

OGDENSBURG CITY SCHOOL DISTRICT  
OGDENSBURG, NEW YORK

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SUBJECT: Resolution to Consent to a Proposed Pilot Agreement by the St. Lawrence County Industrial Development Agency

DATE: May 2, 2023

FACTS AND ANALYSIS:

**WHEREAS**, PIVOT SOLAR NY 10 LLC, a New York limited liability company authorized to conduct business in the State of New York (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 a sub-leasehold interest in an approximately 33 acre parcel of land, being a portion of a 85.8 acre parcel of land, located at 5986 County Route 6, Town of Oswegatchie, St. Lawrence County, New York 13669 (the "Land"); (B) the construction on the Land of an approximately 33 acre 5.0 MWac ground- mounted photovoltaic solar energy system including panels, racking, inverters, electrical cables, grid interconnection, site preparation, access roads and any other required improvements (the "Improvements"); and (C) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the "Equipment" and, together with the Land and Improvements, the "Facility"), and (D) the sub sub-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 \$ 9,907,365; (ii) create forty (40) construction jobs during the first year associated with the construction of the Project; and (iii) create zero (0) part-time jobs; and **WHEREAS**, the Agency's Uniform Tax Exemption Policy ("UTEP") 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 an Agency 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 a PILOT Agreement for the Project equivalent to the PILOT structure 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 a PILOT Agreement whereby the schedule of PILOT payments is more particularly described in Schedule A, which is attached to the Certificate, as hereinafter defined.

Section 2. The District President 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 Ogdensburg City School District consent to enter into the within-described PILOT Agreement.

Section 3. These Resolutions shall take effect immediately.

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 Resolution to Consent to a Proposed Pilot Agreement by the St. Lawrence County Industrial Development Agency on this 2<sup>nd</sup> day of May 2023.

APPROVED FOR PRESENTATION TO THE BOARD:

  
Superintendent

	Absent	Yay	Nay	Abstain
Mr. Ronald Johnson				
Mr. Craig Lalonde				
Mrs. Renee' Grizzuto				
Ms. Pamela Luckie				
Mrs. Angela McRoberts				
Mr. Michael Myers				
Mrs. Vicky May Peo				
Mr. Connor Sutton				
Mrs. Elizabeth Testani				

KJB/rb