

PUBLIC HEARING

**Hanover Town Hall
68 Hanover St.
Silver Creek, NY 14136
June 24, 2024
1:30 p.m.**

HANOVER II PV, LLC

Attendees:

Kristine Morabito, CCIDA Staff

Jeanette LoBello, CCIDA Staff

Gregory Peterson, CCIDA Counsel

Louis Pelletier, Hanover Supervisor

Cynthia Sheedy, Resident

Jeanne Ebersole, Assessor (did not sign in)

MS. MORABITO: Good afternoon. My name is Kristine Morabito. I am a Project Manager and a duly authorized hearing officer of the County of Chautauqua Industrial Development Agency (the "Agency") and I have been authorized to hold a public hearing pursuant to Section 859-a of the New York General Municipal Law, as amended (the "Act").

Today is June 24, 2024 and the time is now 1:32 p.m. We are at Town of Hanover Town Hall, 68 Hanover Street, Silver Creek, Town of Hanover, County of Chautauqua, New York.

The Agency has received an application for financial assistance in connection with the following matter:

HANOVER II PV, LLC, a limited liability company duly organized and existing under the laws of the State of Delaware and qualified to do business in the State of New York as a foreign limited liability company (the "Applicant"), presented an application for financial assistance (as amended, the "Application") to the Agency, which Application requested that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in an approximately 29.5 acre parcel of land located at 11064 Hanover Road, Forestville, Town of Hanover, Chautauqua County, New York (collectively, the "Land"), (2) the acquisition, construction, installation, and equipping on the Land of: (i) approximately 10,556 solar photovoltaic modules mounted on a 1-axis tracking steel structure, (ii) twenty-three (23) inverters, (iii) two (2) transformers, (iv) underground and overhead electrical lines, (v) fencing, and (vi) a system of access roads, parking, landscaping and related improvements to the Land (collectively, the "Improvements"), and (3) the acquisition and installation of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the "Equipment" and together with the Land and the Improvements, collectively, the "Project Facility"), all of the foregoing for use by the Applicant and/or its affiliates as an approximately 4.75 megawatt solar-powered electrical generation facility; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing; and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency.

The Project Facility would be initially owned, operated and/or managed by the Applicant (or such other designated entity(ies)).

The Applicant (or such other designated entity(ies)) would receive financial assistance from the Agency in the form of potential exemptions or partial exemptions from real property taxes, mortgage recording taxes and sales and use taxes (collectively, the "Financial Assistance"). This public hearing is being held because the Applicant has requested an increase in the amount of sales and use tax exemptions with respect to the Project from \$296,400.00 to \$415,205.94.

Notice of this public hearing was published in the Observer on June 14, 2024 and provided to the Chief Executive Officer of each affected tax jurisdiction within which the Project Facility is or will be located by letter dated June 14, 2024.

The purpose of this public hearing is to provide an opportunity for all interested parties to present their views, both orally and in writing, with respect to the granting of the Financial Assistance contemplated by the Agency or the location or nature of the Project. As set forth in the notice of this public hearing, comments may also be submitted to the Agency in writing or electronically at the following email address: morabtk@chqgov.com.

Subject to applicable law, copies of the Application, including an analysis of the costs and benefits of the Project, are available for review by the public online at www.ccida.com.

This public hearing is being streamed on the Agency's website in real-time and a video recording of this public hearing is being made and will be posted on the Agency's website, all in accordance with Section 857 of the New York General Municipal Law, as amended. In addition, a report or summary of this hearing will be made and such report or summary of all comments received by the Agency shall be provided to the Agency's members and posted on the Agency's website. Comments received in writing will be also be included in the report and any summary of this public hearing.

Is there anyone wishing to be heard with respect to the Project or the Financial Assistance?

MS. SHEEDY: (unable to decipher)

MS. MORABITO: I'm sorry

MS. SHEEDY: (unable to decipher) wanted to be first?

MR. PELLETTER: No, go ahead.

MS. SHEEDY: Mr. Pelletter, did you want to speak?

MR. PELLETTER: No, go ahead. No, go ahead.

MS. SHEEDY: Okay, Cindy Sheedy, 1290 Ontario Street, Sunset Bay. I am adamantly vehemently against this idea that we give them more money. We never asked them to come down here, the county didn't ask them, this was there sole idea. No other intervention was included. It's not right that we keep giving them more and more and more. I have seen the evidence, all these solar people that come up they want

variances, we give them an inch they want a mile. A 40% increase, absolutely not no way in Creation. No. IDA no. I think the IDA is sometimes too generous, and in this case they would be way too generous. Thank you.

MS. MORABITO: Thank you for your comments Ms. Sheedy. Is there anyone else wishing to be heard with respect to the project or the financial assistance contemplated?

MR. PELLETTER: Well if I remember correctly they came-

MS. MORABITO: I'm sorry to interrupt you-

MR. PELLETTER: Lou Pelletter, 68 Hanover Street, Town of Hanover Supervisor.

MS. MORABITO: Thank you Mr. Pelletter.

MR. PELLETTER: They came to us a few years back asking for a variance because the Town Board is the review board for that, trying to fit it into the area where they wanted it and it didn't meeting our zoning code and things of that nature so apparently they came back, I didn't realize that they were in- I see them doing the construction but I didn't realize that something got approved. Obviously they don't need our variance from the Town Board because they are within our solar law. So this kind of caught me off guard. I didn't know what this was all about. The last thing I heard was two or three years ago we turned down and said if you want to do this stay within our zoning law and I guess you can do what you've got to do. I guess I missed the part about the PILOT program. Did we agree to a PILOT, did the Town of Hanover Board agree to a PILOT program?

MS. MORABITO: The Town of Hanover was consulted before the Agency approved the PILOT previously.

MR. PELLETTER: Okay and did we agree to that?

MS. MORABITO: Yes

MR. PELLETTER: But not by resolution.

MS. MORABITO: No

MR. PELLETTER: Okay I do not remember anything like that. I'm not saying I wasn't part of it I just don't remember agreeing to any PILOT. And then the other thing I had a question about, do you remember basically when we agreed to this PILOT program, what year it was?

MS. MORABITO: It was either 2022 or 2021. We did two public hearings today so I just want to make sure I have this correct. It was in 2022.

MR. PELLETTER: Okay. And the Town Board agreed to the PILOT.

MS. MORABITO: I'm sorry just a second let me double check something here. It looks like it was toward the end of, I just want to make sure I have this right. Yes that's correct it was 2022.

MR. PELLETTER: Okay (indecipherable)

MS. MORABITO: January, if you want the date, January 25, 2022.

MR. PELLETTER: Okay that's when we agreed to it?

MS. MORABITO: That is when the CCIDA passed their authorizing resolution.

MR. PELLETTER: Okay so it would be in that timeframe that the Town of Hanover agreed to it, basically.

MS. MORABITO: It would be leading up to then, I don't have that date with me.

MR. PELLETTER: Okay, (indecipherable)

MS. EBERSOLE: It could have been the end of 21, if it was January 25th of 22

MS. MORABITO: I don't have that date would probably be the best answer.
Greg.

MR. PETERSON: If I may address the public hearing. I'm Greg Peterson, I am counsel for the County of Chautauqua Industrial Development Agency and just to go through a little bit of the procedures, one, on any solar project the IDA will not proceed without the Town's acknowledgement, and often that is done in conversation. The back end supported, they then have a Public Hearing, which we did, here, in anticipation of the PILOT. It was done here, in the Town of Hanover, and at that time, the then report of the Public Hearing goes to the Industrial Development Agency Board, and at that time any affected tax jurisdiction can now have another bit at the apple and speak to the IDA Board before they adopt it. I don't have the record in front of me, but they obviously did not, likely did not have some comments from the Town of Hanover Board with regards to the PILOT. So whether you have a resolution, you certainly got Notice, and it would have been acknowledgement. So that's how the IDA works.

MR. PELLETTER: Okay. I just don't remember- I remember the issue at the Town Board about the variance, we turned it down. That's the only thing I ever remember about it, and I do remember saying if you follow the code then the Town Board is out of it, but I don't remember anything else. As far as the sales tax go, what

does that look like as far as the Town of Hanover? I mean that's almost a half million dollars, what is that going to do to our bottle line here with the high inflation that we've got coming up here in taxes?

MS. MORABITO: So this isn't really question and answer I'm receiving your comments so you know what I mean.

MR. PELLETTER: Okay

MS. MORABITO: So the tax that's listed is sales tax which is county and state sales tax.

MR. PELLETTER: Right. And it doesn't, this is not a local sales tax?

MS. MORABITO: It's county and state sales tax.

MR. PELLETTER: Okay but we get a portion of the county I do believe.

MS. MORABITO: Again not question and answer.

MR. PETERSON: So again Greg Peterson, for the record what will happen if your comments and previous participants' comments, this is all recorded, and a transcript which will be shared with the Industrial Development Agency Board so they'll see it all with regard to your questions and concerns.

MS. EBERSOLE: And they'll get back to us with answers?

MR. PETERSON: Well they'll put it all into a, it may come back in the transcripts, they are not required to answer all specific questions, but they have to consider all comments in a public hearing all municipalities do.

MR. PELLETTER: Well as long as I'm making a comment and not asking a question, I will check to see where we were at on the PILOT program, I remember Lake Shore Hospital, I remember the Main Street School for the IDA PILOTs, I did those I remember that very well. I do not remember this at all.

MS. MORABITO: Okay

MR. PELLETTER: I am concerned with the hyper-inflation that we have. I've got a lot of pushback on the 2% cap, I got a lot of pushback on a reveal that's coming up, I got a lot of pushback on our budget and where we're going with the budget and I'm looking to tell our departments that they're going to have to cut in the next budget year 10% and I'm also going to be telling them to start looking at what you're doing we're halfway through the year I've talked to our accountant and I'm going to ask him to tell everybody to get as much employee time-off off our books so we don't have to carry it.

I'm very concerned about the tax levy coming up here in the very near future. There's a lot of issues with taxes, you've seen what's happening in Dunkirk and Fredonia, so I'm very concerned about every single penny. I don't know what portion we'd get there, you might know that better than I do, that is a lot of sales tax. I don't have a lot of sayso about what you do and how you do it. I'm going to be meeting with Sunset Bay and Hanford Bay this week. They want me down there to talk to them about their taxes and their reval. Personal invitation. I already got it once during the tax cap when we passed it last year on us not being fiscally responsible because we did as we do every year in the last 13 years we override the tax cap because we don't what it's going to end up and we had standing room only almost and had the finger pointed at us about why we were doing the override because we're not being fiscally responsible. So that's my comment.

MS. MORABITO: Thank you. Thank you for your comments. Ms. Sheedy?

MS. SHEEDY: I have one more comment. We gain nothing by having this company here. They're not hiring permanent jobs of 40 people or anything. We get nothing, absolutely nothing, so why would we even agree to such a thing? I mean the county doesn't get anything you know that we've got people moving here and who are paying taxes and no!

MS. MORABITO: Thank you again Ms. Sheedy. We're here to collect comments so any that you have we are happy to receive.

MS. MORABITO: Is there anyone else wishing to be heard with respect to the project or the financial assistance?

MS. MORABITO: It is now 1:49 p.m. Let the record show that no other members of the public have indicated a desire to comment with respect to the Project or the Financial Assistance. No written comments have been received by the Agency with respect to the Project or the Financial Assistance. I therefore call this hearing to a close. Thank you all.

Respectfully submitted by: Kristine Morabito, CCIDA Project Manager



County of Chautauqua Industrial Development Agency

Public Hearing Attendance Sheet

Project: Hanover II PV, LLC

Public Hearing Location: Town of Hanover Town Hall, 68 Hanover Street, Silver Creek, NY 14136

Public Hearing Date and Time: June 24, 2024 1:30 p.m.

Full Name (Please Print)	Signature	Affiliation
1. <u>Louis Pelletier</u>	<u>Louis Pelletier</u>	<u>Hanover Supervisor</u>
2. <u>Cynthia L Sheed</u>	<u>Cynthia L Sheed</u>	<u>resident</u>
3. <u>GREGORY PETERSON</u>	<u>[Signature]</u>	<u>ATTY</u>
4. <u>Jeanne Ebersole</u>	<u>signed in by hearing officer</u>	<u>Assessor</u>
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County of Chautauqua Industrial Development Agency

Full Name (Please Print)

Signature

Affiliation

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