

COUNTIES OF WARREN AND WASHINGTON
INDUSTRIAL DEVELOPMENT AGENCY

5 Warren Street, Suite 210 Glens Falls, New York 12801 Tel. (518) 792-1312

The April Board Meeting for Warren Washington Industrial Development Agency was held on Monday, April 15, 2024 at the Washington County Municipal Building in Fort Edward at 4:00 pm. The following were:

PRESENT:	Juan Gonzales	Chair
	Tim Robinson	Vice Chair/Treasurer
	Dave O'Brien	Secretary
	Tricia Rogers	Member
	Craig Leggett	Member
	Brian Campbell	Member
	John Taflan	Member
	Chuck Barton	CEO

ABSENT:	Ginny Sullivan	Member
	Nick Caimano	Member
	Dan Bruno	Park Chair

The following were also present:

	Kara Lais, Esq.	FitzGerald Morris Baker Firth, PC
	Mike Mehrrens	Sr. Project Manager, TDI Holdings LLC
(Zoom)	Tom Ulasewicz	Environmental Attorney, FMBF
(Zoom)	Mark Swallow	Design Manger, Kiewit
(Zoom)	David Liverseed	Sr. Environmental Manager, Kiewit
	Andrew Millspaugh	Vice President, Sterling Environmental Engineering
	Josh Bagnato	Sr. Vice President, TDI/CHPE LLC
	Bill Smith	Applicant, Everything Under Foot
(Zoom)	Nick Caimano	WWIDA Member

<i>Minutes were taken by:</i>	Alie Weaver	Office Administrator
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Attendance was taken by roll call and quorum was confirmed.

Approval of Previous Meeting Minutes: Mr. Campbell made a motion to approve the March 5, 2024 Special Board Meeting Minutes and the March 18, 2024 Board Meeting Minutes. Mr. Robinson seconded and all voted in favor by voice vote.

Accounts Payables and Financial Analysis: Mr. Robinson presented the March payables. Mr. Leggett made a motion to approve the payables with a word spelling correction and Mr. Campbell seconded. All voted in favor by roll call vote.

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Mr. Robinson requested to have any financial questions asked prior to the Board meeting to ensure enough time to research, if necessary. He noted that such questions and answers will be addressed at the Board meeting.

Mr. Robison reviewed the financial reports and discussion ensued regarding the turn-around time for grant reimbursements, cash flow, and the significance of month-to-month reporting versus year-to-date reporting. Mr. O'Brien made a motion to include a profit and loss report showing only the previous month's activities in the meeting packets and Mr. Campbell seconded. All voted in favor by voice vote.

Mr. Gonzales stated that the employee benefits health insurance on the Profit and Loss report is the net amount. Mr. Leggett made a motion to approve the presented financial reports and Ms. Rogers seconded. All approved the March financial reports by roll call vote.

2023 Audit Report – Mr. Robinson stated that that the revised draft has been sent to the Audit and Finance Committee for review and the final audit will be presented at the May Board Meeting.

Everything Under Foot Application – Mr. Bill Smith, owner of 188 Main Street and Everything Under Foot flooring company, stated that he is looking to renovate the second and third floors of the building, which are currently unused. His plans are to work with the State Historic Preservation Office to build ten apartments consisting of six one-bedroom apartments and four studio apartments, and also install an elevator. He is asking for sales tax and mortgage tax exemptions from the WWIDA.

Discussion ensued regarding rental rates, the Town of Kingsbury's knowledge of the project, and how the incentives will assist in making the project more affordable with their tight budget.

Mr. O'Brien made a motion to approve Everything Under Foot's application for assistance and authorization to set a public hearing and Mr. Leggett seconded. With Mr. Robinson abstaining, all others voted in favor and the motion passed.

TDI Soil Storage Proposal – Mr. Barton stated that Josh Bagnato and Mike Mehrtens from Transmission Developers Inc./Champlain Hudson Power Express (TDI/CHPE) are present to discuss their interest in leasing additional acreage at the Canalside Energy Park. This additional property is intended to be utilized for temporary soil storage obtained from the trenching to install electric cables.

Mr. Barton also stated that the WWIDA approved an expense reimbursement agreement with TDI/CHPE to obtain professional services for due diligence. He noted that Andrew Millspaugh, certified environmental engineer from Sterling Environmental Engineers, P.C. and Tom Ulasewicz, FMBF Senior Counsel specializing in environmental affairs, are also present at this meeting.

Mr. Bagnato, Sr. Vice President of TDI/CHPE P.C., introduced David Liverseed, Senior Environmental Manager for Kiewit and Mark Swallow, Design Manager for Kiewit, who were present via Zoom.

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Mr. Bagnato provided a PowerPoint overview for the proposed temporary soil storage. He noted that the areas of interest at the Canalside Energy Park are the three outdoor concrete bins with 20,000-ton capacity and stormwater retention system that were specifically designed for soil storage. He noted that storage is necessary due to their disposal areas' daily capacity requirements and hours of operation.

The overview specified the fill types, the containerized watertight system to prevent possible stormwater contamination, sample testing, field oversight and management, and obtaining New York State approvals with DEC oversight and approval from the Town of Fort Edward.

Discussion ensued regarding the hauling process, possible road damage from the increased commercial traffic, and time frames.

Mr. Millspaugh stated that the overall concept is straightforward and conservative. The three fill types are considered clean fills for reuse although fill 3 may have unknown characteristics that need further testing. He is concerned with the current stormwater retention system due to the decommissioning into an infiltration system and he advised to test and seal any punctures or leaks. He also recommended periodic on-site testing from an outside source.

Mr. Barton stated that the additional lease, assuming \$2,000 per acre for 4.3 acres, would increase payments by \$8,600 per month. Ms. Lais stated that modifications to the lease agreement are underway, and contingencies can be added to include third-party inspections, added protections for the road, and attaching the consent order and plan to the lease agreement.

Mr. Gonzales entertained a motion for a resolution authorizing the Chair to sign the lease agreement including the aforementioned contingencies, and upon the attorney and environmental engineer review and approval. The Chair will send the final lease agreement to the Board Members to review within 24 hours prior to signing the lease agreement.

Mr. Leggett made a motion to approve the resolution and Mr. Campbell seconded. All voted in favor by roll call vote.

Canalside Infrastructure Project – Mr. Gonzales stated that the FASTNY public hearing will be held tomorrow, and the Public Authorities Control Board meeting will be held on April 17th.

Canalside Property Management – Mr. Barton stated that the Maintenance RFP is currently in draft form and will be advanced to the Board for review when completed. He also stated that National Grid did respond via email to the tower maintenance responsibility and their response is under consideration pending further review.

Tenant Activity – Mr. Barton stated that tours have been provided in the past two months but there has been no formal response from those tours. He noted that the 41,000 square foot building is accessible and available for lease although the majority of the property is under lease.

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Airport Industrial Park updates – Ms. Lais stated that the lot merges are complete. For the Colomb transfer, she is awaiting a response from Mr. Colomb’s attorney regarding title confirmation. For Hilltop Construction, their project is awaiting Town approval.

OBECS Holding Application to Purchase – Mr. Barton stated that a conference call was held with OBECS Holding and they are in the process of assembling the conception plan to present to the WWIDA and possibly the Kingsbury Town Planning Board.

Sales Tax Exemption Report – Mrs. Weaver stated that the 2023 sales tax exemption report was included in the meeting packets. She noted that Sun Valley Apartments reported incorrect numbers and are in the process of auditing their requisitions to submit a revised exemption amount. She also stated that, despite many attempts requesting the required reporting from Native Development, no reports from them have been received yet.

Mr. O’Brien suggested a letter from counsel demanding the required reporting to avoid recapture.

NBRC Authorized Official Resolution – Ms. Lais stated that the submitted resolution authorizes Juan Gonzales to sign any documents required by the Northern Borders Regional Commission for the Canalside Energy Park on behalf of WWIDA.

Mr. Campbell made a motion to approve the approve the resolution and Mr. Robinson seconded with all voting in favor by voice vote.

18 Hospitality subordination resolution – Ms. Lais stated that the 18 Hospitality project is in the process of refinancing their existing mortgage and is requesting approval of consent by WWIDA. She noted that there have been no requests for mortgage exemption for this refinance.

WHEREAS, the Agency and 18 Hospitality, LLC (the “Company”) entered into a Lease Agreement and related documents all dated as of March 17,2017 in regard to a certain tourist destination project; and

WHEREAS, the Company is refinancing its existing mortgage with The Adirondack Trust Company and requested that the Agency consent to said refinance and either join in the mortgage or subordinate its Lease to said mortgage and the Company further confirmed that there will be no request for a mortgage recording tax exemption.

RESOLVED that the Agency hereby approves of said refinance pursuant to the terms of the Lease Agreement and authorizes the Chair to sign any documents necessary to effectuate the resolution and be it further resolved that the Company shall pay the Agency an administrative fee in the amount of \$300, plus any incurred Agency legal fees.

Mr. Campbell made a motion to approve the resolution and Mr. O’Brien seconded with all voting in favor by voice vote.

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Fort William Henry subordination resolution – Ms. Lais stated that Fort William Henry is extending their line of credit with Glens Falls National Bank for operating purposes. She noted that this line of credit is not eligible mortgage exemption.

WHEREAS, the Agency and The Fort William Henry Corporation (the “Company”) entered into a Lease Agreement and related documents all dated as of April 13, 2022 in regard to a certain tourist destination project; and

WHEREAS, the Company is increasing its line of credit with Glens Falls National Bank & Trust Company and requested that the Agency subordinate its Lease to said mortgage and confirmed that there will be no request for a mortgage recording tax exemption.

RESOLVED that the Agency hereby approves of said subordination pursuant to the terms of the Lease Agreement and authorizes the Chair to sign any documents necessary to effectuate this resolution and be it further resolved that the Company shall pay the Agency an administrative fee in the amount of \$300, plus any incurred Agency legal fees.

Mr. Campbell made a motion to approve the resolution and Mr. Taflan seconded with all voting in favor by voice vote.

2023 Project Closeouts – Mrs. Weaver stated that four projects expired in 2023 and summaries of each project were provided in the meeting packet. She noted that the summaries included the total benefits of their terms and ending job counts as of December 31, 2023.

Afrim Adirondack Dome Application (Q&A only) – Mr. Barton stated that WWIDA received an application for assistance from Afrim Sports to support the purchase and further development of the Adirondack Dome off Sherman Ave in Queensbury. He noted that they are requesting property tax exemption from incremental property improvements and base property taxes, which is a deviation from WWIDA’s Uniform Tax Exemption Policy.

Due to this deviation, Mr. Barton stated that approval has been informally received from the Town of Queensbury and Afrim Sports is meeting with Queensbury School District as well. He noted that formal Town approvals will be necessary prior to WWIDA application acceptance.

Mr. Barton stated that the purchase price is approximately two million dollars, and an additional million dollars will cover improvements that include an outdoor turf field.

He noted that the application and finding statement are included in the meeting packets for review with the official presentation of this project to be held at the May 1st Special Meeting.

A brief discussion ensued regarding the UTEP deviation as well as the past performance of the Adirondack Dome.

CEO Staff Report – Mr. Barton reported that he has had forty engagements, year to date. Thirteen have been in manufacture/distribution, four have been hotel/resort related, one has been in food/beverage, eight have been tourism/recreation related, eight in housing, one in energy and five in “other” fields.

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For the pipeline list within the past year, Mr. Barton noted that there are five entities pursuing application advancement, thirteen entities developing a project for possible application submittal, seven entities exploring projects and an application, and twelve entities that have decided not to pursue applying to the WWIDA.

Mr. Barton listed his recent activities, which included:

- Attended the North Warren Chamber Builders Breakfast
- Met with Carrie Woerner and Ruly Graves to discuss development opportunities in the Greenwich region

Administrator Staff Report – Mrs. Weaver stated that her recent activities, outside of the normal day-to-day office responsibilities, have included working with Mr. Smith on the Everything Under Foot application and working with EFPR on the final audit reporting.

Public Comments – There were no public comments.

Adjournment: There being no further business to discuss, Mr. Campbell moved to adjourn and Mr. Bruno seconded with all other voting in favor by voice vote. The April IDA Board meeting was adjourned at 5:58 pm.