



**ESSEX COUNTY IN THE PARK
INDUSTRIAL DEVELOPMENT AGENCY**

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**Essex County IDA Regular Board Meeting
March 26, 2025 at 9:00AM
7566 Court Street, Elizabethtown, NY**

Present: Darren Darrah
John Boyea
Jamie Rogers
James Bowen
Matthew Courtright (Zoom)
James Monty (left meeting at 10:25AM)
Matthew Stanley

Also Present: Jody Olcott
Carol Calabrese

Open of Meeting

Chairman Darren Darrah opened the meeting at 10:06AM.

Approval of Minutes

1. January 16, 2025 Meeting Minutes
2. February 12, 2025 Meeting Minutes

Motion #2025-29: A motion to approve the January 16, 2025 meeting minutes and the February 12, 2025 meeting minutes was made by Matthew Stanley and seconded by Jamie Rogers. All members were in favor.

Financial Services/Program

1. Loan Program/Monthly Loan Report
 - a. Trail Head Restaurant Group – Four public lenders reviewed proposal by business which included making principal and interest payments current to December 2024 and interest only from January-June 2025. A certified letter was sent to the business noting agreed modification and requesting current payment upon receipt of letter. Carol Calabrese will email business today and inquire when payment should be received and report back to the Finance Committee. Lake Champlain Lake George Regional Planning Board request to release the remaining \$75,000 in escrow was denied.
 - b. Late Payment Notices: notices were sent to Big Slide Brewery and Green Goddess Natural Foods
 - c. IDA has completed review of the loan reporting in lieu of site visits for December 2024. All employment has been updated on the monthly loan report.
2. Straight Lease Back Projects

- a. Hotel Westport – Updated cost/benefit analysis was distributed to Board for review noting that renovation budget has increased from \$800,000 in application to \$850,000 which has increased sales tax incentive from \$64,000 to \$68,000. The business does not anticipate it will need the previously approved mortgage recording tax abatement in the amount of \$3,250. IDA also approves 10-year Schedule A PILOT with fixed assessment value of \$390,000.

Motion #2025-30: WHEREAS, the Essex County Industrial Development Agency (the “Agency”) is a corporate governmental agency, constituting a public benefit corporation created pursuant to Chapter 563 of the Laws of 1973 of the State of New York (the “State”), as amended, and is authorized and empowered by the New York State Industrial Development Agency Act, Chapter 1030 of the Laws of 1969 of the State (Title 1 of Article 18-A of the New York General Municipal Law of the State), as amended (the “Act”), to promote the economic welfare and prosperity of the inhabitants of Essex County, New York (the “County”) and to actively promote, attract, encourage and develop economically sound commerce and industry within the County; and WHEREAS, the Agency desires to assist Lucky Cats Hospitality Group, LLC, a New York limited liability company, and its successors and assigns (collectively, the “Company”), in its acquisition, construction, equipping and furnishing of a certain Project (as hereinafter defined); and WHEREAS, the Project consists of (A) (i) the reconstruction, renovation and improvements of the former Westport Hotel located at 6691 Main Street, Westport in the County of Essex, NY, 12883 into a new boutique hotel consisting of four contemporary hotel suites, a restaurant, speakeasy bar and event space, including upgrades to utilities (the “Facility”), (ii) the acquisition and installation of various machinery, equipment and furnishings for the Facility, including substantial rehabilitation (the “Equipment”), and (iii) certain necessary preliminary and incidental expenses related thereto (the Facility and the Equipment hereinafter collectively referred to as the “Project”); and (B) the granting of certain other “financial assistance” (within the meaning of Section 854(14) of the General Municipal law) with respect to the Project and its financing, including potential exemptions from New York State sales and use tax exemptions not to exceed \$68,000 and a 10-year Schedule A real property tax exemption in the form of a PILOT (collectively the “Financial Assistance”); and (C) the lease of the Project by the Agency back to the Company; all as contemplated by and in furtherance of the purposes of the General Municipal Law. WHEREAS, pursuant to Article 18-A of the General Municipal Law of the State of New York and Chapter 563 of the Laws of 1973 of the State of New York, as amended (collectively, the “Act”), the Agency is authorized and empowered to finance the acquisition, construction, equipping and furnishing of such Facility within the County of Essex, New York through a “straight-lease” arrangement; and During the lease term, the Project will be owned by the Agency and leased to the Applicant; and WHEREAS, pursuant to the Act the Agency is authorized and empowered to provide the Finance Assistance to the Project through a “straight-lease transaction” (as defined in Section 854(15) of the General Municipal Law of the State); and WHEREAS, on October 9, 2024, the Agency adopted an initial project resolution (the “Inducement Resolution”) whereby the Agency (i) accepted the Company’s application, (ii) described the Project and the forms of Financial Assistance contemplated by the Agency,

and (iii) authorized the scheduling and conduct of public hearing all pursuant to and in accordance with the Act; and WHEREAS, in accordance with the Inducement Resolution, the Agency published and forwarded a notice of public hearing to the Affected Tax Jurisdictions at least ten (10) days prior to said public hearing (the "Public Hearing"); and WHEREAS, pursuant to Section 859-a of the Act, the Agency held the Public Hearing on November 18, 2024 at 1PM at the Essex County IDA offices, 7566 Court Street, Elizabethtown, New York with respect to the Project and the proposed Financial Assistance being contemplated by the Agency where interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and WHEREAS, in furtherance of the foregoing and in order in order to assist the Company, the Company will lease the Project to the Agency pursuant to a Company Lease Agreement (the "Company Lease Agreement"), and the Agency has agreed to lease the Project to the Company pursuant to an Agency Lease between the Company and the Agency (the "Agency Lease"), enter into a payment in lieu of tax ("PILOT") agreement with the Company (the "PILOT Agreement"), and enter into a Project Agreement with the Company (the "Project Agreement", and together with the Company Lease Agreement, Agency Lease, and the PILOT Agreement, the "Transaction Documents"), for good and valuable consideration in the amount of approximately \$1.00, and to provide Financial Assistance, whereby the Company will be obligated to lease the Project from the Agency and the Agency will be obligated to lease the Project to the Company until the termination of the Agency Lease; and WHEREAS, the Agency's retention of a leasehold interest in the Project throughout the Agency Lease will enable the Agency to confer State law tax exemption benefits on the Company and its contractors and subcontractors; and WHEREAS, the Agency is authorized to grant a mortgage and security interest in and with respect to the Project and assign the Transaction Documents as collateral to a lender or lenders for the Company, as may be required by such lenders, if applicable; and WHEREAS, all determinations necessary to be made by the Agency under Article 8 of the State Environmental Quality Review Act ("SEQRA") and the regulations promulgated thereunder by the New York Department of Environmental Conservation have been or will be made prior to the granting of Financial Assistance and appropriate resolutions have been or will be adopted by the Agency pursuant to SEQRA; NOW, THEREFORE, BE IT RESOLVED by the Essex County Industrial Development Agency, as follows: Based upon the representations made by the Company to the Agency in the Application, the Agency hereby finds and determines that: By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and It is desirable and in the public interest for the Agency to appoint the Company as agent to undertake the Project and to empower the Company to appoint its contractors and subcontractors as indirect agents of the Agency; and The action to be taken by the Agency will induce the Company to undertake the Project, thereby increasing employment opportunities within Essex County, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and The Project will not result in the removal of a facility or plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed

occupant of the Project located within the State; and The Agency hereby approves the PILOT payment schedule attached hereto as Exhibit A for the Project and its inclusion in the PILOT Agreement. The Agency hereby authorizes the Company to proceed with the acquisition, construction, installation and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency and hereby authorizes the execution of the Transaction Documents by the Agency. To provide for the consummation of the transaction contemplated herein, the Chairman, Vice Chairman or any other appropriate officer of the Agency, alone or in conjunction with such officers, are hereby authorized and directed to execute, acknowledge and deliver, for and in the name and on behalf of the Agency, the Transaction Documents, and any other documents in connection with the Financial Assistance or the financing of the Project by the Company, including any necessary mortgages (collectively, the "Agency Documents") upon the advice of special counsel to the Agency. The Chairman, Vice Chairman or any other appropriate officer of the Agency, alone or in conjunction with such officers, are authorized and directed to execute, deliver and, if applicable file, for and in the name and on behalf of the Agency, any certifications, financing statements, assignments and other instruments and documents which are necessary or appropriate to consummate the transactions contemplated in the Agency Documents and to perfect the assignments contemplated in the Agency Documents. Pursuant to Section 875(3) of the Act, the Agency may recover or recapture from the Company, its agents, contractors, subcontractors, or any other party authorized to make purchases for the benefit of the Project, the extent of any improper sales and use tax exemption benefits taken or purported to be taken by the Company, its agents, contractors, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, contractors, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, contractors, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for financial assistance; (v) the sales and use tax exemption benefits are taken in cases where the Company, its agents, contractors, subcontractors, or any other party authorized to make purchases for the benefit of the Project fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the Company obtains mortgage recording tax benefits and/or real property tax abatements and fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project (collectively, items (i) through (vi) hereby defined as a "Recapture Event"). As a condition precedent of receiving sales and use tax exemption benefits and real property tax abatement benefits, the Company, its agents, contractors, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must (i) if a Recapture Event determination is made by the Agency, cooperate with the Agency in its efforts to recover or recapture the extent of any improper sales and use tax exemption benefits, mortgage recording tax benefits and/or real

property tax abatements abatement benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency establishes were improper, if and as so required to be paid over as determined by the Agency. It is found and determined that all formal actions of the Agency concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Agency, and that all deliberations of the Agency that resulted in those formal actions were in meetings open to the public, in compliance with the law. This Resolution shall take effect and be in force immediately or at the earliest time permitted by law. This motion was made by Jamie Rogers and seconded by John Boyea. All members were in favor.

Business Park Development

1. Moriah Business Park
 - a. Lot #4 Building (High Peaks Hospice) – No update
 - b. Lot #11 CV-TEC Update – Winter, slow construction

Business Development

1. Marketing/Internet Based Monthly Report – No comments
2. Grant Administration
 - a. Agriculture Producers Revitalization 2024 Microenterprise Grant Program – Businesses have begun requisitioning funds and have until May to spend funds.
 - b. Ti DRI Small Projects Fund – Combined application for Main Street & Micro-Enterprise in being administered by North Country Rural Development Coalition.
 - c. Town of Jay Micro-Enterprise Grant Application – Town of Jay is requesting a \$200,000 grant. Program/admin delivery to be completed by IDA through Subrecipient Agreement in the amount of \$25,000 if grant awarded.

Motion #2025-31: A motion to approve a Subrecipient Agreement with the Town of Jay for program/admin deliver of a \$200,000 Micro-enterprise grant with the IDA receiving \$25,000 was made by Darren Darrah and seconded by Jamie Rogers. All members were in favor.

New Business

1. 2024 Employee Reviews

Motion #2025-32: A motion to go into executive session at 10:53AM to discuss personnel reviews was made by Darren Darrah and seconded by Jamie Rogers. All members were in favor.

Motion #2025-33: A motion to go out of executive session at 10:59AM was made by John Boyea and seconded by Darren Darrah. All members were in favor.

Motion #2025-34: A motion to approve 5% raises for Jody Olcott and Carol Calabrese and a \$2,600 raise for Sarah LaFountain effective January 1, 2025 was made by John Boyea and seconded by Matthew Stanley. All members were in favor.

2. March Abstract for Payment

Motion #2025-35: A motion to approve the March Abstract for Payment was made by Darren Darrah and seconded by Jamie Rogers. All members were in favor.

3. January/February Financial Reports – No Comments

4. Next Meeting Date – April 22, 2025 at 9:00AM

Adjourn

Motion #2025-36: A motion to adjourn the meeting at 11:00AM was made by Darren Darrah and seconded by John Boyea. All members were in favor.