APPROVED

At the SPECIAL MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on July 7th, 2026, at 5:30 P.M., there were:

PRESENT:

Joseph Bick	Deputy Supervisor/Councilor
Eugene Young	Councilor
David Capria	Councilor
Edward Wisnowski	Councilor
Ryan Russell	Councilor
Courtney Gauthier	Councilor
Jill Hageman-Clark	Town Clerk
Robert Germain	Town Attorney
Ron DeTota	Town Engineer
Brian Bender	Commissioner Planning & Development

ABSENT:

Damian Ulatowski	Supervisor

OTHERS PRESENT:

Michelle Borton, Planning Board Chair; Russ Mitchell, Hal Henty and Paul Graves, Planning Board Members; Marie Giannone, Planning Board Secretary and Rob Bick, Town Assessor.

The meeting was called to order by Deputy Supervisor Bick at 5:30 P.M. All present joined in the Pledge of Allegiance.

APPROVAL of MINUTES:

Councilor Young made a motion to approve the minutes of June 29th 2026 Special Town Board Meeting. Motion was seconded by Councilor Capria.

Ayes – 6 and Noes – 0. *Motion carried.*

REGULAR MEETING

LOCAL LAW No. 7 OF THE YEAR 2026 – Adjusting Building Permit Fees for Large Scale Projects and permit Community Host Agreements:

A public hearing to consider proposed **LOCAL LAW NO. 7 OF THE YEAR 2026** to be known as "Large-Scale Development Permit and Community Host Agreement Authorization Law." Proposed local law would authorize adjustments to building permit fees for large-scale projects and permit Community Host Agreements was opened by the Deputy Supervisor.

Deputy Supervisor Bick explained that the way the Code reads now is prohibitive to large scale development. Local Law number 7 of the Year 2026 will allow developers to construct with approval and allow funding for this such as improvements to infrastructure and community projects. As the Code reads now all money collected can be used only for inspection costs.

Law defines Large scale development as costing $100,000,000.00 and greater. Currently the fee based on the cost at $100.00 for the first $1,000.00 and $7.00 per thousand after. This Local Law for a *Voluntary Host Agreement* will be a compromise allowing a break for Large Scale development as well as improving the quality of life for the residents of the Town.

Deputy Supervisor explained that if this Local Law is passed it will go into effect when filed with the State.

Shelly Hotalling asked if the money from the Host Agreement can be used to hire outside inspectors and industrial experts. Deputy Supervisor Bick said that it could.

Another resident asked what would happen if a developer did not wish to participate in the Host Agreement. Deputy Supervisor Bick reiterated, it is completely voluntary. He continued, there is no model for fees of this magnitude. The cost for Fab 1 is $89 billion and the Permit fees would be $69 million. The money could only be used for inspections under the current law.

There being no more questions or comments, he **closed** the public hearing.

<u>Informational Hearing (PH) - Micron New York Semiconductor Manufacturing, LLC:</u>

Informational hearing for proposed **Community Host Agreement** between the Town of Clay and Micron New York Semiconductor Manufacturing, LLC was opened by the Deputy Supervisor, who presented a PowerPoint presentation about the agreement (attached).

Questions and answers followed.
Councilor Young asked, under the current law fees could only be used for inspections - correct.

Councilor Russell added that the money that would be collected exceeds the Town Budget, this is very impactful.

Paul Doody asked what the breakdown is of the $30 million; $20 million over three years and $10 million dedicated in Green Chips spending exclusively for the Town.

Alan Mokay asked if Micron offered this. Deputy Supervisor Bick said it was negotiated and discussed between Micron and the Town of Clay.

Someone asked if the Law can be changed. The Local Law makes it possible for future (Large Scale) development to voluntarily opt in to a Community Host Agreement with the Town of Clay.

Councilor Russell reminded, this is only for the Fab 1 part of this development.

Deputy Supervisor Bick said this is a pioneer agreement, nothing like this currently exists. He added that they have done due diligence to ensure everyone benefits.

Councilor Young said that there will be money to spend, and residents will have the opportunity to have their voices heard. Sewers, Roads, Parks, Splash Pads….

Shelly Hotaling asked how much Micron offered? $15 million for fees/inspections and $6 million for the Town. She added, this should go up for public vote. Deputy Supervisor Bick said this would not go to a referendum, but the residents' input will be part of the process.

Evan Nobis asked how they decided on $30 million, what if there is not much leftover. What about sound barriers and mitigation of water from DEC. He wants to make sure the public opinion is considered.

Paul Doody asked about a citizen's advisory board/council.

Chuck from Fairways said the trucks on Morgan Road are a concern. Morgan Road was not designed for them. Deputy Supervisor Bick said that the construction vehicles are not supposed to be using Morgan Road. He said to call the Town Hall with trucking company names if seen on Morgan Road. The rail spur once completed will alleviate some of the construction traffic.

Aaron Schanbacher asked if this money will be used for expanding the infrastructure? He suggested low-cost housing, restrooms at the Meltzer Park playground and public sewers for residents currently without.

There being no more questions or comments, Deputy Supervisor Bick **closed** the informational hearing.

ADDITIONAL AGENDA

LOCAL LAW No. 7 OF THE YEAR 2026 (A) Adjusting Building Permit Fees for Large Scale Projects and permit Community Host Agreements:

Deputy Supervisor Bick moved the adoption of a resolution, that:

Whereas, the Town of Clay proposed **LOCAL LAW No. 7 of the YEAR 2026** to be known as LARGE-**SCALE DEVELOPMENT PERMIT and COMMUNITY HOST AGREMENT AUTHORIZATION LAW,** and

Whereas, the Town of Clay held a public hearing on July 7, 2026 and duly considered the need and application of the proposed new Local Law as presented, and recognizes adoption is a necessary step to allow authorized adjustments to building permit fees for large-scale projects and to further permit the Town to enter into Community Host Agreements when appropriate, it is hereby:

RESOLVED: The new Local Law No. 7 of the Year 2026 is a Type II Action for the purpose of SEQRA compliance with no other permit granting authority outside the Town. Accordingly, no further action SEQRA evaluation is required. This Board hereby Approves the new Local Law No. 7 of the Year 2026 as presented. The new law will become effective upon filing with the New York State Secretary of State. Motion was seconded by Councilor Capria.

Ayes – 6 and Noes – 0. *Motion carried.*

COMMUNITY HOST AGREEMENT (A):

Deputy Supervisor Bick moved the adoption of a resolution **approving** the **Community Host Agreement** between the Town of Clay and Micron New York Semiconductor Manufacturing, LLC. Motion was seconded by Councilor Capria

Adjournment:

The meeting was adjourned at 6:17 P.M. upon motion by Councilor Young and seconded by Councilor Capria.

Ayes – 6 and Noes – 0. *Motion carried.*

Jill Hageman-Clark

Jill Hageman-Clark RMC / Town Clerk

Community Host Agreement Between Micron and the Town of Clay

A great place to live, work, and raise a family.

TOWN of CLAY

Starting points

- Micron will build four (4) Chip Fabrication factories in Clay valued at 51 Billion dollars.
- The Town of Clay must issue building permits associated with this construction over the next 15-20 Years.
- Town law requires a building permit fee based on the value of the project being built. ($100 for the 1st $1000 in value; $7.00 for every $1000 after that).
- State law requires building permit fees to only cover the cost of services provided.

The Challenge

- There is no model for fees associated with private development of this magnitude (Largest semiconductor manufacturing facility in US History)
- The town's formula is very accurate and appropriate for usual development of a traditional size, but it becomes excessive when applied to billion-dollar projects.
- Town Law and State Law are at odds for a project this size.

The Risks

- Micron would have to pay the full amount prior to the issuance of permits and the beginning of construction.
- Micron has timelines and deliverables to New York State and the Federal government and OCIDA to meet to retain the incentives they have been offered.
- The town would get sued to recover the fees and a judge would decide how much it would cost the town to provide the service (the town could end up with less than 1 million dollars if a judge decides) case law supports this.
- The town would incur further cost to taxpayers defending a suit.
- Bad blood between the town, its residents, and Micron.

The Negotiation

- Initial conversation was for a fee based on the 51-billion-dollar value of the entire 4 chip fab project (~273 Million) as required by town law.
- Subsequent conversations challenged the valuation of the project and the length of the agreement, as well as the town's cost for providing the service.
- Initial ask from the town was 150 million over 15 years for the entire project (Would cover the towns cost and compensate residents for the inconvenience of development for the duration of the project)
- Without an agreement no permits would be issued unless the full permit fee was paid.

The Compromise

- The Agreement will only cover the construction of Chip Fab 1 with a construction cost of 8.9 Billion dollars. (62 Million Dollar Fee under the current town code)
- The agreement will last three (3) years at a cost to Micron of 30 Million dollars
- Expenses incurred prior to the agreement would not be included.
- Town law would be changed to allow for community host agreements and fee adjustments/waivers.
- 20 Million over 3 years in three annual payments and another 10 million in dedicated Green Chips Act spending exclusively in the Town of Clay over the same period.

Key points around the agreement

- Its Limits: Issues negotiated and agreed to by OCIDA, NYS and the Federal Government (Environmental Impact Statement, roads, land, environmental offsets etc.) are not part of this agreement.
- The standards of work: The standards for building permits are not changed or waived. The agreement is only for cost.
- How the majority is spent: So long as the Town of Clay's cost of administering requirements around permits is covered, all other money will be used at the town's discretion.

Accountability and Uses

- Fiscal controls for town spending remain in place
  - Continued Independent audits of town finances
  - Budget and spending subject to town board approval and public hearings
  - Public disclosure of all financial records as require by law
  - Annual ethics disclosures by public officials
- Monies to be used to offset taxpayer expense over time and enhance the livability of the town for its residents
- Town retains control over issuance of permits and has the legal authority to order work stoppages.

THANK YOU!

Questions and Comments

A great place to live, work, and raise a family.

TOWN of CLAY