

**NOTICE OF PUBLIC HEARING
(Tupper Lake Mews, LLC Project)**

August 15, 2024

VIA CERTIFIED MAIL/
RETURN RECEIPT REQUESTED

To: The Chief Executive Officers of
Affected Tax Jurisdictions on Schedule A

Re: County of Franklin Industrial Development Agency:
Tupper Lake Mews, LLC Project
Notice of Public Hearing and
Delivery of Agency Initial Project Resolution

Ladies and Gentlemen:

Please note that on September 3, 2024 at 5:00 p.m., local time, at Town of Tupper Lake Offices, 120 Demars Boulevard, Tupper Lake, New York 12986, the County of Franklin Industrial Development Agency (the “Agency”) will conduct a public hearing regarding the above-referenced project. Enclosed is a copy of the Notice of Public Hearing describing the Project and the Financial Assistance contemplated by the Agency. The Notice has been submitted to the *Adirondack Daily Enterprise* for publication.

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application (including a cost-benefit analysis), which is also available for viewing on the Agency's website at: <https://adirondackfrontier.com/about-us/resource-library/>. The Agency will also live stream the public hearing through its webpage and also encourages all interested parties to submit written comments to the Agency, which will all be included within the public hearing record. Any written comments may be sent to Jeremy Evans, AICP, Chief Executive Officer, County of Franklin IDA, 360 West Main Street, Malone, New York 12953 and/or via e-mail at jeremy@adirondackfrontier.com.



Franklin County Industrial Development Agency

355 West Main Street, Suite 428, Malone, NY 12953 | P: 518.483.9472

AdirondackFrontier.com

We are providing this notice to you, pursuant to General Municipal Law Section 859-(a), as the chief executive officer of an affected tax jurisdiction within which the project is located.

On May 8, 2024, the Agency adopted an Initial Project Resolution (the “Initial Project Resolution”) with respect to the Project. Pursuant to GML Section 859-a(a-1), please also find enclosed a copy of the Initial Project Resolution for your records.

Very truly yours,

COUNTY OF FRANKLIN INDUSTRIAL
DEVELOPMENT AGENCY

Schedule A

Affected Tax Jurisdiction Officials

Franklin County, New York

#9489-0090-0027-6423-6032-68

The Honorable Edward Lockwood
Chair of the Franklin County Board of
Legislators
355 West Main Street, Suite 409
Malone, New York 12953

Town of Tupper Lake

#9489-0090-0027-6423-6032-75

The Honorable Rick Dattola
Town Supervisor
120 Demars Boulevard
Tupper Lake, New York 12986

Tupper Lake Central School District

#9489-0090-0027-6423-6032-82

Jaycee Welsh, Superintendent
Tupper Lake Central School District
294 Hosley Avenue
Tupper Lake, New York 12986

Village of Tupper Lake

#9489-0090-0027-6423-6032-99

The Honorable Mary A. Fontana
Village Mayor
Village of Tupper Lake
53 Park Street
Tupper Lake, New York 12986

Tupper Lake Central School District

#9489-0090-0027-6423-6033-05

Jane Whitmore
Board of Education, President
Tupper Lake Central School District
294 Hosley Avenue
Tupper Lake, New York 12986

Franklin County, New York

#9489-0090-0027-6423-6033-12

Donna Kissane, County Manager
355 West Main Street, Suite 456
Malone, New York 12953

Tupper Lake Central School District

#9489-0090-0027-6423-6033-29

Shauni Kavanagh, District Clerk
Tupper Lake Central School District
294 Hosley Avenue
Tupper Lake, New York 12986

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law (the “Act”) will be held by the County of Franklin Industrial Development Agency (the “Agency”) on September 3, 2024, at 5:00 p.m. local time, at Town of Tupper Lake Offices, 120 Demars Boulevard, Tupper Lake, New York 12986, in connection with the matter described below.

TUPPER LAKE MEWS, LLC, for itself and/or for an entity or entities to be formed (collectively, the “Company”), has submitted an application to the Agency requesting the Agency’s assistance with a certain project (the “Project”) consisting of (i) the acquisition by the Agency of a leasehold interest in an approximately 18 acre parcel of real property located at 124 Demars Boulevard in the Village of Tupper Lake, New York (the “Land”, being more particularly described as tax parcel No. 490.26-1-1); (ii) the planning, design, construction and operation of an approximately 54,000 square foot, 3-story hotel facility containing approximately 100 hotel rooms, along with other related amenities, site work, exterior access and egress improvements, parking, curbage, signage, utility and related exterior improvements (collectively, the “Improvements”); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the “Equipment” and, collectively with, the Land and the Improvements, the “Facility”); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the “Straight Lease Transaction”).

The Agency is contemplating providing financial assistance to the Company with respect to the Project (collectively, the “Financial Assistance”) in the form of: (A) an exemption from all State and local sales and use taxes with respect to qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction or equipping of the Facility; (B) mortgage recording tax exemption(s) relating to financings undertaken by the Company in furtherance of the Project; and (C) a partial real property tax abatement provided through a Payment in Lieu of Tax Agreement (the “PILOT Agreement”).

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company’s Project Application (including a cost-benefit analysis), which is also available for viewing on the Agency’s website at: <https://adirondackfrontier.com/about-us/resource-library/>. The Agency will live-stream the public hearing through its webpage and encourages all interested parties to submit written comments to the Agency, which will all be included within the public hearing record, which can be submitted to Jeremy Evans, AICP, Chief Executive Officer, County of Franklin IDA, 360 West Main Street, Malone, New York 12953 and/or via e-mail at jeremy@adirondackfrontier.com.

DATED: August 16, 2024

COUNTY OF FRANKLIN INDUSTRIAL
DEVELOPMENT AGENCY

INITIAL PROJECT RESOLUTION

IDA Resolution 2024-11

(Tupper Lake Mews, LLC – Tupper Lake Hotel Project)

A regular meeting of the County of Franklin Industrial Development Agency was convened on Wednesday, May 8, 2024.

The meeting was called to order by James Ellis, Board Chair, with the following members being:

PRESENT: Sherry Boyea (via zoom)
James Ellis
Archie McKee
Melissa Mills (via zoom)
Nate Monette
Nick Russell

ABSENT: Clyde Rabideau

THE FOLLOWING PERSONS

WERE ALSO PRESENT: Jeremy Evans, CEO
Maria Bourgeois, Operations Manager
Rachel Child, Community Development Manager
Mike Dunyk, Washington Street Partners

On motion duly made by Melissa Mills and seconded by Sherry Boyea, the following resolution was placed before the members of the County of Franklin Industrial Development Agency:

Resolution No. 2024-11

RESOLUTION OF THE COUNTY OF FRANKLIN INDUSTRIAL DEVELOPMENT AGENCY (THE “AGENCY”) (i) ACCEPTING THE APPLICATION OF TUPPER LAKE MEWS, LLC (THE “COMPANY”) WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW); (ii) AUTHORIZING THE SCHEDULING AND CONDUCT OF A PUBLIC HEARING WITH RESPECT TO THE PROJECT; (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY; AND (iv) AUTHORIZING THE NEGOTIATION OF CERTAIN AGREEMENTS RELATING TO THE PROJECT

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 453 of the Laws of 1970 of the State of New York, (hereinafter collectively called the “Act”), the **COUNTY OF FRANKLIN INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called the “Agency”) was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing, renewable energy and commercial facilities as authorized by the Act; and; and

WHEREAS, **TUPPER LAKE MEWS, LLC**, for itself and/or for an entity or entities to be formed (collectively, the “Company”), has submitted an application to the Agency requesting the Agency’s assistance with a certain project (the “Project”) consisting of (i) the acquisition by the Agency of a

leasehold interest in an approximately 18 acre parcel of real property located at 124 Demars Boulevard in the Village of Tupper Lake, New York (the “Land”, being more particularly described as tax parcel No. 490.26-1-1); (ii) the planning, design, construction and operation of an approximately 54,000 square foot, 3-story hotel facility containing approximately 100 hotel rooms, along with other related amenities, site work, exterior access and egress improvements, parking, curbage, signage, utility and related exterior improvements (collectively, the “Improvements”); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the “Equipment” and, collectively with, the Land and the Improvements, the “Facility”); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of

Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the “Straight Lease Transaction”); 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: (A) an exemption from all State and local sales and use taxes with respect to qualifying personal property included in or incorporated into the Facility or used in the construction and equipping of the Facility; (B) mortgage recording tax exemption for project financing; and (C) a partial real property tax abatement through a payment-in-lieu-of-tax agreement (the “PILOT Agreement”), pursuant to which the Company would make payments in lieu of real property taxes to the Agency for the benefit of each affected tax jurisdiction (the “Affected Tax Jurisdictions”); and

WHEREAS, pursuant to and in accordance with Section 859-a of the Act, the Agency desires to schedule and conduct a public hearing relating to the Project and the proposed Financial Assistance; and

WHEREAS, the Agency desires to (i) accept the Application, (ii) describe the forms of contemplated financial assistance; and (iii) authorize the scheduling and conduct of a public hearing pursuant to and in accordance with the Act.

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

Section 1. Based upon the representations made by the Company to the Agency in the Application, 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 a leasehold interest in the Land, Improvements and the Equipment constituting the Facility, (ii) lease the Agency's interest in the Land, Improvements and Equipment constituting the Facility to the Company pursuant to a lease agreement to be negotiated, and (iii) enter into a Straight Lease Transaction; and

(C) Subject to the terms and conditions set forth within Section 4, hereof, 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 capital investment and employment opportunities in the Village and Town of Tupper Lake 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 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 finds that, based on the

Company's Application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other facility or plant to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries.

Section 2. The proposed financial assistance being contemplated by the Agency includes (i) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included within the Project or used in the acquisition, construction or equipping of the Project, (ii) mortgage recording tax exemption for project financing and (iii) a partial real property tax abatement through PILOT Agreement, pursuant to which the Company would make payments in lieu of real property taxes to the Agency for the benefit of the Affected Tax Jurisdictions.

Section 3. The Agency further authorizes the scheduling and conduct of a public hearing as required by Section 859-a of the Act (the “Public Hearing”). Prior to such Public Hearing, The Chairman, Vice Chairman, and/or the Chief Executive Officer of the Agency are hereby authorized and directed to negotiate the terms of one or more PILOT Agreements for the Project in accordance with the Agency's Uniform Tax Exemption Policy (“UTEP”).

Section 4. The Agency's formal inducement to undertake the Project and approve the Financial Assistance shall be by one or more further resolutions of the Agency and shall be subject to the terms and conditions as are set forth therein.

Section 5. Harris Beach PLLC, as Transaction Counsel for the Agency, is hereby authorized to work with Agency General Counsel and counsel to the Company and others to prepare for submission to the Agency all documents necessary to effect the conduct of the Public Hearing and the authorization and undertaking of the Project.

Section 6. The Chairman, Vice Chairman, and/or the Chief Executive Officer of the Agency are hereby authorized and directed to negotiate, but not execute, certain lease agreements, an Agent and Financial Assistance and Project Agreement (the “Agent Agreement”), the PILOT Agreement(s), and related documents to undertake the Straight Lease Transaction. The Agency's authorization of the Project and the Financial Assistance shall be subject to the adoption of Agency resolutions relative to same.

Section 7. The Chairman, Vice Chairman and Chief Executive Officer of the Agency are 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. 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 and to execute and deliver all such 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 the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 9. 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:

Member	YEA	NAY	ABSTAIN	ABSENT
Boyea, Sherry	X			
Ellis, James	X			
McKee, Archie	X			
Mills, Melissa	X			
Monette, Nate	X			
Rabideau, Clyde				X
Russell, Nick	X			

Resolution 2024-11 was thereupon duly adopted.

SECRETARY'S CERTIFICATION

STATE OF NEW YORK)
COUNTY OF FRANKLIN) SS:

I, the undersigned Secretary of the County of Franklin Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the County of Franklin Industrial Development Agency (the "Agency"), including the resolution contained therein, held on May 8, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that 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 modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this **10th** day of **May**, 2024.

Nick Russell

Nick Russell (May 10, 2024 13:23 EDT)

Nick Russell, Secretary

10/05/24






2024-05-08 IDA Resolution 2024-11 Tupper Lake MEWS, LLC Initial Resolution

Final Audit Report

2024-05-10

Created:	2024-05-10
By:	Maria Bourgeois (maria@adirondackfrontier.com)
Status:	Signed
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"2024-05-08 IDA Resolution 2024-11 Tupper Lake MEWS, LLC Initial Resolution" History

-  Document created by Maria Bourgeois (maria@adirondackfrontier.com)
2024-05-10 - 3:38:51 PM GMT
-  Document emailed to Nick Russell (nickrussell25@gmail.com) for signature
2024-05-10 - 3:38:56 PM GMT
-  Email viewed by Nick Russell (nickrussell25@gmail.com)
2024-05-10 - 5:23:14 PM GMT
-  Document e-signed by Nick Russell (nickrussell25@gmail.com)
Signature Date: 2024-05-10 - 5:23:35 PM GMT - Time Source: server
-  Agreement completed.
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