

PUBLIC HEARING – LOCAL LAW #3

Monday, April 19, 2021 - 11:15 AM

Shaun Gilliland, Chairperson
James Monty, Vice-Chairperson

Chairman Gilliland called this Public Hearing to order at 11:15 am with the following Supervisors in attendance: Clayton Barber, Robin DeLoria, Archie Depo, Stephanie DeZalia, Shaun Gilliland, Joseph Giordano, Charlie Harrington, Roy Holzer, Kenneth Hughes, Steve McNally, Jim Monty, Noel Merrihew, Tom Scozzafava, Jeffrey Subra, Ike Tyler, Joe Pete Wilson and Davina Winemiller. Jay Rand was absent.

Department Heads present: Dan Palmer, Judy Garrison, Mike Diskin and Dan Manning.

Media present: Sun News, Tim Rowland

GILLILLAND: It is 11:15, I will call this Public Hearing to order and could I ask Judy to read the public notice.

GARRISON: *Notice of public hearing proposed local law no. 3 of 2021*

Please take notice that the Essex County Board of Supervisors will hold and conduct a Public Hearing at the Supervisors' Chambers at the Essex County Government Center, 7551 Court Street, Elizabethtown, New York on the 19th of April, 2021 at 11:15 a.m., on the proposed Local Law No. 3 of 2021 entitled "A local law to establish a Sustainable Energy Loan Program (Open C-Pace) in the County of Essex"

Please take further notice that at said public hearing to be held at the time and place set forth above, the Essex County Board of Supervisors will consider this proposed Local Law and hear all persons interested therein concerning the same.

Please take further notice that a copy of the full text of such proposed Local Law No. #3 of 2021 may be obtained upon request from the Clerk of the Board's Office, 7551 Court Street, Elizabethtown, New York 12932. Judith A. Garrison, Clerk

Dated: April 5, 2021

GILLILLAND: Thank you Judy. Any members of the public here that would like to speak to this proposed Local Law?

DISKIN: I don't know if I'm considered a member of the public or part of this county but I have a question and I should have probably asked this before I apologize but can you clarify what is going to happen with property if they don't pay this? Is it part of lien, is this going to go on the tax bills? And if it isn't on the tax bills and paid, whether we close on it or don't foreclose on it is it passed on to a new owner?

MANNING: The way this is set up and it's we've spoken about this before I'm not happy with it but because of the importance to the town of North Elba that we go forward with this and the fact that I don't think practically speaking there's going to be a foreclosure on a piece of property because these involve commercial properties which are very, very expensive developments so it's very unlikely that a financier is going to allow his collateral of the project to go south or be foreclosed on by a tax payment that financier will more than likely pay the taxes. The way the process works is this, we have nothing really to do with this except for the fact that the law provides

that we can institute this type of program. It comes through NYSERTA. What happens is, is this energy improvement corporation we'll enter into a contract with them to to act as our agent to do all things necessary to be able to provide a commercial developer, builders with money for their projects relative to clean energy installations. It only relates to clean energy things so this energy improvement company steps into our shoes as our agent. What they do is they have approved financiers that will lend money, they are third parties that will lend money to the builders and what happens is when the money is lent, we have no dog in this fight, we don't do anything the money is lent, the builder signs a document, a benefit assessment lien which to me, I don't know who came up with this but it's just like a mortgage that gets recorded in the County Clerk's office and if all goes well the money is lent to the builder, the builder repays the lien, no harm no foul. Your question would relate to the builder does not pay that benefit assessment lien to the financier what would happen if the financier doesn't institute its own foreclosure proceedings to get the property back and therefore we institute our foreclosure, tax foreclosure proceedings against the property. If that happens, we could find ourselves I highly doubt it's ever going to happen but we cannot, actually we cannot foreclose on whoever, the only thing in our foreclosure proceedings is if it goes to auction the next purchaser has to buy it with that lien on it which probably won't happen so it could be a problem. What I've done, this has been like pulling teeth with these people it's just, it's crazy I relented because of the importance of this one project in the Town of Lake Placid we're going to enter into an agreement with the environmental energy improvement corporation to do this for us however there is a side letter that will amend this agreement that says it's only going to relate to the Town of North Elba project and any further projects in the county we have to authorize so we'll see how it goes with North Elba, this is a multi-million dollar project so I don't see there being any problems but if there are any problems we're done. We're done with the program and we can back out so yes, if we foreclose on the property, try to sell it at auction the new buyer has to buy it with the awards practically speaking I don't think that's going to happen. This has been accepted by probably, I've got a list somewhere 20 counties and a bunch of counties. I've looked at it exhaustedly. It looks like nobody paid any attention to it and just signed on the dotted line. There's lots of stuff I don't like about it but I think the good that it will do North Elba outweighs that and I'm willing to go out on a limb and say we are not going to have any problems.

DISKIN: Is this assessment going to show up on the bill?

MANNING: I don't believe so. We are not going to be enforcing that assessment, no.

DISKIN: If it isn't going to show up on the annual bill they are just going to have to be paid along with their property tax.

MANNING: No, it will not be on the annual bill.

GILLILLAND: Anything further from the public? Anything from the board?

WINEMILLER: So Dan you said this specifically deals with the North Elba thing and as long as that goes okay at that time would we consider passing it county wide?

MANNING: Well actually, we are entering into an agreement with them to do projects however, the side agreement says this is only going to be related to the Town of North Elba project, the agreement will stay in effect. If we want you again, we'll sign another side agreement so we'll be able to continue it but only if we agree to continue it.

WINEMILLER: Okay, thank you.

GILLILLAND: Anything further from the board? If there is nothing else, we are adjourned.

As there was no further discussion to come before this Public Hearing it was adjourned at 11:20 a.m.

Respectfully submitted,

Judith Garrison, Clerk
Board of Supervisors