

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

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

Tel. (518) 792-1312

The April Board Meeting for Warren Washington Industrial Development Agency was held on Monday, April 20, 2020 via teleconference at 4:05 p.m. The following were:

<b>PRESENT:</b>	Dave O'Brien	Chairman
	Craig Leggett	Vice Chairman
	Brian Campbell	Park Chair
	Mike Wild	At-Large Member
	Ginny Sullivan	Member
	Dan Bruno	Member
	Nick Caimano	Member
	Michael Bittel	Sec/Treasurer

<b>ABSENT:</b>	Bruce Ferguson	Member
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*The following were also present:*

Kara Lais, Esq.	FitzGerald Morris Baker Firth, PC
Tom Jarrett	Jarett Engineers
Lester Losaw	CEO/CFO
Mandated verbatim minutes were taken by:	Alie Weaver, Office Administrator

Mr. O'Brien: Alright, I call the meeting at 4:05. Would you please call roll call?

Mrs. Weaver: Yes.

VOTING:	Present	Absent
Dave O'Brien	X	
Michael Bittel	X	
Craig Leggett	X	
Bruce Ferguson		X
Ginny Sullivan	X	
Nick Caimano	X	
Mike Wild	X	
Dan Bruno	X	
Brian Campbell	x	
<b>TOTALS</b>	<b>8</b>	<b>1</b>

Mrs. Weaver: Is there anyone else on the line? So, I have Kara, Tom and Lester. Anyone else? Okay thank you.

Mr. O'Brien: Okay, I'll entertain a motion to accept the minutes as mailed.

Mr. Campbell: So, moved, Campbell.

Mr. Caimano: Second, Nick.

Mr. O'Brien: Any further discussion? Roll Call.

VOTING:	AYES	NAYS	ABSTAIN	ABSENT
Dave O'Brien	X			
Michael Bittel	X			
Craig Leggett	X			
Bruce Ferguson				X
Ginny Sullivan	X			
Nick Caimano	X			
Mike Wild	X			
Dan Bruno	X			
Brian Campbell	X			
<b>TOTALS</b>	<b>8</b>			<b>1</b>

Mr. O'Brien: Next order of business is to look at the payables and get a motion to approve the payables.

Mr. Campbell: So, moved.

Mr. Leggett: Craig here. I'll make a motion, then would like to discuss when it's on the table.

Mr. Campbell: Brian Campbell, I'll second it, whatever.

Mr. O'Brien: Okay and there is a question.

Mr. Leggett: On for WDL, those fees for both this and the CDC, was that a flat rate?

Mr. O'Brien: Yes, it was flat rate.

Mr. Leggett: Thank you, I thought so, thank you.

Mr. O'Brien: Any other questions?

Mr. Leggett: And then the Jarrett Engineering, is that wetlands related? Or?

Mr. Jarrett: It's all inclusive.

Mr. Leggett: Okay.

Mr. O'Brien: It looks like for three months.

Mr. Leggett: Okay.

Mr. O'Brien: Any other questions? Roll call please.

<b>VOTING:</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Dave O'Brien	X			
Michael Bittel	X			
Craig Leggett	X			
Bruce Ferguson				X
Ginny Sullivan	X			
Nick Caimano	X			
Mike Wild	X			
Dan Bruno	X			
Brian Campbell	X			
<b>TOTALS</b>	<b>8</b>			<b>1</b>

Mr. O'Brien: Carried. Any PILOT billing updates?

Mrs. Weaver: No. Nothing has changed since the last meeting. I'm still waiting on the two projects that have yet to pay their Town and County and Special District taxes. They both did reach out to me, told me that they're well aware that they're late and I did send them out revised statements including the additional late fees.

Mr. O'Brien: Recapture update.

Ms. Lais: You want me to go? I can go over what we have from the last meeting. So, we received all the figures on 354 Broadway, Market 32 in Fort Edward project. They have reported, we have all their reports, and they have reported under so specifically 354 Broadway was allocated for they had an exemption for \$29,750 and they reported \$29,750. Price Chopper was authorized at \$552,023 and they reported that they used \$513,735.49 and they also had a third-party appointment to Bast Hatfield. They were allotted \$326,340 and they used \$112,648.51. So based on the review of the ST340's and their authorizations, they have not gone over on their project sales tax. The next one is LG Plaza and we were still waiting for some information from them. Price Chopper, on their project, this is the in-Warrensburg project. LG Plaza was the developer, they were authorized at \$295,820 worth of sales tax exemptions and they reported using \$38,974 over. Then we received the figures from Price Chopper. Price Chopper reported, on the same project, that they used \$152,504.78 of their \$368,900. So the total project came in under, LG was over so I just got the Price Chopper numbers today so request that I have an opportunity just to take a look at those and follow up with LG Plaza and Price Chopper to be sure that the total project is under as opposed to if one party is over versus the other. I just want to make sure, we're either under or we're not on this particular project. Right now, if you combine both authorizations, they're under but they closed at different times so they had different authorizations.

Mr. O'Brien: So we'll follow up with them and see what they say, make sure they got their numbers correct.

Ms. Lais: Yeah what I would suggest is that we reach out to them simultaneously and indicate the numbers that we've been provided versus authorization and they can confirmed with us if in fact LG did go over, then we can visit the recapture situation but the total project cost is under by over \$100,000. The total authorization on this particular project was nearly \$700,000 and they're under. They're about \$487,000 and change.

Mr. Campbell: Are they totally done Kara?

Ms. Lais: Yeah, this is the Warrensburg plaza up in the, right off the exit where the Price Chopper is. This project was completed sometime in 2014.

Mr. Campbell: We're way under, it's just one part might be over and we might have to recapture on that. Is that, am I getting that right?

Ms. Lais: Yes. But I just took a look at the Price Chopper numbers tonight and I so just wanted to double check. I think if we go back to them and just have them verify and say, "Look LG Plaza, it looks like you're over. Did you account for any expenditures that maybe were really run through Price Chopper?"

Mr. O'Brien: Okay. And then the next step from there would be if they can't justify the numbers, we have to send letter asking for the...explain the process from there.

Ms. Lais: If they have in fact gone over authorization and you've determined that, under general municipal law 875, we have an obligation to recapture. So we would reach out to them, indicate that the numbers, the items they reported indicate that they are over by \$38,974. We would ask them to remit that to us. Within thirty days, whatever they remit to us we then need to remit to the state. So we would give them a timeframe within which they provide us the money or their explanation, whatever they turn over to us we would then turn over to Tax and Finance with the explanation as to here it is, 100%; here it is, they haven't turned over anything to us. And then it's really up to you how far you, as a board, want to pursue that after you've made the initial filing with Tax and Finance. There is no obligation for you to pursue it beyond attempting, making your attempt to recapture and then reporting to Tax and Finance.

Mr. O'Brien: And then it would be up to Tax and Finance to pursue that?

Ms. Lais: Correct. Then it would be in Tax and Finance's hands if they want to do their independent research based on the ST340's that they filed with Tax and Finance directly then they would review those and then it's up to Tax and Finance if they want to commence an action against them for the recapture.

Mr. O'Brien: Okay. Any questions on that? Any questions? Okay, and Firetek, we are submitting recapture, right?

Ms. Lais: Yeah. And they've acknowledged. They're going to send us the \$6.96 and we'll just remit that to the state once we receive it. That's six dollars and ninety-six cents.

Mr. O'Brien: Six dollars and ninety-six cents, right and hopefully we'll stay on top of this from now on so that we don't have this happen again and get far away from us. I think there's one more we're still waiting for some figures for but we think it's okay but we're still waiting for the 340's from them. Anything else on recapture?

Ms. Lais: Not from me.

Mr. O'Brien: Okay. Alie, anything else?

Mrs. Weaver: No.

Mr. O'Brien: Dewatering facility update, well things got interesting last week. The, actually about ten days ago, I got a call from WL. They want to close by June 30<sup>th</sup>. They have their attorneys on it, they expect to submit all the subdivision and zoning to the board. Kara's already been in contact with Matt Fuller, who is going to run the effort for both village and town so they are hopeful that as soon as they get the information from them, they can start doing their work and get it done by June 30<sup>th</sup> so we can close. There's another list of

stuff that we're looking at, another list of actions items that we have, mostly concerning the road so we're working on those. And that's the latest update. Any questions on that?

Mr. Campbell: Good job.

Mr. Leggett: Mr. Chairman? Craig, thank you. Will the planning boards be operational to pass that subdivision?

Mr. O'Brien: They've committed to get the subdivision done, they can do it by video so that's what they're planning on. But Kara's talked to Matt Fuller about it so they are looking at it. We need our own subdivision for the road acquisition so those are going to be running parallel by Matt Fuller from the village and town but this is too important for them. They are committed to getting it done.

Mr. Leggett: Okay.

Ms. Lais: Yeah, they don't have any scheduled meetings right now, it was my understanding but when I spoke with Matt last week, he indicated that an application was (garbled).

Mr. Caimano: I couldn't hear that, number one.

Ms. Lais: Oh, Sorry. When I spoke to Matt last week, they don't have a meeting scheduled right now but if they do receive an application, that would trigger them to make a determination to schedule a meeting. Matt's asked me to submit them hard copies for all members so they can circulate those. The map, I should be able to get tomorrow and we'll be able to get that delivered to the town and the village. We do have to make application to the village also because there's not a joint review possibility so there's one little piece that's in the village that we need to make an application there as well. So, we're working towards that and I know that Matt did, I introduced him virtually to the counsel for WL and so they've all kind of connected last week.

Mr. O'Brien: Okay. Any other questions? Okay, road and planning, I just sent out, Craig can you follow up on that?

Mr. Leggett: Where are we?

Mr. O'Brien: About the road?

Mr. Leggett: Yes.

Mr. O'Brien: So we had a conversation with Fort Edward and I just sent out the MOU, proposed MOU to people to review and hopefully we can get that settled because based on that there's other things we may have to do so I would hope they can review that. Lester and I would make sure the rest of the board gets that to review to make sure they can view and make sure we can get that done so we can move on to the next phase. We did get the deed to the road reviewed, they had one suggestion. We're making that suggestion and then it should come back to me for signatures so before I sign that I will call a special meeting so we can review and approve me signing the deed and I'll make sure you have the deed before we do that. Okay, any other questions on that? Sales and marketing, we don't have anything, right Mike?

Mr. Bittel: No sir, not at this time, except for the things that we've been doing as far as the grant and the letter writing advocacy from our elected officials.

Mr. O'Brien: We did have a, I think we got a copy of the grant, we did submit a grant for feasibility study. The total grant number we're looking at getting is \$100,000 and we'd have \$20,000 to approve by the board for a match and Hudson Falls Village says, offered \$5,000 so the total amount of the grant would be \$125,000.

Mr. Campbell: Hudson Falls Village or Fort Edward Village?

Mr. O'Brien: Fort Edward Village.

Mr. Campbell: Yes, you said Hudson Falls.

Mr. O'Brien: Okay, sorry, it's Fort Edward Village.

Mr. Campbell: No, I just wanted to clarify.

Mr. O'Brien: Okay. And Jack's not on the phone, is he? I tried to get ahold of him earlier today to get an update, I didn't get ahold of him. Brian, have you heard anything on the Falck option purchase?

Mr. Campbell: No, I have not.

Mr. O'Brien: Okay. I think they're still interested; I think we're still chasing them down so we'll see. Alright, new business, Jarrett contract. At the last meeting, Mike had a couple questions. I guess the board had a couple questions and he did give some amended language, proposed amended language and I think Tom's on the phone so if you have any questions or comments, he's free to answer those questions. Or I should say available.

Mr. Caimano: Hey Mr. Chairman? Nick here, just a quickie, what were the questions? I was absent last meeting, I'm sorry for that. What were the questions?

Mr. O'Brien: We revolved around what would happen to the materials he's done for us over the years if in fact they discontinued business or there was another firm involved, won't be the access to those materials. And according to his current contract, a current contract like most others say is that the propriety information belongs to them and stays with them. They still provide us copies of everything, he did in a conversation with me, said he'd offer to give us a copy of everything they have on file electronically. So that was what came up and we'll start the conversation there.

Mr. Caimano: Okay, thank you sir.

Mr. Jarrett: This is Tom, can I jump in with a thought first? I sent an email out to you Dave, and copied Alie on it last week documenting that, number one, we provided copies of all our submissions and all pertinent conversations over the years. I'm hoping they're in the files. If Alie can't find them then we can amend those files, provide additional copies now, pertinent submissions. And number two, or number three, however you look at it; we do maintain electronic files, of all our submissions for at least ten years and would provide those copies upon request if for some reason we cease to do business with the IDA and I added a clause to that effect to our proposed agreement.

Mr. Wild: I was just really looking for the raw electronic datas. There's a survey, there's data points in some type of CAD-type software. That's really the things I was concerned about in terms of moving forward with. Is that included in the way this proposal and contract has been rewritten?

Mr. Jarrett: As opposed of just say PDF's, you're talking about source files like auto-CAD files and the like?

Mr. Wild: Exactly, yes.

Mr. Jarrett: Those can be provided for sure. We have not provided AutoCAD files to date but I don't think we have a problem providing AutoCAD files either now if requested.

Mr. Wild: Thanks, that's really what the root of it was. The AutoCAD files are basically a big component of the electronic data that you drive all your decisions from. And yet my only question was what happens if we have to recreate this?

Mr. Jarrett: My intent is that you would not have to recreate these. We're willing to provide copies of any file now or if we cease to do business at that time. The reason that consulting firms typically own documents is that we don't want them misused if they fall in the wrong hands. Technically we own them but certainly you and client would have access to use them for the appropriate purposes.

Mr. Wild: I believe my questions have been satisfied Dave and thank you Tom.

Mr. O'Brien: Well good. With that I'll entertain a motion if anyone else any questions? I'll entertain a motion to approve the contract as rewritten.

Mr. Campbell: I'll move that Dave.

Mr. Wild: It's Mike, I'll second it.

Mr. O'Brien: Moved by Brian, Mike seconded. Roll call please Alie.

VOTING:	AYES	NAYS	ABSTAIN	ABSENT
Dave O'Brien	X			
Michael Bittel	X			
Craig Leggett	X			
Bruce Ferguson				X
Ginny Sullivan	X			
Nick Caimano	X			
Mike Wild	X			
Dan Bruno	X			
Brian Campbell	X			
<b>TOTALS</b>	<b>8</b>			<b>1</b>

Mr. Jarrett: This is Tom, can I jump in? Alie I'll make sure that you have the right documents and number two if there's anything missing from your file or anything Mike would like right now let me know and we'll deal with that right now.

Mrs. Weaver: Okay I'm not quite sure what we're suppose to have to I don't know how to check.

Mr. Jarrett: Yeah okay it may not be anything you need to address immediately but we're certainly willing to do so if there are any questions.

Mr. Wild: Alie this is Mike, no worries. I'm just thinking about going forward so I think we're good right now.

Mrs. Weaver: Okay.

Mr. O'Brien: Okay, year end reporting. Alie?

Mrs. Weaver: Yes, as it was discussed at the Executive Park meeting, the PARIS reports for IDA and CDC were submitted on March 31<sup>st</sup> in time and I haven't heard anything at all, good or bad, so I'm going to assume no news is good news at this point.

Mr. O'Brien: Good, very good getting it done by this time. We were six months earlier than last year. Okay, during the COVID crisis, we normally have a requirement two signatures for checks over six hundred dollars. But because it may be hard to get two people together, I'd like to get a motion to suspend that during this period of time so that we don't have to chase people around to get two checks (signatures).

Mr. Caimano: I'll move it.

Mr. O'Brien: Nick moved it; do I have a second?

Ms. Sullivan: Ginny, will second.

Mr. O'Brien: Ginny will second. I've already talked to the bank, and they have no problem with that. What they said it's more of an internal requirement than it is a bank requirement. Roll call please Alie.

VOTING:	AYES	NAYS	ABSTAIN	ABSENT
Dave O'Brien	X			
Michael Bittel	X			
Craig Leggett	X			
Bruce Ferguson				X
Ginny Sullivan	X			
Nick Caimano	X			
Mike Wild	X			
Dan Bruno	X			
Brian Campbell	X			
<b>TOTALS</b>	<b>8</b>			<b>1</b>

Mr. O'Brien: We had one additional addition to the, we already talked about the feasibility study, we had one addition today, late addition. The Hyde Collection has been in contact with Glens Falls National Bank asking for interest only payments for the ninety days. It's the same thing we did for Silver Bay so the resolution is identical.

Mr. Caimano: Yeah, I'll move that, I saw it, I'll move that. Nick.

Mr. O'Brien: Moved by Nick, do I have a second?

Mr. Leggett: Second by Craig.

Mr. O'Brien: Second by Craig. Any further discussion? Roll call please Al.

<b>VOTING:</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Dave O'Brien	X			
Michael Bittel	X			
Craig Leggett	X			
Bruce Ferguson				X
Ginny Sullivan			X	
Nick Caimano	X			
Mike Wild	X			
Dan Bruno	X			
Brian Campbell	X			
<b>TOTALS</b>	<b>7</b>		<b>1</b>	<b>1</b>

Mr. O'Brien: One last note I had is that Mike, you had a question to bring up about Schermerhorn?

Mr. Wild: I did Dave, thank you. My question was related to whether or not the IDA could offer benefits for affordable housing. I didn't know if this was possible but after talking with Rich Schermerhorn one of the big issues that he has in terms of developing these properties is taxes and I didn't know if we could help out with that, with PILOT programs and the like, but if that is the case it might open more opportunity for more investment for affordable housing. And we all know if we're trying to build businesses in the area, we can only go so far without workforce and workforce needs housing. So that was my thought process and I don't know, Dave if you had any chance to dig into that to see if it was possible.

Mr. O'Brien: I have not but I think Kara can get the answer for us.

Ms. Lais: Yeah, I mean I can take a look into it and see if you know, things will be changing in light of the circumstances also. Most commonly it's affordable housing for senior affordable housing so it meets certain requirements of New York State law. In addition, apartments have been approved by IDAs because they have some commercial component with them but I don't know if affordable housing, as far as a single-family residence. I don't believe that those have been approved in the past by IDA's but I can definitely look into it.

Mr. Wild: Yeah, it's Mike again. I was thinking more in the lines of apartments.

Ms. Lais: Yeah so apartments have been approved based on you know, sometime they're combined with a commercial component like the Bennocio apartment structure in Glens Falls, that's an IDA project because they combine it with a commercial component. There are some, there is some, I can send you there's some I'll send you some materials on it regarding how other IDA's have approved it based on the conditions and the community, etc. But it's kind of on a case by case basis.

Mr. Wild: But it is possible, so that's what I was looking for, and Kara if you could send me that I'll pass it along.

Ms. Lais: Yeah sure I'd be happy to.

Mr. Wild: Just a little background for everyone, occasionally as I meet with individuals across Warren county and the different towns there's the discussion about broadband and then we get into housing and one of the things that's happening in the north country is that some of the housing is being repurposed as vacation and

rentals, second homes which is limiting the amount of affordable housing that exists to support, let's just say in North Creek for the nursing facility that they have there. So that's kind of what's on the up on this, I'm thinking is there might be some other way of doing it. Kara, I look forward to whatever you can send me and maybe we can make something work.

Ms. Lais: Sure, I'll send that to Alie and then she can circulate it to everyone so everyone can take a look at it.

Mr. Wild: Thank you.

Mr. O'Brien: Thanks, Alie (Kara). Anything else to come before the board for the IDA?

Mr. Caimano: Mr. Chairman I have a procedural question for you. I'm a little concerned about the roll call. I know we're always under a spy glass with the state, we have the Post Star looking at us, checking sure we're doing everything right and we even have supervisors worrying about it too. I noticed that we have Bruno and myself back to back on the roll call and I'm sure that sooner or later somebody's going to be, especially when they find out Bittel is partly Italian, somebody's going to consider that we may be run by the mafia so I'd just bring that up.

Mr. Campbell: Maybe if we had one first and one last, they wouldn't know we were run by the mafia.

Mr. Wild: Does that mean all the income derived from the IDA, do you have to report that for the taxes now?

Mr. O'Brien: Alright let's not go too far astray here. Any other comments for the public good?

Mr. Caimano: I'll move to adjourn.

Mr. O'Brien: Moved by Nick Caimano to adjourn, do I have a second?

Mr. Bittel: Michael Bittel, second.

Mr. O'Brien: Roll call please.

VOTING:	AYES	NAYS	ABSTAIN	ABSENT
Dave O'Brien	X			
Michael Bittel	X			
Craig Leggett	X			
Bruce Ferguson				X
Ginny Sullivan	X			
Nick Caimano	X			
Mike Wild	X			
Dan Bruno	X			
Brian Campbell	X			
TOTALS	8			1

March 30, 2020

Dave O'Brien, Chairman,  
Warren Washington Counties IDA  
5 Warren Street  
Glens Falls, NY 12801

Re: Professional Engineering Services Agreement 2020-2021  
Warren Washington Counties Industrial Development Agency (IDA)

Dear Dave,

Attached is a proposed agreement between JARRETT Engineers, PLLC and the Warren – Washington Counties IDA for 2020 and 2021.

It has been a pleasure to work with the IDA over the years, and we look forward to continuing that relationship. If the Board authorizes this agreement, please sign the document and return a copy for our files. If you have any questions or would like to discuss any aspects of the proposal, please call me at 518-792-2907.

Sincerely,

**JARRETT Engineers, PLLC**



Digitally signed by  
Gail Morehouse  
Date: 2020.03.30  
14:07:56 -04'00'

H. Thomas Jarrett, P.E.  
Principal

Encl: Professional Services Agreement

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**Professional Services Agreement****Project Name:** Warren-Washington Counties IDA**Proj #95-15****Date:** Amended April 13, 2020

**Compensation:** Work is billed on an hourly basis; current JARRETT *Engineers, PLLC* rates are \$105/hr for Principals/Senior Project Managers, \$100/hr for Project Managers and Sr Project Professionals, \$80/hr Project Professionals, \$75/hr for designers, technicians, field representatives, and cadd operators, plus up to \$60/hr for administrative assistance. Rates are subject to annual review and change to reflect increases in labor and operating expenses. Out of pocket expenses such as printing/photocopying, mileage, permit fees, equipment rental, etc, are billed at cost. Outside contractors/sub-consultants, not under contract with CLIENT, will be marked up 15% to cover overhead costs.

**Definitions:** 1) A "cost estimate" is an opinion of probable engineering fees, construction costs, or other outside services costs, based on ENGINEER'S professional judgment and experience, and is not intended, nor is it to be construed, as a guarantee of the actual cost. ENGINEER shall assume no liability for deviations in actual costs from estimated costs, and CLIENT agrees to set aside contingency funds to cover unforeseen costs/deviations. 2) "Certification" is an expression of ENGINEER's professional opinion, to the best of ENGINEER's knowledge, information, and belief. Such statement does not constitute a warranty or guarantee, either express or implied, by the ENGINEER. 3) CONTRACTOR shall mean general contractor and any/all subcontractors employed on project.

**Site Work:** CLIENT shall provide ENGINEER with right to enter project site(s) as required to perform work. Although ENGINEER shall exercise reasonable care in performing work, testing and other equipment may unavoidably cause damage, the correction of which is not part of work scope. CLIENT agrees to indemnify and hold ENGINEER harmless against any damages, liabilities, costs, including reasonable attorney's fees and defense costs, arising or allegedly arising from procedures associated with testing or investigative activities, or connected in any way with the discovery of hazardous materials or suspected hazardous materials on the property.

**Approval of Work:** The work performed by JARRETT *Engineers, PLLC*, hereinafter referred to as ENGINEER, shall be deemed approved and accepted by CLIENT and CLIENT'S CONTRACTORS as and when invoiced to CLIENT unless CLIENT objects within 30 days of the invoice date by written notice specifically stating the details in which CLIENT believes such work is incomplete or defective. CONTRACTOR shall be required by CLIENT to notify ENGINEER of defects or potential defects at time of discovery and failure to do so shall relieve ENGINEER of costs of remedying defects above the sum such remedy would have cost had prompt notification been given.

**Termination:** The obligation to provide further services under this Agreement may be terminated by either party upon five (5) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof, including breach of payment terms, through no fault of the terminating party. In the event of any termination, ENGINEER shall be paid for all services rendered to the date of termination, as well as for all reimbursable expenses and reasonable termination expenses.

**Litigation:** If litigation is necessary to collect any portion of the amounts payable hereunder, then all costs and expenses of litigation and collection, including without limitation, fees, court costs, and attorney's fees (including such costs and fees on appeal), shall be the obligation of the CLIENT. In the event that CLIENT institutes a suit against ENGINEER, either directly by complaint or by way of cross-complaint, including a cross-complaint for indemnity, for alleged negligence, error, omission, or other failure to perform, and if CLIENT fails to obtain a judgment in CLIENT's favor, the lawsuit is dismissed, or if judgment is rendered for ENGINEER, then CLIENT agrees to pay ENGINEER all costs of defense, including attorney's fees, expert witness fees, court costs, and any and all other expenses of defense. CLIENT agrees such payments shall be made immediately following dismissal of the case or upon entry of judgment. If any action at law or equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this agreement, the prevailing party shall be entitled to reasonable attorney's fees, which may be set by the court in the same action or in a separate action brought for that purpose, in addition to any other relief to which he may be entitled.

**Observation and Testing of Construction, Safety:** The observation of construction by ENGINEER'S representative will be for the purpose of providing observation of the progress and quality of work completed. Such visits and observation are not intended to be an exhaustive check or a detailed inspection of the Contractor's work but rather are to allow the ENGINEER, as an experienced professional, to become generally familiar with the work in progress and to determine, in general, if the work is proceeding in accordance with the Contract Documents. Under no circumstances is it ENGINEER's intent, nor shall he have been deemed, to directly control or supervise the physical activities of the contractor's workmen to accomplish the work on this project. The presence of ENGINEER's field representative at the site is to provide the CLIENT with a source of information based upon the field representative's observations of the contractor's work, but does not include any superintending, supervision, or direction of the actual work of the contractor or the contractor's workmen. The contractor should be informed that neither the presence of ENGINEER's field representative nor observation and testing personnel shall excuse the contractor in any way for defects discovered in his work. It is understood that ENGINEER will not be responsible

for job or site safety on the project. CLIENT agrees that the Contractor shall be solely responsible for jobsite safety and warrants that this intent shall be carried out in the Client's contract with Contractor. Client agrees to have Contractor indemnify ENGINEER and ENGINEER'S subconsultants, and to make both additional insured's under Contractor's liability insurance policies.

**Construction Phase Services:** CLIENT acknowledges that the design work performed pursuant to this agreement is based upon field and other conditions existing at the time of preparation of ENGINEER's work. CLIENT further acknowledges that field and other conditions may change by the time project construction occurs, and that clarification, adjustments, modifications, discrepancies or other changes may be necessary to reflect changed field or other conditions. If ENGINEER's scope of services does not include on-site construction observation, or if subsequent to this agreement CLIENT retains other persons or entities to provide such services, CLIENT acknowledges that such services will be performed by others and CLIENT will defend, indemnify and hold ENGINEER harmless from any and all claims arising from or resulting from the performance of such services by other persons or entities except claims caused by the sole negligence or willful misconduct of ENGINEER; and from any and all claims arising from or resulting from clarifications, adjustments, modifications, discrepancies or other changes necessary to reflect changed field or other conditions, except claims caused by the sole negligence or willful misconduct of ENGINEER. In the event CLIENT discovers or becomes aware of changed field or other conditions which necessitate clarification, adjustments, modifications or other changes during the construction phase of the project, CLIENT agrees to notify ENGINEER and engage ENGINEER to prepare the necessary clarifications, adjustments, modifications or other changes to ENGINEER work before construction activities commence or further activity proceeds. Further, CLIENT agrees to have provision in its construction contracts for the project which requires the contractor to notify CLIENT of any changed field or other conditions so that CLIENT may in turn notify ENGINEER pursuant to the provisions of this paragraph. CLIENT acknowledges that ENGINEER is not responsible for the performance of work by third parties including, but not limited to, the construction contractor and its subcontractors. ENGINEER shall review Contractor submittals when requested by CLIENT, but only for the limited purpose of checking for conformance with the design concept and the information in the Construction Documents. The review shall not include accuracy or completeness of details, quantities, dimensions, construction means/methods, coordination with other trades or safety procedures, all of which are the responsibility of the Contractor.

**Safety and Hazardous Conditions:** CLIENT agrees that in accordance with generally accepted construction practices, contractor(s) will be required to assume sole and complete responsibility for job site conditions during the course of work of the project, including safety of all persons and property; that this requirement shall be made to apply continuously and not be limited to normal working hours, and CLIENT further agrees to defend, indemnify and hold ENGINEER harmless from any and all liability, real or alleged, in connection with the performance of work on this project, excepting liability arising from the sole negligence of ENGINEER. CLIENT shall provide ENGINEER's personnel with any information regarding potential hazards or whether personal protective measures are required when working on project site(s) associated with this contract and that ENGINEER's personnel be afforded the opportunity to review any health and safety plan available for site(s) that they will be working on. In the event the project site is classified as a Hazardous Waste/Materials Site during the execution of this contract's services, ENGINEER'S fee will reflect the need for ENGINEER to comply with current regulations, including OSHA and specialized employee training. It is understood and agreed that ENGINEER is not, and has no responsibility as a handler, generator, operator, treater or storer, transporter, disposer, or detector (unless specifically included in scope of services) of hazardous or toxic substances found or identified at the site(s), and that CLIENT shall undertake or arrange for the handling, removal, treatment, storage, transportation and disposal of hazardous substances or constituents found or identified at the site(s).

**Insurance:** ENGINEER shall procure and maintain throughout the period of this agreement, insurance required by applicable State and Federal laws. Certificates for all such policies of insurance shall be provided to the CLIENT upon written request. The CLIENT recognizes that ENGINEER insurance policies contain certain exclusions including exclusions for work involving asbestos containing materials and for certain claims arising from the discharge, dispersal, released or escape of pollutants. In case ENGINEER shall, without fault on its part, be made a party to any litigation commenced by or against CLIENT, then CLIENT shall protect and hold ENGINEER harmless and shall pay all costs, expenses and reasonable attorney fees incurred or paid by ENGINEER in connection with such litigation. CLIENT shall also pay all cost, expenses and reasonable attorney fees that may be incurred or paid by ENGINEER in enforcing the covenants and agreements in this contract. Upon request the ENGINEER agrees to provide to the CLIENT a Certificate of Insurance naming the CLIENT as an additional insured.

**Ownership/Use of Documents:** All documents and instruments prepared by ENGINEER will be prepared in accordance with the Scope of Services, shall pertain only to the subject project, are prepared for the exclusive use of the CLIENT only for the intended purpose, and shall remain the property of the ENGINEER. Use of the documents and data contained therein for other purposes is at the CLIENT's sole risk and responsibility. ENGINEER shall retain all common law, statutory, and other reserved rights, including the copyright thereto. ENGINEER shall

provide copies of all submissions during the course of the project, and as requested at the completion of the project. The cost of preparation and reproduction of these copies shall be reflected in the final invoice to Client.

**Indemnification:** CLIENT shall indemnify, defend and hold ENGINEER harmless for any and all loss, cost, expense, claim, damage, or liability of any nature arising from: (a) soil conditions and the locations of underground utilities; (b) changes in documents, plans, or specifications, including electronic, made by CLIENT or others; (c) use by CLIENT or others of documents, plans, surveys, or drawings, including electronic, by ENGINEER for any purpose other than the specific purpose for which they were designed; (d) job site conditions and performance of work on the project by others; (e) inaccuracy of or deficiencies in data or information supplied by CLIENT; and (f) work performed on material or data supplied by others, (g) costs arising from the discovery of concealed or unknown conditions on the site or within existing facilities, (h) independent laboratory analyses, unless said loss was solely caused by ENGINEER'S own negligence. ENGINEER makes no guarantee or warranty, either expressed or implied, as to his findings, recommendations, plans, specifications, or professional advice except that ENGINEER will endeavor to perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances.

**Limitations of Engineer's Liability:** The CLIENT agrees that ENGINEER'S liability for damages to the CLIENT for any cause whatsoever in connection with this project, and regardless of the form of action, whether in contract or in tort, including negligence, shall be limited to the greater of Fifty Thousand Dollars (\$50,000.00), or ENGINEER'S total fee on the project. ENGINEER has a right to complete all services agreed to be rendered pursuant to this contract. In the event this agreement is terminated before the completion of all services, unless ENGINEER is responsible for such early termination, CLIENT agrees to release ENGINEER from all liability for work performed. ENGINEER makes no representations concerning soil conditions unless specifically included in writing in this agreement, and he is not responsible for any liability that may arise out of the making or failure to make soil surveys, or subsurface soil tests, or general soil testing. ENGINEER shall not be liable for damages resulting from the actions or inactions of governmental agencies including, but not limited to, permit processing, environmental impact reports, dedications, general plans and amendments thereto, zoning matters, annexations or consolidations, use or conditional use permits, project or plan approvals, and building permits. Limitations of liability, and indemnifications, in this document shall extend to ENGINEER's partners, employees, and their heirs and assigns, as well as subconsultants and their officers, employees, heirs and assigns. CLIENT further agrees that CLIENT's sole and exclusive remedy, claim, demand, or suit shall be directed only against ENGINEER and not against ENGINEER's individual employees or partners. ENGINEER shall not be required to execute any documents that in any way might, in the sole judgment of the ENGINEER, increase the ENGINEER's contractual or legal obligations or risks, or adversely affect the availability or cost of its professional or general liability insurance.

**Controlling Laws/Severability/Survival:** This Agreement is to be governed by the laws of the State of New York. Any term or provision of this Agreement found to be invalid under statute of law shall be deemed omitted and the remainder of this Agreement shall remain in effect. All rights, duties, and obligations of the parties to this Agreement, including limitations of liability, indemnifications, warranties, and representations, shall survive completion or termination of Agreement and remain in full force and effect.

**Successors and Assigns:** Neither CLIENT nor ENGINEER shall assign, sublet, or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this Agreement without the written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law.

**Dispute Resolution/Notices:** Parties agree to attempt to resolve disputes through direct good faith negotiations. If that fails, all claims, counterclaims, disputes and other matters in question between the parties hereto arising out of or relating to this Agreement or breach thereof shall be submitted second for non-binding mediation, unless the parties mutually agree otherwise. All notices called for by this Contract shall be in writing and shall be deemed to have been sufficiently given or served when presented personally, or when deposited in the U.S. mail, postage prepaid, and/or certified and return receipt requested.

Agreement Accepted by:

(Signature, Printed Name, and Title of Person Authorized to enter into binding Agreement)

(Date)



New York State Department of Taxation and Finance

**IDA Appointment of Project Operator or Agent  
For Sales Tax Purposes****ST-60**  
(4/13)

The industrial development agency or authority (IDA) must submit this form within 30 days of the appointment of a project operator or agent, whether appointed directly by the IDA or indirectly by the operator or another agent.

**For IDA use only**

Name of IDA <b>Counties of Warren and Washington Industrial Development Agency</b>		IDA project number (use OSC numbering system for projects after 1996) <b>5202-16-02A</b>	
Street address <b>5 Warren Street</b>		Telephone number <b>(518) 792-1312</b>	
City <b>Glens Falls</b>		State <b>NY</b>	ZIP code <b>12801</b>
Name of IDA project operator or agent <b>Price Chopper Operating Co., Inc.</b>		Mark an X in the box if directly appointed by the IDA: <input checked="" type="checkbox"/> Employer identification or social security number <b>14-0568165</b>	
Street address <b>461 Nott Street</b>		Telephone number <b>(518) 379-1391</b>	Primary operator or agent? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
City <b>Schenectady</b>		State <b>NY</b>	ZIP code <b>12308</b>
Name of project <b>Market 32</b>		Purpose of project (see instructions) <b>Retail trade</b>	
Street address of project site <b>354 Broadway</b>			
City <b>Fort Edward</b>		State <b>NY</b>	ZIP code <b>12628</b>
Description of goods and services intended to be exempted from New York State and local sales and use taxes <b>Construction materials, fixtures, furnishings</b>			

Date project operator or agent appointed (mm/dd/yy) <b>02/09/16</b>	Date project operator or agent status ends (mm/dd/yy) <b>08/31/17</b>	Mark an X in the box if this is an extension to an original project: <input type="checkbox"/>	
Estimated value of goods and services that will be exempt from New York State and local sales and use tax: <b>\$7,457,620.00</b>		Estimated value of New York State and local sales and use tax exemption provided: <b>\$522,023.00</b>	
Certification: I certify that the above statements are true, complete, and correct, and that no material information has been omitted. I make these statements with the knowledge that willfully providing false or fraudulent information with this document may constitute a felony or other crime under New York State Law, punishable by a substantial fine and possible jail sentence. I also understand that the Tax Department is authorized to investigate the validity of any information entered on this document.			
Print name of officer or employee signing on behalf of the IDA <b>Harold G. Taylor</b>		Print title <b>Chairman</b>	
Signature 		Date <b>2/24/16</b>	Telephone number <b>(518) 792-1312</b>

**Instructions****Filing requirements**

An IDA must file this form within 30 days of the date the IDA appoints any project operator or other person as agent of the IDA, for purposes of extending any sales and compensating use tax exemptions.

The IDA must file a separate form for each person it appoints as agent, whether directly or indirectly, and regardless of whether the person is the primary project operator or agent. If the IDA authorizes a project operator or agent to appoint other persons as agent of the IDA, the operator or agent making such an appointment must advise the IDA that it has done so, so that the IDA can file a form within 30 days of the date of the new agent's appointment. The IDA should not file this form for a person hired to work on an IDA project if that person is not appointed as agent of the IDA. The IDA need not file this form if the IDA does not extend any sales or use tax exemption benefits for the project.

If an IDA modifies a project, such as by extending it beyond its original completion date, or by increasing or decreasing the amount of sales and use tax exemption benefits authorized for the project, the IDA must, within 30 days of the change, file a new form with the new information.

If an IDA amends, revokes, or cancels the appointment of an agent, or if an agent's appointment becomes invalid for any reason, the IDA must, within 30 days, send a letter to the address below for filing this form, indicating that the appointment has been amended, revoked, or cancelled, or is no longer valid, and the effective date of the change. It should attach to the letter a copy of the form it originally filed. The IDA need not send a letter for a form that is not valid merely because the "Completion date of project" has passed.

**Purpose of project**

For Purpose of project, enter one of the following:

- |   |                   |
|---|-------------------|
| - Services  | - Construction    |
| - Agriculture, forestry, fishing                                  | - Wholesale trade |
| - Finance, insurance, real estate                                 | - Retail trade    |
| - Transportation, communication, electric, gas, sanitary services | - Manufacturing   |
|   | - Other (specify) |

**Mailing instructions**

Mail completed form to:

**NYS TAX DEPARTMENT  
IDA UNIT  
W A HARRIMAN CAMPUS  
ALBANY NY 12227**

**Privacy notification**

The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 5-a, 171, 174-a, 287, 306, 429, 475, 505, 587, 1096, 1142, and 1413 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 40505(b)(3).

This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.

Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention, support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Manager of Document Management, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone (518) 457-5181.

**Need help?**

**Internet access: [www.tax.ny.gov](http://www.tax.ny.gov)**  
(for information, forms, and publications)



**Sales Tax Information Center: (518) 485-2889**

**To order forms and publications: (518) 457-5431**



**Text Telephone (TTY) Hotline**  
(for persons with hearing and speech disabilities using a TTY): **(518) 485-5062**

**IDA Appointment of Project Operator or Agent  
For Sales Tax Purposes****ST-60**

(4/13)

The industrial development agency or authority (IDA) must submit this form within 30 days of the appointment of a project operator or agent, whether appointed directly by the IDA or indirectly by the operator or another agent.

**For IDA use only**

Name of IDA Counties of Warren and Washington Industrial Development Agency		IDA project number (use OSC numbering system for projects after 1998) 5202-16-02A	
Street address 5 Warren Street		Telephone number (518) 792-1312	
City Glens Falls		State NY	ZIP code 12801
Name of IDA project operator or agent Bast Hatfield Construction, LLC		Mark an X in the box if directly appointed by the IDA: <input type="checkbox"/> Employer identification or social security number 14-0556165	
Street address 1399 Crescent Vischer Ferry Road, Suite 2		Telephone number (518) 848-0636	Primary operator or agent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
City Clifton Park		State NY	ZIP code 12065
Name of project Market 32		Purpose of project (see instructions) Retail trade	
Street address of project site 354 Broadway			
City Fort Edward		State NY	ZIP code 12828
Description of goods and services intended to be exempted from New York State and local sales and use taxes Construction materials, fixtures, furnishings			

Date project operator or agent appointed (mm/dd/yy) 05/26/16	Date project operator or agent status ends (mm/dd/yy) 08/31/17	Mark an X in the box if this is an extension to an original project: <input type="checkbox"/>
Estimated value of goods and services that will be exempt from New York State and local sales and use tax: \$326,340.00		Estimated value of New York State and local sales and use tax exemption provided: \$4,662,000.00

Certification: I certify that the above statements are true, complete, and correct, and that no material information has been omitted. I make these statements with the knowledge that willfully providing false or fraudulent information with this document may constitute a felony or other crime under New York State Law, punishable by a substantial fine and possible jail sentence. I also understand that the Tax Department is authorized to investigate the validity of any information entered on this document.

Print name of officer or employee signing on behalf of the IDA Harold G. Taylor	Print title Chairman	Date 6/8/16	Telephone number (518) 745-1400
Signature 			

**Instructions****Filing requirements**

An IDA must file this form within 30 days of the date the IDA appoints any project operator or other person as agent of the IDA, for purposes of extending any sales and compensating use tax exemptions.

The IDA must file a separate form for each person it appoints as agent, whether directly or indirectly, and regardless of whether the person is the primary project operator or agent. If the IDA authorizes a project operator or agent to appoint other persons as agent of the IDA, the operator or agent making such an appointment must advise the IDA that it has done so, so that the IDA can file a form within 30 days of the date of the new agent's appointment. The IDA should not file this form for a person hired to work on an IDA project if that person is not appointed as agent of the IDA. The IDA need not file this form if the IDA does not extend any sales or use tax exemption benefits for the project.

If an IDA modifies a project, such as by extending it beyond its original completion date, or by increasing or decreasing the amount of sales and use tax exemption benefits authorized for the project, the IDA must, within 30 days of the change, file a new form with the new information.

If an IDA amends, revokes, or cancels the appointment of an agent, or if an agent's appointment becomes invalid for any reason, the IDA must, within 30 days, send a letter to the address below for filing this form, indicating that the appointment has been amended, revoked, or cancelled, or is no longer valid, and the effective date of the change. It should attach to the letter a copy of the form it originally filed. The IDA need not send a letter for a form that is not valid merely because the "Completion date of project" has passed.

**Purpose of project**

For Purpose of project, enter one of the following:

- |   |                   |
|---|-------------------|
| - Services  | - Construction    |
| - Agriculture, forestry, fishing                                  | - Wholesale trade |
| - Finance, insurance, real estate                                 | - Retail trade    |
| - Transportation, communication, electric, gas, sanitary services | - Manufacturing   |
|   | - Other (specify) |

**Mailing instructions**

Mail completed form to:

**NYS TAX DEPARTMENT  
IDA UNIT**

and information pursuant to  
§ 171-a, 287, 308,  
closure of social security

when authorized by  
as for any other lawful

tain state agencies  
ctiveness of certain

penalties, or both,

YS Tax Department,

(S)

) 485-2889

) 457-5431



**Text Telephone (TTY) Hotline**  
(for persons with hearing and  
speech disabilities using a TTY):

(518) 485-5082

# Annual Report of Sales and Use Tax Exemptions Claimed by Agent/Project Operator of Industrial Development Agency/Authority (IDA) For Period Ending December 31, 2016 (enter year)

## Project information

Name of IDA agent/project operator <b>PRICE CHOPPER OPERATING CO., INC.</b>		Federal employer identification number (FEIN) <b>14-0556165</b>	
Street address <b>461 NOTT STREET</b>		Telephone number <b>518-379-1863</b>	
City <b>SCHENECTADY</b>	State <b>NY</b>	ZIP code <b>12308</b>	
Name of IDA agent/project operator's authorized representative, if any <b>354 BROADWAY LLC</b>		Title	
Street address <b>170 WEST 74TH STREET</b>		Telephone number <b>(212) 362-9800</b>	
City <b>NEW YORK</b>	State <b>NY</b>	ZIP code <b>10023</b>	
Name of IDA <b>COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT AGENCY</b>			
Name of project <b>MARKET 32</b>			
Street address of project site <b>354 BROADWAY</b>			
City <b>FORT EDWARD</b>	State <b>NY</b>	ZIP code <b>12828</b>	

1 Project purpose (mark an **X** in the appropriate box):

<input type="checkbox"/> Services	<input type="checkbox"/> Construction	<input type="checkbox"/> Agriculture, forestry, fishing
<input type="checkbox"/> Wholesale trade	<input checked="" type="checkbox"/> Retail trade	<input type="checkbox"/> Finance, insurance or real estate
<input type="checkbox"/> Transportation, communication, electric, gas, or sanitary services		
<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Other (specify) _____	

2 Date project began (mm/dd/yy): 02/09/16

3 Beginning date of construction or installation (mm/dd/yy; see instructions): 02/09/16; ☒ actual ☐ expected

4 Completion date of construction phase of project (mm/dd/yy; see instructions): 08/31/17; ☐ actual ☒ expected

5 Completion date of project (mm/dd/yy; see instructions): 08/31/17; ☐ actual ☒ expected

6 Duration of project (actual or expected; years/months): 19 MOS

7 Total sales and use tax exemptions (actual tax savings; NOT total purchases) ..... 7 \$ 279,557 44

**Certification:** I certify that the above statements are true, complete, and correct, and that no material information has been omitted. I make these statements with the knowledge that willfully providing false or fraudulent information with this document may constitute a felony or other crime under New York State Law, punishable by a substantial fine and possible jail sentence. I also understand that the Tax Department is authorized to investigate the validity of any information entered on this document

Print name of officer, employee, or authorized representative signing for the IDA agent/project operator

**ANNE DAVIS**

Signature

Title of person signing

**VP OF TAX**

Date

9/17

Failure to annually file a complete report may result in the removal of authority to act as an IDA agent/project operator.

Mail completed report to: NYS Tax Department, IDA Unit, W A Harriman Campus, Albany NY 12227.

**TOTAL PROJECT SALES TAX SAVINGS - FT****EDWARD IDA 12/31/16**

<b>Contractor</b>	<b>Sales Tax Savings</b>
<b>Price Chopper</b>	<b>224,055.09</b>
<b>Bast Hatfield</b>	<b>55,502.35</b>
<b>Total Warrensburg sales tax savings</b>	<b>279,557.44</b>
<b>Total expenditures</b>	<b>3,993,677.71</b>
<b>State sales tax savings - 4%</b>	<b>159,747.11</b>
<b>Local sales tax savings - 3%</b>	<b>119,810.33</b>
	<b>279,557.44</b>

# Annual Report of Sales and Use Tax Exemptions Claimed by Agent/Project Operator of Industrial Development Agency/Authority (IDA)

For Period Ending December 31, 2017 (enter year)

## Project information

Name of IDA agent/project operator <b>PRICE CHOPPER OPERATING CO., INC.</b>	Federal employer identification number (FEIN) <b>14-0556165</b>
Street address <b>461 NOTT STREET</b>	Telephone number <b>(518) 379-1863</b>
City <b>SCHENECTADY</b>	State <b>NY</b> ZIP code <b>12308</b>
Name of IDA agent/project operator's authorized representative, if any <b>354 BROADWAY LLC</b>	Title
Street address <b>170 WEST 74TH STREET</b>	Telephone number <b>(212) 362-9800</b>
City <b>NEW YORK</b>	State <b>NY</b> ZIP code <b>10023</b>
Name of IDA <b>COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT AGENCY</b>	
Name of project <b>MARKET 32</b>	
Street address of project site <b>354 BROADWAY</b>	State <b>NY</b> ZIP code <b>12828</b>
City <b>FORT EDWARD</b>	

1 Project purpose (mark an X  
in the appropriate box):

- ☐ Services      ☐ Construction      ☐ Agriculture, forestry, fishing  
☐ Wholesale trade      ☒ Retail trade      ☐ Finance, insurance or real estate  
☐ Transportation, communication, electric, gas, or sanitary services  
☐ Manufacturing      ☐ Other (specify) \_\_\_\_\_

2 Date project began (mm/dd/yy): 02, 09, 153 Beginning date of construction or installation (mm/dd/yy; see instructions): 06, 01, 16; ☒ actual ☐ expected4 Completion date of construction phase of project (mm/dd/yy; see instructions): 12, 11, 16; ☒ actual ☐ expected5 Completion date of project (mm/dd/yy; see instructions): 12, 11, 16; ☒ actual ☐ expected6 Duration of project (actual or expected; years/months): 1, 6 MO7 Total sales and use tax exemptions (actual tax savings; NOT total purchases) ..... 7 \$ 346,826 56

**Certification:** I certify that the above statements are true, complete, and correct, and that no material information has been omitted. I make these statements with the knowledge that willfully providing false or fraudulent information with this document may constitute a felony or other crime under New York State Law, punishable by a substantial fine and possible jail sentence. I also understand that the Tax Department is authorized to investigate the validity of any information entered on this document.

Print name of officer, employee, or authorized representative signing for the IDA agent/project operator

Title of person signing

**ELAINE GARNER****TAX DIRECTOR**

Signature

Date  
**1/31/18**

Failure to annually file a complete report may result in the removal of authority to act as an IDA agent/project operator.  
Mail completed report to: NYS Tax Department, IDA Unit, W A Harriman Campus, Albany NY 12227.

**TOTAL PROJECT SALES TAX SAVINGS - FT  
EDWARD IDA 12/31/17**

**Contractor**

**Sales Tax Savings**

**Price Chopper**

289,680.40 EXHIBIT (A)

**Bast Hatfield**

57,146.16 EXHIBIT (B)

**Total Fort Edward sales tax savings**

**346,826.56**

Total expenditures

4,954,665.12

State sales tax savings - 4%

198,186.60

Local sales tax savings - 3%

148,639.95

**346,826.56**

# New York State Department of Taxation and Finance IDA Appointment of Project Operator or AgentFor Sales Tax Purposes

**ST-60**  
(4/13)


The industrial development agency or authority (IDA) must submit this form within 30 days of the appointment of a project operator or agent, whether appointed directly by the IDA or indirectly by the operator or another agent.

**For IDA use only**

Name of IDA <b>Counties of Warren and Washington Industrial Development Agency</b>		IDA project number (use OSC numbering system for projects after 1998) <b>5202-16-01B</b>	
Street address <b>5 Warren Street</b>		Telephone number (518) 792-1312	
City <b>Glens Falls</b>		State <b>NY</b>	ZIP code <b>12801</b>
Name of IDA project operator or agent <b>354 Broadway LLC</b>		Mark an X in the box if directly appointed by the IDA. <input checked="" type="checkbox"/> Employer identification or social security number <b>46-3147594</b>	
Street address <b>170 West 74th Street</b>		Telephone number (212) 362-9800	Primary operator or agent? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
City <b>New York</b>		State <b>NY</b>	ZIP code <b>10023</b>
Name of project <b>Market 32</b>		Purpose of project (see instructions) <b>Retail trade</b>	
Street address of project site <b>354 Broadway</b>		State <b>NY</b>	ZIP code <b>12828</b>
City <b>Fort Edward</b>			
Description of goods and services intended to be exempted from New York State and local sales and use taxes <b>Construction materials, fixtures, furnishings</b>			

Date project operator or agent appointed (mm/dd/yy) <b>02/09/16</b>	Date project operator or agent status ends (mm/dd/yy) <b>08/31/17</b>	Mark an X in the box if this is an extension to an original project: <input type="checkbox"/>
Estimated value of goods and services that will be exempt from New York State and local sales and use tax: <b>\$425,000.00</b>		Estimated value of New York State and local sales and use tax exemption provided: <b>\$29,750.00</b>

**Certification:** I certify that the above statements are true, complete, and correct, and that no material information has been omitted. I make these statements with the knowledge that willfully providing false or fraudulent information with this document may constitute a felony or other crime under New York State Law, punishable by a substantial fine and possible jail sentence. I also understand that the Tax Department is authorized to investigate the validity of any information entered on this document.

Print name of officer or employee signing on behalf of the IDA <b>Harold G. Taylor</b>	Print title <b>Chairman</b>	Date <b>3/7/16</b>	Telephone number (518) 792-1312
Signature 			

## Instructions

### Filing requirements

An IDA must file this form within 30 days of the date the IDA appoints any project operator or other person as agent of the IDA, for purposes of extending any sales and compensating use tax exemptions.

The IDA must file a separate form for each person it appoints as agent, whether directly or indirectly, and regardless of whether the person is the primary project operator or agent. If the IDA authorizes a project operator or agent to appoint other persons as agent of the IDA, the operator or agent making such an appointment must advise the IDA that it has done so, so that the IDA can file a form within 30 days of the date of the new agent's appointment. The IDA should not file this form for a person hired to work on an IDA project if that person is not appointed as agent of the IDA. The IDA need not file this form if the IDA does not extend any sales or use tax exemption benefits for the project.

If an IDA modifies a project, such as by extending it beyond its original completion date, or by increasing or decreasing the amount of sales and use tax exemption benefits authorized for the project, the IDA must, within 30 days of the change, file a new form with the new information.

If an IDA amends, revokes, or cancels the appointment of an agent, or if an agent's appointment becomes invalid for any reason, the IDA must, within 30 days, send a letter to the address below for filing this form, indicating that the appointment has been amended, revoked, or cancelled, or is no longer valid, and the effective date of the change. It should attach to the letter a copy of the form it originally filed. The IDA need not send a letter for a form that is not valid merely because the "Completion date of project" has passed.

### Purpose of project

For Purpose of project, enter one of the following:

- Services
- Agriculture, forestry, fishing
- Finance, insurance, real estate
- Transportation, communication, electric, gas, sanitary services
- Construction
- Wholesale trade
- Retail trade
- Manufacturing
- Other (specify)

### Mailing instructions

Mail completed form to:

**NYS TAX DEPARTMENT  
IDA UNIT  
W A HARRIMAN CAMPUS  
ALBANY NY 12227**

### Privacy notification

The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 5-a, 171, 171-a, 287, 308, 429, 475, 505, 587, 1096, 1142, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 4050(c)(2)(C)(i).


This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.


Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention, support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.


Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Manager of Document Management, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone (518) 457-6181.

### Need help?

 **Internet access: [www.tax.ny.gov](http://www.tax.ny.gov)**  
(for information, forms, and publications)

 **Sales Tax Information Center:** (518) 485-2889  
**To order forms and publications:** (518) 457-5431

 **Text Telephone (TTY) Hotline**  
(for persons with hearing and speech disabilities using a TTY): (518) 485-5082

**Annual Report of Sales and Use  
Tax Exemptions Claimed by  
Agent/Project Operator of Industrial  
Development Agency/Authority (IDA)**For period ending December 31, 2017 (enter year)**Project information**

Name of IDA agent/project operator 354 Broadway LLC		Employer identification number (EIN) 46-3147594	
Street address 170 West 74th Street		Telephone number ( 212 ) 362-9800	
City New York		State NY	ZIP code 10023
Name of IDA Counties of Warren and Washington IDA	Name of project Market 32		IDA project number 5202-16-01B
Street address of project site 354 Broadway			
City Fort Edward		State NY	ZIP code 12828
Date project began 020916	Completion date of project 083117		Actual <input checked="" type="checkbox"/> Expected <input type="checkbox"/>
Total sales and use tax exemptions (actual tax savings: not total purchases)			\$ 12,705.00

**Representative information (not required)**

Authorized representative, if any	Title
Street address	Telephone number ( )
City	State ZIP code

**Certification**

I certify that the above statements are true, complete, and correct, and that no material information has been omitted. I make these statements with the knowledge that willfully providing false or fraudulent information with this document may constitute a felony or other crime under New York State Law, punishable by a substantial fine and possible jail sentence. I also understand that the Tax Department is authorized to investigate the validity of any information entered on this document.

Print name of officer, employee, or authorized representative	Title of person signing	
Signature		Date

If you do not annually file a complete report, we may remove your authority to act as an IDA agent/project operator.

Mail completed report to:

NYS TAX DEPARTMENT  
IDA UNIT  
W A HARRIMAN CAMPUS  
ALBANY NY 12227-0866

If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

**Annual Report of Sales and Use  
Tax Exemptions Claimed by  
Agent/Project Operator of Industrial  
Development Agency/Authority (IDA)**For period ending December 31, 2016 (enter year)**Project information**

Name of IDA agent/project operator 354 Broadway LLC		Employer identification number (EIN) 46-3147594	
Street address 170 West 74th Street		Telephone number ( 212 ) 362-9800	
City New York		State NY	ZIP code 10023
Name of IDA Counties of Warren and Washington IDA	Name of project Market 32		IDA project number 5202-16-01B
Street address of project site 354 Broadway		State NY	ZIP code 12828
City Fort Edward			
Date project began 020916	Completion date of project 083117		Actual <input checked="" type="checkbox"/> Expected <input type="checkbox"/>
Total sales and use tax exemptions (actual tax savings; not total purchases)			\$ 17,045.00

**Representative information (not required)**

Authorized representative, if any	Title
Street address	Telephone number ( )
City	State ZIP code

**Certification**

I certify that the above statements are true, complete, and correct, and that no material information has been omitted. I make these statements with the knowledge that willfully providing false or fraudulent information with this document may constitute a felony or other crime under New York State Law, punishable by a substantial fine and possible jail sentence. I also understand that the Tax Department is authorized to investigate the validity of any information entered on this document.

Print name of officer, employee, or authorized representative	Title of person signing	
Signature		Date

If you do not annually file a complete report, we may remove your authority to act as an IDA agent/project operator.

Mail completed report to:

NYS TAX DEPARTMENT  
IDA UNIT  
W A HARRIMAN CAMPUS  
ALBANY NY 12227-0866

If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.



Committed to the future of rural communities.

## U. S. Department of Agriculture

Rural Development

ATTN: Business Programs Director

441 South Salina Street,

Suite 357, 5th Floor

Syracuse, NY 13202-2425

(315) 477 - 6430

Applications should be submitted to the local office that covers the project area. A list of USDA Rural Development Offices can be found here: <https://www.rd.usda.gov/contact-us/state-offices/ny>

### **Rural Business Development Grant Program – Submission Cover Sheet**

#### **Intermediary Contact Information**

Contact Name	David O'Brien	Phone	518-866-1022
Title	Chairman	Fax	
Organization	Counties of Warren-Washington Industrial Development Agency		
Mailing Address	5 Warren Street Glens Falls, NY 12801		
Email Address	dobrien@washingtoncountyny.gov		

#### **Alternate Contact Information**

Contact Name	Beth Gilles	Phone	518-668-5773
Title	Director	Fax	518-668-5774
Company (if different from Intermediary)	Lake Champlain - Lake George Regional Planning Board		
Mailing Address	PO Box 765 Lake George, NY 12845		
Email Address	beth.gilles@lclgrpb.org		

# APPLICATION FOR FEDERAL ASSISTANCE

Version 7/03

<b>1. TYPE OF SUBMISSION:</b> Application		<b>2. DATE SUBMITTED</b>	Applicant Identifier	
<input type="checkbox"/> Construction	Pre-application	<b>3. DATE RECEIVED BY STATE</b>	State Application Identifier	
<input checked="" type="checkbox"/> Non-Construction	<input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	<b>4. DATE RECEIVED BY FEDERAL AGENCY</b>	Federal Identifier	
<b>5. APPLICANT INFORMATION</b>				
Legal Name: Counties of Warren-Washington Industrial Development Agency		Organizational Unit: Department: N/A		
Organizational DUNS: 806063074		Division: N/A		
<b>Address:</b> Street: 5 Warren Street		<b>Name and telephone number of person to be contacted on matters involving this application (give area code)</b> Prefix: Mr. First Name: David		
City: Glens Falls		Middle Name K		
County: Warren		Last Name O'Brien		
State: New York	Zip Code 12801	Suffix:		
Country: US		Email: dobrien@washingtoncountyny.gov		
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b> 1 5 - 1 5 2 8 2 7 6		Phone Number (give area code) 518-866-1022		Fax Number (give area code)
<b>8. TYPE OF APPLICATION:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) Other (specify)		<b>7. TYPE OF APPLICANT:</b> (See back of form for Application Types) N Other (specify) Industrial Development Agency		
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b> 1 0 - 3 5 1 TITLE (Name of Program): Rural Business Development Grant		<b>9. NAME OF FEDERAL AGENCY:</b> Department of Agriculture		
<b>12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):</b> Town and Village of Fort Edward		<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b> Canalside Energy Park Feasibility Study		
<b>13. PROPOSED PROJECT</b> Start Date: 09/01/2020 Ending Date: 09/30/2021		<b>14. CONGRESSIONAL DISTRICTS OF:</b> a. Applicant 21 b. Project 21		
<b>15. ESTIMATED FUNDING:</b>		<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>		
a. Federal USDA RBDC	\$ 99,000 <sup>00</sup>	a. Yes. <input checked="" type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE: 04/09/2020		
b. Applicant IDA	\$ 20,000 <sup>00</sup>	b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372		
c. State	\$ <sup>00</sup>	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW		
d. Local Village of Fort Edward	\$ 5,000 <sup>00</sup>	<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b>		
e. Other	\$ <sup>00</sup>	<input type="checkbox"/> Yes If "Yes" attach an explanation. <input checked="" type="checkbox"/> No		
f. Program Income	\$ <sup>00</sup>			
g. TOTAL	\$ 124,000 <sup>00</sup>			
<b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.</b>				
<b>a. Authorized Representative</b>				
Prefix	First Name David	Middle Name K		
Last Name O'Brien		Suffix		
b. Title Chairman		c. Telephone Number (give area code) 518-866-1022		
d. Signature of Authorized Representative		e. Date Signed		

# BUDGET INFORMATION - Non-Construction Programs

OMB Number: 4040-0006  
Expiration Date: 02/28/2022

## SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Rural Business Development Grant	10-351	\$ 99,000.00	\$ 25,000.00	\$ 99,000.00	\$ 25,000.00	\$ 124,000.00
2.						
3.						
4.						
5. Totals		\$ 99,000.00	\$ 25,000.00	\$ 99,000.00	\$ 25,000.00	\$ 124,000.00

**SECTION B - BUDGET CATEGORIES**

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
	Rural Business Development Grant				
a. Personnel	\$ 1,500.00	\$	\$	\$	\$ 1,500.00
b. Fringe Benefits	\$400.00				400.00
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual	122,100.00				122,100.00
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a-6h)	124,000.00				\$ 124,000.00
j. Indirect Charges	0.00				\$ 0.00
k. TOTALS (sum of 6i and 6j)	\$ 124,000.00	\$	\$	\$	\$ 124,000.00
7. Program Income	\$	\$	\$	\$	\$

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Standard Form 424A (Rev. 7-97)  
Prescribed by OMB (Circular A -102) Page 1A

### SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program		(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	Rural Business Development Grant	\$ 20,000.00	\$	\$ 5,000.00	\$ 25,000.00
9.					
10.					
11.					
12. TOTAL (sum of lines 8-11)		\$ 20,000.00	\$	\$ 5,000.00	\$ 25,000.00

### SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ 99,000.00	\$ 24,750.00	\$ 24,750.00	\$ 24,750.00	\$ 24,750.00
14. Non-Federal	\$ 25,000.00	\$ 6,250.00	\$ 6,250.00	\$ 6,250.00	\$ 6,250.00
15. TOTAL (sum of lines 13 and 14)	\$ 124,000.00	\$ 31,000.00	\$ 31,000.00	\$ 31,000.00	\$ 31,000.00

### SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program		FUTURE FUNDING PERIODS (YEARS)			
		(b) First	(c) Second	(d) Third	(e) Fourth
16.	Rural Business Development Grant	\$ 99,000.00	\$ 0.00	\$ 0.00	\$ 0.00
17.					
18.					
19.					
20. TOTAL (sum of lines 16 - 19)		\$ 99,000.00	\$ 0.00	\$ 0.00	\$ 0.00

### SECTION F - OTHER BUDGET INFORMATION

21. Direct Charges:		22. Indirect Charges:	
23. Remarks:			

# Canalside Energy Park Feasibility Study

## Scope of Work

---

### Historical Perspective

In response to the 2002 Record of Decision with respect to General Electric and PCB contamination in the Hudson River, the US EPA selected the then named “Energy Park” in 2004 as the site designated to develop a facility to dewater the solids dredged from the Hudson River. The “Energy Park,” located on the eastern side of the Village of Fort Edward along the Champlain Canal, originally consisted of 106 undeveloped acres within a larger 404-acre industrial park owned by WCC Inc. Approximately 80 acres (two parcels) of the “Energy Park” were leased to GE for dredging operations, and this area became commonly referred to as the “Dewatering Facility.”

An access road to the site was completed in July of 2007, which runs from Route 196 and along the Champlain Canal for approximately two miles to the north of the sediment processing facility. EPA documents (2006 Final Design Report) indicate that “the relocated access road will reduce the amount of construction traffic, noise, and vehicular loading on local roads within the Town of Fort Edward.” The document further indicates that to develop the new road, “the existing intersection at Route 196 will be shifted approximately 80 feet to the west to increase sight distance and align the proposed facility entrance across from an existing drive. Due to substantial grade differences, both the horizontal and vertical alignment of the access road approach to Route 196 will also be modified. Property easements are necessary to modify this intersection.” GE executed easement agreements with those landowners in 2007, and subsequently in 2019 WCC Inc. purchased the parcel on which the easement was located.

The facility was completed, and dredging operations commenced in 2009 and continued through 2015. Demobilization of the facility began in 2016 and was completed with EPA approval in 2019.

### Current Context

GE has long been a significant part of the local economy. In addition to the dewatering facility, which employed an estimated 60 people while operating, the company occupied a 358,000 square foot manufacturing plant on a 32 acre complex in Fort Edward, as well as a similar sized plant less than a mile away in the Village of Hudson Falls. Employment in the Fort Edward plant peaked in the early 1970’s at close to 2000 employees. The plant closed in 2016, eliminating the approximately 200 remaining manufacturing jobs with average salaries around \$60,000.

GE left a distressingly similar legacy at the Plant in the Village of Hudson Falls which closed in 1995. Buildings on this site have recently been demolished and the site remains a superfund site. Demolition of the Fort Edward plant began in late 2019 and when complete the site is also expected to remain unavailable for reuse.

It is also worth noting that in the adjoining Town of Argyle, Covidien, a medical device manufacturer, closed its doors in 2014, resulting in the loss of 180 jobs. Additionally, GL&V, another manufacturer operating in Fort Edward since 1997, recently announced it was closing, eliminating approximately 40 jobs. Overall, GE’s abandonment of the Town of Fort Edward has resulted in the direct and indirect loss

of hundreds of jobs, which has sparked a significant decline in the local economy. The once bustling Main Street now has more than half of its buildings vacant and largely derelict, and the population of the Town has declined an estimated 4 - 5% since 2015. The Median Household Income within the Town of Fort Edward decreased from 2015 to 2017, while simultaneously increasing 3% in the County and 5.5% in the State.

### **Development Opportunity**

The Warren/Washington County Industrial Development Agency (IDA) is seeking funding to perform a feasibility study to develop the former GE De-Watering Facility in Fort Edward into the Canalside Energy Park. There is a total of 80 acres in both public and private ownership in need of infrastructure and development planning to best capitalize on the opportunities at the park. There is currently rail available at the site, as well as connection to two county highways and a wharf on the Champlain Canal, which connects the Hudson River to the St. Lawrence Seaway and to the Port of Albany, 40 miles south. Most of the land is cleared, and primitive internal road infrastructure exists. This area is lacking wastewater, drinking water and stormwater infrastructure, and the digital connectedness is unknown.

The Warren/Washington IDA has already sold 30 acres to WL Plastics, an HDPE Pipe Manufacturer that is headquartered in Texas. This company is planning on investing \$18 M in the site and creating 50 jobs within the next two years. This flagship company, which promotes co-location with suppliers, will help attract additional investors into the park. This feasibility study is necessary to determine the best way to utilize the remaining 50 acres for future development and job creation.

Components of the feasibility study will include:

- Utility and Infrastructure availability and needs analysis
- Location, site analysis and development feasibility
- Access road to the Village of Fort Edward
- Buildable area analysis
- Conceptual Site Plan
- Operation needs and responsibilities
- Determination of best businesses/industries to attract

There is great potential within the region for the creation of this industrial park, and this study will help plan for the infrastructure needs and determine the type of private business and industry investments that will flourish within the park. Along with the private investment capacity, there is the potential for a regional composting facility, which is currently being jointly investigated by Washington County and neighboring Warren County; and/or a large array solar farm as promoted by the Governor's renewable energy initiative. There is also an adjacent 300 acres owned by a local private company, WCC, that has the potential to be incorporated into the park in the future. Additionally, planning for sewer and other utilities will assist the other businesses and industry that surround the park. This study will help the project partners better understand the potential and limitations of the site, and plan for the future of the Town of Fort Edward and its surrounding area, including the Villages of Fort Edward and Hudson Falls, Town of Kingsbury and City of Glens Falls.

There is only one industrial park located within the Town of Fort Edward, which is currently full. This, coupled with the fact that the proposed industrial park is located within an Opportunity Zone (Town of

Fort Edward), will provide additional opportunities for private investment in this town that lost two divisions of a major manufacturing employer between 2015 - 2018. According to the US Census Bureau, the Labor Force Participation Rate in this Census Tract is 57.5%, with an unemployment rate of 8.5%, poverty rate of 9.5% and per capital money income of \$26,775. The creation of this park would provide employment opportunities, increase the local tax base and catalyze investments in critical infrastructure upgrades.

This will be the second industrial park owned by the Warren/Washington IDA. The first, which is in the Town of Queensbury, is at 70% capacity and provides access to the Warren County Airport. The IDA has overseen the promotion and sale of the sites within that industrial park and will provide the same for this site. The IDA will hire a consulting firm to complete the work necessary for the feasibility study with input from local and regional stakeholders. Staff at the Lake Champlain – Lake George Regional Planning Board (LCLGRPB) will perform the grant management activities based on their decades of experience with similar projects and knowledge of federal funding programs and requirements. The LCLGRPB also provides a regional perspective to the project, which addresses the vision and mission of the LCLGRPB Comprehensive Economic Development Strategy through development of workforce by increasing job opportunities through business and economic development efforts, improving infrastructure by planning to provide infrastructure to upgrade and renovate industrial sites, and leveraging capital resources by attracting new capital from outside sources.

The creation of an industrial park at this site will bring together a public/private partnership between the Warren/Washington IDA, Washington County, Warren County, Town of Fort Edward, Village of Fort Edward and WCC, a local private company that owns much of the land within the potential park. As previously mentioned, WL Plastics will become the flagship business of the park, assisting with attracting additional private investment.

The project timeline begins 09/01/2020 and ends 09/30/2021. The first two months will be spent securing a consulting firm for completion of the feasibility study, which will include a formal Request for Proposals process in accordance with all federal procurement guidelines and IDA procurement guidelines. The Request for Proposals will require firms provide a narrative on the full scope of services to be provided, technical capacity and experience of staff that will be working on the project, examples of similar projects completed by the firm, cost proposal and any additional information deemed necessary to be able to determine that a firm with an expertise in industrial park feasibility studies is chosen for this project. Estimated costs for the study are based on a quote received from a reputable local engineering firm (see attached). Most of the timeline will be used to complete the study. The requested grant funding and cash match will be utilized to fund IDA staff time for processing of payments to consultants and to pay the consultants and the LCLGRPB staff for services rendered. The IDA is ready to begin the project as soon as the contract is signed.

## Budget

Budget Category		Grant Funds	Local Match	Total
Personnel	<i>Annualized Salary: \$22,308</i>	\$1,200	\$300	<b>\$1,500</b>
Fringe Benefits	<i>Fringe Benefit: 26.5%</i>	\$300	\$100	<b>\$400</b>
Travel		\$0	\$0	<b>\$0</b>
Equipment		\$0	\$0	<b>\$0</b>
Supplies		\$0	\$0	<b>\$0</b>
Contractual	<i>Consultant for Plan</i>	\$91,100	\$23,000	<b>\$114,100</b>
	<i>Grant Admin: LCLGRP</i>	\$6,400	\$1,600	<b>\$8,000</b>
Construction		\$0	\$0	<b>\$0</b>
Other		\$0	\$0	<b>\$0</b>
Total Direct Charges		\$99,000	\$25,000	<b>\$124,000</b>
Indirect Charges		\$0	\$0	<b>\$0</b>
TOTALS		\$99,000	\$25,000	<b>\$124,000</b>

April 10, 2020

Ms. Laura Oswald  
Director of Economic Development  
Washington County  
Washington County Municipal Center  
383 Broadway  
Fort Edward, New York 12828

Re: *Canalside Energy Park Feasibility Study*  
*Fort Edward, Washington County, New York*  
*Chazen Project #00005.01*

Dear Ms. Oswald:

The Chazen Companies has reviewed the scope of work associated with the "Canalside Energy Park Feasibility Study". The scope of work, as we understand it, is anticipated to include the following items:

- Utility and infrastructure availability and needs analysis
- Location, site analysis and development feasibility
- Analysis of the access road to the Village of Fort Edward
- Buildable area/buildout analysis
- Development of conceptual site plan(s)
- Facility operation needs and responsibilities
- Business attraction and marketing needs

Based on our experience and the anticipated size and scope of potential development at the site we estimate that the study would take approximately 10-months to complete, with an estimated professional services cost in the range of \$100,000-\$125,000.

We hope you find this information useful. We are happy to assist you further with this critically important project if and as you see fit. Feel free to contact either Chris Round (518) 824-1938 or me (518) 824-1926 if you have any questions, or if you need additional information.

Sincerely,



Sean M. Doty, P.E., LEED AP, CPMSM  
Principal  
Director, Municipal Engineering Services

cc: Chris Round, AICP, Senior Principal, Chazen

### ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

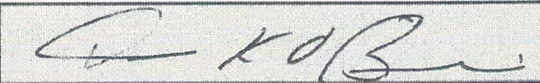
**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE CHAIR
APPLICANT NAME WARREN-WASHINGTON COUNTY IDA	DATE SUBMITTED MAR 28, 2020

AD-3030

## U.S. DEPARTMENT OF AGRICULTURE

REPRESENTATIONS REGARDING FELONY CONVICTION  
AND TAX DELINQUENT STATUS FOR CORPORATE APPLICANTS

**Note:** You only need to complete this form if you are a corporation. A corporation includes, but is not limited to, any entity that has filed articles of incorporation in one of the 50 States, the District of Columbia, or the various territories of the United States including American Samoa, Federated States of Micronesia, Guam, Midway Islands, Northern Mariana Islands, Puerto Rico, Republic of Palau, Republic of the Marshall Islands, or the U.S. Virgin Islands. Corporations include both for profit and non-profit entities.

The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552(a), as amended). The authority for requesting the following information for U.S. Department of Agriculture (USDA) Agencies and staff offices is in §745 and 746 of the Consolidated Appropriations Act, 2016, Pub. L. 114-113, as amended and/or subsequently enacted. The information will be used to confirm applicant status concerning entity conviction of a felony criminal violation, and/or unpaid Federal tax liability status.

According to the Paperwork Reduction Act of 1985 an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0505-0025. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

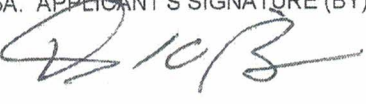
1. APPLICANT'S NAME COUNTIES OF WARREN - WASHINGTON INDUSTRIAL DEVELOPMENT	2. APPLICANT'S ADDRESS (Including Zip Code) 5 WARREN ST GLENS FALLS, NY 12801	3. TAX ID NO. (Last 4 digits) 3074
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4A. Has the Applicant been convicted of a felony criminal violation under any Federal law in the 24 months preceding the date of application? ☐ YES ☒ NO

4B. Does the Applicant have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability? ☐ YES ☒ NO

Providing the requested information is voluntary. However, failure to furnish the requested information will make the applicant ineligible to enter into a contract, memorandum of understanding, grant, loan, loan guarantee, or cooperative agreement with USDA.

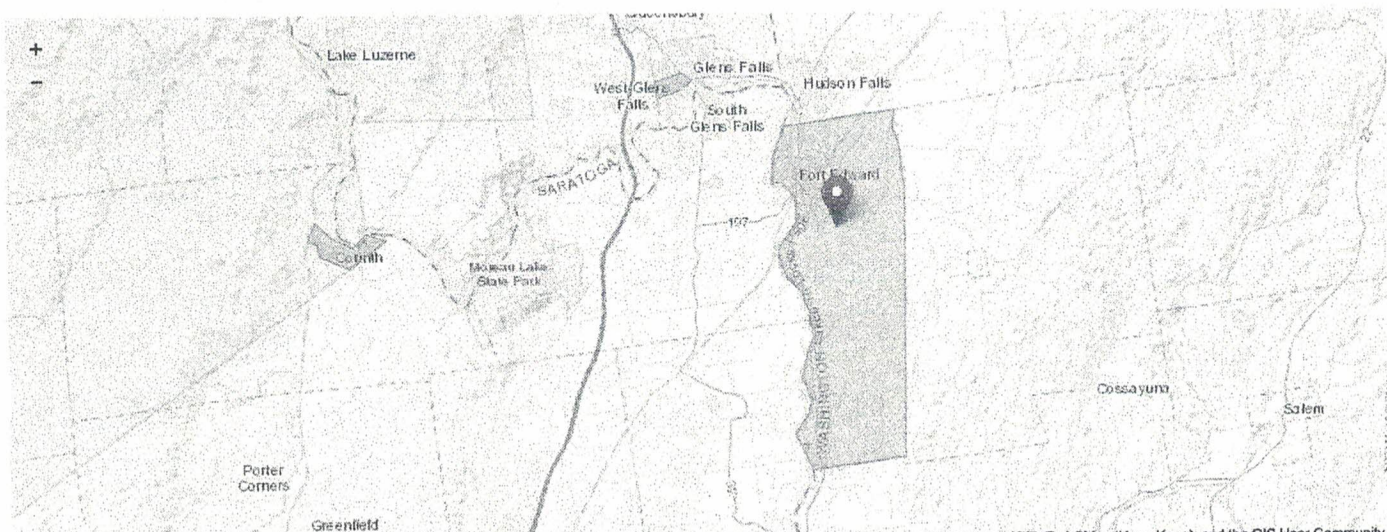
## PART B – SIGNATURE

5A. APPLICANT'S SIGNATURE (BY) 	5B. TITLE/RELATIONSHIP OF THE INDIVIDUAL IF SIGNING IN A REPRESENTATIVE CAPACITY Chan	5C. DATE SIGNED (MM-DD-YYYY) 03/28/2020
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The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

## USA Opportunity Zones

CLICK ON THE MAP to select a local area. Then **SCROLL DOWN** to view reports.



Leaflet | Tiles © Esri — Esri, DeLorme, NAVTEQ, TomTom, Intermap, IPC, USGS, FAO, NPS, NRCAN, GeoBase, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), and the GIS User Community  
Note: This mapping tool approximates some Census tracts. If a user has questions about the geography or status of a qualified opportunity zone or location, the definitive guidance and list is available via the [Department of Treasury official website](#).

[Opportunity Zone](#)
[Congressional](#)
[EDD](#)
[State](#)
[EDA Region](#)
[About the Data](#)
[More Resources](#)

### Washington County, NY Tract 0880.00

Located In: Washington County, NY

Nearest City: Fort Edward village, New York

### Opportunity Zone Key Metrics

Population	6,186
Land Area	27.0 sq. miles
Labor Force	2,909
Labor Force Participation Rate	57.5
Unemployment Rate	8.5
Per Capita Money Income	\$26,775
Poverty Rate	9.5

Source: U.S. Census Bureau: American Community Survey

### U.S. Economic Development Administration

- This OZ is part of an Economic Development District: **Lake Champlain-Lake George Regional Planning and Development Board**. [Learn more about EDDs](#)
- The closest EDA University Center is at **Research Foundation for the State University of New York (SUNY)**. It is about **42** miles away. [Learn more about UCs](#)
- There is 1 EDA funded Revolving Loan Funds serving areas in this OZ: **Lake Champlain/Lake George Regional Planning Board Phone: (518) 668-5773**. [Learn more about RLFs](#)

### Related Government Programs

- This is **not** a HUD 2019 Low-Income Housing Tax Credit Qualified Tract. [Learn more](#)

**USDA Rural Development Intergovernmental Review Consultation Form**

Project Name: Canalside Energy Park Feasibility Study

1) Is the proposal consistent with State or local government planning goals?

☒ Yes ☐ No

2) Does the proposal duplicate, run counter to, or need to be coordinated with other activities, or might it be revised to increase its effectiveness?

☐ Yes ☒ No

3) Will the proposal contribute to achieving state or local government goals relating to natural and human resources or economic and community development?

☒ Yes ☐ No

4) Are there environmental impacts and alternatives that should be considered in the Agency's environmental review?

☐ Yes ☒ No

5) Will the proposal influence area growth or delivery of services, including any disproportionate effects on minority groups?

☐ Yes ☒ No

6) Will the proposal impact energy resource supply and demand?

☐ Yes ☒ No


7) Will the proposal displace people or businesses?

☐ Yes ☒ No

8) Will the proposal be located in a Coastal Zone or Coastal Barrier Resource Area and is it consist with any State coastal management plan?

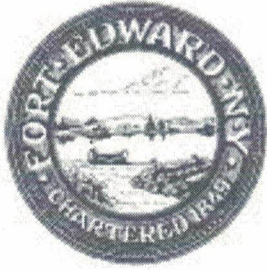
☐ Yes ☒ No

Comments:

Signature : 

Title: Director

Date: 4/10/20



## VILLAGE OF FORT EDWARD

118 Broadway, P.O. Box 345, Fort Edward, N.Y. 12828

Phone (518) 747-4023 Fax (518) 747-0476

[www.villageoffortedward.com](http://www.villageoffortedward.com)

### BOARD OF TRUSTEES

Mayor Matthew Traver

Trustee Peter Williams

Trustee John Boucher, Jr.

Trustee Edward Carpenter

Trustee David Cutler

David O'Brien  
Warren Washington IDA  
5 Warren Street  
Glens Falls, NY 12801

3.27.2020

Dave,

First, I am writing to thank you and the WWIDA board for the interest and your work regarding the development of the former GE dewatering site in the town and village of Fort Edward. We here in the village are willing to work with the IDA and help in any way we can. Along with you, we realize the impact the development at this site will have for our village, town, counties and school. Understanding the importance of planning for the future of the site the Village Board has voted to contribute \$5,000 in matching funds towards the \$99,000 funding request to the USDA RDBG program. We are committed to partnering with the IDA, Town and County to maximize the benefit the site could confer to the area and wider region.

Please let me know when you have any more information in regards to the study or any other help you may need for this project. Again, thank you for the time, effort and interest in Fort Edward!

Thank you,

*Matt Traver*

Cell #518.744.3276

Matthew Traver, Mayor  
Village of Fort Edward  
118 Broadway  
Fort Edward, NY 12828  
PH: 518.747.4023  
Fax: 518.747.0476

STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED AUG 30 1971  
*John P. Lanning*  
Secretary of State

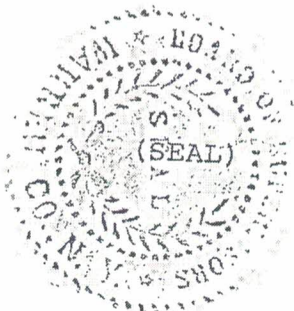
(1) The special act establishing the Agency was passed June 25, 1971 by Chapter 862 of the Laws of 1971 which became effective June 25, 1971.

Counties of Warren and Washington Industrial  
Development Agency.

Name	Term of office expires
<u>Earl H. Bump</u>	<u>Chairman December 31, 1971</u>
<u>Thomas J. Murphy</u>	<u>Member December 31, 1971</u>
<u>Charles R. Clark</u>	<u>Member December 31, 1971</u>
<u>Leon M. Layden</u>	<u>Member December 31, 1971</u>
	<u>Member</u>

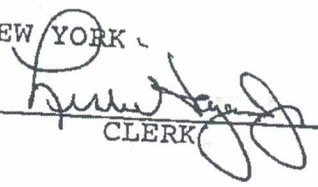
- (4) The facts establishing the need for such Agency in the municipality are as follows:

This proposed agency intends to actively promote an industrial park facility near the Warren County Airport in order to attract, encourage and develop economically sound businesses in this area.



THE BOARD OF SUPERVISORS OF THE  
COUNTY OF WARREN, OF THE STATE  
OF NEW YORK

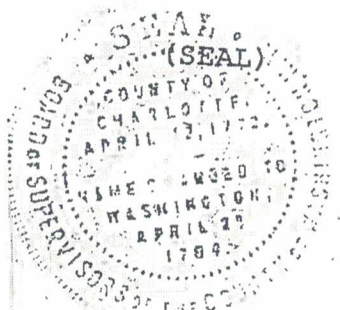
By

  
CLERK

THE BOARD OF SUPERVISORS OF THE  
COUNTY OF WASHINGTON, OF THE  
STATE OF NEW YORK

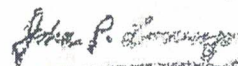
By

  
CLERK



STATE OF NEW YORK  
DEPARTMENT OF STATE

FILED AUG 30 1971

  
Secretary of State

- (4) The facts establishing the need for such Agency in the municipality are as follows:

This proposed agency intends to actively promote an industrial park facility near the Warren County Airport in order to attract, encourage and develop economically sound businesses in this area.

THE BOARD OF SUPERVISORS OF THE  
COUNTY OF WARREN, OF THE STATE  
OF NEW YORK

BY

CLERK

State of New York }  
Department of State } ss:

I hereby certify that the annexed copy has been compared with the original document filed by the Department of State and that the same is a true copy of said original.

Witness my hand and seal of the Department of State on OCT 13 2004



Secretary of State

ENABLING LEGISLATION  
COUNTIES OF WARREN AND WASHINGTON  
INDUSTRIAL DEVELOPMENT AGENCY

CHAPTER 862 OF LAWS OF 1971, AS AMENDED BY  
CHAPTER 566 OF THE LAWS OF 1972

§ 890-c. Counties of Warren and Washington industrial development agency for the benefit of the counties of Warren and Washington and the inhabitants thereof, an industrial development agency, to be known as the COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of article eighteen-A of this chapter. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the powers and duties now or hereafter conferred by title one of article eighteen-A of this chapter upon industrial development agencies and provided that the exercise of the powers by such agency with respect to the acquisition of real property whether by purchase, condemnation or otherwise, shall be limited to the corporate limits of the counties of Warren and Washington, and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing bodies of the counties of Warren and Washington. The agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of title one of article eighteen-A of this chapter, except that notwithstanding the provisions of subdivision two of section eight hundred fifty-six of article eighteen-A of this chapter, the counties of Warren and Washington industrial development agency shall consist of not less than six nor more than ten members who shall be appointed by the governing body of each municipality and who shall serve at the pleasure of the appointing authority.

HISTORY:

Add. L.1971, ch 862.amd. L 1972. ch 566. eff May 24, 1972

# WCC LLC

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**269 Ballard Road, Wilton New York 12831**

Telephone: (518) 664-9855 Fax: (518) 886-7872

March 30, 2020

Mr. Richard Mayfield, State Director  
The Galleries of Syracuse  
441 South Salina Street, Suite 357  
Syracuse, NY 13202-2541

RE: Fort Edward Industrial Park Feasibility Study


Dear Mr. Mayfield,

As a fully invested, long-term commercial rural property developer in Washington County, WCC, LLC fully supports the efforts of the Warren-Washington Counties IDA (WWIDA) and the Economic Development Team (ED) of Washington County to progress with the planning of our rural, community and commercial developments. These efforts have already brought some national and international attention to our region with the anticipated investment of WL Plastics pipe manufacturing plant locating in the County.

As a significant property owner adjacent to the Fort Edward Industrial Park, WCC, LLC is excited being a partner with these groups to continue our efforts to plan, market, and develop the assets of this area in order to advance our workforce opportunities. The feasibility study the WWIDA and ED are proposing is another great first step which is critical to the success of this initiative.

We look forward to working with all of the parties in order to bring in and expand our local employment. Thank you for all of your efforts and guidance.

Sincerely,

  
John P. Davidson  
Manager



3575 Lone Star Circle, Suite 400  
Ft. Worth, TX 76177  
[www.wlplastics.com](http://www.wlplastics.com)

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March 26, 2020

Mr. Richard Mayfield  
State Director USDA New York  
441 South Salina Street  
Suite 357, 5<sup>th</sup> Floor  
Syracuse New York 13202

Dear Mr. Mayfield:

We are writing to you in support of a feasibility study that would assist in creating a path forward for the development of the Canalside Energy Park in Ft Edward, NY. We believe the feasibility study could identify infrastructure requirements, including road and rail access options needed to support the development of the Park. Such a study could provide both short term direction on infrastructure needs, as well as longer term planning details for the Industrial Park, in which we intend to be a prime tenant.

As you may or may not know, WL Plastics has been working closely with the Washington and Warren Counties IDA with the intent of building a high-density polyethylene pipe manufacturing facility on land which would be part of this Park. WL plans to invest over \$17 million in capital and employ 50 full time workers, with an annual base payroll of approximately \$2.5 million. We believe the community is a great fit for us, having many of the characteristics important to our company, including a talented and available work force.

Thank you for your consideration and support of this study.

Sincerely,

A handwritten signature in black ink that reads 'Mark Wason'.

Mark Wason  
CEO  
WL Plastics Corporation  
Ph: 682-831-2720

**COUNTIES OF WARREN AND WASHINGTON  
INDUSTRIAL DEVELOPMENT AGENCY (WWIDA)**

---

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

Telephone/Fax (518) 792-1312  
website: [www.warren-washingtonida.com](http://www.warren-washingtonida.com)

March 28, 2020

To Whom it May Concern:

The Warren-Washington County IDA is submitting an application for USDA RDBG Grant to assist in the funding of a feasibility study for the development of the former GE Sediment Processing Facility in Fort Edward New York. The Industrial Park will be now as the Canalside Energy Park

The Warren-Washington IDA has committed the amount of \$20,000 as match for the grant. These funds have been reserved for this use.

If you have any questions, please call mw at 518-866-1022.

Sincerely



David O'Brien  
Chair Warren-Washington County IDA  
[dobrien@washngtoncountyny.gov](mailto:dobrien@washngtoncountyny.gov)

Resolution No. \_\_\_\_\_

Adopted April 20, 2020

Introduced by \_\_\_\_\_

Seconded by \_\_\_\_\_

**RESOLUTION OF THE COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL  
DEVELOPMENT AGENCY CONCERNING THE REPAYMENT SCHEDULE FOR  
THE BONDS FOR THE HYDE COLLECTION TRUST**

**WHEREAS**, on January 22, 2013, the Counties of Warren and Washington Industrial Development Agency (the "Agency") authorized a bond re-issuance in the amount of \$7,000,000 in connection with a project undertaken by the Hyde Collection Trust (the "Hyde") and financed by Glens Falls National Bank and Trust Company ("GFNB"); and

**WHEREAS**, in light of the current economic conditions resulting from COVID-19 and the inability of the Hyde to conduct its usual and typical activities at the facility, the Hyde has requested that GFNB modify its payment to allow for interest only payments for a period of three (3) months commencing on May 1, 2020; and

**WHEREAS**, GFNB has consented to the payment plan subject to the approval of the Agency; and

**WHEREAS**, upon due consideration thereon, the Agency has determined that it is in the best interests of the Agency to consent to said payment plan.

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

1. The Agency hereby consents to a modified repayment plan by the Hyde on the bonds issued by the Agency that consists of interest only payments commencing May 1, 2020 for a period of three (3) months, followed by monthly interest and principal payments in an amount sufficient to amortize the outstanding balance over the remaining amortization schedule as outlined in Bond Note dated March 28, 2013.

2. The Chairman is hereby authorized to execute any and all necessary documents necessary to effectuate this resolution.

3. This resolution shall take effect immediately.