

COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT AGENCY

CVE US E18 Quaker LLC PUBLIC HEARING MINUTES

NOVEMBER 21st, 2022

Dave O'Brien, Chair of the Counties of Warren and Washington Industrial Development Agency (the "Agency"), called to order a duly noticed Public Hearing for CVE US E18 Quaker LLC at 4:00 p.m. on the 21<sup>st</sup> day of November 2022 at the Warren County Municipal Building located at 3140 State Route 9, Lake George, New York.

**Present:**

Dave O'Brien  
Kara Lais, Esq.  
Chuck Barton  
Mary King  
Mike Wild  
Ginny Sullivan  
Nick Caimano  
Juan Gonzales  
Tim Robinson  
Craig Leggett  
John Strough  
Teri Ross  
Carson Weinand

**Representing:**

WWIDA/WWCDC Chair  
FMBF, Legal Counsel for WWIDA/WWCDC  
CEO WWIDA/WWCDC  
WWIDA/WWCDC Member  
WWIDA/WWCDC Member  
WWIDA/WWCDC Member  
WWIDA/WWCDC Member  
WWIDA/WWCDC Member  
WWIDA/WWCDC Vice Chair  
Queensbury Town Supervisor  
Queensbury Assessor  
CVE Solar, Sr. Project Developer

Minutes were taken by Alie Weaver, Office Administrator

Mrs. Weaver read into the minutes the published statement (legal notice) describing the proposed project.

Mr. Weinand stated that this project is a 5-megawatt AC community solar farm located in the town of Queensbury. The land will be purchased in early 2023 and zoning approvals have been received. They are currently in the process of completing post-permit items such as placing a decommissioning bond with the town and transitioning into the financing and construction of the project.

Mr. Barton stated that the PILOT payments are estimated to be \$562,000 vs. 3.1 million dollars, an estimated mortgage tax exemption of \$162,844, and an estimated sales tax exemption of 292,500. He noted that the sales tax exemption is only the 3% county tax as state tax is already exempt.

Mr. O'Brien stated that notifications were sent to the taxing jurisdictions and Queensbury School had no issues while no response was received from the town or county. He noted that the Town Assessor will review the future sales contract to help determine the land basis. He also stated that the IDA is rating solar benefits by megawatts vs. real property assessments.

Mr. Wild stated that he feels these benefits are excessive while state and federal incentives are already being provided for this project. He noted that there are no significant benefits to the community to atone for the combined \$2.9 million dollars in IDA benefits.

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Mr. Weinand stated that there would be about one thousand low-income subscribers eligible for a 10% discount on their National Grid utility bills for the next twenty-five years. He also stated that over one million dollars total would be paid in taxes over the course of this PILOT and noted that the land taxes would increase from the reclassification of vacant land to commercial use. He also stated that project would produce about 9 million kilowatt hours of clean energy per year, which is equivalent to displacing about 10,000 cars from the road.

Mr. Weinand noted that the land for this development is wooded and hilly in some areas and the project will impact about 40 acres with the avoidance of the portion of state wetlands. He also noted that the property is located south of the county runway and is technically land-locked although they have received an easement for their access road.

Mr. Weinand also stated that CVE has thirteen solar projects in their portfolio with a majority having secured IDA benefits.

Mr. Strough stated that several solar farm projects are forthcoming, and Queensbury is looking to standardize a PILOT program for all solar projects. He noted that there will be a meeting to discuss this on Wednesday.

Mr. O'Brien stated that, due to technical issues, this public hearing will remain open and be re-noticed to a future date that is to be determined at this point.

The CVE US E18 Quaker LLC public hearing was adjourned at 4:38 pm.



## **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that a public hearing pursuant to Article 18-A of the New York State General Municipal Law will be held by the Counties of Warren and Washington Industrial Development Agency (the "Agency") on the 21st day of November, 2022, at 4:00 pm local time in the Board Room at the Warren County Municipal Center located at 1340 State Route 9, Lake George (Town of Queensbury), New York 12845.

CVE US EI8 Quaker LLC, a limited liability company established pursuant to the laws of the State of New York, having an address of 109 W 27th Street, Floor 8, New York, New York (the "Company") has requested that the Agency provide financial assistance in the form of a partial real property tax abatement, a mortgage recording tax exemption and a sales tax abatement regarding a certain project (the "Project") to consist of: (i) the acquisition by the Agency of a leasehold interest in certain real properties located at 53 Quaker Ridge Boulevard in the Town of Queensbury, County of Warren, New York and being known as tax map parcel number 303.11-1-4.1 (the "Land"); (ii) the planning, design, construction, operation and maintenance by the Company of a 5MWac community solar facility (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the "Straight Lease Transaction"), all pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, Chapter 862 of the Laws of 1971 of the State of New York (collectively, the "Act"), as amended.

The Agency may be providing financial assistance with respect to the Project in the form of sales tax exemptions related to the construction and equipping of the Project Facility; a mortgage recording tax exemption on qualifying mortgages and a payment in lieu of taxes, which are consistent with the policies of the Agency. Should other financial assistance be requested, it shall be consistent with the policies of the Agency.

A representative of the Agency will be in attendance at the above-stated time and place to hear and accept written comments from all persons with views in favor of or opposed to the granting of financial assistance contemplated by the Agency or the location or nature of the Facility. The application of the Company is available for public inspection during normal business hours at the offices of the Agency, located at 5 Warren Street, Glens Falls, New York 12801.

Minutes of the hearing will be made available to all necessary parties.

The public hearing may also be access via ZOOM per below instructions:

<https://us02web.zoom.us/j/87990858640?pwd=NGtwaJRMV3NIQTl2d2ZzdmRXLzJWQT09>

Meeting ID: 879 9085 8640

Passcode: 578556

Dial by your location

+1 646 558 8656 US (New York)

Counties of Warren and Washington  
Industrial Development Agency  
David O'Brien, Chairman  
Published: November 10, 2022



Adopted October 17, 2022  
Resolution 22-27

Introduced by Dan Bruno  
who moved its adoption.

Seconded by Nick Caimano

**RESOLUTION ACCEPTING AN APPLICATION FOR FINANCIAL ASSISTANCE  
SUBMITTED BY CVE US E18 QUAKER LLC (THE "COMPANY") RELATING TO A  
CERTAIN PROJECT; AUTHORIZING A PUBLIC HEARING WITH RESPECT TO  
THE PROJECT; AND DESCRIBING THE FINANCIAL ASSISTANCE BEING  
CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT**

WHEREAS, CVE US E18 Quaker LLC, a limited liability company established pursuant to the laws of the State of New York, having an address of 109 W 27<sup>th</sup> Street, Floor 8, New York, New York (the "Company") has requested that the Agency provide financial assistance in the form of a partial real property tax abatement, a mortgage recording tax exemption and a sales tax abatement regarding a certain project (the "Project") to consist of: (i) the acquisition by the Agency of a leasehold interest in certain real properties located at 53 Quaker Ridge Boulevard in the Town of Queensbury, County of Warren, New York and being known as tax map parcel number 303.11-1-4.1 (the "Land"); (ii) the planning, design, construction, operation and maintenance by the Company of a 5MWac community solar facility (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the "Straight Lease Transaction"), all pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, Chapter 862 of the Laws of 1971 of the State of New York (collectively, the "Act"), as amended; and

WHEREAS, Chapters 356 and 357 of the Laws of 1993 require that prior to granting financial assistance of more than \$100,000.00 to any project, an Agency must (i) adopt a resolution describing the project and the financial assistance contemplated by the Agency with respect thereto, and (ii) hold a public hearing in the city, town or village where the project proposes to locate upon at least ten (10) days published notice and, at the same time, provide notice of such hearing to the Chief Executive Officer of each affected taxing jurisdiction within which the project is located; and

WHEREAS, the Agency is in the process of reviewing and considering the Company's Application requesting the Agency to provide financial assistance for the proposed Project (collectively the "Financial Assistance") in the form of (i) an exemption from all State and local sales and use taxes with respect to qualifying personal property included in and incorporated into the Facility or used in the acquisition, construction or equipping of the Facility, (ii) an exemption



for mortgage recording tax on eligible mortgages and (iii) a partial real property tax abatement through a payment in lieu of tax agreement (the "PILOT Agreement"), pursuant to which the Company would make payments in lieu of real property taxes to each affected tax jurisdiction (the "Affected Tax Jurisdictions"), all of which shall be consistent with the uniform tax exemption policy of the Agency; and

WHEREAS, the Agency desires to (i) accept the Application; (ii) authorize the scheduling and conduct of a public hearing; and (iii) negotiate, but not enter into an Agent Agreement and Project Agreement, pursuant to which the Agency will designate the Company, as its agent for the purpose of acquiring, constructing and equipping the Project, and Lease Agreement, a Leaseback Agreement and related Payment in lieu of Tax Agreement with the Company.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's Application, the Agency hereby finds and determines that:

(a) Pursuant to 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; and

(b) The Agency has the authority to take the actions contemplated herein under the Act; and

(c) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Warren and Washington Counties, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(d) The Project will not result in the removal of a commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company.

2. The proposed financial assistance being contemplated by the Agency includes (i) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included within the Project or used in the acquisition, construction or equipping of the Project in the estimated amount of \$682,500.00 based on purchases in the amount of \$9,750,000.00; (ii) an exemption from mortgage recording tax for qualifying mortgages in the estimated amount of \$162,844.00 based on mortgages in the approximate amount of \$13,027,500.00; and (iii) a partial real property tax abatement through a PILOT Agreement, pursuant to which the Company would make payments in lieu of real property taxes to the Affected Tax Jurisdictions. The estimated total project cost is \$14,475,000.00.



CVE Solar, Queensbury NY - October 20, 2022				Base PILOT			
Infrastructure + Equip. Cost	\$9,750,000	Warren County	Tax/\$1,000	\$3.895	Proportion	\$/MW	\$1,234.52
Amount Subject to Sales Tax	\$9,750,000	Town of Queensbury		\$0.522	2.5453%		\$165.45
Amount Subject to Mortgage Recording Tax	\$13,027,500	Queensbury School		\$16.091	78.4621%		\$5,100.03
Land Value	\$725,000	Total Tax		\$20.508	100.0000%		\$6,500.00
Land Value + Improvements (Infra + Equip)	\$10,475,000	Escalation		0.00%			
Solar System Size MW	5.00						

  

Year	PILOT Amount/MW	MW	PILOT: TOTAL	Town	County	School	Total Tax Per \$1,000	Land Value + Improvements	Estimated Full Taxes: TOTAL	Town	County	School	Total Taxes On Land
1	\$6,500	5.00	\$32,500	\$827	\$6,173	\$25,500	\$20.508	\$10,475,000	\$214,821	\$5,468	\$40,800	\$168,553	\$14,868
2	\$6,630	5.00	\$33,150	\$844	\$6,296	\$26,010	\$20.508	\$10,475,000	\$214,821	\$5,468	\$40,800	\$168,553	\$14,868
3	\$6,763	5.00	\$33,813	\$861	\$6,422	\$26,530	\$20.508	\$10,475,000	\$214,821	\$5,468	\$40,800	\$168,553	\$14,868
4	\$6,898	5.00	\$34,489	\$878	\$6,550	\$27,061	\$20.508	\$10,475,000	\$214,821	\$5,468	\$40,800	\$168,553	\$14,868
5	\$7,036	5.00	\$35,179	\$895	\$6,681	\$27,602	\$20.508	\$10,475,000	\$214,821	\$5,468	\$40,800	\$168,553	\$14,868
6	\$7,177	5.00	\$35,883	\$913	\$6,815	\$28,154	\$20.508	\$10,475,000	\$214,821	\$5,468	\$40,800	\$168,553	\$14,868
7	\$7,320	5.00	\$36,600	\$932	\$6,951	\$28,717	\$20.508	\$10,475,000	\$214,821	\$5,468	\$40,800	\$168,553	\$14,868
8	\$7,466	5.00	\$37,332	\$950	\$7,090	\$29,292	\$20.508	\$10,475,000	\$214,821	\$5,468	\$40,800	\$168,553	\$14,868
9	\$7,616	5.00	\$38,079	\$969	\$7,232	\$29,878	\$20.508	\$10,475,000	\$214,821	\$5,468	\$40,800	\$168,553	\$14,868
10	\$7,768	5.00	\$38,841	\$989	\$7,377	\$30,475	\$20.508	\$10,475,000	\$214,821	\$5,468	\$40,800	\$168,553	\$14,868
11	\$7,923	5.00	\$39,617	\$1,008	\$7,524	\$31,085	\$20.508	\$10,475,000	\$214,821	\$5,468	\$40,800	\$168,553	\$14,868
12	\$8,082	5.00	\$40,410	\$1,029	\$7,675	\$31,706	\$20.508	\$10,475,000	\$214,821	\$5,468	\$40,800	\$168,553	\$14,868
13	\$8,244	5.00	\$41,218	\$1,049	\$7,828	\$32,340	\$20.508	\$10,475,000	\$214,821	\$5,468	\$40,800	\$168,553	\$14,868
14	\$8,408	5.00	\$42,042	\$1,070	\$7,985	\$32,987	\$20.508	\$10,475,000	\$214,821	\$5,468	\$40,800	\$168,553	\$14,868
15	\$8,577	5.00	\$42,883	\$1,092	\$8,145	\$33,647	\$20.508	\$10,475,000	\$214,821	\$5,468	\$40,800	\$168,553	\$14,868
			\$562,036	\$14,306	\$106,745	\$440,985			\$3,222,320	\$82,019	\$612,002	\$2,528,298	\$223,025
16							\$20.508	\$10,475,000	\$214,821				
17							\$20.508	\$10,475,000	\$214,821				
18							\$20.508	\$10,475,000	\$214,821				
19							\$20.508	\$10,475,000	\$214,821				
20							\$20.508	\$10,475,000	\$214,821				
21							\$20.508	\$10,475,000	\$214,821				
22							\$20.508	\$10,475,000	\$214,821				
23							\$20.508	\$10,475,000	\$214,821				
24							\$20.508	\$10,475,000	\$214,821				
25							\$20.508	\$10,475,000	\$214,821				
									\$2,148,213				

  

Total PILOT Payments	\$562,036	From above
Host Community Benefit	\$0	To Be Determined
Educational Contribution	\$0	To Be Determined
Total Payments	\$562,036	
Taxes w/o Project 15 Yrs	\$223,025	From above
Full Taxes No PILOT 15 Yrs	\$3,222,320	From above
Estimated Real Estate Tax Savings	\$2,660,283	Full Taxes - Total Payments
Estimated Mortgage Tax Savings	\$162,844	
Estimated Sales Tax Savings	\$292,500	Use 3% for County only (not 4% in Application), ignore State 4% since exempt.
Estimates Total Financial Assistance	\$3,115,627	
WWIDA Admin Fee (0.75%)	\$73,125	
Net Benefits Provided	\$3,042,502	
Jobs Created	N/A	
15 Year Increase In Taxes Generated	\$562,036	
10 Year Post PILOT Property Tax	\$2,148,213	
25 Year Net Property Tax Increase	\$2,710,249	
Benefit:	\$2,710,249	= 25 Yr Net Property Increase + Host Comm. Benefit + Educ. Assistance
Cost	\$3,042,502	Net Benefits
Cost Benefit Ratio	0.89	

  

Approved for CVE WWIDA Application	
Signature:	<u>Carson Weinand</u>
Print Name:	<u>Carson Weinand</u>
Date:	<u>10/27/22</u>