

## WWIDA Internal Accounts Receivable Policy

Version Date: 5/12/25

Effective Date: 5/19/25

Department Responsible: Finance / Accounts Receivable

### **Purpose:**

This policy outlines the procedures and escalation process for managing customer accounts that become past due, ensuring timely collections and maintaining healthy cash flow. Nothing herein shall apply to the collection of payments in lieu of taxes or other special assessments, as may be applicable.

### **Scope:**

This policy applies to all customer accounts with outstanding invoices for goods or services.

### **Policy:**

#### 1. Customer Contact – 60 Days Past Due

When a customer account reaches 60 days past due, the Office Administrator will initiate direct contact with the customer via phone and/or email. The purpose of this contact is to:

- Remind the customer of the outstanding balance.
- Confirm receipt of the invoice(s).
- Discuss any issues preventing payment.
- Request immediate payment or establish a payment plan if necessary.
- Invoices not paid within 60 days will incur a 1.5% interest charge of the unpaid amount.

#### 2. CEO Contact – 90 Days Past Due

If the account remains unpaid after 90 days past due, the Chief Executive Officer (CEO) will be notified. The CEO will personally reach out to the customer via written correspondence and/or direct phone call to:

- Express the seriousness of the overdue status.
- Reaffirm the organization's intent to resolve the matter amicably.
- Reinforce the need for immediate payment or formalize an approved payment arrangement.

#### 3. Attorney Engagement – 120 Days Past Due

Accounts that remain unresolved after 120 days past due will be referred to the WWIDA's legal counsel. At this stage:

- The customer will receive formal notice from the WWIDA attorney.
- Legal action may be initiated to recover the outstanding balance, including but not limited to demand letters, collection proceedings, or litigation as deemed appropriate.

### **Additional Notes:**

- All contact and communication attempts must be documented in the customer's file, including date, time, and outcome.
- Exceptions to this policy require a written request from the CEO and approval by the Chair or Treasurer.
- This policy will be reviewed annually and updated as necessary.

Adopted \_\_\_\_\_, 2025

Introduced by \_\_\_\_\_  
who moved its adoption.

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

**RESOLUTION ACCEPTING AN APPLICATION FOR FINANCIAL ASSISTANCE  
SUBMITTED BY NATIVE DEVELOPMENT ASSOCIATES LLC (THE "COMPANY")  
RELATING TO A 40,000 SQUARE FOOT ADDITION; AUTHORIZING A PUBLIC  
HEARING WITH RESPECT TO THE PROJECT; AND DESCRIBING THE  
FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH  
RESPECT TO THE PROJECT**

WHEREAS, Native Development Associates LLC, a limited liability company established pursuant to the laws of the State of New York, having an address of 8 Blue Lupine Lane, Wilton, New York 12831 (the "Company") has requested that the Agency provide financial assistance in the form of a real property tax abatement, mortgage recording tax exemption and a sales tax abatement regarding a certain industrial and manufacturing project (the "Project") to consist of: (i) the acquisition by the Agency of a leasehold interest in certain real property located at 24 Native Drive in the Town of Queensbury, County of Warren, New York and being known as tax map parcel number 308.20-1-9.21 and consisting of approximately 11.69 acres (the "Land"); (ii) the planning, design, renovation, construction, operation and maintenance by the Company of an approximately 40,000+/- square foot industrial, manufacturing and/or warehousing facility addition (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, Section 859-a of the Act requires that prior to granting financial assistance of more than \$100,000.00 to any project, an Agency must (i) adopt a resolution describing the project and the financial assistance contemplated by the Agency with respect thereto, and (ii) 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

(collectively the “Financial Assistance”) in the form of (i) an exemption from all State and local sales and use taxes with respect to qualifying personal property included in and incorporated into the Facility or used in the acquisition, construction or equipping of the Facility, (ii) an exemption for mortgage recording tax on eligible mortgages, and (iii) a real property tax abatement through a payment in lieu of tax agreement (the “PILOT Agreement”) pursuant to the Agency’s uniform tax exemption policy (the “UTEP”), pursuant to which the Company would make payments in lieu of real property taxes to each affected tax jurisdiction (the “Affected Tax Jurisdictions”), which shall be consistent with the UTEP of the Agency; and

WHEREAS, the Agency desires to (i) accept the Application; (ii) authorize the scheduling and conduct of a public hearing; and (iii) negotiate, but not enter into an Agent Agreement and Project Agreement, pursuant to which the Agency will designate the Company, as its agent for the purpose of acquiring, constructing and equipping the Project and a Lease Agreement and a Payment in Lieu of Tax Agreement with the Company with the Company.

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

1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company’s Application, the Agency hereby finds and determines that:

- (a) Pursuant to the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and
- (b) The Agency has the authority to take the actions contemplated herein under the Act; and
- (c) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Warren and Washington Counties, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and
- (d) The Project will not result in the abandonment of one or more facilities of the Company; and
- (e) The estimated total Project cost is \$3,751,000.00.

2. The proposed financial assistance being contemplated by the Agency includes (i) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included within the Project or used in the acquisition, construction or equipping of the Project in the estimated amount of \$152,362.00 based on purchases in the amount of \$2,176,600.00; (ii) a partial exemption from mortgage recording tax for qualifying mortgages in the estimated amount of \$37,510.00 based on mortgages in the approximate amount of \$3,751,000.00; and (iii) a partial real property tax abatement through a PILOT Agreement, pursuant to which the Company would make payments in lieu of real property taxes to the

Affected Tax Jurisdictions, for a term of 10 years with an 100% exemption of real property taxes on the value of the improvements for years 1 through 5 and a 50% exemption of real property taxes on the value of the improvements for years 6 through 10. The PILOT has an estimated value of \$459,934.00, based on the current tax rates and assessed values, without escalation figures and calculations prepared by the Agency.

The Base Value for the parcel shall be the assessed value as of the time of the closing on the straight lease transaction. The current assessed value is \$5,890,000.00.

3. The Chairman, Vice Chairman and/or the Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to cause the issuance of public hearing notices, hold a public hearing in compliance with the Act and negotiate (but not execute or deliver) the terms of (A) the Agent Agreement and Project Agreement, whereby the Agency appoints the Company as its agent to undertake the Project, (B) an underlying Lease Agreement whereby the Company leases the Project to the Agency, (C) a related Lease Agreement conveying the Project back to the Company, (D) a PILOT Agreement, whereby the Company agrees to make certain payments-in-lieu-of real property taxes and (E) related documents; provided (i) the rental payments under the Agent Agreement and Lease Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project.

4. The Agency is hereby authorized to schedule and conduct a public hearing pursuant to Article 18-A of the General Municipal Law and at a date and time determined by the Chairman. The Agency hereby further authorizes the posting and publication of a Notice of Public Hearing for the Project in accordance with the Act and the Agency's policies and procedures.

5. This resolution shall take effect immediately.

The foregoing resolution was thereupon declared duly adopted.

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 \_\_\_\_\_ 2025.

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 \_\_\_\_\_ 2025.

\_\_\_\_\_  
Alie Weaver  
Counties of Warren and Washington  
Industrial Development Agency

[SEAL]

**Counties of Warren and Washington Industrial Development Agency**

Resolution No. \_\_\_\_\_  
Adopted \_\_\_\_\_, 2025

Introduced by \_\_\_\_\_  
who moved its adoption.

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

**RESOLUTION TAKING ACTION TOWARD UNDERTAKING A CERTAIN PROJECT,  
AS DEFINED HEREIN, APPOINTING WOOD CREEK HOLDING LLC (THE  
“COMPANY”), AS AGENT OF THE AGENCY FOR THE PURPOSE OF  
CONSTRUCTING AND EQUIPPING THE PROJECT FACILITY (AS DEFINED  
HEREIN) AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PROJECT  
AGREEMENT AND LEASE AGREEMENT AND RELATED 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, Wood Creek Holding LLC, a limited liability company established pursuant to the laws of the State of New York, having an address of PO Box 87, Hampton, New York 12887 (the “Company”) has requested that the Agency provide financial assistance in the form of a real property tax abatement, mortgage recording tax exemption and a sales tax abatement regarding a certain manufacturing and processing project (the “Project”) to consist of: (i) the acquisition by the Agency of a leasehold interest in certain real property located at 9740 State Route 4 (Purdy Way) in the Town of Whitehall, County of Washington, New York and being known as tax map parcel number 60.-2-12 and consisting of approximately 6.59 acres (the “Land”); (ii) the planning, design, construction, operation and maintenance by the Company of an approximately 6,400+/- square foot facility (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”) to be leased to HQ Powder Coating Inc., a provider of metal finishing services; 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 General Municipal Law (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 assists 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 Project will require the Agency and the Company to enter into an agreement whereby the Company will acquire, by lease, and construct the Project Facility and the Agency will lease the Project Facility to the Company; and

WHEREAS, the Company has agreed to indemnify the Agency against certain losses, claims, expenses, damages and liabilities which may arise in connection with the transactions contemplated by the lease of the Facility; and

WHEREAS, a lease agreement (the "Lease Agreement") with respect to the Project, along with certain financing documents, will be executed by and between the Company or its assign and the Agency; 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 Company has submitted to the Agency, and the Agency has reviewed information needed to determine whether or not the Project will have a significant impact on the environment; and

WHEREAS, the construction and installation of the Project Facility has not been commenced; and

WHEREAS, the Agency conducted a public hearing on April 14, 2025 pursuant to Article 18-A of the New York State General Municipal Law (the "Law") before taking official action relating to the Project.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. Findings. The Agency has reviewed the application to determine compliance with the requirements of the Act and based on the representations of the Company to the Agency in said application and elsewhere, the Agency hereby makes the following findings and determinations with respect to the Project:

- (A) The Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes of the Act and to exercise all powers granted to it under the Act.
- (B) The Project constitutes a "project", as that quoted term is defined in the Act.
- (C) The acquisition, construction and installation of the Facility and the lease of the Facility to the Company (i) will promote and maintain the job opportunities, health, general

prosperity and economic welfare of the citizens of the State of New York and the Counties of Warren and Washington and improve their standard of living.

(D) The Project will result in the abandonment of a facility of the Company located in the Town of Whitehall, County of Washington, State of New York but such closure and relocation within the Town of Whitehall, County of Washington is necessary to preserve the Company's competitive position in the industry. The Company has indicated the closure of the existing facility is necessary since the Company is unable to expand at its current leased location and its current location is at capacity. The Agency hereby makes these determinations concerning the Project due to the Findings Statements, a copy of which is incorporated herein and attached hereto by reference.

(E) The location of the site of the Project is acceptable to the Agency.

(F) The Facility is not known by the Agency to be in material violation of the local zoning laws and planning regulations of the Town of Whitehall and all regional and local land use plans for the area in which the Facility shall be located.

(G) The Facility and the operations of the Company are not known by the Agency to cause or result in the violation of the health, labor, environmental or other laws of the United States of America, the State of New York, the County of Washington or the Town of Whitehall.

(H) The Project is a "Unlisted Action" under SEQRA for which the Town of Whitehall Planning Board (the "Planning Board") has acted as lead agency. On or about March 26, 2025, 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 Whitehall 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.

(I) The Agency further determines that the Project will consist of a private investment of approximately \$895,000.00 and the Agency hereby determines this to be a Material Term, as defined in the Agency's Recapture of Benefits Policy, as amended from time to time, for the purposes of monitoring in accordance with the policies and procedures of the Agency; and

(J) Undertaking the Project will lead to the retention of four (4) full time equivalent, the retention of one (1) part time equivalent, the creation of two (2) full time equivalent and the creation one (1) part time equivalent job opportunities for the inhabitants of the Counties of Warren

and Washington and in the State of New York, the Agency hereby determines this to be a Material Term, as defined in the Agency's Recapture of Benefits Policy, as amended from time to time, in its determination to approve the Project and will require the Company to annually report its job numbers as required by law.

(K) Undertaking the Project will lead to the creation of approximately 35 part and full time construction jobs that the Company advised will be filled by construction companies employing people primarily in the Counties of Warren and Washington.

SECTION 2. Project Agreement. The proposed project agreement by and between the Agency and the Company (the "Project Agreement"), a copy of which is incorporated by reference and is approved as to substance and form. The proposed agreement outlines the Agency's and the Company's rights and duties with respect to the undertaking of the Project. Subject to such changes as the Chairman of the Agency, upon advice of counsel, may reasonably deem necessary, the Chairman is authorized to execute the Project Agreement. Execution shall be conclusive evidence that the Agency has approved the Project Agreement. Subject to the terms and provisions of the Project Agreement, the Agency shall: (1) acquire an interest in, construct and install the Project Facility and (2) lease the Project Facility to the Company pursuant to an agreement or agreements whereby the Company will obligate itself, among other things, to undertake the Project on behalf of the Agency.

SECTION 3. Company Appointed Agent of Agency.

(A) The Company 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.

(B) The Company is authorized to proceed with the acquisition, construction and installation of the Project Facility, subject to receiving appropriate municipal approvals needed prior to commencement of construction, and to advance such funds as may be necessary to accomplish these goals.

(C) The Company is also authorized to appoint third party agents to undertake the Project and thereby make available to such third party agents an exemption from New York State sales and use taxes in connection with undertaking the Project. This provision is subject to the Company entering into an Agent Agreement with the Agency.

(D) The Agency hereby authorizes exemptions from State and local sales and use taxes for purchases and rentals related to the undertaking of the Project in an amount not to exceed Twenty Seven Thousand Three Hundred Dollars (\$27,300.00), based on eligible Project costs of Three Hundred Ninety Thousand Dollars (\$390,000.00); which exemption shall expire December 31, 2025, unless otherwise extended by the Agency.

(E) The Agency hereby approves of the Agent Agreement, a copy of which is incorporated herein by reference, with the Company which shall be subject to the termination and recapture of benefits policy of the Agency. The Agency further authorizes the execution and delivery of the Agent Agreement, the Chairman, and any additional documents relative thereto.

(F) The Agency hereby acknowledges and approves a mortgage tax exemption relating to the Project in an estimated amount of Five Thousand Four Hundred Sixty Nine Dollars (\$5,469.00), based on an estimated mortgage amount of Four Hundred Thirty Seven Thousand Five Hundred Dollars (\$437,500.00).

SECTION 4. Payment in Lieu of Tax (PILOT) Agreement. The Agency's approval is subject to the Company entering into a PILOT Agreement with the Agency whereby the Company agrees to make payments in lieu of taxes in any given year as if the Company were the owner of the Project and not the Agency. The Agency's approval is also subject to the Company agreeing to the terms of the Agency's Recapture of Benefits Policy.

The following PILOT schedule is in accordance with the Agency's uniform tax exemption policy. The Company will be required to make payments in lieu of real property taxes to the Affected Tax Jurisdictions for a term of 10 years with a 100% exemption of real property taxes on the value of the improvements for years 1-5 and a 50% exemption of real property taxes on the value of the improvements for years 6-10.

The total Base Value for the parcel shall be the then current assessed value at the time of the closing on the Straight Lease Transaction for the term of the PILOT.

At all times, including during the term of the PILOT Agreement, the Company shall be responsible for the full payment of water and sewer assessments, as may be applicable and any other special district assessments.

The estimated real property tax benefit is \$127,219.00 based on calculations using the current tax rates and assessed values, without escalation.

SECTION 5. Administrative and Legal Fees. The Company will pay all costs incurred by the Agency, including but not limited to attorney's fees, which arise out of Company's Application for Financial Assistance, whether or not such assistance is ultimately issued. Agency's attorney's fees will be calculated at a time rate of \$375.00 per hour for attorney's time and \$125.00 per hour for senior legal assistant's time, plus disbursements. Upon closing of all of the Project documents, the Company will pay to the Agency an administrative fee (the "Administrative Fee") of \$8,055.00 based upon an estimated Project cost of \$895,000.00 pursuant to the schedule set forth below and contained within the Company's Application for Financial Assistance:

Up to First \$10,000,000	0.90%
Next \$10,000,000	0.65%

Next \$30,000,000	0.40%
Portion over \$50,000,000	0.25%

Following the completion of the Project Facility, the Company shall confirm, in writing, the actual Project cost. In the event that the total Project cost exceeds the estimate provided herein, the Agency may require the payment of the difference that would otherwise be due pursuant to the above-schedule.

SECTION 6. Public Inspection. A copy of this resolution and a copy of the Company's Application for Assistance, together with all other application materials not protected under applicable Freedom of Information Laws, shall be placed on file in the office of the Agency. Such documents shall be available for public inspection during normal business hours.

SECTION 7. Document Preparation. Counsel to the Agency is hereby authorized and directed to cooperate with counsel to the Company, as well as all other necessary parties in order to prepare the documents needed to undertake the Project and to effectuate the provisions of this Resolution.

SECTION 8. Distribution of Resolution. The Chairman of the Agency is hereby authorized to distribute copies of this resolution to the Company and all other persons requesting it.

SECTION 9. Public Hearing. A public hearing for this Project was duly authorized and held on April 14, 2025 in accordance with the provisions of Article 18-A of the General Municipal Law.

SECTION 10. Assignment. The Company shall have the right to assign the approval and appointments made herein to HQ Powder Coating Inc.

SECTION 11. 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, including the execution of any and all necessary documents.

SECTION 12. 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.

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 \_\_\_\_\_, 2025.

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 \_\_\_\_\_, 2025.

\_\_\_\_\_  
Alie Weaver  
Counties of Warren and Washington  
Industrial Development Agency

[SEAL]

**Counties of Warren and Washington Industrial Development Agency**

Resolution No. \_\_\_\_\_  
Adopted \_\_\_\_\_, 2025

Introduced by \_\_\_\_\_  
who moved its adoption.

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

**RESOLUTION TAKING ACTION EXTENDING THE PROJECT COMPLETION DATE AND AUTHORIZATION FOR SALES TAX EXEMPTION TO NORTH CREEK, NY RESORT HOLDCO LLC, AS AGENT OF THE AGENCY, FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING THE PROJECT FACILITY**

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, North Creek, NY Resort HoldCo LLC (the “Company”), having an address of 307 Main Street, North Creek, New York is a limited liability company established pursuant to the laws of the State of New York; and

WHEREAS, the Agency, on behalf of the Company, has undertaken an industrial development project (the “Project”) consisting of: (i) the acquisition by the Agency of a leasehold interest in certain real property located at 307 Main Street in the Town of Johnsbury, County of Warren, New York and being known as tax map parcel number 66.10-1-51 (the “Land”); (ii) the planning, design, renovation and maintenance by the Company of an approximately 101,495 square foot hotel facility (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”) to be used as a hotel and event venue; 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 the “Act”, the Legislature of the State of New York has granted the Agency the power and authority to undertake the Project; and

WHEREAS, by resolution duly adopted November 18, 2024, the Agency named the Company agent for the Agency to undertake and develop the Project; and issued an IDA Appointment of Project Operator or Agent (ST-60) and its Letter of Authorization for Sales Tax Exemption to the Company (the “Exemption” Letter); and

WHEREAS, said IDA Appointment of Project Operator or Agent ST-60 and Exemption Letter will expire on May 31, 2025; which is the original anticipated date for completion of construction; and

WHEREAS, the commencement of the construction of the project was delayed and the Company has requested that the Agency extend its authorization for sales tax exemption until the completion of construction or September 30, 2025, whichever date is earlier; and

WHEREAS, the Agency has reviewed information needed to make a determination to extend the sales tax exemption authorization.

NOW, THEREFORE BE IT RESOLVED:

1. That it is in the best interest of the Agency to complete the Project as described above; and

2. That the Agency hereby authorizes the extension of the completion date of the project and sales tax exemption for North Creek, NY Resort HoldCo LLC and all duly appointed third party agents to the earlier of (i) September 30, 2025; (ii) the completion of construction or (iii) the termination or suspension of this authorization to extend the sales tax exemption and authorizes that the extension be properly filed with the NYS Department of Taxation and Finance; and

3. That the Agency hereby approves of the amendments to any of the closing documents to effectuate this extension, as may be required and applicable; and

4. That the Agency hereby authorizes the Chairman to execute any and all documentation necessary to effectuate the terms of this resolution; and

5. That the Agency shall require the Company to pay for any legal fees or expenses incurred as a result of the granting of said extension; and

6. That this resolution shall take effect immediately.

[INSERT ROLL CALL VOTE]

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

STATE OF NEW YORK     )

COUNTY OF WARREN ) SS:  
 )

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 \_\_\_\_\_, 2025.

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 \_\_\_\_\_, 2025.

[SEAL]

\_\_\_\_\_  
Alie Weaver  
Counties of Warren and Washington  
Industrial Development Agency

Warren-Washington Industrial Development Agency  
 Airport Industrial Park – Kingsbury, NY  
 Ferguson Lane Extension - 25.8 Acres – May 14, 2025

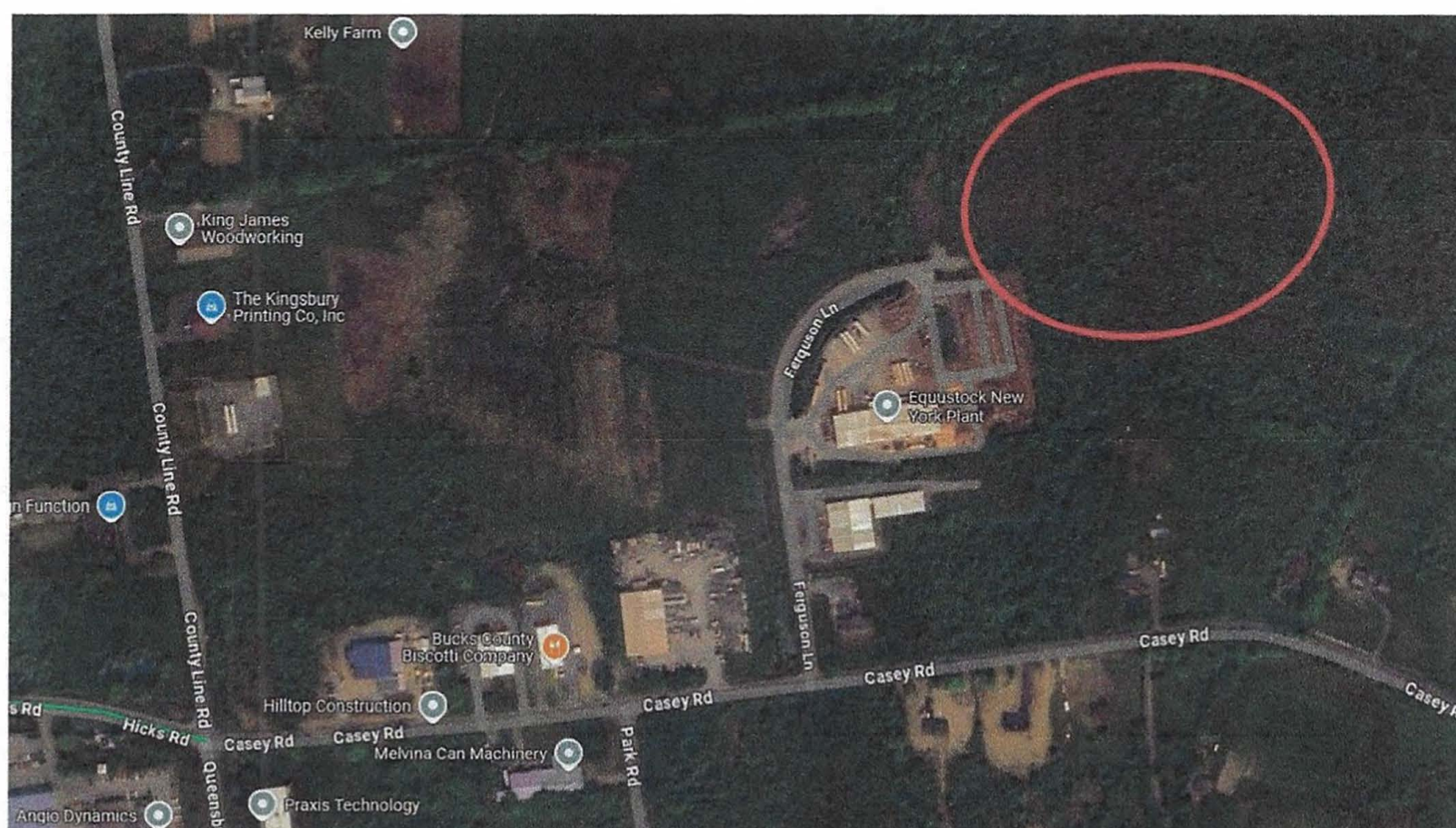
## Impact of NYS Wetland Regulations Effective January 2025

**ISSUES:** The WWIDA Airport Industrial Park has one remaining 26-acre greenfield parcel available for development, titled “Ferguson Lane Extension” (multiple lots). Figure 1 is an aerial photograph of the area. A prospective buyer is conducting due diligence.

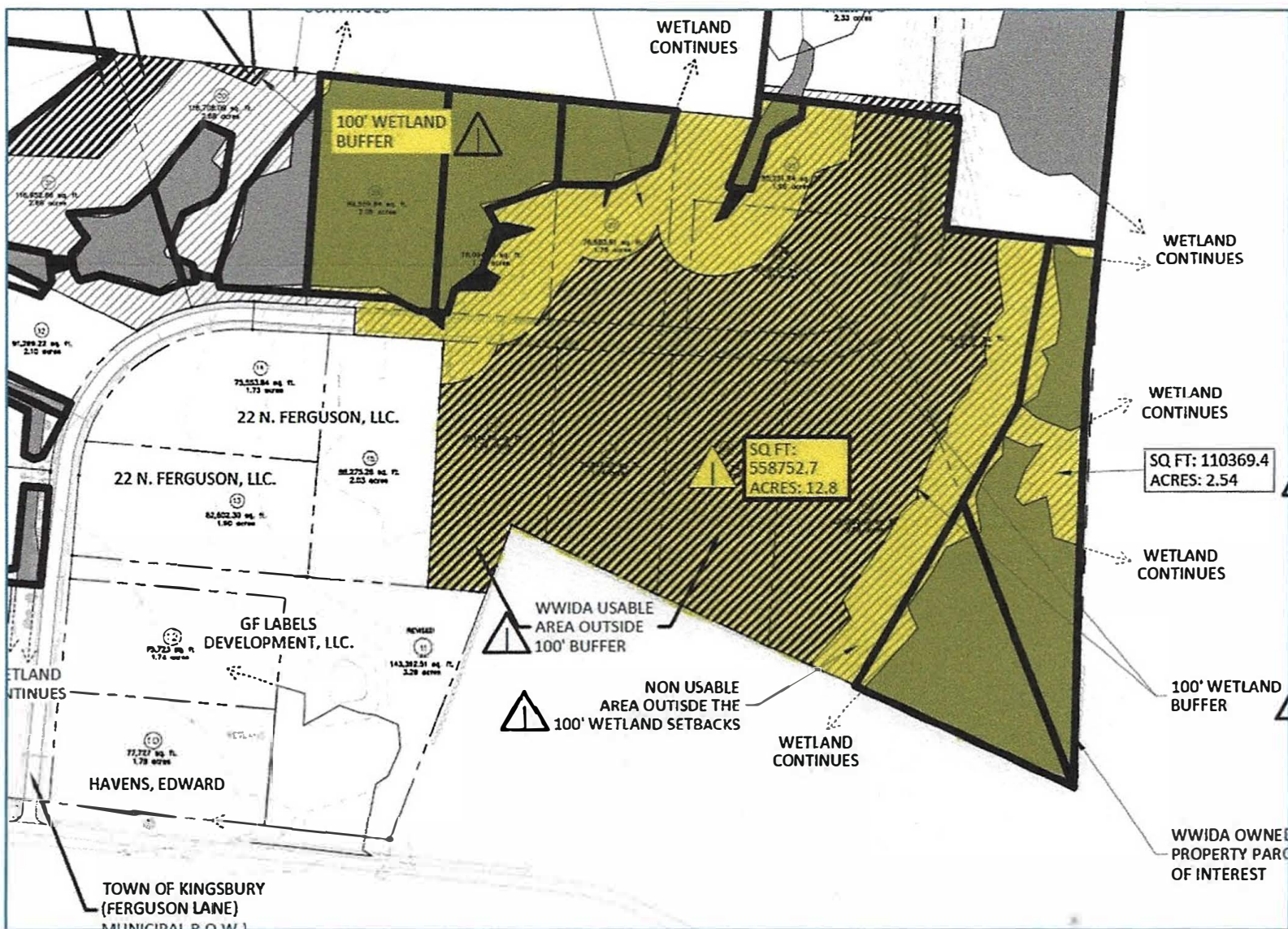
The new NYS wetland regulations effective January 2025 have reduced the developable area from 17.7 acres to just 12.8 acres. Figure 2 is the site diagram illustrating the wetland issue. This reduction not only diminishes the site’s attractiveness but also lowers its appraised land value by approximately \$73,000.

More critically, the newly mandated 100-foot wetland setback buffer may eliminate viable access to the designated site entrance. If the site becomes inaccessible, its functional utility will be lost entirely - rendering the parcel undevelopable, reducing the assessed value from \$265,000 to effectively zero, and ending future economic development opportunities within the Industrial Park.

**Figure 1:** Ferguson Lane Extension Area Location (circled in red)



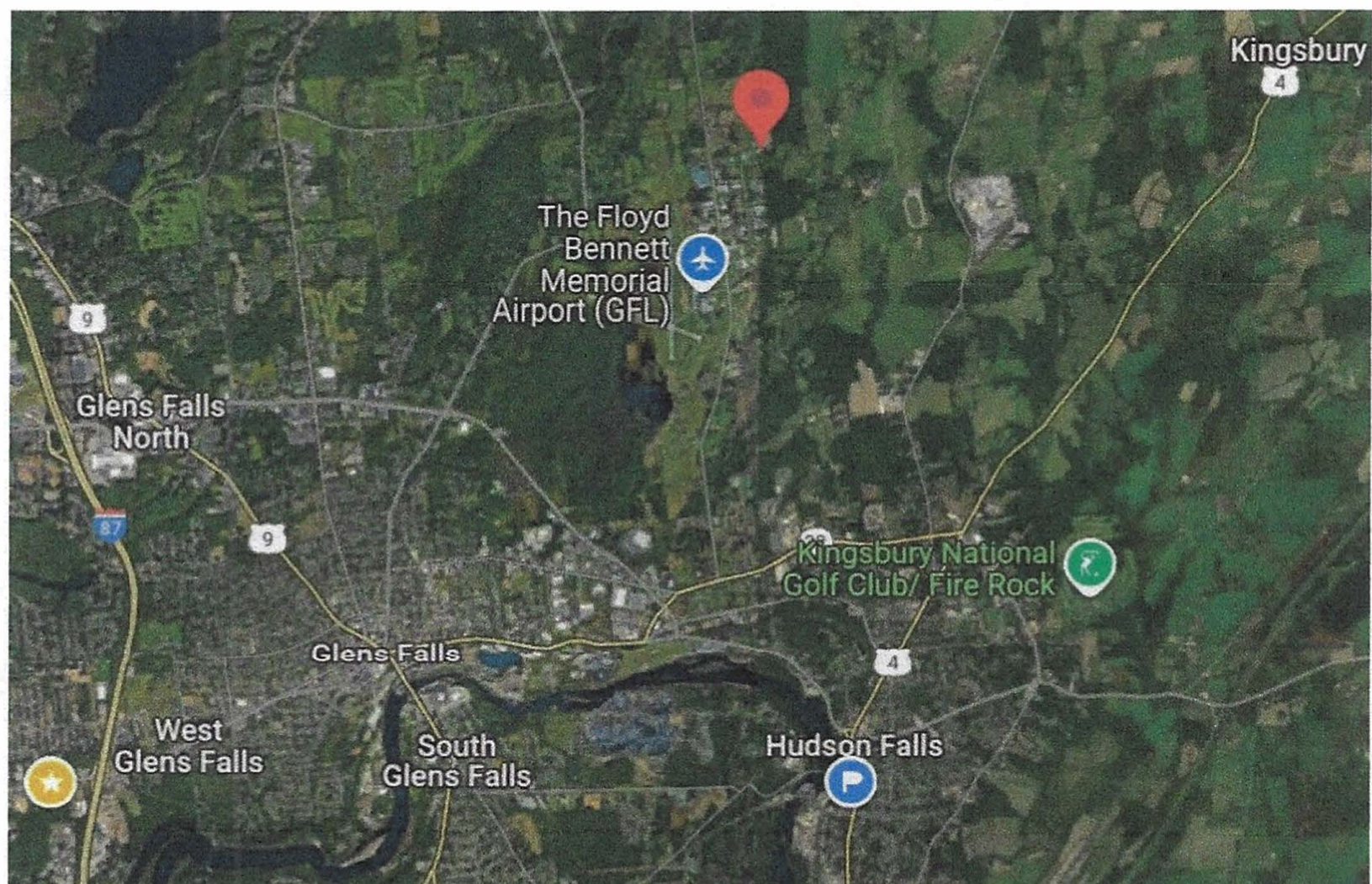
**Figure 2: Ferguson Lane Extension Wetlands (solid grey) and Buffers (light diagonal lines)**



The long-term development of the WWIDA Phase II Industrial Park beginning in 1996 has been vetted and re-vetted multiple times by multiple environmental review agencies to comply with both state and federal wetland regulations. The new NYS DEC wetland regulations could surprisingly halt the final build-out of the remaining non-wetland lots.

**HISTORY:** The WWIDA Airport Industrial Park was developed in two phases. Phase 1 began in 1973. Phase II began in 1996 and has a long history with wetland-related permitting and the development requirements. The initial design and development of Phase II subdivided the original parent property parcel into multiple lots for industrial development. Included in the design was a compensatory wetland lot allowing for the mitigation of existing jurisdictional wetlands to be disturbed in order to provide for more contiguous areas slated for development. The compensatory wetland lot was sized to not only address the immediate needs for the initial Phase II development but also provide for additional area for further development of Phase II and compensatory wetland area for a runway extension project at the nearby Floyd Bennett Memorial Airport in Figure 3. The initial and subsequent steps of Phase II received necessary permits from the U.S. Army Corp. of Engineers, the NYS DEC, and the Town of Kingsbury. Additional concurrences came from State Historic Preservation Office and the U.S. Fish and Wildlife Service. From 2002 to 2006 permits for the subdivision were obtained and deed restrictions/covenants placed on all protected wetlands within the Phase II Industrial Park. In 2009, work within the compensatory wetland lot for the Airport additional/improved wetlands were permitted and constructed. In 2022, as a result of a potential project development within the industrial park, the USACE required further wetland delineation and additional deed restrictions/covenants placed on the WWIDA owned property parcels.

**Figure 3:** Airport Industrial Park located east (right) of Floyd Bennett Memorial Airport



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

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

Tel. (518) 792-1312  
Warren-WashingtonIDA.com

The Executive Park Meeting for Warren Washington Industrial Development Agency was held on Wednesday, May 7th, 2025, at 9:00 am at 68 Warren Street, Glens Falls, NY. The following members were:

<b>PRESENT:</b>	Juan Gonzales	Chair
	Tim Robinson	Treasurer
	Tricia Rogers	Secretary
	Dan Bruno	Park Chair
	Chuck Barton	CEO
<b>ABSENT:</b>	John Taflan	Vice President

***The following were also present:***

	Kara Lais, Esq.	FitzGerald Morris Baker Firth, PC
	Bob Holmes	RU Holmes Engineering
	Nick Caimano	Member
<b>Minutes were taken by:</b>	Alie Weaver	Office Administrator

A roll call was made, and a quorum was confirmed.

**Approval of Minutes:** Mr. Bruno motioned to approve the March 5th, 2025, IDA Executive Park meeting minutes, and Mr. Robinson seconded. All voted in favor by voice vote.

**Report of Committees**

***Park Chair Update:*** Mr. Bruno reported on the progress of the west-end landscaping at Canalside, noting that some trees still need to be removed.

***Canalside Project Updates:*** Regarding the water district, Ms. Lais stated that survey work needs to be addressed for the Map Plan Report to be finalized with costs.

Mr. Barton stated that LaBella supplied a draft change order report to increase the scope of the water line replacement, remove the water tank and fire pump installation, and remove the wastewater portion.

Mr. Barton stated that the stormwater offset project remains in the state's budget, and the Lake George-Lake Champlain Regional Planning Board has secured \$1.2 million and applied for an additional \$1 million grant. WWIDA continues to wait for the DEC to respond on the onsite waste treatment canal discharge.

***Canalside Maintenance Updates:*** Mr. Barton stated that Grasshopper Gardens is scheduled to clear the brush piles at the end of this month. He also noted that a request was made to Canal Crop for permission to use the East Street entrance as a detour during the bridge replacement. A response is expected in the next two weeks.

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Discussions ensued regarding the removal of an unused dirt mound, the possibility of WWIDA bringing gas to the site, and the need for road work on the East Street entrance detour during the bridge replacement. Mr. Barton will follow up with Washington County to receive an update on the bridge replacement schedule.

*Canalside Tenant Updates:* Mr. Barton stated there have been no updates.

**Airport Industrial Park Updates:** Mr. Barton stated that Berkshire Hathaway Blake Realty has an interested party for the Ferguson Lane lots. They are currently in due diligence and have not yet submitted a formal proposal.

Mr. Barton noted that the new NYS wetland regulations would block the entrance to the Ferguson Lane lots due to the 100-foot buffer zone established within the wetland area. He is collaborating with Ms. Lais and Mr. Holmes to document this specific example for submission to the NYS Economic Development Council, potentially in support of the DEC lawsuit. Mr. Bruno suggested that the local representatives get involved.

Discussion ensued regarding the impact of DEC's new regulations on the development of wetlands in New York State and the lawsuit against the DEC.

**BHB Management Update:** Ms. Lais stated that the title search has been completed, and the necessary documents have been prepared for the sale transaction.

**Other:** Mr. Barton noted that the public hearings for ADK REI, LLC, and Native Development Associates will be held on Monday. Additionally, Mr. Barton will attend a meeting tomorrow to discuss the Native Development project with representatives from the Town of Queensbury and Native Development.

**Adjournment:** Mr. Gonzales entertained a motion to adjourn. Mr. Bruno made a motion to adjourn, and Mr. Robinson seconded. All voted in favor by voice vote, and the April IDA Executive Park meeting was adjourned at 9:38 am.



May 14, 2025

Mr. Chuck Barton  
Chief Executive Officer,  
Warren Washington Industrial Development Agency  
5 Warren Street, Suite 210  
Glens Falls, NY 12801  
via email: [chuckbarton@warren-washingtonida.com](mailto:chuckbarton@warren-washingtonida.com)

**RE: Technical Services Change Order (TSCO) #1 Water MPR Update  
Fee Adjustments & NEPA Update  
Canalside Energy Park  
Village of Fort Edward, Washington County, New York  
LaBella Project No. 2243016**

Dear Mr. Barton,

LaBella Associates is pleased to provide this TSCO associated with adjusting the fees for specific tasks related to advancing Water infrastructure improvements associated with the Canalside development project. Below is a summary of additional scope items subject to this TSCO.

#### Water System Improvements

This change order requests an adjustment in technical services fees to reflect the expanded scope of the water system upgrade project necessary to serve the future industrial park in Fort Edward, NY. The original scope was revised to include the replacement of an additional 1,200 linear feet of water main along East Street and the design of a larger water storage tank to meet the newly anticipated water demands of approximately 200,000 gallons per day from the industrial park. The updated professional services now encompass ongoing coordination with the Village of Fort Edward and the NYS Department of Health (NYSDOH).

The additional scope of work proposed in this TSCO includes additional field survey, hydrant flow testing, hydraulic modeling, and an update to the Map Plan & Report (MPR) necessary to update the existing Map Plan and Report (MPR), as well as coordination with the Village and NYSDOH on the proposed system layout and feasibility.

We note that due to the anticipated changes in design, the previously approved Phase 202 will no longer be necessary. The fee for this task is therefore being reduced to zero.



Phase 108: NEPA Update

NEPA review was completed for the project as it was configured in 2023. Due to the currently envisioned changes to the water improvements within the Village (increasing the length of water main replacement along East Street), the NEPA documentation will need to be updated. LaBella proposes to perform this work on a T&M basis, under a new Phase 108.

Anticipated Future Change Orders

- Final design and construction phase services for the additional water system improvements, including the engineering work for crossing the railroad tracks on East Street, is not included in this change order and will be requested in a subsequent TSCO.
- The project wastewater approach is being re-evaluated, to replace the originally proposed pump station and force main with an on-site treatment plant. NYSDEC review of the new approach is pending. Once NYSDEC review completed, we will prepare a TSCO to cover the required changes in engineering design.

Summary and Conclusion

Please see the attached budget adjustment worksheet for a detailed breakdown of the proposed fee changes. Note that the proposed fee increases and decreases associated with this TSCO are balanced, such that the total project fee is unchanged.

Please feel free to contact me at 518-824-1943 if you have any questions or require clarification of the proposed scope of services offered. We would be glad to meet with you to further discuss our approach if you desire.

If you find this TSCO acceptable, please sign and date below.

**LaBella Associates**

Paul Guillet, PE  
Senior Civil Engineer/ Project Manager

**WWIDA**

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

<b>OVERALL BUDGET WORKSHEET (TSCO #1 Water MPR Update)</b>					
<b>Phase</b>	<b>Phase Description</b>	<b>Previously (LaBella and Sub- Consultants)</b>	<b>Proposed Adjustments</b>		<b>Proposed Budget</b>
			<b>Increase</b>	<b>Decrease</b>	
101	Coordination with NYS Canal Corporation	\$8,000			\$8,000
102	Easement Document Preparation	\$20,000			\$20,000
103	Coordinate DOH and DEC Reviews	\$40,000	\$20,000		\$60,000
104	Sewer District Extension	\$6,200			\$6,200
105	Water District Formation	\$6,200			\$6,200
106	Environmental Permitting	\$5,000			\$5,000
107	Geotechnical Investigation	\$9,500			\$9,500
108	NEPA Update	\$0	\$5,000		\$5,000
201	Update Plans and Technical Specs (Water)	\$40,000	\$35,000		\$75,000
202	Electrical & Controls Design (Water)	\$75,000		\$75,000	\$0
301	Update Plans and Technical Specs (Wastewater)	\$35,000			\$35,000
302	Electrical & Controls Design (Wastewater)	\$50,000			\$50,000
401	Cost Estimating (Water)	\$10,000			\$10,000
402	Bidding Support Services (Water)	\$12,000			\$12,000
501	Cost Estimating (Wastewater)	\$10,000			\$10,000
502	Bidding Support Services (Wastewater)	\$12,000			\$12,000
601	Construction Administration (Water)	\$12,000			\$12,000
602	General Construction Observation (Water)	\$90,000			\$90,000
603	Special Inspections and Testing (Water)	\$60,000			\$60,000
604	Start-up and Commissioning (Water)	\$8,400			\$8,400
605	Project Close-out (Water)	\$4,000			\$4,000
701	Construction Administration (Wastewater)	\$12,000			\$12,000
702	General Construction Observation (Wastewater)	\$90,000			\$90,000
703	Special Inspections and Testing (Wastewater)	\$40,000			\$40,000
704	Start-up and Commissioning (Wastewater)	\$8,400			\$8,400
705	Project Close-out (Wastewater)	\$4,000			\$4,000
801	Project Management, Meetings, and Conferences	\$50,000	\$15,000		\$65,000
		\$717,700	\$75,000	\$75,000	\$717,700



## MEETING MINUTES

<b>Project Number / Name</b>	2243016 / Canalside W-WW	
<b>Date &amp; Time</b>	May 14, 2025, 1:00 p.m.	
<b>Location</b>	LaBella Glens Falls office	
<b>Attendees</b>	WWIDA:	(x) Juan Gonzales (x) Chuck Barton (x) Dan Bruno (x) Alie Weaver (x) Kara Lais
	LaBella	(x) Paul Guillet ( ) Joe Fusillo ( ) Barb Beall ( ) Pierre Brissette (x) Ted Donner ( ) Lydia Porras ( ) John Szarowski
	WCSD #2	( ) Kevin Gorman ( ) Sean Doty (SDA)
	LGLCRPB	( ) Beth Gilles (x) Jessica Leerkes
	Jarrett Engineering	( ) Bob Holmes
	Town of Fort Edward	( ) Terry Middleton
	Village of Fort Edward	( ) Mayor Matt Traver (x) Matt Fuller ( ) Dave Cutler ( ) Bill Caprood (x) Sean Doty (SDA)



## REVIEW OF PREVIOUS ACTION ITEMS

#	Action Item	Resolution
1		
2		
3		
4		
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8		
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10		



## NEW DISCUSSION

#	Topic	Discussion Highlights
1	Water Design	<ul style="list-style-type: none"> <li>• LaBella waiting for change order review by IDA (next Monday board meeting)</li> <li>• Municipal entities typically never own fire protection tanks.</li> <li>• Need to engage Railroad.</li> </ul>
2	Wastewater Design	<ul style="list-style-type: none"> <li>• No update, still waiting for DEC to respond.</li> </ul>
3	Funding	<ul style="list-style-type: none"> <li>• Will need to close loop on scope change once change order is completed.</li> </ul>
4	MPR review	<ul style="list-style-type: none"> <li>• Ted expects completion within approx. 1 month on change order.</li> </ul>
5	District formation	<ul style="list-style-type: none"> <li>• Need to include survey for water district formation.</li> <li>• Once MPR is complete, Village (Doty) will review, then can proceed with district formation.</li> </ul>
6		<ul style="list-style-type: none"> <li>•</li> </ul>
7		<ul style="list-style-type: none"> <li>•</li> </ul>
8		<ul style="list-style-type: none"> <li>•</li> </ul>
9		<ul style="list-style-type: none"> <li>•</li> </ul>
10		<ul style="list-style-type: none"> <li>•</li> </ul>
11		<ul style="list-style-type: none"> <li>•</li> </ul>
12		<ul style="list-style-type: none"> <li>•</li> </ul>
13		<ul style="list-style-type: none"> <li>•</li> </ul>
14		<ul style="list-style-type: none"> <li>•</li> </ul>



## NEW ACTION ITEMS

#	Action Item	Resolution
1	LaBella: develop updated project timeline/schedule. IDA wants separate tracks for water and sewer.	
2	LaBella: Need to engage railroad for water main crossing.	
3		
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## **NEXT MEETINGS**

- 5/28/2025 @ 1:00