describe:  20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or complete) and the facility?  21. Let Yes, describe and the removal of the impoundment facility?  22. Has the si			
If Yes, explain the purpose and size of the impoundment:  19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?  If Yes, describe:  20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe:  10. Wes  11. CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE  Applicant/sponsor/name:  Stephen Hamelin  Date: Feb 24 2025	18. Does the proposed action include construction or other activities that would result in the impoundment of water	NO	YES
management facility?  If Yes, describe:  20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe:  Lulk Storage remediation included the removal of two (2) above ground fuel tanks as recorded under site no. 5-600897 and closed on 4/07/2019.  I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE  Applicant/sponsor/name: Stephen Hamelin Date: Feb 24 2025	If Yes, explain the purpose and size of the impoundment:	V	
If Yes, describe:  20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe:  Lulk Storage remediation included the removal of two (2) above ground fuel tanks as recorded under site no. 5-600897 and closed on 4/07/2019.  I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE  Applicant/sponsor/name: Stephen Hamelin Date: Feb 24 2025	19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
completed) for hazardous waste?  If Yes, describe:  Light Storage remediation included the removal of two [2] above ground fuel tanks as recorded under site no. 5-800897 and closed on 4/07/2019.  I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE  Applicant/sponsor/name: Stephen Hamelin Date: Feb 24 2025	If Yes, describe:	<b>V</b>	
If Yes, describe:    Ulk Storage remediation included the removal of two  2  above ground fuel tanks as recorded under site no. 5-600897 and closed on   4/07/2019.    I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE    Applicant/sponsor/name:   Stephen Hamelin   Date:   Feb 24 2025	20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
LIK Storage remediation included the removal of two [2] above ground fuel tanks as recorded under site no. 5-600897 and closed on 4/07/2019.  I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE  Applicant/sponsor/name: Stephen Hamelin Date: Feb 24 2025	If Yes, describe:		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE  Applicant/sponsor/name: Stephen Hamelin Date: Feb 24 2025	Bulk Storage remediation included the removal of two (2) above ground fuel tanks as recorded under site no. 5-600897 and closed on 04/07/2019.		V
Applicant/spoisoi/maine. Ottophen transmi	I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BE	ST OF	
Signature: S Hamalin Title: CEO	Applicant/sponsor/name: Stephen Hamelin Date: Feb 24 2	025	
	Signature: 5 Hamelin Title: CEO		

PRINT FORM

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# EAF Mapper Summary . eport



Part 1 / Question 7 [Critical Environmental Area]	iÑo 5
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

Short Environmental Assessment Form - EAF Mapper Summary Report

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Project: Vortex Site Plan 2025 Date: 3/12/25

## Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

		No, or small impact may occur	Moderate to large impact may occur
1.	Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	V	
2.	Will the proposed action result in a change in the use or intensity of use of land?	V	
3.	Will the proposed action impair the character or quality of the existing community?	<b>✓</b>	
4.	Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<b>V</b>	
5.	Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	V	
6.	Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	V	
7,	Will the proposed action impact existing: a. public / private water supplies?	V	
	b. public / private wastewater treatment utilities?	<b>√</b>	
8.	Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	V	
9.	Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<b>V</b>	
10.	Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<b>V</b>	
11.	Will the proposed action create a hazard to environmental resources or human health?	<b>V</b>	

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Page 1 of 2

Agency Use Only [If applicable]			
Project:	Vortex Site Plan 2025		
Date:	Agency Use Only [If applicable] oject: Vortex Site Plan 2025 ate: 3/12/25		

## Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The project proposes to occupy an existing structure in a commercial/industrial district, in an existing industrial neighborhood with very minimal site improvements proposed. In consideration of the project designs and plans, maps, SEQRA part I, and Planning Board meeting discussions, it is the determination of the Planning Board that there will be little or no negative environmental impact from this development.

that the proposed action may result in one or more pote environmental impact statement is required.	rmation and analysis above, and any supporting documentation,
Town of Plattsburgh - Planning Board	3.18.25
Name of Lead Agency	Date Chairman
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM** 

Page 2 of 2

#### **Approving Resolution**

The following resolution was offered by J. VanNatten, seconded by M. Zurlo, to wit:

Resolution No. 03-25-02

RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT FOR VORTEX USA INC. 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 commercial, manufacturing 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 and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Vortex USA Inc., a business corporation organized and existing under the laws of the State of Delaware (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 a leasehold interest in an approximately 6.35 acre parcel of land located at 31 Northern Avenue (Tax Map No.: 233.-5-25) in the Town of Plattsburgh, Clinton County, New York (the "Land") together with an existing building located thereon (the "Existing Facility"), (2) the reconstruction and renovation of the Existing 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 Existing Facility, and the Equipment are hereinafter, collectively, referred to as the "Project Facility") all of the foregoing to be owned and operated by the Company, or an affiliate thereof, as an industrial, manufacturing and warehousing facility 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 "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 December 9, 2024 (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. Pursuant to Section 859-a of the Act, the Executive Director of the Agency caused a copy of the certified Public Hearing Resolution to be sent via certified mail return, receipt requested on December 12, 2024 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 (collectively, the "Affected Tax Jurisdictions"); and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the "Public Hearing") pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the Financial Assistance being contemplated by the Agency with respect to the Project, to be mailed on January 3, 2025 to the chief executive officers of the Affected Tax Jurisdictions, (B) caused notice of the Public Hearing to be posted on January 6, 2025 on the Agency's website and on a public bulletin board located at the Plattsburgh Town Hall located at 151 Banker Road, in the Town of Plattsburgh, Clinton County, New York, (C) caused notice of the Public Hearing to be published on January 23, 2024 in the Press Republican, a newspaper of general circulation available to the residents of the Town of Plattsburgh, Clinton County, New York, (D) conducted the Public Hearing on February 5, 2025 at 9:30 o'clock a.m., local time at the Plattsburgh Town Hall located at 151 Banker Road, in the Town of Plattsburgh, Clinton County, New York, and (E) prepared a report of the Public Hearing (the "Public Hearing Report") fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency; 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 March 24, 2025, the Agency (A) concurred in the determination that the Town of Plattsburgh Planning Board (the "Planning Board") is the "lead agency" with respect to SEQRA and (B) acknowledged receipt of a negative declaration from the Planning Board dated March 18, 2025 (the "Negative Declaration"), in which the Planning Board determined that the Project is an "unlisted action" which will not have a "significant effect on the environment" and, therefore, that an "environmental impact statement" is not required to be prepared with respect to the Project; and

WHEREAS, the Agency has given due consideration to the Application, and to representations by the Company that (A) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Company to undertake the Project in Clinton County, New York and (B) the completion of the Project will not result in the removal of a plant or facility of any proposed occupant of the Project Facility from one area of the State of New York to another area in the State of New York and will not result in the abandonment of one or more plants or facilities of any occupant of the Project Facility located in the State of New York; and

WHEREAS, the Agency desires to encourage the Company to preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of County, New York by undertaking the Project in Clinton County, New York; and

WHEREAS, in order to consummate the Project and the granting of the Financial Assistance described in the notice of the Public Hearing, the Agency proposes to enter into the following documents (hereinafter collectively referred to as the "Agency Documents"): (A) a lease to agency (the "Lease to Agency" or the "Underlying Lease") by and between the Company, as landlord, and the Agency, as tenant, pursuant to which the Company will lease to the Agency a portion of the Land and all improvements now or hereafter located on said portion of the Land (collectively, the "Leased Premises"); (B) a license agreement (the "License to Agency" or the "License Agreement") by and between the Company, as licensor, and the Agency, as licensee, pursuant to which the Company will grant to the Agency (1) a license to enter upon the balance of the Land (the "Licensed Premises") for the purpose of undertaking and completing the Project and (2) in the event of an occurrence of an Event of Default by the Company, an

additional license to enter upon the Licensed Premises for the purpose of pursuing its remedies under the Lease Agreement (as hereinafter defined); (C) a lease agreement (and a memorandum thereof) (the "Lease Agreement") by and between the Agency and the Company, pursuant to which, among other things, the Company agrees to undertake the Project as agent of the Agency and the Company further agrees to lease the Project Facility from the Agency and, as rental thereunder, to pay the Agency's administrative fee relating to the Project and to pay all expenses incurred by the Agency with respect to the Project; (D) a payment in lieu of tax agreement (the "Payment in Lieu of Tax Agreement") by and between the Agency and the Company, pursuant to which the Company will agree to pay certain payments in lieu of taxes with respect to the Project Facility; (E) a uniform agency project agreement (the "Uniform Agency Project Agreement") by and between the Agency and the Company regarding the granting of the financial assistance and the potential recapture of such assistance; (F) a recapture agreement (the "Section 875 GML Recapture Agreement") by and between the Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes; (G) a sales tax exemption letter (the "Sales Tax Exemption Letter") to ensure the granting of the sales tax exemption which forms a part of the Financial Assistance; (H) a New York State Department of Taxation and Finance form entitled "IDA Appointment of Project Operator or Agency for Sales Tax Purposes" (the form required to be filed pursuant to Section 874(9) of the Act) (the "Thirty-Day Sales Tax Report") and any additional report to the Commissioner of the State Department of Taxation and Finance concerning the amount of sales tax exemption benefit for the Project (the "Additional Thirty-Day Project Report"); (I) if the Company intends to finance the Project with borrowed money, a mortgage and any other security documents and related documents (collectively, the "Mortgage") from the Agency and the Company to the Company's lender with respect to the Project ("the "Lender"), which Mortgage will grant a lien on and security interest in the Project Facility to secure a loan from the Lender to the Company with respect to the Project (the "Loan"); (J) if the Company requests the Agency to appoint a contractor or contractors, as agent(s) of the Agency (each, a "Contractor") (1) an agency indemnification agreement (the "Contractor Agency and Indemnification Agreement") by and between the Agency and the Contractor, (2) a recapture agreement (the "Contractor Section 875 GML Recapture Agreement") by and between the Agency and the Contractor, (3) a sales tax exemption letter (the "Contractor Sales Tax Exemption Letter") and (4) a Thirty-Day Sales Tax Report (the "Contractor Thirty-Day Sales Tax Report") and any additional report to the Commissioner of the State Department of Taxation and Finance concerning the amount of sales tax exemption benefit for the Project (the "Additional Thirty-Day Project Report") (collectively, the "Contractor Documents"); (K) if the Company intends to request the Agency to appoint (1) the Company, as agent of the Agency and (2) a contractor or contractors, as agent(s) of the Agency prior to closing on the Project and the Lease Agreement, agency and indemnification agreements, interim Section 875 GML recapture agreements, interim sales tax exemption letters and interim thirty-day sales tax reports (collectively, the "Interim Documents"); and (L) various certificates relating to the Project (the "Closing Documents"); and

WHEREAS, as a result of discussions had by the Company with the Affected Tax Jurisdictions, the Agency has been advised that one or more of the Affected Tax Jurisdictions desires not to receive its allocation of payments pursuant to the Payment in Lieu of Tax Agreement; and

WHEREAS, Section 858(15) of the Act requires the Agency to obtain the written consent of the Affected Tax Jurisdictions when the Agency proposes to allocate and distribute payments in lieu of taxes (each a "PILOT payment") to the Affected Tax Jurisdictions in a manner that is different from the distribution and allocation of real property tax payments that would be in effect if the Agency was not involved in the Project and the Project Facility was not exempt from real property taxes (as each capitalized term is defined in the Payment in Lieu of Tax Agreement); and

WHEREAS, as a condition to granting the Financial Assistance, the Agency desires that the Affected Tax Jurisdictions each adopt resolutions approving the allocation of real property tax payments to the Affected Taxing Jurisdictions under the proposed Payment in Lieu of Tax Agreement;

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

- Section 1. All action taken by the Executive Director of the Agency with respect to the Public Hearing with respect to the Project is hereby ratified and confirmed.
- Section 2. The law firm of Hodgson Russ LLP is hereby appointed Agency Counsel to the Agency with respect to all matters in connection with the Project. Agency Counsel for the Agency is hereby authorized, at the expense of the Company, to work with the Company, counsel to the Company, counsel to the Agency and others to prepare, for submission to the Agency, all documents necessary to effect the transactions contemplated by this Resolution. Agency Counsel has prepared and submitted, or will prepare and submit, an initial draft of the Agency Documents to staff of the Agency.

# Section 3. The Agency hereby finds and determines that:

- (A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act;
  - (B) The Project constitutes a "project," as such term is defined in the Act;
- (C) The Project site is located entirely within the boundaries of Clinton County, New York;
- (D) It is estimated at the present time that the costs of the planning, development, acquisition, construction, reconstruction and installation of the Project Facility (collectively, the "Project Costs") will be approximately \$6,250,000;
- (E) The completion of the Project will not result in the removal of a plant or facility of any proposed occupant of the Project Facility from one area of the State of New York to another area in the State of New York and will not result in the abandonment of one or more plants or facilities of any occupant of the Project Facility located in the State of New York;
- (F) The Project Facility does not constitute a project where facilities or property that are primarily used in making retail sales of goods and/or services to customers who personally visit such facilities constitute more than one-third of the total cost of the Project, and accordingly the Project is not prohibited by the provisions of Section 862(2)(a) of the Act, and accordingly the Agency is authorized to provide financial assistance in respect of the Project pursuant to Section 862(2)(a) of the Act;
- (G) The granting of the Financial Assistance by the Agency with respect to the Project will preserve a manufacturing facility located within the County. Therefore, the granting of the Financial Assistance will promote and maintain the job opportunities, general prosperity and economic welfare of the citizens of Clinton County, New York and the State of New York and improve their standard of living, and thereby serve the public purposes of the Act;
- (H) The Agency has reviewed the Public Hearing Report and has fully considered all comments contained therein;

- (I) The Project should receive the Financial Assistance in the form of exemptions from sales tax, mortgage recording tax, and/or real property tax based on the description of expected public benefits to occur as a result of this Project, as described on Exhibit A attached hereto; and
- (J) It is desirable and in the public interest for the Agency to enter into the Agency Documents.
- Section 4. In consequence of the foregoing, the Agency hereby determines to: (A) accept the License Agreement; (B) lease the Project Facility to the Company pursuant to the Lease Agreement; (C) acquire, construct and install the Project Facility, or cause the Project Facility to be acquired, installed and constructed; (D) enter into the Payment in Lieu of Tax Agreement; (E) enter into the Uniform Agency Project Agreement; (F) enter into the Section 875 GML Recapture Agreement; (G) if applicable, secure the Loan by entering into the Mortgage; (H) if applicable, enter into the Interim Documents; and (I) grant the Financial Assistance with respect to the Project; provided, however, that no financial assistance shall be provided to the Project by the Agency unless and until the Affected Tax Jurisdictions shall, pursuant to Section 858(15) of the Act, provided written consent to the proposed allocation and distribution of PILOT payments under the Payment in Lieu of Tax Agreement with respect to the Project.
- Section 5. The Agency is hereby authorized (A) to acquire a license in the Licensed Premises pursuant to the License Agreement, (B) to acquire a leasehold interest in the Leased Premises pursuant to the Underlying Lease, (C) to acquire title to the Equipment pursuant to a bill of sale (the "Bill of Sale to Agency") from the Company to the Agency, and (D) to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisitions are hereby approved, ratified and confirmed; provided, however, that no financial assistance shall be provided to the Project by the Agency unless and until the Affected Tax Jurisdictions shall, pursuant to Section 858(15) of the Act, have provided written consent to the proposed allocation and distribution of PILOT payments under the Payment in Lieu of Tax Agreement with respect to the Project.
- <u>Section 6</u>. The Agency is hereby authorized to acquire, construct and install the Project Facility as described in the Lease Agreement and to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition, construction and installation are hereby ratified, confirmed and approved.
- Section 7. The Chairperson, Vice Chairperson or Executive Director of the Agency, with the assistance of Agency Counsel, is authorized to negotiate and approve the form and substance of the Agency Documents.
- Section 8. (A) The Chairperson, Vice Chairperson or Executive Director of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Agency Documents, and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in the forms thereof as the Chairperson, Vice Chairperson or Executive Director shall approve, the execution thereof by the Chairperson, Vice Chairperson or Executive Director to constitute conclusive evidence of such approval.
  - (B) The Chairperson, Vice Chairperson or Executive Director of the Agency is hereby further authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency (as defined in and pursuant to the Lease Agreement).
- Section 9. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for

by the provisions of the Agency Documents, 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 Agency with all of the terms, covenants and provisions of the Agency Documents binding upon the Agency.

## Section 10. 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	Excused
Mark Leta	VOTING	Yes
John VanNatten	VOTING	Yes
Joey Trombley	VOTING	Excused

The foregoing resolution was thereupon declared duly adopted.

[Remainder of page left blank intentionally]

### **EXHIBIT A**

# DESCRIPTION OF THE EXPECTED PUBLIC BENEFITS

In the discussions had between the Project Beneficiary and the Agency with respect to the Project Beneficiary's request for Financial Assistance from the Agency with respect to the Project, the Project Beneficiary has represented to the Agency that the Project is expected to provide the following benefits to the Agency and/or to the residents of Clinton County, New York (the "Public Benefits"):

Description of Benefit		(indicate Yes or NO)		Expected Benefit
1.	Retention of existing jobs	☐ Yes	☑ No	The Existing Facility is currently vacant. The undertaking of the Project is not expected to retain employees, but will create employees and revitalize a currently vacant facility.
2.	Creation of new permanent jobs	☑ Yes	□ No	Approximately 30 full time equivalent jobs at the Project Facility within 5 years of the completion of the Project Facility.
3.	Estimated Value of Tax Exemptions	☑ Yes	□ No	Sales tax exemption is estimated at \$416,000; and Real property tax exemption is estimated at \$553,759.
4.	Private sector investment	☑ Yes	□No	Estimate \$6,250,000.
5.	Likelihood of project being completed in a timely fashion	☑ Yes	□ No	Anticipated completion in a timely manner.
6.	Extent of new revenue provided to local taxing jurisdictions	☑ Yes	□ No	The Project will provide a revenue source to the affected tax jurisdictions in the form of PILOT payments. Additionally, the Project will generate new employment, which new employment will contribute to additional commerce in the area.
7.	Extent of new revenue provided to local taxing jurisdictions	☑ Yes	□ No	The Project will revitalize an existing vacant manufacturing facility and generate new employment. By generating new employment in the area, the tax jurisdictions will benefit from the revenue generated by such employees.

8.	Local labor construction jobs	☑ Yes	□ No	The Company has indicated in the application that it is willing to consider the use of local labor.
9.	Regional wealth creation (% of sales /customers outside of the County)	□ Yes	☑ No	N/A
10.	Located in a highly distressed census tract	□ Yes	☑ No	N/A
11.	Alignment with local planning efforts and development efforts	☑ Yes	□ No	The Project is consistent with local planning and development efforts.
12.	Promotes walkable community areas	□ Yes	☑ No	The Project site is not located in an urban setting with sidewalks.
13.	Elimination or reduction of blight	☑ Yes	□No	If the Project was not undertaken, an existing manufacturing facility would be left empty. By completing the Project, the Company will revitalize the facility.
14.	Proximity/support of regional tourism attractions/facilities	□ Yes	☑ No	N/A
15.	Local or County official support	☑ Yes	□ No	The Project has received strong from the affected tax jurisdictions.
16.	Building or site has historic designation	□ Yes	☑ No	There is no historic designation.
17.	Provides brownfield remediation	□ Yes	☑ No	No brownfields present.
18.	Provides onsite child daycare facilities	□ Yes	☑ No	It is not anticipated that the Project will provide onsite child daycare facilities.

## **Clinton County Update**

M. Zurlo advised that two and a half years ago the decision was made to sell the Clinton County Nursing Home. M. Zurlo stated that this item is on the New York State Health Committee's agenda this week and this represents good progress in the sale and licensing process.

## **Management Team Reports**

# **Executive Director's Report**

M. Ryan advised that in addition to the items listed on her executive director's report, she has arranged for two marketing companies to present proposals for a redesign of the CCIDA website at the April 14, 2025 meeting.

There being no further business to discuss, on a motion by M. Zurlo, and seconded by J. VanNatten, the meeting adjourned at 1:23 p.m.

Trent Trahan, Chairperson