

COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT AGENCY

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The **Executive/Governance Committee** meeting of the Counties of Warren and Washington Industrial Development Agency was held on Wednesday, **February 15, 2017** at the offices of FitzGerald Morris Baker Firth PC, 16 Pearl Street, Glens Falls, NY. The following were:

Present:	Bud Taylor	Chairman
	Bruce Ferguson	Vice and Park Chairman/Contracting Officer
	Matt Simpson	At Large Member
Absent:	Joseph LaFiura	Secretary/Treasurer
Also Present:	Kara I. Lais, Esquire	FitzGerald Morris Baker Firth, PC
	Brent Frary, Esquire	FitzGerald Morris Baker Firth, PC
	Deborah Mineconzo	Office Administrator

The minutes were taken by the Office Administrator.

Call to Order: The Chairman called the meeting to order at 9:00 am.

Minutes of prior Meeting: Upon motion by Mr. Simpson, seconded by Mr. Ferguson, the minutes of the January 11, 2017 Executive/Nominating/Governance Committee Meeting were approved unanimously by the Committee.

RAN Entertainment (dba Skyzone) Update:

Ms. Lais reported the developer for RAN Entertainment is financing the project through Glens Falls National Bank and is also seeking a SBA loan. She has talked with Greg Seybolt of the bank and closing on the project is expected hopefully before the March Board Meeting. Ms. Lais added she has basically everything the Agency needs and a closing resolution is being prepared for consideration at the upcoming February 27th meeting.

18 Hospitality LLC Update:

Ms. Lais reported 18 Hospitality LLC is financing with M & T Bank for about \$8+ million. Paul Goldman is their current attorney and required information for the Agency was requested for the project. They want to close in the near future as they received the bank documents yesterday. At their request, a closing resolution will be prepared for the upcoming February 27th Board Meeting. Mrs. Mineconzo informed the group she has contacted Mr. Nudi on two occasions regarding the needed annual report which includes sales tax information for PARIS input but to date has not received needed information. Ms. Lais added that she has advised Mr. Goldman of the developer's lack of returning the required annual report to the Agency's office.

Big Bay Lodging Update:

Ms. Lais reported the developer for Big Bay Lodging will need a zoning change for their project and will be going before the Town accordingly for a variance. A Public Hearing regarding the zoning change for the density requirement is scheduled by the Town for the end of the month.

North Country Property Holdings – Property Taxes:

Mrs. Mineconzo advised the Committee North Country Property Holdings did not pay their property taxes due January 31st. Consequently, a penalty of 1% was assessed on the total owed with payment requested to the Agency no later than February 20th. She added she has not heard back from Dr. Keller either by phone or email regarding his intentions with the taxes. She informed everyone the annual report with the employee count was received.

Board Member Training Status:

On the subject of the lack of the required training by one Board Member at this point, Mrs. Mineconzo reported she has not heard further from the member (since her initial call to him). Mr. Taylor stated it doesn't seem like we have much choice on what the Agency needs to do at this point. Mrs. Mineconzo informed the Committee she spoke with Deanna Derway and the member had scheduled his training on three different occasions but didn't complete it. Ms. Lais advised the Committee the one year period for completion of the training is the law for IDA Board Members. Mr. Ferguson will stop by the (Washington) County Building and see what the Chairman advises on the matter. Ms. Lais explained for the Committee the importance of Board Member compliance.

Annual Internal Controls, Investment and Procurement policy review:

Regarding the annual review of Internal Controls Procedures, Mrs. Mineconzo informed the Committee she added a change recently made concerning the \$1,000 on ACH transfers. Other than that, no one requested further changes to the procedures or to the Investment and Procurement policies currently in place. Mr. Simpson moved to accept the revised Internal Control procedures and to renew the Investment and Procurement policies. Mr. Ferguson seconded and all agreed with the motion.

Annual Compliance Report to NYS Taxation & Finance:

Mrs. Mineconzo informed everyone the annual compliance letter to the NYS Taxation & Finance Department (given the Chairman) is the same as last year's except for the year being updated since there were no known project problems with sales tax or PILOTs. There being no changes offered, the Chairman will sign the presented letter.

Kenny & Dittrich Amherst Extensions:

Ms. Lais reported since the sales tax exemption was extended for Kenny & Dittrich Amherst, the PILOT schedule has to be amended and she is handling this for the Town/County. No Board action is required because the extension was approved several months ago.

Ms. Lais also advised the Committee the Agency fee collected at the December 28th closing was incorrectly based on $\frac{3}{4}$ of 1% of their new additional project cost. It should've been $\frac{1}{4}$ of 1% since the total project costs is over \$20 million. A refund of \$5,000.00 will be processed for approval on the payables for the Board.

Other Matters:

Mohawk Industrial Werks LLC:

Ms. Lais reported Mohawk Industrial Werks LLC signed their Preliminary Agreement and sent their security deposit. However, they haven't asked for the sales tax forms yet since the project is not starting until the Spring. Due to the late start, she informed the Committee the developer may be asking for a time extension at some point for the construction period.

Morris Products/Patti Company:

Ms. Lais reported per Patti Company's annual report, they have gone over on their sales tax exemption allowance. Per a letter she received from the owner, they are also going to need additional time to complete their project (weather related) though we have extended their time twice. Ms. Lais will need to submit an amended ST-60 form to the State. Approval for increasing the sales tax and extending the time will be put before the Board on February 27th.

Year end Reporting Problems:

Mrs. Mineconzo mentioned some problems with the year end information being received from projects and the many calls regarding same. She particularly mentioned the problem with obtaining the newly required NY-45 forms from some of the projects who have tenants. At Mr. Defayette's suggestion, we are requesting the tenant give our projects a statement for our files certifying their employment numbers are correct.

New Inquiry:

Mrs. Mineconzo mentioned a professional office asked for information on our assistance. They are moving their current practice in Saratoga County to Warren County. The new job creation count would only be about three and the project cost may not be worth considering for them. However, she sent them our PILOT and criteria information but hasn't heard further from them. Members of the Committee said they'd consider looking at the application if the developer wants to pay the \$500.00 nonrefundable application fee.

Mr. Taylor adjourned the IDA Committee Meeting at 9:28 am.

DATE

Joseph LaFiura, Secretary/Treasurer