

MINUTES OF MEETING AND RESOLUTION (EXTRACT)

A meeting of the County of Lewis Industrial Development Agency was convened in public session on February 3, 2022 at 8:15 AM local time.

The meeting was called to order by Joseph Lawrence, the Chairman, and upon roll being called, the following members of the Agency were:

PRESENT:

Joe Lawrence	Chair
Ronald Burns	Member
Herb Frost	Member
Tom Gillette	Member
McKenzie Lehman	Member
Darlene Rowsam	Member

ABSENT:

Gagan Singh	Vice Chair
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AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Brittany Davis	Executive Director of Economic Development
Cheyenne Steria	Director of Finance and Incentives
Jenna Kraeger	Economic Development Specialist
Kevin McArdle, Esq.	Agency Counsel

The following resolution was offered by **Herb Frost**, seconded by **McKenzie Lehman**, to wit:

Resolution No. 0222-04

In the course of the meeting the Board discussed the status of the Tug Hill Artisan Roasters, LLC project to renovate the real property at 7514 South State Street in the Village and Town of Lowville, Lewis County, New York , including (a) the request for benefits involving the County of Lewis, the Town and Village of Lowville and the Lowville Central School District relative to potential real property tax, sales tax, and mortgage tax exemptions, (see, Exhibit A), and (b) previous Town of Lowville environmental review and findings with regard to the project, and (c) the results of a public hearing conducted regarding this project.

Subsequently, on motion duly made and seconded during the course of the meeting the following resolution was placed before the members of the County of Lewis Industrial Development Agency:

RESOLUTION TAKING OFFICIAL ACTION TOWARDS THE ISSUANCE OF FINANCIAL ASSISTANCE TO TUG HILL ARTISAN ROASTERS, LLC FOR PROJECT TO RENOVATE THE REAL PROPERTY AT 7514 SOUTH STATE STREET IN THE VILLAGE AND TOWN OF LOWVILLE, LEWIS COUNTY, NEW YORK INTO AN EXPANDED ROASTERY AND CAFE; DETERMINING COMPLIANCE WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT WITH RESPECT TO SUCH PROJECT; DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO SUCH PROJECT; AND AUTHORIZING PUBLIC HEARINGS WITH RESPECT TO SUCH FINANCING.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 62 of the Laws of 1973 of the State of New York, as amended and codified as Section 903 of the General Municipal Law (the "Act"), the COUNTY OF LEWIS INDUSTRIAL DEVELOPMENT AGENCY (the "Agency") was created with the authority and power to own, lease and sell property and to issue its bonds as authorized by the Act; and

WHEREAS, TUG HILL ARTISAN ROASTERS,, LLC (the "Company") has presented an application (the "Application") to the Agency, copies of which were circulated at this meeting and a copy of which is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") consisting of:

(A) Acquisition of the real property known as 7514 South State Street, in the Village and Town of Lowville, Lewis County, New York (the "Land"); and

(B) the exterior and interior structural renovation and improvement of the former Lewis County Jail facility located on the Land and related infrastructure (the "Improvements") for the purpose of an expanded coffee roaster and café and leasing space for commercial enterprises; and

(C) the acquisition and installation of machinery, equipment and other tangible personal property in, upon and around the Improvements and the Land (the "Equipment"; and collectively with the Land and the Improvements, the "Facility"); and

(D) paying certain costs and expenses incidental to those activities (the costs associated with items A and B and C above being hereinafter collectively referred to as "Project Costs"); and

WHEREAS, the Agency is contemplating providing financial assistance to the Company with respect to the Project (collectively, the "Financial Assistance") in the form of: (1) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included in or incorporated into the Improvements or constituting Equipment, (2) the retention of title to the Facility by the Agency for a period of time so as to enable the Company to enter into an agreement regarding payments in lieu of real property taxes (a "PILOT Agreement") with the Agency for the benefit of each municipality and school district having taxing jurisdiction over the Project and the Facility, and (3) an exemption from all mortgage

recording taxes with respect to any qualifying mortgage on the Facility (or such interest in the Facility as is conveyed to the Agency) to secure bonds or notes executed by the Company for the purpose of obtaining financing for some or all of the costs of the Project (SEE, EXHIBIT A); and

WHEREAS, the Town/Village of Lowville Planning Board, as lead agency, (1) on April 28, 2021 accepted an environmental impact statement prepared with respect the Project as the final environmental impact with respect thereto, pursuant to New York's State Environmental Quality Review Act and regulations promulgated pursuant thereto ("SEQRA"), and (2) on April 28, 2021 adopted a statement of findings and decision relative to the environmental impact statement as the lead agency written findings statement relative to the Project, as required by SEQRA;

WHEREAS, the Agency understands that the Town/Village of Lowville Planning Board, as lead agency, has in reviewing and approving the issuance of a Special Permit for the Project conducted an environmental assessment, including a review of environmental impact statements, to determine whether the Project would have a significant impact on the environment under the applicable standards of Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (said law and regulations hereinafter collectively referred to as "SEQR") and has concluded that the Project would have no negative environmental impact;

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

Section 1. The Agency hereby adopts the SEQRA findings statement of the Town/Village of Lowville Planning Board as the Agency's written findings statement relative to the Project; and

Section 2. Based upon the representations made by the Company to the Agency in the Company's application, and otherwise, and based also on a review of the Project concept and plans by the members of the Agency, the Agency hereby finds and determines that:

- (A) 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
- (B) It is desirable and in the public interest for the Agency to (i) acquire title to or a leasehold interest in the Improvements, the Land and the Equipment, (ii) sell or sublease the Agency's interest in the Improvements, the Land and the Equipment

to the Company pursuant to an agreement or agreements to be negotiated, and (iii) make available to the Company the other elements of the Financial Assistance; and

- (C) The Agency has the authority to take the actions contemplated herein under the Act; and
- (D) The action to be taken by the Agency will induce the Company to undertake the Project, thereby increasing employment opportunities in Lewis County and otherwise furthering the purposes of the Agency as set forth in the Act; and
- (E) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing 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

Section 2. The granting of other contemplated Financial Assistance for the Project, other than the sales tax benefits previously approved by the Agency, shall be subject to:

- (A) The conducting of all necessary public hearings relating to the Project, the Facility, and the proposed Financial Assistance which are required by the Act;
- (B) Agreement by the Agency and the Company on terms for the PILOT Agreement which are consistent with the Agency's uniform tax exemption policy.

Section 3. The immediate granting of Financial Assistance for the Project up to, but not in excess of, \$99,999 without prior public hearing is within the prerogative of the Agency under the Act, is warranted to enable the Company to proceed expeditiously with the Project, and is hereby authorized in the form of exemption from state and local sales and use taxes up to, but not in excess of, \$99,999; and

Section 4. The granting of other contemplated Financial Assistance for the Project shall be subject to:

- (A) The conducting of all necessary public hearings relating to the Project, the Facility, and the proposed Financial Assistance which are required by the Act;
- (B) Agreement by the Agency and the Company, with input from the affecting taxing jurisdictions, on mutually acceptable terms for the PILOT Agreement.

Section 5. From and after the adoption of this Resolution, the officers, agents and

employees of the Agency are hereby authorized, empowered and directed to proceed with the undertakings provided for or contemplated herein on the part of the Agency, and the Chairman and the Executive Director of the Agency are further authorized to perform such acts and things and to execute all such documents on the Agency's behalf as may be necessary or convenient to carry out and comply with the terms and provisions of this Resolution , such documents to be in form and substance acceptable to them and to Campany, McArdle & Randall, PLLC, Agency counsel; and

Section 6. The chairman and the executive director of the Agency, or either one of them, is hereby empowered on its behalf to schedule such public hearings of the Agency with regard to the Project, including any associated with the Agency's entry into the PILOT Agreement, as are required by the Act and to execute such documents as may be required to effect and facilitate the granting of the Financial Assistance in accordance with the terms of this Resolution.

Section 7. The Chairman of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 8. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote of the members on roll call, and the result was as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Joseph Lawrence	[X]	[]	[]	[]
Darlene Rowsam	[X]	[]	[]	[]
McKenzie Lehman	[X]	[]	[]	[]
Ron Burns	[X]	[]	[]	[]
Gagan Singh	[]	[]	[]	[X]
Thomas Gillette	[X]	[]	[]	[]
Herbert Frost	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.



 Cheyenne Steria, Acting Secretary

EXHIBIT A

DESCRIPTION OF THE EXPECTED INCENTIVES

Sales Tax Exemption benefit estimated at \$39,949

Mortgage Recording Tax Exemption estimated at \$1,109

Real Property Tax Exemption to follow Schedule A of the Universal Tax Exemption Policy, for Targeted Industries, as follows:

Schedule A. Targeted Industries/Manufacturing
Year 1 – 5: 75% exemption
Year 6 – 10: 50% exemption
Year 11-15: 25% exemption