

**Board Members Present:** Joe Lawrence, Thomas Gillette, Darlene Rowsam, McKenzie Lehman, Gagan Singh, and Ron Burns

**Others Present:** Brittany Davis, Jenna Kraeger, Cheyenne Steria, Kevin McArdle, and Kaylee Tabolt

**Others Present Virtually:** Joe Scott (Hodgson Russ – left at 8:36am), Jerry Cayer (Joined at 8:28am)

Chairman Joseph Lawrence called the meeting to order at 8:06 am.

Chairman Lawrence read the Naturally Lewis mission statement.

### Items for Approval

8:06 – 8:57

- **The minutes for June 3, 2021 Regular Meeting** were approved upon a motion made by Darlene Rowsam and seconded by McKenzie Lehman. All present were in favor and the motion carried.
- **The minutes for June 3, 2021 Annual Meeting** were approved upon a motion made by Darlene Rowsam and seconded by Gagan Singh. All present were in favor and the motion carried.
- The LCIDA Board reviewed the **May Financial Reports** as presented and discussed by the Finance Committee. Report was approved upon a motion by McKenzie Lehman and seconded by Tom Gillette. All present were in favor and motion carried.
- LCIDA Board reviewed the Incentive application for **ClearPath Energy - Farney** Project as recommended by the Finance Committee.
  - A **public hearing resolution** was passed to allow the LCIDA to hold a public hearing regarding the IDA incentives for the proposed project to be undertaken for the benefit of **ClearPath Energy Last Mile Energy Farney Project** located at 7214 & 7194 Brewery Road, 3MW ground mounted solar energy generating facility, Town of New Bremen, NY. The applicant is seeking a PILOT, Sales Tax Exemption and Mortgage Recording Tax Exemption. A Motion to approve the resolution was made by Tom Gillette and seconded by Darlene Rowsam. Roll call vote:
    - Joe Lawrence - Aye
    - Gagan Singh - Aye
    - Thomas Gillette - Aye
    - Darlene Rowsam - Aye
    - McKenzie Lehman - Aye
    - Jerry Cayer - Excused
    - Ron Burns – Aye
    - Motion carries.
  - A Motion to approve the **Resolution Confirming SEQR Determination for ClearPath Energy Farney Project** was made by McKenzie Lehman and seconded by Darlene Rowsam. Roll call vote:
    - Joe Lawrence - Aye
    - Gagan Singh - Aye
    - Thomas Gillette - Aye
    - Darlene Rowsam - Aye
    - McKenzie Lehman - Aye

Jerry Cayer - Excused

Ron Burns - Aye

Motion carries.

- LCIDA Board reviewed the incentive application for **ClearPath Energy - Zehr** Project as recommended by the Finance Committee.
  - A **public hearing resolution** was passed to allow the LCIDA to hold a public hearing regarding the IDA incentives for the proposed project to be undertaken for the benefit of **ClearPath Energy Last Mile Energy Zehr Project** located at 7057 Brewery Road, 3MW ground mounted solar energy generating facility, Town of New Bremen, NY. The applicant is seeking a PILOT, Sales Tax Exemption and Mortgage Recording Tax Exemption. A Motion to approve the resolution was made by Tom Gillette and seconded by Gagan Singh. Roll call vote:
    - Joe Lawrence - Aye
    - Gagan Singh - Aye
    - Thomas Gillette - Aye
    - Darlene Rowsam - Aye
    - McKenzie Lehman - Aye
    - Jerry Cayer - Excused
    - Ron Burns - Aye
    - Motion carries.
  - A Motion to approve the **Resolution Confirming SEQR Determination for ClearPath Energy Zehr Project** resolution was made by McKenzie Lehman and seconded by Darlene Rowsam. Roll call vote:
    - Joe Lawrence - Aye
    - Gagan Singh - Aye
    - Thomas Gillette - Aye
    - Darlene Rowsam - Aye
    - McKenzie Lehman - Aye
    - Jerry Cayer - Excused
    - Ron Burns - Aye
    - Motion carries.
- Attorney Joe Scott, Hodgson Russ, provided a **Legislative Session update** to the LCIDA Board regarding legislation pertaining to IDAs. Several bills were introduced to put additional restrictions and added compliance on IDAs, no major changes were passed. Executive Director Davis added that NYS Economic Development Council is doing a study to demonstrate and communicate IDA performance across the state.
- Joe Scott also noted that since the state of emergency has been lifted, Board Members must be in person to vote at board meetings.
- LCIDA Board reviewed new **Travel Policy** and updated **Uniform Project Evaluation** and **Property Disposal** Policies that were reviewed and discussed with the May Governance Committee. A motion to approve new and updated policies was made by Darlene Rowsam seconded by Ron Burns. All present were in favor and the motion carried.
- LCIDA Board reviewed **Snow Ridge Ski Resort's Installment Sale Application** to purchase \$156,000 groomer with a 10-year installment sale. Finance Committee previously reviewed

the application and requested clarification on Snow Ridge financials given they are a seasonal business, depreciation of the equipment and various down payment scenarios. LCIDA Staff provided a breakdown of depreciation of the equipment verses recoupment of the investment if Snow Ridge were to default. **A motion to purchase the equipment for \$146,000 to lease back to Snow Ridge over 10-year period at prime plus 1% interest rate, with the requirement of \$10,000 down payment by Snow Ridge** was made by McKenzie Lehman and seconded by Darlene Rowsam. All present were in favor and motion carried.

- LCIDA Board reviewed the **Tug Hill Artisan Roasters Small Business Revolving Loan Application** as reviewed and recommended by the Loan Committee. THAR has been awarded \$188,601 through the New York Main Street grant, has \$37,867 in private equity, and is seeking \$25,000 from the LCIDA Revolving Loan Fund for Phase 1 of project costs (fix roof, removal of lead and asbestos, brick façade work and construction of an elevator to make the building ADA compliant). **A motion to approve Tug Hill Artisan Roasters loan for \$25,000 contingent on DANC under-writing** was made by Darlene Rowsam seconded by Gagan Singh. All present were in favor and motion carried.

#### **Executive Director's Report**

**8:57 – 9:03**

- Brittany Davis noted her previously distributed **Directors Report** highlighting the successful orientation for Child Care Program with 9 Lewis County participants, DBA Lewis County Entrepreneurship Program, and facilitation of a new location for Cazenovia Equipment and Lowville Farmers Co-op at the site of the proposed 'Lewis County Commerce Park.'

#### **Correspondence**

**9:04 – 9:07**

- LCIDA Staff reviewed the **Barclay Damon Conflict of Interest Letter** regarding their representation of Solitude Solar because we have an open contract with their office for assistance with our policy updates in 2020. LCIDA has signed and returned the letter.
- LCIDA Staff reviewed correspondence from **Company, McArdle & Randall** regarding the sale of the Lyonsdale Property. Kevin McArdle represents the Lewis County IDA and Katie Harvey from Company, McArdle & Randall's staff is representing McRez Meat Packing, LLC on the sale of the property. There were no objections from the LCIDA board.

#### **Committee Reports**

**9:07 – 9:11**

- LCIDA reviewed the **Finance Committee Notes**. LCIDA Staff has begun to look at tracking capacity changes for ALL energy PILOTS. Wind PILOTS currently have an annual certification for output. It is not currently in our Solar UTEP language. LCIDA Board will take this into consideration with the annual review of the UTEP.
- LCIDA reviewed the **Loan Committee Notes**.

#### **Discussion Items**

**9:11 – 9:26**



- LCIDA Board reviewed the final **Tug Hill Snowmobile Economic Impact Study and Infographic** which will be used to communicate impacts of the industry to local landowners, local and state legislators. The intent is to formally present the study to the local and state legislators this Fall. The report will be used to continue to support the industry while recognizing the fragility of the system based on volunteers and private landowners providing access.
- Executive Director Davis tentatively starts **maternity leave** on July 9th. LCIDA Staff has established point of contacts for projects and priorities for the period.
- LCIDA Staff noted **Audit Committee Meeting** will be scheduled prior to August Board Meeting.

A motion to adjourn was made at 9:26am by Ron Burns and seconded by Tom Gillette. Motion carried.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cheyenne Steria". The signature is fluid and cursive, with a large initial "C" and "S".

**Cheyenne Steria**  
**Secretary/Treasurer**

**PUBLIC HEARING RESOLUTION  
CLEARPATH ENERGY LLC (FARNEY) PROJECT**

A regular meeting of County of Lewis Industrial Development Agency (the "Agency") was convened in public session at the Lewis County Jefferson Community College Education Center located at 7395 East Road in the Town of Lowville, Lewis County, New York on July 1, 2021 at 8:00 a.m., local time.

The meeting was called to order by the (Vice) Chairman of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Joe Lawrence	Chairman
Gagan Singh	Vice Chairman
Ronald Burns	Member
Tom Gillette	Member
McKenzie Lehman	Member
Darlene Rowsam	Member

**ABSENT:**

Jerry Cayer	Member
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**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Brittany Davis	Executive Director of Economic Development
Cheyenne Steria	Director of Finance and Incentives
Jenna Kraeger	Economic Development Specialist
Kevin McArdle, Esq.	Agency Counsel
A. Joseph Scott, III, Esq.	Special Agency Counsel

The following resolution was offered by Tom Gillette, seconded by Darlene Rowsam, to wit:

Resolution No. 0721- 01

**RESOLUTION AUTHORIZING THE DIRECTOR OF ECONOMIC DEVELOPMENT  
OF COUNTY OF LEWIS INDUSTRIAL DEVELOPMENT AGENCY TO HOLD A  
PUBLIC HEARING REGARDING A PROPOSED PROJECT TO BE UNDERTAKEN  
FOR THE BENEFIT OF CLEARPATH ENERGY LLC.**

WHEREAS, County of Lewis Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 62 of the 1973 Laws of New York, as amended, constituting Section 902-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, ClearPath Energy LLC, a State of Delaware limited liability company (the “Company”), submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in a portion of approximately 164.90 acres of land located at 7214 Brewery Road (tax map no. 147.00-02-06.110) and 7194 Brewery Road (tax map no. 147.00-02-05.110) in the Town of New Bremen, Lewis County, New York (collectively, the “Land”), (2) the construction on the Land of an approximately 3 MW ground-mounted solar energy generating facility, related access, security and utility infrastructure (collectively, the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the “Equipment”), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the “Project Facility”); (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; and

WHEREAS, pursuant to Section 859-a of 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; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 859-a of the Act with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF COUNTY OF LEWIS INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby authorizes the Executive Director of Economic Development of the Agency, after consultation with the members of the Agency and Agency Counsel, (A) to establish the time, date and place for a public hearing of the Agency (the “Public Hearing”), which Public Hearing will be held in a city, town or village where the Project Facility is or is to be located; (B) to cause notice of such Public Hearing to be given to the public by publishing a notice or notices of such Public Hearing in a newspaper of general circulation available to the residents of the governmental units where the Project Facility is or is to be located, such notice or notices to comply with the requirements of Section 859-a of the Act; (C) to cause notice of the Public Hearing to be given to the chief executive officer of the county and of each city, town, village and school district in which the Project Facility is or is to be located to comply with the requirements of Section 859-a of the Act; (D) to conduct such Public Hearing; (E) to cause a report of the Public Hearing fairly summarizing the views presented at such Public Hearing (the “Report”) to be prepared; and (F) to cause a copy of the Report to be made available to the members of the Agency

Section 2. The Chairman, Vice Chairman and/or Executive Director of Economic Development of the Agency is hereby authorized and directed to distribute copies of this resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this resolution.

Section 3. All action taken by the Executive Director of Economic Development of the Agency in connection with the Public Hearing with respect to the Project prior to the date of this resolution is hereby ratified and confirmed.

Section 4. This Resolution shall take effect immediately.

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

Joe Lawrence	VOTING	YES
Gagan Singh	VOTING	YES
Ronald Burns	VOTING	YES
Jerry Cayer	VOTING	ABSENT
Tom Gillette	VOTING	YES
McKenzie Lehman	VOTING	YES
Darlene Rowsam	VOTING	YES

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK        )  
  ) SS.:  
COUNTY OF LEWIS         )

I, the undersigned (Assistant) Secretary of County of Lewis Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on July 1, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this \_\_\_\_\_ day of July, 2021.

  
\_\_\_\_\_  
(Assistant) Secretary

(SEAL)

  
KRISTEN F. AUCTER  
Notary Public, State of New York  
Reg. No. 01AU6384577  
Qualified in Lewis County  
Commission Expires 12/17/2022



**RESOLUTION CONFIRMING SEQR DETERMINATION  
CLEARPATH ENERGY LLC (FARNEY) PROJECT**

A regular meeting of County of Lewis Industrial Development Agency (the "Agency") was convened in public session at the Lewis County Jefferson Community College Education Center located at 7395 East Road in the Town of Lowville, Lewis County, New York on July 1, 2021 at 8:00 a.m., local time.

The meeting was called to order by the (Vice) Chairman of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Joe Lawrence	Chairman
Gagan Singh	Vice Chairman
Ronald Burns	Member
Tom Gillette	Member
McKenzie Lehman	Member
Darlene Rowsam	Member

**ABSENT:**

Jerry Cayer	Member
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**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Brittany Davis	Executive Director of Economic Development
Cheyenne Steria	Director of Finance and Incentives
Jenna Kraeger	Economic Development Specialist
Kevin McArdle, Esq.	Agency Counsel
A. Joseph Scott, III, Esq.	Special Agency Counsel

The following resolution was offered by McKenzie Lehman, seconded by Darlene Rowsam, to wit:

Resolution No. 0721-02

**RESOLUTION CONCURRING IN THE DETERMINATION BY TOWN OF NEW  
BREMEN TOWN BOARD, AS LEAD AGENCY FOR THE ENVIRONMENTAL  
REVIEW OF THE CLEARPATH ENERGY LLC PROPOSED PROJECT.**

WHEREAS, County of Lewis Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 62 of the 1973 Laws of New York, as amended, constituting Section 902 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more “ projects” (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, ClearPath Energy LLC, a State of Delaware limited liability company (the “Company”), submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in a portion of approximately 164.90 acres of land located at 7214 Brewery Road (tax map no. 147.00-02-06.110) and 7194 Brewery Road (tax map no. 147.00-02-05.110) in the Town of New Bremen, Lewis County, New York (collectively, the “Land”), (2) the construction on the Land of an approximately 3 MW ground-mounted solar energy generating facility, related access, security and utility infrastructure (collectively, the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the “Equipment”), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the “Project Facility”); (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; and

WHEREAS, by resolution adopted by the members of the Agency on July 1, 2021 (the “Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), the Agency has been informed that (1) the Town of New Bremen Town Board (the “Town Board”) was designated to act as “lead agency” with respect to the Project, and (2) the Town Board issued a Determination of Non Significance on December 18, 2020 (the “Negative Declaration”), attached hereto as Exhibit A, determining that the acquisition, construction and installation of the Project Facility will not have a “significant effect on the environment”; and

WHEREAS, the Agency is an “involved agency” with respect to the Project and the Agency now desires to concur in the determination by the Town Board, as “lead agency” with respect to the Project, to acknowledge receipt of a copy of the Negative Declaration and to indicate whether the Agency has any information to suggest that the Town Board was incorrect in determining that the Project will not have a “significant effect on the environment” pursuant to SEQRA and, therefore, that no environmental impact statement need be prepared with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF COUNTY OF LEWIS INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency has received copies of, and has reviewed, the Application, the environmental assessment form and the Negative Declaration (collectively, the “Reviewed Documents”) and, based upon said Reviewed Documents, the Agency hereby ratifies and concurs in the designation of

the Town Board as “lead agency” with respect to the Project under SEQRA (as such quoted term is defined in SEQRA).

Section 2. The Agency hereby determines that the Agency has no information to suggest that the Town Board was incorrect in determining that the Project will not have a “significant effect on the environment” pursuant to the SEQRA and, therefore, that environmental impact statement need not be prepared with respect to the Project (as such quoted phrase is used in SEQRA).

Section 3. The members of the Agency are hereby directed to notify the Town Board of the concurrence by the Agency that the Town Board shall be the “lead agency” with respect to the Project, and to further indicate to the Town Board that the Agency has no information to suggest that the Town Board was incorrect in its determinations contained in the Negative Declaration.

Section 4. This Resolution shall take effect immediately.

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

Joe Lawrence	VOTING	YES
Gagan Singh	VOTING	YES
Ronald Burns	VOTING	YES
Jerry Cayer	VOTING	ABSENT
Tom Gillette	VOTING	YES
McKenzie Lehman	VOTING	YES
Darlene Rowsam	VOTING	YES

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK            )  
  ) SS.:  
COUNTY OF LEWIS            )

I, the undersigned (Assistant) Secretary of County of Lewis Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on July 1, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this \_\_\_\_ day of July, 2021.

  
\_\_\_\_\_  
(Assistant) Secretary

(SEAL)

  
KRISTEN F. AUCTER  
Notary Public, State of New York  
Reg. No. 01AU6384577  
Qualified in Lewis County  
Commission Expires 12/17/2022

EXHIBIT A  
NEGATIVE DECLARATION  
- SEE ATTACHED -

Agency Use Only (If Applicable)  
Project: Furney Solar Energy Project  
Date: 10/15/2020

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The Board foresees no significant adverse impacts on the environment for this project because the applicant has assured the board that they will comply with all NYS DEC regulations (including those received on November 30, 2020 and December 1, 2020) and will work with NYS Ag & Markets prior to construction.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:  Type 1  Unlisted

Identify portions of EAF completed for this Project:  Part 1  Part 2  Part 3

FEAF 2019

Upon review of the information recorded on this EAF, as noted, plus this additional support information

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and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the \_\_\_\_\_ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

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There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

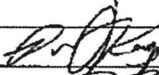
C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

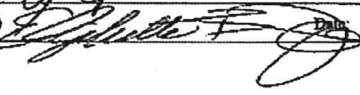
Name of Action: **Farney Solar Energy Project - Site Plan Review Zoning Permit App 6-2020**

Name of Lead Agency: **Town of New Bremen**

Name of Responsible Officer in Lead Agency: **Peter J. Keys**

Title of Responsible Officer: **Supervisor**

Signature of Responsible Officer in Lead Agency:  Date: **12/18/20**

Signature of Preparer (if different from Responsible Officer)  Date: **12/18/20**

**For Further Information:**  
 Contact Person: **Greg Hering - ClearPath Energy LLC**  
 Address: **358 Chestnut Hill Avenue, Suite 302, Brighton, MA 02135**  
 Telephone Number: **774-270-1936**  
 E-mail:

**For Type I Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**  
 Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)  
 Other involved agencies (if any)  
 Applicant (if any)  
 Environmental Notice Bulletin: <http://www.dec.ny.gov/cmb/cnb.html>

**PRINT FULL FORM**

**PUBLIC HEARING RESOLUTION  
CLEARPATH ENERGY LLC (ZEHR) PROJECT**

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The meeting was called to order by the (Vice) Chairman of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Joe Lawrence	Chairman
Gagan Singh	Vice Chairman
Ronald Burns	Member
Tom Gillette	Member
McKenzie Lehman	Member
Darlene Rowsam	Member

**ABSENT:**

Jerry Cayer	Member
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**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Brittany Davis	Executive Director of Economic Development
Cheyenne Steria	Director of Finance and Incentives
Jenna Kraeger	Economic Development Specialist
Kevin McArdle, Esq.	Agency Counsel
A. Joseph Scott, III, Esq.	Special Agency Counsel

The following resolution was offered by Tom Gillette, seconded by Gagan Singh, to wit:

Resolution No. 0721-03

**RESOLUTION AUTHORIZING THE DIRECTOR OF ECONOMIC DEVELOPMENT  
OF COUNTY OF LEWIS INDUSTRIAL DEVELOPMENT AGENCY TO HOLD A  
PUBLIC HEARING REGARDING A PROPOSED PROJECT TO BE UNDERTAKEN  
FOR THE BENEFIT OF CLEARPATH ENERGY LLC.**

WHEREAS, County of Lewis Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 62 of the 1973 Laws of New York, as amended, constituting Section 902-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living and to prevent unemployment and economic deterioration; and



WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, ClearPath Energy LLC, a State of Delaware limited liability company (the "Company"), submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in a portion of an approximately 186.80 acre parcel of land located at 7057 Brewery Road (tax map no. 147.00-01-22.100) in the Town of New Bremen, Lewis County, New York (the "Land"), (2) the construction on the Land of an approximately 3 MW ground-mounted solar energy generating facility, related access, security and utility infrastructure (collectively, the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the "Equipment"), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the "Project Facility"); (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; and

WHEREAS, pursuant to Section 859-a of 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; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 859-a of the Act with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF COUNTY OF LEWIS INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby authorizes the Executive Director of Economic Development of the Agency, after consultation with the members of the Agency and Agency Counsel, (A) to establish the time, date and place for a public hearing of the Agency (the "Public Hearing"), which Public Hearing will be held in a city, town or village where the Project Facility is or is to be located; (B) to cause notice of such Public Hearing to be given to the public by publishing a notice or notices of such Public Hearing in a newspaper of general circulation available to the residents of the governmental units where the Project Facility is or is to be located, such notice or notices to comply with the requirements of Section 859-a of the Act; (C) to cause notice of the Public Hearing to be given to the chief executive officer of the county and of each city, town, village and school district in which the Project Facility is or is to be located to comply with the requirements of Section 859-a of the Act; (D) to conduct such Public Hearing; (E) to cause a report of the Public Hearing fairly summarizing the views presented at such Public Hearing (the "Report") to be prepared; and (F) to cause a copy of the Report to be made available to the members of the Agency

Section 2. The Chairman, Vice Chairman and/or Executive Director of Economic Development of the Agency is hereby authorized and directed to distribute copies of this resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this resolution.

Section 3. All action taken by the Executive Director of Economic Development of the Agency in connection with the Public Hearing with respect to the Project prior to the date of this resolution is hereby ratified and confirmed.

Section 4. This Resolution shall take effect immediately.

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

Joe Lawrence	VOTING	YES
Gagan Singh	VOTING	YES
Ronald Burns	VOTING	YES
Jerry Cayer	VOTING	ABSENT
Tom Gillette	VOTING	YES
McKenzie Lehman	VOTING	YES
Darlene Rowsam	VOTING	YES

The foregoing Resolution was thereupon declared duly adopted.


STATE OF NEW YORK        )  
  ) SS.:  
COUNTY OF LEWIS        )

I, the undersigned (Assistant) Secretary of County of Lewis Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on July 1, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this \_\_\_\_\_ day of July, 2021.

  
\_\_\_\_\_  
(Assistant) Secretary

(SEAL)

  
KRISTEN F. AUETER  
Notary Public, State of New York  
Reg. No. 01AU6384577  
Qualified in Lewis County  
Commission Expires 12/17/2022

**RESOLUTION CONFIRMING SEQR DETERMINATION  
CLEARPATH ENERGY LLC (ZEHR) PROJECT**

A regular meeting of County of Lewis Industrial Development Agency (the "Agency") was convened in public session at the Lewis County Jefferson Community College Education Center located at 7395 East Road in the Town of Lowville, Lewis County, New York on July 1, 2021 at 8:00 a.m., local time.

The meeting was called to order by the (Vice) Chairman of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Joe Lawrence	Chairman
Gagan Singh	Vice Chairman
Ronald Burns	Member
Tom Gillette	Member
McKenzie Lehman	Member
Darlene Rowsam	Member

**ABSENT:**

Jerry Cayer	Member
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**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Brittany Davis	Executive Director of Economic Development
Cheyenne Steria	Director of Finance and Incentives
Jenna Kraeger	Economic Development Specialist
Kevin McArdle, Esq.	Agency Counsel
A. Joseph Scott, III, Esq.	Special Agency Counsel

The following resolution was offered by McKenzie Lehman, seconded by Darlene Rowsam, to wit:

Resolution No. 0721- 04

**RESOLUTION CONCURRING IN THE DETERMINATION BY TOWN OF NEW  
BREMEN TOWN BOARD, AS LEAD AGENCY FOR THE ENVIRONMENTAL  
REVIEW OF THE CLEARPATH ENERGY LLC PROPOSED PROJECT.**

WHEREAS, County of Lewis Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 62 of the 1973 Laws of New York, as amended, constituting Section 902 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more “ projects” (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, ClearPath Energy LLC, a State of Delaware limited liability company (the “Company”), submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in a portion of an approximately 186.80 acre parcel of land located at 7057 Brewery Road (tax map no. 147.00-01-22.100) in the Town of New Bremen, Lewis County, New York (the “Land”), (2) the construction on the Land of an approximately 3 MW ground-mounted solar energy generating facility, related access, security and utility infrastructure (collectively, the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the “Equipment”), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the “Project Facility”); (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; and

WHEREAS, by resolution adopted by the members of the Agency on July 1, 2021 (the “Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), the Agency has been informed that (1) the Town of New Bremen Town Board (the “Town Board”) was designated to act as “lead agency” with respect to the Project, and (2) the Town Board issued a Determination of Non Significance on December 18, 2020 (the “Negative Declaration”), attached hereto as Exhibit A, determining that the acquisition, construction and installation of the Project Facility will not have a “significant effect on the environment”; and

WHEREAS, the Agency is an “involved agency” with respect to the Project and the Agency now desires to concur in the determination by the Town Board, as “lead agency” with respect to the Project, to acknowledge receipt of a copy of the Negative Declaration and to indicate whether the Agency has any information to suggest that the Town Board was incorrect in determining that the Project will not have a “significant effect on the environment” pursuant to SEQRA and, therefore, that no environmental impact statement need be prepared with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF COUNTY OF LEWIS INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency has received copies of, and has reviewed, the Application, the environmental assessment form and the Negative Declaration (collectively, the “Reviewed Documents”) and, based upon said Reviewed Documents, the Agency hereby ratifies and concurs in the designation of the Town Board as “lead agency” with respect to the Project under SEQRA (as such quoted term is defined in SEQRA).

Section 2. The Agency hereby determines that the Agency has no information to suggest that the Town Board was incorrect in determining that the Project will not have a “significant effect on the environment” pursuant to the SEQRA and, therefore, that environmental impact statement need not be prepared with respect to the Project (as such quoted phrase is used in SEQRA).

Section 3. The members of the Agency are hereby directed to notify the Town Board of the concurrence by the Agency that the Town Board shall be the “lead agency” with respect to the Project, and to further indicate to the Town Board that the Agency has no information to suggest that the Town Board was incorrect in its determinations contained in the Negative Declaration.

Section 4. This Resolution shall take effect immediately.

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

Joe Lawrence	VOTING	YES
Gagan Singh	VOTING	YES
Ronald Burns	VOTING	YES
Jerry Cayer	VOTING	ABSENT
Tom Gillette	VOTING	YES
McKenzie Lehman	VOTING	YES
Darlene Rowsam	VOTING	YES

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK            )  
  ) SS.:  
COUNTY OF LEWIS            )

I, the undersigned (Assistant) Secretary of County of Lewis Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on July 1, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this \_\_\_\_ day of July, 2021.

  
\_\_\_\_\_  
(Assistant) Secretary

~~(SEAL)~~


  
KRISTEN F. AUCTER  
Notary Public, State of New York  
Reg. No. 01AU6384577  
Qualified in Lewis County  
Commission Expires 12/17/2022

EXHIBIT A  
NEGATIVE DECLARATION  
- SEE ATTACHED -



Project: Edy Solar Energy Project  
Date: 12/15/2020

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The Board foresees no significant adverse impacts on the environment for this project because the applicant has assured the board that they will comply with all NYS DEC regulations (including those received on November 30, 2020 and December 1, 2020) and will work with NYS Ag & Markets prior to construction.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:  Type 1       Unlisted

Identify portions of EAF completed for this Project:  Part 1       Part 2       Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

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and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the \_\_\_\_\_ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

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There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

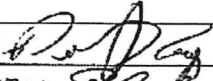
C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

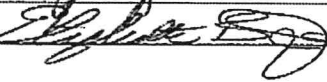
Name of Action: Zehr Solar Energy Project - Site Plan Review Zoning Permit App 5-2020

Name of Lead Agency: Town of New Bremen

Name of Responsible Officer in Lead Agency: Peter J. Keys

Title of Responsible Officer: Supervisor

Signature of Responsible Officer in Lead Agency:  Date: 12/18/20

Signature of Preparer (if different from Responsible Officer)  Date: 12/18/20

**For Further Information:**  
 Contact Person: Greg Hering - ClearPath Energy LLC  
 Address: 358 Chestnut Hill Avenue, Suite 302, Brighton, MA 02135  
 Telephone Number: 774-270-1936  
 E-mail:

**For Type I Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**  
 Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)  
 Other involved agencies (if any)  
 Applicant (if any)  
 Environmental Notice Bulletin: <http://www.dec.ny.gov/cnb/cnb.htm>

**PRINT FULL FORM**