

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

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

Tel. (518) 792-1312

The February Board Meeting for Warren Washington Industrial Development Agency was held on Wednesday, February 22, 2022 via Zoom. The following were:

PRESENT:	Dave O'Brien	Chair
	Nick Caimano	Member
	Mike Wild	At-Large Member
	Craig Leggett	Vice Chair
	Dan Bruno	Member
	Chuck Barton	Member

ABSENT:	Ginny Sullivan	Member
	Brian Campbell	Park Chair
	Michael Bittel	Sec/Treasurer
	Mary King	Member

The following were also present:

Kara Lais, Esq.	FitzGerald Morris Baker Firth, PC
Michael Ostrander	Executive Director
Tim Robinson	CFO
Dan Washburn	Hilltop Construction
Charles Bazydlo	Attorney for Braen Quarry
George Derosa	Consultant for Braen Quarry
Scott Braen	Braen Quarry
Minutes were taken by:	Alie Weaver, Office Administrator

January Minutes: Mr. Bruno made a motion to approve the January board meeting minutes and Mr. Caimano seconded. All voted in favor by voice vote.

Accounts Payable: Mr. Bruno made a motion to approve the payables and Mr. Leggett seconded. All voted in favor by roll call vote.

Executive Director Report: Mr. Ostrander stated the following:

- The Kingsbury Planning Board approved the plans for Silbert Holdings, LLC for their biscotti business.
- The Public Service Commission's public hearing for the Champlain Power Hudson Express project was held and several school districts from Washington County spoke in approval of the project.
- He will be attending the Economic Development Council Conference in Albany on February 28th and March 1st.
- He attended the ARCC "Lunch with your Legislators" Event at the Queensbury Hotel. This event was recorded and available to watch on the ARCC website.
- Tours of the Canalside Energy Park will be available to anyone interested; one will be tomorrow afternoon and one will be Thursday morning.

- He will be meeting with Simeon Hunsdon to continue discussion on the Canalside Energy Park's substation transformers.
- He will be meeting with local town supervisors to discuss holding IDA forums that will acquaint their local businesses with IDA's benefits.
- He and Mr. O'Brien has had several meetings with the ARCC and Warren County EDC regarding a larger economic development conference for local business leaders to present their capabilities. This to possibly be held in May for each county.

Mr. O'Brien stated that the substation at the Canalside Energy Park was installed by General Electric and has been running since the dewatering facility was active and running. He noted that the original cost of running it was \$2,500 a month and is now \$5,000 a month. He further explained that Gavilon Grain uses the railyard to transport grain to local farmers and monies received for this usage is currently covering the cost of running the substation.

ONGOING BUSINESS

Delineation Update – Mr. O'Brien stated that the delineation and deed restrictions have been filed and the next step is filing for a permit to be able to swap wetland areas. He stated that the NCES agreement to file for this Individual Permit to the USACE and a 401 Water Quality Certification to the NYSDEC was sent to the board members for review and referenced that the cost of their services is \$6,800.

Mr. Bruno made a motion to approve Mr. O'Brien to sign and submit the agreement to NCES and Mr. Caimano seconded. All voted in favor by voice vote.

TDI Update – Mr. O'Brien stated that there was a halt to the contract progression due to incorrect language regarding the start of payments; a meeting will be held with attorneys Ms. Lais and Mr. Scott to specify these dates and sign the amended contracts.

Canalside Energy Park – Mr. O'Brien stated that LaBella, formerly Chazen, has been selected for the pre-engineering of the Canalside Energy Park's water and sewer capabilities at a cost of \$50,000 which will be paid for by the IDA's NBRC grant.

Mr. Leggett made a motion to approve Mr. O'Brien's participation with LaBella's Letter of Engagement. Mr. Barton seconded and all voted in favor by roll call vote.

Fort William Henry – Ms. Lais stated that Fort William Henry has received negative SEQR determination from the town, which now satisfies all the project contingencies for the IDA.

Mr. Bruno made a motion to approve the resolution authorizing the execution and delivery of the Fort William Henry project and Mr. Caimano seconded. All voted in favor by roll call vote.

Bucks County Biscotti – Mr. Ostrander stated that the Kingsbury Planning Board approved the Bucks County Biscotti project and negative SEQR was determined, which now satisfies all the project contingencies for the IDA.

Ms. Lais noted that the Town of Kingsbury approved the project in November.

Mr. Leggett made a motion to approve the resolution authorizing the execution and delivery of the Bucks County Biscotti Company project and Mr. Bruno seconded. All voted in favor by roll call vote.

NEW BUSINESS

Hilltop Construction – Mr. Ostrander stated that the IDA has received an application from Hilltop Construction to purchase lots 4 & 5 in the Airport Industrial Park and introduced Mr. Washburn to discuss further.

Mr. Washburn stated that they are planning on building a 10,000 square foot building which will include office space, warehouse storage and a minor construction area. He noted that a fenced-in storage area would be in the back for items such as equipment trailers. He stated that their operation hours are typically from 6:00am to 4:30pm with minimal noise.

Mr. Wild expressed concern with the outside storage and Mr. O'Brien stated that a variance will need to be created in the covenants as other businesses in the Airport Industrial Park also have outside storage.

Mr. O'Brien noted that the purchase price is \$40,500 which was prorated based on usable acreage as determined by the most recent delineation.

Ms. Lais noted that the resolution under consideration includes the ability for the Chair to execute the contract and sign closing documents.

Mr. Leggett made a motion to approve the application from Hilltop Construction to purchase lots 4 & 5 in the Airport Industrial Park and Mr. Barton seconded. All voted in favor by roll call vote.

Quarry Project – Mr. O'Brien introduced Mr. Braen from Braen Quarry, who is interested in working with the IDA to ship jetty stone by way of the wharf located at the Canalside Energy Park.

Mr. Braen stated Braen Quarry has been in operation for 118 years with sites located in New Jersey and recently purchased a quarry in Fort Ann. They are interested in procuring an easement with the IDA to have access to the Canal Corp's wharf for the purpose of transporting jetty stone and aggregate via the canal. He stated that they are also considering rail use as the canal use is seasonal.

Mr. Bruno expressed concern regarding the noise of loading and unloading possibly continuously 24/7. Mr. Braen stated that a material handler would be used to load and unload.

Mr. O'Brien stated that discussion on this easement agreement will be discussed during Executive Session.

Mr. Grasso – Mr. O'Brien stated that Mr. Grasso has resigned from the WWIDA board, noting that Mr. Grasso may presenting his own project to be considered by the IDA thus creating a conflict of interest. Mr. O'Brien thanked Mr. Grasso for his time as an IDA board member.

GMA Holding, Inc. – Ms. Lais stated that this property at issue is 276 Dix Ave in Queensbury and is currently owned by the NY Job Development Authority.

Based on what she has been able to piece together, there was an IDA project in 1993. The IDA was in title and leased the property back to the company. The company defaulted on one or more of its banking obligations and was foreclosed on, hence the referee's deed in 1998. NY Job Dev Auth. Took title and has owned the property since.

She also stated that the existence of the memo of lease, as well as a variety of other items dating from the 1990s is creating a title issue to be cleared and noted that the current tenant, Silver Dix LLC, has a master lease with

NY JDA. Silver Dix has had a title report prepared for purposes of financing. The title company (Lake George Title Agency) has asked the IDA to formally acknowledge the that the lease terminated in 1998 at the time of referee's deed. There are differing opinions as to whether is termination is necessary as opposed to relying on the referee's deed, but she does not believe that there is any viability of this lease. Even had it remained beyond the referee's deed it would have expired by its terms.

Mr. Caimano made a motion to approve the resolution to authorize the Chair to execute the Termination of Lease Agreement with GMA Holding dated 11/1/1993. Mr. Barton seconded, and all voted in favor by roll call vote.

Marketing – Mr. O'Brien stated that the quote from Behan Communications was \$11,000 and recommended starting with them to gauge the IDA needs prior to having BlackDog begin website development updates. Mr. Ostrander stated that Behan's Communications estimate of 15-20 hours per month is extensive and recommended starting their marketing strategies with messaging and readdressing their other services in the future.

Mr. Caimano made a motion to approve the \$11,000 expenditure for Behan Communications and Mr. Leggett seconded. All voted in favor by roll call vote.

Miscellaneous - Mr. O'Brien stated that the IDA has received public comments via letters and emails regarding Hughes Energy. He noted that there has been no activity regarding Hughes Energy in the past four months and the IDA has not received an application for consideration of the project.

He also stated that should Hughes Energy submit an application to the IDA, due diligence would be performed with a public hearing scheduled.

Executive Session and Adjournment – Mr. Caimano made a motion to go into Executive Session to discuss personnel matters and contract negotiations and Mr. Bruno seconded.

Mr. O'Brien stated that the meeting will be adjourned out of the Executive Session as no actions will be taken.

Counties of Warren and Washington Industrial Development Agency

Resolution No. 22-_____
Adopted _____, 2022

Introduced by _____
who moved its adoption.

Seconded by _____

RESOLUTION TAKING FINAL ACTION TOWARD UNDERTAKING A CERTAIN PROJECT, AS DEFINED HEREIN, APPOINTING BUCKS COUNTY BISCOTTI CO. OR ITS PERMITTED ASSIGNS (THE "COMPANY"), AS AGENT OF THE AGENCY FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING THE PROJECT FACILITY (AS DEFINED HEREIN) AND, ON CERTAIN CONDITIONS, AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGENT AGREEMENT AND CLOSING DOCUMENTS BY AND BETWEEN THE AGENCY AND THE COMPANY

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

WHEREAS, the Agency conducted a public hearing on November 3, 2021 pursuant to Article 18-A of the New York State General Municipal Law (the "Law") before taking official action relating to the Project, as defined herein; and

WHEREAS, on November 3, 2021, the Agency adopted Resolution No. 21-25 taking preliminary action toward undertaking a project a certain project and appointing Bucks County Biscotti Co., a business corporation established pursuant to the laws of the State of Pennsylvania and to be authorized to do business in New York, having an address of PO Box 241, Hilltown, Pennsylvania 18927 (the "Company") has requested that the Agency provide financial assistance in the form of a payment in lieu of taxes, a mortgage recording tax exemption and sales tax abatements regarding a manufacturing and distribution project (the "Project") to consist of: (i) the acquisition by the Agency of a leasehold interest in certain real property located at Lot #7, Casey Road in the Town of Kingsbury, County of Washington, New York and being known as tax map parcel 137.-2-1.8 (the "Land"); (ii) the planning, design, construction, operation and maintenance by the Company of an approximately 5,000+/- square foot facility to be used by the Company for the manufacture and distribution of biscotti (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the "Straight

Lease Transaction”), all pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, Chapter 862 of the Laws of 1971 of the State of New York (collectively, the “Act”), as amended; and

WHEREAS, it is intended that a real estate holding company, Silbert Holdings LLC, a limited liability company organized by the laws of the State of New York will be the initial owner of the Land; and

WHEREAS, under Article 18-A of the Act, the Legislature of the State of New York has granted the Agency the power and authority to undertake the Project, as the Act authorizes the Agency to promote, develop, encourage and assist projects such as this Project and to advance job opportunities, health general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, the Agency is a state agency under Section 8-0105 of the Environmental Conservation Law of the State of New York and the Project is an action under Article 8 of said law (Article 8 hereinafter being referred to as the “State Environmental Quality Review Act” or “SEQRA”) and under 6 NYCRR Part 617, §§ 617.2(b) and 617.3(g); and

WHEREAS, the approvals contained in Resolution No. 21-25 were contingent upon a determination by the members of the Agency to proceed with the Project following satisfaction of all requirements of SEQRA that relate to the Project and the Payment in Lieu of Taxes (PILOT) Agreement was contingent upon the consent and approval of the Town of Kingsbury; and

WHEREAS, on November 1, 2021, the Town of Kingsbury adopted a resolution approving of the proposed PILOT Agreement by and between the Agency.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. Findings. The Agency hereby ratifies and reaffirms the Findings made in its Resolution No. 21-25 adopted on November 3, 2021.

SECTION 2. Determinations. The Agency hereby determines to:

(A) enter into, execute and deliver a lease agreement from the Company or its permitted assigns to the Agency and the Lease Agreement with the Company or its permitted assigns, including Silbert Holdings LLC, for the Project Facility subject to the approval of said documents by the Chairman and counsel to the Agency; and

(B) execute and deliver all other certificates and documents subject to the review and approval of said documents by the Chairman and counsel to the Agency.

(C) ratify and reaffirm any other Determinations made in its Resolution No. 21-25 adopted on November 3, 2021

SECTION 3. Company Appointed Agent of Agency.

(A) The Company or its permitted assign is hereby appointed the true and lawful agents of the Agency to:

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

SECTION 4. SEQRA Review. The Project is an "Unlisted Action" under SEQRA for which the Town of Kingsbury Planning Board (the "Planning Board") has acted as lead agency. On or about February 16, 2022, the Planning Board reviewed the Project Site Plan Application submitted on behalf of the Company and approved said Site Plan, and issued its Negative Declaration finding that the Project will not have a significant impact on the environment; and (ii) the Agency has thoroughly reviewed the environmental assessment form, negative declaration and related supporting information presented to the Agency within the Company's Application for Assistance in order to determine whether the Project might have any potential significant adverse impacts upon the environment. After conducting this review, the Agency has determined that the acquisition, construction and equipping of the Project Facility are consistent with social, economic and other essential considerations and will not result in any significant adverse impacts on the environment. The Agency hereby ratifies the findings and Negative Declaration of the Town of Kingsbury Planning Board. In doing so, the Agency satisfies the requirements of Part 617 of Title 6 of the New York Code of Rules and Regulations and no further SEQRA review is required for the Project.

SECTION 5. Ratification. Except as modified by this Resolution, the Agency hereby ratifies and confirms, in all respects, all terms, provisions and requirements stated and approved in Resolution No. 21-25 adopted November 3, 2021.

SECTION 6. Further Action. The Chairman of the Agency is authorized to take such further action as shall be necessary to give effect to and implement this resolution.

SECTION 7. Effective Date. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote by roll call and was thereupon declared duly adopted.

{Acknowledgement to Follow}

STATE OF NEW YORK)
) SS:
COUNTY OF WARREN)

This is to certify that I, Alie Weaver, Records Management Officer for the Counties of Warren and Washington Industrial Development Agency, do hereby certify that the foregoing is a true and correct copy and the whole thereof of a Resolution duly adopted by the Counties of Warren and Washington Industrial Development Agency, Glens Falls, New York on the ____ day of February, 2022.

In witness whereof, I have hereto set my hand and affixed the official seal of the Counties of Warren and Washington Industrial Development Agency on this ____ day of _____, 2022.

[SEAL]

Alie Weaver
Counties of Warren and Washington
Industrial Development Agency

Counties of Warren and Washington Industrial Development Agency

Resolution No. 22-_____
Adopted February 22, 2022

Introduced by _____
who moved its adoption.

Seconded by _____

RESOLUTION TAKING FINAL ACTION TOWARD UNDERTAKING A CERTAIN PROJECT, AS DEFINED HEREIN, APPOINTING THE FORT WILLIAM HENRY CORPORATION (THE "COMPANY"), AS AGENT OF THE AGENCY FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING THE PROJECT FACILITY (AS DEFINED HEREIN) AND, ON CERTAIN CONDITIONS, AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGENT AGREEMENT AND CLOSING DOCUMENTS BY AND BETWEEN THE AGENCY AND THE COMPANY

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

WHEREAS, the Agency conducted a public hearing on February 2, 2022 pursuant to Article 18-A of the New York State General Municipal Law (the "Law") before taking official action relating to the Project, as defined herein; and

WHEREAS, on February 2, 2022, the Agency adopted Resolution No. 22-03 taking preliminary action toward undertaking a project a certain project and appointing The Fort William Henry Corporation, as agent of the Agency for the purposes of undertaking a certain tourist destination project (the "Project") to consist of: (i) the acquisition by the Agency of a leasehold interest in certain real property located at 48 Canada Street in the Village and Town of Lake George, County of Warren, New York and being known as tax map parcel 251.18-3-72 (the "Land"); (ii) the planning, design, construction, operation and maintenance by the Company of a three season porch around the White Lion Room and kitchen expansion at the Tankard Tavern (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the "Straight Lease Transaction"), all pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, Chapter 862 of the Laws of 1971 of the State of New York (collectively, the "Act"), as amended; and

WHEREAS, under Article 18-A of the Act, the Legislature of the State of New York has granted the Agency the power and authority to undertake the Project, as the Act authorizes the Agency to promote, develop, encourage and assist projects such as this Project and to advance job opportunities, health general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, the Agency is a state agency under Section 8-0105 of the Environmental Conservation Law of the State of New York and the Project is an action under Article 8 of said law (Article 8 hereinafter being referred to as the "State Environmental Quality Review Act" or "SEQRA") and under 6 NYCRR Part 617, §§ 617.2(b) and 617.3(g); and

WHEREAS, the approvals contained in Resolution No. 22-03 were contingent upon a determination by the members of the Agency to proceed with the Project following satisfaction of all requirements of SEQRA that relate to the Project.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. Findings. The Agency hereby ratifies and reaffirms the Findings made in its Resolution No. 22-03 adopted on February 2, 2022.

SECTION 2. Determinations. The Agency hereby determines to:

(A) enter into, execute and deliver a lease agreement from the Company or its permitted assigns to the Agency and the Lease Agreement with the Company or its permitted assigns for the Project Facility subject to the approval of said documents by the Chairman and counsel to the Agency; and

(B) execute and deliver all other certificates and documents subject to the review and approval of said documents by the Chairman and counsel to the Agency.

(C) ratify and reaffirm any other Determinations made in its Resolution No. 22-03 adopted on February 2, 2022.

SECTION 3. Company Appointed Agent of Agency.

(A) The Company or its permitted assign is hereby appointed the true and lawful agents of the Agency to:

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

SECTION 4. SEQRA Review. The Project is an "Unlisted Action" under SEQRA for which the Village of Lake George Planning Board (the "Planning Board") has acted as lead agency. On or about February 16, 2022, the Planning Board reviewed the Project Site Plan

Application submitted on behalf of the Company and approved said Site Plan, and issued its Negative Declaration finding that the Project will not have a significant impact on the environment; and (ii) the Agency has thoroughly reviewed the environmental assessment form, negative declaration and related supporting information presented to the Agency within the Company's Application for Assistance in order to determine whether the Project might have any potential significant adverse impacts upon the environment. After conducting this review, the Agency has determined that the acquisition, construction and equipping of the Project Facility are consistent with social, economic and other essential considerations and will not result in any significant adverse impacts on the environment. The Agency hereby ratifies the findings and Negative Declaration of the Village of Lake George Planning Board. In doing so, the Agency satisfies the requirements of Part 617 of Title 6 of the New York Code of Rules and Regulations and no further SEQRA review is required for the Project.

SECTION 5. Ratification. Except as modified by this Resolution, the Agency hereby ratifies and confirms, in all respects, all terms, provisions and requirements stated and approved in Resolution No. 22-03 adopted February 2, 2022.

SECTION 6. Further Action. The Chairman of the Agency is authorized to take such further action as shall be necessary to give effect to and implement this resolution.

SECTION 7. Effective Date. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote by roll call and was thereupon declared duly adopted.

{Acknowledgement to Follow}

STATE OF NEW YORK)
) SS:
COUNTY OF WARREN)

This is to certify that I, Alie Weaver, Records Management Officer for the Counties of Warren and Washington Industrial Development Agency, do hereby certify that the foregoing is a true and correct copy and the whole thereof of a Resolution duly adopted by the Counties of Warren and Washington Industrial Development Agency, Glens Falls, New York on the ____ day of February, 2022.

In witness whereof, I have hereto set my hand and affixed the official seal of the Counties of Warren and Washington Industrial Development Agency on this ____ day of _____, 2022.

[SEAL]

Alie Weaver
Counties of Warren and Washington
Industrial Development Agency



February 1, 2022

Mr. Robert U. Holmes II, P.E.
Jarrett Engineers, PLLC
12 E. Washington Street
Glens Falls, NY 12801

Re: *Wetland Permitting Proposal*
 Warren & Washington Counties IDA
 Ferguson Road, Town of Kingsbury, Washington County, New York

Dear Mr. Holmes:

Pursuant to your request for a proposal for the Warren & Washington Counties Industrial Development Agency (WWIDA), NCES is pleased to submit to you this proposal to prepare and submit an Individual Permit to the U.S. Corps of Engineers (USACE) and a 401 Water Quality Certification to the N.Y.S. Dept. of Environmental Conservation (DEC).

The USACE and DEC permit applications will include, at a minimum, the following information and data:

- Wetland delineation report with site description, full graphics, field data sheets, and photographs;
- Correspondence with the U.S. Fish and Wildlife Service and DEC regarding endangered species within the project boundaries;
- NCES's T/E review and conclusion;
- Correspondence with the New York State Office of Parks and Recreation regarding historic and archeological resources;
- Narrative of the proposed project and the impacted regulated waters of the U.S.;
- Design drawings that show full details of the project area, building locations, proposed utility routes, trenching, de-watering structures, and the sediment, stream crossing details, erosion control structures, and SWPPP (provided by the engineer);
- SEQR documentation with other supporting documentation (provided by the project engineer);
- Documentation of existing conditions of the project area;

Page Two

- Documentation of the project alternatives and efforts to avoid and minimize wetland impacts from the WWIDA Deed Restriction mapping;
- Joint application form;
- The WWIDA Deed Restriction Mapping.
- On-site wetland mitigation plan; and,
- Photographs of the wetland impact and development areas.

To expedite the permitting process, NCES anticipates the scheduling of two (2) pre-application meetings with the engineer and/or agencies. The fees to schedule and attend the meetings is included in the scope of services.

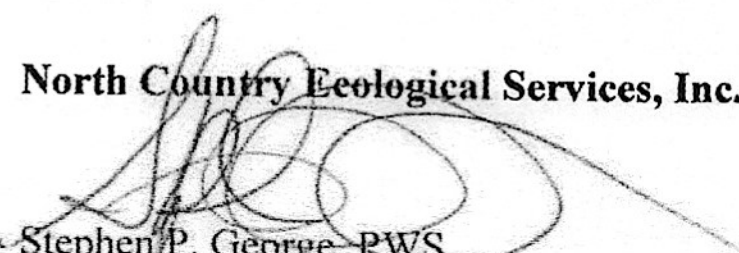
The *estimated fee* to perform the above-outlined scope of services for the project is \$6,800.00.

Any additional time and materials required to expand on the above efforts based on agency comments, adverse field conditions such as extremely poor weather during field visits, lack of boundary evidence provided in the field, and/or attendance at meetings with the client or other involved parties, will be considered additional services beyond the scope of service outlined in this proposal. Such work items and related fees will be billed in accordance with our hourly billing rates (see attached contract terms).

If you require clarification of this proposal or have any questions, feel free to call me. NCES is prepared to start the permit application process immediately upon receipt of your authorization to proceed.

Sincerely,

North Country Ecological Services, Inc.



Stephen P. George, PWS
President

Wetland Permitting Proposal
Warren-Washington County IDA

USACE Individual Permit
&
NYSDEC 401 WQC Permit Applications

Accepted By: _____
(Print name above)

Signature: _____

Title: _____

Address: _____

Phone Number: _____

Fax Number: _____

E-Mail Address: _____

Date: _____

NORTH COUNTRY ECOLOGICAL SERVICES, INC.

Standard Contract Terms for Services

1.0 Billing Rates

All work will be performed on the basis of the following standard hourly billing rates:

<u>Title</u>	<u>Hourly Rate</u>
Senior Ecologist & PWS	\$125.00
Assistant Ecologist	\$115.00
Field Technician	\$75.00
Draftsman	\$50.00
Clerical	\$25.00

2.0 Billing Policy and Conditions

2.1 Expenses

Travel and subsistence, communication, reproduction, printing, photography, overnight mail, computer usage, special equipment costs, special insurance premiums, and any other out-of-pocket expenses are billed at cost plus 20% for administrative overhead.

2.2 Invoices and Payment Terms

Unless otherwise agreed upon in writing, invoices for all services regardless of bill type (time and materials, lump sum, etc.) may be issued every month, and will be payable within thirty (30) days of the invoice date. Interest of 1.5% per month will be payable on any amounts not paid within 30 days. Failure to submit payment within 30 days of the invoice date will be deemed sufficient reason to "stop work" on the assignment until payment is received. Any resultant delay in the scheduled completion of the project is the full responsibility of the client.

Should the project or any part thereof be abandoned by the client at any time during the progress of the work, the client will be responsible for all work performed by North Country Ecological Services, Inc. up to the date that North Country Ecological Services, Inc. was notified to stop work. The client will be billed for all work completed prior to its receipt of notice to stop work or the date of such project abandonment was made known to North Country Ecological Services, Inc. Payment for services related through such date will be due upon receipt of the invoice by the client.

Insufficient and/or incomplete work by other firms contracted by the client to support North Country Ecological Services, Inc. will not be grounds to deem the work conducted by North Country Ecological Services, Inc. incomplete or insufficient and therefore deny any or all payment.

2.3 Collection

Should any or all payments requested by North Country Ecological Services, Inc. not be paid in full within four (4) months of the invoice date, North Country Ecological Services, Inc. may retain the services of a collection agency. The client will be responsible for all of the fees incurred by the collection agency to collect the full amount owed to North Country Ecological Services, Inc.

Client shall be responsible for all costs and expenses, including attorney's fees, incurred by North Country Ecological Services, Inc. because of any default under this contract by the Client, including and such costs and expenses incurred in any enforcement of this sentence and regardless of whether legal proceedings are initiated.

3.0 Revisions

Upon submittal of reports and/or subdivision or site development plans to the appropriate reviewing agencies required by an application, North Country Ecological Services, Inc. will correct errors and/or omissions which are required by the reviewing agency without additional compensation and as set forth in this contract.

North Country Ecological Services, Inc. will prepare all reports, plans, and documents in accordance with current local, state and other applicable regulations, but cannot guarantee acceptance or approval of any plans or permits by the government or other agencies.

The client agrees to limit North Country Ecological Service, Inc. liability to the client, all construction contractors, and subcontractors on this project to North Country Ecological Service, Inc. professional negligent acts or omissions, such that the total liability will not exceed the total professional services for the services rendered on this project.

North Country Ecological Services, Inc.
Standard Contract Terms for Services
Page Three

- 4.0 In the event that additional professional services by North Country Ecological Services, Inc. are requested with regard to any other matter not specifically covered by this contract, in the absence of a separate agreement covering such other services, the term and conditions contained in this agreement shall apply.

Resolution No. _____
Adopted _____, 2022

Introduced by _____
who moved its adoption

Seconded by _____

**RESOLUTION OF THE COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL
DEVELOPMENT AGENCY APPROVING AND AUTHORIZING SALE OF PROPERTY**

WHEREAS, the Counties of Warren and Washington Industrial Development Agency (the "Agency") owns certain property in the Town of Kingsbury as shown on a Subdivision Plat entitled "Phase IIB & Phase II" Development, Warren-Washington Counties Industrial Park" made by Jarrett-Martin Engineers, PLLC, Van Dusen & Steves, Surveyors, dated January, 2006, and last revised on April 20, 2007, a copy of which was filed in the Washington County Clerk's Office on May 1, 2007, Drawer 31C-134 (the "Map"); and

WHEREAS, HTC Properties, LLC, a New York limited liability company, or its permitted assigns, desires to purchase from the Agency the following Lot as shown on said Map (collectively referred to as the "Property"):

Lot #4	137.-2-1.5	1.77 acres	Casey Road
Lot #5	137.-2-1.6	1.83 acres	Casey Road

WHEREAS, pursuant to section 6(c) of the Agency's Disposition of Property Guidelines, the Property may be sold by negotiation if the disposal is intended to further the economic development interests of the Agency; and

WHEREAS, after due deliberation thereon, the Agency has determined that the disposal of the Property intends to further the economic development interests of the Agency, whereby (a) the Property has been on the market for over a decade with no meaningful interested purchasers and (b) the sale of the Property will return the Property to the tax rolls; and

WHEREAS, based on the foregoing, the Agency has determined that the sale of said Property, located in the Agency's Airport Industrial Park is in the economic development interests of the Counties of Warren and Washington and the Town of Kingsbury, is in accord with the public provisions of applicable federal, state and local laws and the Agency's Disposition of Property Guidelines, and will benefit the welfare and the economies of both Warren and Washington Counties and the Town of Kingsbury and the residents of those municipalities; and

WHEREAS, the Company intends to initially use the Property as an office building and warehouse for a construction company and, therefore, has requested that the Agency grant a variance to Section 2.01 of the Declaration of Uses, Covenants and Restrictions for Phase II of the Agency's Airport Industrial Park, as adopted, April 28, 2003, and recorded in the

Washington County Clerk's Office on May 9, 2003 in Book 935 of Deeds at Page 318 (the "Covenants") based on the use being reasonable and compatible with other uses in the Park.

NOW, THEREFORE, it is hereby

RESOLVED, that the sale of the Property by the Agency constitutes a Type II action under the State Environmental Quality Review Act ("SEQRA") pursuant to the Type II List adopted by the Agency on March 17, 2003; therefore, no further SEQRA review is necessary.

RESOLVED, that:

1. The Agency agrees to sell the Property described above, consisting of approximately 3.6 acres of land on Casey Road in the Town of Kingsbury to HTC Properties, LLC, or its permitted assigns (the "Developer") for the sum of Forty Thousand Five Hundred Dollars (\$40,500.00), for development as office space and warehouse to be leased to a construction company; subject to (a) the Developer submitting a full Site Plan pursuant to Paragraph 6, Page 2 of the Agency's Application to Purchase Property; (b) the Agency's approval of the Site Plan; (c) the Agency's approval of the screening of the outdoor storage per section 3.06 of the Covenants, as may be applicable; (d) Site Plan and SEQRA review and approval by the Kingsbury Planning Board; and (e) the Developer's execution of a purchase and sale contract, and any addendums, for the Property; and it is further
2. Should the Developer fail to complete construction within eighteen (18) months, the Agency shall have the right to terminate title in the Developer and reinvest title in the Agency;
3. The Developer shall reimburse the Agency for its costs and expenses associated with the sale, inclusive of legal fees; and
4. The Developer will have arranged financing and will complete the purchase of the Property within nine (9) months after the contract is signed, unless otherwise agreed to by the parties; and it is further

RESOLVED, that after due deliberation thereon and based on other similar uses in the Park and the compatibility of such use with other properties in the Park, pursuant to Article VIII of the Covenants the Agency hereby finds the request for the variance to be reasonable and approves of a variance of Section 2.01 of the Covenants to allow the Property to be used for an office building and warehouse to be leased to a construction company.

RESOLVED, that the Chairman, or Vice Chairman in his absence, is authorized to execute and deliver a contract of sale, license agreement, deed, and other such documents as will incorporate the terms set forth above, subject to the approval of the Agency's legal counsel as to form and content.

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

The foregoing resolution was thereupon declared duly adopted.

02/07/22

WWIDA

Balance Sheet

As of January 31, 2022

	Jan 31, 22	Jan 31, 21
ASSETS		
Current Assets		
Checking/Savings		
GFNB 8473	441.05	54.11
200 - Cash	549,595.28	251,405.15
250 - Certificates of Deposit	353,462.00	479,713.00
Total Checking/Savings	903,498.33	731,172.26
Accounts Receivable		
380A - Accounts Receivable	7,315.44	0.00
380B - Accounts Receivable - PILOTS	0.01	-5,475.74
Total Accounts Receivable	7,315.45	-5,475.74
Other Current Assets		
200A - Undeposited Funds	4,136.38	0.00
210 - Petty Cash	143.10	143.10
381 - Insurance Receivable	6,834.40	510.40
480 - Prepaid Insurance	2,335.03	2,335.03
Total Other Current Assets	13,448.91	2,988.53
Total Current Assets	924,262.69	728,685.05
Fixed Assets		
101 - Land	1,021,875.01	554,087.09
104 - Machinery and Equipment	10,806.74	10,806.74
114 - Accumulated Depreciation	-9,197.99	-9,197.99
Total Fixed Assets	1,023,483.76	555,695.84
TOTAL ASSETS	1,947,746.45	1,284,380.89
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
Accounts Payable		
600 - Accounts Payable	179.79	11,895.64
Total Accounts Payable	179.79	11,895.64
Other Current Liabilities		
602 - Payroll Liabilities	1,765.74	531.15
615 - Customers' Deposit	17,404.89	7,516.29
631 - Due to other governments	15,725.41	58,633.69
Total Other Current Liabilities	34,896.04	66,681.13
Total Current Liabilities	35,075.83	78,576.77
Total Liabilities	35,075.83	78,576.77
Equity		
924 - Net Assets - Unrestricted	1,892,269.38	1,231,414.75
Net Income	20,401.24	-25,610.63
Total Equity	1,912,670.62	1,205,804.12
TOTAL LIABILITIES & EQUITY	1,947,746.45	1,284,380.89

02/07/22

WWIDA

Profit & Loss Budget vs. Actual

Year to Date

	Jan 22	Budget	\$ Over Budget
Total Legal	7,497.66	50,000.00	(42,502.34)
Total Professional service contracts	10,355.16	115,000.00	(104,644.84)
6460.45 · Staff Payroll - WWIDA	11,506.22	95,000.00	(83,493.78)
6460.5 · Supplies and Materials			
Office Supplies	71.98	2,000.00	(1,928.02)
Postage	116.00	400.00	(284.00)
Total 6460.5 · Supplies and Materials	187.98	2,400.00	(2,212.02)
9000 · Employee Benefits			
Medicare - Company	108.87	1,400.00	(1,291.13)
Social Security - Company	465.46	5,900.00	(5,434.54)
Unemployment Insurance	0.00	2,875.00	(2,875.00)
9000 · Employee Benefits - Other	0.00	24,500.00	(24,500.00)
Total 9000 · Employee Benefits	574.33	34,675.00	(34,100.67)
Total Operating Expenses	24,757.47	278,575.00	(253,817.53)
Total Expense	25,207.47	293,575.00	(268,367.53)
Net Ordinary Income	21,077.24	372,425.00	(351,347.76)
Net Income	21,077.24	372,425.00	(351,347.76)

WWIDA

Profit & Loss Budget vs. Actual

Year to Date

	Jan 22	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
Nonoperating revenue			
Investment Earnings	0.00	1,500.00	(1,500.00)
Total Nonoperating revenue	0.00	1,500.00	(1,500.00)
Operating Revenue			
Charges for Services			
2116 · Application Fees	0.00	4,500.00	(4,500.00)
2116.2 · Project Fees - New	46,284.71	640,000.00	(593,715.29)
Total Charges for Services	46,284.71	644,500.00	(598,215.29)
Other Operating Revenue			
2770 · Project - Legal Reimb 3.4	0.00	20,000.00	(20,000.00)
Total Other Operating Revenue	0.00	20,000.00	(20,000.00)
Total Operating Revenue	46,284.71	664,500.00	(618,215.29)
Total Income	46,284.71	666,000.00	(619,715.29)
Gross Profit	46,284.71	666,000.00	(619,715.29)
Expense			
Nonoperating Expenses			
107 · Airport Industrial Park			
Property/Sewer/Water Taxes AIP	450.00	0.00	450.00
107 · Airport Industrial Park - Other	0.00	15,000.00	(15,000.00)
Total 107 · Airport Industrial Park	450.00	15,000.00	(14,550.00)
Total Nonoperating Expenses	450.00	15,000.00	(14,550.00)
Operating Expenses			
Other operating expenses			
1910.4 · Insurance			
Disability Insurance	0.00	250.00	(250.00)
Employee Dishonesty Bond	0.00	1,700.00	(1,700.00)
Liability/Commercial Insurance	0.00	10,000.00	(10,000.00)
Public Officials Liability	50.00	0.00	50.00
Workers' Comp Insurance	58.55	300.00	(241.45)
Total 1910.4 · Insurance	108.55	12,250.00	(12,141.45)
6460.4 · Contractual Services			
Advertising	0.00	2,500.00	(2,500.00)
Computer & Website Related	193.92	750.00	(556.08)
Dues	110.00	0.00	110.00
Rent	1,000.00	12,000.00	(11,000.00)
Subscriptions	223.41	1,200.00	(976.59)
Telephone and Internet	182.90	2,500.00	(2,317.10)
6460.4 · Contractual Services - Other	315.00	0.00	315.00
Total 6460.4 · Contractual Services	2,025.23	18,950.00	(16,924.77)
Other operating expenses - Other	0.00	300.00	(300.00)
Total Other operating expenses	2,133.78	31,500.00	(29,366.22)
Professional service contracts			
Accounting	400.00	15,000.00	(14,600.00)
Engineering - Phase I & General	2,457.50	50,000.00	(47,542.50)
Legal			
Fees for Project 3.4 billing	3,150.66	50,000.00	(46,849.34)
General	4,347.00		

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Fort William Henry Corporation, The White Lion Room and Tankard Tavern Outdoor Patio and Amenities			
Project Location (describe, and attach a location map): 48 Canada Street, Lake George NY 12845			
Brief Description of Proposed Action: Outdoor renovations include removing an existing ±1,569 square foot wood deck, a shuffleboard court, a gazebo, light poles, a grill on a concrete pad, pedestrian walkways, and plant beds. These items will be replaced with a patio space approximately 4,466 square feet in size to accommodate a 40'x20' event tent and fire tables, a unit paver walkway to a wedding ceremony space, reconfigured existing pedestrian pathways to the north of the event space to improve circulation, installing dark-sky compliant lighting, and landscaping of the venue with plantings.			
Name of Applicant or Sponsor: The Fort William Henry Corporation, DBA, The White Lion Room & Tankard Tavern		Telephone: 518-964-6620 E-Mail: saml@fortwilliamhenry.com	
Address: 48 Canada Street			
City/PO: Lake George		State: NY	Zip Code: 12845
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		9.42 acres	
b. Total acreage to be physically disturbed?		.34 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		9.42 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name: Lake George, Reason: Protect the resources of the park, Agency: Lake George Park Commission, Date: 11-16-88 If Yes, identify: 16-88	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Not applicable	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Not applicable	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Permeable Pavers are proposed		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Kirsten Catellier</u> Date: <u>1-13-22</u>		
Signature: <u>Kirsten Catellier</u> Title: <u>RLA</u>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Lake George, Reason:Protect the resources of the park, Agency:Lake George Park Commission, Date:11-16-88
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

Project:

SPR 3-2022

FWH
MOD.

Date:

2/16/22

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

SPR 3-2022 FWH MOD

Date:

2/16/22

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

No small or minor impacts at all
assumed/expected from this project,
Negative Declaration proposed (S-D)

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Lake George Village Planning Board

Name of Lead Agency

2/16/27

Date

Carol Sullivan

Print or Type Name of Responsible Officer in Lead Agency

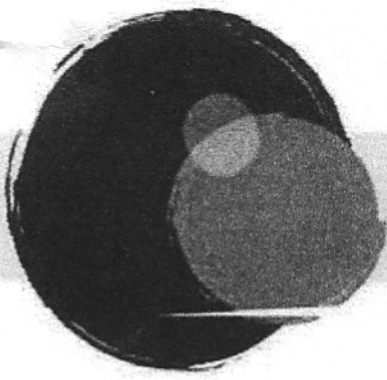
Chairperson

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM



Town of Kingsbury

6 MICHIGAN STREET
HUDSON FALLS, NEW YORK 12839

PHONE: 518-747-2188

FAX: 518-747-9115

Notification of Decision of Planning Board

APPLICANT: Bucks County Biscotti Company

NOTICE DATE: February 18, 2022

Resolution No. 1 of February 16, 2022

SITE PLAN REVIEW – Bucks County Biscotti Company, as contract vendee of Tax Map #: 137.-2-1.8 commonly known as Lot #7 Casey Road of the Warren/Washington County Industrial Park, Town of Kingsbury, located in the PIC-75 / Park Industrial Commercial Zoning District, is seeking Site Plan approval for a commercial baking facility at this location. This action is pursuant to Section 280-25 (G) of the Code of the Town of Kingsbury.

ON A MOTION BY LES MACURA, seconded by TODD MURPHY, based on all of the evidence and materials submitted by the Applicant and the representations made at the meeting, the Application is hereby approved subject to the following conditions:

- (1) No outside storage will be permitted on the premises.
- (2) All exterior lighting shall be downcast so as not to produce glare or spill off-site
- (3) All information and representations contained in the materials submitted by the applicant and discussed at the meeting are incorporated herein as conditions.

PRESENT:

Robert Dingman, Chairman - AYE

David Gauci - AYE

Les Macura - AYE

Todd Murphy– Alternate – AYE

AYES: 4

NAYES:

ABSTAIN: 0

MOTION CARRIED

Cc: Ethan Hall, Rucinski Hall Architecture
134 Dix Avenue
Glens Falls NY 12801

Project:

B1 SL 0 Hz

Date:

2-16-2022

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

Disco II

Date:

2-16-2022

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Kingsley Planning Board
Name of Lead Agency

2/16/2022
Date

Robert A. Dingman
Print or Type Name of Responsible Officer in Lead Agency

Chair
Title of Responsible Officer

Robert A. Dingman
Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

150 9006 4347

COUNTIES OF WARREN AND WASHINGTON
INDUSTRIAL DEVELOPMENT AGENCY

આપર્ય

GMA HOLDINGS

MEMORANDUM OF LEASE AGREEMENT

DATED AS OF NOVEMBER 1, 1993

**Respecting Premises Located in the Queensbury
Technical Park in Queensbury, New York**

THIS DOCUMENT IS INTENDED TO BE RECORDED IN LIEU OF THE WITHIN-DESCRIBED LEASE AGREEMENT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 291-c OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK.

MEMORANDUM OF LEASE AGREEMENT

The undersigned, **COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT AGENCY**, a public benefit corporation duly organized and existing under the laws of the State of New York, having its office at 111 River Street, Hudson Falls, New York 12839, as landlord (referred to in the hereinafter described Lease Agreement as the "Issuer"), and **GMA HOLDINGS**, a general partnership organized and existing under the laws of the State of New York, having an address of RR1, Box 532, Queensbury, New York 12804, as tenant (referred to in the hereinafter described Lease Agreement as the "Company"), have entered into a certain lease agreement dated as of November 1, 1993 (the "Lease Agreement").

The Lease Agreement covers a manufacturing facility (the "Facility") located on an approximately 9 acre parcel or parcels of land (the "Land") all as more particularly described in Exhibit "A" attached hereto and made a part hereof together with certain items of machinery, equipment and other personal property described on Exhibit "B" attached hereto and made a part hereof (the "Equipment") (the Land, the Facility and the Equipment being collectively referred to in the Lease Agreement as the "Project Facility").

The Lease Agreement provides for the rental of the Project Facility for a term commencing as of November 12, 1993 and terminating at 11:59 p.m. on the date of the repayment of the Bond (as defined therein) or such other date as is provided by the Lease Agreement.

The Lease Agreement obligates the Company to make periodic rental payments and, among other things, further obligates the Company to provide indemnity and make certain payments in lieu of taxes and certain other payments.

The Lease Agreement obligates the Company to purchase the Project Facility at the end of the lease term, or at the sooner expiration of the Lease Agreement, for the sum of One Dollar (\$1.00) plus certain other amounts, including, to the extent not then paid, all amounts due with respect to the Issuer's Taxable Industrial Development Revenue Bond (GMA Holdings Project), Series 1993 in the original principal amount not to exceed \$1,750,000.

The Company has granted the Issuer a security interest in the Equipment as security for the rental payments and all other obligations of the Company under the Lease Agreement.

The Lease Agreement is available for inspection during normal business hours at the office of the Issuer, currently located as indicated above.

USE 900 MC 131

IN WITNESS WHEREOF, the Issuer and the Company have caused this Memorandum of Lease Agreement to be executed in their respect names, all as of November 1, 1993.

LEEN 900PAC 132

COUNTIES OF WARREN AND WASHINGTON
INDUSTRIAL DEVELOPMENT AGENCY

By: George E. Allen
George E. Allen, Chairman

GMA HOLDINGS

By: Charles M. Barber
Charles M. Barber, Partner

STATE OF NEW YORK)
COUNTY OF Warren) SS.:

On the 1st day of November, 1993, before me personally came GEORGE E. ALLEN, to me known, who being by me duly sworn, did depose and say that he resides in Schaghticoke, New York, that he is the CHAIRMAN of the COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT AGENCY, the public benefit corporation described in and which executed the foregoing instrument, and that he signed his name thereto by authority of said public benefit corporation.

Bruce G. Carr
Notary Public
BRUCE G. CARR
Notary Public - State of New York
Warren County #4808918
Commission expires October 31, 1997

STATE OF NEW YORK)
COUNTY OF WARREN) SS.:

On this 7th day of November, 1993, before me personally came CHARLES M. BARBER, to me known, who being by me duly sworn, did depose and say that he is the PARTNER of GMA HOLDINGS, the general partnership described in and which executed the foregoing instrument, and that he executed the same for and on behalf of said partnership as a PARTNER thereof.

Matthew Casey
Notary Public
MATTHEW CASEY
Notary Public, State of New York
Qualified in Albany County
No. 4877860
Commission Expires Feb. 11, 1995

EXHIBIT A

USER 900 PAGE 133

All that certain piece or parcel of land situate, lying and being in the Town of Queensbury, County of Warren and State of New York, more particularly bounded and described as follows: BEGINNING at an iron rod set in the ground for a corner in the southerly bounds of Dix Avenue at the northeast corner of the lands conveyed to Frank E. Coviello by deed dated June 6, 1990 and recorded in book 795 of deeds at page 42; running thence South 64 degrees, 24 minutes and 42 seconds East along said Dix Avenue, a distance of 385.00 feet to an iron rod found in the ground for a corner at the northwest corner of the lands conveyed to Claude Charlebois by deed dated October 14, 1988 and recorded in book 729 of deeds at page 721; running thence along said lands as marked by a wire fence South 08 degrees, 35 minutes and 28 seconds West, a distance of 821.94 feet to the lands of Niagara Mohawk Power Corporation; thence running South 74 degrees, 34 minutes and 33 seconds West along said lands, a distance of 320.00 feet to the southeast corner of the lands conveyed to Astro-Valcour, Inc. by deed dated April 24, 1990 and recorded in book 791 of deeds at page 37; running thence along said lands North 01 degrees, 50 minutes and 17 seconds East, a distance of 518.03 feet to the northeast corner thereof; thence running South 89 degrees, 05 minutes and 18 seconds West still along said lands of Astro-Valcour, Inc., a distance of 127.57 feet; thence running along a curve to the right having a radius of 822.00 feet, a distance of 140.55 feet to an iron rod set in the ground for a corner in the northerly bounds of said lands to Astro-Valcour, Inc., thence running North 24 degrees, 18 minutes and 00 seconds East, a distance of 407.24 feet to an iron rod set in the ground for a corner at the southeast corner of said lands of said Frank Coviello; thence running North 44 degrees, 59 minutes and 34 seconds East along said lands of Frank Coviello, a distance of 236.77 feet to the point and place of beginning, containing 9.55 acres of land, to be the same more or less.

Bearings given in the above description refer to the magnetic meridian as of July, 1979.

Subject to the Covenants: Declaration of Uses and Restrictions dated the 18th day of October, 1988 and filed in the Warren County Clerk's Office on October 25, 1988 in Book 731 of Deeds at Page 17 and the Amended Covenants: Declaration of Uses and Restrictions, dated December 8, 1989 and filed in the Warren County Clerk's Office on the 8th day of December, 1989 in Book 777 of Deeds at page 37.

Being a portion of the premises conveyed in a deed from Glens Falls Portland Cement Company, Inc. to Queensbury Economic Development Corporation, dated July 18, 1986 and recorded in the Warren County Clerk's Office on July 31, 1986 in Book 683 of Deeds at page 672.

This conveyance is made pursuant to Section 1411(c) of the New York Not-for-Profit Corporation Law and by resolution of the Board of Directors of the Corporation. It does not constitute a disposition of all or substantially all of the Corporation's assets.

FILE 900 PAGE 134

EXHIBIT A-1

All that certain piece or parcel of land situate, lying and being in the Town of Queensbury, County of Warren and State of New York, more particularly bounded and described as follows: BEGINNING at a point in the easterly end of the lands dedicated to the Town of Queensbury by deed dated May 15, 1989 and recorded in book 756 of deeds at page 152 and further located South 25 degrees 05 minutes and 18 seconds West, a distance of 31.00 feet ~~measured along said road from the northeast corner thereof in the southerly bounds of Lot 5 as shown on a map made for Queensbury Economic Development Corporation by Van Dusen and Steves dated November 2, 1989 and last revised January 31, 1990; running thence easterly along a curve to the left having a radius of 751.00 feet a distance of 232.04 feet to the westerly boundary of the lands being conveyed to the Town of Queensbury; thence running South 24 degrees, 18 minutes and 00 seconds West along said lands, a distance of 41.71 feet to a point 32.20 feet from the southwest corner thereof; thence running westerly along a curve to the right having a radius of 791.00 feet, a distance of 232.26 feet to said lands of the Town of Queensbury; thence running North 25 degrees, 05 minutes and 18 seconds East along said lands, a distance of 40.00 feet to the point and place of beginning, containing 0.21 acres of land, to be the same more or less.~~ a point

) Bearings given in the above description refer to the magnetic meridian as of July, 1979.

EXHIBIT "B"

DESCRIPTION OF THE EQUIPMENT

All articles of personal property and all appurtenances acquired with the proceeds of the Bond or any payment made by the Company pursuant to Section 4.5 of the Lease Agreement and now or hereafter attached to, contained in or used in connection with the Facility or placed on any part hereof, though not attached thereto, including, but not limited to, all equipment, machinery, pipes, screens, fixtures, heating, lighting, plumbing, ventilation, air conditioning, compacting and elevator plants, drapes, blinds and accessories, moveable partitions, cleaning equipment, maintenance equipment, shelving, signs, waste containers, sprinkler systems and other fire prevention and extinguishing apparatus and materials; and together with any and all products of any of the above, all substitutions, replacements, additions or accessions therefor, and any and all cash proceeds or non-cash proceeds realized from the sale, transfer or conversion of any of the above.

LEMEHY & REID

Attorneys and Counselors at Law

Two Broad Street Plaza

Glens Falls, New York 12801

Attention: James A. Chambliss

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RECORDED

TERMINATION OF MEMORANDUM OF LEASE AGREEMENT

WHEREAS, pursuant to an unrecorded lease to agency agreement dated November 1, 1993 (the "Lease Agreement") by and between the Counties of Warren and Washington Industrial Development Agency (the "Agency"), as landlord and GMA Holding (the "Company"), as tenant, the Agency leased to the Company certain real property located at 276 Dix Avenue, Town of Queensbury, County of Warren, State of New York, and currently known as tax map parcel number 303.15-1-32 and as further described on Schedule A attached hereto (the "Premises"); and

WHEREAS, a Memorandum of Lease Agreement dated November 1, 1993 was recorded on November 18, 1993 in the Warren County Clerk's Office in Book 900 at Page 130 (the "Memorandum of Lease Agreement"); and

WHEREAS, on June 30, 1998, a referee's deed conveyed the Premises from Michael O'Dell, as duly appointed referee to New York Job Development Authority and said deed was recorded in the Warren County Clerk's Office on July 1, 1998 in Book 1071 at Page 4; and

WHEREAS, a termination of the Memorandum of Lease Agreement was inadvertently never executed or filed in the County Clerk's Office; and

WHEREAS, to the best of the knowledge of the Agency, the Company is defunct and no longer in existence; and

WHEREAS, the Agency that acknowledges that said Lease Agreement is no longer in full force and effect and agrees that the Lease Agreement terminated simultaneously with the referee's deed.

NOW, THEREFORE, the Agency hereby executes this Termination of the Memorandum of Lease Agreement, including all of the terms and provisions of the Lease Agreement, to formally terminate and acknowledge that said Memorandum of Lease Agreement is no longer in full force and effect as of the date of this Termination Agreement.

IN WITNESS WHEREOF, Agency has executed this Termination Agreement as of the February 22, 2022.

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

By: _____
David O'Brien
Chairman

STATE OF NEW YORK

)

) SS:

COUNTY OF _____

)

On the _____ day of _____, 2022, before me, the undersigned personally appeared **David O'Brien**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed this instrument.

Notary Public

Therese Gillis
24 East Road
Fort Edward, N.Y. 12828

Warren Washington Industrial Development Agency Board Members
5 Warren Street / Suite 210
Glens Falls, N. Y. 12801

February 16, 2022

I would like to make my interest and concerns known to the WWIDA at this time. It is my understanding the company Hughes Energy has reached out to be considered at the previous PCB dewatering site in Fort Edward. My residence lies approximately 1500' from that site. Having experienced the dredging project and the impact it had for us all living along the Hudson River/Champlain Canal is unforgettable. Our quality of life was negatively affected by this project.

An environmental group - Warren County Zero Waste reached out to me, my neighbors, and other residents of neighboring villages and townships to share their discoveries regarding Hughes Energy. They have been in close contact with "Don't Trash the Catskills" located downstate, where Hughes Energy has been trying to set up. I watched a meeting on youtube.com in which Mike Wild, from the WWIDA expressed concerns about several findings. The first concern was the role of venture capital in this project. This corporation has habitually acquired funds and then failed. Second, he's concerned about the success of other sites. The site in Limerick, Ireland failed. I am not aware of any Hughes Energy plants that are operational at this time. Next, is corporate debt. How stable is this corporation financially? Lastly, he needs to know exactly how many jobs this will bring to the area. Hughes Energy in the Catskills keeps changing that number. Don't Trash the Catskills is available to us as a resource. They've been working on this for two years. It is my hope that Mr. Wild has been able to research financial history and the lack of success of previous operations of this company. I think it may cause WWIDA to reconsider this venture before proceeding any further.

I also have another question regarding this operation. Is our sewer district set up to handle possible PFAA' contamination if it is found in discharge water being used for the autoclave operation? I would think the current sewer district is for human and municipality waste, not industrial waste. Environmentalists and concerned citizens simply will not allow any further contamination of our Hudson River corridor after the exhausted efforts and success of the PCB dredging project. I have read past minutes of Village of Fort Edward Meetings where there has been discussion if not a decision made to appropriate a sizable amount of money for increased sewer and water to the aforementioned site. I suppose that is necessary, especially for the amount of daily water usage and waste water that would be generated from this type of operation, but we need to be sure of the amount of return for the investment. Hence Mike Wild's concerns.

I do believe the best way to move forward through any of this project is to present a united not divided front from this region. The history of past projects has proven it can be successful. Concerned citizens, environmental groups, boards and agencies need to stay open and involved. We need to unite together with information we have acquired to keep everyone informed. Is this site now referred to as the Canalside Energy Park? Is it now owned entirely by the IDA? Just trying to update myself. I realize development of this property is necessary for a multitude of reasons, but it has to be the right fit for Fort Edward and Washington County. Industrial zoning does not have to mean recycling, composting, burning, autoclaving, nor garbage. I have had enough of all that for my region - Washington county/Fort Edward.

This COVID pandemic has isolated and affected all of us. I apologize for my recent lack of involvement with the future vision of our community. I hope to become more involved with the Village Board, Town Board, Town Planning Board, WWIDA, Promote Fort Edward, Friends of the Library and whatever future endeavors that might be available to us. I am hopeful that we could develop the area in a different direction, now that we have been successful at getting the Champlain Canal on the Federal Registry. I look forward to your response. I can be reached at (518) 955-7355 (cell) or tlgillis@verizon.net. Thank you for your time and interest.

Therese Gillis - concerned citizen Town of Fort Edward