

TOWN OF PLATTSBURGH
TOWN BOARD SEMI MONTHLY MEETING
VORTEX USA INC.

RESOLUTION NO. 025-202

RESOLUTION APPROVING THE TERMS AND CONDITIONS OF
(A) A CERTAIN PAYMENT IN LIEU OF TAX AGREEMENT TO BE
ENTERED INTO BETWEEN COUNTY OF CLINTON INDUSTRIAL
DEVELOPMENT AGENCY (THE “AGENCY”) AND THE
COMPANY (AS DEFINED HEREIN) IN CONNECTION WITH THE
VORTEX USA INC. PROJECT BEING UNDERTAKEN BY THE
AGENCY, AND (B) A CERTAIN HOST COMMUNITY AGREEMENT
WHICH MAY BE ENTERED INTO BETWEEN THE COMPANY
AND PERU CENTRAL SCHOOL DISTRICT.

BE IN ENACTED by the Town Board of the Town of Plattsburgh, New York (the “Board”),
as follows:

WHEREAS, pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended (the “Enabling Act”) and Chapter 225 of the Laws of 1971 of the State of New York, as amended, codified as Section 895-f of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”), the County Legislature of Clinton County, New York (the “County Legislature”) has heretofore appointed the Chairperson and members of County of Clinton Industrial Development Agency (the “Agency”) and has duly caused to be filed in the office of the Secretary of State of the State of New York the certificates required by Section 856 of the Act; and

WHEREAS, the Agency is in the process of undertaking a project (the “Project”) for the benefit of Vortex USA Inc. (the “Company”), a Delaware corporation, which Project consists of the following: (A) (1) the acquisition of a leasehold interest in an approximately 6.35 acre parcel of land located at 31 Northern Avenue (Tax Map No.: 233.-5-25) in the Town of Plattsburgh, Clinton County, New York (the “Land”), together with an existing building located thereon (the “Existing Facility”), (2) the reconstruction and renovation of the Existing Facility; and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment, and other tangible personal property (collectively, the “Equipment”) (the Land, the Existing Facility, and the Equipment are hereinafter, collectively, referred to as the “Project Facility”), all of the foregoing to be owned and operated by the Company, or an affiliate thereof, as an industrial, manufacturing, and warehousing facility and other directly and indirectly related activities; (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 property transfer taxes, and mortgage recording taxes (collectively, the “Financial Assistance”); and/or (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, the Town of Plattsburgh (the “Town”), the Peru Central School District (the “School District”) and Clinton County (the “County”) (the Town, the School District and the County being sometimes collectively referred to as the “Affected Tax Jurisdictions”) constitute all of the “affected tax jurisdictions” (within the meaning ascribed to such term in Section 854(16) of the Act) with respect to the Project Facility; and

WHEREAS, to effectuate a real property tax exemption with respect to the Project Facility by reason of the involvement of the Agency with the Project, (A) the Company and the Agency will execute and deliver a payment in lieu of tax agreement (the “Payment in Lieu of Tax Agreement”) by and between the Company and the Agency pursuant to which the Company will agree to pay certain payments in lieu of taxes (each a “PILOT Payment”) with respect to the Project Facility to the County Treasurer of Clinton County (the “County Treasurer”) for distribution to all or a portion of the Affected Tax Jurisdictions, and (B) the Agency will file with the appropriate assessor or assessors having jurisdiction over the Project Facility (each, an “Assessor”) and mail to the chief executive officer of each of the Affected Tax Jurisdictions a copy of a New York State Board of Real Property Services Form RP-412-a (the form required to be filed by the Agency in order for the Agency to obtain a real property tax exemption with respect to the Project Facility under Section 412-a of the Real Property Tax Law) (a “Real Property Tax Exemption Form”) relating to the Project Facility and the Payment in Lieu of Tax Agreement; and

WHEREAS, the School District has indicated to the Agency: (a) that it does not wish to receive any of the PILOT Payments allocable to the School District under the Payment in Lieu of Tax Agreement; and (b) that it may consider entering into a certain host community agreement (the “Host Community Agreement”) by and between the School District and the Company (the “District Request”); and

WHEREAS, Section 858(15) of the Act provides that, unless otherwise agreed in writing by the Affected Tax Jurisdictions, all PILOT Payments payable under the Payment in Lieu of Tax Agreement must be allocated among the Affected Tax Jurisdictions in the same proportions to the amount of real property tax and other taxes which would have been received by each Affected Tax Jurisdiction had the Project Facility not been tax exempt due to the status of the Agency; and

WHEREAS, as a result of the District Request and for purposes of compliance with Section 858(15) of the Act, the Agency and the Affected Tax Jurisdictions desire that the Town approve the allocation of the PILOT Payments payable under the Payment in Lieu of Tax Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Plattsburgh, as follows:

Section 1. For the purpose of satisfying the requirements contained in Section 858(15) of the New York State General Municipal Law and the requirements, if any, contained in the Policy, the Town hereby approves the terms and conditions of the Payment in Lieu of Tax Agreement, including but not limited to, the terms of the distribution and allocation of payments under the Payment in Lieu of Tax Agreement thereunder, including no payments being made to the School District by the Company thereunder.

Section 2. This resolution shall take effect immediately.

The resolution was duly seconded by Board Member _____ and the resolution was duly adopted by a vote on roll call.

Motion:

Seconded by:

Discussion:

Roll Call:	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
-------------------	-------------------	------------------	----------------------	-----------------------	----------------------

Thomas E. Wood					
Charles A. Kostyk					
Dana M. Isabella					
Daniel A. Bosley					
Michael S. Cashman					

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

I, the undersigned (Deputy) Clerk of the Town Board of the Town of Plattsburgh, New York, DO HEREBY CERTIFY that the preceding Resolution was duly adopted by the Town Board of the Town of Plattsburgh, New York at a regular meeting of the said Town Board duly called and held on _____, 2025; that said Resolution was entered in the minutes of said meeting; and that I have compared the foregoing copy with the original thereof now on file in my office and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I FURTHER CERTIFY that (A) all members of said Town Board 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 public notice of the time and place of said meeting was duly given to the public and the news media as required by the Open Meetings Law; and (D) there was a quorum of the members of the Town Board 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 Town of Plattsburgh, New York this ____ day of _____, 2025.

BY:
(Deputy) Clerk of the Town Board of the Town of
Plattsburgh, New York

(SEAL)