

**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/j/84376049629?pwd=ema6JbdVhqDEBzhk4JFtxSLQPdZyuA.1>

Attendee Name	Title	Status	Arrived
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 Drahushuk	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 Drahushuk

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

Agency	Columbia County Industrial Development Agency (the “Agency”)
Project Beneficiary:	BAC Sales Inc.
Project Location:	1871 Route 9H (tax map no. 73.-3-37-.5) in the Town of Ghent, Columbia County, New York
Hearing Date:	September 17, 2024
Hearing Time:	10:00 a.m.
Hearing Location:	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 4th 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>

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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

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Sincerely,

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rinkcalvin@gmail.com