

ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
INITIAL PROJECT RESOLUTION
 BR BENSON MINES SOLAR PROJECT - Project Number [4001-23-07]
 Resolution No. IDA-23-09-32
September 26, 2023

A regular meeting of the St. Lawrence County Industrial Development Agency (the “SLCIDA”) was convened on September 26, 2023 at 1:00 PM, local time, in the Main Conference Room of the Ernest J. LaBaff Industrial Building, 19 Commerce Lane, Canton, New York.

The meeting was called to order by the Chairman, and upon roll being called, the following members of the SLCIDA were:

MEMBER	PRESENT	ABSENT
Blevins, Lynn		X
Hall, Mark C.	X	
LaBaff, Ernest	X	
McMahon, Andrew		X
Morrill, Steven		X
Reagen, James	X	
Staples, Brian W.	X	

The following persons were ALSO PRESENT: IDA Staff (Patrick Kelly, Robert Ahlfeld, Kimberly Gilbert, and Lori Sibley).

After the meeting had been duly called to order, the Chairman announced that, among the purposes of the meeting, was to consider and take action on certain matters pertaining to proposed project for the benefit of BR Project 1, LLC.

On motion duly made by Mr. LaBaff and seconded by Mr. Hall, the following resolution was placed before members of the St. Lawrence County Industrial Development Agency:

- (i) **ACCEPTING AN APPLICATION SUBMITTED BY THE COMPANY WITH RESPECT TO A CERTAIN PROJECT;**
- (ii) **DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE SLCIDA WITH RESPECT TO THE PROJECT;**
- (iii) **AUTHORIZING THE SCHEDULING AND CONDUCTING OF A PUBLIC HEARING; AND**
- (iv) **MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE FACILITY**

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WHEREAS, the St. Lawrence County Industrial Development Agency (the "SLCIDA") is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "State") as amended, and Chapter 358 of the Laws of 1971 of the State, as amended (collectively, the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research, and recreation facilities, including industrial pollution control facilities, railroad facilities and certain horse racing facilities, for the purpose of promoting, attracting, encouraging and developing recreation and economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State, to improve their recreation opportunities, prosperity and standard of living, and to prevent unemployment and economic deterioration, and

WHEREAS, BR Project 1, LLC (the "Company") has submitted an application (the "Application") to the SLCIDA requesting the SLCIDA's assistance with the project as may be more thoroughly described within the Application, and

WHEREAS, it is contemplated that prior to taking any action the SLCIDA will (i) accept the Company's application for financial assistance in the form of a partial exemption from mortgage recording tax with respect to financing the construction of the Facility and a partial exemption from general real property taxation with respect to the Facility, which exemption shall be offset, in whole or in part, by contractual payments in lieu of taxes (the "PILOT") by the Company for the benefit of the affected tax jurisdictions; and (ii) accept and adopt findings pursuant to SEQRA; and

WHEREAS, as proposed the Facility constitutes a "Project" as defined by Section 854 (4) of the General Municipal Law; and

WHEREAS, prior to the final approval of the Facility as a Project, a public hearing (the "**Hearing**") will be held so that all persons with views in favor of or opposed to either the financial assistance contemplated by the Agency or the location or nature of the Facility can be heard.

NOW, THEREFORE, BE IT RESOLVED by the members of the St. Lawrence County Industrial Development Agency as follows:

Section 1. The Company has presented an Application in a form acceptable to the SLCIDA. Based upon the representations made by the Company to the SLCIDA in the Company's application, the SLCIDA hereby finds and determines that:

(A) By virtue of the Act, the SLCIDA has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) The SLCIDA has the authority to take the actions contemplated herein under the Act; and

(C) The action to be taken by the SLCIDA will induce the Company to develop the Project in St. Lawrence County, New York, and otherwise furthering the purposes of the SLCIDA as set forth in the Act; and

(D) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the SLCIDA hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries.

Section 2. The scheduling, publication, and mailing of notice of a public hearing and the holding of a public hearing with respect to the Project and the proposed financial assistance is hereby authorized.

Section 3. Reserved.

Section 4. The officers, employees and agents of the SLCIDA are hereby authorized and directed for and in the name and on behalf of the SLCIDA to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the SLCIDA with all of the terms, covenants and provisions of the documents executed for and on behalf of the SLCIDA.

Section 5. These Resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

Member	Aye	Nay	Abstain	Absent
Blevins, Lynn				X
Hall, Mark C.	X			
LaBaff, Ernest	X			
McMahon, Andrew				X
Morrill, Steven				X
Reagen, James	X			
Staples, Brian W.	X			

The resolution was thereupon declared duly adopted.