



ESSEX COUNTY IN THE PARK  
INDUSTRIAL DEVELOPMENT AGENCY

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**Essex County IDA Board Meeting**  
**January 24, 2018 at 9:00 AM**  
**7566 Court Street, Elizabethtown, NY**

**Present:** John Boyea  
Jamie Rogers  
Gerald Morrow  
Joseph Kusalonis  
Matthew Courtright

**Also Present:** Jody Olcott  
Carol Calabrese  
Jen Briggs

**Absent:** Jim Bowen  
Darren Darrah

**Open of Meeting**

Secretary/Treasurer Jamie Rogers opened the meeting at 9:04AM.

**Public Comment**

No Comment

**Approval of Minutes**

1. December 15, 2017 Meeting Minutes

**Motion #2018-1:** A motion to approve the December 15, 2017 meeting minutes was made by Matthew Courtright and seconded by Joseph Kusalonis. All members were in favor.

**Financial Services/Program**

1. Monthly Loan Report

- a. Defaults: Westport Golf & Hospitality (Westport) – Briggs Norfolk began action against loan guarantors and have spoken to their attorneys. The loan guarantors are liable for \$36,750. The outstanding loan balances are \$25,833.45 (golf) + \$13,749.91 (hospitality) + legal fees to date \$5,456.94 = \$45,040.30. Guarantors would request that if IDA accepted at least minimum balance of \$36,750 mortgages would be released.

**Motion #2018-2:** A motion to allow Briggs Norfolk to negotiate with guarantors and to accept at a minimum \$36,750 for Westport Golf & Hospitality loans was made by Gerald Morrow and seconded by John Boyea. All members were in favor.

- b. Adirondack Meat Company (Ticonderoga) – Glens Falls National Bank filed their default and IDA filed notice of appearance as we were listed in default. There is no additional work needed at this point until matter and GFN go to court. Jen Briggs explained that the IDA could start action against guarantors only, separate from the GFN default. The outstanding principal balance of the loan is \$304,428.37. IDA Board also discussed termination of the Lease Agreement with Adirondack Meat Company as they have not paid real property taxes in two years, they are not open for business and third they are in default of financing for project. Jen Briggs provided a Lease Termination to be signed by IDA and recorded in Essex County Clerk's Office. This would terminate IDA interest in the

property and the property would not longer be under PILOT Agreement upon the new taxable assessment date of March 1<sup>st</sup>.

**Motion #2018-3:** A motion to begin sum certain action against loan guarantors was made by Gerald Morrow and seconded by John Boyea. Matthew Courtright abstained. Motion passed.

**Motion #2018-4:** A motion to terminate lease between the Essex County IDA and Adirondack Meat Company/Ticonderoga Development LLC. was made by Joseph Kusalonis and seconded by Gerald Morrow. Matthew Courtright abstained. Motion passed.

2. Straight Lease Back Transactions:

- a. Paradox Brewery (North Hudson),– Project financing has been secured and attorneys are working toward a February 15<sup>th</sup> closing date for straight lease back transaction and project financing. Project is out to bid for spring construction.

**Motion #2018-5:** WHEREAS, the Agency desires to assist applicants Paradox Brewery LLC, a New York limited liability corporation, and their successors and assigns (the “Company”), located in Schroom Lake, New York, in its acquisition, construction, reconstruction and equipping of the Project (hereinafter defined); and WHEREAS, the Company desires (a) to acquire, construct, equip and furnish an approximately 100 x 200 metal building for use as a tasting room and brewing facility for the production of craft beer to be constructed in North Hudson, New York, including all improvements thereto and (b) to obtain certain necessary preliminary and incidental expenses related thereto (hereinafter collectively referred to as the “Project”); and WHEREAS, pursuant to the Act the Agency is authorized and empowered to finance the Project through a “straight-lease transaction” (as defined in Section 854(15) of the General Municipal Law of the State of New York); and WHEREAS, the Agency took official action toward approving the application of the Company and agreeing to enter into a “straight-lease transaction” with the Company by resolution at a meeting duly held on August 31, 2017; and WHEREAS, The Agency in reviewing the Company’s application has preliminarily determined that the Company meets the provisions of Section 862 (2) of the General Municipal Law or that such provisions are not applicable. Any financial assistance which the Agency may provide to the Company shall be subject to the “clawback” provisions of Section 875 of the General Municipal Law, and the Company shall at all times cooperate with and indemnify and hold harmless the Agency in the Agency’s colorable and good faith compliance with said Section 875; and WHEREAS, in order to assist the Company, the Agency has agreed to lease the Project to the Company pursuant to a Ground Lease between the Company and the Agency, dated February 15, 2018 (the “Ground Lease”) and a Ground Lease Project Agreement between the Agency and the Company, dated February 15, 2018 (the “Project Agreement”), for good and valuable consideration in the amount of approximately \$1.00 and certain “financial assistance” (as defined in Section 854(15) of the General Municipal Law of the State of New York), whereby the Company will be obligated to ground lease the Project from the Agency and to purchase the property from the Agency at the end of the lease term for a price unrelated to the Project Agreement; and WHEREAS, the Agency’s retention of title throughout the Ground Lease will enable the Agency to pass on State law tax benefits to the Company; and WHEREAS, the Town of North Hudson, by resolution on January 23, 2018, has declared its intent to act as lead agency, as that term is defined in Article 8 of the State Environmental Quality Review Act (“SEQRA”), with respect to the Project and therefore no further action or approval on part of the Agency pursuant to SEQRA is required. This motion was made by Matthew Courtright and seconded by Jamie Rogers. All members were in favor.

**Business Park Development**

1. Moriah Business Park

- a. Lot #1 Building (Pre-Tech Plastics) – IDA has reached out to Pre-Tech numerous times and is still awaiting signed contract for building purchase.
  - b. Lot #4 Building (High Peaks Hospice) – A few minor issues over last month: ice buildup and heating have been corrected.
  - c. Lots #3, #5 & #6 (Whistlepig) – Jody summarized 12/15/2017 IDA Board meeting into email and sent to Whistlepig. The IDA has contacted and met with Jerry Rosenbaum to appraise lot #7 (15.87 acres). As noted lot #7 includes wetlands and AES Northeast is calculating the total amount of wetlands.
2. Ticonderoga Commerce Park Road – The IDA was deeded a portion of the Commerce Park Road back from the Town of Ticonderoga. The deed was recorded in early January. This will allow access for the lot #3 owners within the park. The IDA will now deed this 50' strip of undeveloped land to the lot #3 owner so he may construct driveway from his property to the existing Commerce Park Road.

**Motion #2018-6:** A motion to deed over 50' road access recently acquired from the Town of Ticonderoga to lot #3 owner was made by Gerald Morrow and seconded by Joseph Kusalonis. All members in favor. Lot # owner will be responsible for legal fees & recording fees:

3. Chesterfield Commerce Park – Lot #4 was sold in December 2017 for \$25,000 (50/50 split with Town and IDA). The IDA will work with new owner on a letter of consent needed from APA & existing permit.

#### Business Development Updates

1. Marketing
  - a. Internet Based Marketing Monthly Report – No comments
  - b. External Lead Marketing Project 3-year summary – A report was distributed for board review. The IDA was listed as contact for one business interested in locating to Essex County. IDA will further discuss follow up requirements with Empire State Development. The IDA paid 50% and National Grid Grant received.
2. Grant Administration
  - a. ADK HUB Micro-Enterprise Grant Round 2 – 10 out of 12 businesses have completed projects and drawn down funds their funds. Majority of site visits were completed in December. Two businesses have requested extensions as their projects were not completed by the end of the year timeline as they are both under construction and additional time is needed.
    - Trail Head Resort Extension Request – June 30, 2018 extension request received.
    - ESF Masten House Extension Request – June 30, 2018 extension request received.

**Motion #2018-7:** A motion to extend Trail Head Resort & ESF Masten House extension requests until June 30, 2018 was made by Matthew Courtright and seconded by Jamie Rogers. All members were in favor. Jen will draw up Grant Agreement Addendum for signature.

#### Financials

1. November & December 2017 Financial Statements – No Comments

#### New Business

1. January Abstract for Payment

**Motion #2018-8:** A motion to approve the January Abstract for Payment was made by Jamie Rogers and seconded by John Boyea. All members were in favor.

2. Next Meeting – March 21, 2018 at 9:00AM (annual & regular)

Adjourn

**Motion #2018-9:** A motion to adjourn the meeting at 9:45AM was made by Matthew Courtright and seconded by John Boyea. All members were in favor.