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

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IN THE MATTER OF:

Agency Allegany County Industrial Development  
Agency (the "Agency")

Project Beneficiary: Swain Recreation Center,  
L.L.C. (the "Company")

Project Location: Hamlet of Swain, Town of Grove,  
Allegany County, New York

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Hearing Date: November 6, 2023

Hearing Time: 7:00 p.m.

Hearing Location: Town of Grove Town Hall  
2275 County Road 24  
Hamlet of Swain, Town of Grove  
Allegany County, New York

## 1 ATTENDEES:

2

3 Craig R. Clark, PE, PHd, Executive Director to  
4 Allegany County Industrial Development Agency

5 Terri Ross, County Treasurer

6 Sue Morris - Town of Grove Clerk

7 Richard Morris - Town of Grove assessor

8 Joseph L. Budinger - Director Allegany County Real  
9 Property

10 Carissa Knapp - Allegany County Administrator

11 Jonathan Gorton - Town of Grove Supervisor

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1 DR. CLARK: Good evening. I've got  
2 a script here. My name is Dr. Craig  
3 Clark, and I'm the executive director of  
4 the Allegany County Industrial Development  
5 Agency in connection with the project,  
6 which is a subject of this public hearing.  
7 Today, I'm holding the public hearing to  
8 allow citizens to make a statement for the  
9 record relating to involvement in the  
10 Agency with the following project for the  
11 benefit of Swain Recreation Center, LLC,  
12 and New York State, Limited Liability  
13 Company.

14 On December 28th, 2011, the Agency  
15 granted certain financial assistance to  
16 the Company in connection to the project,  
17 which consisted of the following: The  
18 acquisition of interest and parcels of  
19 land, having an address of 2275 Main  
20 Street, County Road 24 in Hamlet of Swain,  
21 Town of Grove, Allegany County, New York,  
22 Tax Parcel Identification Numbers  
23 33-1-43.11, 32-1-17, and 32-1-16.1.

1           Together, existing buildings, the  
2           existing facilities located thereon the  
3           renovation and reconstruction of existing  
4           facilities and the acquisition and  
5           installation therein and thereon of its  
6           certain machinery, equipment,  
7           infrastructure. And together with the  
8           land existing facilities being  
9           collectively referred to as a project, all  
10          the foregoing to be owned by the Company  
11          and operates a ski resort.

12           The granting of certain financial  
13          assistance with respect to the foregoing  
14          included potential exemptions and certain  
15          sales and use tax, real property tax, real  
16          transfer tax, and mortgage reporting  
17          taxes. The lease of this project facility  
18          to the Company or person to the terms of  
19          the lease agreement dated December 1,  
20          2011, by and between the Agency of the  
21          Company.

22           Due to increasing costs and  
23          increased regulation in the ski industry,

1 the Agency received an application from  
2 the Company with respect to the 2011  
3 project proceeding to which the Company  
4 request that the Agency consider granting  
5 additional financial assistance in  
6 connection with the 2011 project.

7 I intend to provide general  
8 information on the Agency's general  
9 authority and public purpose to  
10 project -- provide assistance to the 2011  
11 project, I'll then open this comment  
12 period to receive comments from all  
13 present who wish to comment on either the  
14 2011 project or additional financial  
15 assistance being contemplated by the  
16 Agency.

17 Amount of financial assistance being  
18 considered. However, before discussing  
19 the general information and opening  
20 hearing for public comments, I'd like to  
21 first describe some details regarding  
22 additional financial assistance.

23 The estimated value of tax exemptions

1 would be \$402,904.21 in real property tax  
2 exemptions.

3 Provisions of Chapter 1030 of Laws  
4 of 1969 of New York, constituting Title 1  
5 of Article 18-A, the General Municipal  
6 Law, Chapter 24 of Consolidated Laws of  
7 New York amended, and Chapter 99 of the  
8 1973 Laws of the State of New York as  
9 amended and codified in Section 906-a of  
10 said General Municipal Law, authorize the  
11 Agency to promote, develop, encourage, and  
12 assist in the acquiring, constructing,  
13 reconstructing, improving, maintaining,  
14 and equipping and furnishing of  
15 manufacturing, warehousing, research  
16 commercial industrial facilities, among  
17 others.

18 Pursuant to Section 859-a, the  
19 General Municipal Law of the State of New  
20 York, prior to the Agency providing any  
21 financial assistance more than a hundred  
22 thousand dollars to any project, the  
23 Agency, among other things, must hold a

1 public hearing pursuant to Section 859-a  
2 of the Act with respect to said project.  
3 Since proposed financial assistance to be  
4 provided by the Agency exceeds a hundred  
5 thousand dollars, then prior to providing  
6 any financial assistance of more than a  
7 hundred thousand dollars noted to the  
8 additional financial assistance with  
9 respect to the 2011 project, the Agency  
10 must hold a public hearing on the nature  
11 and location of the project and the  
12 proposed financial assistance be provided  
13 by the Agency.

14 After consideration of 223  
15 applications received from the Company,  
16 the members of the Agency adopted a  
17 resolution on October 12th, 2023,  
18 authorizing executive director of the  
19 Agency to conduct the public hearing with  
20 respect to proposed additional financial  
21 assistance.

22 Executive director of the Agency  
23 caused notice of this public hearing to be

1 mailed. October 18th to the chief  
2 executive officer of Allegany County, Town  
3 of Grove, and the Canaseraga Central  
4 School District published on October 26th  
5 in "The Spectator," a newspaper of general  
6 circulation available to the residents.  
7 Copies of note of public hearing are  
8 available on the table.

9 And unless there's an objection, I'm  
10 going to suggest waiving the full reading  
11 of the notice of the public hearing.

12 Anybody want to read that one, too?

13 (No response.)

14 DR. CLARK: Thank you. We'll put  
15 the full text to that notice in the public  
16 hearing.

17 The comments received today at the  
18 public hearing presented to the members of  
19 the Agency at or prior to the meeting at  
20 which the members of the Agency will  
21 consider whether to approve the granting  
22 of the requested additional financial  
23 assistance by the Agency in excess of a



1 hundred thousand dollars in respect for  
2 this project.

3 The notice of the public hearing  
4 indicated that written comments could be  
5 addressed by Craig R. Clark, and I've  
6 received no written comments to this stage  
7 except for what has been noted and  
8 e-mailed. I do have one from the  
9 Canaseragea School District, which would  
10 be entered into this public hearing.  
11 If there's a Company representative at the  
12 public hearing. I'll now introduce Shane  
13 of the Company --

14 MS. ROSS: Shawn.

15 DR. CLARK: Shawn. Sorry. Didn't  
16 write that letter to Shawn, who will  
17 describe the proposed additional financial  
18 assistance.

19 Do you have any comments, Shawn?

20 MR. SCHOONOVER: No.

21 DR. CLARK: Okay.

22 MR. SCHOONOVER: Thanks everybody  
23 being for here.

1 DR. CLARK: Okay. I will now open  
2 this public hearing for public comment at  
3 7:06.

4 By way of operating, if you wish to  
5 make a public comment, please raise your  
6 hand and I'll call on you. Please wait to  
7 be recognized, once recognized, please  
8 stand and state your name and address for  
9 the record. And if there are any  
10 comments, it will all be recorded and also  
11 be part of the public hearing.

12 For the -- like I said, and we'll be  
13 open for at least 15 minutes after the  
14 scheduled start of this public hearing.  
15 So at this time, are there public comments  
16 regarding this public hearing and the  
17 financial assistance from any of the  
18 members present? You don't have to, but  
19 you can.

20 Terri, go ahead.

21 MS. ROSS: Yep. Terri Ross, county  
22 treasurer. I know there's some concerns  
23 on the County side about the parcels that

1 are included. There was concern because  
2 one of them is the subdivision and there  
3 are issues with issuing a clean tax search  
4 if they're included in the pilot.

5 DR. CLARK: Okay.

6 MS. ROSS: So our concerns are about  
7 that. Our concerns are about the schedule  
8 that is -- hasn't been completely detailed  
9 that we can see. What we did see was a  
10 15-year pilot with the first ten years at  
11 no payment. And the other concern we have  
12 is obviously the delinquent pilot that has  
13 been expired and the fact that the parcels  
14 were not put on a roll at the end of that  
15 pilot and they've only added to the  
16 delinquencies on the last pilot that was  
17 approved. So, I guess, I'll make that  
18 part of the record.

19 DR. CLARK: I'd like to --

20 MS. ROSS: There's probably more  
21 other things, but that's what --

22 DR. CLARK: If there are other  
23 things, Terri, just add them in writing as

1 well, like Chad did. We're not going to  
2 act on this Thursday. We won't act on it  
3 until December.

4 MS. ROSS: Okay.

5 DR. CLARK: So we have plenty of  
6 time to get you additional information of  
7 the schedule as well as anything else that  
8 you will consider.

9 MS. ROSS: And the delinquencies are  
10 then attached --

11 DR. CLARK: Sure.

12 MS. ROSS: -- to the --

13 DR. CLARK: I think Chad also  
14 mentioned the payment plan, which I think  
15 we should put in there.

16 MS. ROSS: Thank you.

17 DR. CLARK: Anything else from the  
18 County or the Town? Any comments?

19 You don't have to have one, I'm just  
20 asking.

21 MR. GORTON: No. We -- we support  
22 this proposal.

23 MR. MORRIS: What effect -- Richard

1 Morris. I'm the assessor of the Town of  
2 Grove.

3 DR. CLARK: Okay.

4 MR. MORRIS: What -- what effect  
5 would putting a new value on the ski area  
6 impact this agreement?

7 DR. CLARK: It will not because the  
8 agreement -- assuming that it -- it's  
9 already at a different assessed value,  
10 what would change would be after it comes  
11 off the pilot.

12 MR. MORRIS: Because I didn't have  
13 anything to do with what the assessed  
14 value of it is.

15 DR. CLARK: Right.

16 MR. MORRIS: A couple of lawyers  
17 decided that --

18 DR. CLARK: Right.

19 MR. MORRIS: -- back when Phil  
20 Saunders had the property, took us to  
21 court and a couple lawyers got in a room  
22 and decided what the value of the ski area  
23 was.

1 DR. CLARK: Right.

2 MR. MORRIS: Now, according to New  
3 York State, we could value it on what it  
4 would cost to build it or we could value  
5 it on what other ski areas are selling for  
6 or the third way, we could do an income  
7 and expense valuation and try to come up  
8 with a -- a better idea of what to value  
9 the ski area should be.

10 So I'm of the inclination to -- if I  
11 could sit down with Shawn sometime and get  
12 income and expense information, revalue  
13 the ski area to a point where maybe they  
14 could come back on the roll full-time, pay  
15 their taxes, and be like everybody else.

16 DR. CLARK: I think that would be  
17 helpful. This gives you time to be able  
18 to do that because I agree that's the  
19 whole goal is to get it back on the tax  
20 rolls at a reasonable --

21 MR. MORRIS: Yes.

22 DR. CLARK: -- value.

23 MS. ROSS: I'd like to add another

1 comment on that, too.

2 DR. CLARK: Sure.

3 MS. ROSS: As far as how the  
4 assessment was to determine for the pilot  
5 at \$750,000 and how the benefits of the  
6 pilot were calculated, the 400,000 and  
7 120,000 that were located in that pilot.

8 The other question that should come  
9 to mind is that there's no increments for  
10 any of the improvements on the property.  
11 The past pilots have been land only for so  
12 many years and then it escalated up with  
13 percentage. This one looks like it will  
14 be a flat 750 for the entirety of the 15  
15 years with escalation at the last five  
16 years.

17 DR. CLARK: Right. And we can  
18 change that, too.

19 MS. ROSS: So I -- I wasn't  
20 sure --

21 DR. CLARK: That was --

22 MS. ROSS: -- I wasn't sure how the  
23 750 was determined and --

1 DR. CLARK: -- that was -- that was  
2 determined based upon the request going  
3 between 750 and a million, thinking that  
4 was a more reasonable value. Did we have  
5 a number or we don't have assessed that we  
6 didn't get -- we did not get an  
7 suspect -- assessment on.

8 MR. MORRIS: Craig, is this proposed  
9 pilot, is that available because I'm  
10 coming late to the game? I have not --

11 DR. CLARK: Sure.

12 MR. MORRIS: -- seen a copy of it to  
13 really --

14 DR. CLARK: What Terri is asking is  
15 more details and we'll get you more  
16 details, but I'm telling you it is based  
17 upon the -- the values that Dan put  
18 forward are based upon  
19 assessment -- assessed value of 750 and  
20 it's 15 years no taxes, and then five  
21 years (inaudible) ten years --

22 MS. ROSS: No. It's ten years no  
23 taxes --



1 DR. CLARK: Fifteen years of pilot,  
2 ten years no taxes.

3 MS. ROSS: But no escalation on  
4 (inaudible).

5 DR. CLARK: Which is 2 percent after  
6 that, which we can still add some of those  
7 things in.

8 MS. ROSS: Well, and obviously, the  
9 County's concern is the fact that there's  
10 no payments made for ten years, which  
11 puts -- puts them behind the eight ball  
12 anyway. You know, that this is a second  
13 failed pilot and this would be the third  
14 pilot and, I mean, I certainly don't have  
15 a problem supporting a pilot --

16 DR. CLARK: Right.

17 MS. ROSS: -- but I think it needs  
18 to be reasonable so that, you know, it  
19 doesn't remain delinquent like the current  
20 one is.

21 DR. CLARK: I think part of that  
22 would help that we got a -- a payment plan  
23 put together in the pilot.

1 MS. ROSS: There are also no  
2 provisions that I saw in the pilot that  
3 deal with when they're in default.

4 DR. CLARK: I've got that done,  
5 Terri. So after this meeting, we'll have  
6 time to get to you the full write-up on  
7 the pilot before we approve it because we  
8 got the -- you got another five weeks.  
9 Okay.

10 MS. ROSS: You said December 14th?

11 DR. CLARK: Yes.

12 MS. ROSS: Okay.

13 DR. CLARK: Yeah. We're not going  
14 to act on it this Thursday. So this  
15 Thursday will be a discussion with the  
16 Board. We'll make sure the full pilot,  
17 what it looks like, will be presented to  
18 you before we actually act on it.

19 MR. BUDINGER: I just got one  
20 comment.

21 DR. CLARK: Including the schedule.

22 MR. BUDINGER: If I could --

23 DR. CLARK: Sure.

1 MR. BUDINGER: -- obviously, I'm  
2 not -- Joe Budinger of Real Property. I'm  
3 not speaking on behalf of the County  
4 because I haven't discussed it with Terri  
5 or our administrator.

6 I remember back -- going back, what  
7 was it -- 15 years ago prior to the 2011  
8 pilot, it seems like this is a reoccurring  
9 issue. Like I said, this is just a  
10 statement.

11 DR. CLARK: Sure.

12 MR. BUDINGER: Ideally, I'm not  
13 going to speak for Richard either, but  
14 ideally if -- if -- from my office's  
15 standpoint, the ideal situation would be  
16 to come up with a -- an assessment that  
17 everybody --

18 DR. CLARK: Mm-hmm.

19 MR. BUDINGER: -- could live with  
20 and put it back on the rolls, that way  
21 we're not revisiting this issue  
22 periodically. And that's pretty much --

23 MS. ROSS: For the life of the

1 pilot.

2 MR. BUDINGER: Yeah.

3 DR. CLARK: I think we all agree  
4 with that, but this gives you time to  
5 figure out to do that so we can keep them  
6 afloat that we are looking at truly  
7 assessed value put together.

8 MS. KNAPP: Craig, this is Carissa  
9 Knapp, county administrator. I just want  
10 to agree with everything Terri and Joe  
11 said --

12 DR. CLARK: Mm-hmm.

13 MS. KNAPP: -- the County is  
14 supportive if Swain is important for  
15 economic development in County. However,  
16 having had these same issues with the last  
17 pilot, we -- we don't want to see, you  
18 know, ten years of zero payments and all  
19 of a sudden ten years from now we have the  
20 same issues with the new pilot, too. So I  
21 do think that repayment plan on their  
22 current --

23 DR. CLARK: Mm-hmm.

1 MS. KNAPP: -- delinquencies is very  
2 important that that be done. Any year  
3 they have a zero payment going forward,  
4 that it would be unreasonable to expect  
5 this to succeed if they just are making  
6 zero payments on the new pilot and they're  
7 not paying years on the old pilot, as  
8 well.

9 And I think as Joe pointed out that  
10 assessment that would be the ideal  
11 situation, if their assessment was  
12 reasonable and they were just not taxable.

13 DR. CLARK: Mm-hmm.

14 MS. KNAPP: They do need to be on  
15 the tax list.

16 MS. ROSS: And there are  
17 consequences for putting them on the tax  
18 roll --

19 DR. CLARK: Mm-hmm.

20 MS. ROSS: -- obviously, because the  
21 short time of not paying it is much  
22 shorter. But at the same time, it makes  
23 it easier for the municipality, such as

1 the school who is dependent on, you know,  
2 those funds coming in and they're not  
3 getting them. It does put the onus on the  
4 County because the County will end up  
5 making -- having to make them whole if  
6 they're on roll.

7 But at the same time, it holds  
8 everyone responsible in a time frame  
9 instead of spreading it out over 15 years  
10 again. And, you know, unfortunately,  
11 it -- it's in a bad spot, I guess, at this  
12 point. I'll just say that in 15 years  
13 from now, I don't think anybody in this  
14 room currently will come back.

15 MS. KNAPP: I don't want the next  
16 time (inaudible) --

17 DR. CLARK: And I think  
18 that -- that's why this pilot has to be  
19 refined yet to conclude what Chad has  
20 mentioned, what Terri has mentioned, you  
21 have mentioned, so that's clearly  
22 articulated.

23 MS. ROSS: You know, I would like to

1 get that cleaned up about the parcels that  
2 are included because I think that helps  
3 Swain --

4 DR. CLARK: Be able to sell those  
5 parcels.

6 MS. ROSS: -- all those properties  
7 that we've talked about that before and I  
8 was a little surprised when I read it that  
9 all three parcels were listed again. I  
10 guess I was under the understanding of  
11 just the main parcel and not the other two  
12 small --

13 DR. CLARK: That'll also -- that can  
14 be rectified. Yes.

15 MR. BUDINGER: So it is correct that  
16 there's three parcels that will be  
17 involved.

18 DR. CLARK: Well, there  
19 are -- in -- in the -- in the documents we  
20 have so far, the full three parcels, we  
21 have to look to make sure those other lots  
22 because we don't want to have those  
23 included like what we talked about. Okay.

1 MR. BUDINGER: So those -- those  
2 will go out to next year's roll.

3 DR. CLARK: If it's -- as a  
4 statement, that's what we got to look at.

5 MR. BUDINGER: Okay.

6 DR. CLARK: Yes.

7 MR. BUDINGER: Okay.

8 MS. ROSS: And are you talking about  
9 the other three that are exempt, as well?  
10 So there's really --

11 DR. CLARK: Correct.

12 MS. ROSS: -- there's three that are  
13 not included in any pilot --

14 DR. CLARK: Okay.

15 MS. ROSS: -- agreement that are  
16 exempt that something needs to be  
17 addressed with those three parcels then.  
18 Just one of those parcels have operations  
19 on it, too.

20 MR. MORRIS: (Inaudible) Richard, I  
21 don't like it, sir.

22 MS. ROSS: I don't think so.

23 MR. GORTON: No.



1 DR. CLARK: Well --

2 MS. ROSS: I think they're just -- I  
3 don't think so, either.

4 DR. CLARK: -- we'll have to look at  
5 those and clarify those.

6 MS. ROSS: Just vacant land, I  
7 think.

8 MR. MORRIS: The (inaudible)  
9 parking --

10 MS. ROSS: Yeah.

11 MR. MORRIS: -- lot down here on  
12 Mill Street and --

13 MR. GORTON: The -- the  
14 (inaudible) --

15 MR. MORRIS: I almost thought that  
16 was in the pilot, though. I'm not sure.

17 DR. CLARK: We'll have to -- we'll  
18 have to sit down and look at those parcels  
19 to make sure --

20 MR. GORTON: (Inaudible).

21 MR. MORRIS: Yeah. Because that's  
22 part of the operation that should be made  
23 probably.

1 MS. ROSS: But it's never been  
2 detailed in a pilot.

3 DR. CLARK: That's what I'm saying.  
4 We need to fix that.

5 MS. ROSS: So they don't have any  
6 backup as to why they're exempt. They're  
7 just not exempt. They don't have any  
8 pilot.

9 MR. MORRIS: Oh, I see.

10 MS. ROSS: So maybe there's no --

11 MR. MORRIS: Okay. All right.

12 DR. CLARK: That's why we want to  
13 clarify. So everybody's clear --

14 MR. MORRIS: Yeah.

15 DR. CLARK: -- which makes sense.  
16 So we'll sit down and look at that. Are  
17 there any other comments? Because  
18 luckily, we've already gone over 15  
19 minutes, so whenever you're done  
20 accommodating, we're done. So --

21 MS. KNAPP: I -- I just -- I -- I do  
22 want to add, and I know Terri's kind of  
23 outlined the problems but another one for

1 the County's perspective, I think having  
2 all those parcels in there has made it  
3 very difficult for Terri's office when  
4 they do accept payments on these arrears  
5 to figure out how to apply it and then,  
6 you know, how do I release some of those  
7 little parcels for those subdivisions?  
8 That's a burden on the treasurer's office  
9 that, you know, we normally don't  
10 experience in pilots.

11 DR. CLARK: Mm-hmm.

12 MS. KNAPP: It's frustrating, I  
13 think, for her and her staff, although  
14 she's probably too kind to say that.

15 DR. CLARK: We'll figure out. We'll  
16 sit down and look at those with Shawn.

17 Okay. Any other comments? We got  
18 yours on the record. We'll get it all  
19 typed up and talk to the board.

20 Any other comments?

21 MS. KNAPP: Thank you.

22 DR. CLARK: If not -- so if there's  
23 no further comment, then I'll close the

1 hearing at 7:21. And I want to thank for  
2 everybody attending and this was  
3 the -- like I said, this was a good debate  
4 and discussion, so thank you.

5 Appreciate it. And we're done.

6 (Whereupon, the hearing was concluded.

7 at approximately 7:21 p.m.)

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