

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 2, LLC (the
"Company")

Project Location: Burns, Allegany County,
New York

Hearing Date: May 25, 2023

Hearing Time: 7:15 p.m.

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

1 ATTENDEES:

2 CRAIG R. CLARK, PE, PHD, Executive Director to
3 Allegany County Industrial Development Agency

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5 Brian and Ruth Bancroft, Sheep farmers

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1 DR. CLARK: The next public hearing
2 is for NSF Site 2, LLC, in the Burns of
3 Allegany County, New York and that's to
4 start now at 7:15 o'clock, May 25th, at
5 the Town of Burns Hall, again, in Main
6 Street at the Village of Canaseraga in the
7 Town of Burns.

8 Again, my name is Craig Clark and
9 I'm the Executive Director to the Allegany
10 County Industrial Development Agency in
11 connection with the project, which is the
12 subject of this project -- public hearing.

13 Today I'm holding a public hearing
14 to allow citizens to make a statement for
15 the record involvement of the Agency with
16 a project -- of the proposed project for
17 the benefit of NFS Burns Site 2, LLC, a
18 New York State Limited 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 consisting of two parcels of land located
23 at 1132 State Route 70 and County Route

1 13A in the Town of Burns in Allegany
2 County, New York collectively called "the
3 land".

4 The construction of the land of a
5 ground-mounted photovoltaic 5 megawatts
6 solar energy facility includes panels,
7 racking, inverters, electrical cables,
8 battery storage, grid interconnection,
9 site preparation, access roads, and any
10 other required improvements. All said
11 improvements being collectively referred
12 to as the "facility," and the acquisition
13 and the installation thereof of related
14 fixtures, machinery, equipment, and other
15 personal property. All foregoing to
16 constitute a solar electric energy
17 generated facility to be owned and
18 operated by the Company.

19 The granting of certain financial
20 assistance within the meaning of Section
21 854-14 of the Act with respect to the
22 foregoing project including potential
23 exemptions from certain sales tax uses,

1 real property taxes, and real estate
2 transfer taxes and mortgage recording
3 taxes, collectively called "financial
4 assistance."

5 I intend to provide general
6 information on the Agency's general
7 authority and public purpose to provide
8 assistance to the proposed project.

9 Before discussing the general information
10 opening the public hearing, I'd like to
11 first describe brief details of the
12 project.

13 The overall construction cost of the
14 project is approximately \$8.7 million and
15 the estimated cost of the proposed
16 financial assistance of the project are
17 equal to approximately \$401,907. And the
18 estimated benefits being considered by the
19 Agency are described briefly as follows:
20 Hello.

21 MS. BANCROFT: I'm sorry.

22 DR. CLARK: No. We're good. I'm
23 just going through the -- we can talk as

1 soon as I read through all this, okay?

2 MS. BANCROFT: Okay.

3 MS. FREINER: This is a public
4 hearing.

5 MS. BANCROFT: Pardon?

6 MS. FREINER: This is a public
7 hearing.

8 MS. BANCROFT: For the solar?

9 DR. CLARK: Yes.

10 MS. BANCROFT: Okay. All right. I
11 wasn't sure because there's nobody here.

12 DR. CLARK: You'll be our -- you are
13 now.

14 MS. BANCROFT: Yeah.

15 DR. CLARK: We're good.

16 MS. BANCROFT: Yeah. Thank you.

17 MS. FREINER: Have a seat.

18 DR. CLARK: I'll now answer any
19 questions. The sales tax exemption is
20 going to be about \$222,000, mortgage
21 recording tax exemption about 109,000, and
22 real property tax exemption of \$69,000.
23 The provisions of Chapter 1030 of Laws of

1 1969 of New York, constituting Title 1 of
2 Article 18-A of the General Municipal Law,
3 Chapter 24 of the consolidated Laws of New
4 York amended, in the Chapter 99 of the
5 1973 Laws of the State of New York, as
6 amended, and codified as Section 906-a of
7 said General Municipal Law, authorizing
8 the Agency to promote and develop,
9 encourage, and assist in the acquiring,
10 constructing, reconstructing, and
11 improving, maintaining, equipping, and
12 finishing of manufacturing, warehousing,
13 research, commercial, and industrial
14 facilities.

15 The purpose of this public hearing
16 is pursuant to the Section 859-a of the
17 General Municipal Law any project of more
18 than \$100,000 to any project, the Agency,
19 among other things, must hold a public
20 hearing. It's financial assistance to be
21 provided by the Agency with respect to the
22 proposed project may exceed \$100,000 then
23 prior to providing any financial

1 assistance, you must have a public hearing
2 at the location of the project facility
3 and that's why we're in the Town of Burns.

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, authorizing the
8 Executive Director to hold this public
9 hearing and the Executive Director of the
10 Agency caused notice of public hearing to
11 be mailed May 12th to the Chief Executive
12 Officers of the Allegany County, the Town
13 of Burns, the Canaseraga School District
14 and it was also published on May 14th of
15 the "Spectator."

16 Copies of the public hearing are
17 available on the table here and you have a
18 copy, and unless you object, I'm not going
19 to read the full notice of the public
20 hearing.

21 MS. FREINER: I demand.

22 DR. CLARK: Now, be nice. The
23 comments received today at the public

1 hearing will be presented to the members
2 of the Agency at or prior to the meeting
3 at which the members of the Agency will
4 consider whether to approve the
5 undertaking of the proposed projects.

6 The notice of the public hearing
7 indicated that written comments could be
8 addressed to myself, Craig R. Clark,
9 Executive Director of the Agency, and no
10 written comments have been received today.
11 I'll open this public hearing at 7:20, and
12 by the way of the operating rules, if you
13 wish to make a public comment, just let me
14 know and unless there's some objection or
15 more people show up, you'll have as much
16 time as you want, but typically we try to
17 keep comments to about three minutes.

18 I will now ask if there is anyone in
19 attendance who wishes to comment on either
20 the nature of the location of the project,
21 of the proposed financial assistance being
22 contemplated by the Agency, and for the
23 record please state your name and indicate

1 your comments, so we'll record them and
2 put them in the record. So after that, we
3 are more than willing to discuss -- this
4 is on NSF 2, I'm holding four public
5 hearings. They're all similar projects,
6 so I have to read the same thing four
7 times before the public if that's okay.

8 So anyways, you are more than
9 welcome to ask questions, most of the
10 questions I would be asking about are the
11 financial assistance that the Agency is
12 giving, but if there are questions, please
13 ask them.

14 MR. BANCROFT: Yeah. So the only
15 question I've have, I talked to a
16 gentleman --

17 DR. CLARK: Can you tell me your
18 name?

19 MR. BANCROFT: Brian Bancroft.

20 DR. CLARK: Brian Bancroft?

21 MR. BANCROFT: Yes.

22 DR. CLARK: It will be recorded, but
23 I will write it down, too.

1 MR. BANCROFT: Okay. Last year, I
2 talked to the gentleman about the project
3 down here about pasturing the sheep on it.
4 That's the main thing I am concerned with.

5 DR. CLARK: It's about?

6 MR. BANCROFT: Pasturing the sheep
7 are on.

8 MS. BANCROFT: Pasturing the sheep.

9 DR. CLARK: Oh, the pasturing the
10 sheep. Have they talked to you about
11 that?

12 MS. BANCROFT: That's the EDS site?
13 We're up here on this site.

14 MS. FREINER: Do you want --

15 MR. BANCROFT: Yeah. I don't care
16 where they're going.

17 MS. BANCROFT: We don't care, we'll
18 take them.

19 MS. FREINER: Okay.

20 MS. BANCROFT: Okay.

21 MR. BANCROFT: Yeah. They did put
22 something in the paper for the one over
23 here.

1 MS. FREINER: They did.

2 MR. BANCROFT: Yeah. I know they're
3 going to have one here. They've got one
4 down the road all ready, that's a
5 different company, I think.

6 MS. BANCROFT: Yeah. That would
7 be --

8 MS. FREINER: This is Norbut Solar
9 Farms and you'll see NS -- NSF in
10 the --

11 DR. CLARK: The company name is NSF
12 as far as who's holding the title but --

13 MS. BANCROFT: Yes.

14 DR. CLARK: -- Norbut Solar is the
15 one who is putting in these project.

16 MS. FREINER: Yes. And Victor
17 Ciaccia and I think he would be the person
18 that we can contact if you're interested
19 in putting sheep up here. This -- going
20 to go faster.

21 MR. BANCROFT: Yeah. There's really
22 no sense in putting them back here.

23 DR. CLARK: I think the record said

1 we can connect you with them to make sure.

2 MS. FREINER: Yes.

3 DR. CLARK: Because I think --

4 MS. BANCROFT: Are there other solar
5 fields that would require --

6 DR. CLARK: Actually, NSF has
7 another 20 megawatts down in Angelica.

8 MR. BANCROFT: On the old golf
9 course.

10 DR. CLARK: On the old golf course,
11 so, yep, they already have 20 megawatts
12 running, so that's the same purpose. We
13 can talk more about that one.

14 MS. BANCROFT: No. That's the -- is
15 that you're -- you're affiliated with
16 them.

17 DR. CLARK: No. I'm -- I'm from the
18 IDA.

19 MR. BANCROFT: Yeah.

20 DR. CLARK: I run the Allegany
21 County IDA who was --

22 MS. BANCROFT: -- oh, okay.

23 DR. CLARK: -- their just -- we're

1 just supporting the project by giving them
2 benefits.

3 MS. BANCROFT: Okay.

4 DR. CLARK: And we only do that when
5 the benefits -- the town agrees that this
6 is a project that the town has agreed too,
7 but no, I'm not the developer.

8 MS. BANCROFT: Oh, okay.

9 DR. CLARK: The developer actually
10 isn't here tonight.

11 MS. BANCROFT: Okay.

12 DR. CLARK: That's why I said we can
13 connect you with the developers.

14 MS. BANCROFT: Okay.

15 MR. BANCROFT: Yeah, and
16 that -- that's who I need it -- like I
17 said I talked with a gentleman who was
18 going to -- they were going to do the one
19 over here --

20 DR. CLARK: The large one.

21 MR. BANCROFT: -- and here.

22 DR. CLARK: Right.

23 MS. FREINER: Yes.

1 MR. BANCROFT: And then supposedly
2 their doing one around --

3 DR. CLARK: Yes. That's correct.

4 MS. FREINER: Yes.

5 MR. BANCROFT: And --

6 DR. CLARK: Because they only do
7 large projects.

8 MR. BANCROFT: -- and he had talked
9 to me about both of them.

10 MS. FREINER: Yes.

11 MR. BANCROFT: And then I heard that
12 the projects are down here on 70 now.

13 DR. CLARK: Okay.

14 MR. BANCROFT: The last year they
15 mowed them, people gave them crap over
16 that because they mowed it, you know, if
17 you are going to have something green, you
18 know, you got to kind of have something
19 green to mow with.

20 DR. CLARK: Right.

21 MR. BANCROFT: So --

22 MS. BANCROFT: I don't understand
23 why he has to be a zero --

1 DR. CLARK: I'm sure he would be
2 interested in talking to you because --

3 MR. BANCROFT: Yeah.

4 MS. BANCROFT: We -- we --

5 DR. CLARK: -- having the sheep on
6 the site is to their benefit as well as to
7 yours because then -- then they don't have
8 to mow it.

9 MR. BANCROFT: Yeah. They don't
10 have to mow it.

11 MS. FREINER: And can I have you --

12 DR. CLARK: Write down your contact.

13 MS. FREINER: -- I know where you
14 live, but if you could put down your phone
15 number, where we can have them contact
16 you, that would be great.

17 DR. CLARK: Yeah. The easiest thing
18 to do is having him work with us and the
19 County.

20 MS. FREINER: Yeah. Yeah.

21 We -- we -- we would like to see sheep.

22 That's a good thing. That's a good site.

23 DR. CLARK: And your name is?

1 MS. BANCROFT: Ruth.

2 DR. CLARK: Ruth?

3 MS. BANCROFT: I'm his wife.

4 DR. CLARK: We just want to make
5 sure who was in attendance that's all.

6 MS. BANCROFT: Well, if you guys for
7 sure are going to be here, we have --

8 DR. CLARK: Does she have to go next
9 door for that.

10 MS. BANCROFT: Thank you very much.

11 MR. BANCROFT: No. Thank you.

12 MS. FREINER: Yeah.

13 DR. CLARK: So whenever we
14 give -- we don't give them any money, but
15 basically give them benefits and so what
16 the benefits are is we give them -- they
17 get some sales tax benefits, they get some
18 mortgage tax benefit, you know, if they
19 want to buy property, and then they get
20 some property tax benefits.

21 MS. BANCROFT: How long do those
22 last? Are they a permanent thing --

23 DR. CLARK: No.

1 MS. BANCROFT: -- as long as the
2 solar field is there or is it --

3 DR. CLARK: They're --
4 they're -- right now this is a 15-year,
5 right?

6 MS. FREINER: Yeah.

7 DR. CLARK: I think it's 15, we have
8 some that go as long as 25.

9 MS. BANCROFT: Okay.

10 DR. CLARK: So 15 years, but what
11 happens, just so you know, the land will
12 be fully taxed. So there's no loss of tax
13 revenue to the town --

14 MS. BANCROFT: Right.

15 DR. CLARK: -- or the County or
16 anybody. In fact, it should go up because
17 they have to pay full taxes, they have a
18 AG district benefit, they lose that.

19 MR. BANCROFT: Yeah. It -- it would
20 be considered commercial property.

21 DR. CLARK: Right. So basically,
22 the tax -- the taxes will go up and then
23 there's a negotiated payment that they

1 give the town, and they give to the
2 County, but -- so really the benefit is
3 everyone gets more money not less money.
4 The one argument sometimes is that they
5 don't get as much, but they still -- they
6 wouldn't have built it otherwise.

7 MS. BANCROFT: Right.

8 MS. FREINER: Yeah. There has to be
9 a benefit for them, too.

10 MS. BANCROFT: Now, does any of the
11 energy that's generated, does that stay
12 here or does it --

13 DR. CLARK: That goes into the grid.

14 MS. BANCROFT: It goes just into the
15 grid.

16 DR. CLARK: So obviously, you won't
17 be using it, but you wouldn't know it
18 because, you know --

19 MS. BANCROFT: Right.

20 DR. CLARK: -- just like with
21 any -- any power, it goes to the closest
22 place first.

23 MR. BANCROFT: Technically, we would

1 be using --

2 DR. CLARK: Correct.

3 MR. BANCROFT: (Inaudible).

4 DR. CLARK: Yeah. That too if
5 you're green, you're already on it.

6 MR. BANCROFT: I -- I don't mean to
7 brag, but ten years ago we signed up for a
8 hundred percent green.

9 DR. CLARK: Right.

10 MR. BANCROFT: So it costs me --

11 MS. BANCROFT: Well, at the time I
12 was like --

13 DR. CLARK: But now it costs
14 you -- if you signed up now, it should
15 cost you less, you'd get about 10
16 percent --

17 MR. BANCROFT: Yeah. I don't know
18 with the electric company, because they're
19 like oh, you've been signed up for so long
20 you were supposed to be getting it --

21 MS. BANCROFT: Yeah. Our credit to
22 our account was supposed to be credited.
23 We never got anything until it -- shut off

1 notice a week ago so it's like --

2 DR. CLARK: Yeah. The electric
3 company --

4 MS. BANCROFT: What is going on with
5 them?

6 MR. BANCROFT: They -- they, like
7 don't send any bills.

8 DR. CLARK: Okay.

9 MS. BANCROFT: Yeah.

10 MR. BANCROFT: But anyway, I -- I
11 signed up for the hundred percent green
12 electric --

13 DR. CLARK: Right.

14 MR. BANCROFT: -- back then, and
15 technically, I -- according to the
16 electric company everything goes into the
17 grid --

18 DR. CLARK: Right.

19 MR. BANCROFT: -- and then, you
20 know, my portion of the electric
21 supposedly comes from the grid, you
22 know --

23 DR. CLARK: Right.

1 MR. BANCROFT: -- the outright
2 grid --

3 DR. CLARK: Sure.

4 MR. BANCROFT: -- it's a hundred
5 percent, but anyway. And part of my deal
6 was years ago, when they first came in
7 with the solar thing in the window, in
8 particular, people complained about them,
9 and they're like, oh, my god, and I was
10 like, well, actually I think there are a
11 good thing. So if -- I got to be willing
12 to back it up a little bit, you know, what
13 I mean, if I'm saying it's a good thing I
14 got to put the money into it.

15 DR. CLARK: Are there any other
16 comments on the project itself?

17 MS. BANCROFT: No.

18 MR. BANCROFT: No. I don't think
19 so.

20 DR. CLARK: Okay.

21 MR. BANCROFT: Other than, how far
22 back does it all go, is it all --

23 MS. FREINER: There's a map over

1 there.

2 DR. CLARK: There's a map over
3 there, all right.

4 MS. FREINER: It's right here. It
5 goes --

6 MR. BANCROFT: Okay. Okay.

7 MS. BANCROFT: -- and it
8 goes -- look, all the (inaudible) --

9 MR. BANCROFT: Yeah. Like all the
10 open farmland.

11 MS. BANCROFT: Yeah.

12 MR. BANCROFT: Okay.

13 MS. FREINER: Yeah. They're going
14 to take down some trees, too.

15 MS. BANCROFT: This is something
16 that concerns me, now is the loss of the
17 arable farmland.

18 MS. FREINER: That's
19 bad -- that's -- that's the place where
20 that should go. That is not good farmland
21 and a lot of it is very wet.

22 MS. BANCROFT: Okay. Yeah. Jim has
23 farmed that, I think Jeremy tried to farm

1 it, it's --

2 MR. BANCROFT: Yeah. It's hay
3 ground at best.

4 MS. FREINER: Yeah. You've probably
5 been up there?

6 MR. BANCROFT: Years and years ago,
7 I think my -- my cousin Eddie and my Uncle
8 Roy bailed some hay out there.

9 MS. FREINER: Okay. Yep.

10 MR. BANCROFT: I went up to help
11 them get some hay up there.

12 MS. FREINER: Yeah.

13 MR. BANCROFT: Like I said it's hay,
14 but it's probably hay ground at best.

15 MS. FREINER: Yeah. And you're
16 right. And it is very wet.

17 MR. BANCROFT: Yeah.

18 MS. BANCROFT: It probably needs to
19 be drained or --

20 MR. BANCROFT: Yeah. Yes. It got
21 to be -- if they were really that super
22 interested in farming, we would have to
23 (inaudible) --

1 MS. FREINER: You would.

2 MR. BANCROFT: -- and stuff, you
3 know, but --

4 MS. FREINER: Yeah. You would have
5 to put a lot of money into it, too.

6 MR. BANCROFT: It would -- but once
7 the solar unit are backing it, that would
8 be perfect place to pasture.

9 MS. FREINER: It would.

10 DR. CLARK: Certainly --

11 MS. BANCROFT: But that -- that
12 would be -- that is the ideal place to put
13 it. If it's going to go on farmland
14 that's the place to put it.

15 MR. BANCROFT: Yeah. Yes. Like the
16 one down here that's my only complaint
17 about that one is they -- that is pretty
18 decent farmland down here that their
19 covering, but it is what it is.

20 MS. FREINER: It is what it is.

21 MR. BANCROFT: Yep. I mean, you
22 know, if their going --

23 DR. CLARK: Well, if there's no

1 other comments --

2 MR. BANCROFT: Yeah. I know.

3 DR. CLARK: -- I mean -- I can close
4 the public hearing. I got one more to do.

5 So if there's no other comments
6 about this particular public hearing,
7 we'll close this at 7:30 and we'll open
8 the next public hearing. Well, two more
9 to do.

10 MR. BANCROFT: Two more today?

11 DR. CLARK: There's more projects.
12 How they do these small winter -- or solar
13 projects, they do call them a small
14 project like what they are, they have to
15 be no bigger than 5 megawatts. So there's
16 actually three 5 megawatts and 3
17 megawatts, all -- all together there 18
18 megawatts, but they're four projects.

19 MR. BANCROFT: I get you.

20 (Whereupon, the hearing was concluded
21 at approximately 7:28 p.m.)

22 * * * *

23

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
18 Sarah Coleman

19 Notary Public

20
21
22 Dated: 01/22/2024

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