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4	PROCEEDINGS
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6	PUBLIC HEARING
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8	Industrial Development Agency Saratoga County, New York
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10	A Public Hearing
11	In the matter of
12	CHPE, LLC
13	Article 18-A
14	New York General Municipal Law
15	***************************************
16	August 16, 2022 8:30 a.m.
17	Meeting Room of the
18	Board of Supervisors 40 McMaster Street
19	Ballston Spa, New York
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1 **PRESENT:** 2 FOR THE INDUSTRIAL DEVELOPMENT AGENCY: 3 Rod Sutton, Chairman 4 Philip Klein, Member Kevin Tollisen, Member Erinn Kolligian, Member 5 Michael Mooney, Member 6 7 IDA STAFF MEMBERS: Scott Duffy 8 CEO Jeff Many 9 CFO James Carminucci 10 IDA Counsel Michael Valentine 11 Administrator 12 13 Also Present: Rick Chase - CHPE, LLC 14 Timothy Hilker - Saratoga Springs City Schools Kevin Veitch - Supervisor, Town of Greenfield Steven Bulger - County Administrator 15 16 Dennis A. Brobston - Saratoga Economic Development Corporation President 17 18 EXHIBITS 19 20 Number Description For Ident. 3 1 Affidavit of Publication, 21 Gazette 2 Affidavit of Publication, 3 22 Post Star 3 Affidavit of Publication, 3 23 Saratogian 24 4 Letters to Taxing Jurisdictions 3 25

1	<u>Proceedings - August 16, 2022</u>
2	(Exhibits Numbers 1 through 4 were marked
3	for identification, this date.)
4	CHAIRMAN SUTTON: It is 8:36 on Tuesday,
5	August 16, 2022. I'll now call to order the
6	Public Hearing for the Industrial Development
7	Agency for Saratoga County.
8	The Public Hearing scheduled for today is
9	being held by the County of Saratoga Industrial
10	Development Agency, in accordance with the
11	provision of Article 18-A, General Municipal Law,
12	with respect to CHPE, LLC, the Applicant.
13	The public has been made aware of the
14	hearing through legal advertisement in the July
15	20th, 2022, issues of the Daily Gazette, Post
16	Star, and the Saratogian, along with a posting to
17	the Agency's website. Notification of the
18	hearing was sent by certified mail, return
19	receipt requested, to the 19 taxing jurisdictions
20	affected by the Project, compromised of eight
21	local municipal offices, the County of Saratoga,
22	and ten School Districts on July 22nd, 2022.
23	The notice posted to the Agency website
24	advised that comments may also be submitted to
25	the Agency in writing or electronically via

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1	<u>Proceedings - August 16, 2022</u>
2	e-mail to mvalentine@saratogacountyny.gov.
3	Minutes of the Public Hearing will be transcribed
4	and later posted on the Agency's website.
5	The Agency has received an Application
6	from CHPE, LLC, a New York limited liability
7	company, having a mailing address of 600
8	Broadway, Albany, New York. The Company has
9	requested that this Agency undertake a project
10	consisting of the acquisition of an interest in
11	certain parcels of land located in the Towns of
12	Moreau, Northumberland, Wilton, Greenfield,
13	Milton, Ballston, Clifton Park, and the City of
14	Saratoga Springs, (the Land) all located in
15	Saratoga County, and the acquisition of two
16	5-inch diameter high-voltage direct current
17	(HVDC) transmission cables, and the construction,
18	installation and equipping on or under the Land
19	of a fully buried electric transmission line of
20	up to 1,250 megawatts and related infrastructure,
21	all noted as the Improvements.
22	Together, the Land, Equipment, and
23	Improvements are defined as the Project Facility,
24	and the purpose of the foregoing acquisition and
25	equipping and improvements are made for the use

1	<u> Proceedings - August 16, 2022</u>
2	by the Company as a portion of an electric
3	transmission line traversing from the U.SCanada
4	border to New York City.
5	The cost of the acquisition,
6	construction, and installation is estimated to be
7	\$235,000,000.
8	The Agency is considering whether to
9	undertake the Project and, if approved, provide
10	assistance in the acquisition, construction, and
11	installation of the Facility.
12	If the application is approved, the
13	Project may be granted such exemptions with
14	respect to state and local sales tax, real
15	property taxes, as are applicable to the
16	manufacturing facilities as set forth in the
17	Agency's Uniform Tax Exemption Policy, adopted
18	March the 11th, 1999, as amended (in 2014),
19	subject to deviation (as is applicable in this
20	application due to the duration of the term of
21	abatement and the fact that the Agency is not
22	requiring that payments in lieu of taxes be paid
23	to the Agency as discussed below) as provided
24	within the UTEP.
25	The Project Facility will be acquired,

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2	constructed, and installed by the Agency and will
3	be leased (with an obligation to purchase) by the
4	Agency to the Applicant or its designee, pursuant
5	to a Project Agreement, and the Applicant will be
6	the initial user of the Project Facility.
7	I will now ask IDA Counsel, James
8	Carminucci, if proper legal notice was provided
9	for the Public Hearing in accordance with the
10	regulations?
11	MR. CARMINUCCI: Yes, Mr. Chairman,
12	notice was sent to the affected taxing
13	jurisdictions, as you previously recited, on July
14	19th, and notices were published in the Gazette,
15	the Saratogian, and the Glens Falls Post Star on
16	July 20th, 2022.
17	CHAIRMAN SUTTON: Thank you. Agency
18	members present today are Philip Klein, Michael
19	Mooney, Kevin Tollisen, Errin Kolligian, and
20	myself, Rodney Sutton.
21	Staff present are Scott Duffy, CEO; Jeff
22	Many, CFO; James Carminucci, Agency Counsel; and
23	Michael Valentine, Administrator.
24	Regarding the amended application, the
25	request for the project was last presented to
	u.

1	Proceedings - August 16, 2022
2	this Agency at a regularly scheduled monthly
3	meeting on July 12th, 2022, based upon the
4	submission of July 11th, 2022, of that
5	application and supporting material. Said
6	application and material have been available for
7	review since that date by any interested parties
8	at the IDA office at 50 West High Street,
9	Ballston Spa.
10	Since the presentation of that
11	application, have there been any additional
12	comments or thoughts from staff or the Applicant
13	that need to be provided at this Public Hearing
14	relative to the application that was previously
15	submitted? Scott?
16	MR. DUFFY: No.
17	CHAIRMAN SUTTON: As alluded to earlier,
18	the initial application from the Company was
19	presented on March 9th, 2021, and followed by
20	Public Hearing on April 29th, 2021, at which time
21	the Agency approved an Inducement Resolution
22	(#1485) and a Resolution approving the PILOT tax
23	schedule (#1486.)
24	Both that application and the amended
25	application being discussed today propose the

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2	Agency consideration of a deviation of its
3	Uniform Tax Exemption Policy, which would provide
4	for an approximately 34-year term for the related
5	Payment in Lieu of Tax abatement.
6	The Applicant has represented that the
7	long-term nature of the requested real property
8	tax abatement is required to provide predictable
9	operating costs over the requested period to
10	provide for a viable and financeable economic
11	model for the Project.
12	In addition, in consideration for the
13	Applicant entering into a host community
14	agreement with Saratoga County, the Agency is not
15	requiring that any Payment in Lieu of Taxes be
16	paid by the Applicant to the Agency during the
17	term of the real property tax abatement.
18	It should be further noted that to the
19	extent that the Agency determines to support and
20	approve the requested abatement, such decision
21	would most likely be based upon the following
22	factors: The demonstrated need for electric
23	power in the metropolitan New York City area, the
24	source of the power to be transmitted is
25	hydroelectric power based in Quebec, Canada, and

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2	this project is consistent with New York State's
3	Green Energy Initiative, and this project, if
4	completed, will place no burdens upon any of the
5	affected taxing jurisdictions, including any
6	affected school districts and the project has
7	received the approval of all of the affected
8	towns and cities in Saratoga County.
9	I'm now going to open the hearing for
10	public input or response or comments relative to
11	the application, and are there any other
12	questions to be asked at this point in time?
13	MR. DUFFY: I'm just going to read one
14	statement into the record.
15	I would like to state that the amended
16	application being considered by the Agency today
17	reflects that the Applicant proposed a future
18	PILOT Agreement with two different real property
19	tax abatement schedules.
20	Based upon a July 6th, 2022,
21	correspondence from the Chairman of the Saratoga
22	County Board of Supervisors, Saratoga County
23	indicated that it is willing to serve as the
24	recipient entity of the \$126,000,000 Host Benefit
25	funding package proposed by the Applicant.

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2	July 8th, 2022, correspondence from CHPE
3	indicates that it is willing to enter into such
4	an agreement.
5	CHAIRMAN SUTTON: Any public comments?
6	State your name and who you are with.
7	MR. HILKER: Yes. Tim Hilker. I
8	represent Saratoga Springs City School District.
9	Good morning and thank you for your time.
10	I'm learning more and more every minute
11	here. I'm just coming up to speed on the
12	proposal here. I'm really coming, in short, to
13	ask for, not just Saratoga Springs City Schools,
14	but for my colleagues in the other School
15	Districts affected by this, to have a voice in
16	this conversation because of the potential tax
17	impact this has for us in a tax cap environment.
18	I've not seen the schedule, so would be
19	interested in taking a look at that to see how
20	the proposal is structured. I think there are
21	ways around this, that you can structure these
22	agreements.
23	We've seen several variations of these
24	that have minimal impact to us from a tax levy
25	perspective, but just on the surface, estimating
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2	that the impact to School Districts alone could
3	be easily in the tens of millions of dollars over
4	the life of the project. So, we are very
5	interested in having a seat at the table and
6	being part of that conversation.
7	The other thing that I just want to point
8	out, our general understanding of these
9	agreements is that the threshold would be that
10	there would be a local economic benefit to us,
11	and would be interested in knowing more about
12	that.
13	Just having just read the notice of the
14	hearing and having talked to a colleague of mine
15	down in Rockland County that is further along in
16	this process, it just appears on the surface that
17	that threshold seems to be that there is no
18	economic harm. So, would be interested in
19	knowing more about how that economic benefit is
20	being calculated.
21	So, that's really it on behalf of our
22	School District, as well as the nine other
23	affected. Thank you.
24	CHAIRMAN SUTTON: Thank you. Any other
25	input, any other comments?

1	Dressedings - August 16 2022
1 2	<u>Proceedings - August 16, 2022</u> (No response.)
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3	CHAIRMAN SUTTON: Anything online?
4	MR. DUFFY: No, there's nothing online.
5	CHAIRMAN SUTTON: I would like to read
6	into the minutes a letter that I received from
7	the County Board of Supervisors. The letter is
8	dated July 6th, 2022, to Rod Sutton, Chairman.
9	Dear Chairman Sutton: Thank you for your
10	continued leadership as Chair of the Saratoga
11	County Industrial Development Agency. This
12	letter is a follow-up to our conversations held
13	over the past several months regarding the
14	possible Community Host Benefit/PILOT Agreement
15	that is proposed for the Champlain Power Express
16	Project.
17	Based on these discussions, Saratoga
18	County is willing to serve as the recipient
19	entity of the projected 30-year, \$126,000,000
20	Host Benefit funding package that the project
21	sponsors are proposing. I wish to confirm that
22	the County agrees to distribute the funds based
23	on a formula to be determined and approved by the
24	County Board of Supervisors.
25	Our understanding is that the IDA will

1 Proceedings - August 16, 2022 2 work with all parties involved to set this 3 agreement in place and the project sponsors will 4 pay for the administrative fee for these 5 services. 6 Since the funds will not be distributed 7 until the project is complete, the anticipated 8 three-year construction timeline provides time 9 for the Board of Supervisors to formulate and 10 approve the subsequent distribution and/or use of 11 the funds being provided through the proposed 12 Host Benefit Agreement. 13 It has been a pleasure, as always, 14 working with you and your team, and we look 15 forward to future collaboration on this and other 16 projects. 17 Sincerely, Todd Kusnierz, the Chairman of 18 the Saratoga County Board of Supervisors. 19 Are there any other comments to be made 20 at this time? 21 (No response.) 22 CHAIRMAN SUTTON: If not, I will close 23 the Public Hearing. Thank you.		
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23 III THE ADOVE-ENTITIED MALLET WELE CONCLUDED.)	25	in the above-entitled matter were concluded.)

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1	<u>CERTIFICATION</u>
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3	I, LAUREL STEPHENSON, a Court Reporter and
4	Notary Public in and for the State of New York, do
5	hereby certify that the foregoing record taken by me at
6	the time and place as noted in the heading hereof is a
7	true and accurate transcript of same, to the best of my
8	ability and belief.
9	1 001
10	Jaune Stephenan
11	Laurel Stephenson
12	
13	Date: August 22, 2022
14	
15	
16	
17	
18	
19	Martin Deposition Solutions, Inc.
20	Malta Commons Business Park 100 Saratoga Village Boulevard
21	Building 37, Suite 37C Malta, New York 12020
22	Phone: (518) 587-6832 Toll free: (800) 587-6832
23	Fax: (518) 587-1539 Website: Www.martindepo.com
24	
25	

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