

APPENDIX A



Town of Malta
Building/Planning Department
2540 Route 9
Malta, NY 12020
www.malta-town.org

Saratoga County

Phone: (518) 899-2685
Fax: (518) 899-4719

September 24, 2014

To all involved agencies:

Town of Stillwater Town Board
NYSDEC
NYSDEC Region 5
Saratoga County Industrial Development Agency
Mechanicville/Stillwater Industrial Development Agency
Saratoga County Planning Board

Re: LFTCEDC/GLOBALFOUNDRIES – Application to Amend the LFTCPDD in the Towns of Malta and Stillwater

Dear Sir/Madam:

Attached is the Malta Town Board of the Notice of Intent to re-establish itself as lead agency under SEQRA with regard to the above referenced PDD amendment application submitted by Luther Forest Technology Campus Economic Development Corporation and GLOBALFOUNDRIES to the Town of Malta on September 19, 2014. The Notice, along with a copy of the Third Supplemental Draft Environmental Impact Statement (TSDEIS), has been provided by the applicants to all involved agencies.

Pursuant to 6 NYCRR 617.6(b)(3)(i), kindly allow this letter to advise you that the lead agent must be agreed upon by the involved agencies within 30 calendar days of the date the TSDEIS was mailed or hand delivered to you. Failure to respond to enclosed Notice within the 30 day period will be deemed to be consent to the Town of Malta re-establishing itself as the lead agent.

Thank you for your consideration of this matter.

Sincerely,

Anthony Tozzi,
Building and Planning Coordinator

State Environmental Quality Review

Notice of Intent to Become Lead Agency

This notice is issued in accordance with Article 8 (State Environmental Quality Review Act) of the New York State Environmental Conservation Law and 6 NYCRR Part 617 *et seq.*, the implementing regulations therefor (the “SEQRA Regulations”).

On November 3, 2014, the Town Board of the Town of Malta, Saratoga County, New York (the “Town Board”) intends to pass a resolution to reestablish and confirm its status as lead agency in the coordinated environmental review of the action described below. The proposal is classified as a Type I action according to §617.4(b)(6)(i) of the SEQRA Regulations.

Enclosed with this notice is one (1) copy of the application for an amendment to the Luther Forest Technology Campus Planned Development District No. 46 in the Town of Malta. The applicants have previously mailed a copy of the proposed Third Supplemental Draft Environmental Impact Statement to each involved agent.

In accordance with the criteria in §617.6(b)(5)(v)(‘a’) of the SEQRA Regulations, the Town Board intends to reestablish itself as lead agency because (1) the impacts are primarily of local significance and the greatest potential impacts and public concerns about fiscal and potential changes in “community character” would be in the more developed and populous areas of Malta, and, (2) with respect to the Town of Stillwater, the 2002 Intermunicipal Agreement between the two towns designates the Town of Malta Town Board as lead agency while outlining the expanded SEQRA role Stillwater plays in the environmental review process within LFTC because “a significant portion of the Project site is situate in Stillwater.” Pursuant to §617.6(b)(3)(i), a lead agency must be designated within thirty (30) calendar days of the date of this notice. The Town Board will assume that it has received consent to become the lead agency if an involved agency does not send a written objection within this time. However, in order to expedite the review process, the Town Board requests that all involved agencies reply as soon as possible about whether or not there is agreement with the reestablishment of the Town Board as the lead agency for this proposal. For your convenience, a response form has been included at the end of this notice.

Name of Action:

Luther Forest Technology Campus Economic Development Corporation &
GLOBALFOUNDRIES US, INC.

Towns of Malta and Stillwater

Planned Development District Amendment Application

Submission Date: September 19, 2014

Description of Action:

In summary, LFTCEDC (with co-applicant GLOBALFOUNDRIES US, INC) propose amendments to various sections of the Luther Forest Technology Campus Planned Development District (LFTCPDD) in both the Town of Malta and the Town of Stillwater concerning uses, PILOT restrictions, subdivision and soil disturbance restrictions, and noise.

Location:

Saratoga County, Town of Malta
Luther Forest Technology Campus

For Further Information:

Contact Person: Anthony Tozzi
Address: Town of Malta, 2540 Route 9, Malta, New York 12020
Telephone: (518) 899-2695
Fax: (518) 899-4719
E-mail: planningdir@malta-town.org

A Copy of this Notice Sent To:

Town of Stillwater Town Board (involved agency)
New York State Department of Environmental Conservation
Region Five Office, New York State Department of Environmental Conservation (involved agency)
Saratoga County Planning Board
Saratoga County Industrial Development Agency
Mechanicville/Stillwater Industrial Development Agency

SEQRA REPLY FORM

RE: LFTCEDC
Luther Forest Technology Campus
Towns of Malta and Stillwater
Planned Development District Amendment Applications
Submission Date: September 19, 2014

Pursuant to the SEQRA Regulations, the undersigned agency hereby consents to the Town of Malta Town Board becoming the lead agency in the coordinated environmental review of the proposal described in the notice that accompanied this reply form.

Date: _____, 2014

Agency: _____

By: _____
(Name – Typed or Printed) (Title)

(Signature)



**Department of
Environmental
Conservation**

ENB - Region 5 Notices 11/12/2014

Adirondack Park Agency Completed Applications

County: Essex

Applicant: Jerry and Janet Stipp

Office: Adirondack Park Agency (APA)

P.O. Box 99, Route 86

Ray Brook, NY 12977

Phone: (518) 891-4050, ext. 207

APA Contact: Tracy J. Darrah

APA Project Number: 2014-154

Project Title: Jerry and Janet Stipp

Location: NYS Route 73 in the Town of Keene, New York.

For Adirondack Park Agency: Comment Period Ends: November 28, 2014

Project Description: Amend APA Permit 2006-204 to allow for a 2,400 square foot addition with a 2,500 square foot deck to the east end of the existing 3,500 square foot commercial use furniture shop. A 2,500 square foot quilt shop structure is also located on the property and associated with the commercial use. Several trees will be planted at the west end of the deck.

County: Franklin

Applicant: New York State Department of Transportation (NYS DOT) - Region 7 Office

317 Washington Street

Watertown, NY 13601

Contact for this Project: Robert G. Peck

NYS DOT - Region 7, 8th Floor Highway Design

317 Washington Street

Watertown, NY 13601

Office: Adirondack Park Agency (APA)

P.O. Box 99, Route 86

Ray Brook, NY 12977

Phone: (518) 891-4050, ext. 207

APA Contact: Thomas E. Saehrig

APA Project Number: 2014-0171

Project Title: New York State Department of Transportation (NYS DOT) - Region 7

Location: NY Route 3 within the Village of Tupper Lake, Town of Tupper Lake, New York.

For Adirondack Park Agency: Comment Period Ends: November 27, 2014

Project Description: The project involves reconstruction of existing state highways within the village of Tupper Lake. Improvements to geometrics, drainage and stormwater management, utilities, sidewalks, landscaping, retaining walls, parking, pavement and appurtenances will be made. There will be detours on village streets during construction. The project involves the shoreline of Raquette Pond and lands under the jurisdiction of the New York State Department of Environmental Conservation (NYS DEC), minor impacts to wetlands and waste disposal areas.

Negative Declaration

Saratoga County - The Town of Halfmoon Planning Board, as lead agency, has determined that the proposed Linden Village

Planned Development District will not have a significant adverse environmental impact. The action involves the enactment of Local Law #5-2014 creating the Linden Village Planned Development District, a proposed residential development consisting of 48 single family homes on approximately 38.8 acres. The total acreage of physical disturbance will be approximately 17.8 acres. The project will utilize public water and public sewer, with on-site stormwater management and the use of existing on and off-site drainage ways. There are 7.11 acres of federal wetlands, with proposed disturbance of a maximum .5 acres, which will be mitigated based upon approval through an Army Corp of Engineers (ACOE) permit. The project is located on the west side of Dunsbach Road between Crescent Vischer Ferry Road and Woodin Road in the Town of Halfmoon, New York.

Contact: Richard M. Harris, Town of Halfmoon, Town Hall, 2 Halfmoon Town Plaza, Halfmoon, NY, 12065, Phone: (518) 371-7410, extension 2601, E-mail: rharris@townofhalfmoon.org.

Positive Declaration

Saratoga County - The Town Board of the Town of Malta, as lead agency, has determined that the proposed Luther Forest Technology Campus Planned Development District (LFTC PDD) Amendment Application may have a significant adverse impact on the environment and a Draft Environmental Impact Statement must be prepared. The action involves amendments to the LFTC PDD which would modify provisions concerning allowable uses, restriction on payment-in-lieu-of-taxes (PILOT) agreements, timing of subdivision approvals and soil disturbance permits, location for noise monitoring and decibel limitations, the timing and calculation of development fees, and the elimination of development agreements in favor of a fee. The project is located in portions of the Towns of Malta and Stillwater, New York.

Contact: Anthony Tozzi, Town of Malta, 2540 Route 9, Malta, NY 12020, Phone: (518) 899-2685.

To place a classified ad, call us at:
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 Or stop by our main office,
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 NY

CLASSIFIED

Cont. from
page C5

Legal Notices

quest to be placed on the Planholders List at www.dot.ny.gov/doing-business/opportunities/const-planholder. Amendment may have been issued prior to your placement on the Planholders List. NYSPDOT on procedure and contact can only be made with designated persons. Contract with non-designated persons or other involved Agencies will be considered a serious matter and may result in disqualification. Contact Maria Tamarkin (518) 490-4603. Goals: with 0% Goals are generally single operation contracts, which sub-contracting is not expected, and may present direct bidding opportunities for Small Business Firms, including but not limited to, D/W/MBEs. The Contractor must comply with the Regulation relative to non-discrimination in federally assisted programs of the

Legal Notices

ny each bid, NYSDOT reserves the right to reject any or all bids. Electronic documents and Amendments are posted to www.dot.ny.gov/doing-business/opportunities/const-planholder. Amendment may have been issued prior to your placement on the Planholders List. NYSPDOT on procedure and contact can only be made with designated persons. Contract with non-designated persons or other involved Agencies will be considered a serious matter and may result in disqualification. Contact Maria Tamarkin (518) 490-4603. Goals: with 0% Goals are generally single operation contracts, which sub-contracting is not expected, and may present direct bidding opportunities for Small Business Firms, including but not limited to, D/W/MBEs. The Contractor must comply with the Regulation relative to non-discrimination in federally assisted programs of the

Legal Notices

ment (with multi-tiered two lane structure) over the Erie Canal, Town of Macedon, Bid Deposit \$400,000.00. Goals: DBE 8% D262868, PIN 4940.15, F.A. Proj. M001-4940.553, Monroe Co., Bridge Rehabilitation to 940T over Brown's Raceway/Genesee River in the City of Rochester, Bid Deposit \$150,000.00. Goals: DBE 7% Reg. 05, Darrell Kaminski, Regional Director, 100 Seneca Street, Buffalo, NY 14203 D262819, PIN 5812.47, F.A. Proj. M0E1-5812.473, Erie Bridges on Routes 1-190, 951A, 62 & 33 in the Cities of Niagara Falls & Buffalo, Bid Deposit \$150,000.00. Goals: DBE 9% D262830, PIN 5812.66, F.A. Proj. M24E-5812.66, Call over Niagara State Law Enforcement, Bid Deposit \$50,000.00. Goals: DBE 7% Reg. 06, Brian Kelly, Regional Director, 107 Broadway, Hornell, NY 14843 D262836, PIN 6804.75, Allegheny Schuylkill, Steuben & Yates Cos., Large replacement and repair placement on various State Sites on various State Highways. Bid Deposit \$150,000.00. Goals: DBE 12 - 18% Reg. 09, Jack Williams, Regional Director, 47

Legal Notices

GAGE INC., ITS SUCCESSORS AND/OR ASSIGNS bearing date recorded on Liber 24, 2010 and recorded on Liber 4168 of Monroe County, New York, at page 453 of the County of Schenectady on October 12, 2010. Thereafter said mortgage was assigned to Cdfmortgage, Inc. by assignment dated March 13, 2013 and recorded in Liber 4423 at Page 698 in the County of Schenectady on March 13, 2013. said premises being located on 1070 GLENBRIDGE ROAD, NY 12307, NECTADY, NY 12307. Date: October 23, 2014 Batavia, New York Virginia C Grabenstetter, Esq. ROSICKI, ROSICKI & ASSOCIATES, P.C. Attorneys for Plaintiff Batavia Office 26 Harvester Avenue Batavia, NY 14020 665.815.0288 Help For Homeowners in foreclosure this notice also, if the you this notice also, if the foreclosure process. Please read it carefully. Mortgage foreclosure is a complex process. Some people may approach you about "saving" your home. You should be extremely careful about any such promises. The State encourages you to become informed about your options in foreclosure. There are government agencies and legal aid entities and non-profit organizations that you may contact for information about foreclosure while you are working with your lender during this process. To lo-

Legal Notices

dam. Bid Deposit \$400,000.00. Goals: MBE/WBE 13-7% Reg. 08, William Gordon, Regional Director, 4 Buffalo, NY 14203 D262775, PIN 5812.44, F.A. Proj. M24E-5812.443, Putnam & Westchester Counties, Towns of Carmel and Bedford, Hiamlet of Armonk, Bid Deposit \$75,000.00. Goals: DBE 0% D262824, PIN 8812.48, Columbia, Dutchess, Orange, Putnam & Ulster Counties, Bridge Washing and Deck Sealing at Various Locations, Bid Deposit \$150,000.00. Goals: MBE/WBE 13-7% Reg. 09, Jack Williams, Regional Director, 47 Hamilton, NY 13901 D262793, PIN 9177.18, Sullivan County, US Route 209 over Gunmaer Brook, Superstructure Replacement (Precast Prestressed Next Beams) in the Town of Mamakating, Bid Deposit \$150,000.00. Goals: MBE/WBE 13-7% D262811, PIN 9606.90, F.A. Proj. M0E1-9606.903, Chemung, Madison & Otsego Cos., 39.4 Miles of Asphalt Concrete Pothole Repair, Resurfacing and Milling, Bid Deposit \$300,000.00. Goals: DBE 3% Reg. 11, Sonia Pichardo, Regional Director, 47-40, 21st Street, One

Legal Notices

Goals: MBE/WBE 13-7% D262839, PIN 4739.15, Genesee, Livingston, Orleans, Ontario, Orleans, Wayne & Wyoming Counties, Standby Bridge Repair Contract, Various Locations, Bid Deposit \$150,000.00. Goals: MBE/WBE 0-0% Reg. 05, Darrell Kaminski, Regional Director, 100 Seneca Street, Buffalo, NY 14203 D262857, PIN 5811.62, Chautauque, Erie & Niagara Counties, Overhead Signs Replacement and Repair, Bid Deposit \$75,000.00. Goals: MBE/WBE 13-7% Reg. 06, Brian Kelly, Regional Director, 107 Broadway, Hornell, NY 14843 D262823, PIN 6804.96, F.A. Proj. M530-6804-963, Allegheny, Chemung, Schuylkill, Steuben & Yates Cos., Railroad Repairs, Bridge Deck Washing and Sealant, Bid Deposit \$250,000.00. Goals: DBE 3% D262828, PIN 6804.97, F.A. Proj. M24E-6804-973, Allegheny, Chemung, Schuylkill, Steuben & Yates Cos., Bridge deck washing and sealing at various locations. Bid Deposit \$75,000.00. NO PLANS. Goals: DBE 0% D262829, PIN 6804.66, Allegheny, Chemung, Schuylkill, Steuben & Yates Cos., Where & When Bridge Contract, Bid Deposit \$30,000.00. Goals: MBE/WBE 0-0% Reg. 07, Steve Kakkor, Regional Director, 317 Washington Street

Legal Notices

ing on the revised TSEIS on the 2nd day of March, 2015 at 5:00 o'clock P.M. at the Town Hall of the Town of Malta, 2540 Route 9, Malta, New York 12020, and at which hearing all persons desiring to file comments shall be heard and the matter resolved pursuant to SEORA. That the thirty (30) day period for public comment on the TSEIS commences immediately upon the first filing and circulation of the Notice of Completion to all required agencies; and be further that the Town Board of the Town of Malta be directed to publish notification of the said public hearing as required by law, as well as place the TSEIS on the Town of Malta website for public review and comment. ADOPTED: VOTE - AYES - 5 NAYS - 0 STATE Environmental Quality Review Notice of the Completion of the Environmental Draft Impact Statement and Notice of SEOR Hearing Lead Agency: Town Board of the Town of Malta Address: Town of Malta 2540 Route 9 Malta, New York 12020 Date: February 2, 2015 Project No. This notice has been prepared pursuant to

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 Rodney Beagle Sr., East-imator (518) 792-5328



Department of
Environmental
Conservation

ENB - Region 5 Notices 2/11/2015

Adirondack Park Agency Completed Applications

County: Essex

Applicant: Estate of Grace M. DeMacy / Michelle Inkel, executrix

Office: Adirondack Park Agency (APA)

P.O. Box 99, Route 86

Ray Brook, NY 12977

Phone: (518) 891-4050, ext. 207

APA Contact: Susan Parker

APA Project Number: 2014-0144

Project Title: Estate of Grace M. DeMacy

Location: Springfield Road and east shore of the West Branch Ausable River in the Town of Wilmington, New York.

For Adirondack Park Agency: Comment Period Ends: February 26, 2015

Project Description: The project involves a four lot wetland subdivision of 26.38 ± acres creating a 23.21 ± acre vacant lot which contains all the wetlands and river frontage, and three non-wetland lots ranging in size from 1.00 ± to 1.09 ± acres in size, each developed with an existing single family dwelling. No new land use and development on the vacant lot is proposed at this time.

County: Warren

Applicant: National Grid

Contact for this Project: Tracy Miller

National Grid

1 Apollo Drive

Glens Falls, NY 12801

Office: Adirondack Park Agency (APA)

P.O. Box 99, Route 86

Ray Brook, NY 12977

Phone: (518) 891-4050, ext. 207

APA Contact: Devan Korn

APA Project Number: 2014-0166

Project Title: National Grid Pole Replacement and Installation

Location: NYS Route 9L and Barthel Lane in the Town of Queensbury, New York

For Adirondack Park Agency: Comment Period Ends: February 26, 2015

Project Description: The replacement of 41 utility poles and the installation of 25 new utility poles within the Route 9L right-of-way and a utility right-of-way on Barthel Lane in the Town of Queensbury. The new or replacement utility poles will not exceed 40 feet in height from existing grades. There will be minimal vegetative cutting along the road right-of-ways to undertake the project. The replacement of structure 213, located on 9L near the intersection of Stevenson Road, involves wetlands. The replacement of four existing structures and the installation of two new structures along Barthel Lane will also involve wetlands. Impacts to wetlands will be mitigated as part of the project.

Negative Declaration

Washington County - The New York State Department of Environmental Conservation (NYS DEC), as lead agency, has

determined that the proposed Higgins Gravel Pit Expansion will not have a significant adverse environmental impact. The action involves a proposal by the applicant to expand their existing 3.5 ± acre sand and gravel mine by 4.0 ± acres, for a total Life of Mine of 7.5 ± acres. The mine is located on the west side of County Route 49, approximately 2 miles north of its intersection with NYS Route 29 in Greenwich, New York. The mine will continue to operate as a traditional surface opening extraction with material removed by mechanical excavation and processing by screening. Mining below the water table is proposed with a final reclamation objective for the site being a 5.0 ± acre pond.

Contact: Beth A. Magee, New York State Department of Environmental Conservation - Region 5 Warrensburg Sub Office, 232 Golf Course Road, Warrensburg, NY 12885, Phone: (518) 623-1281, E-mail: DEP.R5@dec.ny.gov.

Positive Declaration, Notice of Acceptance of Draft SEIS and Public Hearing

Saratoga County - The Town Board of the Town of Malta, as lead agency, has accepted a Draft Supplemental Environmental Impact Statement on the Luther Forest Technology Campus Planned Development District (PDD) Proposed Amendments. **A public hearing on the Draft SEIS will be held on March 2, 2015 at 6:40 p.m. at the Town Hall of the Town of Malta, 2540 Route 9, Malta, New York 12020.** Written comments on the Draft EIS will be accepted until March 16, 2015. The Draft SEIS is available from the Town Hall of the Town of Malta, 2540 Route 9, Malta, New York 12020 and on line at: www.town-malta.org.

The action involves a joint request from Luther Forest Technology Campus Economic Development Corporation and GLOBALFOUNDRIES, US INC., that certain amendments be made to the PDD legislation in the Towns of Malta and Stillwater in order to change limitations on uses in development areas, expansion of some of the uses and definitions within the PDD, eliminate restrictions on payment-in-lieu-of-taxes (PILOT) agreements within the zone, and alter some of the subdivision, noise, and site plan restrictions in order to achieve parity with other neighboring zones. The project is located at 400 Stone Break Road Extension in portions of the Town of Malta and Town of Stillwater, New York

Contact: Anthony Tozzi, Town of Malta, 2540 Route 9, Malta, NY 12020, Phone: (518) 899-2685, E-mail: planningdir@malta-town.org.

APPENDIX B



Copy TB ✓

December 15, 2014

Town Board, Town of Malta
2540 Route 9
Malta, NY 12020

Dear Supervisor Sausville and Members of the Town Board:

The Center for Economic Growth (CEG) strongly supports the amendment currently proposed to the Luther Forest Technology Campus Planned Development District.

As the regional economic development organization, CEG has a vision of leading Tech Valley as one of the most prosperous and innovative ecosystems in the world. Under our activities as the regional marketing organization, we work aggressively to promote the LFTC and other regional sites for high-tech industry investment.

We believe that the proposed amendment, with its focus on leveling the playing field, expanding uses, and clarifying and updating certain PDD elements with respect to Town standards, will have considerable positive impact for the campus as a destination for expanding companies in the context of a highly competitive global investment environment. The amendment is highly aligned with the desire of individual towns and our region as a whole to attract nanotechnology supply chain and support businesses to further solidify and sustain our status as an industry cluster in that field.

In our conversations with various stakeholders, CEG has learned that the current prohibition on tax abatements through PILOTs does keep LFTC off site selection short lists, and we view it as hampering local governments' flexibility in negotiating with potential new investors.

We value our long-standing collaboration with the Town of Malta to bring sustainable, high-quality economic growth to Tech Valley, for example within CEG's Capital Region Local Government Council and in our current work together on the Saratoga County regional traffic study. Thank you for considering CEG's perspective on this important economic development matter.

Very Truly Yours,

F. Michael Tucker
President & CEO

RECEIVED

DEC 24 2014

Town of Malta
Supervisor's Office

CC. Tom Roohan
Chairman
Luther Forest Technology Campus Economic Development Corporation
28 Clinton Street
Saratoga Springs, NY 12866





December 19, 2014

Supervisor Paul Sausville
Town of Malta
2540 Route 9
Malta, NY 12020

Dear Supervisor Sausville:

This letter is to show our full support for the pending amendments to the Luther Forest Technology Campus PDD before both the Towns of Malta and Stillwater. These amendments will significantly improve SEDCC's ability to attract high-value companies from around the world and will have a positive impact on job growth in Saratoga County.

I have reviewed the proposed PDD amendment's in the third supplemental draft impact statement. We support all the proposed changes, but two of them quickly change our approach for marketing the site. A payment in lieu of taxes agreement or PILOT is necessary when dealing with companies looking to locate anywhere. PILOTS are available anywhere in Saratoga County except LFTC. Having the ability to utilize the Saratoga County Industrial Development Agency's (SCIDA)'s programs will greatly benefit our marketing efforts. We need this tool in our toolbox. PILOTS will make us competitive with other areas of the State and the World. Right now we are at a disadvantage.

The other change that will further help negotiations with potential clients is the development of a more comprehensive and realistic model for development fees, open-space fees and recreation fees. The present process is very convoluted, costly and difficult to manage. Making these changes will enable the client to better understand the expectations and the costs of doing business in the LFTC.

For SEDCC to market the property, these items need to be addressed to allow for better predictability, clarity and leveling the playing field with the competition. It is vitally important all of these issues be corrected now with these amendments.

I look forward to seeing this completed in a timely fashion. If there are any questions or conversations you wish to have regarding this matter, please call me at my office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dennis A. Brobston', is written over the word 'Sincerely,'.

Dennis A. Brobston
President

RECEIVED

DEC 24 2014

Town of Malta
Supervisor's Office

CC: M. Relyea, LFTCEDC

**TOWN OF STILLWATER
PLANNING BOARD
2014 RESOLUTION NO. 50**

WHEREAS, LFTC & Global Foundries have submitted an application for a PDD amendment regarding property located at the Luther Forest Technology Campus; and

WHEREAS, a public hearing was conducted on December 15, 2014 to consider the application; and

WHEREAS, the Planning Board has duly considered the application; and

WHEREAS, the Planning Board discussed the requested changes with the applicant's attorney, Libby Coreno, Esq.; and

WHEREAS, the Planning Board expressed concerns over the 5,000 square foot space limitations placed on commercial businesses. The Planning Board discussed the possibility of allowing businesses to have more than 5,000 square feet but requiring a special use permit for businesses larger than 5,000 square feet; and

WHEREAS, Member Buck expressed concerns for the small businesses outside of the campus that could suffer if businesses like those proposed by the changes are allowed; and

WHEREAS, the Planning Board expressed concerns that the change in the requirements for the conference center provisions could allow for multiple hotels or even a hotel strip. The Planning Board and applicant agreed that this concern could be addressed with language that placed a limit to a single hotel; and

WHEREAS, the Planning Board discussed the changes to the type of uses allowed for research and development facilities and technology and light industrial businesses and concluded that the language proposed was broad enough to allow desired business types while still being within the general concepts of the technology campus; and

WHEREAS, the Planning Board expressed support for the provisions and changes regarding traffic, PILOTS, soil disturbance, and subdivisions; and

WHEREAS, the Planning Board expressed concerns over the proposed changes regarding the noise limits and monitoring locations, and asked for clarification on those provisions. The Planning Board was satisfied with the responses from the applicant; and

WHEREAS, the Planning Board purposefully deferred to the Town Board and did not address the provisions regarding the timing of payments of open space and recreation fees and requests the Town Board to determine the appropriateness of those changes; and

WHEREAS, the Planning Board discussed the changes to the development agreement provision. The Planning Board was in full support of the concept of the change from a development agreement to a set fee based on the square footage. However, the Planning Board expressed strong concern over the use of not-habitable space to determine the square feet of a business subject to the development fee. The Planning Board defers to the Town Board for determining the appropriate fee to charge per square foot; and

WHEREAS, the Planning Board discussed the provisions regarding growth-inducing impacts and although no changes proposed were in part "a" of that section, the Planning Board believes (a)(2) should be changed by defining the size to the square footage of the outside foot print of the building. The Planning Board would defer to the Town Board on the amount to change per square foot; and

WHEREAS, the Planning Board discussed the language of the section referred to as "7. Health and Safety". The Planning Board determined that language regarding a shuttle system between the campus and downtown area of Stillwater should be changed from downtown area of Stillwater to the higher density population areas of Stillwater;

Now, therefore, be it

RESOLVED, that the Planning Board gives a FAVORABLE RECOMMENDATION to the application of LFTC and Global Foundries for a PDD amendment of lands located on the Luther Forest Technology Campus with the following conditions:

1. That section (B)(2) "Campus Commercial" provide that businesses of 5,000 square feet or larger be an allowable use, but that such use for businesses over that size be required to obtain a special use permit;
2. That section (B)(4) "Conference Center" provide that only one hotel is allowed within the campus;
3. That section (G) "Development Agreements" use the square foot of the outside foot print of the building to determine the size of the business and that the Town Board determines what the appropriate amount per square foot to charge as a fee; and
4. That section (X) "Mitigation" (6)(a)(2) define the area as the square foot of the outside foot print of the building and that the Town Board determines the appropriate amount per square foot to charge as a fee; and
5. That Section X. "Mitigation" (7)(a) be amended by changing it from the downtown area of Stillwater to the higher density population areas of Stillwater.

RESOLVED, that the Secretary is authorized and directed to transmit a copy of this Resolution to the Applicant, the Town Clerk and the Building Inspector-Code Enforcement Officer.

A motion by Member Murray, seconded by Member Marotta, to adopt Resolution No. 50.

A roll call vote was taken on Resolution No. 50 as follows:

Chairman Barshied	Yes
Member Buck	No
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Murray	Yes

Resolution No. 50 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 15, 2014.

Sheila Silic, Planning Board Secretary

December 28, 2014

Dear Board Members,

RE: LFTC Zoning changes

We have been owners of a successful small family business in Malta for 23 years. Within that time we have been a major contributor of school, property and sales taxes into our community. We have watched many changes occur within the town with new development. Slowly in the past year we have seen some success with new small businesses opening in our downtown. However, a majority of new store fronts are still vacant.

It has come to our knowledge that LFTC is seeking zoning changes. We agree, this is a great idea to attract high tech tenants and ancillary development into the tech park. However, a portion of this proposal that would be detrimental to small business in our newly developing downtown allows small service businesses within the LFTC. These commercial businesses should be kept in the downtown setting and not allowed within the LFTC as they would be in direct competition with the downtown, leaving no reason for LFTC persons to do business with longtime, taxpaying small businesses that keep the community going. Please, take into consideration the small businesses that are already located within downtown are paying taxes into the community as well as the empty storefronts waiting to be filled. By allowing small businesses to set up in the LFTC would be taking away tax dollars, jobs, and much needed goods and services in our new, growing downtown. Allowing this portion of the zoning to proceed and making your loyal downtown businesses compete would be unacceptable. The intent for the zoning changes within the LFTC are for high tech tenants and ancillary businesses to set up, not for a whole new downtown community to be created when we already have Malta and Stillwater businesses. Please, take this into consideration and leave this portion out of the LFTC zoning changes out.

Thank you for all of your work,

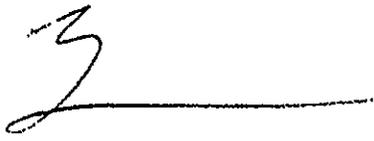
Cristina and William Connolly

Beauty Society Organic Salon
123 Dunning Street
Malta, NY 12020
(518)899-7570

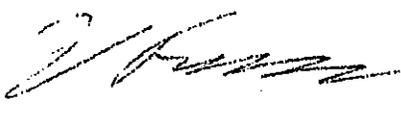
RE: LFTC zoning and planning

The below business owners would like to ask you to please consider removing the section in the LFTC zoning that would allow small businesses to set up within the campus. The original intent for the zoning changes are to allow high tech and ancillary companies into the campus with tax savings. Permitting the clause for small service type business will hurt the current businesses in Malta, Stillwater and even Mechanicville, businesses that have been paying taxes and giving into the community. Allowing this portion of the zoning to proceed and making your loyal downtown businesses compete would be unacceptable. Please, take this into consideration and leave this portion out of the LFTC zoning changes out. Perhaps zoning to make it more attractive for small businesses to set up in our already downtown is a better alternative. This would create tax dollars to stay local and create a sustainable, walk-able community that old and new residents have been waiting for.

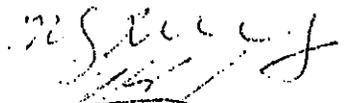
Thank you for your continued hard work.

 Matthew Michele

Wired Coffee & Bagel

 Vincenzo Federico

Vinny's Barber Shop

 Ming Wang

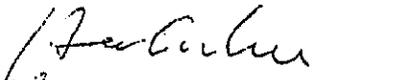
Lina Wang

 David Brubaker

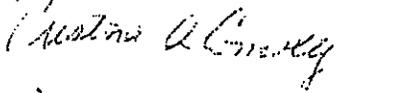
Bliss Hair & Beauty

 Joan Rello

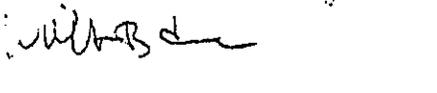
Saranya South Beauty

 Hee Lee

Forest Cleaners

 Christina A. Connolly

Beauty Society Salon

 William Connolly

Beauty Society Salon

RECEIVED
JAN 20 2015
TOWN OF STILLWATER
OFFICE OF BUILDING, PLANNING AND DEVELOPMENT



RAYMOND F. GALLANAN
CHAIRMAN

SARATOGA COUNTY
INDUSTRIAL DEVELOPMENT AGENCY

January 21, 2015

RE: Luther Forest Technology Campus

Dear Supervisor Sausville:

We understand that the Luther Forest Technology Campus Economic Development Corporation (LFTCEDC), in partnership with Global Foundries U.S., Inc., has formally submitted an application to the Towns of Malta and Stillwater requesting certain amendments to the 2004 Luther Forest Technology Campus Planned Development District and that the local review process is now underway.

The Saratoga County Industrial Development Agency (SCIDA) would like to take this opportunity to express its wholehearted support for the requested changes. We believe the amendments are the essential element needed to attract new high tech companies, capital investment, and well-paying jobs to Saratoga County.

The SCIDA has been active in the support of our county's economy for the past 35 years. Since 1980, over 100 projects have been undertaken by the Agency. Two dozen of those companies that SCIDA has assisted are manufacturers of products which include in part, carbide bits, industrial valves for industrial processing and turbine control equipment, robotic systems, silicone fluids, septa membranes, silicone rubber molding compounds, computer control systems for the power generating industry, passenger rail car components, solar inverters, computer software and, of course, computer chips. The SCIDA's assistance has been a key factor in locating new large companies to Saratoga County such as Global Foundries, US, Quad/Graphics and Ball Corp, but many small start-up high tech companies have also decided to locate or grow here due to the quality of life, our workforce, and the County's strong support of the business community.

Taken together, the beneficial economic impacts of SCIDA projects have been very significant. The private sector has invested over 6.7 billion dollars in the construction and equipping of new facilities throughout Saratoga County. Over 11,000 jobs (5,000 of which are manufacturing) have been created or retained with a cumulative annual payroll of over 400 million dollars. Assessed taxable value of SCIDA projects has risen from its pre-IDA involvement of 2.6 million dollars to its current value of 1.2 billion dollars on the County-wide assessment rolls. Over 80 million dollars in payments in lieu of taxes (PILOTs) have been distributed by the SCIDA to the county, city, towns and school districts throughout the County. With Global Foundries, US's

chip fab paying full taxes, annual PILOT payments to local tax jurisdictions are now in excess of 13 million dollars.

From its inception, the Agency has reinvested its fees collected from companies in projects that offer the potential to create economic opportunities for the residents of Saratoga County.

Recognizing the potential long-term benefits of the Campus to our economy, we have made a significant contribution to its development. As early as 2001, the Agency made the first of three loans to Saratoga Economic Development Corporation (SEDC) which would eventually total \$650,000. These investments were to be used to pay the cost of planning, engineering and environmental work required to prepare the Campus for development. Those loans are now a debt of the LFTCEDC. As recently as 2012, the Agency held discussions with the EDC regarding the potential purchase of Area #4 for the cost of forgiving the \$650,000 loan. The Agency also considered contributing \$500,000 of its unrestricted fund balance towards the extension of infrastructure to Area #4 and other adjacent development areas.

The SCIDA Board, by resolution in October, 2012, agreed to continue to negotiate with the LFTCEDC on the land purchase and infrastructure improvements. We continue to invest in the future of the Campus and the Town by most recently providing \$17,000 towards the Saratoga County Regional Traffic Study now underway.

In 2013, we contributed \$185,000 to the Town of Malta to be matched with Saratoga Hospital funds to complete an extension of the County sewer trunk to the north side of NY Route 67 at Exit 12. The Agency will continue to invest in projects that support growth in our commerce and industry.

Tax Abatements

The Planned Development District zoning designation of the Campus was adopted in 2004. At that time, the NYS Empire Zone Program (the "EZP") was in place. This program allowed qualified companies to receive a credit on their annual state corporate franchise taxes equal to the amount of local real property taxes paid. This program was terminated by the State in 2010 because of its increasing costs. Global Foundries, US continues to receive EZP credits due to its status as a qualified participant prior to the program's termination, but going forward no potential businesses considering locating within the Campus would have access to the EZP. Recognizing the benefits of the program, (local tax jurisdictions receive full property taxes while companies still receive tax incentives) the Town inserted into the PDD legislation a specific prohibition against companies receiving any real property tax abatement from the Saratoga County IDA. Additionally, the IDA is prohibited from granting a sales tax exemption from the State 4% sales tax which again had been exempted under the EZP. Although the EZP is no longer available, the prohibition against the granting of abatements still remains in place. The Campus then is the only land within Saratoga County, the region, and most likely the entire State, where a business is legally prohibited from requesting tax abatements in conjunction with

its location decision. This has the effect of placing the Campus in a non-competitive position versus other development areas either across the street (Rte. 9) or across the State.

On October 14, 2014, the Agency amended its 30-year old abatement schedule to provide greater flexibility in determining the appropriate abatement for proposed qualified manufacturing projects. For the first five years, qualified manufacturers may receive an abatement ranging from 50% to 100% of the added value assessment attributed to new construction. From years six through ten, the company may receive an abatement ranging from 0% to 100% of the added value assessment. The amended policy includes specific evaluation criteria to guide the SCIDA Board in determining the percentage of abatement and the term of any future PILOT Agreements.

- Number of jobs retained, salaries, benefits and importance of existing jobs to the County economy
- Amount of Capital investment
- Impact of project on existing businesses or segment of the County economy
- Impact of project on public infrastructure and services

We would also like to address the issue of allowable uses. During the initial planning stages of the Campus, the focus was on the nano-technology industry. That factor was critical in the State's decision to contribute the funds necessary to provide the extensive infrastructure required to support a major chip manufacturer. That strategy was clearly successful, attracting a multi-billion dollar investment by Global Foundries resulting in the creation of over 2300 highly skilled and correspondingly paid full-time jobs. In addition, over 10,000 construction workers have been involved in the project over the past several years. The beneficial spin-off impacts on the local economy are clearly substantial and ongoing. However, other than Global's purchase of its property and the initiation of construction, there has not been a single additional company located within the Campus over the ten years since the zoning was adopted. In comparison, the NYSERDA STEP Park, adjacent to the Campus, has located two large office buildings with SCIDA assistance (of 130,000 sf and 100,000 sf) as well as a technology training facility operated by Hudson Valley Technology College. These projects which serve Global Foundries' operations, as well as other high tech companies such as General Electric, could not locate within the Campus under the current zoning and likely would not, given the aforementioned prohibition against tax abatements. Zoning laws by their nature are subject to continual change and amendments to reflect changes in circumstances on the ground. When the Luther Forest PDD was created in 2004, the accepted plan was to locate several major chip manufacturers within the Campus. The adjacent development areas were zoned with the intent of providing space for support services such as nano-technology manufacturing and research and development at the exclusion of all other high tech industries. This original strategy should be revised and the Campus opened up for a broader range of high technology.

High tech industries draw employees from the same highly educated and skilled work force that the nano-tech industry relies upon. By opening up the zoning to allow a greater range of technology industries, the Town and County could create a real synergy within the Campus where each new business location builds on the potential of attracting additional businesses which draw on a similar workforce and support systems. The Campus is a prime development park with many characteristics attractive to growing companies in search of a new home. The Agency is prepared to actively work with the Towns of Malta and Stillwater, the County, the State and other advocates for the growth and health of our economy.

Specifically, the Agency's Board reaffirmed its willingness to reopen discussions with the LFTCEDC on the purchase of pod #4 and the extension of public infrastructure to make the site "shovel ready." Considering the amount of investment involved, we would need to have the assurance that we would be able to attract potential buyers from a broader spectrum and to offer the types of tax incentives that are an essential element of industrial development in today's marketplace.

The State has invested approximately \$120 million in infrastructure development to support the Campus. Their obligations and commitments to Global Foundries, including Empire Zone credits, are in the hundreds of millions of dollars. The towns, county and Agency have also invested their time and monies to insure that the Campus is a success. Without the requested changes all that investment may continue to go unfulfilled. We urge the decision makers of the towns to take affirmative action on the applicant's request.

Very truly yours,

Raymond F. Callanan, Chairman

Cc: SCIDA Members

LFTCEDC: Thomas Roohan Chair, Michael Relyea, consultant, and Matthew Jones, counsel
Malta and Stillwater planning boards, chairs and members
SCPB, chair
SC Prosperity Partnership
SEDC
Greg Connors, GF

From: Fred & Sylvia Sievers [<mailto:sievers@nycap.rr.com>]
Sent: Friday, February 20, 2015 9:10 PM
To: Paul Sausville; rjennin3@nycap.rr.com; Michael Greenfield
Cc: Malta Mail; Frank Mazza
Subject: Re: Luther Forest PDD Amendments

Paul:

A couple of quick items (it's a rather lengthy report!):

- Table 4-3.1 "Town of Malta Tax Payments"

Column title currently reading "Malta Ridge Vol Fire Co" should be revised "Town of Malta FPD#1"

- Could the newly collected "development fees" be directed to the Fire Companies of Malta to help retire the mortgage on the shared fire station?

- I don't really understand PILOT programs. What I do know is that the fire companies will need continued funding at the current and higher levels in order to provide protection to

current and future projects. This is currently in question with the assessment agreement between the Town and GlobalFoundries that will see their assessment decrease

dramatically over the years

I suspect that as I have a chance to review in ore detail, I will have some additional concerns

Fred

February 23, 2015

Town of Malta Planning Department
2540 Route 9
Malta, New York 12020
Mr. Anthony Tozzi

Reference: Third Supplemental Draft Environmental Impact Statement (TSDEIS)

Dear Mr. Tozzi:

On behalf of the LFTC Community Response Board, thank you for the opportunity to review the latest supplemental draft environmental impact statement for the Luther Forest Technology Campus. In the ten years since the technology campus was envisioned, Global Foundries has become a flourishing business and community partner, and Town citizens and others enjoy the fields and trails developed in the campus as part of the community benefits. We acknowledge that the rest of the technology campus has languished in this uncertain business and financial economy, and we agree that it is in the Town's interest to reassess ways to revitalize development within LFTC.

In general, we do not object to the introduction of PILOT agreements to attract development in the remaining pods. With judicious use of these agreements, the vision of the technology campus can be achieved over time. However, the use of PILOT should be evaluated per applicant and should be prohibited for some types of businesses. For example, campus commercial or day care establishments would directly compete with businesses in the surrounding areas. Allowing them to have a PILOT agreement would give them an unfair advantage over existing businesses outside of LFTC.

Section 4.4 Soil Disturbance

The applicant seeks "the flexibility required creating shovel-ready pads for potential owners within the Campus prior to site plan approval." We feel that this is a reasonable request, and all applicants must abide by restrictions, fees, and deadlines outlined in Chapter 136 of the Town Code.

Section 4.5.1 Subdivision in Advance of Site Plan Approval

We understand the need for subdivision approval prior site plan review. The applicant and the Town should draft procedures similar to those outlined in Chapter 143 of the Town Code. There should be provisions for stabilization and restoration of the soil disturbance if development is not started in a time frame consistent with current codes.

Section 4.5.2 Residential Buffer

The existing neighborhoods voiced their concerns clearly during the original EIS process about the need for a strong buffer between commercial development and the residential areas. There should be no relaxation of the residential buffers. Our neighbors in Stillwater should be afforded the same protections as the Luther Forest residential neighborhoods. Furthermore, it has been demonstrated that while buffers do assist in securing a visual buffer at ground level, they are not as successful as a noise barrier.

Section 4.7 Noise

When noise issues arose during the initial operation of Global Foundries, it demonstrated the elusive nature of noise, its impacts the human ear (volume, frequency), and how topography, weather, foliage, and structures interact with the transmission of the noise. We were fortunate that Global Foundries worked with the Town over a two year period to resolve the noise problems because the problems that surfaced were not adequately addressed in the previous documents.

As noted above, topography, weather, and foliage impact the how noise carries. Currently, some monitoring stations are located in depressions that mask the levels. The Town should review the locations and determine the best locations for sound measurements, based on previous findings. Locations at the PDD property line may not be the best location. Additionally, flexibility for the relocation of the measuring stations should be included as more buildings are constructed, and noise patterns change.

The campus is surrounded by residential areas where residents are accustomed to the quiet of the forest. Any relaxation of decibel levels takes away the rural nature of the area. Decibel levels are not linear, but logarithmic so as levels increase, so does intensity.

Section 5.1 Permitted Uses

Existing town businesses are concerned about the "campus commercial" additions. There should be some analysis of the impact to existing business. It would be counterproductive if the addition of commercial businesses in the campus caused the closure of businesses in the downtown area. If hotels, and commercial service establishments are permitted within the campus, it will create an island where there is no reason to leave and conduct business elsewhere. The Town has worked diligently to develop a sound downtown plan, but it can only succeed if there is traffic from the surrounding businesses and neighborhoods.

If the definition of technology and light industrial is expanded, what is the potential environmental impact, such as air, water, and noise? The document discusses the broader impact on traffic, water, and power levels, but the document does not clearly state that all environmental controls and levels will be enforced. Furthermore, will the proposed industries have different chemicals and operations that are not addressed in the SEQRA record? SEQRA may be required for individual businesses if their industrial processes and discharges are not sufficiently addressed under the current documents.

Section 5.2 Traffic

Given the phased development of the property, construction forces should be included in trip thresholds. While the documents endeavor to define preferred traffic routes, it has been observed that commuters find secondary and tertiary routes if the preferred route appears to be inadequate. Further study is needed on these outlying roadways.

The committee looks forward to working with the Town and the applicant to develop an EIS that is fair and reasonable for all parties.

Sincerely,

Carol P. Henry
On behalf of the LFTC Community Response Board

Cc: Members of Malta Town Board

2540 Route 9
Malta, NY 12020-6312



(518) 899-3434
Fax: (518) 899-3207
Email: psausville@malta-town.org

TOWN OF MALTA

PAUL J. SAUSVILLE
Supervisor, Town of Malta

To: Malta Town Board *Paul J. Sausville*
From: Paul J. Sausville, Town Supervisor
Date: March 2, 2015

Re: Luther Forest Campus – Supervisor’s Comments at Public Hearing on Third Draft Supplemental Environmental Impact Statement (TDEIS)

Following are comments based on my review of the February 2, 2015 Third Supplemental Environmental Impact Statement.

1. Page 8; Identify IDA Tax Abatement Incentives - Section 3.0 reports that companies are not interested in locating on the Campus because tax abatements were not available. Please identify the IDA tax abatement incentives being requested for each business/zoning use proposed in the legislation.

2. Page 8; Develop a Campus Financial Plan – In Section 3.0 and Appendix D, the EIS cites factors such as land prices and \$16 million of infrastructure costs as reasons why new businesses have not been attracted to the Campus. The draft EIS further states that LFTC EDC intends to finance infrastructure using revenues generated by the sale of property in the Campus. Please develop a business plan that shows how costs (e.g. infrastructure costs, land costs, debt repayment, tax incentives/abatements, common area maintenance and marketing/administration costs) will lead to solvency of LFTC EDC and the success of the Campus.

Include in the evaluation a review of organizational changes such as takeover of the Campus by the County or State to ensure long-term financial responsibility and government accountable.

3. Page 22; Financial Impact on Government – Regarding tax incentives, please evaluate benefits, costs and financial impacts on government (schools, county, town, state) using evaluation models such as informANALYTICS. Include indirect impacts such as the freeze on the town’s sales tax share resulting from IDA removal of property from the tax rolls.

4. Future Maintenance/Repair Of Campus Roads – When Malta agreed to build the 5.5 miles of roads in the Campus, the LFTC EDC agreed to be financially responsible for road maintenance and future repair of the roads. The debt to-date for this obligation is \$1,544,100. If the debt is not addressed by the LFTC EDC, please explain the how these expenses will be addressed.

The LFTC EDC also agreed to cover electricity costs related to lighting of Campus roads. Please address financial alternatives to cover these costs considering such financing arrangements as a lighting district.

5. Page 22, Table 4-3.1; Depreciating Assessment For Semiconductor Manufacturing – Table 4-3.1 shows the tax payment by GlobalFoundries but does not show the depreciation curve and declining tax revenue to government that will extend over 50 years. The assessment reductions should be shown and annual decline in revenues for each taxing district should be tabulated.

6. Start-up New York Eligibility Page 30 – The County Economic Development Strategic Plan,” March 2014 state that the LFTC has the potential for leveraging many of New York’s incentive programs. The EIS reports that the LFTC EDC is not eligible for Start-Up New York incentives. Please discuss initiatives and efforts underway to ensure future Campus tenants qualify for all State incentive.

7. Appendix A Proposed Amendments – The proposed amendments add “campus commercial” to the following development areas; 2, 3, 4, 5, 6, 7, 8, 9 and 11. This would allow for fast foods, convenient stores, retail store and a variety of other commercial uses throughout most areas of the Campus. This appears to be a major conflict with the Town’s Master Plan and Downtown Plan. Please sponsor a process for reviewing/revising the Town’s Master Plan to ensure the proposal is aligned with the town’s land use plans.

8. Consistency With Economic Development Plan - The County recently prepared “The Economic Development Strategic Plan,” March 2014 which among other things recommends:

- A dedicated property manager for the Campus,
- A new organizational and self-supporting financial model for developing the Campus,
- Creation of a Manufacturing Technology Education Center (MTEC),

Please evaluate the proposed legislation for consistency with the County Economic Development Plan.

CC: Tom Peterson
Tony Tozzi
Tom Roohan
Libby Corino
Joe Lanaro
Mark Schachner
Matt Jones

3/6/15

To the Town Board and Planning Coordinator, Tony Tozzi:

Please accept this letter as my comments regarding the LFTC Third Supplemental DEIS.

- 1) First and foremost, I believe that before ANY change to the original PDD is approved by the Town of Malta, LFTC should be forced to pay all arrearages to the Town of Malta and be current with any obligations owed the town. This would indicate good faith on their part.
- 2) I do not support any changes to the existing permitted uses within the prescribed PDD. At the time of the approval of the existing PDD, I believe the Town Board understood the need to limit the types of uses within the Luther Forest Tech Park (LFTP) so as to not adversely affect any existing businesses in the town outside of LFTP, and also not counter the "spirit" of the Town's Master Plan. To change the permitted uses now, unless all other conditions remain consistent with those businesses located outside of the LFTP, there will be a negative impact on the existing businesses outside of the LFTP as it relates to competition, and undermine the town's master plan.
- 3) As it relates to Section 3.1.3 Tax Abatement Limitation and PILOTs, I am not supportive of a change to the current restrictions UNLESS certain criteria are in place and the remainder of the tax base can be assured that they will not be burdened with having to supplement the funds that would have otherwise been acquired from the future businesses locating within the LFTP. It is this requested change to the PDD where I will focus the majority of my comments.

As stated in one New Jersey court case and echoed elsewhere, but also fully applicable to New York State, "The general rule in interpreting tax exemptions is that such exemptions are to be strictly construed **because an exemption from taxation is a departure from the equitable principal that everyone should bear his just and equal share of the public tax burden**".

To use the argument that "the only way any company will locate within the town of Malta, and more specifically the Luther Forest Tech Park, is if they are given tax abatements", is an indication of a much deeper problem that exists within the State of New York, and that is excessive taxes and government interference. As the Town Board is well aware, the bulk of all county taxes result from State and Federal mandates. These are costs that will exist regardless of the ratable tax base and must be paid. Giving tax abatements does nothing but shift the burden of who will have to fund these fixed costs. Giving tax abatements to businesses simply so they

will locate within Malta is truly a recipe for nothing more than a “race to the bottom” as other localities may also feel the need to do the same so that they may attract these same businesses within their own communities. My discussions with a multitude of Malta residents always results in the same question being asked of me....”Why haven’t my taxes gone down now that Global Foundries is here”? I believe people were somewhat comforted knowing that these continued tax breaks to private companies would not continue throughout the development of the tech park due to the restrictions in the PDD. But lo and behold, this is exactly what is being proposed now. While tax abatements may be positive from the perspective of the developer, the results, especially in the short term, results in a loss of revenue for government entities. As stated above, the fixed costs of government will not go away, but reducing the ratables that pay for these costs, only places the burden on those taxpayers not worthy enough to receive these benefits.

The problem with tax abatements/PILOTs include:

- 1) It shifts the tax burden to the remaining tax base which is mainly comprised of residential properties, many of which are occupied by people on fixed incomes.
 - a. Abatements artificially depress the ratable property base of the town as compared to that of neighboring towns. It is these ratable figures that are used to determine the revenue that the county will require from each municipality. Ultimately, the revenue needs of the county remain unchanged. So when the county apportions its revenue needs among municipalities, neighboring municipalities will shoulder a larger share of the tax burden and the abating town will shoulder less. Of course, the remaining tax burden of the abating town will be borne by the shrunken tax base within the town, most particularly to home owners and other businesses within the town.
- 2) This system distorts the costs and benefits of an abatement deal, as the town may receive greater funds while other entities, particularly school districts, absorb the costs related to the development. This ultimately falls back to the taxpaying public to fund. More specifically in the case of Malta, as the fire department and ambulance corp. are not the beneficiaries of taxes on ratables per se, their funding is based on these ratables. Therefore, if tax abatements are in place, there would be a direct negative impact on the funds received by these two organizations despite the fact that they are directly responsible for the public safety of those new businesses.

- 3) Abatements have a large impact on school funding and the tax burden of other taxpayers in the town and state. When a property tax abatement occurs, the school district receives little to no portion of the PILOT revenue, and thus loses out on the new wealth of the municipality. The new development may also add new unfunded service burdens on the schools. The cost of these burdens must either be absorbed by raising rates on other taxpayers or by paring back services. State school aid may also be affected due to a lower ratable base.
- 4) The new businesses receiving the abatement do not pay the cost of the public services they consume. Tax receipts are lost from the new entities at the same time that this same new development may increase the amount and types of government service being demanded.
- 5) The businesses receiving the abatement may become dependent on the incentive for profit or viability, so when the abatement expires, the business may require a renewed abatement, or it may leave the community entirely, risking a termination of some or all beneficial gains. Many companies never live up to their stated promises.
- 6) As it relates to abatements for retail establishments, retail jobs tend to pay less, be part-time, offer fewer benefits and develop fewer marketable skills as compared to manufacturing, technology, healthcare or similar professional jobs. Such low paying retail jobs often do not relieve many of the public costs associated with low employment as those who are employed often remain reliant on government services. While retail establishments create commercial ratables, they often are less stable than industrial or other large commercial entities because the barriers for retail entities to exit the market are usually lower. Further, when large, national-chain retail establishments are lured through use of abatements, the result in some instances, is mere displacement of smaller retail establishments and the accompanying jobs and tax base.

To be fair, the potential benefits to tax abatements include: increased employment, attracting new business and luring new residents who will also pay more taxes. This doesn't always come to fruition, however. As you are all aware, this portion of the PDD change being requested is largely due to the elimination of the Empire Zone Program that was in place at the time of the original PDD. The reason the Empire Zone Program no longer exists is because it failed to meet economic development goals! The NYS Comptroller reported that job creation failed to meet targets and there were high failure rates among firms at meeting investment, as well as employment goals. Since local

Zones were not evaluating performance, companies failing to meet targets continued to receive tax breaks for years. For almost 10 years, the state legislature tried to combat criticisms and loopholes in the program but none of the reforms succeeded in cleaning it up. The town should learn a lesson from this history and start thinking outside of the box as it relates to luring businesses to the community.

If it is ultimately deemed that any abatements should be allowed to be offered, these abatements should be backward driven and not forward driven. Incentives for positive performance such as job creation, infrastructure improvements or other public benefit, could be offered at predetermined levels once those set parameters are achieved. This could be done through either a tax rebate or tax credit. The benefit to the town would already be determined and therefore the revenue benefit to the taxpayers could easily be presented.

Another alternative to abatements, but equally as important to businesses, is to remove government interference from commercial development as much as is reasonably possible, but still enough to assure public safety. Perhaps some of the more restrictive requirements currently in place for development could be relaxed within the LFTP thus making the barriers to development less burdensome. That alone may be enough of an accommodation to a potential business for them to consider locating within the tech park.

If, however, the town is to entertain any tax abatement change to the PDD, and allow for future tax abatements/PILOTs, I believe the following should be considered before doing so:

- 1) A thorough cost-benefit analysis of community impact should be undertaken before awarding any abatement.
- 2) Provide school boards with formal decision-making power over the abatement of school related portions of property taxes or let school districts directly negotiate PILOTs with the developer.
- 3) Create an independent board for abatements which includes local businesses, private citizens, public safety officials, county officials, school officials and town officials.
- 4) Only allow the town to exempt their portion of tax revenue owed, with abatements of other portions potentially granted at the discretion of the other receiving entities such as counties and schools.
- 5) For long term abatements, put in short term interim reviews to assure compliance, but also leave an option to rescind the abatement if non-compliant.
- 6) Require mitigation fees to cover the cost of fire, police and ambulance protection at a level based on the overall assessment prior to tax abatement.

- 7) At a minimum, the town should be required to provide the taxpayers with all information relating to any tax abatement including the value of the project, the statutory basis for the abatement and the basis for calculating the amount of the PILOT payment or abatement. Without this information, there will be a lack of transparency and accountability.
- 8) Monitoring abatement performance by reviews to see that developers are held accountable to agreed-upon terms or expectations and whether they are producing positive results.
 - a. The abatement is an investment that is designed to produce returns. Any responsible investor would want to know if their investment has in fact generated returns, and the public should expect no less in the abatement process. A list of jobs created is one criteria. If the developer fails to fulfill the terms of the abatement agreement, the agreement can be rescinded. To ensure that appropriate reviews take place, it may be necessary to impose legal obligations in this regard on municipal officials to ensure that they understand their personal accountability in the overall process.

These are but a few of my thoughts. I trust the Town Board will do a thorough review of everything given them by both the public and LFTCEDC as it relates to this Third Supplemental DEIS. I hope a fair and equitable decision will be reached for the benefit of the taxpayers.



Lynda Bablin
4137 Silver Beach Road
Malta, NY 12020
518-796-4377

APPENDIX C

TOWN OF MALTA

**Public Hearing on
Luther Forest Third Supplemental Draft
Environmental Impact Statement (TDEIS)
for Proposed PDD Amendments
as submitted by Luther Forest Technology Campus
Economic Development Corporation**

LOCATION AND TIME:

March 2, 2015 at 6:40 p.m.

Malta Town Hall
2540 State Route 9
Malta, New York 12020

TOWN BOARD MEMBERS PRESENT:

Paul Sausville, Supervisor
Craig Warner, Deputy Supervisor
Tara Thomas, Councilperson
Peter Klotz, Councilperson
Maggi Ruisi, Councilperson
John Hartzell, Councilperson

ALSO PRESENT:

Flo E. Sickels, Town Clerk
Thomas Peterson, Town Attorney

**Karen E. Hand
Official Supreme Court Reporter
625 Sunny Lane, Ballston Spa, New York 12020**

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2 **SUPERVISOR SAUSVILLE:** If I could ask
3 everybody to take a seat, we'll come to order
4 here.

5 For those of you who don't know, this is
6 going to be a public hearing. We actually have
7 two public hearings; one on the Luther Forest
8 Third Supplemental Draft Environmental Impact
9 Statement, and the second will be on the Town
10 Sprinkler Code. So, if you'd like to speak on
11 the first, I would suggest that you go over and
12 sign on the sign-up sheet and we will call you in
13 the order that you've signed up.

14 So, with that, everybody has settled
15 right down and we can get on. My wife asked me
16 what time I'd be home tonight, so sooner is
17 better than later.

18 So, I'd like to open our meeting. This
19 is a hearing, as I mentioned. It's on the
20 changes that are proposed by the Luther Forest
21 Technology Campus, P.C. and the legislation as a
22 basis for the Town's decisions is what they call
23 an Environmental Impact Statement. That impact
24 statement has been crafted in draft form and it's
25 now open for public discussion, questions and

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2 recommendations on information that's needed for
3 the Town to make a decision.

4 So, with that, there is a court
5 stenographer here today that is taking a record
6 of everything. She always likes to have written
7 statements, so if you have a written statement
8 that you can give her, that will make her job
9 that much easier.

10 So, we'll open the meeting, the hearing
11 up, and do we have a list of anybody that signed
12 up? Maybe, Matt, you could bring that up, if you
13 could.

14 **MR. JONES:** How are you this evening?

15 **SUPERVISOR SAUSVILLE:** I'm good. I guess
16 we're going to start with a little presentation
17 by Libby Coreno. Is Libby here?

18 **MR. JONES:** She's in St. Maarten, so I'm
19 going to substitute for her.

20 **SUPERVISOR SAUSVILLE:** Before we begin
21 with the comments on the public hearing, Matt is
22 here to talk about the proposed changes.

23 Matt, the floor is yours.

24 **MR. JONES:** Thank you.

25 Mr. Supervisor, members of the Malta Town

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2 Board, for the purposes of the record, my name is
3 Matthew J. Jones. I'm a lawyer with The Jones
4 Firm, and I am substituting tonight for my
5 partner, Libby Coreno, who is away.

6 This is, Paul, as you mentioned, a public
7 hearing on the TSDEIS, or Third Supplemental
8 Draft Environmental Impact Statement for the LFTC
9 PDD, Luther Forest Technology Campus Planned
10 Development District. Lots of consonants in
11 there on a description.

12 The nature of this public hearing is, in
13 three minutes, which I think is my limitation, I
14 will try to describe for the members of the Town
15 Board and for the members of the public exactly
16 what these amendments are contemplated to do, if
17 they were adopted in their entirety. So, that's
18 a fairly quick summary on an application that we
19 submitted to you last September and presented to
20 you in October.

21 Our project team remains that, not fully
22 in attendance tonight, some on vacation, but I've
23 introduced myself. Alex Besso is a lawyer in our
24 office and she's to my left. To my right is Greg
25 Connors of GLOBALFOUNDRIES, and Mike Relyea is

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1
2 someplace -- there he is back there -- of LFTC,
3 all well-known to you.

4 So, the Campus -- if you can go to the
5 next slide -- is, as we see, that small facility
6 up there with Saratoga Lake in the background
7 and, if you went to the next slide, Fab 8.1 and
8 the Technology Development Center. So, that is
9 the status of the campus at the present time, 8.1
10 and the TDC.

11 The reason that we are here is, while
12 this has been a tremendous success, the focus of
13 the next slide would be on the remainder of the
14 campus which, as the Town Board well knows, since
15 it adopted the PDD in 2004, has not developed
16 according to the vision that it established at
17 that time.

18 So, our clients asked us to do an
19 assessment of the things and the impediments that
20 were impeding development within the Campus and,
21 working with Mike's team and Tom Roohan's team,
22 we made a series of recommendations which we
23 presented to you, as I say, last September.

24 So, the short is the CLE of those
25 recommendations and we urged our client to

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2 present to you an application, which they did,
3 which would enhance the clarity and certainty of
4 any application that came to the Park that would
5 level the playing field and would expand the
6 uses, so the breadth of uses were such that
7 attracting businesses doesn't run into the same
8 impediments that were established in 2004. We
9 talked to you at that time about the agility of
10 the Town Board to shift and move as the times
11 change in the last now eleven years.

12 Circumstances warrant a different conclusion at
13 least that we hope that the Town Board will
14 consider.

15 So, Expanding the Uses. Prior to 2004,
16 your adoption of the PDD, there were a series of
17 uses that are listed on the left: Light
18 industrial, office, research and development, and
19 we proposed to expand those uses from, at the
20 bottom, which is nanotechnology manufacturing
21 support businesses, which is the current
22 preferred use there now, and to return some of
23 the C-3 uses, so that light industry, light
24 industrial -- but high-tech light industrial --
25 would be the focus there, office, research and

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2 development, limited campus retail, community
3 uses and public and private utilities to give us
4 a shot at expanding from a campus that is focused
5 on semiconductor manufacturing to one that
6 expands out to light industrial, high-tech light
7 industrial and some other broader uses. We think
8 that will give us a better shot of attracting
9 uses and tenants to the park. So, expanding the
10 uses.

11 Leveling the Playing Field. This has
12 been an impediment that we were told repeatedly,
13 as those go out and market the property, and that
14 is the absence of tax inducements for properties,
15 for businesses to locate here. As you well know,
16 the Empire Program was in existence when you
17 adopted this PDD in 2004. GLOBALFOUNDRIES makes
18 use of the Empire Program and the tax credits
19 available there. That's gone. It's not gone for
20 GLOBALFOUNDRIES, but it is no longer available.
21 So, we have studied Start-Up New York. We still
22 think the main tool in the toolbox is likely to
23 be PILOTs from the local IDA, and so we're asking
24 the Town Board to consider removing the
25 prohibition on PILOTs, since we could level the

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2 playing field for this campus with the rest of
3 Saratoga County and, as far as we can tell, the
4 rest of the State of New York. I don't know of
5 any other, and still have not heard of any other,
6 prohibition against the use of PILOTs elsewhere
7 in the state. So, that will level the playing
8 field in terms of tax incentives and the
9 perceived adding certainty and clarity to the
10 PDD, so that a developer, a proposed tenant, who
11 comes in understands the fixed rules of the game.

12 A number of those things that you did in
13 the PDD early on have worked as we developed
14 GLOBALFOUNDRIES, but are causing impediments now.
15 For example, subdivision and site plans, the rule
16 virtually everywhere in the development world is
17 to secure subdivision first, followed by site
18 plan approval, and there is a logical sequence
19 associated with that. In the PDD currently, the
20 reverse is true and that causes an impediment for
21 a number of reasons for developers coming in.
22 So, we ask you to return to the regular order of
23 your zoning ordinance, subdivision first followed
24 by site plan, and to allow LFTC to do soil
25 disturbance. Soil disturbance involves readying

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1 sites for uses and tenants as they come in. You
2 want the term, overused term, shovel-ready.
3 That's not permitted now without a series of
4 approvals and we're looking for LFTC to be able
5 to do that in the soil disturbance.
6

7 Noise Receptor Locations. This is really
8 a technical correction here. Those locations
9 were established in the SEQRA record as "at the
10 PDD property line". They're not there now for
11 lots of historical reasons, and so we want the
12 permission to set those noise receptors at the
13 PDD property line where they should be located,
14 and to allow the tenants of the Campus to do, as
15 everyone else in the Town of Malta does, be
16 subject to a uniform set of noise decibel
17 limitations, 50 and 60 -- 50 during the
18 nighttime, 60 during the daytime in the Town of
19 Malta. It is tighter now by five decibels in the
20 Park, and so we want to level the playing field
21 by having everybody treated with the same set of
22 decibel rules throughout the Town.

23 Host Community Benefit Formula. Right
24 now, as you know, that's a negotiated item with
25 the Town Board. We have urged you to consider,

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2 along with the timing of the development
3 prepayment, a set of rules which would set an
4 absolute fee, a fixed fee, associated with
5 developments. These are the larger developments,
6 ones of 100,000 square feet or more, and fix a
7 flat amount so that, coming in, a developer can
8 evaluate the cost of the approval process and all
9 of the fees that are prescribed by the PDD, and
10 so we lay that out and we suggested a per square
11 foot fee for projects over a hundred thousand
12 square feet.

13 That's essentially the breadth and width
14 of the PDD amendments that we propose. This part
15 of the process is the public hearing on the
16 TSDEIS, so that's where the Town Board is
17 required to study those changed circumstances,
18 those things that are not properly addressed in
19 the EIS currently because of the changes that
20 we're proposing. So, it's not a start from
21 scratch process, it is to examine the PDD
22 Amendments that we're proposing and then examine
23 the environmental impact associated with those
24 changes.

25 The TSDEIS process contemplates a public

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1 hearing, at which the public has an opportunity
2 to express concerns, ideas, suggestions,
3 problems. We record those through Karen Hand
4 here tonight taking them down. Our obligation
5 then is to prepare for you a draft of an FEIS, a
6 Final Environmental Impact Statement, a document
7 which we will submit to you, which you will
8 modify as you deem appropriate. The SEQRA
9 documents are your documents, so that you deal
10 with them as appropriate. And if, and only if,
11 we get to that point and past it are you and the
12 Town of Stillwater collectively able to attend to
13 the PDD Amendments in any manner that you so
14 choose. That is within the sole discretion and
15 prerogative of the Town Boards after SEQRA.

16
17 So, we don't go anyplace until this
18 process is complete, and this process goes next
19 with me stopping talking and allowing members of
20 the public, Mr. Chairman, Mr. Supervisor, to
21 proceed. Thank you.

22 **SUPERVISOR SAUSVILLE:** Very good. Thank
23 you, Matt. I mentioned that this is a public
24 hearing. On the back of the agenda you will see
25 rules of our meetings, all of our meetings,

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2 especially a public hearing, so I ask that as
3 people get up and speak that you neither clap nor
4 boo or express any outbursts in honor and respect
5 for the individual that may be speaking and
6 getting their point across.

7 So, with that as a beginning, we do have
8 a few people that had signed up to speak and I
9 will ask that Carol Henry come forth and make her
10 statement. Carol sits as Chair of the Community
11 Response Board for Luther Forest Technology
12 Campus.

13 **MS. HENRY:** Good evening. My name is
14 Carol Henry and, as Supervisor Sausville stated,
15 I am the chair of the LFTC Community Response
16 Board. It was a committee that was passed to be
17 formed in the original PDD Amendment and our
18 Committee has met over the past eleven years,
19 frightening as it may seem, to comment on the
20 various projects that have been going on.

21 With that, I would like to read our
22 comments on this Third Supplemental Draft
23 Environmental Impact Statement.

24 On behalf of the LFTC Community Response
25 Board, thank you for the opportunity to review

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2 the latest Supplemental Draft Environmental
3 Impact Statement for the Luther Forest Technology
4 Campus. In the ten years since the Technology
5 Campus was envisioned, GLOBALFOUNDRIES has become
6 a flourishing business and community partner and
7 Town citizens and others enjoy the fields and
8 trails developed in the Campus, as part of the
9 community benefits. We acknowledge that the rest
10 of the Technology Campus has languished in this
11 uncertain business and financial economy, and we
12 agree that it is in the Town's interest to
13 reassess ways to revitalize development within
14 LFTC.

15 In general, we do not object to the
16 introduction of PILOT agreements to attract
17 development in the remaining pods. With
18 judicious use of these agreements, the vision of
19 the Technology Campus can be achieved over time.
20 However, the use of PILOTs should be evaluated
21 per applicant and should be prohibited for some
22 types of businesses. For example, Campus
23 commercial or day care establishments would
24 directly compete with businesses in the
25 surrounding areas. Allowing them to have a PILOT

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2 agreement would give them an unfair advantage
3 over existing businesses outside of the LFTC.

4 Section 4.4 Soil Disturbance. The
5 applicant seeks the flexibility to require
6 creating shovel-ready pads for potential owners
7 within the Campus prior to site plan review. We
8 feel that this is a reasonable request and all
9 applicants should abide by the restriction fees
10 and deadlines outlined in Chapter 136 of the Town
11 Code.

12 Section 4.5.1 Subdivision in Advance of
13 Site Plan Approval. We understand the need for
14 subdivision approval prior to site plan review.
15 The applicant and the Town should draft
16 procedures similar to those outlined in Chapter
17 133 of the Town Code. There should be provisions
18 for stabilization and restoration of the soil
19 disturbance if the development is not started in
20 the time frame consistent with the current codes.

21 And what comes to mind with that is
22 across the way with Ellsworth Commons and all the
23 problems that we had while it was sitting there.
24 So, stabilization is really important to make
25 sure that we have the teeth to be able to go

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2 after the person if they have done, gone through
3 and done that to stabilize the soils, so that we
4 don't get the problems that we had across the
5 street.

6 Section 4.5.2 Residential Buffer. The
7 existing neighborhoods voiced their concerns
8 clearly during the original EIS process about the
9 need for a strong buffer between commercial
10 development and the residential areas. There
11 should be no relaxation of the residential
12 buffers. Our neighbors in Stillwater should be
13 afforded the same protections as the Luther
14 Forest residential neighborhoods. Furthermore,
15 it has been demonstrated that while buffers do
16 assist in securing a visual buffer at ground
17 level, they are not as successful as a noise
18 barrier.

19 Section 4.7 Noise. When noise issues
20 arose during the initial operation of
21 GLOBALFOUNDRIES, it demonstrated the elusive
22 nature of noise, its impact on the human ear,
23 volume and frequency, and how topography,
24 weather, foliage and structures interact with the
25 transmission of the noise. We were fortunate

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2 that GLOBALFOUNDRIES worked with the town over a
3 two-year period to resolve the noise problems
4 because the problems that surfaced were not
5 adequately addressed in previous documents.

6 As noted above, topography, weather and
7 foliage impact how noise carries. Currently,
8 some monitoring stations are located in
9 depressions that mask the levels. The Town
10 should review the locations and determine the
11 best location for sound measurements based on
12 previous findings. Locations at the PDD property
13 line may not be the best location. Additionally,
14 flexibility for the relocation of measuring
15 stations should be included as more buildings are
16 constructed and noise patterns change.

17 The Campus is surrounded by residential
18 areas where the residents are accustomed to the
19 quiet of the forest. Any relaxation of the
20 decibel levels takes away from the rural nature
21 of the area. I remind you that decibel levels
22 are not linear, but logarithmic, so as levels
23 increase, so does intensity.

24 Section 5.1 Permitted uses. Existing
25 town businesses are concerned about the Campus

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2 commercial additions. There should be some
3 analysis of the impact to the existing
4 businesses. It would be counterproductive if the
5 addition to commercial businesses in the Campus
6 caused a closure of businesses in the downtown
7 area. If hotels and commercial service
8 establishments are permitted within the Campus,
9 it would create an island where there is no
10 reason to leave and conduct business elsewhere.
11 The Town has worked diligently to develop a sound
12 downtown plan, but it can only succeed if there
13 is traffic coming from the surrounding businesses
14 and neighborhoods.

15 If the definition of technology and light
16 industrial are expanded, what are the potential
17 environmental impacts, such as air, water and
18 noise? The document discusses the broader impact
19 on water, traffic and power levels, but the
20 document does not clearly state that all
21 environmental controls and levels will be
22 enforced. Furthermore, will the proposed
23 industries have different chemicals and
24 operations that are not addressed in the SEQRA
25 record? SEQRA may be required for individual

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2 businesses if their industrial processes and
3 discharges are not sufficiently addressed under
4 the current documents.

5 Section 5.2 Traffic. Given the phased
6 development of the property, construction forces
7 should be included in trip thresholds. While the
8 documents endeavor to define preferred traffic
9 routes, it has been observed that commuters find
10 secondary and tertiary routes if the preferred
11 route appears to be inadequate. Further study is
12 needed on these outlying roadways.

13 The Committee looks forward to working
14 with the Town and the applicant to develop an EIS
15 that is fair and reasonable for all parties.

16 Thank you once again for listening to our
17 comments.

18 **SUPERVISOR SAUSVILLE:** Thank you, Carol.
19 Next speaker on the list is Chief Peter Shaw, who
20 is representing, I believe, the Malta Ridge Fire
21 Department. Chief Shaw?

22 **CHIEF SHAW:** It's Peter Shaw, Chief of
23 Malta Ridge Fire Company.

24 Just a couple questions, I hope, for you.
25 One, how does PILOT programs and tax abatement

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2 programs effect fire protection funding?

3 And the other question I have is, could
4 this possibly be a point where we could review
5 the mitigation fees and the development fees for
6 a public safety fee? Thank you.

7 **SUPERVISOR SAUSVILLE:** Thank you, Peter.

8 Very good. Next speaker is Mr. William
9 Connolly. William?

10 **MR. CONNOLLY:** Good evening, ladies and
11 gentlemen. You can both clap and boo for me, if
12 you'd like.

13 We're the owners of 123 Dunning Street.
14 We're the owners of the property and we have
15 several businesses there. We've come here
16 tonight to ask you regarding the Campus
17 commercial clause that has been put into the
18 intent of the Luther Forest Tech Park. The
19 original intent of that, as I remember it, and
20 perhaps I'm wrong -- I doubt that -- was that
21 this was set up to support ancillary and tertiary
22 businesses that were there to support the Tech
23 Park, not small businesses. And we're asking you
24 tonight to remove this clause allowing small
25 service businesses.

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2 Mr. Jones talked about an unfair playing
3 field or a fair playing field. By allowing
4 businesses, small service businesses, in there,
5 these would be a tax incentive. It's an unfair
6 playing field.

7 Furthermore, you hired professional
8 planners. We are all aware of the Professional
9 Planning Board. The Town spent a lot of money, a
10 lot of time, to create a downtown, a workable,
11 walkable downtown. SEDC Park was never
12 mentioned. The idea was to have a downtown to
13 support small businesses, and this distorts from
14 that in every way.

15 Another question I would have is, how
16 would you ever provide for fire and/or police?
17 With businesses, unfortunately, comes crime and
18 emergencies. How are they going to drive around
19 and find a building? Twenty minutes you're going
20 to find a dead body? I worked on a guy at
21 Cliff's that took 20 minutes for an ambulance to
22 get there.

23 Furthermore, we just ask you to remove
24 this. It's not fair. Small businesses are the
25 backbone of this country. By allowing this, it

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2 distorts from everything that is right with
3 Malta. You asked for a small town, a hamlet.
4 That's what this is. Don't distort from it.
5 Thank you.

6 **SUPERVISOR SAUSVILLE:** Thank you,
7 Mr. Connolly.

8 The last person signed up on the sheet is
9 Mr. Todd Shimkus. Todd?

10 **MR. SHIMKUS:** Mr. Supervisor, Todd
11 Shimkus with the Saratoga County Chamber of
12 Commerce. Even though I'm not speaking on their
13 behalf tonight, I do serve on the Malta BPA's
14 Board of Directors, as well, and I'm proud to do
15 that.

16 My comments, I'll be really brief. We
17 have in this region, the Capital Region, Saratoga
18 County, however you want to define region, an
19 emerging tech sector. Joe Dragone is doing --
20 the school district here is doing an incredible
21 job of growing the local tech talent base for
22 future employment, and that's going to provide
23 great opportunities for all of our kids,
24 grandkids, somewhere down the line.
25 GLOBALFOUNDRIES is absolutely great. We're

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2 happy, obviously, to have them. They have helped
3 to stimulate growth within our economy in every
4 sector across Saratoga County and the greater
5 region, but we don't want to rely just on them,
6 and I don't think they want to rely just on them,
7 as well. The PDD that you have in place now was
8 put in place under a whole set of different
9 circumstances, a whole set of different rules, a
10 whole set of different expectations. All of
11 those things have changed, and so this new plan
12 hopefully will help us to adapt to those changing
13 opportunities, changing challenges, and give you
14 an opportunity to really support growing our
15 local economy.

16 We have a group that formed literally
17 within the last year called our Saratoga Tech
18 Executives Group. It is comprised of a wide
19 range of tech companies; GLOBALFOUNDRIES at the
20 high end in terms of employment, but some
21 startups, as well. Some folks that are into
22 software, communications, as well as
23 semiconductors. Really a wide ranging, wide
24 array of folks. They all are in competition to
25 bring talent to this area and to hire local

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1 talent to fill their positions, and it's
2 interesting, if you talk to them, you might think
3 that these existing companies don't want more
4 competition for that local talent or outside
5 talent. It's exactly the opposite. They believe
6 for GLOBALFOUNDRIES to be successful, for these
7 small startups to be successful, that we have to
8 grow the ecosystem, the tech center ecosystem,
9 that we have started to see emerging locally.
10 That's so that people will choose to come here,
11 or students will choose to come back here, not
12 because they know they're going to get a specific
13 job out in one place, but they know, if they come
14 here, they will have all sorts of opportunities
15 to find jobs -- not just in one place, but in
16 multiple places. That's when you know you have a
17 successful tech ecosystem.
18

19 I think, in order to have that, we need
20 Malta's support, we need PDD amendments that
21 would help to attract more companies to provide
22 more opportunities for kids in the future.

23 So, anything you can do to support this
24 effort, obviously with some modifications based
25 on some of the comments that have been made, and

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2 I'm sure you're going to want to put forth, but
3 to do your best efforts to give us an opportunity
4 to take advantage of the new opportunities that
5 are here and handle some of the challenges that
6 no one could have predicted ten years ago.

7 Thank you.

8 **SUPERVISOR SAUSVILLE:** Thank you, Todd.
9 That's the last person that has signed up on the
10 sheet, but I will open up our hearing to other
11 folks that might want to come to the podium,
12 state your name and provide comments to us.

13 (No response.)

14 Anybody else?

15 (No response.)

16 Board Members, do any of the Board
17 members wish to make a statement?

18 (No response.)

19 **SUPERVISOR SAUSVILLE:** If not, I do have
20 a statement and some points that I would like to
21 make.

22 Up until now, the Environmental Impact
23 Statement has been reviewed by our engineer, our
24 planners and attorneys, and it's now time, I
25 think, for the rank and file folks here at the

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2 podium, the Town Board, to dig deep into the
3 Environmental Impact Statement and begin to get
4 answers to questions that are important to us.

5 First one that I have, and I do have a
6 copy of my comments for the record, deals with
7 the tax abatement incentives that are being
8 requested. It's not all that clear. We talk
9 about clarity and predictability. It's not all
10 that clear as to exactly what tax abatements are
11 being requested and for what uses.

12 We talked about PILOTs. PILOT means
13 Payment-In-Lieu-of-Taxes, but we don't know what
14 that payment might be. So, there's a certain
15 amount of uncertainty there that I think needs to
16 be fleshed out in the Environmental Impact
17 Statement.

18 On page 8, they talk about the need
19 for -- in addition to PILOTs -- the need for
20 addressing the cost of land and the \$16 million
21 of infrastructure for the Campus. I think what
22 we really need to address here is how we are
23 going to make a Campus successful altogether, and
24 I think we need, for that to happen, we need to
25 have, A, a management plan for the Campus that

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2 addresses the cost, the infrastructure cost, the
3 land cost, debt repayment, tax incentives and
4 abatements that are being requested, common area
5 maintenance requests and marketing administrative
6 costs.

7 You know, right now, the Luther Forest
8 Tech Campus EDC is essentially insolvent.

9 Those questions aren't being addressed at
10 the current time and need to be addressed,
11 really, before we begin to march down the road of
12 doing things on a case-by-case parcel basis.

13 I would like to suggest that, in the
14 interest of moving the success of the Campus
15 forward, that we begin to look at the right
16 institution for making the Campus successful and,
17 from my experience, my observations, the Luther
18 Forest Tech Campus EDC has not been successful
19 and is not the right institution going forward.
20 I think that the County ought to begin to think
21 about stepping up and assuming the financial
22 obligation that I talked about earlier, and it's
23 time for that notion to be discussed publicly and
24 for us to begin to evaluate how that might be
25 successful.

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2 I'd like to talk a little bit about the
3 financial impact on government. Sure, we can
4 grant economic incentives, but it does impact
5 everyone at the end of the day. The Town of
6 Malta, the schools, the county are all impacted
7 when you provide five or ten year tax relief, and
8 so there needs to be an assessment of what those
9 impacts are on government. For example, when
10 GLOBALFOUNDRIES was granted the PILOT, they came
11 off the tax roll for the purposes of sales tax
12 distribution. As a consequence, the Town of
13 Malta, which would normally get a bump in the
14 sales tax because sales tax distribution is based
15 upon our assessment, because our assessment
16 didn't go up, because it was exempt, we did not
17 get a higher share, a bigger bump in the sales
18 tax distribution. Those are the kinds of
19 financial ramifications that often slide under
20 the radar when we grant various requests for tax
21 abatement and that sort of thing.

22 I'd like to talk about the Campus roads.
23 When the Town of Malta agreed to build five and a
24 half miles of Campus roads, we had an agreement
25 that the maintenance of those roads and the

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2 future replacement of those roads would be borne
3 by the Luther Forest Tech Campus EDC. Well,
4 they're insolvent at the moment and there's no
5 foreseeable plan for them to become solvent. And
6 so, as a consequence, there is a debt owed to the
7 Town of Malta of \$1.5 million. Somehow we have
8 to think ahead. It cost us \$37 million to build
9 those roads and the day will come, ten years from
10 now, when a bridge fails, when the roads need to
11 be resurfaced, when that \$1.5 million -- and it's
12 growing every year -- becomes very significant.
13 It's not a cost that the little town of Malta can
14 endure.

15 So, there needs to be a financial
16 institution that is solvent, that can tax, that
17 can make this Campus successful.

18 I'd like to talk a little bit about Table
19 4.3.1. When we started talking about the various
20 funds that were provided to the school, the
21 county and the Towns of Stillwater and Malta, we
22 failed to recognize that when you bring
23 semiconductor businesses to a municipality and
24 then grant them tax exemptions that the formula
25 for their company is a steeply declining

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2 depreciation of their value. In the case of
3 GLOBALFOUNDRIES, it starts out at about
4 \$650 million. At the end of ten years, it
5 depreciates down to \$300 million because that's
6 the nature of the business. It just depreciates
7 substantially over the course of time. This
8 continues to depreciate for a 50 year period.

9 So, those kinds, that kind of information
10 needs to be put down on paper. We all need to
11 understand the ramifications of that.

12 Let me talk a little bit about the
13 Start-Up New York program. There is an
14 opportunity there, along with the other programs
15 that are offered by the state, for us to
16 capitalize on those incentives. If we're going
17 to be growing a Campus, using high-tech
18 businesses like GLOBALFOUNDRIES, this is beyond
19 the ability of the Town of Malta or the taxpayers
20 of Malta, or the taxpayers of the school district
21 to subsidize, and it has to be something of
22 concern to the county, concern to the state.

23 So, I think we need a plan to explore the
24 opportunities for Start-Up New York. Without a
25 successful Luther Forest Tech Campus EDC that's

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1 solvent, that kind of effort to cooperate with
2 the state, to partner with the state, to get
3 those state incentives, that's missing.
4

5 Appendix A deals with the various
6 proposed amendments, and I think it was brought
7 out by a couple of other people that the Campus
8 commercial is proposed in Area 2, Area 3, Area 4,
9 Area 5, Area 6, Area 7, Area 8, Area 9 and Area
10 11. Well, Campus commercial means that you could
11 put in fast foods, convenience stores, retail
12 stores, and a variety of other kinds of
13 activities. Well, that's kind of inconsistent,
14 as somebody pointed out, with our Master Plan for
15 the Town. It's inconsistent with our downtown.
16 So, there needs to be a process, if we're going
17 to go forward with those uses, to the Campus. We
18 need to revise our Master Plan. We need to start
19 a process for making, for looking at the Town
20 holistically. It's not a question of coming in
21 on a spot basis and asking for retail. If
22 everybody did that up and down Route 9, all over
23 the Town, we wouldn't have a Plan at all. So,
24 that needs to be addressed.

25 Then, finally, I wanted to talk about the

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2 consistency with the County Economic Development
3 Plan. The County Economic Develop Plan, which
4 was completed last March, talked about a number
5 of things. Talked about creating a Manufacturing
6 Technology Educational Center. Don't know how
7 that's going to get funded, but maybe that ought
8 to be part of the meat and potatoes that we're
9 dealing with tonight and going forward.

10 It talks about a dedicated property
11 manager for the Campus, recommended such. Such
12 doesn't exist. That needs to be planned. That
13 needs to be funded. There need to be an
14 institution like the county, perhaps, that could
15 assume those kinds of responsibilities.

16 And we talked about a new organizational
17 self-reporting financial body, which kind of gets
18 to the heart of the whole thing.

19 So, those are some questions that I have.
20 I hope that, as we move forward, that we begin to
21 look at these kinds of issues and understand
22 better how things are being financed and the
23 fiscal impact that various decisions might have
24 on the other units of government.

25 So, that is my statement on the matter.

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2 I do have copies here for the Town Board Members,
3 I have a copy for the record and a copy for the
4 principal folks that have an interest in this.

5 Are there any concluding comments? If
6 not --

7 **COUNCILMAN HARTZELL:** I guess I probably
8 have a concluding comment. I guess, in my -- I
9 have been doing this since I was 23 years old,
10 and I've sat through countless public hearings,
11 and the fact that the presiding officer of the
12 body before which a public hearing is being held
13 would make a statement on the record is something
14 that like that that I have never seen before
15 because the idea here is that we're not supposed
16 to tell the public what we think or what they
17 should think, we're supposed to try and listen to
18 what they think. I find it highly extraordinary.
19 I've never seen it before.

20 The other comment I guess I would have is
21 certainly you deserve answers to those questions.
22 We all want answers to those questions. In large
23 part, we're at the crossroads of obstruction and
24 construction. I think it's time to be
25 constructive. I assume that the folks in this

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2 room understand that there are, in fact, answers
3 to a lot of those questions; that there are other
4 points of view; that there are other factors,
5 there are other facts. For instance, just by way
6 of example, Paul is correct by GLOBALFOUNDRIES
7 property being held by the IDA, all that value
8 does not count towards the Town of Malta
9 receiving its share of sales tax. On the other
10 hand, the fact that it's exempt means it doesn't
11 count against our school district and the school
12 aid formula because it doesn't show our district
13 being that much richer. So, there are a number
14 of offsetting considerations that we need to take
15 a look at. There are answers to Paul's
16 questions. Some of the answers he and I and the
17 group will have to dig into and try and
18 understand better, but I would just hope that we
19 all have an open mind about it going in and that
20 the folks that are represented here tonight
21 understand that, number one, there are answers,
22 and number two, if we don't have answers already,
23 we are going to endeavor as a group to try and
24 find those answers. Thank you.

25 **SUPERVISOR SAUSVILLE:** Thank you,

**Karen E. Hand
Official Supreme Court Reporter
625 Sunny Lane, Ballston Spa, New York 12020**

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2 Councilman, and I do respect your right as a
3 councilperson to speak your views on the matter.

4 **COUNCILMAN KLOTZ:** I would like to echo
5 Councilman Hartzell's concern about questions
6 that have been raised. There is a time when
7 those questions will be explored. That usually
8 is later in the process than at the public
9 hearing for the SEQRA, and we will be pressing
10 for answers to these and we'll get answers to
11 these and the questions that have been rightly
12 and properly raised by the public in this public
13 hearing.

14 I thank the members of the public for
15 raising the questions they did and for their
16 comments tonight and we're listening and, as we
17 go forward, we will be looking into these various
18 concerns that have been raised.

19 **MR. CONNOLLY:** Can I just make an
20 additional comment? When I came here tonight,
21 I'm not just representing --

22 **SUPERVISOR SAUSVILLE:** This really isn't
23 a public --

24 **MR. CONNOLLY:** You said I could respond.

25 **SUPERVISOR SAUSVILLE:** If you want to

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2 come up to the podium and restate your position,
3 if you have left something out, you're certainly
4 welcome to do that, William.

5 **MR. CONNOLLY:** Mr. Sausville, it's very
6 simple. I didn't just come representing
7 ourselves. We came representing the Chinese
8 restaurant, the China Wang, Jimmy, who can't be
9 here tonight; the dry cleaner. It's not an open
10 mind, Mr. Hartzell. We're small business people.
11 It's not about open mind, it's about life or
12 death when you have a small business. It's not
13 an option. All these people that just started
14 opening small businesses in the Ellsworth
15 Commons. It's not about open mind, it's about
16 life and death, paying your bills, paying your
17 mortgage, putting your kids through college.
18 It's not an open mind, it's not a yes or no.
19 When you have a small business, it's life or
20 death. People are very, very, very worried that
21 they're going to open the door and allow small
22 businesses in there and ruin people's lives.
23 That's the bottom line.

24 **SUPERVISOR SAUSVILLE:** Thank you. At
25 this point in time, I'm going to draw our hearing

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to a close. Thank you all for coming. It's 7:32
and we will recess for five minutes and then pick
up with the second hearing on our Town Sprinkler
Code. Thank you everybody.

(Whereupon the Public Hearing concluded.)

* * * * *

APPENDIX D

Adopted 12/17/93
As Amended

Adopted 03/11/99
As Amended

Adopted 06/21/04
As Amended

Adopted 05/14/12
As Amended

Adopted 10/14/14
As Amended

UNIFORM TAX EXEMPTION POLICY

INTRODUCTION

The Saratoga county Industrial Development Agency is a public benefit corporation established in 1971 pursuant to Article 18-A of the General Municipal Law and Chapter 855 of the 1971 Laws of New York State.

The Agency possesses a broad range of powers to enable it to fulfill its purpose to promote, develop, encourage and assist in the construction, expansion and equipping of economically sound industrial and commercial facilities in order to advance the job opportunities, general prosperity, and economic welfare of the citizens of Saratoga County.

The I.D.A. utilizes its financial and tax incentives to increase employment opportunities by attracting new development and to maintain the present employment base by stimulating reinvestment by existing County businesses.

The issuance of industrial revenue bonds or a straight lease transaction generally results in the I.D.A. taking title to the property which it then leases back to the company under an installment sale agreement. Property owned by an I.D.A. is exempt from local and school real estate taxes under the provisions of Section 412-a of the Real Property Tax Law and Section 874 of the General Municipal Law. This exemption does not apply to special district taxes and/or special ad valorem levies. Real property owned by the Agency is listed on Roll Section 8 (wholly exempt).

The Agency and each recipient of its financial assistance enter into a payment in lieu of tax agreement (PILOT agreement), which provides for annual payments in lieu of taxes (PILOT), in amounts which are based on formulas contained in the Agency's uniform tax exemption policy.

Legislation enacted in July 1993 required I.D.A.'s to adopt a uniform tax exemption policy after considering issues involving the number of private sector jobs created or retained by a project; the value of tax exemptions to be provided; the project's impact on existing businesses; the amount of private sector investment generated by a project; the additional public services which may be required to serve the project; and the additional revenues a project will provide for municipalities and school districts. The Agency was also required to seek and consider input on its uniform tax exemption policy from affected taxing jurisdictions prior to its formal adoption. The Agency shall provide a notice of public hearing for any proposed project to all local tax jurisdictions in which the proposed project is located.

1993 State legislation additionally required I.D.A.'s to provide each affected tax jurisdiction with a copy of the PILOT agreement within 15 days of signing. Under that legislation, PILOT payments must also be allocated to affected taxing jurisdictions in the same proportion to the amount of real property tax which would have been received by the taxing jurisdiction had the project not been tax exempt. All PILOT payments received by the Agency must be remitted to the affected taxing jurisdictions within 30 days of receipt.

Pursuant to State legislation, (Chapter 444 of the Laws of 1999), the Saratoga County Industrial Development Agency was required to review and readopt its U.T.E.P. on or before April 1, 1999 following a Public Hearing for which a sixty (60) day written notice was provided to each affected local taxing jurisdiction.

Uniform Tax Exemption Policy: General Provisions

The Agency's Uniform Tax Exemption Policy is segmented by classes of uses, but the following provisions are applicable to all

PILOT agreements.

1. The Agency shall attempt to secure its PILOT agreements as a first lien on the real property.
2. Closure; relocation of a company's operations; failure of a company to make PILOT payments; or failure of a company to reasonably meet its employment projections in its application may result in a cessation of real property tax abatements, transfer of title from the Agency to the company, or such other penalties as may be determined by the Agency, including the claw back or repayment of property taxes abated pursuant to the PILOT Agreement.. (See Attachment A: Uniform Modification of Real Property Tax Abatement/ Claw Back Penalty).
3. PILOT payments which become delinquent will be subject to a late penalty charge of 5% of the amount due and interest charges of 1% per month. Penalty and interest shall accrue to and be paid to the affected tax jurisdiction(s). Any increase in late charges and interest which may be authorized by the legislature shall be applicable to this policy.
4. Maintenance of tax base: I.D.A. financial assistance shall not result in a reduction of existing tax revenues generated prior to Agency involvement.
5. Additions: Project sponsors who add to existing facilities originally financed by the Agency may apply for sales, mortgage and real property tax abatements for said additions which are financed or refinanced by the Agency.
6. Refinancing of existing facilities: No tax abatement shall be allowed unless refinancing results in significant physical improvements to the facility and a measurable increase in employment.
7. The Agency will consider special requests on a case by case basis consistent with the general purposes of the IDA enabling legislation as amended.
8. In areas of overlapping jurisdictions between the County and a local I.D.A. the S.C.I.D.A. reserves the option to utilize whichever uniform tax exemption policy or a combination of those policies which it deems most applicable.
9. Assessment challenges by a company during the term of the PILOT Agreement must be made within specified time period. (See Attachment B).
10. Project Benefit Criteria

All applications for sales, mortgage and real property tax abatement will be reviewed by the Board utilizing the following project benefit criteria to determine the percentage and length of abatements to be provided:

 - a. Jobs created: salaries, benefits, payroll and importance to local economy.
 - b. Jobs retained: salaries, benefits, payroll and importance to local economy
 - c. Capital Investment
 - d. Impact of project on existing business or segment of local economy.
 - e. Impact of project on public infrastructure and services.
 - f. Project involves redevelopment of distressed or underutilized property.
11. This policy may be amended by the Agency following certified notice of the required public hearing to all affected taxing jurisdictions within the Agency's jurisdiction. The notice period shall be in accordance with applicable statute.

Uniform Tax Exemption Policy: Manufacturing**New Facilities**

Any new assessment resulting from improvements financed with Agency assistance shall be exempt from local, county and school property taxes at a rate of 50-100% for a 5 year period. The percentage of abatement from years 6 through 10 will be from 0 to 100% as determined by the Board based on its review of the public benefits demonstrated by the project.

All projects shall make annual pilot payments based on the assessed land value based on the project purchase amount (assessment to be determined by the local assessor), in addition to the amount of the assessed value of the improvements not subject to an abatement.

In cases where a full 10 year abatement is granted beginning in year 11 and continuing for the term of the PILOT Agreement the company shall pay annual local, county and school taxes as if the property were on the taxable roll. This will not apply when real property tax abatements are granted for a term exceeding ten years.

Existing Facilities

Existing buildings shall continue to be subject to local, county and school taxes based on the current assessment. Any increase in assessment resulting from improvements financed with Agency assistance may be exempted from local, county and school taxes at the annual rate and term as determined by the Board using the formula for new facilities above and its review of the project criteria above.

Upon completion of the abatement period and continuing for the term of the PILOT agreement the company shall pay annual local, county and school taxes as if the property were on the taxable roll.

**New Nanotech Manufacturing Facilities Located with
Luther Forest Technology Campus Development Area 1 (See Attachment C)**

Uniform Tax Exemption Policy: Commercial Service

Eligible commercial service sector projects include those in which the principle user of the facility seeking I.D.A. financial assistance serves a market area broader than Saratoga County or provides services within Saratoga County that are not adequately provided for by existing local facilities.

Eligible Determination

A favorable determination of the eligibility of commercial service projects for a tax incentive is made upon evidence of the following factors:

1. Demonstration that Industrial Development Agency assistance will induce the location or expansion of the project in Saratoga County.
2. Demonstration of the need for the project and the economic benefits it represents.
3. Demonstration that the project will not cause substantial disruption of existing employment at similar facilities in Saratoga County.
4. Demonstration that the project will provide employment for Saratoga County residents or provide a service which is demonstrated to be in the best interest of the public and the taxpayer.
5. Demonstration that the project involves the development of new facilities.

Any new assessment resulting from improvements financed with Agency assistance shall be exempt from local, county and school property taxes at a rate of 0 - 100% for years 1 through 10 of such assessments as determined by the Board based on its review of the project benefit criteria above.

All projects shall make annual pilot payments based on the assessed land value based on the project purchase amount (assessment to be determined by the local assessor), in addition to the amount of the assessed value of the improvements not subject to an abatement.

Upon completion of the abatement period and continuing for the term of the PILOT agreement the company shall pay annual local, county and school taxes as if the property were on the taxable roll.

Uniform Tax Exemption Policy: Commercial Retail

Only those commercial retail facilities enumerated in Section 862 of the General Municipal Law will be considered eligible for financial assistance.

Eligible facilities may be granted a partial abatement on any assessment attributed to improvements financed with Agency assistance. The abatement for local, county and school tax purposes will be limited to 50% of assessment in year #1, 40% in year #2, 30% in year #3, 20% in year #4, and 10% in year #5. Thereafter all real property taxes will be calculated on 100% of the property's assessment.

Uniform Tax Exemption Policy: Hydroelectric Facilities

Annual payments will be based on an increasing percentage of the gross annual income for a ten year period beginning with the first full year in which electric revenue is generated. should the initial generation period be less than 12 months during the first calendar year it

shall be added to the first full year period for purposes of calculating the PILOT payment. The Agency shall require submission of independent audited statements or such other appropriate documentation of annual revenues and expenses as may be requested by the Agency. Project sponsors shall secure business interruption insurance and assign to the Agency the right to recover PILOT payments from the proceeds of such insurance policy so as to insure PILOT payment is at least equal to the prior year's full PILOT payment.

Base percentage is 2.5% with 50% of that exempt from the first year's computed tax, such exemption decreasing 5% each year thereafter.

<u>Year</u>	
1	Annual Electric Revenue x 2.5% x 50% = 1.250% - or minimum amount
2	" " 55% = 1.375% established by the
3	" " 60% = 1.500% Agency, whichever
4	" " 65% = 1.625% is higher
5	" " 70% = 1.750%
6	" " 75% = 1.875%
7	" " 80% = 2.000%
8	" " 85% = 2.125%
9	" " 90% = 2.250%
10	" " 95% = 2.375%

In year 11 and thereafter the PILOT will be based on the assessed value of the property.

Should unforeseen market conditions result in a substantial (30% or >) reduction in operations that have the effect of reducing the facility's revenues, annual PILOT payments shall be based on a percentage of the facility's revenue, the minimum or the facility's full value assessment times the applicable tax rates, whichever is the higher.

Uniform Tax Exemption Policy: Cogeneration Facilities

Annual payments will be based on an increasing percentage of net revenue (i.e., gross annual income minus the base fuel cost), for a ten year period beginning with *the first full year in which electric and steam revenue are generated. Should the initial generation period be less than 12 months during the first calendar year it shall be added to the first full year period for purposes of calculating the PILOT payment. For years 12 thru 15 annual payments will be based on a minimum 2.5% of the net annual revenue with the Agency reserving the right to increase the annual payment during years 12-15. Beginning in year 16, annual PILOT's will be equal to the real property taxes which would be due if the facility were not tax exempt.

The Agency shall require submission of independent audited statements or such other appropriate documentation of annual revenues and expenses as may be requested by the Agency. Project sponsors shall secure business interruption insurance and assign to the Agency the right to recover PILOT payments from the proceeds of such insurance policy so as to insure PILOT payment is at least equal to the prior years full PILOT payment.

Base percentage is 2.5% with 50% of that exempt from the first year's computed tax, such exemption decreasing 5% each year thereafter.

<u>Year</u>	
1	Annual Electric Revenue x 2.5% x 50% = 1.250% - or minimum amount
2	" " 55% = 1.375% established by the
3	" " 60% = 1.500% Agency, whichever
4	" " 65% = 1.625% is higher
5	" " 70% = 1.750%
6	" " 75% = 1.875%
7	" " 80% = 2.000%
8	" " 85% = 2.125%
9	" " 90% = 2.250%
10	" " 95% = 2.375%
11	" " 100% = 2.500%
12	" " 2.5%}
13	" " 2.5%} <i>Minimum</i>
14	" " 2.5%}
15	" " 2.5%}

Should unforeseen market conditions result in a substantial (30% or >) reduction in operations that have the effect of reducing the facility's revenues, annual PILOT payments shall be based on a percentage of the facility's revenue, the minimum or the facility's full value assessment times the applicable tax rates, whichever is the higher.

Uniform Tax Exemption Policy: Sales Tax

The Saratoga County Industrial Development Agency as a public benefit corporation of the State of, New York is exempt from the imposition of sales tax on the purchase or rental of materials, supplies, tools, equipment, or services to be incorporated into the facility or to be used exclusively in connection with the constructing or equipping of such facility. It is the intent of this policy to permit agents of the Agency to obtain the full sales tax exemption permitted by law during the construction period of the project. Any exemption of sales tax beyond the construction period must involve the repair of buildings or replacement of tangible personal property that becomes obsolete. Exemptions beyond the construction period are subject to Board approval.

A company's failure to close on Agency financial assistance within six months of the adoption of an inducement resolution may require the repayment of all sales tax previously exempted. Should there be a failure to make restitution, the Agency may notify the N.Y. S. Department of Taxation and Finance of sales taxes due.

As agent of the Agency, each company must file an annual statement of the value of all sales tax exemptions claimed. Failure to file such statement with the N.Y.S. Department of Taxation and Finance (in the form and time period required), may result in the removal of the company's authority to act as agent of the Agency. A detailed report on sales tax savings (see Agency application), must be filed with the Agency concurrent with the annual report to the NYS Department of tax and Finance.

In accordance with state statute, companies will be required to certify that any sales tax benefits gained in excess of the amount authorized by the Agency are subject to repayment to the Agency.

Uniform Tax Exemption Policy: N.Y.S. Mortgage Recording Tax

Mortgages executed by an Industrial Development Agency in furtherance of its lawful purposes are exempted by section 874 of the General Municipal Law from the N.Y.S. Mortgage Recording Tax.

It is the policy of the Agency that all of its projects should receive the full exemption from the N.Y.S. Mortgage Recording Tax allowed by law. Refinancing of existing projects are not eligible for an exemption unless the Board makes a finding of the project's unique public benefit.

Uniform Tax Exemption Policy: Deviation Procedures

1. All affected tax jurisdictions shall be notified by certified mail of any proposed deviation of the Uniform Tax Exemption Policy and the reasons for such deviation. Affected tax jurisdictions shall have ten (10) calendar days,(or whatever other minimum period may be required by statute in effect at the time of the notice), to provide written input regarding the proposed deviation prior to final action by the Board. This comment period may be extended at the Board's discretion.
2. **Decrease in Abatement:** The Agency may at any time and for any class of use determine that its uniform tax exemption policy should be deviated from to provide for an increase in the amount of payment in lieu of tax. These increases would be remitted to affected taxing jurisdictions in the same proportion as the real property tax levy.
3. **Hydroelectric Facilities:** The Agency may consider extending the abatement period from 10 to 15 years for hydroelectric facilities if the project sponsor can demonstrate an extension is critical to the economic viability of the project.
4. Notwithstanding any of the foregoing provisions the Agency, at its discretion, reserves the right to deviate from its Uniform Tax Exemption Policy.

Adopted 02/28/97
Resolution #587

Adopted 03/11/99
As Amended

Adopted 10/14/14
As Amended

ATTACHMENT A

COUNTY OF SARATOGA INDUSTRIAL DEVELOPMENT AGENCY

UNIFORM MODIFICATION OF REAL PROPERTY TAX ABATEMENT

For companies receiving real property tax abatements the modification of benefits schedule (applicable to the real property tax abatements) is as follows:

REDUCTION IN TAX ABATEMENT BENEFITS

Year(s)	1 - 5	50% to 100%
Year	6	50%
Year	7	40%
Year	8	30%
Year	9	20%
Year	10	10%

The time period utilized above begins with the effective date of the PILOT Agreement. Imposition of any modification is at the sole discretion of the Agency and is reviewed/considered on a case by case basis. Prior to making a determination on the modification of property tax abatements the Agency shall offer the company the opportunity to present its position. Reasons for the modification of benefits include the following:

1. Sale or closure of the facility and departure of the company from Saratoga County.
2. Significant change in the use of the facility and/or the business activities of the company.
3. Significant employment reductions not reflective of the company's (normal) business cycle and/or local and national economic conditions or inconsistent with employment levels presented to the Agency at the time the PILOT was agreed to by the Agency.

Reporting requirements: The company shall, by December 1st of each year this Agreement is in effect, submit an employment report to the Saratoga County Industrial Development Agency detailing the number of full and part time positions by category: professional/managerial, clerical, skilled and unskilled. Any projected increases or reductions in the work force for the upcoming year should also be reported. Failure to report may be considered an event of default.

CLAW BACK PENALTY FOR FAILURE TO MEET EMPLOYMENT LEVELS

- “Company” is the entity that applied for and received the benefit from the Agency.
- “Agency” is the Saratoga County Industrial Development Agency
- “AER” is the Company's annual report of employment required to be provided by the Agency.
- “Employment Obligation Term” Shall mean the period during which the Company is receiving a benefit in the form of lower payment in lieu of taxes than their real estate taxes would be.
- “Employment Obligation” Shall mean the number of FTEs selected by the Agency based on what the Company represents is the FTEs it will hire and the number of FTEs retained, as set forth in its application for financial assistance.
- “FTE” Shall mean a full time employee that has a minimum of thirty-five (35)

scheduled hours per week, or such other number of hours per week (but not less than twenty-five (25) hours) as established by existing written policies of the Company, and whose workplace location is the project facility.

- “Benefit” Shall mean the amount the Company saved by making payments in lieu of real property taxes in a particular year. For example, if a Company’s PILOT payment is equal to 75% of normal real property taxes, then the Company’s Benefit for that year would be an amount equal to 25% of normal real property taxes.
- “Per Employee Amount” Shall mean an amount equal to the Benefit for the year after the year of the Shortfall divided by the “Employment Obligation”.
- “Shortfall” Shall mean the difference between the Employment Obligation and the actual Number of FTEs per the AER for the applicable year.
- “Major Shortfall” Shall mean any number of FTEs that is less than 50% of the Employment Obligation.
- “Cure Period” Shall mean the period ending June 30th of the year following the Shortfall

1. Job Creation and Retention Obligations

After the expiration of the Employment Obligation Term, the Company shall have no further Obligation with respect to the Employment Obligation and shall not be liable for any of the Payments described below.

The failure of the Company to satisfy the Employment Obligation shall subject the Company to Payments to the Agency. The Company shall be deemed to have failed to satisfy its Employment Obligation as of the beginning of the year subsequent to the year for which the Company files an AER; if the total number of FTEs shown on such report for the applicable year is less than 80% of the applicable Employment Obligation (payments are only required if the Shortfall is more than 20% of the Employment Obligation).

2. Shortfall Payments

- (1) If the number of actual FTEs for any calendar year shall be a Shortfall then the Company shall pay to the Agency an amount equal to the Per Employee Amount Multiplied by the number of FTEs less than the employment obligation.
- (2) Notwithstanding any of the foregoing, a Shortfall shall not apply where the Shortfall is a result of a major casualty to or condemnation of the facility. In the event of such major casualty or condemnation, the Company shall have no obligation to pay the Shortfall Payment.

The Agency shall have the right to reduce any payments required, under this policy, in extraordinary circumstances, in its sole discretion.

Adopted 08/05/97

Adopted 03/11/99
As Amended**ATTACHMENT B****SARATOGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY****ASSESSMENT CHALLENGES BY COMPANY****Resolution #612**

RESOLVED, that if a company operating under a 10-year PILOT Agreement is dissatisfied with the amount of assessed value of its project facility as initially established, (1) the company may pursue a review to dispute that assessed value for a period of up to seven (7) years from the date, such assessed value is established within the Agreement. The company waives any right to contest or dispute such assessed value during the seven (7) years following the end of the 10-year PILOT term, and be it further

RESOLVED, that if a company operating under a 5-year PILOT Agreement is dissatisfied with the amount of assessed value of its project facility as initially established, the company may pursue a review to dispute that assessed value for a period of up to three (3) years from the date such assessed value is established within the Agreement. The company waives any right to contest or dispute such assessed value during the three (3) years following the end of the 5-year PILOT term.

Ayes: 6

Noes: 0

Adopted: 6-0

(1) "initially established," shall include any subsequent change in assessment.

Attachment C**Resolution #144**

Adopted 6/21/04

New Nanotech Manufacturing Facilities located within
Luther Forest Technology Campus Development Area 1

All buildings and other improvements shall be subject to PILOT payments equal to 100% of the town, county and school taxes

based on the current assessment as of the time of calculation, however, for the purposes of calculating the PILOT payments to the taxing jurisdictions, the following formula shall be used during the term of the PILOT:

Step 1, determine Total Tax Amount, Pod 1:

Malta Tax Amount (Malta Pod 1 Parcel(s)), i.e. Malta Assessed Valuation * Malta Taxing Jurisdiction Tax Rates

+

Stillwater Tax Amount (Stillwater Pod 1 Parcel(s), i.e. Stillwater Assessed Valuation * Stillwater Taxing Jurisdiction Tax Rates

=

Total Tax Amount, Both Towns, Pod 1

Step 2, allocate Total Tax Amount between Towns:

Payment to Malta taxing jurisdictions = Total Tax Amount Pod 1 * (0.75) with the payment to be allocated between the Town of Malta and the Ballston Spa Central School District proportionately based upon their respective tax rates.

Payment to Stillwater taxing jurisdictions = Total Tax Amount Pod 1 * (0.25) with the payment to be allocated between the Town of Stillwater and the Stillwater Central School District proportionately based upon their respective tax rates.

“Malta Taxing Jurisdiction” shall refer to the Town of Malta, New York and the Ballston Spa Central School District.

“Stillwater Taxing Jurisdiction” shall refer to the Town of Stillwater, New York and the Stillwater Central School District.

Payments to Saratoga County shall be in the same proportion as if the subject parcel was not owned by the Agency.

All taxing jurisdictions involved must consent to the terms of this policy in order to effectuate this policy

The term of any PILOT agreement adopted under this uniform policy shall be for 49 years, provided, however, that as of the first tax status date following the issuance of a certificate of occupancy with respect to at least one nanotech manufacturing facility located entirely within the jurisdictional boundaries of each of the Towns of Malta and Stillwater, the use of the above formula will terminate and the PILOT payments regarding Development Area 1 will be allocated in the same proportion to the amount of real property tax which would have been received by the taxing jurisdiction had the property not been tax exempt.

Real Property owned by the Agency is not exempt from the payment of special district taxes and thus the provisions of this Policy shall be inapplicable to any special district taxes imposed upon the subject property.

This policy may not be amended or deviated from without the consent of the County of Saratoga, New York, the Town of Malta, New York, the Town of Stillwater, New York, the Ballston Spa Central School District and the Stillwater Central School District.

Notwithstanding anything else to the contrary in this Attachment C, the Agency may execute a PILOT modification agreement or an amended PILOT, the terms of which include a schedule of annual assessment amounts and valuation methodology for future development, which assessment amounts and valuation methodology have been approved by County of Saratoga, New York, the Town of Malta, New York, the Town of Stillwater, New York, the Ballston Spa Central School District and the Stillwater Central School District as a part of a stipulation and order which permits and orders the discontinuance of an RPTL Article 7 proceeding or proceedings commenced with regard to the assessment of improvements constructed within Luther Forest Technology Campus Development Area 1. Adopted 05/14/12 : Resolution # 1145

APPENDIX E

REGULAR MEETING, MALTA TOWN BOARD, APRIL 2, 2012

Seconded by: Councilperson Hartzell

WHEREAS in approving of a settlement of an action brought against it by Global Found aries under Article 7 of the NYS Real Property Actions and Proceedings Law, the Malta Town Board agreed that, "as part of the implementation of the settlement tentatively reached between Global, the Town, Ballston Spa and Stillwater Central, a necessary amendment of the Town's Planned Development District (PDD) legislation shall be reviewed after due notice to residents of the Town as soon as practicable" and

WHEREAS the Town Board of the Town of Malta designated itself lead agency for the purposes of the administration of the State Environmental Quality Review Act with respect to the proposed amendments, and has received no objection to such designation; and

WHEREAS that this proposed legislation was referred to the Town of Malta and Saratoga County Planning Boards for their review and recommendation, and likewise was provided to the Town of Stillwater and all other entities entitled to notice by law or regulation; and

WHEREAS that the Town Board of the Town of Malta held a public hearing concerning proposed amendments to Chapter 167A-52 of the Code of the Town of Malta (Luther Forest Technology Campus Planned Development District) to permit the resolution of two assessment cases brought with respect to the assessed value of land within Development District 1 of the Luther Forest Technology Campus, by accepting the assessments made by the Town of Malta with respect to the pending cases, and further establishing a schedule of annual assessment amounts and valuation methodology for future development, on the 2nd day of April, 2012, at 6:45 P.M., at the Town Hall of the Town of Malta, 2540 Route 9, Malta, New York 12020, at which time and place all persons desiring to be heard thereon were heard; now, therefore be it

RESOLVED that the Town Board of the Town of Malta hereby adopts the proposed amendment to the Luther Forest Technology Campus Planned Development District (Code §167A-51) of the Malta Town Code, in the form set forth below; and the Town Clerk is directed to file the said local law with the NYS Secretary of State forthwith:

- To §167A-52 C(2)(p):
 - The parenthetical which reads "(in the amounts required by C.3.g.)" shall be replaced in its entirety with the following parenthetical: "(in an amount consistent with C.2.p.)".
 - A new sentence shall be added after the third sentence of subparagraph C(2)(p) which shall read in full: "Notwithstanding the prior sentence, see Subparagraph DD(11) relative to a payment-in-lieu-of-tax agreement pertaining to Development Area 1."
- To §167A-52 DD(11): A new sentence shall be added at the end of subparagraph DD(11) which shall read in full: "In addition, notwithstanding the provisions of Subsection C(2)(p), C(2)(q), DD (12), or any other provision of this Law controlling the use of a payment-in-lieu-of-taxes agreement for Development Area 1, the modification of a payment-in-lieu-of-taxes agreement to include a schedule of annual assessment amounts and valuation methodology for future development, the terms of which have been approved by the Town and the other affected taxing jurisdictions as a part of a stipulation and order which permits and orders the discontinuance of an RPTL Article 7 proceeding or proceedings, shall not be deemed to be an application for nor receipt of an abatement of local real property taxes."
- To §167A-52 DD(12): The first full sentence of DD(2) shall now read: "Subsection C(2)(q) and the other provisions of this local law notwithstanding, nothing herein shall prohibit entities owning and/or operating businesses in Development Area 1 from entering into a payment-in-lieu-of-taxes (PILOT) agreement, providing that PILOT payments in the amounts required by Subsection C(2)(q) are allocated in a specific ratio between the Towns of Malta and Stillwater, and the Ballston Spa Central School District and Stillwater Central School District."

RESOLUTION EXHIBIT

SETTLEMENT TERMS

- The challenged 2010 assessment of Global’s property shall remain \$160,000,000 and Global unconditionally waives and releases all refunds sought in its 2010 petition which release will be effected within thirty (30) days of Global’s receipt of its 2012-13 school tax PILOT bill;
- The challenged 2011 assessment of Global’s property shall remain \$400,000,000 and Global unconditionally waives and releases all refunds sought in its 2011 petition which release will be effected within thirty (30) days of Global’s receipt of its 2013-14 school tax PILOT bill;
- Commencing in 2012, the assessments on Global’s property constructed up to and including July 1, 2011 (value date) and March 1, 2012 (tax status date), respectively, shall be:

<u>YEAR</u>	<u>ASSESSMENT</u>
2012	\$635,000,000
2013	\$625,000,000
2014	\$610,000,000
2015	\$585,000,000
2016	\$550,000,000
2017	\$513,000,000
2018	\$473,000,000
2019	\$433,000,000
2020	\$393,000,000
2021	\$353,000,000
2022	\$313,000,000
2023	\$273,000,000
2024	\$233,000,000
2025	\$193,000,000
2026	\$158,000,000
027 to 2059	\$125,000,000

- Assessment rates per square foot of new Technology Space at Global constructed after May 1, 2012, if any, as defined in writing and depreciated over time as agreed, shall be:

<u>YEAR</u>	<u>PER SQUARE FOOT OF TECHNOLOGY SPACE</u>
1	\$450
2	\$430
3	\$410
4	\$390
5	\$370
6	\$350
7	\$330
8	\$310
9	\$290
10	\$270
11	\$250
12	\$230
13	\$210
14	\$190
15 to the end of PILOT	\$180

- Assessment rates per square foot of new Office Space at Global constructed after May 1, 2012, if any, as defined in writing and depreciated over time as agreed, shall be:

ASSESSED VALUE P

REGULAR MEETING, MALTA TOWN BOARD, MARCH 5, 2012

<u>YEAR</u>	<u>PER SQUARE FOOT</u>
1	\$100
2	\$98
3	\$96
4	\$94
5	\$92
6	\$90
7	\$88
8	\$86
9	\$84
10	\$82
11	\$80
12	\$78
13	\$76
14	\$74
15 to the end of PILOT	\$72

- Assessment rates per square foot of new office space at Global, if any, as defined in writing and depreciated over time as agreed, shall be \$100 per square foot.

CONDITIONS

This Settlement and the Resolution incorporating these basic settlement terms are conditional upon:

- a. Adoption of supporting resolutions by the Town of Malta, Ballston Spa, Stillwater Central, the Town of Stillwater and, as applicable, the County of Saratoga and its IDA;
- b. Due completion of the modification of local PDD legislation;
- c. Finalization of the Agreement (Stipulation) of Settlement by and between all counsel of record;
- d. Due adoption of necessary PILOT legislation amendment language;
- e. Judicial approval of same and the execution and filing of an Order and Judgment of New York State Supreme Court.

ADOPTED: VOTE – AYES – 5 NAYS - 0

LOCAL LAW # 3 of 2012 – March 5, 2012

RESOLUTION # 90 – March 5, 2012

ADOPT LOCAL LAW AMENDING MALTA NOISE ORDINANCE

Motion by: Councilperson Thomas

Seconded by: Councilperson Ruisi

WHEREAS residents of the Town of Malta, have requested amendment of the Town Code of the Town of Malta, Chapter 115 (Noise) as it pertains to certain time and activities; and

WHEREAS, by Resolution #114 dated the 4th day of April, 2011, the Town Board of the Town of Malta instructed the Planning & Zoning Review Committee to make recommendations in this regarding and to render its recommendations; and

WHEREAS the Planning & Zoning Review Committee with the assistance from the Building & Planning Coordinator, submitted its recommendations to the Town Board; and

WHEREAS that Town Board of the Town of Malta designated itself lead agency for the purposes of the administration of the State Environmental Quality Review Act with respect to the proposed amendments, and received no objections to such designation within the time allowed by law or regulation; and

WHEREAS that the Town Board of the Town of Malta held a public hearing concerning proposed amendments to Chapter 115 (Noise) of the Town Code concerning the regulation of certain noise-producing activities within the Town of Malta, on the 5th day of March, 2012, at 6:55 P.M., at the Town Hall of the Town of Malta, 2540 Route 9, Malta, New York 12020, at

RESOLVED, that the Town Board hereby approves the attached 2012 written agreement with the Highway Superintendent pursuant to Section 284 of the New York State Highway Law for the expenditure of budgetary funds related to the repair and improvement of all roadways, sluices, culverts and bridges having a span of less than 5 feet and boardwalks and renewals thereof; and be it further

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #29 of 2012.

A roll call vote was taken on Resolution No. 29 of 2012 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

Motion carried. Resolution #29 of 2012 was adopted unanimously.

Resolution #37 Adopting Local Law No. 3 of 2012
A Local Law Further Amending Local Law No. 4 of 2004
Regarding the Luther Forest Technology Campus
Planned Development District

Introduced by: Supervisor

WHEREAS in approving of a settlement of an action brought by Global Foundries U.S., Inc. ("Global") v. Town of Malta under Article 7 of the New York State Real Property Tax Law (the "RPTL") for the 2010 and 2011 assessments in the Town of Malta (the "Proceedings"). The Town of Stillwater is an intervenor-respondent in the Proceedings, the Stillwater Town Board agreed that, "as part of the implementation of the settlement tentatively reached between Global, the Towns of Malta and Stillwater and the Ballston Spa Central School District and Stillwater Central School District, a necessary amendment of the Town's Planned Development District (PDD) legislation shall be reviewed after due notice to residents of the Town as soon as practicable"; and

WHEREAS the Town Board of the Town of Stillwater designated itself lead agency for the purposes of the administration of the State Environmental Quality Review Act with respect to the original PDD legislation and proposed amendments, and has received no objection to such designation; and

WHEREAS this proposed legislation was referred to the Saratoga County Planning Boards for their review and recommendation, and likewise was provided to the Town of Malta and all other entities entitled to notice by law or regulation; and

WHEREAS the Town Board of the Town of Stillwater held a public hearing concerning the proposed amendments to Local Law No. 4 of 2004 (Luther Forest Technology Campus Planned Development District) as part of the settlement of the Proceedings to permit the execution and delivery of an Amended and Restated Payment in Lieu of Tax Agreement which modifies the existing limitation in the PDD which requires Global to make annual payments in lieu of taxes equal to the total amount of real property taxes that would have been paid if the property were not exempt from taxes to contained a fixed schedule of assessments for Fab 8.1 and valuation methodology for future development, on the May 3, 2012, at 7:00 P.M., at the Town Hall of the Town of Stillwater, 66 East Street, Stillwater, New York 12170, at which time and place all persons desiring to be heard thereon were heard; now, therefore be it

RESOLVED that the Town Board of the Town of Stillwater hereby adopts the proposed amendment to the Luther Forest Technology Campus Planned Development District (Local Law No. 4 of 2004, as amended by Local Law No. 8 of 2004 and by Local Law No. 3 of 2008) as proposed in the Attachment hereto which will become Local Law No. 3

of 2012, and the Town Clerk is directed to file the said local law with the NYS Secretary of State forthwith.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #37 of 2012.

A roll call vote was taken on Resolution #37 of 2012 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

Motion carried. Resolution #37 of 2012 was adopted unanimously.

Resolution #38 **Authorizing the Supervisor to
Sign Supplemental Retainer Agreements with
Cutler, Trainor & Cutler, LLP and
The Chazen Companies regarding the
Van Ness Road Stabilization Project**

Introduced by: Supervisor

WHEREAS, the Supervisor has requested the Town's attorneys and Engineers to provide Supplemental Letters of Engagement and Retainer Agreements regarding the Van Ness Road Stabilization Project, copies of which are attached; and

WHEREAS, the Supplemental Agreements are necessary as previous estimates were based on 7 properties being involved, whereas subsequent investigation indicates there may be as many as 13 different property interests involved;

Now therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign the Supplemental Retainer Agreements with Cutler, Trainor & Cutler, LLP and The Chazen Companies on behalf of the Town for the purpose of surveying and obtaining easements along Van Ness Road.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #37 of 2012.

A roll call vote was taken on Resolution #37 of 2012 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

Motion carried. Resolution #37 of 2012 was adopted unanimously.

Resolution #39 **Authorizing Condemnation of Properties for the
Van Ness Road Stabilization Project**

Introduced by: Supervisor

WHEREAS, in order to begin the construction of the Van Ness Road Stabilization Project, portions of the parcels listed in the attachment hereto may need to be acquired through the Eminent Domain process; and