



ESSEX COUNTY IN THE PARK
INDUSTRIAL DEVELOPMENT AGENCY

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Essex County IDA Board Meeting
May 20, 2021 at 9:00AM
7566 Court Street, Elizabethtown, NY 12932

Present: John Boyea
Jamie Rogers
James Bowen (virtual)
Matthew Courtright (virtual)
James Monty (9:45AM)

Also Present: Jody Olcott
Carol Calabrese
Jen Briggs (Virtual)

Absent: Darren Darrah
Roy Holzer

Open of Meeting

Secretary/Treasurer Jamie Rogers opened the meeting at 9:04AM.

Approval of Minutes

1. April 22, 2021 Meeting Minutes

Motion #2021-40: A motion to approve the April 22, 2021 meeting minutes was made by James Monty and seconded by Jamie Rogers. John Boyea abstained. Motion passes.

2. May 6, 2021 Special Meeting Minutes

Motion #2021-41: A motion to approve the May 6, 2021 special meeting minutes was made by James Monty and seconded by John Boyea. James Bowen abstained. Motion passes.

Presentation – Champlain Hudson Power Express Project (Lake Champlain)

Josh Bagnato, Todd Singer and Pete Swartz were at the meeting to present the proposed Champlain Hudson Power Express project. TDI has spent 10 years permitting the proposed 339-mile 1250 megawatt transmission line from Canada to NYC. State used NYSERDA and offered request for proposals for renewable energy projects to supply power to NYC. TDI submitted proposal last week along with 4 other entities. Proposals are currently under review and it is anticipated award will be made in 3rd quarter 2021. The Essex County portion of project includes \$221 million in construction underneath Lake Champlain. TDI is requesting straight lease back incentives for proposed project including: sales & use tax exemption not to exceed \$13.26 million, mortgage recording tax abatement in the amount of 2.76 million and a 30-year

PILOT Agreement for all affected taxing entities. Further discussions are needed with Essex County as well as affected towns and schools.

Motion #2021 – 42: Resolution taking official action authorizing the Agency to (i) accept the application of CHPE LLC (the “company”) in connection with a proposed project (as further described herein); (ii) schedule and conduct a public hearing; and (iii) describing the forms of financial assistance being contemplated by the agency with respect to the project. WHEREAS, CHPE LLC, a New York limited liability company (the “Company”) authorized to do business in the State of New York, located in Albany, New York, and its successors and assigns has applied to the Essex County Industrial Development Agency (the “Agency”) on March 25, 2021, for a “straight-lease” arrangement as defined in Section 854(15) of the General Municipal Law of the State of New York (the “State”), as amended for the purpose of financing the costs of a certain project (the “Project”) consisting of: (a)(1) the acquisition of an interest in the Company’s interim permit and easement issued or to be issued by the New York State Office of General Services (“OGS”) in relation to submerged State-owned land located in the Towns of Chesterfield, Willsboro, Essex, Westport, Moriah, Crown Point and Ticonderoga, Essex County, New York (collectively, the “Land”), (2) the acquisition of two five-inch diameter high-voltage direct current (“HVDC”) transmission cables (the “Equipment”), and (3) the construction, installation and equipping on or under the Land of a fully-buried, up to 1,250-megawatt (“MW”) HVDC electric transmission line and related infrastructure (the “Improvements”, and together with the Land and Equipment, the “Project Facility”), all of the foregoing for use by the Company as a portion of an electric transmission line from the U.S.-Canada border to New York City, (b) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing, including exemptions from sales and use taxes, mortgage recording taxes, and real property taxes for the Project Facility (but not including special district taxes) (collectively, the “Financial Assistance”); and (c) the lease of the Project Facility by the Agency back to the Company; all as contemplated by and in furtherance of the purposes of the General Municipal Law; and WHEREAS, pursuant to Article 18-A of the General Municipal Law of the State of New York and Chapter 563 of the Laws of 1973 of the State of New York, as amended (collectively, the “Act”), the Agency is authorized and empowered to finance the acquisition, construction, equipping and furnishing of such Facility within the County of Essex, New York through a “straight-lease” arrangement; and WHEREAS, the Agency is contemplating providing the Financial Assistance in the form of (i) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included within the Project Facility or used in the acquisition, construction or equipping of the Project Facility from the Agency to complete the acquisition, construction, reconstruction and equipping of the Project Facility, (ii) an exemption from the mortgage recording tax and (iii) an exemption from real property tax; and WHEREAS, the Agency intends to describe the Project, accept the Company’s application, describe the forms of Financial Assistance contemplated by the Agency, secure any necessary consents from the affected tax jurisdictions, and authorize the scheduling and conduct of public hearing(s) pursuant to and in accordance with the Act. NOW, THEREFORE, BE IT RESOLVED by the Essex County Industrial Development Agency as follows: The Agency has found and determined that the Company’s project constitutes a “project” within the meaning of the Act and shall accomplish the public purpose of the Agency as presented in the Act; and will promote job opportunities, health, general prosperity and the economic welfare of the inhabitants of the County of Essex and the State of New York and improve their standard of living and will thereby serve the public purpose of the Act; and that it is desirable and in the public interest to enter into a

“straight-lease” arrangement with the Company for the purpose of financing the acquisition, construction, reconstruction, equipping and furnishing of the Project Facility, together with necessary preliminary and incidental expenses in connection therewith. The Agency is authorized to (i) lease the property comprising the Project Facility to the Company through a “straight-lease” arrangement (as defined in Section 854(15) of the General Municipal Law of the State) for good and valuable consideration and certain “financial assistance” (as defined in Section 854(14) of the General Municipal Law of the State), whereby the Company will be obligated to lease the Project Facility from the Agency and to purchase the property at the end of the lease term and (ii) if applicable, grant an assignment of the lease agreement with the Company as security for the financing provided by the Company’s financial institution in such manner as the Agency and the Company mutually deem appropriate. The Project will not result in the removal of a facility or plant of the Company or any other proposed occupant of the Project from one area of the State to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company’s application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other facility or plant to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries. The Company is hereby appointed the true and lawful agent of the Agency (i) to acquire, construct, reconstruct and equip the Project Facility; and (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency and in general to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity as the Agency could do if acting on its own behalf. The Agency in reviewing the Company’s application has preliminarily determined that the Company meets the provisions of Section 862(2) of the General Municipal Law or that such provisions are not applicable. Any financial assistance which the Agency may provide to the Company shall be subject to the “clawback” provisions of Section 875 of the General Municipal Law, and the Company shall at all times cooperate with and indemnify and hold harmless the Agency in the Agency’s colorable and good faith compliance with said Section 875. Squire Patton Boggs (US) LLP is hereby appointed special transaction counsel (“Transaction Counsel”) in relation to the Project. Briggs Law Firm LLP is hereby appointed as counsel to the Agency in relation to the Project. Transaction Counsel is hereby authorized to work with the Company and others to prepare, for submission to the Agency, all documents necessary to effect the closing of the Project. The Agency shall prepare and publish a notice of public hearing in compliance with Section 859-a of the General Municipal Law of the State and shall hold such public hearing prior to the closing of the Project (the “Public Hearing”). The Agency must have approved the Project after such Public Hearing at a regularly scheduled meeting of the Agency. The Agency’s authorization of the Project and the Financial Assistance shall be subject to the conduct of the Public Hearing, securing applicable approvals from the affected tax jurisdictions, and adoption of Agency resolutions relative to same. 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 and to execute and deliver all such 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 resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

The Chairman, Vice Chairman, and/or Executive Director(s) of the Agency are hereby authorized and directed to distribute copies of this resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this resolution. This resolution is hereby adopted subject to the requirements of the State Environmental Quality Review Act (SEQRA), as amended, Article 8 of the Environmental Conservation Law of the State and all regulations thereunder. In the event that there is jurisdiction of this Project under the APA Act, this resolution shall be subject to compliance by the Company with the determinations and conditions imposed by that agency. This Resolution shall take effect immediately. This resolution was made by James Bowen and seconded by John Boyea. All members were in favor.

Financial Services/Program

1. Monthly Loan Report – All loans are current as reported on report.
2. Straight Lease Back Transactions
 - a. Dual Development (North Elba) – IDA induced project, TEFRA hearing held. Essex County Board of Supervisors Economic Committee reviewed and approved. Essex County Board of Supervisors full board meeting approval at June 7th meeting anticipated.
 - b. 89 Greenwood Apartments (North Elba) – IDA and CRC induced project, TEFRA hearing held. Essex County Board of Supervisors to review at their June Economic Development Meeting scheduled for June 14th.

Business Park Development

1. Moriah Business Park
 - a. Lot #4 Building (High Peaks Hospice) – Ant and hornet issue that Jody will tackle this afternoon. Annual pressure washing building anticipated next month by Whistlepig.
 - b. Lots #3, #5, #6 & #8 (Whistlepig) – No issues to report
 - c. New Property
 - Proposed Sale of 8 acres to Whistlepig – Proposed contract sent to Whistlepig for execution and IDA is awaiting receipt of executed copy and deposit.
 - Proposed Sale of 5 acres to Pre-Tech Plastics – Proposed contract sent to Pre-Tech Plastics for execution. IDA received deposit but not executed contract. IDA staff will follow up with business.

Business Development Updates

1. Marketing/Internet Based Marketing Monthly Report – No Comments
2. Grant Administration
 - a. Ti Microenterprise Grant Program – DEC reimbursed IDA remaining contract balance of \$75,000. The project is complete.
 - b. USDA Rural Development Grant (Essex County) – The IDA is continuing to market program and will most likely need to apply to USDA for an extension on complete program.
 - c. LEAF COVID-19 Grant Program (North Elba) – IDA held public information meeting on May 18, 2021 and virtual session. There was an issue discovered in virtual hosting and participants could not connect. 1 person/business attended informational meeting held at the Lake Placid Arts Center. Lake Placid Business

Association, SBDC and IDA began sending marketing/promotion emails to North Elba businesses. Applications are due by June 7, 2021.

- d. North Country Craft Beverage Apprenticeship Program – Regional Workforce Investment Board held craft brewery informational session with 7 businesses (Clinton and Essex Counties). North Country Community College and Clinton Community College are partnering on the program (1 or 2 year program).

New Business

1. May Abstract for Payment

Motion #2021-43: A motion to approve the May Abstract for Payment was made by James Monty and seconded by Jamie Rogers. All members were in favor.

2. Next Meeting – June 23, 2021 at 9:00 AM at North Country Treetop

Adjourn

Motion #2021-44: A motion to adjourn the meeting at 10:13AM was made by Jamie Rogers and seconded by James Monty. All members were in favor.