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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 4, LLC (the
"Company")

Project Location: Burns, Allegany County,
New York

Hearing Date: May 25, 2023

Hearing Time: 7:45 p.m.

Hearing Location: Town of Burns Town Hall

10 Main Street

Village of Canaseraga

Town of Burns

Allegany County, New York

ATTENDEES:

1 CRAIG R. CLARK, PE, PHD, Executive Director to
2 Allegany County Industrial Development Agency
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1 DR. CLARK: And we will open the
2 meeting for NSF 4, LLC, at 7:45 on May
3 25th, 2023, in the Town of Burns Hall
4 located in the Village of Canaseraga in
5 the Town of Burns. My name is Craig
6 Clark, and I'm the Executive Director to
7 the Allegany County Industrial Development
8 Agency in connection with the project,
9 which is the subject of the public
10 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 the
15 public -- with the proposed project.

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

23 The construction of the land of a

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

10 The granting of certain financial
11 assistance with respect to the foregoing
12 includes potential exemptions from certain
13 sales tax, and use taxes, real property
14 taxes, real estate transfer taxes and
15 mortgage recording taxes. The lease with
16 an obligation to purchase or sale of the
17 project facility of the Company or such
18 other persons may be designated by the
19 Company agreed upon by the Agency.

20 I intend to provide general
21 information on the Agency's general
22 authority and public purpose to provide
23 assistance on the proposed project. I'll

1 then open the comment period to receive
2 any comments from all present, who wish to
3 comment on either the proposed project or
4 the financial assistance.

5 Before discussing the general
6 information and opening the hearing for
7 public comments, I would like to first
8 describe the details regarding the
9 proposed project.

10 The estimated benefits of this
11 proposed project are equal to
12 approximately \$281,087, sales tax
13 exemption of \$216,608, mortgage recording
14 tax exemption of \$65,279 and real property
15 tax exemptions.

16 The provisions of Chapter 1030 of
17 Laws of 1969 of New York Constitution
18 Title 1 of Article 18-A of the General
19 Municipal Law, Chapter 24 of the
20 Consolidated Laws of New York amended, in
21 Chapter 99 in 1973 Laws of the State of
22 New York as amended, and codified in
23 Section 906(a) of said General Municipal

1 Law authorizing the Agency to promote,
2 develop, encourage, and assist in the
3 acquiring, constructing, reconstructing,
4 improving, maintaining, equipment, and
5 furnishing of manufacturing, warehouse,
6 and research, commercial, and industrial
7 facilities among others.

8 Pursuant to Section 859-a of the
9 General Municipal Law of the State of New
10 York prior to the Agency providing any
11 financial assistance of over \$100,000 to
12 any project, the Agency, among other
13 things, must hold a public hearing
14 pursuant to Section 859-a of the -- of the
15 Act with respect to said project.

16 Since the proposed financial assistance to
17 be provided by the Agency exceeds
18 \$100,000, then prior to providing any
19 financial assistance to the proposed
20 project you must hold a public hearing.

21 After consideration of the
22 application received from the Company, the
23 members of the Agency adopted a resolution

1 on April 27th, 2023, authorizing the
2 Executive Director of the Agency to
3 conduct the public hearing. The Executive
4 Director of the Agency caused notice of
5 the public hearing to be mailed on May
6 12th to the Chief Executive Officer of the
7 Allegany County, the Town of Burns, and
8 the Canaseraga School District, and
9 published May 14th, 2023, in the
10 "Spectator."

11 Copies of the notice of the public
12 hearing are available on the table. Now,
13 unless there's an objection, I'm going to
14 suggest waiving the full reading of that
15 notice.

16 The comments received today at the
17 public hearing will be presented to the
18 members of the Agency at or prior to the
19 meeting at which the members of the Agency
20 will consider whether to approve the
21 undertaking of the proposed project by the
22 Agency.

23 The notice of this public hearing

1 indicated the written comments could be
2 addressed to Craig R. Clark, Executive
3 Director of the Agency, and no written
4 comments have been received prior to this
5 meeting.

6 I will now open the public hearing
7 for public comment at 7:50, by the way of
8 operating rules, if you wish to make a
9 comment, please raise your hand, and let
10 me know who you are. You'll be recognized
11 and have typically around three minutes to
12 make any comments that you do have.

13 When everybody's had the opportunity
14 to speak I'll conclude this public
15 hearing, but we will keep the public
16 hearing open for a total of 15 minutes
17 from when we started, which was at 7:45.

18 (No response).

19 DR. CLARK: Since there are no more
20 comments, we will close the public hearing
21 at eight o'clock, and we appreciate
22 everyone that did show up for the one
23 meeting. Other than that, we will

1 move -- get all this information to
2 the -- to the IDA Board meeting, at the
3 next board meeting they can consider it
4 when we discuss the financial assistance.

5 Thank you.

6 (Whereupon, the hearing was concluded
7 at approximately 8:00 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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