

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

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

Tel. (518) 792-1312

The **Executive/Park Committee** meeting of the Counties of Warren and Washington Industrial Development Agency was held on Wednesday, March 4th, 2020 at the offices of FitzGerald Morris Baker Firth PC, 68 Warren Street, Glens Falls, NY. The following were:

<b>Present:</b>	Dave O'Brien	Chair
	Craig Leggett	Vice Chair
	Michael Bittel	Sec/Treasurer
	Brian Campbell	WWIDA At Large Member

<b>Also Present:</b>	Alie Weaver	Office Administrator
	Kara Lais, Esq.	FitzGerald Morris Baker Firth PC
	Tom Jarrett	Jarrett Engineers
	Jack Kelley	Coldwell Banker Commercial
	Michael Goot	Post Star
	Jeff Brown	Falck Renewables

The minutes were taken by the Office Administrator.

**Call to Order:** The Chair called the meeting to order at 9:00 A.M. Roll call was taken to establish a quorum.

**Appointment of Park Chair:** Mr. Bittel nominated Mr. Campbell as Park Chair and Mr. Leggett seconded and all voted in favor by voice vote.

**Dewatering Land Purchase Update:** Mr. O'Brien stated he will need to have sub committees to work on particular things concerning the purchase of the dewatering land. He asked Mr. Leggett to chair a committee concerning road maintenance, the MoU and interior structure. He asked Mr. Bittel to chair sales, marketing, and uses for the property.

**Annual Project Survey Update:** Mrs. Weaver stated there were four projects that have not sent their 2019 annual reports and have been contacted.

Mr. O'Brien stated the Audit and Finance Committee needs to meet to review the annual reporting and asked Mr. Bittel to coordinate set up of that meeting.

**Town & County Tax Update:** Mrs. Weaver stated there were two projects that have not paid their Town, County and Special District taxes and have been contacted.

**Recaptures:** Ms. Lais stated Firetek was over by \$90+ which will leave them owing \$6-\$7. Firetek will also be requesting an extension and increase once they receive a tenant.

Mohawk Industrial Werks expired in 2019 and was under the maximum amount of exemption.

Sandy Hill Vision is under but close (around \$4800) and their exemption expires September 2020.

Greenwich Preservation had requested an extension until March 31<sup>st</sup>, 2020 and should be contacted to see if they will need a further extension or will be complete by the end of this month.

Aviation Hospitality had their exemption expire January 31<sup>st</sup> 2020 and was under the maximum amount of exemption.

**Application for road:** Mr. O'Brien stated the application went out last night and all the emails have been sent.

**YE Reporting:** Mrs. Weaver stated the year end QuickBooks financial reports were included in the meeting packets. She noted Mr. McCarthy had also reviewed them prior to the meeting.

**Potential Project Updates:** Mr. Kelley introduced Jeff Brown from Falck Renewables. Mr. Brown expressed interest in purchasing approximately 47 acres for a solar project with a level of investment being ten to twelve million dollars into the land and explained the twelve-month application process.

He went on to explain their decommissioning clause, end of the project obligations and budget to return the land into its original state minus two small concrete pads and noted some sites have infrastructure left below the frost line without affecting agricultural growth. He noted that predominantly there's already traditional recycling methods for most of the materials used.

The six to seven-megawatt system typically takes twenty-five to thirty acres of land which is achieved with the lower parcel and possible future development of the north end.

Mr. Kelley noted a national wetland permit with solar states that up to an acre can be impacted vs. one tenth of an acre non-solar. He presented a rough draft of the option offer for Ms. Lais to review.

Mr. Kelley suggested a counter offer of \$165,000 and also a higher deposit for the twelve to twenty-four month holding period.

Mr. Jarrett explained the Town of Kingsbury required a submittal of decommissioning including a cost estimate and also stated this project is ideal considering infrastructure in the back would not be necessary for salability and he finds it to be an attractive proposal.

He explained the decommissioning clause would be very important as the property would be available for industrial use in the future, depending on economic conditions and what technology dictates for the site.

Mr. O'Brien noted the current covenants does not allow for solar.

Ms. Lais stated a variance can be granted or an amendment to the permits and restrictions can be made with all other parties in phase II consenting to the amendment.

Mr. Leggett made a motion to approve the continuing of negotiations and Mr. Campbell seconded and all were in favor.

**Offer on Lot 3:** Mr. Kelley stated the potential purchaser of Lot 3 is refusing to approve the contract which currently states screening requirements.

Mr. Leggett noted the lot is on the main road and doesn't feel the IDA would be responsible community partners to give a variance on this particular covenant.

Mr. Jarrett stated the projects have all been asked to screen but haven't all complied, becoming an enforcement issue.

After much discussion it was decided the screening requirement remains and Mr. Kelley stated he will go back to the potential client with this decision.

Mr. Kelley stated another party has interest in leasing a warehouse to be built. All the information has been sent to this party and discussed at multiple meetings for a possible April committee presentation for vetting prior to the full board meeting.

**Approval of February 5<sup>th</sup>, 2020 minutes:** Mr. Bittel made a motion to approve February's Executive Park meeting minutes, Mr. Campbell seconded and all voice voted in favor.

**Adjournment:** There being no further business, Mr. O'Brien adjourned the meeting at 10:20.

**WWIDA**  
**Balance Sheet**  
As of January 1, 2020

	Jan 1, 20
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
200 · Cash	
Checking - NOW-10459405	89,311.00
Escrow - PILOTs 3528097	589.72
Total 200 · Cash	89,900.72
250 · Certificates of Deposit	
251 · CD - GFNB - #842819	100,000.00
252 · CD - GFNB - #842823	125,000.00
253 · CD - GFNB - #842821	250,000.00
254 · CD - GFNB - #842824	125,000.00
Total 250 · Certificates of Deposit	600,000.00
Total Checking/Savings	689,900.72
Accounts Receivable	
380A · Accounts Receivable	675.00
Total Accounts Receivable	675.00
Other Current Assets	
210 · Petty Cash	143.10
380F · Installment Sale-GF Labels	4,250.00
480 · Prepaid Insurance	2,353.03
Total Other Current Assets	6,746.13
Total Current Assets	697,321.85
Fixed Assets	
101 · Land	519,262.59
104 · Machinery and Equipment	
Office Equipment	1,614.49
Signs & Mailboxes	7,583.50
Total 104 · Machinery and Equipment	9,197.99
114 · Accumulated Depreciation	-9,197.99
Total Fixed Assets	519,262.59
<b>TOTAL ASSETS</b>	<b>1,216,584.44</b>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
600 · Accounts Payable	400.00
Total Accounts Payable	400.00
Other Current Liabilities	
602 · Payroll Liabilities	
Federal W/H	149.01
Medicare - Employee	-15.67
Social Security - Employee	21.87
State W/H	117.73
Total 602 · Payroll Liabilities	272.94
631 · Due to other governments	309.48
Total Other Current Liabilities	582.42
Total Current Liabilities	982.42

02/26/20

**WWIDA**  
**Balance Sheet**  
**As of January 1, 2020**

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	Jan 1, 20
Total Liabilities	982.42
Equity	
924 · Net Assets - Unrestricted	1,215,602.02
Total Equity	1,215,602.02
TOTAL LIABILITIES & EQUITY	1,216,584.44



02/25/20

# WWIDA

## Profit & Loss Budget vs. Actual

Year to Date

	Jan - Dec 19	Budget	\$ Over Budget
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
<b>Nonoperating revenue</b>			
<b>Investment Earnings</b>			
2401 · Interest Income	287.38	500.00	(212.62)
<b>Total Investment Earnings</b>	287.38	500.00	(212.62)
2675 · Lot Sales			
Sale of Land	4,250.00	50,000.00	(45,750.00)
2675 · Lot Sales - Other	0.00	5,000.00	(5,000.00)
<b>Total 2675 · Lot Sales</b>	4,250.00	55,000.00	(50,750.00)
<b>Total Nonoperating revenue</b>	4,537.38	55,500.00	(50,962.62)
<b>Operating Revenue</b>			
<b>Charges for Services</b>			
2116 · Application Fees	1,000.00	1,000.00	0.00
2116.1 · Project Fees - Existing	1,072.50		
2116.2 · Project Fees - New	75,022.50	50,000.00	25,022.50
<b>Total Charges for Services</b>	77,095.00	51,000.00	26,095.00
<b>Other Operating Revenue</b>			
2770 · Project - Legal Reimb 3.4	34,944.70	25,000.00	9,944.70
2770.2 · Misc Income - operating	0.00	100.00	(100.00)
<b>Total Other Operating Revenue</b>	34,944.70	25,100.00	9,844.70
<b>Total Operating Revenue</b>	112,039.70	76,100.00	35,939.70
<b>Total Income</b>	116,577.08	131,600.00	(15,022.92)
<b>Gross Profit</b>	116,577.08	131,600.00	(15,022.92)
<b>Expense</b>			
<b>Nonoperating Expenses</b>			
107 · Airport Industrial Park			
Property/Sewer/Water Taxes AIP	12,563.04	15,000.00	(2,436.96)
107 · Airport Industrial Park - Other	1,080.00	0.00	1,080.00
<b>Total 107 · Airport Industrial Park</b>	13,643.04	15,000.00	(1,356.96)
<b>Total Nonoperating Expenses</b>	13,643.04	15,000.00	(1,356.96)
<b>Operating Expenses</b>			
<b>Other operating expenses</b>			
Miscellaneous	0.00	225.00	(225.00)
1910.4 · Insurance			
Disability Insurance	159.49	125.00	34.49
Liability/Commercial Insurance	1,721.00	1,200.00	521.00
Public Officials Liability	0.00	1,700.00	(1,700.00)
Workers' Comp Insurance	1,956.55	400.00	1,556.55
<b>Total 1910.4 · Insurance</b>	3,837.04	3,425.00	412.04
2675.1 · Sale of Lots			
Legal Exp. for Lot Sales 3.4	0.00	5,000.00	(5,000.00)
<b>Total 2675.1 · Sale of Lots</b>	0.00	5,000.00	(5,000.00)
6460.4 · Contractual Services			
Advertising	0.00	600.00	(600.00)
Airport Park - Misc Services	110.00	4,500.00	(4,390.00)
Computer & Website Related	2,199.40	1,000.00	1,199.40
Dues	1,142.00	1,000.00	142.00
Rent	5,220.00	4,800.00	420.00
Subscriptions	0.00	100.00	(100.00)

02/25/20

# WWIDA

## Profit & Loss Budget vs. Actual

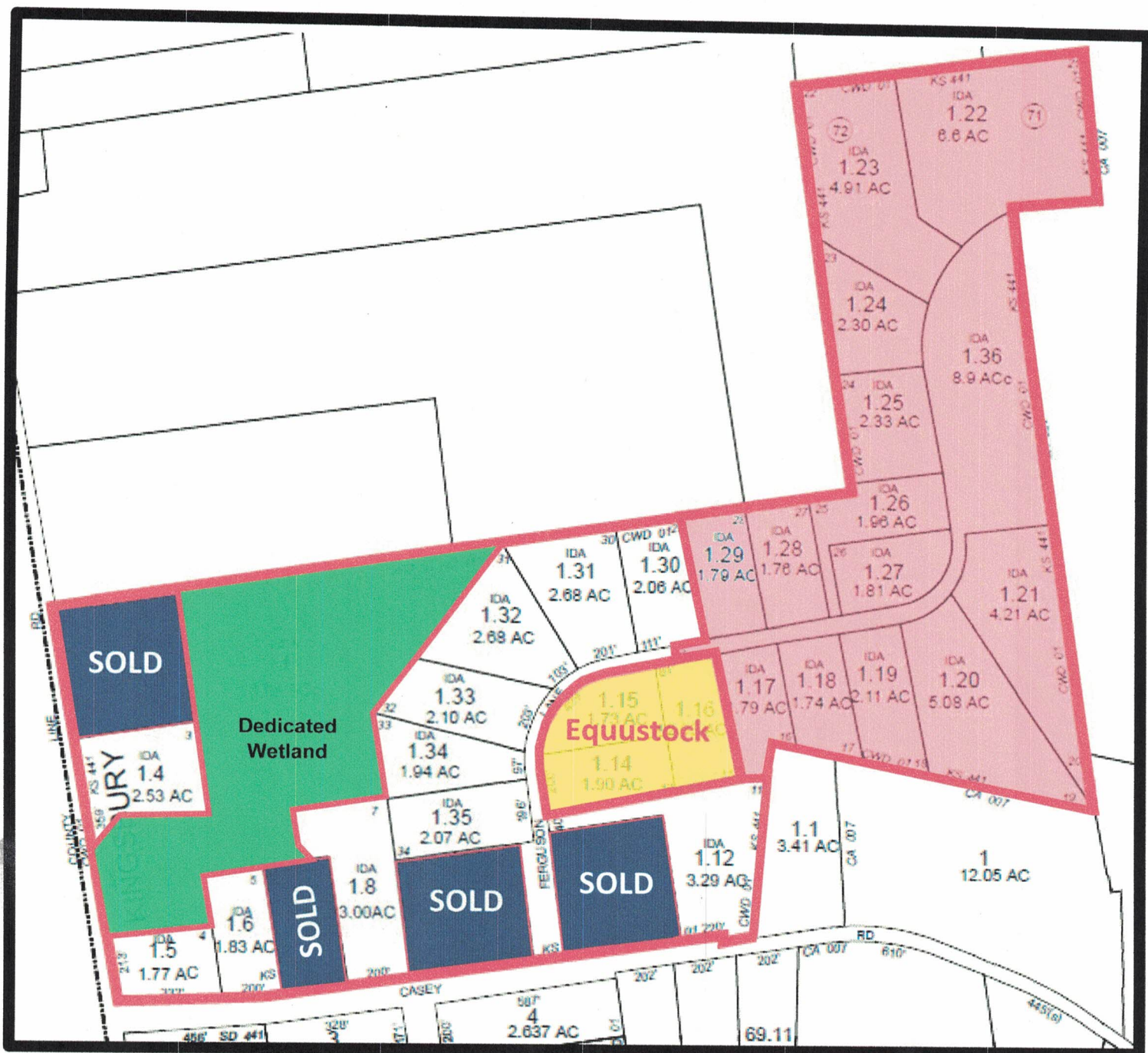
Year to Date

	Jan - Dec 19	Budget	\$ Over Budget
Telephone and Internet	2,039.76	2,000.00	39.76
Total 6460.4 · Contractual Services	10,711.16	14,000.00	(3,288.84)
Total Other operating expenses	14,548.20	22,650.00	(8,101.80)
Professional service contracts			
Accounting	15,800.00	15,000.00	800.00
Engineering-Phase II & Wetlids	0.00	3,000.00	(3,000.00)
Engineering - Phase I & General	1,267.70	300.00	967.70
Legal			
Fees for Project 3.4 billing	28,567.56	25,000.00	3,567.56
General	25,127.60	15,000.00	10,127.60
Total Legal	53,695.16	40,000.00	13,695.16
Professional service contracts - Other	875.00		
Total Professional service contracts	71,637.86	58,300.00	13,337.86
6460.45 · Staff Payroll - WWIDA	24,046.42	25,000.00	(953.58)
6460.5 · Supplies and Materials			
File Storage	1,070.00	500.00	570.00
Misc Office Expenses	1,014.95	120.00	894.95
Office Supplies	2,854.55	800.00	2,054.55
Postage	345.29	300.00	45.29
6460.5 · Supplies and Materials - Other	0.00	800.00	(800.00)
Total 6460.5 · Supplies and Materials	5,284.79	2,520.00	2,764.79
9000 · Employee Benefits			
Medicare - Company	210.93	305.00	(94.07)
Social Security - Company	818.61	1,305.00	(486.39)
Unemployment Insurance	100.50	250.00	(149.50)
Total 9000 · Employee Benefits	1,130.04	1,860.00	(729.96)
Operating Expenses - Other	580.55		
Total Operating Expenses	117,227.86	110,330.00	6,897.86
Total Expense	130,870.90	125,330.00	5,540.90
Net Ordinary Income	(14,293.82)	6,270.00	(20,563.82)
Other Income/Expense			
Other Expense			
9100 · Contingency	0.00	1,500.00	(1,500.00)
Total Other Expense	0.00	1,500.00	(1,500.00)
Net Other Income	0.00	(1,500.00)	1,500.00
Net Income	(14,293.82)	4,770.00	(19,063.82)

**WWIDA**  
**Profit & Loss**  
 January through December 2019

	Jan - Dec 19
Ordinary Income/Expense	
Income	
Nonoperating revenue	
Investment Earnings	
2401 · Interest Income	287.38
Total Investment Earnings	287.38
2675 · Lot Sales	
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Operating Revenue	
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Other Operating Revenue	
2770 · Project - Legal Reimb 3.4	34,944.70
Total Other Operating Revenue	34,944.70
Total Operating Revenue	112,039.70
Total Income	116,577.08
Gross Profit	116,577.08
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Nonoperating Expenses	
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Property/Sewer/Water Taxes AIP	12,563.04
107 · Airport Industrial Park - Other	1,080.00
Total 107 · Airport Industrial Park	13,643.04
Total Nonoperating Expenses	13,643.04
Operating Expenses	
Other operating expenses	
1910.4 · Insurance	
Disability Insurance	159.49
Liability/Commercial Insurance	1,721.00
Workers' Comp Insurance	1,956.55
Total 1910.4 · Insurance	3,837.04
6460.4 · Contractual Services	
Airport Park - Misc Services	110.00
Computer & Website Related	2,199.40
Dues	1,142.00
Rent	5,220.00
Telephone and Internet	2,039.76
Total 6460.4 · Contractual Services	10,711.16
Total Other operating expenses	14,548.20
Professional service contracts	
Accounting	15,800.00
Engineering - Phase I & General	1,267.70
Legal	
Fees for Project 3.4 billing	28,567.56







## EXHIBIT A-1

### **Depiction of Site**

The Property includes up to 47.29 acres of Washington County Assessor Tax Map Parcels as indicated in legal description of property. The currently contemplated system location depicted is subject to change based on Optionee's further due diligence review.



2/28/2020

**Warren Washington Counties IDA**  
**SOLAR LOTS IN AIRPORT INDUSTRIAL PARK**

**Town of Kingsbury**

<b>Lot #</b>	<b>Tax Map Parcel</b>	<b>Acres</b>
<b>16</b>	137.-2-1.17	1.79
<b>17</b>	137.-2-1.18	1.74
<b>18</b>	137.-2-1.19	2.11
<b>19</b>	137.-2-1.20	5.08
<b>20</b>	137.-2-1.21	4.21
<b>21</b>	137.-2-1.22	6.60
<b>22</b>	137.-2-1.23	4.91
<b>23</b>	137.-2-1.24	2.30
<b>24</b>	137.-2-1.25	2.33
<b>25</b>	137.-2-1.26	1.96
<b>26</b>	137.-2-1.27	1.81
<b>27</b>	137.-2-1.28	1.76
<b>28</b>	137.-2-1.29	1.79
<b>Road</b>	137.-2-1.36	8.90
<b>Total Acres for Sale:</b>		<b>47.29</b>



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

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

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

*Via Certified Mail & Email (Brian.Stratton@canals.ny.gov)*

March 2, 2020

Brian U. Stratton  
Director  
NYS Canal Corporation  
30 South Pearl Street  
Albany, New York 12207

Re: Lock 8 Way  
Town of Fort Edward, County of Washington, New York

Dear Director Stratton:

In furtherance of our recent discussions with the EPA and the Canal Corporation concerning Lock 8 Way located in the Town of Kingsbury and the Town of Fort Edward in the County of Washington, State of New York ("Lock 8 Way"), the members of the Counties of Warren and Washington Industrial Development Agency ("WWIDA") have deliberated on the acquisition of said real property at its February 18, 2020 board meeting and have made a formal request to the EPA to have Lock 8 Way transferred and conveyed to the WWIDA.

As you are aware, there is a triangular piece of real property located in the Town of Fort Edward that remains owned by the Canal Corporation and was presumably created by a mapping error. A copy of said map identifying the location is enclosed herein for your review. In order for the WWIDA to have fee ownership of the Lock 8 Way, the WWIDA hereby requests that the Canal Corporation transfer and convey said triangular portion of real property as shown on the enclosed map to the WWIDA.

Please advise if you require anything further at this time. Thank you for your consideration to this request.

Very truly yours,

David O'Brien  
Chairman  
(518) 866-1022  
[dobrien@wasbingtoncountyny.gov](mailto:dobrien@wasbingtoncountyny.gov)



cc: Sen. Elizabeth O'Connor Little, via email  
Assemblywoman Carrie Woerner, via email  
Peter D. Lopez, EPA, Reg. Admin., via email  
Walter Sainsbury, Esq., EPA Counsel, via email  
Peter M. Casper, Esq., NY Power Authority Counsel, via email  
Javier E. Bucobo, Esq., NY Power Authority Counsel, via email  
Kara I. Lais, Esq., WWIDA Counsel, via email

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

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

(518) 792-1312  
www.warren-washingtonida.com

*Via Certified Mail & Email ([basil.seggos@dec.ny.gov](mailto:basil.seggos@dec.ny.gov))*

March 2, 2020

Basil Seggos  
Commissioner  
NYS Department of Environmental Conservation  
625 Broadway, 14<sup>th</sup> Floor  
Albany, NY 12233-1010

Re: Lock 8 Way  
Town of Kingsbury and Town of Fort Edward, County of Washington, New York

Dear Commissioner Seggos:

The Counties of Warren and Washington Industrial Development Agency ("WWIDA") has been in recent discussions with the EPA and Canal Corporation concerning the proposed ownership of the real property known as Lock 8 Way located in the Town of Kingsbury and the Town of Fort Edward in the County of Washington, State of New York ("Lock 8 Way").

The WWIDA has made a formal request for the unconditional transfer and conveyance of the Lock 8 Way from the EPA to the WWIDA. Canal Corporation has consented to said transfer and conveyance. EPA has indicated its willingness to proceed with the transfer and conveyance of Lock 8 Way to the WWIDA upon receipt of written confirmation from your Department that the WWIDA is considered a political subdivision of the State of New York for purposes of said transfer and conveyance.

We respectfully request that you provide such confirmation to Acting Director Eric J. Wilson at the address below:

*Eric J. Wilson  
United States Environmental Protection Agency  
Acting Director of Superfund and Emergency Management Division  
290 Broadway, 19th Floor  
New York, New York 10017-1866  
Email: [wilson.ericj@epa.gov](mailto:wilson.ericj@epa.gov)*

Please advise if you require anything further at this time. Thank you for your consideration to this request.

Very truly yours,

David O'Brien  
Chairman  
(518) 866-1022  
dobrien@washingtoncountyny.gov

cc: Sen. Elizabeth O'Connor Little, via email  
Assemblywoman Carrie Woerner, via email  
Peter D. Lopez, EPA, Reg. Admin., via email  
Jane McLaughlin, DEC, Dir. Intergovernmental & Legislative Affairs  
Kara I. Lais, Esq., WWIDA Counsel, via email



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

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

(518) 792-1312  
www.warren-washingtonida.com

*Via Certified Mail & Email (wilson.ericj@epa.gov)*

March 1, 2020

Eric J. Wilson  
United States Environmental Protection Agency  
Acting Director of Superfund and Emergency Management Division  
290 Broadway 19th Floor  
New York, New York 10017-1866

Re: Lock 8 Way  
Town of Kingsbury and Town of Fort Edward, County of Washington, New York

Dear Acting Director Wilson:

In furtherance of our recent discussions with the EPA and other agencies concerning Lock 8 Way located in the Town of Kingsbury and the Town of Fort Edward in the County of Washington, State of New York ("Lock 8 Way"), the members of the Counties of Warren and Washington Industrial Development Agency ("WWIDA") deliberated on the acquisition of said real property at its February 18, 2020 board meeting.

In accordance with the duly adopted resolution of the WWIDA at its February 18, 2020 meeting and in accordance with this Agency's request, we hereby formally request the unconditional transfer and conveyance of the real property known as Lock 8 Way to the WWIDA in as is condition.

As requested, we will be forwarding a letter from the New York State Department of Environmental Conservation indicating that the WWIDA is considered a political subdivision of the State of New York for purposes of said transfer and conveyance.

Please advise if you require anything further at this time. Thank you for your consideration to this request.

Very truly yours,

David O'Brien,  
Chair  
(518) 866-1022  
dobrien@washingotncountyny.gov

cc: Sen. Elizabeth O'Connor Little, via email  
Assemblywoman Carrie Woerner, via email  
Basil Seggos, Commissioner, NYS Dept. of Environmental Conservation, via email  
Brian U. Stratton, Director, NYS Canal Corp., via email  
Peter D. Lopez, EPA, Reg. Admin., via email  
Walter Sainsbury, Esq., EPA Counsel, via email  
Kara I. Lais, Esq., WWIDA Counsel, via email