

COUNTIES OF WARREN AND WASHINGTON
INDUSTRIAL DEVELOPMENT AGENCY

5 Warren Street, Suite 210
Glens Falls, New York 12801

Telephone: (518) 792-1312

At the Board Meeting of the Counties of Warren and Washington Industrial Development Agency held on **December 21, 2015** at the Warren County Municipal Center in Lake George, NY, the following members were:

PRESENT:

Bud Taylor	Chairman
Bruce Ferguson	Vice Chairman/Park Chairman
Matt Simpson	At Large Member
Lou Tessier	
Jim Lindsay	
Dave O'Brien	

ABSENT:

Joseph LaFiura	Secretary/Treasurer
John Millett, Sr.	
John W. Weber	
John Kvocka	

ALSO PRESENT:

Robert C. Morris, Esq.	FitzGerald Morris Baker Firth PC
Deborah Mineconzo	Office Administrator

The minutes of the meeting were taken by the Office Administrator. The Chairman called the meeting to order at 4:04 pm. After attendance was taken the Chairman declared a quorum was present.

Approval of minutes:

Mr. Simpson made a motion to approve the November 16, 2015 meeting minutes. Mr. Lindsay seconded the motion and all voted in favor of the motion by voice vote.

Accounts Payable:

Mr. Tessier moved to approve the accounts payables as presented with Mr. Ferguson seconding. The motion was approved by roll call vote.

Old Business:

TFC Enterprises (Tree Paad) Update:

Mr. Morris reported the owner of TFC Enterprises has not been able to finalize her loan with the bank yet. Since no formal agreement has been received from the bank, Mr. Morris stated he'll discontinue further legal work on the project until the security deposit and needed documents are received.

Innovative Concepts – Inducement Resolution:

Mr. Ferguson reported the Innovative Concepts Project Public Hearing went well. Mr. Morris added the Town Supervisor (Shay) was very complimentary on the project. Mr. Ferguson said they were given a nice tour of the Cambridge Hotel after the Public Hearing.

Mr. Ferguson moved to pass the presented Inducement Resolution for the project. Mr. Tessier seconded

the motion and all voted in favor of the motion by roll call vote.

Resolution No. 15 - 14
Adopted December 21, 2015

RESOLUTION TAKING PRELIMINARY ACTION TOWARD UNDERTAKING A CERTAIN PROJECT, AS DEFINED HEREIN, APPOINTING INNOVATIVE CONCEPTS CONSULTING, LLC, AGENT OF THE AGENCY FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING THE PROJECT FACILITY (AS DEFINED HEREIN) AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT BY AND BETWEEN THE AGENCY AND INNOVATIVE CONCEPTS CONSULTING, LLC

(A full copy of the resolution is annexed to this document)

Budget 2016 – Final:

Mr. Taylor said the Budget everyone received had no changes made for 2016 from the approved one in October. Since no one had any questions or recommendations for changes, Mr. Simpson moved to pass the Budget as presented for 2016. Mr. Lindsay seconded and all voted in favor of the motion by roll call vote.

YE Accounting and Auditing Proposals:

Mr. Taylor stated we probably now have more information than we need about the YE Accountant (SEFCO) and the proposed Auditor (WDR). There being no questions on the detailed breakdowns received, Mr. Lindsay moved to approve both proposals, one for the YE Accounting work (SEFCO) and the other for the required annual Audit (WDR). Mr. Tessier seconded and all voted in favor of the motion by roll call vote except Mr. Taylor who abstained.

Conveyance of Road to Town:

Mr. Morris presented a formal draft resolution regarding the conveyance of the “Galusha” right-of-way in Phase I of the Agency’s Park to the Town of Kingsbury. Mr. Lindsay confirmed the Town Board approved acceptance of the deed for the new town roadway at their last Meeting on December 14th. Mr. O’Brien moved to approve the resolution with Mr. Simpson seconding. All voted in favor of the motion by roll call vote.

Resolution No. 15-15
Adopted December 21, 2015

RESOLUTION APPROVING OF THE CONVEYANCE OF THE “GALUSHA” RIGHT-OF-WAY TO THE TOWN OF KINGSBURY

(A full copy of the resolution is annexed to this document)

There being no further business to discuss, Mr. O’Brien moved to adjourn the meeting with Mr. Simpson seconding. The Chairman adjourned the IDA meeting at 4:13 pm.

Dated

Joseph LaFiura, Secretary

Resolution No. 15 - 14
Adopted December 21, 2015

Introduced by Bruce Ferguson
who moved its adoption.

Seconded by Lou Tessier

RESOLUTION TAKING PRELIMINARY ACTION TOWARD UNDERTAKING A CERTAIN PROJECT, AS DEFINED HEREIN, APPOINTING INNOVATIVE CONCEPTS CONSULTING, LLC, AGENT OF THE AGENCY FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING THE PROJECT FACILITY (AS DEFINED HEREIN) AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT BY AND BETWEEN THE AGENCY AND INNOVATIVE CONCEPTS CONSULTING, LLC

WHEREAS, the Counties of Warren and Washington Industrial Development Agency (the "Agency") is a body corporate and politic duly organized and existing under Sections 856 and 890-c of the General Municipal Law ("GML") of the State of New York (the "State"), with its principal place of business at 5 Warren Street, Glens Falls, New York; and

WHEREAS, Innovative Concepts Consulting, LLC. (the "Company"), having a current address at 25 Computer Drive East, Albany, New York 12205, is a limited liability company created pursuant to the Laws of the State of New York; and

WHEREAS, the Company has submitted an Application for Assistance ("Application") requesting that the Agency undertake an industrial development project (the "Project") consisting of: (i) the acquisition of an interest in and refinance of a certain commercial parcel or parcels of land located at 11 S. Union Street, Village of White Creek, Town of Cambridge, County of Washington, State of New York (the "Land"); (ii) the renovation and equipping of an existing 19,625+/- square foot commercial facility for the establishment of a NYS Department of Health Licensed Adult Home/Assisted Living Facility (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 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, under Article 18-A of the General Municipal Law (the "Act"), the Legislature of the State of New York has granted the Agency the power and authority to undertake the Project; and

WHEREAS, the Project will require the Agency and the Company to enter into an agreement whereby the Company will acquire, by deed or by lease, and construct the Project Facility and the Agency will lease or sell the Project Facility to the Company with an option to buy; and

WHEREAS, the Agency is a state agency under Section 8-0105 of the Environmental Conservation Law of the State of New York and the Project is an action under Article 8 of said law (Article 8 hereinafter being referred to as the "State Environmental Quality Review Act" or "SEQRA") and under 6 NYCRR Part 617, §§ 617.2(b) and 617.3(g). The Agency has not yet made a preliminary determination as to the potential environmental significance of the Project and therefore has not yet

determined whether an environmental impact statement is required to be prepared with respect to the Project; and

WHEREAS, pursuant to the Act, any approval of the Project contained herein is contingent upon a determination by the members of the Agency to proceed with the Project following satisfaction of all requirements of SEQRA that relate to the Project; and

WHEREAS, the acquisition, construction and installation of the Project Facility has not been commenced, and the Agency has not yet authorized the Project; and

WHEREAS, the Agency conducted a public hearing pursuant to Article 18-A of the New York State General Municipal Law (the “Law”) before taking official action relating to the Project.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. Findings. The Agency has reviewed the application together with the environmental assessment form to determine compliance with the requirements of the Act and based on the representations of the Company to the Agency in said application and elsewhere, the Agency hereby makes the following findings and determinations with respect to the Project:

- (A) The Project is a permitted project under the Act; and
- (B) Undertaking the Project will advance the Agency’s corporate purposes by leading to the creation of job opportunities for the inhabitants of the Counties of Warren and Washington, New York and the State of New York. The Project will also promote the health, prosperity, and economic welfare of the inhabitants of the Counties of Warren and Washington and the State of New York and improve their standards of living; and
- (C) The Project is an “Unlisted Action” under SEQRA for which the Town of White Creek Planning Board (the “Planning Board”) will act as lead agency. A final determination (the “Closing Resolution”) by the members of the Agency to proceed with the Project and to enter into a lease agreement with the Company will follow a determination by the members of the Agency that all requirements of SEQRA that relate to the Project have been fulfilled. The Agency will not make a SEQRA determination until after the Planning Board review; and
- (D) It is in the public interest for the Agency to undertake the Project on behalf of the Company; and
- (E) The completion of the Project will not result in the removal of a commercial, industrial or manufacturing plant of the Company from one area of the State of New York to another area of the State of New York. Further, the completion of the Project will not result in any loss of jobs and all existing jobs will be retained nor will the completion of the Project result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Facility located within the State of New York.

SECTION 2. Preliminary Agreement. The proposed preliminary project agreement by and between the Agency and the Company (the “Preliminary Agreement”), as presented to this meeting, is hereby approved as to substance and form. The proposed agreement outlines the Agency’s and the Company’s rights and duties with respect to the undertaking of the Project. Subject to such changes as

the Chairman of the Agency, upon advice of counsel, may reasonably deem necessary, the Chairman is authorized to execute the Preliminary Agreement, and the Secretary of the Agency is authorized to affix a facsimile of the corporate seal thereto and to attest to the same. Execution and attestation shall be conclusive evidence that the Agency has approved the Preliminary Agreement.

SECTION 3. Description of Project.

Subject to the conditions set forth herein and in Section 4.02 of the Preliminary Agreement, the Agency shall:

- (1) acquire an interest in, construct and install the Project Facility; and
- (2) lease or sell the Project Facility to the Company pursuant to an agreement or agreements whereby the Company will obligate itself, among other things, to undertake the Project on behalf of the Agency.

SECTION 4. Company Appointed Agent of Agency.

(A) The Company is hereby appointed the true and lawful agent of the Agency to:

- (1) construct and install the Project Facility;
- (2) make, execute, acknowledge, and deliver all contracts, orders, receipts, instructions, and writings needed to complete the Project; and
- (3) do all other things requisite and proper for the completion of the Project.

(B) The Company is authorized to proceed with the acquisition, construction and installation of the Project Facility, subject to receiving appropriate municipal approvals needed prior to commencement of construction, and to advance such funds as may be necessary to accomplish these goals.

(C) The Company is also authorized to appoint third party agents to undertake the Project and thereby make available to such third party agents an exemption from New York State sales and use taxes in connection with undertaking the Project. This provision is subject to the Company entering into an Agent Agreement with the Agency.

SECTION 5. §144 Election. Not Applicable.

SECTION 6. Bond Counsel. Not Applicable.

SECTION 7. Document Preparation. Counsel to the Agency is hereby authorized and directed to cooperate with counsel to the Company, as well as all other necessary parties, in order to prepare the documents needed to undertake the Project.

SECTION 8. Payment in Lieu of Tax (PILOT) Agreement. The Agency's approval is subject to the Company entering into a PILOT Agreement with the Agency whereby the Company agrees to make payments in lieu of taxes in an amount pursuant to the Agency's Uniform Tax Abatement Policy in any given year as if the Company were the owner of the Project and not the Agency. The Agency's approval is also subject to the Company agreeing to the terms of the Agency's Recapture Policy. The Agency hereby states that the PILOT Agreement shall not contain any tax abatements.

SECTION 9. Public Inspection. A copy of this resolution and a copy of the Company’s Application for Assistance, together with all other application materials not protected under applicable Freedom of Information Laws, shall be placed on file in the office of the Agency. Such documents shall be available for public inspection during normal business hours.

SECTION 10. Distribution of Resolution. The Chairman of the Agency is hereby authorized to distribute copies of this resolution to the Company and all other persons requesting it.

SECTION 11. Public Hearing. A public hearing for this Project was duly authorized and held on December 15, 2015 in accordance with the provisions of Article 18-A of the General Municipal Law.

SECTION 12. Further Action. The Chairman of the Agency is authorized to take such further action as shall be necessary to give effect to and implement this resolution.

SECTION 13. Effective Date. This resolution shall not take effect until the Company delivers to the Agency of a fully executed Preliminary Agreement, as defined herein, together with a \$10,000.00 security deposit.

The question of the adoption of the foregoing resolution was duly put to a vote by roll call, which resulted as follows:

VOTING:	AYES	NAYS	ABSTAIN	ABSENT
Harold G. Taylor	1			
Bruce A. Ferguson	1			
Joseph P. LaFiura				1
Louis Tessier	1			
John Millett, Sr.				1
James T. Lindsay	1			
Dave O'Brien	1			
John W. Weber				1
John S. Kvocka				1
Matthew Simpson	1			
TOTALS	6	0	0	4

The foregoing resolution was thereupon declared duly adopted.

Resolution No. 15-15
Adopted December 21, 2015

Introduced by Dave O'Brien
who moved its adoption.

Seconded by Matt Simpson

RESOLUTION APPROVING OF THE CONVEYANCE OF THE "GALUSHA" RIGHT-OF-WAY TO THE TOWN OF KINGSBURY

RECITALS

1. The owner of the Galusha property in Phase I of the Airport Industrial Park agreed to, and has constructed, a roadway on a certain right-of-way connecting the Galusha property with Park Road. The roadway has been constructed in accordance with town requirements and the Town of Kingsbury has agreed to accept the right-of-way as a public road upon the receipt of a survey and a title insurance policy.

2. The Agency has previously approved of the expenditure of \$1,200.00 towards the cost of a survey of the "Galusha" right-of-way.

3. The survey of said right-of-way has been prepared by Van Dusen & Steves Land Surveyors and a title insurance commitment has been generated.

Now, therefore, the Agency hereby approves of the conveyance of the "Galusha" right-of-way, being a portion of tax map parcel number 137-2, located in the Town of Kingsbury, County of Washington, State of New York to the Town of Kingsbury.

The Agency further authorizes the Chairman to execute any and all documents necessary to convey said property, including but not limited to the deed.

This Resolution shall take effect immediately.

AYES: 6
NAYES: 0
ABSENT: 4
ABSTAIN: 0

Resolution No. 15-12
Adopted November 16, 2015

Introduced by Joseph LaFiura
who moved its adoption.

Seconded by John Kvocka

RESOLUTION TAKING PRELIMINARY ACTION TOWARD UNDERTAKING A CERTAIN PROJECT, AS DEFINED HEREIN, APPOINTING TFC ENTERPRISES, LLC, AGENT OF THE AGENCY FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING THE PROJECT FACILITY (AS DEFINED HEREIN) AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT BY AND BETWEEN THE AGENCY AND TFC ENTERPRISES, LLC

WHEREAS, the Counties of Warren and Washington Industrial Development Agency (the "Agency") is a body corporate and politic duly organized and existing under Sections 856 and 890-c of the General Municipal Law ("GML") of the State of New York (the "State"), with its principal place of business at 5 Warren Street, Glens Falls, New York; and

WHEREAS, TFC Enterprises, LLC (the "Company"), having an address of PO Box 4212, Queensbury, New York 12804, is a limited liability company created pursuant to the Laws of the State of New York; and

WHEREAS, the Company has submitted an Application for Assistance ("Application") requesting that the Agency undertake an industrial development project (the "Project") consisting of: (i) the acquisition of an interest in a certain commercial parcel or parcels of land located at 91 Glenwood Avenue, Town of Queensbury, County of Warren, State of New York (the "Land"); (ii) the construction and equipping of an existing 32,000+/- square foot commercial facility for a recreational facility for children (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 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, under Article 18-A of the General Municipal Law (the "Act"), the Legislature of the State of New York has granted the Agency the power and authority to undertake the Project; and

WHEREAS, the Project will require the Agency and the Company to enter into an agreement whereby the Company will acquire, by deed or by lease, and construct the Project Facility and the Agency will lease or sell the Project Facility to the Company with an option to buy; and

WHEREAS, the Agency is a state agency under Section 8-0105 of the Environmental Conservation Law of the State of New York and the Project is an action under Article 8 of said law (Article 8 hereinafter being referred to as the “State Environmental Quality Review Act” or “SEQRA”) and under 6 NYCRR Part 617, §§ 617.2(b) and 617.3(g). The Agency has not yet made a preliminary determination as to the potential environmental significance of the Project and therefore has not yet determined whether an environmental impact statement is required to be prepared with respect to the Project; and

WHEREAS, pursuant to the Act, any approval of the Project contained herein is contingent upon a determination by the members of the Agency to proceed with the Project following satisfaction of all requirements of SEQRA that relate to the Project; and

WHEREAS, the acquisition, construction and installation of the Project Facility has not been commenced, and the Agency has not yet authorized the Project; and

WHEREAS, the Agency conducted a public hearing pursuant to Article 18-A of the New York State General Municipal Law (the “Law”) before taking official action relating to the Project.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. Findings. The Agency has reviewed the application together with the environmental assessment form to determine compliance with the requirements of the Act and based on the representations of the Company to the Agency in said application and elsewhere, the Agency hereby makes the following findings and determinations with respect to the Project:

(A) The Project is a permitted project under the Act; and

(B) Undertaking the Project will advance the Agency’s corporate purposes by leading to the creation of job opportunities for the inhabitants of the Counties of Warren and Washington, New York and the State of New York. The Project will also promote the health, prosperity, and economic welfare of the inhabitants of the Counties of Warren and Washington and the State of New York and improve their standards of living; and

(C) The Project is an “Unlisted Action” under SEQRA for which the Town of Queensbury Planning Board (the “Planning Board”) will act as lead agency. A final determination (the “Closing Resolution”) by the members of the Agency to proceed with the Project and to enter into a lease agreement with the Company will follow a determination by the members of the Agency that all requirements of SEQRA that relate to the Project have been fulfilled. The Agency will not make a SEQRA determination until after the Planning Board review; and

(D) It is in the public interest for the Agency to undertake the Project on behalf of the Company; and

(E) The completion of the Project will not result in the removal of a commercial, industrial or manufacturing plant of the Company from one area of the State of New York to another area of the State

of New York, as the Company's lease at its current location will not be renewed. Further, the completion of the Project will not result in any loss of jobs and all existing jobs will be retained nor will the completion of the Project result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Facility located within the State of New York. The relocation of the Company to Warren County is reasonably necessary to maintain the competitive position of the Company in the industry.

SECTION 2. Preliminary Agreement. The proposed preliminary project agreement by and between the Agency and the Company (the "Preliminary Agreement"), as presented to this meeting, is hereby approved as to substance and form. The proposed agreement outlines the Agency's and the Company's rights and duties with respect to the undertaking of the Project. Subject to such changes as the Chairman of the Agency, upon advice of counsel, may reasonably deem necessary, the Chairman is authorized to execute the Preliminary Agreement, and the Secretary of the Agency is authorized to affix a facsimile of the corporate seal thereto and to attest to the same. Execution and attestation shall be conclusive evidence that the Agency has approved the Preliminary Agreement.

SECTION 3. Description of Project.

Subject to the conditions set forth herein and in Section 4.02 of the Preliminary Agreement, the Agency shall:

- (A) acquire an interest in, construct and install the Project Facility; and
- (B) lease or sell the Project Facility to the Company pursuant to an agreement or agreements whereby the Company will obligate itself, among other things, to undertake the Project on behalf of the Agency.

SECTION 4. Company Appointed Agent of Agency.

- (A) The Company is hereby appointed the true and lawful agent of the Agency to:
 - (1) construct and install the Project Facility;
 - (2) make, execute, acknowledge, and deliver all contracts, orders, receipts, instructions, and writings needed to complete the Project; and
 - (3) do all other things requisite and proper for the completion of the Project.
- (B) The Company is authorized to proceed with the acquisition, construction and installation of the Project Facility, subject to receiving appropriate municipal approvals needed prior to commencement of construction, and to advance such funds as may be necessary to accomplish these goals.
- (C) The Company is also authorized to appoint third party agents to undertake the Project and thereby make available to such third party agents an exemption from New York State sales and use taxes in connection with undertaking the Project. This provision is subject to the Company entering into an Agent Agreement with the Agency.

SECTION 5. §144 Election. Not Applicable.

SECTION 6. Bond Counsel. Not Applicable.

SECTION 7. Document Preparation. Counsel to the Agency is hereby authorized and directed to cooperate with counsel to the Company, as well as all other necessary parties, in order to prepare the documents needed to undertake the Project.

SECTION 8. Payment in Lieu of Tax (PILOT) Agreement. The Agency’s approval is subject to the Company entering into a PILOT Agreement with the Agency whereby the Company agrees to make payments in lieu of taxes in an amount pursuant to the Agency’s Uniform Tax Abatement Policy in any given year as if the Company were the owner of the Project and not the Agency. The Agency’s approval is also subject to the Company agreeing to the terms of the Agency’s Recapture Policy.

SECTION 9. Public Inspection. A copy of this resolution and a copy of the Company’s Application for Assistance, together with all other application materials not protected under applicable Freedom of Information Laws, shall be placed on file in the office of the Agency. Such documents shall be available for public inspection during normal business hours.

SECTION 10. Distribution of Resolution. The Chairman of the Agency is hereby authorized to distribute copies of this resolution to the Company and all other persons requesting it.

SECTION 11. Public Hearing. A public hearing for this Project was duly authorized and held on November 16, 2015 in accordance with the provisions of Article 18-A of the General Municipal Law.

SECTION 12. Further Action. The Chairman of the Agency is authorized to take such further action as shall be necessary to give effect to and implement this resolution.

SECTION 13. Effective Date. This resolution shall not take effect until the Company delivers to the Agency of a fully executed Preliminary Agreement, as defined herein, together with an \$18,685.00 security deposit.

SECTION 14. Contingency. The closing of this Project shall be contingent on the Company obtaining financing from KeyBank.

The question of the adoption of the foregoing resolution was duly put to a vote by roll call, which resulted as follows:

VOTING:	AYES	NAYS	ABSTAIN	ABSENT
Harold G. Taylor	1			
Bruce A. Ferguson	1			
Joseph P. LaFiura	1			
Louis Tessier	1			
John Millett, Sr.				1
James T. Lindsay				1
Dave O'Brien	1			
John W. Weber	1			
John S. Kvocka	1			
Matthew Simpson	1			
TOTALS	8	0	0	2

The foregoing resolution was thereupon declared duly adopted.

Resolution No. 15-13
Adopted November 16, 2015

Introduced by Lou Tessier
who moved its adoption.

Seconded by Matt Simpson

**RESOLUTION TO SCHEDULE A PUBLIC HEARING RELATING TO THE INNOVATIVE CONCEPTS
AND CONSULTING, LLC PROJECT**

WHEREAS, Innovative Concepts and Consulting, LLC, a limited liability company established pursuant to the laws of the State of New York, having an address of 25 Computer Drive East, Albany, New York, 12205 (the "Company") has requested that the Agency provide financial assistance in the form of a mortgage tax exemption and sales tax abatements regarding a construction project (the "Project") to consist of: (i) the acquisition of an interest in and refinance of a certain commercial parcel or parcels of land located at 11 S. Union Street, Village of White Creek, Town of Cambridge, County of Washington, State of New York (the "Land"); (ii) the renovation and equipping of an existing 19,625+/- square foot commercial facility for the establishment of a NYS Department of Health Licensed Adult Home/Assisted Living Facility (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 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, 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 Company's Application requesting the Agency to provide financial assistance for the proposed Project, which may include a sales tax abatement during the construction of the Facility, a mortgage tax exemption and a payment in lieu of taxes, all of which shall be consistent with the uniform tax exemption policy of the Agency.

NOW, THEREFORE, BE IT RESOLVED:

1. The Agency hereby schedules a 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 15th day of December, 2016, at the White Creek Town Hall, located at 28 Mountain View Road in the Village of Cambridge, County of Washington, New York, 12816, in connection with the Proposed Project.
2. The Agency hereby authorizes the publication of a Notice of Public Hearing for the Proposed Project and in accordance with the Law and the Agency's policies and procedures.
3. This resolution shall take effect immediately.

AYES:	<u>8</u>
NAYS :	<u>0</u>
ABSENT:	<u>2</u>
ABSTAIN:	<u>0</u>