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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 3, LLC
(The "Company")

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

Hearing Date: May 25, 2023

Hearing Time: 7:30 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

BANCROFT

1 DR. CLARK: So this is the Allegany
2 County Industrial Development Agency, NSF
3 Burns Site 3, LLC, in Burns, Allegany
4 County, 7:30 p.m. at the Town of Burns
5 Town Hall and my name is Dr. Craig Clark,
6 and I'm the Executive Director to the
7 Allegany County Industrial Development
8 Agency in connection with this project,
9 which is the subject of the project of the
10 public hearing.

11 Today I'm holding this public
12 hearing to allow citizens to make a
13 statement for the record relating to the
14 involvement of the Agency with a project
15 for the benefit of NSF Burns Site 3, LLC.

16 The proposed project consists of the
17 following: The acquisition of interest in
18 the portion of approximately 163 acres,
19 comprised of two parcels of land located
20 on 1132 State Route 70 and County Route
21 13A in the Town of Burns in Allegany
22 County.

23 The construction of the land of a

1 ground-mounted photovoltaic 5 megawatts
2 solar energy facility including panels,
3 racking, inverters, electrical cables,
4 battery storage, grid interconnection,
5 site preparation, access road, and any
6 other required improvements for a
7 photovoltaic solar energy project
8 generator facility to be owned and
9 operated by NSF.

10 The granting of certain financial
11 assistance with respect to the foregoing
12 including potential exemptions from
13 certain sales and use taxes, real property
14 taxes, real estate transfer taxes, and
15 mortgage recording taxes.

16 I intend to provide general
17 information on the Agency's general
18 authority and public purpose to provide
19 assistance to the proposed project. I
20 will then open the comment period to
21 receive any comments from the public.

22 However, before discussing, we'll
23 just mention the overview of the -- thank

1 you -- of the project. The estimated cost
2 of the proposed project equal to
3 approximately \$401,097. Sales tax
4 exemption of \$220,592, mortgage recording
5 tax exemptions of \$109,627 and real
6 property tax exemption of \$68,977.

7 The provisions of Chapter 1030 of
8 Laws of 1969 of New York Constitution
9 Title 1 of Article 18-A of the General
10 Municipal Law, Chapter 24 of the
11 Consolidated Laws of New York amended, in
12 Chapter 99 in 1973 Laws of the State of
13 New York as amended, and codified as
14 Section 906-a of the General Municipal Law
15 to promote, develop, encourage, and assist
16 in the acquiring, constructing,
17 reconstructing, and proving, maintaining
18 equipment, and furnishing of
19 manufacturing, warehousing, research,
20 commercial, and industrial facilities.
21 Pursuant to Section 859-a of the General
22 Municipal Law of the State of New York
23 prior to the Agency providing any

1 financial assistance of more than \$100,000
2 to any project the Agency, among others,
3 must hold a public hearing pursuant to
4 Section 859-a.

5 After consideration of the
6 application received from the Company and
7 members of the Agency adopted a resolution
8 on April 27th of 2023, authorizing the
9 Executive Director of the Agency to
10 conduct the public hearing with respect to
11 the proposed project. The Executive
12 Director of the Agency caused notice of
13 public hearing to be mailed to -- on May
14 12th, 2023, to the Chief Executive Officer
15 of the Allegany County, the Town of Burns,
16 and the Canaseraga School District, and
17 published on May 14th, 2023, in the
18 "Spectator."

19 Copies of the public hearing are
20 available here on the table here and
21 unless there's an objection, I'm going to
22 suggest waiving the full reading of the
23 notice.

1 The comments received today at the
2 public hearing will be presented to the
3 members of the Agency at or prior to the
4 meeting at which the members of the Agency
5 will consider whether to approve
6 undertaking the proposed project.

7 The notice of the public hearing
8 indicated written comments can be mailed
9 and addressed to Craig R. Clark, Executive
10 Director of the Agency and no written
11 comments to date have been received.

12 I will now open this public hearing
13 of -- at -- for comments at 7:35, and by
14 the way of operating rules, if there are
15 any comments, we'll typically make them no
16 longer than three minutes unless there's
17 some objection and for the record, please
18 state your name and indicate the comments
19 on the -- of the proposed project or the
20 proposed financial assistance being
21 contemplated with the Agency with respect
22 to the proposed project.

23 With that said, we'll see if we have

1 any comments or actually no comments.

2 (No response.)

3 DR. CLARK: With no further
4 comments, we will close the public hearing
5 for NSF 3 at 7:45.

6 (Whereupon, the hearing was concluded.

7 at approximately 7:45 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
16
17 *Sarah Coleman*

18 _____
19 Notary Public

20
21
22 Dated: 01/22/2024
23

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