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PUBLIC HEARING PURSUANT TO
SECTION 859-a OF
THE GENERAL MUNICIPAL LAW

IN THE MATTER OF:

Agency: Allegany County Industrial Development
Agency (the "Agency")

Project Beneficiary: NSF Burns Site 1, LLC (the
"Company")

Project Location: Town of Burns,
Allegany County, New York

Hearing Date: May 25, 2023

Hearing Time: 7:00 p.m.

Hearing Location: Town of Burns Town Hall
10 Main Street
Village of Canaseraga
Town of Burns
Allegany County, New York

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ATTENDEES:

Craig R. Clark, PE, PHD, Executive Director to
Allegany County Industrial Development Agency

Dianne Freinerr, Town of Burns Supervisor

Farmer - Unidentified

1 DR. CLARK: This is a --
2 (inaudible) -- Allegany County Industrial
3 Development Agency project beneficiaries
4 NSF Burns Site 1, LLC. It's now seven
5 o'clock on May 25th at 220 -- 2023. We're
6 in the Town of Burns, Town Hall located at
7 Main Street in the Village of Canaseraga.

8 My name is Craig Clark and I'm the
9 Executive Director to the Allegany County
10 IDA in connection with the project, which
11 is the subject of this public hearing.

12 Today I'm holding this public
13 hearing to allow citizens to make a
14 statement for the record relating to the
15 involvement of the Agency with a project.
16 The project for the benefit of NFS Burns
17 Site 1, LLC, a New York State Limited
18 Liability Company.

19 The proposed project consists of the
20 following: The acquisition of interest in
21 a portion of approximately 163.53 acres,
22 consists -- comprised of two parcels of
23 the land located at 1132 State Route 70

1 and County Route 13A in the Town of Burns
2 in Allegany County, New York.

3 The construction of the land of a
4 ground-mounted photovoltaic 5 megawatts
5 solar energy facility includes panels,
6 racking, inverters, electrical cables,
7 battery storage, grid interconnection,
8 site preparation, access road, and any
9 other required improvements, and the
10 acquisition of the installment therein of
11 all the machinery. All fore
12 buying -- foregoing to constitute a solar
13 electric energy generated facility to be
14 owned and operated by the company. The
15 granting of certain financial assistance
16 within the meaning of Section 854 with
17 respect to the foregoing including
18 potential exemptions from certain sales
19 tax and use taxes, real property taxes,
20 real estate transfer taxes, and mortgage
21 recording taxes.

22 I intend to provide general
23 information on the Agency's general

1 authority and purpose to provide
2 assistance to the proposed project. I'll
3 then open the comment period to receive
4 any comments from all present, who would
5 wish to comment using the proposed project
6 or the financial assistance.

7 Our -- before discussing the general
8 information and opening the hearing for
9 public comments, I would like to first
10 describe some details of the project.

11 The overall construction project is about
12 an \$8.7 million project with the estimated
13 cost of the proposed project as far as the
14 IDA are equal to about \$418,117. And the
15 estimated benefits being considered by the
16 Agency are as follows: Sales tax
17 exemption of 239,000, mortgage recording
18 tax exemption of 109,000 and real property
19 tax exemption to about 69,000.

20 The provision of Chapter 1030 of
21 Laws of 1969 of New York Constitution
22 Title 1 of Article 18-A of the General
23 Municipal Law, Chapter 24 of the

1 Consolidated Laws of New York as amended
2 in Chapter 99 in 1973 laws of the State of
3 New York as amended and codified as
4 Section 96 -- 906-a of said General
5 Municipal Law, authorizing the Agency to
6 promote, develop, encourage, and assist in
7 the acquiring, constructing,
8 reconstructing, improving, maintaining,
9 and equipping, and furnishing of
10 manufacturing, warehousing, research,
11 commercial, and industrial facilities
12 among others.

13 The purpose of the meeting is
14 pursuant to the Section 859-a reference of
15 the General Municipal Law of the State of
16 New York prior to the Agency providing any
17 financial assistance in excess of \$100,000
18 to any project, the Agency among others,
19 must hold a public hearing pursuant to
20 Section 859-a of the Act with respect to
21 said project. The proposed financial
22 assistance to be provided by the Agency
23 with respect to the proposed project may

1 exceed \$100,000, then prior to providing
2 any financial assistance to the proposed
3 project.

4 After consideration of the
5 application received from the Company, the
6 members of the Agency adopted a resolution
7 on April 27th, 2023, about -- regarding
8 this public hearing authorizing the
9 Executive Director of the Agency to
10 conduct the public hearing.

11 The Executive Director of the Agency
12 caused notice of public hearing to be
13 mailed May 12th, 2023, to the Chief
14 Executive Officer of the Allegany County
15 and published on May 14th, 2023 -- 2023, in
16 the "Spectator." Copies of the public
17 hearing are available on the table here
18 and unless there's an objection, I'm going
19 to suggest waiving the full reading of
20 that notice.

21 The comments received today at the
22 public hearing will be presented on
23 the -- to the members of the Agency at or

1 prior to the meeting for the members of
2 the Agency will consider whether to
3 approve the undertaking of the proposed
4 project.

5 The notice of this public hearing
6 indicated that any written comments could
7 be addressed by -- to Craig R. Clark,
8 Executive Director of the Agency and at
9 this time no written comments have been
10 received by the Agency prior to this
11 hearing.

12 I will now open the public hearing
13 at 7:05 and by the way of operating rules,
14 if you wish to make a public comment,
15 please let me know and raise your hand,
16 and we'll typically record who is making
17 the comments and give you three minutes or
18 more depending on how many people are
19 here.

20 For the record, please state your
21 name and indicate your comments, if you
22 have any, and after asserting there is no
23 one else present who wishes to comment and

1 asserting at least during that 15 minutes,
2 we will end up closing this public
3 hearing, but we have to stay open for at
4 least 15 minutes.

5 And that said, we will record and
6 wait until 7:15 to -- to close this public
7 hearing.

8 (No response.)

9 DR. CLARK: Since there are no
10 comments, I will now close the public
11 hearing at 7:15 and thank you for
12 listening.

13 (Whereupon, the hearing was concluded
14 at approximately 7:15 p.m.)

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C E R T I F I C A T I O N

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4 I, SARAH COLEMAN, a Court Reporter and
5 Notary Public in and for the State of New York, do
6 hereby certify that I transcribed the proceedings
7 held at the time and place noted on the title and
8 that this transcript is accurate and complete, to
9 the best of my knowledge and belief.

10 I further certify that I am in no way
11 related to any of the parties to this action nor
12 am I an employee for any of the parties involved,
13 and I am in no way interested in the outcome of
14 this matter.
15
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18 Sarah Coleman

19 Notary Public
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22 Dated: 01/17/2024
23

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