

## HAMILTON COUNTY IDA

### ZOOM

**JUNE 13, 2022**

The meeting was called to order by Chairman Tomlinson, at 1:00 P.M.

The Executive Director, Ms. Wilt, called the roll with the following Members answering:

Steve Tomlinson, Chairman  
William Farber, Vice Chairman  
James Bateman  
Robert Peck  
Tim Pine  
Tim Brownsell

Also Present:

Christy Wilt, Executive Director  
Laura Abrams, Secretary  
Charlie Frey

Financial Report:

Ms. Wilt reported that the NBT Bank account has \$462,449.15 and Community Bank has \$86,358.62.

Motion to approve the Finance Report by Mr. Peck, seconded by Mr. Bateman. Carried.

New Business:

Ms. Wilt stated that Mr. Frey is here today to discuss his loan with the IDA. He originally borrowed \$50,000 from the IDA; it was due to be paid back when he received his grant from Empire State Development. He has recently submitted a payment of \$35,000 and everyone is in receipt of a letter he submitted. Ms. Wilt asked Mr. Frey to discuss what he is asking for. Mr. Frey thanked everyone for the time today. He stated that he has discussed in the past with Mr. Tomlinson and Mr. Farber about his situation. He appreciates all the work the IDA has done to support the Woods Inn over the last 8 seasons. The IDA helped him with a bridge loan of \$50,000 that helped finish the Carriage House project. He received that on March 4, 2020, then COVID happened. It took a while for programs to kick in, so he was unable to pay back during COVID, they are still wrestling with COVID. He has continued to be challenged. He was able to make a payment of \$35,000. He would like to try to settle this account. He is fully prepared to pay something. It is hard for him to recover the penalties because of the 2 years of COVID. He is asking if the Board could waive the penalties and he just pay the 2% through July, so he can try to make everyone whole and still have the business be viable. It is already a challenge for him to come up with the balance but feels that he can in July and if he does not the IDA has every right to charge all the penalties. Mr. Brownsell stated that you did receive the grant money and you choose not to pay the debt as you were supposed to. Mr. Frey stated yes but based on COVID and the fact that his cash flow dried up completely he wasn't able to. Mr. Tomlinson asked Ms. Wilt what the balance was on the penalty. Ms. Wilt stated that before Mr. Frey made the \$35,000 payment,

there was a 10% failure to pay on top of it, so that was \$5,000 and 2% interest and late fee charges. He owed \$57,893.14. He paid \$35,000 so his balance is \$22,893.14. Mr. Frey is proposing to pay \$51,753.00 to pay off the loan. Mr. Farber stated that he would like to see us move forward in getting this cleared from our books. Mr. Farber stated that it is difficult to not agree with Mr. Brownsell that there have been moments of time during this process that Mr. Frey has been his own worst enemy in terms of his working relationship with an IDA that has really worked hard to try to support his business. Mr. Farber stated that he would like to move forward. He would be amenable to waiving some of the penalty but not all of the penalty because he feels more could have been done to be cooperative along the way. Mr. Frey stated that whatever can be worked out, he appreciates. Ms. Wilt stated the difference between Mr. Frey's number and ours is \$6,139.90. Mr. Frey suggested ½ the \$5,000 and the 2%. Mr. Farber stated that he would be comfortable with the IDA coming up today with a payoff number for July with the caveat that if he doesn't pay it off in July then it goes back to the full penalty. Mr. Brownsell suggested Mr. Frey pay back \$56,000. Mr. Frey stated that would be difficult. Mr. Farber stated that he was inclined to split the difference and make sure we keep our options open if this does not get paid off in July. Ms. Wilt stated that Mr. Frey's proposal, with the payment of \$35,000, he owes \$16,753.24. If we hold back the failure to pay 10% of \$5,000, charge him the interest and late fees, he will have a balance of \$17,893.14. If he doesn't pay by the 20<sup>th</sup> of July, then he would owe the \$5,000. Mr. Farber stated that he wasn't proposing holding back the full \$5,000, just half of it. Ms. Wilt stated that would come to a payment of \$20,393.14. Mr. Frey stated he will figure out a way to do it. Everyone agreed. Ms. Wilt stated that she will draft a letter for Mr. Frey to sign.

Mr. Farber made a motion to accept the amount due, plus interest, fees, and ½ the penalty by July 20<sup>th</sup>, if not received the full amount is due. Seconded by Mr. Bateman. Carried.

Mr. Frey thanked everyone and welcomed the IDA to have a meeting at the Pavilion at the Woods Inn at no charge.

Mr. Frey left the meeting at this time.

Ms. Wilt stated that for the sale contract for 165 Elm Lake Rd. she needs the following resolution adopted.

**RESOLUTION NO. 2-22**

**APPROVING THE SALE CONTRACT OF 165 ELM LAKE ROAD FROM THE  
HAMILTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO MADZCO, LLC.**

**DATED: JUNE 13, 2022**

**BY MR. PINE:**

WHEREAS, the Hamilton County Industrial Development Agency (HCIDA) Board discussed the contract submitted by MADZCO, LLC (the purchaser) for the property known as 165 Elm Lake Road, Tax ID number 105.000-2-2.113, and

WHEREAS, the HCIDA Board, having discussed the terms of the contract and having voted, adopted the Contract, agreed to the terms thereof and directed that the sale shall proceed pursuant to the terms of the Contract, and

WHEREAS, the HCIDA Board agrees to give permission for Christy L. Wilt, whom is the Executive Director, to sign any closing documents required on behalf of the Hamilton County Industrial Development Agency needed to finalize this transaction, therefore, be it

RESOLVED, that the Hamilton County Industrial Development Agency accepts the purchase agreement, as written and received from MADZCO, LLC, and be it further

RESOLVED, that Christy L. Wilt, the Executive Director of the HCIDA is so authorized to sign any documents to sell and finalize this real estate transaction with MADZCO, LLC.

Seconded by Mr. Peck and adopted by the following vote:

AYES: Steven Tomlinson, William Farber, Tim Brownsell, Robert Peck, Tim Pine, James Bateman

NAYS: None

Old Business:

Ms. Wilt stated that the attorney's still have not closed on the sale of the 161 Elm Lake property. The resolution we adopted at the last meeting was supposed to be the last thing they needed to close. Ms. Wilt stated that Tim Schofield and Peter Smith do not communicate. She asked them Friday what the status was. She was told that they are not speaking. It has been 15 months. Mr. Farber asked what "not speaking" means. Ms. Wilt said they don't talk to each other. They can't seem to set a closing date.

As there was no further business, motion to adjourn by Mr. Bateman, seconded by Mr. Farber. Carried.