

1 THE ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
2 STATE OF NEW YORK

-----x

3 In The Matter of

4 Re: WEST WARWICK ENERGY STORAGE 1 LLC

-----x

6 March 7, 2022
7 1:00 p.m.
8 Zoom Meeting

11
12 B E F O R E: WILLIAM FIORAVANTI
13 CEO OCNYIDA

22 FRANCES ROTH
23 Court Stenographer
24 168 North Drury Lane
25 Newburgh, New York 12550
Telephone (845) 566-1641

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A P P E A R A N C E S:

WILLIAM FIORAVANTI
CEO OCNIDA
4 Crotty Lane
New Windsor, New York 12553

ALSO PRESENT: Kelly Reilly
Project Manager

Dennis Brady
Audio/Visual Consultant

Daniel Spitzer, Esq.

Kristin Kurylak
Convergent Energy Systems

Michael Torelli, Chairman
IDA Board

Noel Spencer, IDA Board Member
Robert Kennedy, IDA Board Member

WEST WARWICK ENERGY STORAGE 1 LLC

1 MR. FIORAVANTI: Good afternoon everyone,
2 welcome to the public hearing for West Warwick 1,
3 West Warwick Energy Storage 1 LLC, my name is
4 Bill Fioravanti, CEO of the Orange County IDA,
5 welcome you to this public hearing. I'd like to
6 first of all ask you all to rise and recite the
7 Pledge of Allegiance before we begin.

8 (Whereupon, the Pledge of Allegiance was
9 recited.)

10 MR. FIORAVANTI: Thank you. Next I'd like
11 to just announce who the attendees are from the
12 IDA and from the applicant. Again, my name is
13 Bill Fioravanti, also a staff member of the IDA
14 is Kelly Reilly, our Project Manager, we have
15 board members with us today, our Chairman, Mike
16 Torelli, Noel Spencer and Mr. Robert Kennedy as
17 well, our AV Specialist, Dennis Brady, is with us
18 as well and our stenographer is Miss Frances
19 Roth. We are opening, we have three public
20 hearings in a row for three very similar
21 projects, the same applicant, so we're going to
22 run through each one on their own and then move
23 on to each successive hearing until all three are
24 done. I will let you know that we're going to
25 keep these public hearings open for a date that

WEST WARWICK ENERGY STORAGE 1 LLC

1 we will announce, we're looking for the end of
2 this week, but we need a little more time to
3 complete the cost benefit analysis. We're
4 waiting for confirmation of some assessment
5 values and such so we will keep this public
6 hearing open and we will reopen it, we'll adjourn
7 them today and reopen them when all the
8 information is provided and everyone has enough
9 time to review that and make any additional
10 comments if needed. So I'm going to next read
11 the public notice for this hearing. West Warwick
12 Energy Storage 1 LLC, a Delaware limited
13 liability company or an entity to be formed,
14 known as the Company, requested the Agency, this
15 is the Orange County IDA, undertake a project
16 known as the Project, consisting of the
17 following. The acquisition of a (sub)leasehold
18 interest in approximately 15.75 acres of a larger
19 approximately 31.5 acre vacant parcel located at
20 63 County Highway 1, Warwick, New York, the
21 construction of an approximate 10,000 square foot
22 four megawatt, 22.4 megawatt per hour battery
23 storage system, including an auxiliary
24 switchboard and a metal enclosed switchgear
25 located on the Land to service the local

WEST WARWICK ENERGY STORAGE 1 LLC

1 distribution grid and provide improvements to the
2 distribution systems' reliability and resiliency,
3 as well as providing emission free energy to the
4 residents of Orange County, collectively the
5 Facility and the acquisition and installation in
6 and on the Facility of furniture, fixtures and
7 equipment, known as the Equipment, and together
8 with the Land and the Facility, the Project
9 Facility, the granting of certain financial
10 assistance in the form of exemptions from state
11 and local sales and use tax and real property
12 tax, collectively the Financial Assistance, the
13 appointment of the Company or its designee as an
14 agent of the Agency in connection with the
15 acquisition, construction, equipping and
16 completion of the Project Facility, and the
17 acquisition of an interest in the Land and
18 Facility by the Agency pursuant to a sublease
19 agreement and the acquisition of an interest in
20 the Equipment pursuant to a bill of sale from the
21 Company to the Agency, and the sublease of the
22 Project Facility back to the Company pursuant to
23 a sublease agreement. The stored energy from the
24 Project Facility will be utilized by Orange and
25 Rockland Utilities. The Company will be the

WEST WARWICK ENERGY STORAGE 1 LLC

1 initial manager/owner of the Project. The Agency
2 will at the above-stated time hear all persons
3 with views with respect to the proposed financial
4 assistance to the Company, the proposed
5 owner/operator, the location of the Project
6 Facility and the nature of the project. A copy
7 of the application filed by the Company with the
8 Agency with respect to the Project, including an
9 analysis of the costs and benefits of the Project
10 are available for public inspection during the
11 business hours at the office of the Agency
12 located at 4 Crotty Lane, Suite 100, New Windsor,
13 New York 12553 or on its website at
14 <https://www.ocnyida.com>. And I'm remiss in not
15 introducing, we have two representatives from the
16 project, Mr. Dan Spitzer, who's counsel and
17 representing Convergent Energy Systems Kristin
18 Kurylak, so they are available, they are in
19 attendance as well today. The IDA did not
20 receive, we received one letter of comment from
21 the Town Supervisor from the Town of Warwick,
22 Mr. Sweeton, who has been apprised almost daily
23 about the status of the PILOT schedule and the
24 cost benefit analysis. So his letter really
25 speaks to that. It's dated March 2nd and

WEST WARWICK ENERGY STORAGE 1 LLC

1 addressed to myself. Dear Mr. Fioravanti. I am
2 writing in regards to the application for West
3 Warwick Energy Storage 1, 2, 3 LLC requesting
4 sales tax exemptions and a PILOT agreement. A
5 hearing is scheduled for March 7, 2022, yet their
6 application online with your office shows no data
7 regarding the amount of taxes lost to the Town if
8 this PILOT was granted. While we support
9 projects that increase the reliability of our
10 energy system, without complete information it is
11 hard to weigh the benefits versus those costs.
12 It is therefore hard for the Town to support this
13 without having done that analysis. So
14 Mr. Sweeton will give an updated comment when he
15 and the town board have had the opportunity to
16 review all the complete cost benefit analysis
17 information. So at this time I'm going to see if
18 anyone else, just to verify if anyone else is
19 looking to come into the meeting. I don't see
20 any here and we have received nothing else, I'm
21 going to now adjourn this public hearing and will
22 begin the West Warwick 2 hearing in a moment. So
23 at 1:08 p.m. we are adjourning the hearing
24
25

WEST WARWICK ENERGY STORAGE 1 LLC
for West Warwick 1.

(Proceedings concluded at 1:08 p.m.)

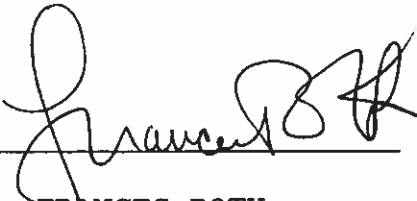
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C-E-R-T-I-F-I-C-A-T-I-O-N

I, FRANCES ROTH, a Stenographic Reporter and Notary Public
of the State of New York, do hereby certify:

That the foregoing is an accurate record of the testimony,
as given, to the best of my knowledge and belief, the same
having been stenographically recorded by me and transcribed
under my supervision.

That I am not related to any of the parties involved in
this matter, and that I have no personal interest
whatsoever in the outcome thereof.



FRANCES ROTH

ORIGINAL

1 THE ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
2 STATE OF NEW YORK

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3 In The Matter of

4 Re: WEST WARWICK ENERGY STORAGE 1 LLC

5 -----x

6 June 7, 2022
7 12:00 p.m.
8 Zoom Meeting

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10 CONTINUATION OF MARCH 7, 2022 HEARING

11
12 B E F O R E: WILLIAM FIORAVANTI
13 CEO OCNYIDA

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2 A P P E A R A N C E S:

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4 WILLIAM FIORAVANTI

CEO OCNYIDA

5 4 Crotty Lane

New Windsor, New York 12553

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7 ALSO PRESENT: Kelly Reilly
Project Manager

8

Dennis Brady
Audio/Visual Consultant

9

10 Daniel Spitzer, Esq.
Attorney for Project

11

Van Neils
Convergent Energy Systems

12

13 Vince Galligan
O & R Utilities

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Michael Torelli, Chairman
IDA Board

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WEST WARWICK ENERGY STORAGE 1 LLC

1 MR. FIORAVANTI: Good afternoon, welcome to
2 the resumption of the public hearings for West
3 Warwick 1, a renewal energy project battery
4 storage project by Convergent Energy and Power.
5 The time is 12:02, we are resuming this from a
6 prior public hearing that we held. All documents
7 related to this project and I'll say its sister
8 projects, West Warwick 1, West Warwick 2 and West
9 Warwick 3 can all be found on the IDA website,
10 our website address is WWW.OCNYIDA.COM, again
11 OCNYIDA.COM, there's a menu at the top, you go to
12 active projects, you'll see all of our projects
13 that are currently seeking some sort of
14 incentives, it's a number of them, at the bottom
15 it's alphabetical, you'll see West Warwick
16 projects, you can expand each of them, see the
17 application, see the public hearing notices, see
18 the cost benefit analysis, all of that, that's
19 always available on the website, make sure I
20 direct people to that. Let me just talk about
21 who's present on the call. My name is Bill
22 Fioravanti, I'm the CEO of the Orange County IDA.
23 I also have with me Kelly Reilly, our project
24 manager, Frances Roth is our stenographer, she's
25 joining us as well, Dennis Brady handling

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1 audio/visual for us so he's on the call. We have
2 our Chairman, Mr. Michael Torelli is joining us,
3 thank you for that, sir, and we have a few
4 distinguished guests. First of all from the
5 applicant representing the West Warwick projects
6 from Hodgson Russ is Dan Spitzer, welcome, Dan.
7 We also have Mr. Van Niels from Convergent
8 Energy, thank Dan you for being here. We are
9 also very appreciative that Mr. Vincent Galligan
10 is on from Orange & Rockland to answer any
11 questions as O & R actually released an RFP for
12 this project and this is a result of O & R's
13 effort there. See if I have everybody. And also
14 elected officials I have Town of Warwick
15 Supervisor Michael Sweeton, Village of Warwick
16 Mayor Michael Newhard and Orange County
17 Legislator, local legislator from the District
18 Barry Cheney, thank you gentlemen for being here
19 as well, I think I have everyone on. I'm going
20 to read the public notice just as a matter of
21 good form for the meeting even though we did
22 start this already but just for the sake of the
23 public. The subject of this public hearing is
24 the following. West Warwick Energy Storage 1
25 LLC, a Delaware limited liability company or an

WEST WARWICK ENERGY STORAGE 1 LLC

1 entity to be formed, collectively the Company,
2 requested the agency undertake a project, the
3 Project, consisting of (a) the acquisition of a
4 (sub) leasehold interest in approximately 15.75
5 acres of a larger approximately 31.5 acre vacant
6 parcel tax map number 42-1-35.1, located at 63
7 County Highway 1, Warwick, New York, the Land,
8 the construction of an approximate 10,000 square
9 foot four megawatt, 22.4 megawatt per hour
10 battery storage system, including an auxiliary
11 switchboard and a metal enclosed switchgear
12 located on the Land to serve the local
13 distribution grid and provide improvements to the
14 distribution systems' reliability and resiliency,
15 as well as providing emission free energy to the
16 residents of Orange County, known as the
17 Facility, and the acquisition and installation in
18 and on the Facility of furniture, fixtures and
19 equipment, known as the Equipment, and together
20 with the Land and the Facility, the Project
21 Facility, (b) the granting of certain financial
22 assistance in the form of exemptions from state
23 and local sales and use tax and real property
24 tax, collectively known as the Financial
25 Assistance, (c) the appointment of the company or

WEST WARWICK ENERGY STORAGE 1 LLC

1 its designee as an agent of the Agency in
2 connection with the acquisition, construction,
3 equipping and completion of the Project Facility,
4 and (d) the acquisition of an interest in the
5 Land and Facility by the Agency pursuant to a
6 sublease agreement and the acquisition of an
7 interest in the Equipment pursuant to a bill of
8 sale from the Company to the Agency, and the
9 sublease of the Project Facility back to the
10 Company pursuant to a sublease agreement. The
11 storage energy from the Project Facility will be
12 utilized by Orange & Rockland Utilities. The
13 Company will be the initial manager/owner of the
14 Project. The Agency today will hear all persons
15 with views with respect to the proposed financial
16 assistance to the Company, the proposed
17 owner/operator, the location of the Project
18 Facility and the nature of the project. Again, A
19 copy of the application filed by the Company with
20 the Agency with respect to the Project, including
21 an analysis of the costs and benefits of the
22 Project are available for public inspection
23 during the business hours at the office of the
24 Agency located at 4 Crotty Lane, Suite 100, New
25 Windsor, New York or on our website at

WEST WARWICK ENERGY STORAGE 1 LLC

1 WWW.OCNYIDA.COM. I'll also just note that this
2 is a bit of an unorthodox hearing or series of
3 hearings in that we have three separate projects
4 that are from the same applicant, they're almost
5 identical, just different parcels, different
6 locations, a couple with some slight different
7 specifics but for the most part it's the same,
8 the nature of the projects are the same, they're
9 battery storage intended to store energy by
10 Orange & Rockland for use explicitly for the
11 local Warwick community. I'm thinking that we'll
12 take comments and questions especially from our
13 elected officials on all three of the projects.
14 You can comment or ask questions now and if you
15 choose not to repeat those questions or ask
16 others in the subsequent hearings I think that's
17 fine, let's make it as easy as possible for
18 everyone. Before we get started, I just, again,
19 our applicant's here, both Mr. Spitzer and Van
20 Neils, we appreciate that. I think I'm going to
21 ask depending on how the questioning goes we may
22 have the applicant respond directly or we may
23 wait till the end and have them respond to a
24 number of questions, it doesn't look like a large
25 crowd. I'm not expecting this to be unruly in

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1 any way so I think we should be able to just kind
2 of do it straightforward. So with that said,
3 we're not going to have an introductory portion
4 from the applicant, everything is available, all
5 the documentation that they've presented to the
6 Orange County IDA board meeting a few months ago
7 when they first came before us. If anyone wants
8 a further description, please just ask as we can
9 do that but I was going to forego that in the
10 interest of time and get right to the questions.
11 So let me open that up and would anyone like to
12 start either with a comment or question? And
13 again, not just for Convergent also but for the
14 folks at O & R, if so applicable?

15 SUPERVISOR SWEETON: I have a series, do you
16 want them one at a time?

17 MR. FIORAVANTI: Why don't we do one and
18 again based on the size of attendance here why
19 don't we do one and we'll allow the applicant to
20 respond one at a time.

21 SUPERVISOR SWEETON: I'm speaking directly
22 to storage one and two, I assume they're both on
23 the same parcel site?

24 MR. FIORAVANTI: Correct.

25 SUPERVISOR SWEETON: And first of all we

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1 have no objection to renewable energy, we
2 understand that's the, that's what the state is
3 mandating, we have no objection to, the town
4 board had no objection to the school being the
5 site, clearly did that analysis through the
6 balancing test. But questions I have are several
7 and I guess I could start with O & R. One
8 question I have is how much did this 4 megawatts,
9 what percentage of that is of the service load to
10 the Town of Warwick? And I'd like them to end
11 the comment on the fact that when they purchased
12 the property across from this site for the
13 substation that they shelved that project must be
14 going on eight years now and I'd like a comment
15 as to why that wasn't pursued.

16 MR. FIORAVANTI: Mr. Galligan?

17 MR. GALLIGAN: Yes. So with regards to West
18 Warwick 1 and 2, they're each 4 megawatt battery
19 systems, they are being interconnected with three
20 of the circuits out of our Wisner substation that
21 feed the town and the village in the areas of
22 Warwick. I don't have the customers immediately
23 interconnected with each of the circuits
24 immediately available but I can get those to you.
25 With regards to the property across the street

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1 that Orange & Rockland purchased the West Warwick
2 non-wire alternative project that we have
3 contracted with Convergent to move forward is a
4 deferral project, so it's an non-wire alternative
5 project that allows us to defer our substation
6 that is to be constructed on that property across
7 the street. We did look at pursuing, putting the
8 battery system on that property, it wasn't the
9 favorable location when we discussed it with our
10 regulator, New York State Department of Public
11 Service at the time was not favorable to utility
12 owned infrastructure such as battery systems and
13 so we pursued third party ownership and that's
14 the project that's in front of the board now.
15 It's only a five year deferral so in five years
16 we will be pursuing a substation at that
17 property.

18 SUPERVISOR SWEETON: Okay, it sort of
19 answers it. But the property was purchased has
20 to be eight years ago now, I'm just curious as to
21 why O & R knowing that Wisner was under stress
22 waited until this opportunity? And may be a side
23 question but I'd like the answer to that.

24 MR. GALLIGAN: So this has been in the works
25 for a few years to install a battery system here,

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1 non-wire alternative projects are relatively
2 newer, the substation is able to be deferred
3 because of the battery system so it does take
4 three years for us to stand up these projects to
5 move forward to get them built. Contracting
6 takes quite a while so that's the timeframe we're
7 in right now.

8 SUPERVISOR SWEETON: Okay, question I guess
9 would be for the company. I've reviewed the
10 spreadsheets on these PILOT agreements and I
11 understand that a decision was made to use a
12 fixed megawatt price as the basis for the PILOT
13 but I'm curious as to why we're not seeing an
14 alternative to that which is the traditional way
15 you would do a PILOT, whether it's based on a
16 485-b or a phasing in over the 15 years from
17 zero?

18 MR. SPITZER: With your permission Mr.
19 Chairman?

20 MR. FIORAVANTI: Please.

21 MR. SPITZER: The reason that's set up on a
22 per megawatt is that's how every single power
23 project in the State of New York is done is on a
24 per megawatt basis. We have numerous solar
25 projects, for example, on the 487 exemption

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1 within the County of Orange at least a dozen that
2 I've worked on every one of them is on a megawatt
3 basis. I've worked on the Wawayanda PILOT, I
4 wrote that for the Town of Wawayanda, that's on a
5 per megawatt basis. I'm not aware of any power
6 generation projects anywhere in the state that
7 are not done on a per megawatt basis. So I would
8 respectfully suggest that the reason for that is
9 plants like this deteriorate in value, it's an
10 income stream, plants deteriorate whereas the
11 PILOT with the two percent increase guarantees an
12 income stream for the life of the PILOT to the
13 municipalities, that's not tied to the condition
14 of the plant, it's not tied to whether or not the
15 plant is able to sell its energy, it's tied to
16 the capacity of the plant and it's locked in
17 place on day one. If the company only uses a
18 fifth of the power you still get the same PILOT,
19 it's not tied in that at all. So if you tie it
20 to assessed valuation the normal method, you have
21 a situation where the courts in New York have not
22 said how battery storage should be done, we
23 expect it should be done on a discounted cash
24 flow basis. We did these valuations on a cost
25 basis which is, we're comfortable with that

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1 locking that in but cost basis decreases every
2 year because the plants are depreciating. So the
3 normal way that, traditional way that energy
4 facilities have always been done in New York is
5 on this basis which actually also avoids for the
6 life of the PILOT the cost of litigation. You
7 don't have any disputes with the assessor over
8 the valuation, you can get the regular tax
9 assessment, gives you the right to still
10 challenge the valuation. So if you have a
11 situation where simply a decline in the
12 equalization rate in a community that's a tax
13 break to the owner that people who use the per
14 megawatt basis don't get. So there's all sorts
15 of reasons why it's always been this way. I'm
16 not aware of any facilities in New York, that
17 doesn't mean that I'm aware of every single
18 facility of course but I'm not aware of any
19 energy generating facilities in New York or
20 renewable facilities that don't go on this basis
21 sir.

22 SUPERVISOR SWEETON: But you can understand
23 that a difference of assessed value it's going to
24 cost taxpayers approximately 1.5 million if I
25 read the number right that would at least ask us

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1 to look at what it would be on a normal basis, it
2 will be somewhere beyond \$6,000 a year in a PILOT
3 payment I'm assuming.

4 MR. SPITZER: I would assume that that's
5 correct over time, I think they start off with
6 100 percent so it would actually be lower than
7 that to begin with and then it goes up on their
8 standard PILOT. However, at the end of the day
9 the question is what can this project afford,
10 whether you do it on an abatement basis, on the
11 abatement basis this project doesn't get built
12 and therefore the community and the school get no
13 revenue. This is not the, Bill and his team
14 spent a lot of time going through variations of
15 exactly the kind you're talking about and the
16 numbers would not get the project built based on
17 the standard abatement, that's why we're asking
18 for this methodology as well. It simply is not
19 gee, you're leaving money on the table, you're
20 getting money if this project gets built, you get
21 no money if the incentives aren't granted,
22 whatever way you come to, sir, of calling it
23 there's a certain amount of revenues we can
24 afford to share with the community, if not the
25 project doesn't get built.

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1 SUPERVISOR SWEETON: The question I guess
2 would be to the IDA as to why they wouldn't
3 present that to us but I'll leave that to them.
4 The second question I have for you would be what
5 state benefits if any are coming to the project?

6 MR. SPITZER: Unlike other projects, and
7 Van, correct me if I'm wrong here, but this
8 project gets zero state benefits, unlike other
9 energy storage projects in the county which we
10 understand have applied and received NYSERDA
11 benefits this project has zero benefits from the
12 state.

13 SUPERVISOR SWEETON: So no NYSERDA subsidy
14 at all?

15 MR. SPITZER: That is correct, sir.

16 SUPERVISOR SWEETON: Okay, then I guess the
17 other question that maybe O & R wants to answer
18 this is there's been some allusion to the fact
19 that this will benefit rate payers in the service
20 area. But my understanding is they're going to
21 store energy and release it when they need it,
22 right, so how do they square both of those
23 statements? Do you understand the question? So
24 the question would be one of the comments that
25 came to us from the IDA was that this would be a

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1 benefit to the rate payers of the Town of
2 Warwick. I'm assuming outside of Wisner failing
3 and us not having any energy, how does O & R
4 foresee this as being a rate benefit to the
5 taxpayers of the town?

6 MR. GALLIGAN: Well, in this case we're
7 deferring the traditional infrastructure project
8 by doing this non-wire alternative system. By
9 deferring it we're able to build a storage system
10 that will store the energy and expend it at times
11 when we need it for contingency purposes,
12 reliability and to reduce peak loading on the
13 banks at the Wisner substation.

14 SUPERVISOR SWEETON: Okay, and then just a
15 final statement. So there are no long term jobs
16 created by this project. So that's the negative.
17 If you look at the cost benefit analysis the IDA
18 provided the costs outweigh the benefits over the
19 life of the project. So the benefits we're
20 talking about accepting would be that the school
21 at least gets revenue as opposed to the village
22 project which I think goes to a private entity so
23 that is a benefit to the, certainly to the
24 taxpayers of Warwick. And that somehow we get,
25 we have faith that O & R that this improves O &

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1 R's reliability of service to the residents, is
2 that what I'm hearing?

3 MR. GALLIGAN: Correct. And I took a look
4 too so circuit three is pretty much at
5 100 percent and that's the second battery system
6 that's being installed, the bus garage is 100
7 percent, the town limits on terms of the
8 customers that are fed from it, circuit one is a
9 mix and circuit five is also a mix, we'll call it
10 50-50, 50 in the village, 50 in the town.

11 SUPERVISOR SWEETON: Okay so and you'll get
12 this information I guess? My ultimate question
13 is the 4 megawatts or the 8 if it's two 4
14 megawatts, what percentage of power usage in the
15 town does that comprise? Is that clear?

16 MR. GALLIGAN: So there's a circuit there,
17 the 4 megawatts reduces the loading on that
18 circuit for each one of those depending on the
19 infrastructure there we're able to serve those
20 customers. So the 4 megawatts will reduce the
21 loading on those circuits, those circuits are
22 interconnected with the bank at the substation so
23 it increases the reliability of the station by
24 reducing the overall load. If that answers your
25 question?

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1 MR. FIORAVANTI: And Vinny, so let me ask
2 you a followup question. So what would be the
3 alternative to this then in order to be able to
4 handle that load, further buildout of your
5 traditional power grid? And if so, how does that
6 impact the customer?

7 MR. GALLIGAN: Yeah, so the traditional
8 solution here is to build the brand new
9 substation and that will have to happen in five
10 to seven years from now. And this solution that
11 we're using at the moment is a non-wire
12 alternative solution, this allows us to defer
13 having to build that infrastructure by adding the
14 storage system on our, on the grid. So the
15 traditional solution is to rebuild the
16 substation, is to improve the capacity that we
17 have at the substation so that it can serve the
18 customers that are fed from it. And add
19 additional circuits, right now there's only five
20 circuits coming out of Wisner so we need to add
21 additional circuits to feed customers there,
22 diversify the load, sort of think about it as
23 your circuit panel in your home, if you have too
24 many circuits in your home you need to add
25 another sub panel off your main panel so that you

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1 can diversify your loading and you're not
2 increasing the capacity on any one of the
3 circuits and burning them out. So to do that we
4 need to increase the number of circuits that we
5 have fed out at the substation, Wisner doesn't
6 have the space for us to be able to do that
7 currently. And so we'll need to rebuild the
8 substation at a larger footprint so that we can
9 have additional circuits to feed the area and add
10 additional capacity because the two banks that we
11 have right now, one picks up the other in the
12 event of a failure and so we need to increase the
13 size of those because right now there's two 25
14 MVA transformers there and we need to increase
15 those capacities. So the traditional solution is
16 to build a brand new substation and that will be
17 something we're going to have to pursue in a
18 number of years but we're able to defer it with
19 this project right now.

20 MR. FIORAVANTI: Vinny, just to further
21 clarify if O & R did have to build the other
22 substation, would that only cut into O & R's
23 profits or would that impact the consumer as
24 well, would those costs be passed on to the
25 consumer?

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1 MR. GALLIGAN: It's a capital infrastructure
2 cost to improve the system so it is a rate based
3 item.

4 MR. FIORAVANTI: It would impact rates to
5 the customer?

6 MR. GALLIGAN: Yes.

7 MR. FIORAVANTI: And supervisor Sweeton, I
8 just wanted to clarify on the cost benefit
9 analysis I did resend it because the formatting
10 was not right, it was missing some key pieces for
11 West Warwick 1, that cost benefit analysis, if
12 you go to the end, really this as the end of the
13 new version that I sent it was cut out before but
14 the cost for, the total costs for these
15 incentives is \$2,040,444 but the benefit is \$4.8
16 million, \$4,891,131 so total, it's cost, I'm
17 sorry, benefit to cost ratio of two to one but
18 for the state it's actually just one-to-one
19 benefits of \$169,000 versus costs of 327,000 but
20 locally the benefits are \$4,721,000 and the cost
21 is \$1.7 million, a ratio, a benefit to cost ratio
22 of three to one. I'm sorry if the original
23 version didn't illustrate that but it should and
24 I'm happy to discuss this now or off line later
25 if you'd like to dive into that a little more.

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1 SUPERVISOR SWEETON: Okay, certainly will do
2 that. Last question for O & R, isn't there
3 underway a design to upgrade the Wisner station
4 in relation to the project out at GTI?

5 MR. GALLIGAN: You said GTI? I'm not
6 familiar with that.

7 MR. FIORAVANTI: The cannabis manufacturer
8 at the Warwick Tech Park.

9 MR. GALLIGAN: I don't have information on
10 that. I can check with our planning and
11 engineering group to find out what work is
12 anticipated for Wisner. There's minor updates
13 being done at Wisner currently to accept the
14 infrastructure of this battery system and that
15 will allow us to monitor the energy available.
16 But we do, I know I have an application for that
17 location but I'm not certain what's needed there.

18 SUPERVISOR SWEETON: Okay, thank you. I'll
19 follow up, Bill, on this cost to benefit cause
20 the benefits come from the construction, correct?

21 MR. FIORAVANTI: Correct, in this analysis,
22 yes.

23 SUPERVISOR SWEETON: Correct, okay, alright,
24 thanks.

25 MR. FIORAVANTI: Any other questions,

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1 Mr. Supervisor?

2 SUPERVISOR SWEETON: Not for me at the
3 moment, thank you.

4 MR. FIORAVANTI: Okay, any other questions?

5 MR. CHENEY: Yeah, I'd be happy to go next.
6 Not necessarily looking for immediate answers
7 here today and in addition to me being a county
8 legislator I'm also a trustee in the Village of
9 Warwick and the Deputy Mayor. And with that
10 said, these are my personal comments, I'm not
11 speaking on behalf of any other elected Village
12 of Warwick official. The Supervisor said that O
13 & R purchased property for a substation about
14 eight years ago, you got the eight right but it
15 was 2008 so it's been 14 years since they
16 purchased property to address these power
17 availability issues that existed at the time and
18 I expect also to cover the future. Fourteen
19 years to me seems to be sufficient time to have
20 put things into place to have resolved it and I'm
21 more focused on West Warwick street project and
22 just some things I'd like the IDA board to
23 consider and maybe receive answers to is why did
24 the project go through the expense of seeking and
25 obtaining village planning board approval for a

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1 project that they knew wasn't financially viable?
2 And if this financial incentive was necessary why
3 wasn't it included in the environmental form that
4 was filed with the village planning board as part
5 of the approval process? The form requires that
6 all governmental approvals be listed, I believe
7 that if this incentive was necessity it should
8 have been disclosed at that point in time. And
9 also if this is hanging in the balance why did
10 the applicant apply for a building permit from
11 the Village of Warwick which was issued May 26th
12 of 2022? I'm curious as to whether, and I think
13 the IDA board should be also whether Convergent's
14 proposal to O & R stated that these sales and
15 property tax PILOT agreement incentives were
16 needed to make the project financially viable?
17 And so, you know, is there a contract that exists
18 between the two parties that obligates the
19 project to be completed regardless of receiving
20 any tax breaks? And to some degree what is O &
21 R's financial responsibility to make this all
22 work? The timing of the continuation of the
23 public hearing has made it virtually impossible
24 for the village to have the documents reviewed by
25 our professionals. And that's pretty much what I

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1 have to say relative to the application.

2 MR. FIORAVANTI: Thank you, Legislator
3 Cheney. Mr. Spitzer, I can respond to the first
4 question but I think you could as well, do you
5 want to tackle at least the first couple of
6 those?

7 MR. SPITZER: The first question just so I
8 make sure I have the right order was?

9 MR. FIORAVANTI: Why did you seek approvals
10 for a project that you didn't know was
11 financially viable?

12 MR. SPITZER: I'm not aware of any IDA
13 project in this state that doesn't achieve the
14 zoning approvals whether the financial viability
15 is not an environmental or zoning question under
16 state law. In fact I'm not aware of any IDA that
17 doesn't want the municipality to take the lead on
18 whether or not the project is acceptable and to
19 be lead agency on the SEQRA. So as someone who's
20 represented an IDA for 25 years and my firm
21 represents many of them as well it's very
22 typical, I've never heard of an IDA project that
23 doesn't talk with the town and go to the town or
24 village first.

25 MR. FIORAVANTI: And require local approvals

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1 before they come to us.

2 MR. SPITZER: Absolutely, I don't know of
3 any IDA in the state that doesn't, and
4 particularly on the SEQRA, we have some IDAs that
5 we work for where municipality will say gee we
6 want you to be the lead agency, that's pretty
7 rare, the municipality is the lead agency for
8 SEQRA purposes.

9 MR. FIORAVANTI: Is it not appropriate to
10 include the need for financial assistance in the
11 EAF as the Legislator suggested?

12 MR. SPITZER: I'm gonna have to go back and
13 get an answer, I wasn't involved with the project
14 at this time. The EAF should have listed the
15 IDA, if the intent was to go to the IDA at that
16 time, I would suggest that the folks may not have
17 realized that they needed to list that. And Van,
18 if you have anything more to add, I don't know if
19 the folks who actually filled that out there but
20 he is correct, if you're going to an IDA it's
21 generally listed on an EAF even though it's not
22 an environmentally related approval.

23 MR. NEILS: We'd have to go back and confirm
24 that.

25 MR. FIORAVANTI: And then any other

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1 questions at the end there Barry you wanted to
2 have answered?

3 MR. SPITZER: I think O & R would be the
4 better one to answer some of the questions
5 related to how it fits into their system so I
6 don't want to speak for them, obviously, but we
7 do want to make sure that is not, and there's a
8 stenographer so we'll have all of the gentleman's
9 questions, I don't know whether to call you
10 Mr. Legislator or Mr. Deputy Mayor.

11 MR. FIORAVANTI: Trustee.

12 MR. CHENEY: Call me Barry.

13 MR. SPITZER: Barry, we will certainly get
14 answers to all your questions but I don't know
15 whether Vince has any of the answers specifically
16 for some of the other ones.

17 MR. GALLIGAN: Contractually we do have a
18 contract with Convergent to build the battery
19 system, it was not contingent on incentives. Our
20 contract provides for the battery system to be
21 built and the system as we have defined it in the
22 RFP and they've supplied.

23 MR. FIORAVANTI: Barry, was there anything
24 else to be answered? I'm sorry, I didn't get all
25 of them down I don't think.

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1 MR. CHENEY: I think that pretty much
2 covered the more salient questions that I had.
3 Thank you.

4 MR. FIORAVANTI: Thanks very much. Mayor
5 Newhard, can I come to you? Any additional
6 questions beyond what was posed?

7 MAYOR NEWHARD: No, not really because Barry
8 and I reviewed his questions and they're really,
9 the important question was about disclosure from
10 the beginning and, you know, giving the board
11 even and the village board the heads up as to,
12 you know, the funding of this project.

13 MR. FIORAVANTI: This makes me think there
14 may need to be another check point of ours that
15 we check with the applicant that they've done so.

16 SUPERVISOR SWEETON: Can I ask one other
17 question, Bill?

18 MR. FIORAVANTI: Yeah, sure.

19 SUPERVISOR SWEETON: Are there any projects
20 that Convergent has done in New York State that
21 did not receive benefits from an IDA for battery
22 storage?

23 MR. SPITZER: Van, I will defer to you. All
24 the projects that I'm working on for you have
25 received benefits either through 487 for solar

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1 and storage or for, there's applications that
2 have been approved through the New York City IDA,
3 I'm not working on any projects with you that
4 have not received similar incentives in the state
5 and I defer to you if there are.

6 MR. NEILS: That's correct.

7 MR. CHENEY: Can I ask one more thing?

8 MR. FIORAVANTI: Please, absolutely.

9 MR. CHENEY: Mr. Spitzer, I believe you
10 stated that this, you represented these
11 particular battery storage facilities to be
12 energy generating facilities. And I guess, I
13 mean, is that based on law? Because common sense
14 says somebody else has generated the energy
15 that's being received by these battery storage
16 facilities and they're reintroducing it into the
17 system when the system requires it. So I was
18 just curious whether it was law and regulations
19 that basically has defined these as being
20 generating facilities?

21 MR. SPITZER: And thank you for correcting
22 my language, these are not generating facilities,
23 they buy electrons and then they sell them back
24 into the grid and they are however treated across
25 the state. And I provided the executive director

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1 with the examples, there's not a lot of energy
2 storage that's been built in the state, they have
3 been treated traditionally the same way for
4 abatement purposes as generating facilities have
5 and you're correct, I was imprecise with my
6 language, to my knowledge, there's no law
7 establishing how an IDA is to go about assessing
8 a project or granting a PILOT, it's based on your
9 UTAP (sic.), it's based on the deviations, it's
10 obviously a payment in lieu of taxes, it's
11 assumed that there's some aspect of a break in
12 return for being able to build. But I'm not
13 aware of any law that has the, and I defer
14 obviously to the executive director and his
15 counsel, I'm not aware of any law that dictates
16 that, that's traditionally in my 30 years or so
17 of working on this the way that these facilities
18 receive PILOTS.

19 MR. CHENEY: Thank you.

20 SUPERVISOR SWEETON: So O & R generates this
21 electricity or it's buying it, it's not
22 generating, it's buying it and it's storing its
23 electricity that it bought in these batteries and
24 then Convergent is selling it back to O & R, is
25 that the way I understand this?

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1 MR. SPITZER: Van or Vince, do you want to
2 explain how the contract works and obviously how
3 the PSE approved the non-wire alternative in this
4 case?

5 MR. NEILS: Yes. So convergent is actually
6 the one purchasing the electricity and then
7 selling it back to O & R, obviously for these
8 strategic dispatches in accordance with the
9 contract.

10 SUPERVISOR SWEETON: And O & R is obligated
11 to buy it based on some contractual agreement?

12 MR. GALLIGAN: Correct. So there's a number
13 of dispatches we have contractually with
14 Convergent to dispatch that battery system at our
15 discretion throughout the year so that we can
16 serve the areas of those circuits that are fed
17 and for that reason and then other times of the
18 year that contract exists to offload the system
19 there to reduce the loading.

20 SUPERVISOR SWEETON: So it goes back to my
21 original question which was the, it's been
22 pitched that one of the benefits being pitched to
23 us is that somehow this will benefit the rate
24 payers other than stability, price is not really
25 a guarantee of anything, right, because you're

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1 purchasing, if you need it from them you're
2 purchasing it at whatever price they secured it
3 from, right? Could be 10 percent higher than
4 you've gotten from other sources. Is that a fair
5 statement?

6 MR. GALLIGAN: Well, Convergent is the one
7 who is going to have the supply contract, they're
8 the ones that are purchasing the energy from a
9 supplier. So O & R's a passer. So if our energy
10 is at six cents a kilowatt hours it's a passer at
11 six cents a kilowatt hour, they're the ones
12 purchasing the energy and expending it during
13 times of peak loading during the summertime.

14 SUPERVISOR SWEETON: Correct. But this is
15 some fraction of your load. So you might have a
16 contract to supply energy for the month to
17 Warwick residents at six cents, Convergent might
18 be at a price of eight cents because that's what
19 they bought it at so you're blending that in, is
20 that not correct? Am I just not understanding
21 that?

22 MR. SPITZER: Is the Supervisor asking who's
23 taking the price risk here?

24 SUPERVISOR SWEETON: Yes, yeah, in a sense,
25 yes.

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1 MR. SPITZER: Van and Vince, I don't know
2 whether you can answer that? My understanding is
3 there's a contractual price and the price risk is
4 allocated to Convergent. But please correct me,
5 I'm not working with the contract so I'll defer
6 to you two if you're able to answer that?

7 MR. GALLIGAN: So we have a contract to,
8 with Convergent for the energy that's being
9 purchased and they purchase the energy to supply
10 the system with the power it needs to fill the
11 batteries and then expend it. Our contract with
12 them is for the energy, that's our portion of the
13 contract, I can't divulge much more than that
14 with regards to the contract. Van, I don't know
15 if there's anything you want to add to that?

16 MR. NEILS: I would just say that the
17 pricing is fixed in that O & R's not actually
18 wearing the energy risk, actually has the
19 opportunity to share in the upside from outside
20 revenues but Convergent is wearing the energy
21 risk.

22 MR. SPITZER: Also to be clear just in terms
23 of something the Supervisor mentioned the cost
24 savings that were mentioned as part of this
25 project were not in terms of the energy costs

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1 even though it's fixed and we're taking the risk.
2 The cost savings are that O & R is deferring the
3 capital costs of upgrading its system because
4 it's relying on us, the private capital if you
5 will, to take on that measure. And that part I
6 don't think is in the CBA but that's obviously a
7 savings, that's why the Public Service Commission
8 has gone to these non-wire alternatives instead
9 of just saying let's just build, let's just
10 build, let's just build, they work with the
11 utilities to come up with these non-wire
12 alternatives where a capital cost can be deferred
13 and rate payers are the direct beneficiaries of
14 that deferral.

15 SUPERVISOR SWEETON: Okay, thanks.

16 MR. FIORAVANTI: Any other questions at all
17 from anyone? Alright, well, hearing none, we're
18 going to close this public hearing. I will
19 immediately open up the second Warwick, West
20 Warwick 2. If you have other questions to ask
21 specific to those obviously stay with us, you
22 don't have to obviously, if you want to stay on
23 just to hear if anyone joins or asks please do
24 but I'm just going to keep going through here.
25 Sounds like we have the bulk of our questions. I

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1 just want to remind you the IDA Board of
2 Directors meeting when this is scheduled to be
3 considered by the IDA board is next Wednesday,
4 the 15th, June 15th and as always, our board
5 meetings are at the Orange County Government
6 Center in Goshen in the community room on the
7 first floor so you could attend. They're also
8 always live-streamed, just by going to our home
9 page you can check those out. But my point is we
10 have more than a week before the board meeting,
11 if you have additional questions, if you want to
12 look at some things together, any followup that I
13 need to do we have time to do that and if you
14 have any other comments you want to make to the
15 board there's still time to do that as well if
16 need be, if you don't feel you had sufficient
17 time here. But again, hearing no other comments
18 or questions I'm going to close this public
19 hearing at 12:42 for West Warwick 1. Thanks for
20 joining us. We'll probably wait ten seconds and
21 then launch the next hearing.

22 (Proceedings concluded at 12:42 p.m.)

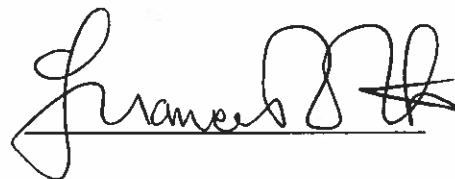
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C-E-R-T-I-F-I-C-A-T-I-O-N

I, FRANCES ROTH, a Stenographic Reporter and Notary Public
of the State of New York, do hereby certify:

That the foregoing is an accurate record of the testimony,
as given, to the best of my knowledge and belief, the same
having been stenographically recorded by me and transcribed
under my supervision.

That I am not related to any of the parties involved in
this matter, and that I have no personal interest
whatsoever in the outcome thereof.

A handwritten signature in cursive script, appearing to read "Frances Roth", written over a horizontal line.

FRANCES ROTH

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