

**COUNTIES OF WARREN AND WASHINGTON**  
**INDUSTRIAL DEVELOPMENT AGENCY**

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At the Board Meeting of the Counties of Warren and Washington Industrial Development Agency held on **July 20, 2015** at the Washington County Municipal Center in Fort Edward, NY, the following members were:

***PRESENT:***

Bud Taylor	Chairman
Bruce Ferguson	Vice Chairman/Park Chairman
Joseph LaFiura	Secretary/Treasurer
Lou Tessier	
Jim Lindsay	
Dave O'Brien	
John W. Weber	
John Kvocka	
Matt Simpson	

***ABSENT:***

John Millett, Sr.	At Large Member
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***ALSO PRESENT:***

Robert C. Morris, Esq.	FitzGerald Morris Baker Firth PC
Michael O'Connor, Esq.	Counsel for 354 Broadway/Price Chopper
Mitchell Suprenant	Town Supervisor – Fort Edward
Bruce Ginsburg	354 Broadway LLC Member
Tom Hayden	Representative for Price Chopper
Darlene DeVoe	Town of Ft. Edward Grant Writer
Deborah Mineconzo	Office Administrator

The minutes of the meeting were taken by Mrs. Mineconzo. The Chairman called the meeting to order at 4:00 pm.

**Approval of the June 2015 Board Meeting Minutes:** Mr. O'Brien made a motion to approve the minutes of the June 15, 2015 Board Meeting. Mr. LaFiura seconded the motion and the minutes were unanimously approved by voice vote.

**Accounts Payable:** Mr. Taylor pointed out two additions (Black Dog Design and Town of Kingsbury) with the payables that were made on the *updated* agenda all received. Mr. Tessier moved to approve the (updated) accounts payables. Mr. Weber seconded the motion and all voted to approve the motion by roll call vote.

**Old Business:**

**Boats by George:**

Mr. Morris reported Boats by George received bank financing according to a letter received but all the documents have not yet been received for the closing. He added Mr. Pensel had hoped to close by the end of *this* month but the closing can't be scheduled until all the needed documents are received.

**Banner Placements:**

Mr. Taylor informed the members the new Agency banners were received and one was on display for viewing. One was already placed at the Marriott Lake George project site by Bob Morris. Mr. Ferguson confirmed he will be placing another at the project site of The Cambridge by the end of the week. Placement of a third banner is planned for Boats by George after their closing.

**Park Committee Business:**

**Allen Forestry:**

Mr. Ferguson reported his understanding is Mr. Allen is currently on vacation so there's nothing yet to report on the foresting in Phase II.

**Brushcutting in Park:**

At Mr. Ferguson's request, Mrs. Mineconzo advised the members an ad had been placed in The Post Star requesting Park brush cutting proposals again this year. She added she already heard today from last year's cutter. The deadline for the proposals in the ad was August 2<sup>nd</sup>. The full Board will make a final decision at the next Board Meeting.

**RWS Manufacturing, Inc.:**

Mr. Morris confirmed mailing of a letter approved by the Park Committee to RWS Manufacturing, Inc. (Copies were given to members). He added there has been no response as of this date.

Mr. Ferguson voiced concerns about the large block of concrete they have on an emergency access entrance and the filled ditch at their site. He asked Mr. Lindsay to have the Town look into the two matters.

Mr. Ferguson then asked Mr. Lindsay when the Highway Department will be taking rocks off Lot #4. Mr. Lindsay replied they are busy right now but will look into the matter and advise Mr. Ferguson.

**New Business:**

**Market 32 Price Chopper Fort Edward/354 Broadway LLC Project:**

Mr. O'Connor gave an overview of the plans for the new Market 32 Price Chopper/354 Broadway LLC proposed project. He stated it's a unique project being located on a recognized Brownfield. The developer has a contract to purchase the land from the Town. He added it is a joint municipal enterprise to get it back on the tax rolls. The developers will close on the site as soon as the Brownfield mitigation is completed, they have a sign off from DEC and EPA closes its Grant with the Town. The Planning Board in February already approved the site plan and gave a negative declaration to the project.

Mr. O'Connor advised the members a PILOT along with sales tax and mortgage tax relief are being requested by the developers and sales tax abatement for Price Chopper. The biggest benefit to the community would be the many construction jobs and over 80 permanent jobs planned for the Price Chopper. No other markets nearby have the Market 32 approach or the now popular Price Chopper brand. Mr. O'Connor said the local Hannaford (in Hudson Falls) is 3-4 miles away from the Fort Edward site.

Mr. Suprenant followed Mr. O'Connor by stating the Town of Fort Edward has been without a supermarket for 13 years and the Town fully supports the Price Chopper coming to the site. The Master

Plan for the Town included a supermarket and he's heard no objections to the project. A local company, D.A. Collins, will be doing the cleanup work at the site. He ended by saying any assistance from the IDA to help this project would be greatly appreciated.

Questions ensued from Mr. LaFiura and Mr. Kvocka among others over the Brownfield cleanup, site prep and transfer to Price Chopper and concerns with assuring that local people were hired for the construction work. The target date for the completion of the project is near the end of 2016. Mr. O'Connor said the developer is going before the Town to request an enhanced PILOT.

Mr. Kvocka asked the Agency Attorney, Bob Morris, about the project meeting IDA required criteria for retail sale projects. Mr. Morris informed the members a retail sale project must meet one of three criteria listed in the February 2014 NYS Taxation & Finance memo. (Copies were handed out to the members today). He reviewed the limitations on providing tax abatement to projects. He reminded everyone that our Agency answers to the NYS Taxation & Finance Department on these retail projects.

One of the three criteria on the memo states the predominant purpose of the project is to make available goods or services not readily accessible to residents of the municipality. Mr. Morris added this is a finding the Agency members would have to make. However, Mr. Morris said this project meets the *highly distressed area* criteria since it is located in a designated Empire Zone under Article 18-B of the GML. Mr. Ferguson confirmed his recollection of the site area being placed as part of the Empire Zone when he served as Chairman of the Empire Zone Board. Mr. Morris advised the members the map received from Ms. Derway of the LDC confirms the Empire Zone location of the site. Mr. Morris stated the Agency can definitely assist the project under the *highly distressed area* criteria.

A Public Hearing needs to be held by the Agency and the draft resolution up for consideration by the Board is for a hearing on August 17<sup>th</sup>. Mr. Morris then advised Mr. O'Connor to have the specifics of the PILOT being requested by the time of the Hearing.

Mr. O'Brien moved to approve the Public Hearing of August 17<sup>th</sup> with Mr. Weber seconding. All voted in favor of the resolution by roll call vote.

**Resolution No. 15-08  
Adopted July 20, 2015**

**RESOLUTION TO SCHEDULE A JOINT PUBLIC HEARING RELATING TO THE  
PRICE CHOPPER OPERATING CO., INC. AND 354 BROADWAY LLC PROJECTS**

(Full copy of Resolution at end of this document)

Members of the Agency continued to ask questions of Mr. Ginsburg, Mr. Hayden and Mr. O'Connor on the details of the project.

After all questions were answered and there was no further business to discuss, Mr. Simpson moved to adjourn the meeting. Mr. O'Brien seconded and the Chairman adjourned the IDA meeting at 4:43 pm.

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**Dated**

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**Joseph LaFiura, Secretary**

**Counties of Warren & Washington Industrial Development Agency**

**Resolution No. 15-08**

Adopted July 20, 2015

Introduced by Dave O'Brien  
who moved its adoption.

Seconded by John Weber

**RESOLUTION TO SCHEDULE A JOINT PUBLIC HEARING RELATING TO THE PRICE CHOPPER OPERATING CO., INC. AND 354 BROADWAY LLC PROJECTS**

WHEREAS, 354 Broadway LLC, a limited liability company organized under the laws of the State of New York, having an address for the transaction of business at 170 West 74<sup>th</sup> Street, New York, New York 10023 (the "Developer") has requested that the Agency provide financial assistance in the form of a mortgage tax exemption, real property tax abatement and sales tax abatements to a construction project (the "Project I") to consist of: (i) the acquisition of an interest in a certain commercial parcel of land located at 354 Broadway in the Town of Fort Edward, County of Washington, State of New York (the "Land"); (ii) the construction and equipping of a 40,315 +/- square foot supermarket located on the Land (the "Facility"); (iii) the acquisition and installation therein of certain furnishings and fixtures (the "Equipment" together with the Land and the Facility, collectively the "Project Facility") to be used in connection with the contemplated uses; and (iv) the lease of the Project Facility to the Developer, all pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, Chapter 862 of the Laws of 1971 of the State of New York (collectively, the "Act"), as amended; and

WHEREAS, Price Chopper Operating Co., Inc., a corporation organized under the laws of the State of New York, having an address for the transaction of business at 461 Nott Street, Schenectady, New York, 12308 (the "Company") has requested that the Agency provide financial assistance in the form of sales tax exemptions to a construction project (the "Project II") to consist of: (i) the construction and equipping of a 40,315 +/- square foot supermarket located at 354 Broadway in the Town of Fort Edward, County of Washington, State of New York (the "Facility"); (ii) the acquisition and installation therein of certain furnishings and fixtures (the "Equipment" and together with the Facility, collectively the "Project Facility") to be used in connection with the contemplated uses; and (iii) the entering into of an agency agreement with the Company, all pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, Chapter 862 of the Laws of 1971 of the State of New York (collectively, the "Act"), as amended; and

WHEREAS, Project I and Project II shall be collectively referred to as the "Market 32 Project"; and

WHEREAS, Chapters 356 and 357 of the Laws of 1993 require that prior to granting financial assistance of more than \$100,000.00 to any project, an IDA must (a) adopt a resolution describing the project and the financial assistance contemplated by the IDA with respect thereto, and (b) hold a public hearing in the city, town or village where the project proposes to locate upon at least ten (10) days published notice and, at the same time, provide notice of such hearing to the Chief Executive Officer of each affected taxing jurisdiction within which the project is located; and

WHEREAS, the Agency is in the process of reviewing and considering the Developer's and Company's Applications requesting the Agency to provide financial assistance for the proposed Market 32 Project, which may include a mortgage tax exemption, real property tax abatements and a sales tax abatement, as may be applicable to the Developer and/or the Company, which shall be consistent with the uniform tax exemption policy of the Agency.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Agency hereby schedules a joint public hearing pursuant to Article 18-A of the New York State General Municipal Law (the "Law") to be held by the Agency on Monday, the 17th day of August, 2015, at 10:00 a.m., local time, at the Town Hall in the Town of Fort Edward located at 118 Broadway, Fort Edward, New York, 12828, in connection with the proposed Market 32 Project.

2. The Agency hereby authorizes the publication of a Notice of Public Hearing for the proposed Market 32 Project and in accordance with the Law and the Agency's policies and procedures.

3. This resolution shall take effect immediately.

AYES: 9  
NAYS: 0  
ABSENT: 1  
ABSTAIN: 0