



**NOTICE LETTER**  
**(TJA-NY-Cohocton Solar Farm, LLC Project)**

January 30, 2022

To: The Attached List of Affected Tax Jurisdictions  
Officials Listed on Schedule A

Re: **Steuben County Industrial Development Agency and TJA-NY-Cohocton Solar Farm, LLC**

**Notice of Public Hearing and Disposition of Initial Resolution**

Ladies and Gentlemen:

On Tuesday, February 14, 2023, at the Town of Cohocton Town Hall, 19 Main Street, Cohocton, New York 14808, at 2:00 p.m., local time, the Steuben County Industrial Development Agency (the "Agency") will conduct a public hearing regarding the above-referenced project. Attached is a copy of the Notice of Public Hearing describing the project and the financial assistance contemplated by the Agency. The Notice has been submitted to *The Leader* for publication.

The Agency will provide access to the public hearing by broadcasting the public hearing in real time online at:

<https://us02web.zoom.us/j/88648629035?pwd=c3hVU3FqRFNONHZDZFZncjhoREJXZz09>

You are welcome to attend such hearing at which time you will have an opportunity to review the project application and present your views, both orally and in writing, with respect to the project. We are providing this notice to you, pursuant to General Municipal Law Section 859-(a), as the chief executive officer of an affected tax jurisdiction within which the project is located.

On January 26, 2023, the Agency adopted an inducement resolution (the "Inducement Resolution") with respect to the Project. pursuant to Chapter 766 of the Laws of 2022 of the State of New York, effective January 1, 2023, enclosed please find a copy of such as-adopted and certified Inducement Resolution.

STEUBEN COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

By: James C. Johnson, Executive Director

Schedule A

**STEUBEN COUNTY, NEW YORK**

***Certified Mail***

**No. 7020-2450-0001-6551-9117**

Steuben County Administrator  
County Office Building  
3 East Pulteney Square  
Bath, New York 14810

***Certified Mail***

**No. 7019-2970-0001-8016-6412**

Steuben County Legislature  
Attn: Chair  
3 East Pulteney Square  
Bath, New York 14810

**TOWN OF COHOCTON, NEW YORK**

***Certified Mail***

**No. 7019-2970-0001-8016-6429**

Town of Cohocton  
Attn: Town Supervisor  
Town Hall  
15 S Main Street  
Cohocton, New York 14826

**WAYLAND-COHOCTON CENTRAL SCHOOL DISTRICT**

***Certified Mail***

**No. 7019-2970-0001-8016-6436**

Wayland-Cohocton Central School District  
Attn: Superintendent  
2350 Route 63 North  
Wayland, New York 14572

***Certified Mail***

**No. 7019-2970-0001-8016-6443**

Wayland-Cohocton Central School District  
Attn: Board of Education President  
2350 Route 63 North  
Wayland, New York 14572

***Certified Mail***

**No. 7019-2970-0001-8016-6450**

Wayland-Cohocton Central School District  
Attn: District Clerk  
2350 Route 63 North  
Wayland, New York 14572

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Steuben County Industrial Development Agency (the "Agency") on Tuesday, February 14, 2023, at the Town of Cohocton Town Hall, 19 Main Street, Cohocton, New York 14808, at 2:00 p.m., local time, in connection with the following matter:

**TJA-NY-COHOCTON SOLAR FARM, LLC**, for itself and/or on behalf of an entity or entities formed or to be formed (collectively, the "Company"), has submitted an application to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in approximately 25 acres of real property located at 11190 NYS Route 371, Town of Cohocton, New York and all other lands where by license or easement or other agreement the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly identified as a portion of tax parcel number 030.00-01-005.200, as may be subdivided); (ii) the planning, design, construction and operation of a 5MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); and (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility").

The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions, consistent with the policies of the Agency, and a partial real property tax abatement.

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's Application and hear and accept written and oral comments from all persons with views in favor of, opposed to or otherwise relevant to the proposed Financial Assistance.

The Agency will provide access to the public hearing by broadcasting the public hearing in real time online at:

<https://us02web.zoom.us/j/88648629035?pwd=c3hVU3FqRFNONHZDZFZncjhoREJXZz09>

The Agency encourages all interested parties to submit written comments to the Agency, which will be included within the public hearing record. Any written comments may be sent to Steuben County Industrial Development Agency, Attention: Stacy Housworth, 7234 Route 54 North, P.O. Box 393, Bath, New York 14810, and/or via e-mail at [shousworth@steubencountyida.com](mailto:shousworth@steubencountyida.com) no later than Monday, February 13, 2023.

Dated: February 2, 2023

STEBEN COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY



**INITIAL RESOLUTION**  
*(TJA-NY-Cohocton Solar Farm, LLC Project)*

A regular meeting of the Steuben County Industrial Development Agency was convened on Thursday, January 26, 2023.

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

Resolution No. 01/2023 - 02

RESOLUTION OF THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING THE APPLICATION OF TJA-NY-COHOCTON SOLAR FARM, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW), (ii) AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING WITH RESPECT TO THE PROJECT, (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED WITH RESPECT TO THE PROJECT, AND (iv) AUTHORIZING THE NEGOTIATION OF CERTAIN AGREEMENTS RELATING TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 178 of the Laws of 1972 of the State of New York, as amended (hereinafter collectively called the "Act"), the **STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **TJA-NY-COHOCTON SOLAR FARM, LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (collectively, the "Company"), has submitted an application (the "Application"), a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project"), consisting of: (i) the acquisition by the Agency of a leasehold interest in approximately 25 acres of real property located at 11190 NYS Route 371, Town of Cohocton, New York and all other lands where by license or easement or other agreement the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly identified as a portion of tax parcel number 030.00-01-005.200, as may be subdivided); (ii) the planning, design, construction and operation of a 5MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); and (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, pursuant to Article 18-A of the General Municipal Law the Agency desires to adopt a resolution describing the Project and the Financial Assistance (as defined below) that the Agency is contemplating with respect to the Project; and

WHEREAS, it is contemplated that the Agency will hold a public hearing and (i) negotiate and enter into a project agreement, pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project (the "Project Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), and a payment-in-lieu-of-tax agreement (the "Tax Agreement"), (iii) take a leasehold interest (or other interest) in the Land and the Improvements and personal property constituting the Facility (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (iv) provide Financial Assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, and equipping of the Facility and (b) a partial real property tax abatement structured within the Tax Agreement (collectively, the "Financial Assistance").

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

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

(A) By virtue of the Act, the Agency 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 Agency has the authority to take the actions contemplated herein under the Act; and

(C) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Steuben County, New York, and otherwise furthering the purposes of the Agency 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 Agency 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; and

Section 2. The Chairman, Vice Chairman and/or Executive Director of the Agency are hereby authorized, on behalf of the Agency, to (A) hold a public hearing in compliance with



the Act, and (B) negotiate (1) the Project Agreement, pursuant to which the Agency appoints the Company as its agent to undertake the Project, (2) the Lease Agreement, pursuant to which the Company leases the Project to the Agency, (3) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, (4) the Tax Agreement, pursuant to which the Company agrees to make certain payments in lieu of real property taxes for the benefit of affected tax jurisdictions, and (5) related documents; provided (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the Tax Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation therefrom have been complied with.

Section 3. The Agency is hereby authorized to conduct a public hearing in compliance with the Act.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency 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 Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 5. In the event that (a) the Company does not proceed to final Agency approval within six (6) months of the date hereof and/or (b) close with the Agency on the proposed Financial Assistance within twelve (12) months of the date hereof, the Agency reserves the right to rescind and cancel this resolution and all approvals made hereunder or under any other Agency resolution or action.

Section 6. 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:

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Mark R. Alger	[ <input checked="" type="checkbox"/> ]	[       ]	[       ]	[       ]
Scott J. VanEtten	[ <input checked="" type="checkbox"/> ]	[       ]	[       ]	[       ]
Anthony Russo	[ <input checked="" type="checkbox"/> ]	[       ]	[       ]	[       ]
Dean Strobel	[ <input checked="" type="checkbox"/> ]	[       ]	[       ]	[       ]
Mike Davidson	[       ]	[       ]	[       ]	[ <input checked="" type="checkbox"/> ]
Christine Sharkey	[ <input checked="" type="checkbox"/> ]	[       ]	[       ]	[       ]
Michelle Caulfield	[ <input checked="" type="checkbox"/> ]	[       ]	[       ]	[       ]

The Resolutions were thereupon duly adopted.

**SECRETARY'S CERTIFICATION**  
(TJA-NY-Cohocton Solar Farm, LLC Project)

STATE OF NEW YORK                    )  
COUNTY OF STEUBEN                ) ss.:

I, the undersigned, Secretary of the Steuben County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Steuben County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on January 26, 2023, with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that 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 modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this 26 day of January, 2023.

  
\_\_\_\_\_  
Secretary