

**PUBLIC HEARING PURSUANT TO
SECTION 859-a OF
THE GENERAL MUNICIPAL LAW**

Agency	Town of Montgomery Industrial Development Agency (the “Agency”)
Project Beneficiary:	Matrix Maple, LLC (the “Company”)
Project Location:	Town of Montgomery, Orange County, New York
Hearing Date:	June 22, 2020
Hearing Time:	3:00 o’clock p.m.
Hearing Location:	Town Hall located at 110 Bracken Road in the Town of Montgomery, Orange County, New York

Opening Remarks

Good evening.

My name is Jeffrey Crist, and I am the Chairman to the Town of Montgomery Industrial Development Agency (the “Agency”) in connection with the project which is the subject of this public hearing.

Today I am holding this Public Hearing to allow citizens to make a statement, for the record, relating to the involvement of the Agency with a project (the “Proposed Project”) for the benefit of Matrix Maple, LLC (the “Company”).

The Proposed Project consists of the following: (A) the acquisition of an interest in an approximately 26 acre portion of an approximately 59.70 acre parcel of land located at 59 Maple Avenue (currently being a portion of tax map no. 31-1-94.2) in the Town of Montgomery, Orange County, New York (the “Land”), (2) the construction on the Land of an up to 4.9 MWAC solar community solar project (the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment”) (the Land, the Facility, and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to constitute a community solar system and other directly and indirectly related activities; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

As disclosed at the regular meeting of the Agency held on June 9, 2020 the Company has submitted certain amendments to the Application as well as addition information and modifications to the Financial Assistance being requested by the Company. These amendments, information and modifications were submitted at the regular meeting of the Agency on May 12, 2020 and thereafter. Even though a public hearing for the Project was held on December 3, 2019, in light of these amendments, information and modifications, the Agency scheduled this Public Hearing pursuant to the Act (as described below).

I intend to provide general information on the Agency’s general authority and public purpose to provide assistance to this Proposed Project. I will then open the comment period to receive comments from all present who wish to comment on either the Proposed Project or the Financial Assistance contemplated by the Agency with respect to the Proposed Project.

Legal Authorization and Powers of the Agency

The provisions of Chapter 1030 of Laws of 1969 of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York as amended, and Chapter 527 of the 1971 Laws of the State of New York, as amended, codified as Section 911-c of said General Municipal Law (collectively, the “Act”), authorize the Agency to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining and equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others.

Purpose of this Public Hearing

Pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the “Act”), prior to the Agency providing any “financial assistance” (as defined in the Act) of more than \$100,000 to any project, the Agency, among other things, must hold a public hearing pursuant to Section 859-a of the Act with respect to said project. Since the proposed “financial assistance” to be provided by the Agency with respect to the Proposed Project may exceed \$100,000, then prior to providing any “financial assistance” (as defined in the Act) of more than \$100,000 to the Proposed Project, the Agency must hold a public hearing on the nature and location of the Project Facility and the proposed “financial assistance” to be provided by the Agency with respect to the Proposed Project.

After consideration of the Application and the Financial Assistance amendments submitted to the Agency by the Company at the regular meeting of the Agency held on May 12, 2020, and thereafter, received from the Company, the members of the Agency adopted a resolution on June 9, 2020 (the “Public Hearing Resolution”) authorizing, the Chair of the Agency to conduct this Public Hearing with respect to the Proposed Project pursuant to Section 859-a(2) of the Act.

The Executive Director of the Agency caused notice of this Public Hearing to be (A) mailed on June 10, 2020 to the chief executive officers of Orange County, the Town of Montgomery and the Valley Central School District and (B) published on June 12, 2020 in the Times Herald Record, a newspaper of general circulation available to the residents of the Town of Montgomery, Orange County, New York. In addition, the Executive Director of the Agency caused notice of this Public Hearing to be (i) hand-delivered to each of the chief executive officers of Orange County, the Town of Montgomery and the Valley Central School District and (ii) posted on June 10, 2020 on the Agency’s website and also on a public bulletin board located at 110 Bracken Road, Montgomery, New York.

Now, unless there is any objection, I am going to suggest waiving the full reading of the notice of this Public Hearing, and instead request that the full text of the notice of this Public Hearing be inserted into the record of this Public Hearing as Schedule A.

The comments received today at this Public Hearing will be presented to the members of the Agency at or prior to the meeting at which the members of the Agency will consider whether to approve the undertaking of the Proposed Project by the Agency and the granting by the Agency of any “financial assistance” in excess of \$100,000 with respect to the Proposed Project.

Written Comments

The notice of this Public Hearing indicated that written comments could be addressed to Jeffrey D. Crist, Chairperson of the Agency. Written comments have been received by the Agency from John Brown and those comments are incorporated into this transcript as Exhibit A.

Remarks by the Company

None.

Open Public Hearing to the Floor for Comments

I will now open this Public Hearing for public comment at 3:06 o'clock, p.m.

As you know, due to the State of Emergency declared by the Town Supervisor on March 13, 2020, this public hearing is being held via telephone communication. It is also being live-streamed. Holding public meetings pursuant to telephone communications is authorized by Governor Cuomo Executive Order Nos. 202.1 and 202.15, as amended and extended. Accordingly, by way of operating rules, when I ask if there is a public comment, I will recognize one person at a time. I will first request comments from any elected or public officials which may want to speak. I will then open the line to the remainder of the public. If you wish to make a public comment, I will ask you to be please be patient as although you can see members of the Agency present, we cannot see you. Please wait to be recognized; once recognized, please state your name and address for the record.

When everyone has had the opportunity to speak, I will conclude this Public Hearing. A record of this Public Hearing will be prepared and reviewed by the members of the Agency in connection with the Agency's consideration of the Proposed Project.

Again, the purpose of this Public Hearing is to solicit public comment. We are not here to answer questions. However, we will during this Public Hearing consider questions if we have the information to answer the questions and there is sufficient time to consider such questions.

I will now ask if there is anyone in attendance who wishes to comment on either on the nature and location of the Project Facility or the proposed "financial assistance" being contemplated by the Agency with respect to the Proposed Project.

For the record, please state your name and indicate your comments on either the Proposed Project or the proposed "financial assistance" being contemplated by the Agency with respect to the Proposed Project.

Whereupon the Chair of the Agency requested if there were any elected or public officials present who wanted to be heard. Hearing no answer, the Chair of the Agency opened the conference line to other comments. John Brown, Town of Montgomery, clarified some of his submitted written comments as follows:

- Mr. Brown acknowledged that the written documents of the amended application and letter from the Company were posted at least six (6) days prior to the hearing date
- Mr. Brown believed that the PILOT table in the deviation notice sent to affected taxing jurisdictions on June 10, 2020 should be re-issued without the "draft" on top
- Mr. Brown wanted to ensure that the special use districts receive the taxes without affect of the proposed PILOT
- Mr. Brown does not believe the PILOT is appropriate since the Valley Central School District opted out of the 487-state solar program
- Mr. Brown noted that the Company's June 11 letter to the Agency stated that the Company had the right to cancel the PILOT
- Mr. Brown questioned the numbers on the reduction of the electric rates from the solar project,

- believing them to be “optimistic”
- Mr. Brown believes that since previous solar projects in the Town received 15-year PILOTs from the Town that it is not fair for this project to receive a 25-year PILOT

Formal closure of the public hearing

After requesting if there were any further comments, I close this Public Hearing at 3:21 o'clock,
p.m.

Thank you for attending.