

COUNTIES OF WARREN AND WASHINGTON
INDUSTRIAL DEVELOPMENT AGENCY

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At the Board Meeting of the Counties of Warren and Washington Industrial Development Agency held on **May 15, 2017** at the Washington County Municipal Center in Fort Edward, NY, the following members were:

PRESENT:	Bud Taylor	Chairman
	Bruce Ferguson	Vice & Park Chairman/Contract. Officer
	Joseph LaFiura	Secretary/Treasurer
	Lou Tessier	
	Dave O'Brien	
	Craig Leggett	

ABSENT:	Matt Simpson	At Large Member
	John W. Weber	
	Richard F. Moore	

ALSO PRESENT:	Robert C. Morris, Esq.	FitzGerald Morris Baker Firth, PC
	Ken Ray	Ray Terminals
	Colin Combs, CPA	Whittemore Downen Ricciardelli
	Jack Kelley	Consultant for Aviation Hospitality
	L.J. LaFiura	Fort Edward Resident
	Deborah Mineconzo	Office Administrator

The minutes of the meeting were taken by the Office Administrator. The Chairman called the meeting to order at 4:01 pm. Attendance was taken and the needed quorum was confirmed.

Approval of minutes:

Mr. O'Brien made a motion to approve the minutes of the April 17, 2017 Board Meeting minutes. Mr. Leggett seconded the motion and all voted in favor of the motion by voice vote.

Accounts Payable:

Mr. LaFiura moved to approve the accounts payables and Mr. O'Brien seconded the motion. The motion was approved by roll call vote.

New Business:

Auditor's Presentation of YE 2016 Financial Statements:

Colin Combs, CPA of Whittemore Downen Ricciardelli reviewed the financial statements for the Board for year end 2016. There were no unusual activities for the year. He stated the highlights were that the cash and cash equivalents were about \$32,000 higher than last year. Receivables were higher due to held deposits by the attorney at the very end of the year. Mr. Taylor asked if a 10 year comparative for the Agency could be prepared for the Agency. Mr. Coombs said the burn plant activity in the earlier years would affect the numbers but he will put a report together for us. There were no other findings to report. Mr. LaFiura moved to accept and approve the financials as presented with Mr. Tessier seconding. All voted in favor of the motion by roll call vote.

Park Business:

Allen Forestry:

Mr. Ferguson said the Park Committee discussed the harvesting of Phase II in the Park. The Committee decided to request bids be requested for the logging. The clearing of some trees would help possible purchasers with seeing the lots in that area past the currently paved road. Mr. Ferguson advised everyone there are mostly pine trees in the area being cleared. Mr. Leggett made a motion to have Allen Forestry start this year on the bidding with Mr. LaFiura seconding. Members approved the motion by roll call vote.

Mr. Ferguson added he stopped by Royal Wood Shavings, now owned by a company in Illinois. The manager for RWS Mfg., Donald Student, now works for the new owners at the plant.

New Application – Ray Terminals:

Ken Ray, President of Ray Terminals, gave an overview of his project to be constructed in Hampton. He plans to put a propane facility there to operate delivery of their product more efficiently and keep costs down. One stumbling block was putting 3 phase power in the project site which will cost \$225,000 by National Grid. Consequently, they are requesting assistance from the IDA to ease some of the costs. The plant site will add 6 jobs (3 FT, 3 PT) and will also be using many (independent) truck drivers and rail workers for the delivery of the propane.

Mr. O'Brien (Hampton Town Supervisor) stated a propane facility had been planned at the same location years ago which didn't materialize. There are only two businesses in the same general area right now. He added that Ken Ray has been very detailed with their plans and have kept area people very informed. The area people understand that Mr. Ray is planning to do the project "right". He added that Mr. Ray has "bent over backwards" to meet the concerns of the area people and this has resulted in some additional project costs. Mr. O'Brien stated the (3 phase) power Mr. Ray will be paying to add will help bring other developers and thus businesses to the many remaining acres available for development in the Park. After answering questions by other members, Mr. O'Brien moved to pass the resolution to schedule a Public Hearing for the project and Mr. Ferguson seconded. The member voted in favor of the motion by voice vote. The Hearing will be scheduled before the next Board Meeting on June 16th. The location is part of the former Empire Zone in the Industrial Park.

Resolution No. 17-04

Adopted May 15, 2017

**RESOLUTION TO SCHEDULE A PUBLIC HEARING RELATING TO THE RAY TERMINALS
LLC PROJECT**

(complete copy of resolution follows the minutes)

Aviation Hospitality LLC:

Mr. Taylor said the project for Aviation Hospitality is essentially as approved last year when it was to be near Exit 18. After Agency approvals, the developer decided to move the project near Exit 19. The plans for the hotel are about the same except the building will be a little bigger. Mr. Kelley is representing Bhavik Jariwala (the developer) for Aviation Hospitality, LLC. The project will now be a 92 room facility, costing about \$12.4 million and will employ about 27 people after a two year period. Mr. Kelley stated they are asking for the same assistance as they requested last year at the former proposed location at Exit 18). Specifically, they are asking for sales tax and mortgage tax abatements with a 485b PILOT as negotiated and approved previously. Mr. Morris advised everyone a 485b PILOT provides 50% tax abatement on the new construction the first year and then decreases by 5% per year for the remaining nine years of the Agreement. Mr. Kelley informed the members the project is currently on the agenda with the Queensbury Planning

Board for approval at their June meeting. Mr. Jariwala hopes to have a building permit by July 1st. Construction will take about twelve months. Mr. O'Brien moved to pass the resolution to schedule a Public Hearing next month, specifically June 19th, before the next Board Meeting on the same day. Mr. LaFiura seconded and all voted in favor of the motion by voice vote.

Resolution No. 17-05
Adopted May 15, 2017

**RESOLUTION TO SCHEDULE A PUBLIC HEARING RELATING TO THE AVIATION
HOSPITALITY LLC PROJECT**
(full copy of resolution follows these minutes)

There being no further business from the members, the Chairman adjourned the meeting at 4:35 pm.

Dated

Joseph LaFiura, Secretary

Counties of Warren & Washington Industrial Development Agency

Resolution No. 17-04

Adopted May 15, 2017

Introduced by Dave O'Brien
who moved its adoption.

Seconded by Bruce Ferguson

RESOLUTION TO SCHEDULE A PUBLIC HEARING RELATING TO THE RAY TERMINALS LLC PROJECT

WHEREAS, Ray Terminals, LLC, a limited liability company established pursuant to the laws of the State of New York, having an address of 2794 7th Avenue, Troy, New York 12180 (the "Company") has requested that the Agency provide financial assistance in the form of a payment of lieu of taxes, mortgage tax exemption and sales tax abatements regarding a project (the "Project") to consist of: (i) the acquisition by the Agency of a leasehold interest in certain real property located at 39 Golf Course Road in the Town of Hampton, New York (the "Land", being more particularly described as tax parcel number 45.00-1-33); (ii) the planning, design, construction, operation and maintenance by the Company of a wholesale propane gas storage and distribution facility, including an approximately 2,400 square foot office and storage building, 4 60,000 gallon liquid propane storage tanks (with room for 2 additional 60,000 gallon tanks) and related piping, pumps, compressors and coupling improvements, along with related site, roadway, parking, access, curbage, rail siding and onsite and offsite utility improvements that will include approximately 7,500 feet of above and below-ground 3 phase electric service line and poles, along with related electrical transformer (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) 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, Chapters 356 and 357 of the Laws of 1993 require that prior to granting financial assistance of more than \$100,000.00 to any project, an Agency must (a) adopt a resolution describing the project and the financial assistance contemplated by the Agency with respect thereto, and (b) hold a public hearing in the city, town or village where the project proposes to locate upon at least ten (10) days published notice and, at the same time, provide notice of such hearing to the Chief Executive Officer of each affected taxing jurisdiction within which the project is located; and

WHEREAS, the Agency is in the process of reviewing and considering the Company's Application requesting the Agency to provide financial assistance for the proposed Project, which may include a sales tax abatement during the construction of the Facility, a mortgage tax exemption and a payment in lieu of taxes, all of which shall be consistent with the uniform tax exemption policy of the Agency.

NOW, THEREFORE, BE IT RESOLVED:

1. The Agency hereby schedules a public hearing pursuant to Article 18-A of the New York

State General Municipal Law (the “Law”) to be held by the Agency on Friday, the 16th day of June, 2017, at 11:00 a.m., local time, at the Town Hall, Meeting Room, located at 2629 State Route 22A, Town of Hampton, County of Washington, New York, 12837, in connection with the Project.

2. The Agency hereby authorizes the publication of a Notice of Public Hearing for the Project and in accordance with the Law and the Agency’s policies and procedures.

3. This resolution shall take effect immediately.

AYES: 6
NAYS: 0
ABSENT: 3
ABSTAIN: 0

Counties of Warren & Washington Industrial Development Agency

Resolution No. 17-05

Adopted May 15, 2017

Introduced by Dave O'Brien
who moved its adoption.

Seconded by Joseph LaFiura

RESOLUTION TO SCHEDULE A PUBLIC HEARING RELATING TO THE AVIATION HOSPITALITY LLC PROJECT

WHEREAS, Aviation Hospitality LLC, a limited liability company established pursuant to the laws of the State of New York, having an address of 906 State Route 9, Queensbury, New York, 12804 (the "Company") has requested that the Agency provide financial assistance in the form of a payment of lieu of taxes, mortgage tax exemption and sales tax abatements regarding a tourist destination retail construction project (the "Project") to consist of: (i) the acquisition of an interest in a certain commercial parcel or parcels of land located at 524 Aviation Road, Town of Queensbury, County of Warren, State of New York (the "Land"); (ii) the construction and equipping of a 15,665+/- square foot 92 room hotel (the "Facility"); (iii) the acquisition and installation therein of certain furnishings and fixtures (the "Equipment" together with the Land and the Facility, collectively the "Project Facility") to be used in connection with the contemplated uses; and (iv) the lease of the Project Facility to the Company, all pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, Chapter 862 of the Laws of 1971 of the State of New York (collectively, the "Act"), as amended; and

WHEREAS, Chapters 356 and 357 of the Laws of 1993 require that prior to granting financial assistance of more than \$100,000.00 to any project, an Agency must (a) adopt a resolution describing the project and the financial assistance contemplated by the Agency with respect thereto, and (b) hold a public hearing in the city, town or village where the project proposes to locate upon at least ten (10) days published notice and, at the same time, provide notice of such hearing to the Chief Executive Officer of each affected taxing jurisdiction within which the project is located; and

WHEREAS, the Agency is in the process of reviewing and considering the Company's Application requesting the Agency to provide financial assistance for the proposed Project, which may include a sales tax abatement during the construction of the Facility, a mortgage tax exemption and a payment in lieu of taxes, all of which shall be consistent with the uniform tax exemption policy of the Agency.

NOW, THEREFORE, BE IT RESOLVED:

1. The Agency hereby schedules a public hearing pursuant to Article 18-A of the New York State General Municipal Law (the "Law") to be held by the Agency on Monday, the 19th day of June, 2017, at 10:00 a.m., local time, at the Queensbury Town Office Building, Supervisor's Conference Room, located at 742 Bay Road, Town of Queensbury, County of Warren, New York, 12804, in connection with the Project.

2. The Agency hereby authorizes the publication of a Notice of Public Hearing for the Project and in accordance with the Law and the Agency's policies and procedures.

3. This resolution shall take effect immediately.

AYES: 6
NAYS: 0
ABSENT: 3
ABSTAIN: 0