

# Columbia County Industrial Development Agency

**COLUMBIA COUNTY INDUSTRIAL DEVELOPMENT AGENCY MEETING NOTICE**

Please take notice that there will be a Special Meeting of the Columbia County Industrial Development Agency to be held in person on September 23, 2024 at 8:30am, at their offices at One Hudson City Centre, Suite 301, Hudson, NY 12534 in accordance with Public Officers Law Section 103-a; This Special meeting will be held for the specific purposes of reviewing, discussing and considering and possibly taking action on the 41 Cross Street LLC project and all comments submitted at the September 4, 2024 8:30am Public Hearing to consider the 41 Cross Street LLC project; as well as reviewing, discussing, considering and possibly taking action on the BAC Sales Inc. project and all comments submitted at the September 17<sup>th</sup> Public Hearing This meeting is open to the public, who will have the opportunity to attend the meeting in person at the One Hudson City Centre address or via Zoom and provide live comments. Meeting packets are posted and available on the IDA’s website: <https://columbiaedc.com/about-cedc/columbia-county-ida/ccida-public-documents-room/>

Join Zoom Meeting:

<https://us06web.zoom.us/j/83244439412?pwd=rwPazlb6tQcPOiLPewyRRmDWPOSfoL.1>

Meeting ID: 832 4443 9412, Passcode: 761271, Dial by your location: 1 646 558 8656

Find your local number: <https://us06web.zoom.us/u/kjSTNH5uy>

Dated: September 9, 2024

Nina Fingar-Smith

Secretary, Columbia County Industrial Development Agency

### IDA Board of Members Agenda

**Members:**

Nina Fingar-Smith	William Gerlach	Helen Kozel	Sarah Sterling
Bob Galluscio	Brian Keeler	Carmine Pierro	

1. 41 Cross Street LLC Project
  - a. Minutes Public Hearing 9/4/24\*
  - b. 41 Cross Street LLC Assignment and Assumption Resolution\*
  
2. BAC Sales Project
  - a. Minutes Public Hearing 9/17/24\*
  
3. Public Comments

**Attachments:**

Minutes Public Hearing 9/4/24
41 Cross Street LLC Assignment and Assumption Resolution
Minutes Public Hearing 9/17/24

\* Requires Action

**One Hudson City Centre, Suite 301  
Hudson, New York 12534  
518-828-4718**

# Columbia County Industrial Development Agency

## MINUTES COLUMBIA COUNTY INDUSTRIAL DEVELOPMENT AGENCY PUBLIC HEARING Wednesday, September 4, 2024

The public hearing of Columbia County Industrial Development Agency held via Zoom see information join Zoom Meeting:

<https://us06web.zoom.us/j/86946528594?pwd=CPUDPszltJlWAnaJpJXwualz3bbOtm.1>

Meeting ID: 869 4652 8594, Passcode: 012637, Dial by your location: 1 646 558 8656

The hearing was called to order at 8:35am by Carmine Pierro, Chairman.

Attendee Name	Title	Status
Brian Keeler	Board Member	Present in person
Carmine Pierro	Chair	Present in person
Sarah Sterling	Vice Chair	Present in person
Andy Howard	Agency Counsel	Present in person
F. Michael Tucker	President/CEO	Present in person
Lisa Draushuk	CEDC Staff	Present in person
Riley Werner	CEDC Staff	Present in person
Martha Lane	CEDC Staff	Present in person
Stephen Vandenburg	CEDC Staff	Present in person
Ben Fain	Applicant	Present in person
Zena Dickstein	Applicant's Counsel	Present via Zoom

See attached transcript of the September 4, 2024 IDA Public Hearing of the 41 Cross Street LLC project.

*Respectfully submitted by Lisa Draushuk*

# Columbia County Industrial Development Agency

## PUBLIC HEARING PURSUANT TO SECTION 859-a OF THE GENERAL MUNICIPAL LAW

<b>Agency</b>	Columbia County Industrial Development Agency (the "Agency")
<b>Project Beneficiary:</b>	41 Cross Street LLC
<b>Project Location:</b>	39-41 & 43-51 Cross Street (tax map no. 109.43-1-62) in the City of Hudson, Columbia County, New York
<b>Hearing Date:</b>	September 4, 2024
<b>Hearing Time:</b>	8:30 a.m.
<b>Hearing Location:</b>	One Hudson City Centre – Suite 301 in the City of Hudson, Columbia County, New York

### Opening Remarks

"Good morning.

My name is Carmine Pierro, and I am the Chairman of the Columbia County Industrial Development Agency (the "Agency") in connection with the matter which is the subject of this public hearing.

Today we are holding this Public Hearing to allow citizens to make a statement, for the record, relating to the involvement of the Agency with the following matter:

Pursuant to a closing on May 10, 2017 (the "Closing"), the Agency entered into a lease agreement dated as of May 1, 2017 (the "Lease Agreement") and a payment in lieu of tax agreement dated as of May 1, 2017 (the "Payment in Lieu of Tax Agreement"), each by and between the Agency and 41 Cross Street Hospitality LLC (the "Prior Company"), in connection with a project (the "Project") consisting of the following: (A) (1) the acquisition of an interest in an approximately .50 acre parcel of land located at 39-41 & 43-51 Cross Street (tax map no. 109.43-1-62) in the City of Hudson, Columbia County, New York (the "Land"), together with the existing building located thereon containing approximately 40,800 square feet of space (the "Existing Facility"), (2) the renovation, reconstruction and upgrading of the Existing Facility and related improvements located on the Land (the "Improvements") (the Existing Facility and the Improvements hereinafter collectively referred to as the "Facility"), and (3) the acquisition and installation therein and thereon of certain machinery and equipment (collectively, the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to be owned by the Prior Company and operated as a boutique hotel facility and any other directly and indirectly related uses; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease of the Project Facility to the Prior Company pursuant to the terms of a lease agreement dated as of May 1, 2017 (the "Lease Agreement") by and between the Original Company and the Agency, a memorandum of which was recorded on May 19, 2017 in the Columbia County Clerk's office in Book 846 at Page 1493, Instrument #: 20170004541.

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On or about July 25, 2024, 41 Cross Street LLC, a New York State limited liability company (the “New Company”), submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider a request by the New Company for approval by the Agency of a certain assignment and assumption relating to the Project (the “Assignment Request”), said Assignment Request consisting of the approval by the Agency of the assignment by the Prior Company to the New Company of the Lease Agreement, the Payment in Lieu of Tax Agreement and certain other documents entered into by the Prior Company in connection with the Closing (collectively, the “Basic Documents”), the assumption by the New Company of the Basic Documents and to provide the New Company with sales tax exemption (the “Additional Financial Assistance”).

I intend to provide general information on the Agency’s general authority and public purpose to provide assistance to this Assignment Request. I will then open the comment period to receive comments from all present who wish to comment on either the Assignment Request or the Additional Financial Assistance contemplated by the Agency with respect to the Assignment Request.

### **Legal Authorization and Powers of the Agency**

The provisions of Chapter 1030 of Laws of 1969 of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York as amended, and Chapter 305 of the 1975 Laws of New York, as amended, constituting Section 895-1 of said General Municipal Law (collectively, the “Act”), authorize the Agency to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining and equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others.

### **Purpose of this Public Hearing**

Pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the “Act”), prior to the Agency providing any “financial assistance” (as defined in the Act) of more than \$100,000 to any project, the Agency, among other things, must hold a public hearing pursuant to Section 859-a of the Act with respect to said project. Since the proposed “financial assistance” to be provided by the Agency with respect to the Assignment Request may exceed \$100,000, then prior to providing any “financial assistance” (as defined in the Act) of more than \$100,000 to the Assignment Request, the Agency must hold a public hearing on the nature and location of the Project Facility and the proposed “financial assistance” to be provided by the Agency with respect to the Assignment Request.

After consideration of the Application received from the New Company, the members of the Agency adopted a resolution on August 6, 2024 (the “Resolution Authorizing Assignment and Assumption and Public Hearing in Connection with an Assignment and Assumption”) authorizing the Agency to conduct this Public Hearing with respect to the Assignment Request pursuant to Section 859-a(2) of the Act.

By way of background, notice of this Public Hearing was published on August 24, 2024 in The Daily Gazette, a newspaper of general circulation available to the residents of the City of Hudson, Columbia County, New York. In addition, as required by New York law, the notice of this Public Hearing was mailed on August 21, 2024 to the Mayor of the City of Hudson, the Chairman of the County Board of

## **Columbia County Industrial Development Agency**

Supervisors of Columbia County and the Superintendent, the Board of Education President and District Clerk of the Hudson City School District (collectively, the “Affected Taxing Jurisdictions”). Lastly, copies of the Public Hearing Notice were posted on August 21, 2024 on a public bulletin board located at City Hall located at 520 Warren Street in the City of Hudson and One Hudson City Centre, Suite 301 in the City of Hudson, Columbia County, New York and were posted on August 21, 2024 on the Agency’s website. A copy of the certified Resolution Authorizing Assignment and Assumption and Public Hearing in Connection with an Assignment and Assumption was mailed to the Affected Taxing Jurisdictions on August 21, 2024.

Copies of the notice of this Public Hearing are available on the web site of the Agency.

Now, unless there is any objection, I am going to suggest waiving the full reading of the notice of this Public Hearing, and instead request that the full text of the notice of this Public Hearing be inserted into the record of this Public Hearing.

The comments received today at this Public Hearing will be presented to the members of the Agency at or prior to the meeting at which the members of the Agency will consider whether to approve the undertaking of the Assignment Request by the Agency and the granting by the Agency of any “financial assistance” in excess of \$100,000 with respect to the Assignment Request.

### **Written Comments**

The notice of this Public Hearing indicated that written comments could be addressed to: Carmine Pierro, the Chairman of the Agency. We have received no written comments prior to this Public Hearing which will be included in the public record.

### **Remarks by the New Company**

I will now introduce Ben Fain, who is appearing on behalf of the 41 Cross Street LLC. Are there any comments you would like to make?”

Mr. Fain: “We are thrilled to get to purchase The Wick, it is a big part of our plans for the waterfront and assuming the PILOT is extraordinary helpful for us, actually I don’t think it happens without it. I am very grateful to be here and grateful for the CEDC’s support on it. I would say, it is crucial for us. I’m just here to answer any questions about it and say thank you for the support. I’m looking forward to improving the Wick and making it a little bit better as well as being part of what is going on at the waterfront , because it is a pretty exciting place to be. Thank you for letting us be here.”

### **Open Public Hearing to the Floor for Comments**

“I will now open this Public Hearing for public comment at 8:40 o’clock, a.m.

By way of operating rules, if you wish to make a public comment, please indicate your wish to do so, and I will call on you. Please wait to be recognized, once recognized, please stand and state your name and address for the record.

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When everyone has had the opportunity to speak, I will conclude this Public Hearing. A record of this Public Hearing will be prepared and included in the file for this matter.

Again, the purpose of this Public Hearing is to solicit public comment. We are not here to answer questions. However, we will in the course of this Public Hearing consider questions if we have the information to answer the questions and there is sufficient time to consider such questions.

I will now ask if there is anyone on this conference call who wishes to comment on either the nature and location of the Project Facility or the proposed "financial assistance" being contemplated by the Agency with respect to the Assignment Request.

For the record, please state your name and indicate your comments on either the Assignment Request or the proposed "financial assistance" being contemplated by the Agency with respect to the Assignment Request."

### **Formal closure of the public hearing**

Mr. Pierro noted there was no public present, only Staff, the applicant and the applicant's counsel.

"I will now move forward to close this Public Hearing.

If there are not further comments, I will now close this Public Hearing at 8:46 o'clock, a.m.

Thank you all for attending."

# Columbia County Industrial Development Agency

## NOTICE OF PUBLIC HEARING

### COLUMBIA COUNTY INDUSTRIAL DEVELOPMENT AGENCY NOTICE OF PUBLIC HEARING ON PROPOSED PROJECT AND FINANCIAL ASSISTANCE RELATING THERETO

Notice is hereby given that a public hearing pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the “Act”) will be held by Columbia County Industrial Development Agency (the “Agency”) on the 4<sup>th</sup> day of September, 2024 at 8:30 o’clock a.m., local time, at the offices of the Agency located at One Hudson City Centre – Suite 301 in the City of Hudson, Columbia County, New York in connection with the following matters:

On May 10, 2017 (the “Closing”), the Agency granted certain financial assistance to 41 Cross Street Hospitality LLC (the “Original Company”) to assist in financing a project (the “Project”) consisting of the following: (A) (1) the acquisition of an interest in an approximately .50 acre parcel of land located at 39-41 & 43-51 Cross Street (tax map no. 109.43-1-62) in the City of Hudson, Columbia County, New York (the “Land”), together with the existing building located thereon containing approximately 40,800 square feet of space (the “Existing Facility”), (2) the renovation, reconstruction and upgrading of the Existing Facility and related improvements located on the Land (the “Improvements”) (the Existing Facility and the Improvements hereinafter collectively referred to as the “Facility”), and (3) the acquisition and installation therein and thereon of certain machinery and equipment (collectively, the “Equipment”) (the Land, the Facility and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to be owned by the Company and operated as a boutique hotel facility and any other directly and indirectly related uses; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease of the Project Facility to the Original Company pursuant to the terms of a lease agreement dated as of May 1, 2017 (the “Lease Agreement”) by and between the Original Company and the Agency, a memorandum of which was recorded on May 19, 2017 in the Columbia County Clerk’s office in Book 846 at Page 1493, Instrument #: 20170004541; and

Simultaneously with the execution and delivery of the Lease Agreement (the “Closing”), (A) the Original Company executed and delivered to the Agency (1) a certain lease to agency dated as of May 1, 2017 (the “Lease to Agency”) by and between the Original Company, as landlord, and the Agency, as tenant, a memorandum of which was recorded on May 19, 2017 in the Columbia County Clerk’s office in Book 846 at Page 1440, Instrument #: 20170004538, pursuant to which the Original

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Company leased to the Agency a portion of the Land and all improvements now or hereafter located on said portion of the Land (collectively, the “Leased Premises”); (2) a certain license agreement dated as of May 1, 2017 (the “License to Agency”) by and between the Original Company, as licensor, and the Agency, which License Agreement was recorded on May 19, 2017 in the Columbia County Clerk’s office in Book 846 at Page 1480, Instrument #: 20170004540, as licensee, pursuant to which the Original Company granted to the Agency (a) a license was entered into upon the balance of the Land (the “Licensed Premises”) for the purpose of undertaking and completing the Project and (b) in the event of an occurrence of an Event of Default by the Original Company, an additional license was entered into upon the Licensed Premises for the purpose of pursuing its remedies under the Lease Agreement; and (3) a certain bill of sale dated as of May 1, 2017 (the “Bill of Sale to Agency”), which conveyed to the Agency all right, title and interest of the Original Company in the Equipment; (B) the Original Company and the Agency executed and delivered (1) a certain payment in lieu of tax agreement dated as of May 1, 2017 (the “Payment in Lieu of Tax Agreement”) by and between the Agency and the Original Company, pursuant to which the Original Company agreed to pay certain payments in lieu of taxes with respect to the Project Facility, (2) a certain recapture agreement (the “Section 875 GML Recapture Agreement”) by and between the Original Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes and (3) a certain uniform agency project agreement dated as of May 1, 2017 (the “Uniform Agency Project Agreement”) relating to the granting of the Financial Assistance by the Agency to the Original Company, (D) the Agency filed with the assessor and mailed to the chief executive officer of each “affected tax jurisdiction” (within the meaning of such quoted term in Section 854(16) of the Act) a copy of a New York State Board of Real Property Services Form 412-a (the form required to be filed by the Agency in order for the Agency to obtain a real property tax exemption with respect to the Project Facility under Section 412-a of the Real Property Tax Law) (the “Real Property Tax Exemption Form”) relating to the Project Facility and the Payment in Lieu of Tax Agreement, (E) the Agency executed and delivered to the Original Company a sales tax exemption letter (the “Sales Tax Exemption Letter”) which ensured the granting of the sales tax exemption which formed a part of the Financial Assistance and (F) the Agency filed with the New York State Department of Taxation and Finance the form entitled “IDA Appointment of Project Operator or Agent for Sales Tax Purposes” (the form required to be filed pursuant to Section 874(9) of the Act) (the “Thirty-Day Sales Tax Report”) (collectively with the Lease Agreement, the “Basic Documents”).

In connection with an application submitted to the Agency (the “Assignment Application”), on or about July 25, 2024, by 41 Cross Street LLC, a limited liability company organized and existing under the laws of the State of New York (the “New Company”), the Agency has been requested (A) to approve the assignment to, and assumption by the New Company of all of the Original Company’s interest in the Project Facility and the Basic Documents, (B) to authorize the assumption by the New Company of all obligations of the Original Company under the Basic Documents pursuant to an assignment and assumption agreement (the “Assignment and Assumption Agreement”) (the foregoing



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being collectively referred to as the “Assignment and Assumption”) and (C) to provide the New Company with sales tax exemption (the “Additional Financial Assistance”).

Pursuant Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), by resolution adopted by the members of the Agency on August 6, 2024 (the “Resolution Authorizing Assignment and Assumption and Public Hearing”), the Agency determined that the Assignment and Assumption constituted a “Type II action” (as such quoted term is defined under SEQRA), and therefore that no further action with respect to the Assignment and Assumption was required under SEQRA.

The Agency will at said time and place hear all persons with views on either the location and nature of the proposed Assignment and Assumption or the Additional Financial Assistance being contemplated by the Agency in connection with the proposed Assignment and Assumption. A copy of the Assignment Application filed by the New Company with the Agency with respect to the Assignment and Assumption, including an analysis of the costs and benefits of the Project, is available for public inspection during business hours at the offices of the Agency or <https://columbiaedc.com/about-cedc/columbia-county-ida/>. A transcript or summary report of the hearing will be made available to the members of the Agency. Individuals may participate virtually by Zoom at:

<https://us06web.zoom.us/j/87941932526?pwd=ePl6oMdbQFlh9tcfiLBQTiAxtw92RT.1>

Meeting ID: 879 4193 2526

Passcode: 706766

646 558 8656 US

Additional information can be obtained from, and written comments may be addressed to: Carmine Pierro, Chairman, Columbia County Industrial Development Agency, One Hudson City Centre – Suite 301, Hudson, New York 12534; Telephone: (518) 828-4718.

Dated: August 15, 2024

COLUMBIA COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

BY: /s/Carmine Pierro  
Chairman

**RESOLUTION AUTHORIZING ASSIGNMENT AND ASSUMPTION  
41 CROSS STREET HOSPITALITY LLC PROJECT**

A special meeting of Columbia County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at One Hudson City Centre, Suite 301 in the City of Hudson, Columbia County, New York on September 4, 2024 at 8:45 a.m., local time.

The meeting was called to order by the (Vice) Chairperson of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Carmine Pierro	Chairperson
Sarah Sterling	Vice Chairperson
Nina Fingar-Smith	Secretary
Robert Galluscio	Treasurer
Bill Gerlach	Ethics Officer
Brian Keeler	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

F. Michael Tucker	Chief Executive Officer
Lisa Drahushuk	Administrative Supervisor
Andrew B. Howard, Esq.	Agency Counsel
Christopher C. Canada, Esq.	Special Counsel

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:

Resolution No. 0924-\_\_

RESOLUTION AUTHORIZING ASSIGNMENT AND ASSUMPTION OF CERTAIN DOCUMENTS AND AUTHORIZING THE EXECUTION AND DELIVERY BY COLUMBIA COUNTY INDUSTRIAL DEVELOPMENT AGENCY OF AN ASSIGNMENT AND ASSUMPTION AGREEMENT AND OTHER DOCUMENTS IN CONNECTION WITH THE 41 CROSS STREET HOSPITALITY LLC PROJECT.

WHEREAS, Columbia County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 305 of the 1975 Laws of New York, as amended, constituting Section 895-1 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting,

attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, on May 10, 2017 (the "Closing"), the Agency granted certain financial assistance to 41 Cross Street Hospitality LLC (the "Original Company") to assist in financing a project (the "Project") consisting of the following: (A) (1) the acquisition of an interest in an approximately .50 acre parcel of land located at 39-41 & 43-51 Cross Street (tax map no. 109.43-1-62) in the City of Hudson, Columbia County, New York (the "Land"), together with the existing building located thereon containing approximately 40,800 square feet of space (the "Existing Facility"), (2) the renovation, reconstruction and upgrading of the Existing Facility and related improvements located on the Land (the "Improvements") (the Existing Facility and the Improvements hereinafter collectively referred to as the "Facility"), and (3) the acquisition and installation therein and thereon of certain machinery and equipment (collectively, the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to be owned by the Original Company and operated as a boutique hotel facility and any other directly and indirectly related uses; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease of the Project Facility to the Original Company pursuant to the terms of a lease agreement dated as of May 1, 2017 (the "Lease Agreement") by and between the Original Company and the Agency, a memorandum of which was recorded on May 19, 2017 in the Columbia County Clerk's office in Book 846 at Page 1493, Instrument #: 20170004541; and

WHEREAS, simultaneously with the execution and delivery of the Lease Agreement (the "Closing"), (A) the Original Company executed and delivered to the Agency (1) a certain lease to agency dated as of May 1, 2017 (the "Lease to Agency") by and between the Original Company, as landlord, and the Agency, as tenant, a memorandum of which was recorded on May 19, 2017 in the Columbia County Clerk's office in Book 846 at Page 1440, Instrument #: 20170004538, pursuant to which the Original Company leased to the Agency a portion of the Land and all improvements now or hereafter located on said portion of the Land (collectively, the "Leased Premises"); (2) a certain license agreement dated as of May 1, 2017 (the "License to Agency") by and between the Original Company, as licensor, and the Agency, which License Agreement was recorded on May 19, 2017 in the Columbia County Clerk's office in Book 846 at Page 1480, Instrument #: 20170004540, as licensee, pursuant to which the Original Company granted to the Agency (a) a license was entered into upon the balance of the Land (the "Licensed Premises") for the purpose of undertaking and completing the Project and (b) in the event of an occurrence of an Event of Default by the Original Company, an additional license was entered into upon the Licensed Premises for the purpose of pursuing its remedies under the Lease Agreement; and (3) a certain bill of sale dated as of May 1, 2017 (the "Bill of Sale to Agency"), which conveyed to the Agency all right, title and interest of the Original Company in the Equipment; (B) the Original Company and the Agency executed and delivered (1) a certain payment in lieu of tax agreement dated as of May 1, 2017 (the "Payment in Lieu of Tax Agreement") by and between the Agency and the Original Company, pursuant to which the Original Company agreed to pay certain payments in lieu of taxes with respect to the Project Facility, (2) a certain recapture agreement (the "Section 875 GML Recapture Agreement") by and between the Original Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes and (3) a certain uniform agency project agreement dated as of

May 1, 2017 (the “Uniform Agency Project Agreement”) relating to the granting of the Financial Assistance by the Agency to the Original Company, (D) the Agency filed with the assessor and mailed to the chief executive officer of each “affected tax jurisdiction” (within the meaning of such quoted term in Section 854(16) of the Act) a copy of a New York State Board of Real Property Services Form 412-a (the form required to be filed by the Agency in order for the Agency to obtain a real property tax exemption with respect to the Project Facility under Section 412-a of the Real Property Tax Law) (the “Real Property Tax Exemption Form”) relating to the Project Facility and the Payment in Lieu of Tax Agreement, (E) the Agency executed and delivered to the Original Company a sales tax exemption letter (the “Sales Tax Exemption Letter”) which ensured the granting of the sales tax exemption which formed a part of the Financial Assistance and (F) the Agency filed with the New York State Department of Taxation and Finance the form entitled “IDA Appointment of Project Operator or Agent for Sales Tax Purposes” (the form required to be filed pursuant to Section 874(9) of the Act) (the “Thirty-Day Sales Tax Report”) (collectively with the Lease Agreement, the “Basic Documents”); and

WHEREAS, in connection with an application submitted to the Agency (the “Assignment Application”), on or about July 25, 2024, by 41 Cross Street LLC, a limited liability company organized and existing under the laws of the State of New York (the “New Company”), the Agency has been requested (A) to approve the assignment to, and assumption by the New Company of all of the Original Company’s interest in the Project Facility and the Basic Documents, (B) to authorize the assumption by the New Company of all obligations of the Original Company under the Basic Documents pursuant to an assignment and assumption agreement (the “Assignment and Assumption Agreement”) (the foregoing being collectively referred to as the “Assignment and Assumption”) and (C) to provide the New Company with sales tax exemption (the “Additional Financial Assistance”); and

WHEREAS, the Lease Agreement provides that the Original Company is prohibited from selling, leasing, transferring or otherwise conveying any part of the Project Facility without the prior written consent of the Agency; and

WHEREAS, in connection with the conveyance of the Project Facility, the Original Company and the New Company have also requested that the Agency execute documents providing for the following (the “Conveyance and Assignment Documents”): the consent by the Agency of the conveyance of the Project Facility and the assignment and assumption of the Basic Documents from the Original Company to the New Company (the “Assignment and Assumption”); and

WHEREAS, by resolution adopted by the members of the Agency on August 6, 2024 (the “Resolution Authorizing Assignment and Assumption and Public Hearing Relating to Additional Financial Assistance”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Additional Financial Assistance, and

WHEREAS, in connection with the Additional Financial Assistance, the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on August 21, 2024 to the chief executive officers of the county and of each city, town, village and school district in which the Project is or is to be located, (B) caused notice of the public hearing to be posted on August 21, 2024 on a public bulletin board located at City Hall located at 520 Warren Street in the City of Hudson and One Hudson City Centre, Suite 301 in the City of Hudson, Columbia County, New York, and on the Agency’s website on August 21, 2024, (C) caused notice of the Public Hearing to be published on August 24, 2024 in The Daily Gazette, a newspaper of general circulation available to the residents of the City of Hudson, Columbia County, New York, (D) conducted the Public Hearing on September 4, 2024 at 8:30 o’clock a.m., local time at the One Hudson City Centre – Suite 301 in the City of Hudson, Columbia County, New York, (E) prepared a

report of the Public Hearing (the "Hearing Report") fairly summarizing the views presented at such Public Hearing and caused copies of said Hearing Report to be made available to the members of the Agency and (F) caused a copy of the certified Resolution Authorizing Assignment and Assumption and Public Hearing Relating to Additional Financial Assistance to be sent via mail return receipt requested on August 21, 2024 to the chief executive officers of the County and of each city, town, village and school district in which the Project Facility is to be located to comply with the requirements of Section 859-a of the Act; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), and as further pursuant to the Resolution Authorizing Assignment and Assumption and Public Hearing, the Agency determined that the Assignment and Assumption constituted a "Type II action" (as such quoted term is defined under SEQRA), and therefore that no further action with respect to the Assignment and Assumption was required under SEQRA;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF COLUMBIA COUNTY INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby approves (A) the assignment to, and assumption by, the New Company of all of the Original Company's interest in the Project Facility and the Basic Documents, including but not limited to the benefits of the Lease Agreement and the Payment in Lieu of Tax Agreement, (B) the assumption by the New Company of all obligations of the Original Company under the Basic Documents pursuant to an assignment and assumption agreement (the "Assignment and Assumption Agreement"), (C) the execution and delivery by the Agency of a sales tax exemption letter with respect to the Additional Financial Assistance; subject in each case, however to the following conditions: (1) receipt of confirmation that all real property taxes and payments in lieu of taxes required by the Project have been satisfied; (2) evidence of current certificates of insurance acceptable to the Agency; (3) receipt of confirmation from Agency counsel that no modifications provide any new sales tax or real property tax relief for the Project (such as an extension of the term, increase in abatement or change in the Payment in Lieu of Tax Agreement) except for the Additional Financial Assistance as requested in the Assignment Application; (4) receipt by Agency Counsel of the written consent of any holder of any current mortgage on the Project Facility with respect to the Conveyance and Assignment Documents or evidence that there are no security documents filed relating to the Project; (5) compliance with the terms and conditions contained in the Assignment and Assumption Agreement and the Basic Documents; (6) approval by counsel to the Agency of the form of the documents to be executed by the Agency in connection with the Assignment and Assumption, including Conveyance and Assignment Documents, a recapture agreement (the "Section 875 GML Recapture Agreement") and a uniform agency project agreement (the "Uniform Agency Project Agreement") (collectively, the "Transaction Documents"); and (7) receipt by the Agency of its administrative fee relating to the Assignment Application, as reviewed by the Chairperson and Special Agency Counsel, and all fees and expenses incurred by the Agency with respect to the Assignment Application, including the fees and expenses incurred by Special Agency Counsel and/or Agency Counsel with respect thereto.

Section 2. Subject to (A) satisfaction of the conditions contained in Section 1 hereof, including the condition that no modifications provide any new tax relief for the Project (such as an extension of the term, increase in abatement or change in the Payment in Lieu of Tax Agreement) except for the Additional Financial Assistance as requested in the Assignment Application; and (B) the execution and delivery of the Transaction Documents by the other parties thereto, the Chairperson, Vice Chairperson and/or Chief Executive Officer of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Transaction Documents, and, where appropriate, the Secretary of the Agency is

hereby authorized to affix the seal of the Agency thereto and to attest the same, all in substantially the forms thereof approved by Counsel to the Agency, with such changes, variations, omissions and insertions as the Chairperson, Vice Chairperson and/or Chief Executive Officer shall approve, the execution thereof by the Chairperson, Vice Chairperson and/or the Chief Executive Officer to constitute conclusive evidence of such approval.

Section 3. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Transaction Documents, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of this Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Transaction Documents binding upon the Agency.

Section 4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Carmine Pierro	VOTING	_____
Sarah Sterling	VOTING	_____
Nina Fingar-Smith	VOTING	_____
Robert Galluscio	VOTING	_____
Bill Gerlach	VOTING	_____
Brian Keeler	VOTING	_____

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF COLUMBIA                )

I, the undersigned Secretary of Columbia County Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on September 4, 2024 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this \_\_\_\_\_ day of September, 2024.

\_\_\_\_\_  
Secretary

(SEAL)

**Columbia County  
Industrial Development Agency**

**MINUTES Draft  
COLUMBIA COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY  
PUBLIC HEARING  
TOWN OF GHENT  
TOWN HALL  
2306 ROUTE 66, Ghent, NY  
Tuesday, September 17, 2024**

The public hearing of Columbia County Industrial Development Agency held via Zoom, see information to join ZOOM Meeting:

Join Zoom Meeting

<https://us06web.zoom.us/j/84376049629?pwd=ema6JbdVhqDEBzhk4JFtxSLQPdZyuA.1>

Meeting ID: 843 7604 9629 Passcode: 355411

Dial : 1 646 558 8656

Find your local number: <https://us06web.zoom.us/u/kc9vVBX2Hs>

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
William Gerlach	Board Member	Present in person	
Brian Keeler	Board Member	Present in person	
Carmine Pierro	Chair	Present in person	
Sarah Sterling	Vice-Chair	Present in person	
Helen Kozel	Board Member	Present in person	
Andrew Howard	Counsel	Present in person	
F. Michael Tucker	President/CEO	Present in person	
Lisa Draushuk	Administrative Supervisor	Present in person	
Riley Werner	Administrative Assistant	Present in person	
Lynn Hotaling	Assessor- Town of Ghent	Present in person	

See attached transcript of the September 17, 2024 IDA public Hearing of the BAC Sales Inc. project

*Respectfully submitted by Lisa Draushuk*



**PUBLIC HEARING PURSUANT TO  
SECTION 859-a OF  
THE GENERAL MUNICIPAL LAW**

<b>Agency</b>	Columbia County Industrial Development Agency (the “Agency”)
<b>Project Beneficiary:</b>	BAC Sales Inc.
<b>Project Location:</b>	1871 Route 9H (tax map no. 73.-3-37-.5) in the Town of Ghent, Columbia County, New York
<b>Hearing Date:</b>	September 17, 2024
<b>Hearing Time:</b>	10:00 a.m.
<b>Hearing Location:</b>	2306 Route 66, Town of Ghent, Columbia County, New York

Attendee Name	Title	Status
Carmine Pierro	Chair	Present in person
Sarah Sterling	Vice-Chair	Present in person
William Gerlach	Ethics Officer	Present in person
Brian Keeler	Member	Present in person
Helen Kozel	Member	Present in person
F. Michael Tucker	Administrative Director	Present in person
Lisa Drahushuk	CEDC Staff	Present in person
Riley Werner	CEDC Staff	Present in person
William Better	Applicant’s Attorney	Present in person
Lynn Hotaling	Assessor- Town of Ghent	Present in person

**Opening Remarks**

Good morning.

My name is Michael Tucker, and I am the Administrative Director of the Columbia County Industrial Development Agency (the “Agency”) in connection with the project which is the subject of this public hearing.

Today we are holding this Public Hearing to allow citizens to make a statement, for the record, relating to the involvement of the Agency with the proposed BAC Sales Inc. Project a NYS business Corporation. Today we have with us IDA Members: Carmine Pierro, Sarah Sterling William Gerlach, Brian Keeler, and Helen Kozel. They are here to learn about the project and get input from the Community. The Project consists of the following: (A) (1) the acquisition of an interest in an approximately 14 acre parcel of land located at 1871 Route 9H (Tax Map No. 73.-3-37.5) in the Town of Ghent, Columbia County, New York (the “Land”) and (2) the construction on the 14 acre parcel Land of an approximately 12,000 square foot new warehouse facility. Mr. Tucker noted the Public Hearing Notice had included a renovation of the current facility, which was an error in the notice. He stated this project was only the acquisition of the new parcel and the construction of the new building. (3) the acquisition and installation of certain machinery and equipment therein and thereon (the “Equipment”) (the Land, the Facility and the Equipment hereinafter referred to as the “Project Facility”), all of the foregoing to be owned and operated by the Company, or an affiliate thereof, as warehouse

facilities and other directly or indirectly related activities; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to

purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

I intend to provide general information on the Agency's general authority and public purpose to provide assistance to this Assignment Request. I will then open the comment period to receive comments from all present who wish to comment on either the Assignment Request or the Additional Financial Assistance contemplated by the Agency with respect to the Assignment Request., as well as to read into the record a comment received.

### **Legal Authorization and Powers of the Agency**

The provisions of Chapter 1030 of Laws of 1969 of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York as amended, and Chapter 305 of the 1975 Laws of New York, as amended, constituting Section 895-1 of said General Municipal Law (collectively, the "Act"), authorize the Agency to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining and equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others.

### **Purpose of this Public Hearing**

Pursuant to Section 859-a(2) of the General Municipal Law of the State of New York, prior to the Agency providing any "financial assistance" of more than \$100,000 to any project, the Agency, among other things, must hold a public hearing pursuant to Section 859-a of the Act with respect to said project. Since the proposed "financial assistance" to be provided by the Agency with respect to the Assignment Request may exceed \$100,000, then prior to providing any "financial assistance" (as defined in the Act) of more than \$100,000 to the Assignment Request, the

Agency must hold a public hearing on the nature and location of the Project Facility and the proposed "financial assistance" to be provided by the Agency with respect to the Assignment Request.

After consideration of the Application received from the New Company, the members of the Agency adopted a resolution on August 6, 2024 (the "Resolution Authorizing Assignment and Assumption and Public Hearing in Connection with an Assignment and Assumption") authorizing the Agency to conduct this Public Hearing with respect to the Assignment Request pursuant to Section 859-a(2) of the Act.

By way of background, notice of this Public Hearing was published on September 7, 2024 in The Register Star, a newspaper of general circulation available to the residents of the City of Hudson, Columbia County, New York. In addition, as required by New York law, the notice of this Public Hearing was mailed on September 9, 2024 to the Ghent town Supervisor, the Chairman of the County Board of Supervisors of Columbia County and the Superintendent, the Board of Education President and District Clerk of the Ichabod Crane Central School District (collectively, the "Affected Taxing Jurisdictions"). Lastly, copies of the Public Hearing Notice were posted on September 6, 2024 on a public bulletin board located at Town Hall located at 2306 Route 66 in the Town Hall in the Town of Ghent, Columbia County, New York and were posted on September 6, 2024 on the Agency's website. A copy of the certified Resolution Authorizing Assignment and Assumption and Public Hearing in Connection with an Assignment and Assumption was mailed to the Affected Taxing Jurisdictions on September 17, 2024.

Copies of the notice of this Public Hearing are available on the web site of the Agency.

Now, unless there is any objection, I am going to suggest waiving the full reading of the notice of this Public Hearing, and instead request that the full text of the notice of this Public Hearing be inserted into the record of this Public Hearing.

The comments received today at this Public Hearing will be presented to the members of the Agency at or prior to the meeting at which the members of the Agency will consider whether to approve the undertaking of the Assignment Request by the Agency and the granting by the Agency of any “financial assistance” in excess of \$100,000 with respect to the Assignment Request.

## Comments

The notice of this Public Hearing indicated that written comments could be addressed to: Carmine Pierro, the Chairman of the Agency. We have received 1 letter prior to this Public Hearing which will be read to the attendees, and included in the public record.

Mr. Tucker stated the project stated the applicant’s project totaled \$1.5 million and a representative from the company would be give an overview of the project. He outlined the benefit package being requested, which consisted of a waiving of \$15,750 mortgage recording tax, \$60,000 in sales tax exemptions and a pilot agreement with a value of 76,418. He noted the total benefit of the package was \$152,000 which equaled 10% of the project cost. Mr. Tucker asked Mr. Better, the applicant’s attorney to give an overview of the project.

Mr. Better gave the history of the company which started in the 1970’s. He noted the company developed one of the largest distributors of hearth products east of the Mississippi. He noted the company was a significant employer, currently employing 29 people, they employ an additional 8-10 employees at their other facility in Raleigh, North Carolina. He gave a brief history of the company and its administrative background. He noted that NYS has eliminated the installation of gas fireplaces in new homes, severely impacting the business. The business is expanding in the outdoor grills and patio furniture in order to compensate for the loss of the gas fireplaces. He noted they have been renting warehouse space and have decided to expand their storage space next to their existing location.

Mr. Better stated the starting salary at BAC was \$40,000 with a 401k and health insurance. He noted they wished to break ground this year. Mr. Better explained the tax payment delay that had been mentioned in the Public Comment letter had been due to a couple of tragic occurrences. He stated that once the family realized the taxes had gone unpaid, they did pay them in full with a penalty.

Mr. Tucker asked if there were any questions for Mr. Better. With none presented. Mr. Tucker read the letter (see below) received by the IDA in relation to the project.

## Written Comments

Sept. 10, 2024

F. Michael Tucker  
Chief Executive Officer  
Columbia County Industrial Development Agency  
One Hudson City Centre, Suite 301  
Hudson, NY 12534

Dear Mr. Tucker:

The Town of Ghent recently posted a notice of public hearing by your agency for BAC Sales, Inc. I have a few questions and concerns.

BAC Sales, Inc. submitted the application but does not own any property in question. Do they pay rent to State Route 9H LLC or Cohen Realty Investments, LLC?

The notice states the acquisition of an interest in an approximately 14 acre parcel. I find no 14 acre parcel. 73.-3-37.5 owned by State Route 9H LLC has 11.17 acres and 73.-3-78.3 owned by Cohen Realty Investment, LLC has 10 acres.

The notice states the land is Tax Map No. 73.-3-37.5 and includes the renovation of an existing 25,000 square foot warehouse. 73.-3-37.5 is listed as Res vac land and tax map shows no structure on that parcel.

The notice states that the land is located at 1871 Route 9H but that address is associated with Tax Map No. 73.-3-78.3. Parcel 73.-3-37.5 has no frontage on Route 9H.

There seems to be some confusion and I believe the public has a right to know of the correct data.

The notice also states the granting of certain "financial assistance" including exemptions from sales and use taxes, real property taxes, etc. will be considered. In my opinion the fact that Cohen Realty Investments, LLC has not paid 2024 real estate taxes (County Tax \$8586.51, Town Tax \$1258.49, School Rlvy \$31530.80, and W Ghent Fire Prot \$1108.90 totaling \$42484.70.) clearly means to me that they are already in financial difficulty and to that point is the IDA funding a project that might be supporting BAC Sales, Inc. who are unable to pay their current taxes?

Please feel free to use this letter as written public comment that is part of the Public Hearing on Sept. 17, 2024.

I would also appreciate a written response to my questions. Thank you for your time.

Sincerely,

Carol H. Calvin  
171 Orchard Rd.  
Ghent, NY 12075  
518-828-7500  
rinkcalvin@gmail.com

Mr. Tucker responded that it had been acknowledged the Meeting notice had included a reference to the existing building parcel in error, he stated he believed the vacant lot should have a 911 address. He noted the tax parcel number was correct and the parcel had no frontage on Rte 9H. Mr. Better noted there was a small road that accesses the property, along with other businesses in that area, and it did access Rte 9H. Mr. Tucker stated he would respond to Ms. Calvin, and provide the clarification to the IDA. He noted Mr. Better had addressed the real estate tax issue and if the business had any financial difficulties. Mr. Better stated the company didn't have any financial issues.

### **Open Public Hearing to the Floor for Comments**

Mr. Tucker opened the floor for questions.

Lynn Hotaling, Assessor Town of Ghent:

Ms. Hotaling asked if wouldn't be typical for an applicant to go to the Town Planning Board first for a new project. Mr. Better stated they had received approval on the project last year on the site plan. Ms. Hotaling confirmed that the PILOT would only be on the new structure only and not the land. She confirmed that the taxes had been paid in full a few weeks ago, She felt it was concerning that it took as long as it did to pay the taxes. She stated the town had a concern because it was a smaller project, the town is always the smallest portion of the PILOT payment. Mr. Tucker stated the IDA has a Uniform

PILOT Policy which would be followed unless the IDA decided to deviate from it. She asked how many local people would be employed at the new facility. Mr. Tucker expected over a 4-5 year period 14-15 new employees.

Ms. Hotaling noted the IDA June 4<sup>th</sup> meeting minutes stated the assessor should be contacted regarding the increased assessment. Mr. Tucker stated the IDA would need to discuss the estimated assessment on the new building. He stated 65% of the costs are related to the constructing the building and other items needed to be purchased would add to the balance of the cost. The increase in assessment would be caused by the construction of the building on vacant land. She asked the IDA to give some consideration to the town as a whole. She noted the business had a previous PILOT that expired 2 years ago. Mr. Tucker stated the IDA would take all the comments under consideration.

One member of the public had attended via Zoom: Catherine Barufaldi stated she was a Ghent resident. She thanked the family for investing in Ghent. She had purchased from the business multiple times and felt it was an asset to the community. She stated she appreciated and underscored the comments made by Ms. Hotaling's as a taxpayer. Ms. Garufaldi stated Ms. Hotaling was a great professional in the community, and appreciated her thoughtful questions and depth of knowledge.

**Formal closure of the public hearing**

Mr. Tucker stated he saw no one else on Zoom and the Town Assessor had left the room. He said with no further questions he closed the hearing at 10:30am.

NOTICE OF PUBLIC HEARING  
ON PROPOSED PROJECT  
AND FINANCIAL ASSISTANCE RELATING THERETO

Notice is hereby given that a public hearing pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the "Act") will be held by the Columbia County Industrial Development Agency (the "Agency") on the 17th day of September, 2024 at 10:00 o'clock a .m., local time, at located at Ghent Town Hall located at 2306 Route 66 in the Town of Ghent, Columbia County, New York in connection with the following matters:

BAC Sales, Inc, a New York business corporation (the "Company"), submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately 14 acre parcel of land located at 1871 Route 9H (Tax Map No. 73.-3-37.5) in the Town of Ghent, Columbia County, New York (the "Land"), (2) the renovation of an existing 25,000 square foot warehouse located on the Land (the "Existing Facility"), (3) the construction on the Land of an approximately 12,000 square foot new warehouse facility (the "New Facility") (the Existing Facility and the New Facility being collectively referred to hereinafter as the "Facility"), and (3) the acquisition and installation of certain machinery and equipment therein and thereon (the "Equipment") (the Land, the Facility and the Equipment hereinafter referred to as the "Project Facility"), all of the foregoing to be owned and operated by the Company, or an affiliate thereof, as warehouse facilities and other directly or indirectly related activities; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

The Agency is considering whether (A) to undertake the Project, and (B) to provide certain exemptions from taxation with respect to the Project, including (1) exemption from mortgage recording taxes with respect to any documents, if any, recorded by the Agency with respect to the Project in the office of the County Clerk of Columbia County, New York or elsewhere, (2) exemption from deed transfer taxes on any real estate transfers, if any, with respect to the Project, (3) exemption from sales taxes relating to the acquisition, construction, renovation and installation of the Project Facility, and (4) in the event that the Project Facility would be subject to real property taxation if owned by the Company but shall be deemed exempt from real property taxation due to the involvement of the Agency therewith, exemption from real property taxes (but not including special assessments and special ad valorem levies), if any, with respect to the Project Facility, subject to the obligation of the Company to make payments in lieu of taxes with respect to the Project Facility. If any portion of the Financial Assistance to be granted by the Agency with respect to the Project is not consistent with the Agency's uniform tax exemption policy, the Agency will follow the procedures for deviation from such policy set forth in Section 874(4) of the Act prior to granting such portion of the Financial Assistance.

If the Agency determines to proceed with the Project, the Project Facility will be acquired, constructed, reconstructed and installed by the Agency and will be leased (with an obligation to purchase) or sold by the Agency to the Company or its designee pursuant to a project agreement (the "Agreement") requiring that the Company or its designee make certain payments to the Agency.

## **Columbia County Industrial Development Agency**

The Agency has not yet made a determination pursuant to Article 8 of the Environmental Conservation Law (the "SEQR Act") regarding the potential environmental impact of the Project.

The Agency will at said time and place hear all persons with views on either the location and nature of the proposed Project, or the Financial Assistance being contemplated by the Agency in connection with the proposed Project. A copy of the Application filed by the Company with the Agency with respect to the Project, including an analysis of the costs and benefits of the Project, is available for public inspection during business hours at the offices of the Agency. A transcript or summary report of the hearing will be made available to the members of the Agency.

Additional information can be obtained from, and written comments may be addressed to: F. Michael Tucker, Chief Executive Officer, Columbia County Industrial Development Agency, One Hudson City Centre, Suite 301, Hudson, New York 12534; Telephone: (518) 828-4718.

Dated: September 7, 2024.

Join Zoom Meeting

<https://us06web.zoom.us/j/84376049629?pwd=ema6JbdVhqDEBzhk4JFtxSLQPdZyuA.1>

Meeting ID: 843 7604 9629 Passcode: 355411

Dial : 1 646 558 8656

Find your local number: <https://us06web.zoom.us/j/kc9vVBX2Hs>

COLUMBIA COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

BY: /s/ F. Michael Tucker \_\_\_\_\_  
F. Michael Tucker, Chief Executive Officer

# Columbia County Industrial Development Agency

## PUBLIC COMMENT SUBMITTED PRIOR TO THE PUBLIC HEARING

Sept. 10, 2024

F. Michael Tucker  
Chief Executive Officer  
Columbia County Industrial Development Agency  
One Hudson City Centre, Suite 301  
Hudson, NY 12534

Dear Mr. Tucker:

The Town of Ghent recently posted a notice of public hearing by your agency for BAC Sales, Inc. I have a few questions and concerns.

BAC Sales, Inc. submitted the application but does not own any property in question. Do they pay rent to State Route 9H LLC or Cohen Realty Investments, LLC?

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Please feel free to use this letter as written public comment that is part of the Public Hearing on Sept. 17, 2024.

I would also appreciate a written response to my questions. Thank you for your time.

Sincerely,

Carol H. Calvin  
171 Orchard Rd.  
Ghent, NY 12075  
518-828-7500  
rinkcalvin@gmail.com