

1 NEW YORK STATE URBAN DEVELOPMENT CORPORATION
2 EMPIRE STATE DEVELOPMENT

3 -----
4 IN THE MATTER OF THE APPLICATION OF
5 CANOPY GROWTH USA LLC
6 FOR FINANCIAL ASSISTANCE FROM THE
7 BROOME COUNTY DEVELOPMENT AGENCY
8 -----

PUBLIC
HEARING

9 Held on: December 16, 2019

10 Held at: Town of Kirkwood Town Hall

11 70 Crescent Street, Kirkwood, New York

12 HEARING OFFICER: JOSEPH B. MEAGHER, ESQ.
13 THOMAS COLLISON & MEAGHER
1201 Monroe Street, Endicott NY

14 APPEARANCES:

15 THOMAS GRAY, Senior Deputy Director of Operations
16 5 South College Drive, Suite 201, Binghamton, NY

17 ALSO PRESENT:

18 Jason Andrews - Windsor Central School District
19 Gabe Altieri - WSKG Radio
20 Adam Green - LeChase Construction
21 Mike Carr - Canopy Growth
22 Mark Dorunda - Canopy Growth
23 Gordi Kniffen - Kirkwood
24 Bill Diffendorf, Jr. - Kirkwood
Natalie Abbadessa - The Agency
Brendan O'Bryan - The Agency
Amy Williamson - The Agency

24 REPORTED BY: DELORES HAUBER
Shorthand Reporter, Notary Public

1 HEARING OFFICER: Good afternoon. My
2 name is Joseph Meagher and I am counsel to
3 the Broome County Industrial Development
4 Agency. The agency is conducting a hearing
5 today pursuant to General Municipal Law
6 859A to seek public comment on an
7 application for financial assistance
8 submitted by Canopy Growth USA, LLC and/or
9 a related entity to be named later in
10 connection with a proposed facility
11 consistent with current good manufacturing
12 practices and an adjacent parking lot
13 located at 47-51 Pine Camp Drive, Town of
14 Kirkwood, County of Broome, State of
15 New York.

16 The acceptance of the filing by the
17 agency does not infer any position on the
18 approval or disapproval of the financial
19 assistance requested. No position will be
20 taken by the agency until the public
21 hearing is concluded.

22 A copy of the application, along with
23 the cost-benefit analysis prepared by the
24 agency is available for your review at the

1 offices at the agency during regular
2 business hours.

3 Notice of this hearing was published
4 in the Press & Sun Bulletin on December
5 5th, 2019. I request that each person
6 wishing to speak state his or her name.
7 And if you're speaking on behalf of an
8 entity or organization, please identify
9 that entity or organization. The hearing
10 will remain open until all public comment
11 is concluded.

12 First, I'm going to request that Tom
13 Gray, senior deputy director of operations
14 of the agency, explain the tax benefits
15 requested by Canopy Growth USA, LLC or
16 related entity to be named later. Tom.

17 MR. GRAY: Thanks, Joe. Good
18 afternoon. My name is Tom Gray and I am
19 the senior deputy director of operations
20 for the agency. We are conducting a
21 hearing to seek public comment on an
22 application made to the agency by Canopy
23 Growth USA, LLC and/or related entity to be
24 later formed for financial benefits from

1 the agency for a project to be located at
2 47-51 Pine Camp Drive in the Town of
3 Kirkwood, Broome County, New York. The
4 project will involve the acquisition,
5 redevelopment, construction, renovation,
6 expansion and equipping of a building
7 situated on 44.90 plus or minus acres of
8 land located at 47 Pine Camp Drive, Town of
9 Kirkwood, Broome County. And a 3.20 plus
10 or minus acre parcel of land located at 51
11 Pine Camp Drive in the Town of Kirkwood,
12 Broome County, New York to be used as a
13 manufacturing facility consistent with
14 current good manufacturing practices with
15 an adjacent parking lot.

16 The company has requested financial
17 assistance from the agency in the form of
18 an abatement of sales and use taxes and an
19 abatement of real property taxes. Copies
20 of the application are available at the
21 office of the agency for your review. We
22 are located at 5 South College Drive, Suite
23 201, Binghamton, New York. All comments
24 made at this public hearing will be

1 transcribed by our reporter and presented
2 to the agency's board of directors for
3 their review prior to any decision on the
4 application.

5 HEARING OFFICER: Thank you, Tom.
6 I'm going to request that the following
7 documents be made part of the record of
8 this proceeding. Notice of public hearing,
9 affidavit of publication, letter to the
10 taxing authorities informing them of the
11 public hearing and providing them with a
12 copy of notice of public hearing, affidavit
13 of mailing and affidavit of posting. Thank
14 you. Now does anyone wish to speak either
15 for or against this project?

16 MR. KNIFFEN: Yeah. Gordi Kniffen,
17 Town of Kirkwood supervisor. I'm concerned
18 about a couple of things. While we welcome
19 the PILOT, okay, they don't have to pay
20 taxes. That's a payment in lieu of taxes,
21 but we would like to see it tied to jobs.
22 And I think more importantly this situation
23 is this, Canopy Growth when they first came
24 to us they were talking 400 jobs. Now

1 we're talking 100 to 200. Now we're
2 talking 75. And the financial status of
3 your company concerns us. And when we try
4 to communicate -- we like you people.
5 We're business friendly. We want business
6 to come here to Kirkwood, but I don't even
7 get answers. And I'm the supervisor. I'm
8 supposed to have some power, some weight of
9 things, right. So we're really concerned
10 about that. And again we welcome all
11 business in here, you know. And I just,
12 I'm just concerned about this. And that's,
13 normally we don't tie jobs to it, but every
14 PILOT I think should have jobs tied to it.
15 With the situation of Canopy Growth and
16 their company, it's all the more important.
17 Can that be done?

18 HEARING OFFICER: Well, in fact it is
19 done, Gordi. We require that the companies
20 who receive assistance through the IDA
21 provide job information at the conclusion
22 of each year and if job projections aren't
23 met, there are several actions that we can
24 take relative to the continuation of the

1 PILOT.

2 MR. KNIFFEN: How is this outlined?
3 I mean, when you say certain number.

4 HEARING OFFICER: Well, the agency
5 has a process by which the company that
6 receives the benefits has to provide us
7 with job information each year.

8 MR. KNIFFEN: Like what's the job
9 information consist of?

10 HEARING OFFICER: How many jobs, how
11 many full-time employees and how many --

12 MR. KNIFFEN: You have a certain
13 number that they have to meet?

14 HEARING OFFICER: Well, when they
15 apply, they indicate the certain number
16 that they are going to provide and we check
17 off their progress every year as against
18 the number that they gave us going in. If
19 they don't meet those numbers, there are
20 certain actions that the agency can take
21 relative to the continuation of the PILOT
22 if the job numbers are not met. So we do
23 monitor those.

24 MR. KNIFFEN: Okay. I guess I'm

1 looking for more specifics, but okay.

2 We've been heard. Thank you.

3 HEARING OFFICER: Does anyone else
4 wish to be heard?

5 MR. DIFFENDORF: Bill Diffendorf,
6 resident, Town of Kirkwood. And my concern
7 is, there's quite a few, but they have
8 already starting working on a building that
9 they have not been to the planning board
10 for okay. They have not been to the code
11 department to get a permit to do this. And
12 it doesn't seem that that's very good for a
13 new company coming into town who wants all
14 this benefit not to be up and up. And as
15 Gordi said, they have bounced around from
16 building to building here in Kirkwood.
17 Their numbers on employment have gone all
18 over the place. And you get to where you
19 don't believe a word that comes out of
20 their mouth. Also you keep saying the name
21 of the company and then any other name that
22 may come along. Well, I would assume, and
23 I could be wrong, as usual people that make
24 assumptions are, but I feel that that

1 Canopy Growth building is a beginning of a
2 marijuana plant processing place that will
3 take place when New York State passes that
4 law. And as a resident in Kirkwood I do
5 not believe that New York State should
6 overrule the federal government. So it's
7 against the federal law for marijuana. And
8 until the federal law changes, there should
9 not be any marijuana here. You know, if
10 they want their PILOT, they need to say
11 that's not going to happen. And I don't
12 mean just saying we're not going to do
13 that. I mean in paper and if they do
14 anything like that, they would lose their
15 PILOT and be done. Because I believe
16 that's what's going to happen here. I
17 believe that's why they have dragged their
18 feet for so long here. And they were going
19 to come and they were going to come and
20 they were going to come and their dragging
21 their feet. You had ground breaking on a
22 building that they didn't even own. They
23 were buying it of course, but they didn't
24 even own it when they had ground breaking.

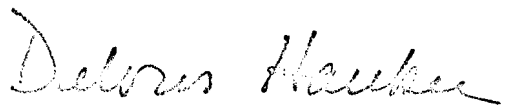
1 They had nothing going on. They hadn't
2 even been to the planning board. So I
3 don't even know why we need to give them a
4 PILOT. That building is already there.
5 It's been built. They are making some
6 improvements that they need that we give
7 the people when they come into town and
8 build a new building and start a new
9 industry. This here is a building that's
10 already there. And we don't really know
11 the jobs they are going to bring. We even
12 heard 25. So what's 25 jobs. So that's
13 what I got to say about it.

14 HEARING OFFICER: Thank you. Does
15 anyone else wish to be heard? Hearing
16 none, I'm going to draw this hearing to a
17 conclusion. The reporter has taken down,
18 Gordi, your comments and, Don, your
19 comments. They will be provided to the
20 agency's board of directors prior to our
21 next meeting and prior to the board making
22 any decision on this pilot. All right.
23 Okay. Anything else, Tom?

24 MR. GRAY: No.

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

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the above cause and that this is a correct transcript of the same to the best of my ability.



DELORES D. HAUBER

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing, pursuant to Article 18-A of the New York State General Municipal Law, will be held by the Broome County Industrial Development Agency (the "Agency") on the 16th day of December, 2019 at 12:00 p.m., noon, local time, at the Town of Kirkwood Town Hall, 70 Crescent Drive, Kirkwood, Broome County, New York 13795 in connection with the following matters:

Canopy Growth USA, LLC, and/or an entity to be determined, a limited liability company organized and existing under the laws of the State of Delaware (the "Company") has requested that the Agency assist in the financing of the redevelopment, construction and equipping of a 285,987+/- square foot manufacturing facility located on 48.1+/- acres situate at 47 Pine Camp Drive in the Town of Kirkwood, Broome County, New York and 51 Pine Camp Drive in the Town of Kirkwood, Broome County, New York (collectively, the "Land") to be used as manufacturing facility, consistent with current good manufacturing practices, with an adjacent parking lot, and any other directly or indirectly related activities (the "Facility") and the acquisition and installation in the Facility of certain equipment (the "Equipment"). The Land, the Facility and the Equipment are hereinafter, collectively, the "Project". The Project will be initially owned, operated and/or managed by the Company.

The Agency will acquire a leasehold interest in the Project from the Company and lease the Project back to the Company. At the end of the lease term, the Agency's interest in the Project will be reconveyed to the Company. The Agency contemplates that it will provide financial assistance to the Company in the form of the issuance of exemptions from sales and use taxes and an abatement of real property taxes.

The Company's application to the Agency will be available for review, during regular business hours, at the Agency's offices located at FIVE South College Drive, Suite 201, Binghamton, New York 13905.

A representative of the Agency will, at the above-stated time and place, hear and accept written comments from all persons with views in favor of or opposed to either the proposed financial assistance to the Company or the location or nature of the Project.

Minutes of the hearing will be made available to the County Executive of the County of Broome.

BROOME COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

Dated: December 3, 2019

By: Stacey M. Duncan, Executive Director

AFFIDAVIT OF PUBLICATION

0003932484, BGM-086470

PRESS & SUN-BULLETIN

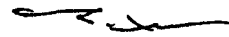
State of New York
City of Binghamton
County of Broome,

Joel Keyren being duly sworn, deposes and says she is the Principal Clerk of the Binghamton Press Company Inc., publisher of the following newspaper printed in Johnson City published in the City of Binghamton, New York and of general circulation in the Counties of Broome, Chenango, Delaware, Tioga, State of New York and Susquehanna County, State of Pennsylvania PRESS & SUN BULLETIN

On the 5 day of December in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Joel Keyren, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument. (Signature of Notary)

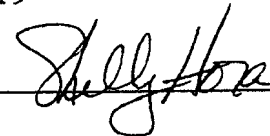
A notice of which the annexed is a printed copy, was published on the following dates:

12/05/19



Legal Clerk

Subscribed and sworn to before me this 5 day of December, 2019



Notary Public
State of Wisconsin. County of Brown

8-25-23

My commission expires

SHELLY HORA
Notary Public
State of Wisconsin

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**BROOME COUNTY INDUSTRIAL
DEVELOPMENT AGENCY**

Dated: December 3, 2019
By: Stacey M. Duncan, Executive Director
(\$48.97)

THOMAS, COLLISON & MEAGHER

**Attorneys at Law
1201 Monroe Street
Post Office Box 329
Endicott, NY 13761-0329**

**Telephone: (607) 754-0410
Facsimile: (607) 754-6293
E-Mail Address: jmeagher@tcmslaw.com**

**Robert B. Thomas (1925 – 2017)
Joseph B. Meagher *
Charles H. Collison
*Also Admitted in Pennsylvania**

Gary H. Collison

December 3, 2019

To All Individuals Listed on Page 3 Herein

Re: **BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PROPOSED CANOPY GROWTH USA, LLC PROJECT**

Ladies and Gentlemen:

Pursuant to Section 859-a (3) of the New York General Municipal Law (the "Act"), the Broome County Industrial Development Agency (the "Agency") hereby informs you that the Agency has received an application (the "Application") from Canopy Growth USA, LLC (the "Company") for financial assistance in connection with a project (the "Project") consisting of the following: (A) the redevelopment, construction and equipping of a 285,987+/- square foot manufacturing facility located on 48.1+/- acres situate at 47 Pine Camp Drive in the Town of Kirkwood, Broome County, New York and 51 Pine Camp Drive in the Town of Kirkwood, Broome County, New York (collectively, the "Land") to be used as a manufacturing facility consistent with current good manufacturing practices, with an adjacent parking lot, and any other directly or indirectly related activities (the "Facility") and the acquisition and installation in the Facility of certain equipment (the "Equipment") (the Land, Facility and Equipment being hereinafter collectively referred to as the "Project"); (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, mortgage taxes and an abatement of real property taxes deviating from the Agency's Uniform Tax Exemption Policy (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project to the Company or such other person or entity as may be designated by the Company and agreed upon by the Agency.

Enclosed is a notice of public hearing to be held by the Agency relating to the proposed Project. The financial assistance being contemplated by the Agency in connection with the Project is described in said notice of public hearing.

Gordon E. Kniffen, Supervisor
Scott Snyder, Assessor
Michael T. Decker, Broome County Real Property
Jason T. Garnar, County Executive
Jerome Z. Knebel, Director, OMB
Jason A. Andrews Ed.D., Superintendent
Daniel J. Reynolds, Chairman, BC Legislature
Aaron M. Martin, Clerk, BC Legislature
Kevin M. McManus, Deputy Director, BC Legislature
December 3, 2019
Page 2

If you have any questions regarding the foregoing, please do not hesitate to contact me.

Very truly yours,

BROOME COUNTY INDUSTRIAL
DEVELOPMENT AGENCY



Joseph B. Meagher
Agency Counsel

JBM/smm

Enc.

cc: Stacey M. Duncan (w/enc.) (via e-mail)
Thomas M. Gray (w/enc.) (via e-mail)

PARTIES NOTICED

Gordon E. Kniffen
Supervisor
Town of Kirkwood
70 Crescent Drive
Kirkwood, New York 13795

Scott Snyder
Assessor
Town of Kirkwood
70 Crescent Drive
Kirkwood, New York 13795

Michael T. Decker
Director
Broome County Real Property
Broome County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902

Jason T. Garnar
Broome County Executive
Broome County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902

Jerome Z. Knebel
Director, Office of Management & Budget
Broome County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902

Jason A. Andrews Ed.D.
Superintendent of Schools
Windsor Central School District
1191 NY Route 79
Windsor, New York 13865

Daniel J. Reynolds
Chairman, Broome County Legislature
Broome County Office Building
60 Hawley Street, 6th Floor
P.O. Box 1766
Binghamton, New York 13902

Aaron M. Martin
Clerk, Broome County Legislature
Broome County Office Building
60 Hawley Street, 6th Floor
P.O. Box 1766
Binghamton, New York 13902

Kevin M. McManus
Deputy Director, Broome County Legislature
Broome County Office Building
60 Hawley Street, 6th Floor
P.O. Box 1766
Binghamton, New York 13902

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BROOME COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

Dated: December 3, 2019

By: Stacey M. Duncan, Executive Director

AFFIDAVIT OF MAILING
OF NOTICE OF PUBLIC HEARING
(CANOPY GROWTH USA, LLC PROJECT)

STATE OF NEW YORK:

: ss.:

COUNTY OF BROOME:

The undersigned, being duly sworn, hereby states:

That on December 3, 2019, I mailed a copy of the Notice of Public Hearing in connection with the Broome County Industrial Development Agency's proposed Canopy Growth USA, LLC Project to the following individuals:

Gordon E. Kniffen
Supervisor
Town of Kirkwood
70 Crescent Drive
Kirkwood, New York 13795

Scott Snyder
Assessor
Town of Kirkwood
70 Crescent Drive
Kirkwood, New York 13795

Michael T. Decker
Director
Broome County Real Property
Broome County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902

Jason T. Garnar
Broome County Executive
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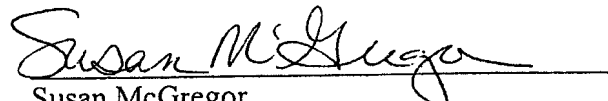
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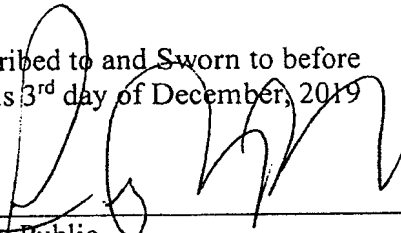
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Binghamton, New York 13902

Kevin M. McManus
Deputy Director, Broome County Legislature
Broome County Office Building
60 Hawley Street, 6th Floor
P.O. Box 1766
Binghamton, New York 13902

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of December, 2019.


Susan McGregor

Subscribed to and Sworn to before
me this 3rd day of December, 2019



Notary Public

JOSEPH B. MEAGHER
Notary Public, State of New York
Broome County 02ME4974837
Commission Expires Nov. 26, 2022

AFFIDAVIT OF POSTING
OF NOTICE OF PUBLIC HEARING
ON PROPOSED PROJECT AND
FINANCIAL ASSISTANCE RELATING THERETO
(CANOPY GROWTH USA, LLC PROJECT)

STATE OF NEW YORK:

: ss.:


COUNTY OF BROOME:

The undersigned, being duly sworn, hereby states:

1. That on December 3, 2019, I posted a copy of a Notice of Public Hearing in connection with the proposed Canopy Growth USA, LLC Project to be undertaken by the Broome County Industrial Development Agency.

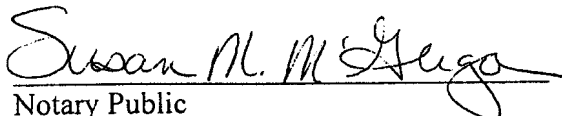
2. Said Notice was posted on a bulletin board located at the Town of Kirkwood Town Hall, 70 Crescent Drive, Kirkwood, Broome County, New York.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of December, 2019.



Daniel Yarnovich

Subscribed to and Sworn before me
this 3rd day of December, 2019



Notary Public

SUSAN M. MCGREGOR
Notary Public, State of New York
No. 01MC6215671
Qualified in Broome County
Commission Expires January 4, 2022