

OGDENSBURG CITY SCHOOL DISTRICT
OGDENSBURG, NEW YORK

SUBJECT: Resolution to Approve Consenting to a Proposed Pilot Agreement

DATE: November 16, 2020

REASON FOR BOARD CONSIDERATION:

The Board of Education must accept or reject all contractual agreements.

FACTS AND ANALYSIS:

The Ogdensburg City School District consenting to a Proposed Pilot Agreement by the St. Lawrence County Industrial Development Agency with respect to a certain project (as described in the attached resolution) to be undertaken by Oswegatchie Solar, LLC and authorizing the Ogdensburg City School District School Board President to execute and deliver a certificate in furtherance of same; therefore the following is recommended:

RECOMMENDED ACTION:

Moved by _____ and supported by _____ that, having the recommendation of the Superintendent of Schools, the Board of Education of the Ogdensburg City School District does hereby approve the attached Pilot Consent Resolution with the St. Lawrence County Industrial Development Agency and the Oswegatchie Solar, LLC, as submitted this 16th day of November 2020.

APPROVED FOR PRESENTATION TO THE BOARD:



Superintendent

KK/alf
Attachment

PILOT CONSENT RESOLUTION
(Oswegatchie Solar, LLC Project)

A regular meeting of the Board of Education (the "Board of Education") of the Ogdensburg City School District (the "District") was convened on November 16, 2020, at 6:00 p.m.

The following resolution was duly offered and seconded, to wit:

Resolution No. 3

RESOLUTION OF THE OGDENSBURG CITY SCHOOL DISTRICT CONSENTING TO A PROPOSED PILOT AGREEMENT BY THE ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY WITH RESPECT TO A CERTAIN PROJECT (AS DESCRIBED BELOW) TO BE UNDERTAKEN BY OSWEGATCHIE SOLAR, LLC AND AUTHORIZING THE DISTRICT PRESIDENT TO EXECUTE AND DELIVER A CERTIFICATE IN FURTHERANCE OF SAME

WHEREAS, OSWEGATCHIE SOLAR, LLC, a Delaware limited liability company (the "Company"), has requested the assistance of the St. Lawrence County Industrial Development Agency (the "Agency") with a certain project (the "Project") consisting of (A) the acquisition of an interest in approximately 171.5 acres of land located at 56 Rufa Road, Town of Oswegatchie, St. Lawrence County, New York (the "Land"); (B) the installation on approximately 33 acres of the Land of a 5.0 mW-AC ground-mounted photovoltaic solar energy system including panels, racking, inverters, electrical cables, grid interconnection, site preparation, access roads and any other required improvements (collectively, the "Improvements") (C) the acquisition and installation in and around the Improvements of certain items of machinery, equipment, fixtures, furniture and other incidental tangible personal property (collectively, the "Equipment", and together with the Land and the Improvements, the "Facility"); and (D) the lease of the Issuer's interest in the Facility back to the Company pursuant to a project/leaseback agreement; and

WHEREAS, pursuant to the Application for Financial Assistance (the "Application") submitted by the Company to the Agency, the Project will (i) entail a capital investment of approximately \$6,508,335.66; (ii) create 34 construction jobs; and (iii) create 0 part time jobs; and

WHEREAS, the Agency's Uniform Tax Exemption Policy provides that sponsors of non-industrial projects and projects whose terms deviate from the standard must secure the consent of local taxing jurisdictions in order to structure the terms of a payment in lieu of tax agreement (the "PILOT Agreement"); and

WHEREAS, in connection with the Application, and in furtherance of the Project's positive financial impact within the District and the County of St. Lawrence, the Company has requested the District's support and consent in establishing the terms of the PILOT Agreement as outlined below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE DISTRICT AS FOLLOWS:

Section 1. The District hereby authorizes the Agency and the Company to enter into the PILOT Agreement whereby the schedule of payments to be made under the PILOT Agreement is more particularly described in Schedule A, which is attached to the Certificate (as hereinafter defined).

Section 2. The President of the Board of Education is hereby authorized to execute and deliver a consent certificate (the "Certificate"), in the form attached hereto, such Certificate to be delivered to the Agency as evidence of the District's consent to enter into the PILOT Agreement.

Section 3. This resolution 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:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Ronald N. Johnson	[]	[]	[]	[]
Craig A. Lalonde	[]	[]	[]	[]
Pamela J. Luckie	[]	[]	[]	[]
Lawrence G. Mitchell	[]	[]	[]	[]
Michael C. Myers	[]	[]	[]	[]
Vicky May Peo	[]	[]	[]	[]
Connor G. Sutton	[]	[]	[]	[]
Elizabeth E. Testani	[]	[]	[]	[]
Laurie J. Zwiefel	[]	[]	[]	[]

The resolution was thereupon duly adopted.

[Remainder of page left blank intentionally]

PILOT CONSENT CERTIFICATE

OGDENSBURG CITY SCHOOL DISTRICT

THIS PILOT CONSENT CERTIFICATE (hereinafter, the "Certificate") dated as of November 16, 2020, has been executed and delivered by the President of the Board of Education of the Ogdensburg City School District (the "District") pursuant to authority granted to the undersigned by Resolution No. 3 of the District dated November 16, 2020 (the "Resolution").

WHEREAS, OSWEGATCHIE SOLAR, LLC, a Delaware limited liability company (the "Company"), has requested the assistance of the St. Lawrence County Industrial Development Agency (the "Agency") with a certain project (the "Project") consisting of (A) the acquisition of an interest in approximately 171.5 acres of land located at 56 Rufa Road, Town of Oswegatchie, St. Lawrence County, New York (the "Land"); (B) the installation on approximately 33 acres of the Land of a 5.0 mW-AC ground-mounted photovoltaic solar energy system including panels, racking, inverters, electrical cables, grid interconnection, site preparation, access roads and any other required improvements (collectively, the "Improvements") (C) the acquisition and installation in and around the Improvements of certain items of machinery, equipment, fixtures, furniture and other incidental tangible personal property (collectively, the "Equipment", and together with the Land and the Improvements, the "Facility"); and (D) the lease of the Issuer's interest in the Facility back to the Company pursuant to a project/leaseback agreement; and

WHEREAS, pursuant to the Application for Financial Assistance (the "Application") submitted by the Company to the Agency, the Project will (i) entail a capital investment of approximately \$6,508,335.66; (ii) create 34 construction jobs; and (iii) create 0 part time jobs; and

WHEREAS, in recognition of the foregoing, the District hereby authorizes the Agency and the Company to enter into a payment in lieu of tax agreement (the "PILOT Agreement"), with the payments to be made under the PILOT Agreement being more particularly described in Schedule A attached hereto.

[Remainder of page left blank intentionally]

*Signature Page to
PILOT Consent Certificate
Ogdensburg City School District*

NOW, THEREFORE, pursuant to the authority vested in the undersigned, this Certificate is executed as of the date first set forth above.

OGDENSBURG CITY SCHOOL DISTRICT

By: _____
Ronald N. Johnson
President

SCHEDULE A

PAYMENTS TO BE MADE UNDER PILOT AGREEMENT

The St. Lawrence County Industrial Development Agency will bill the amounts listed on the table below to the respective taxing jurisdictions listed below based upon the pro rata share for the current tax year.

Project: Oswegatchie Solar, LLC

Tax Jurisdictions: St. Lawrence County (the "County"), Town of Oswegatchie (the "Town") and Ogdensburg City School District (the "District")

Taxable Status Date: March 1, 2021

Tax Year Beginning: District: 2021/2022

Town and County: 2022

\$4,250 per MW for the first year, resulting in \$21,250 to the County, the Town and the District, on a pro rata basis.

The amount would increase by 2% each year.

PILOT Agreement term would be 20 years.

<u>YEAR</u>	<u>SCHOOL</u>	<u>TOWN/COUNTY</u>	<u>PAYMENT</u>
1	2021/2022	2022	\$21,250.00
2	2022/2023	2023	\$21,675.00
3	2023/2024	2024	\$22,108.50
4	2024/2025	2025	\$22,550.67
5	2025/2026	2026	\$23,001.68
6	2026/2027	2027	\$23,461.71
7	2027/2028	2028	\$23,930.95
8	2028/2029	2029	\$24,409.57

<u>YEAR</u>	<u>SCHOOL</u>	<u>TOWN/COUNTY</u>	<u>PAYMENT</u>
9	2029/2030	2030	\$24,897.77
10	2030/2031	2031	\$25,395.72
11	2031/2032	2032	\$25,903.63
12	2032/2033	2033	\$26,421.70
13	2033/2034	2034	\$26,950.14
14	2034/2035	2035	\$27,489.14
15	2035/2036	2036	\$28,038.92
16	2036/2037	2037	\$28,559.70
17	2037/2038	2038	\$29,171.70
18	2038/2039	2039	\$29,755.13
19	2039/2040	2040	\$30,350.23
20	2040/2041	2041	\$30,957.24