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P R O C E E D I N G S

PUBLIC HEARING

SARATOGA COUNTY  
Industrial Development Agency

\*\*\*\*\*

A Public Hearing  
in the matter of

Munter Land Holdings, LLC

Section 859-a(2)

General Municipal Law

\*\*\*\*\*

April 11, 2023  
8:30 a.m.

Saratoga Springs  
City Hall  
474 Broadway  
Saratoga Springs, New York

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**PRESENT:**

**FOR THE SARATOGA COUNTY IDA:**

Phil Klein - Vice Chair  
Tom Lewis - Member  
Michael Mooney - Member  
Erinn Kolligian - Member  
Yvonne Manso - Member  
Kevin Tollisen - Member

**ALSO PRESENT:**

Scott Duffy, CEO  
Jeffrey Many, CFO  
James Carminucci, Esq. - Counsel  
Michael Valentine, IDA Administrator  
Kimberly Lambert, Staff to the IDA

**I-N-D-E-X**

<u>Number</u>	<u>Description</u>	<u>For Ident.</u>
1	Notice of Public Hearing	3
2	Affidavit of Publication	3
3	Distribution Letter	3

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(Exhibits Numbers 1, 2, and 3 were marked for identification, this date.)

**VICE CHAIRMAN KLEIN:** Good morning. It is 8:30 a.m. on Tuesday April, 11, 2023. I'll call to order the Public Hearing of the Industrial Development Agency of Saratoga County that is being held in the offices of the Saratoga Springs City Hall at 474 Broadway, Saratoga Springs.

The Agency received an application submitted by Munter Land Holdings, LLC, known as the Applicant, with offices located at 881 Murray Road in Middle Grove.

The Applicant has requested that this Agency undertake a Project consisting of an acquisition of an interest in an approximately 37-acre parcel of land comprised of tax map parcel 177.-1-67, located at the western terminus of Duplainville Road, west of Freedom Way in the City Saratoga Springs, Saratoga County, New York, and the construction on the Land of an approximately 50,000-square foot facility to be operated by the Tenant for the manufacture of stormwater and wastewater piping, and the

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1  
2 acquisition and installation of certain machinery  
3 and equipment in that building, together with the  
4 Land and Facility being known as the Project  
5 Facility.

6 The total cost associated with the  
7 acquisition, construction, and installation of  
8 the Project Facility is now presently estimated  
9 to be \$19,500,000.

10 The Agency is considering whether to  
11 undertake the Project and finance the Project by  
12 executing a mortgage or mortgages to secure a  
13 borrowing or borrowings by the Applicant in an  
14 aggregate principal amount sufficient to finance  
15 all or a portion of the cost to acquire,  
16 construct, and install the Project Facility, and  
17 the cost of the loan is currently estimated to be  
18 \$7,500,000.

19 If the undertaking of the Project and  
20 execution and delivery of the mortgage is  
21 approved by this Agency, then the Project may be  
22 granted such exemptions with respect to real  
23 property taxes, mortgage recording tax, and state  
24 and local sales tax, as are applicable to  
25 manufacturing facilities as described in the

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1  
2 Agency's Uniform Tax Exemption Policy adopted on  
3 October 14th, 2014, subject to deviation as  
4 determined by the Agency.

5 The Project Facility will be acquired,  
6 constructed, and installed by the Agency and  
7 leased, with the obligation to purchase, or sold  
8 by the Agency to the Company, pursuant to a  
9 Project Agreement, and the Company and Applicant  
10 will be the initial users of the Project  
11 Facility, and the Mortgage will be a special  
12 obligation of the Agency, payable solely out of  
13 certain proceeds of the Agreement and certain  
14 other assets of the Agency pledged for the  
15 repayment of the Loan.

16 I will now ask counsel to the Agency,  
17 James Carminucci, if proper legal notice was  
18 provided for the Public Hearing in accordance  
19 with the regulations.

20 **MR. CARMINUCCI:** Yes. Good morning.  
21 Notice of the Public Hearing was published in the  
22 *Saratogian* on March 22nd, 2023, and notices were  
23 sent to the affected taxing jurisdictions as  
24 well.

25 **VICE CHAIRMAN KLEIN:** Thank you. Agency

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1  
2 members present today are Tom Lewis, Michael  
3 Mooney, Erinn Kolligian, Yvonne Manso, Kevin  
4 Tollisen, and myself, Phil Klein.

5 Staff present are Scott Duffy, the CEO;  
6 Jeff Many, the CFO; Counsel, James Carminucci,  
7 administrative staff, Michael Valentine and  
8 Kimberly Lambert.

9 On the application, this request for the  
10 Project was last presented to this Agency on  
11 February 14, 2023. That application and  
12 supporting material have been available for  
13 review by any interested parties since February  
14 7th, 2023, at the IDA office at 50 West High  
15 Street in Ballston Spa.

16 Since the presentation of that  
17 application, are there any additional comments or  
18 thoughts from staff or the Applicant that need to  
19 be provided at this Public Hearing relative to  
20 the application that is now being submitted?

21 **MS. RILEY:** No, Mr. Chairman.

22 **VICE CHAIRMAN KLEIN:** I am, therefore,  
23 going to open the Public Hearing for the input  
24 from the public for response or comments relative  
25 to the application.

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1  
2 If you would like to, just when you come  
3 to the microphone, identify yourself.

4 **MS. BEHUNIAK:** My name is Susan Sasha  
5 Behuniak, and I am a resident of Adams Road.

6 I'm here on behalf of neighbors who are  
7 on Adams Road, Larkspur Drive, Rip Van Lane. We  
8 are very close by the projected parcel for the  
9 Munter proposal.

10 We did not receive any sort of  
11 information or notice. I realize now it was in  
12 the newspaper. We did not see that, but we did  
13 not receive notice until a placard was put up in  
14 -- near the woods on Adams Road last week.  
15 Before that, we had no idea that something so  
16 significant was going to happen to our  
17 neighborhood.

18 So I'm coming before you today, and I'd  
19 like to read into the record what I sent to Mr.  
20 Valentine just a few days ago:

21 On behalf of the neighbors who own  
22 residential property on Adams Road, Larkspur  
23 Drive, and Rip Van Lane, I am writing to forward  
24 questions and concerns about the Munter-Soleno  
25 proposal involving parcel 177.1-67. Some of us

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1  
2 will attend the April 11th meeting -- that would  
3 be today, and we also have a large contingency  
4 going to the next meeting of the Planning Board  
5 this Thursday.

6 We ask that before the County of Saratoga  
7 Industrial Development Agency votes on this  
8 proposal before you today, that you consider and  
9 answer our initial questions regarding health,  
10 safety, and environmental impacts of the Project.

11 One, which category of industrial zone is  
12 this parcel and does Soleno's activities comply?

13 Two, what are the exact locations within  
14 the parcel for the proposed buildings, other  
15 structures, parking lots, and access driveways  
16 and roads?

17 Three, what chemicals will be used in the  
18 manufacturing of the wastewater pipes, how will  
19 they be stored, and what safety measures will be  
20 enforced?

21 Four, what is Soleno's -- the lessee's --  
22 record of safety and environmental protection?  
23 We realize they're a Canadian company.

24 Five, how many trees will be removed from  
25 this acreage and how many replaced? How will



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1  
2 this deforestation be done, and what measures  
3 will be taken to abate pollution and noise for  
4 the neighbors?

5 Six, what will be the operation hours  
6 during construction and also the hours during the  
7 operation of the plant?

8 Seven, has the nearby Ballston Spa Water  
9 District -- which lines our backyards and  
10 actually goes onto Adams -- have they reviewed  
11 and approved of this proposal regarding their  
12 water system?

13 Eight, has a study of potential water  
14 runoff been conducted or a wetland evaluation  
15 done? We are part of a former wetland, and you  
16 can drive up and down Adams and see the water  
17 that it pooling on each side of the road at  
18 present time.

19 Nine, what is the likely impact for  
20 neighborhood real estate values? Would you like  
21 this in your neighborhood?

22 Ten, has a traffic study been conducted?  
23 A point of information about this is that Adams  
24 Road has traffic and speeding problems that the  
25 City has largely ignored. Mailboxes, plantings,

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1  
2 and garbage cans are frequently hit by speeders,  
3 especially in the morning hours when workers are  
4 commuting to their existing industrial sites.

5 The sidewalk along the road only extends  
6 from Rip Van Lane to Larkspur Drive, making it  
7 already dangerous to walk or bicycle to Geysers  
8 Park where the children play, where the softball  
9 league meets, and to Geysers Elementary School.

10 There's no access along that road,  
11 there's no safety measures, and so our point is  
12 not so much the trucks that might be coming in  
13 the back way, but the workers that come speeding  
14 down the road and ignore the 30 mile per hour  
15 speed limit.

16 [End of document being read.]

17 And then I have, I can be contacted --  
18 again, my name is Sasha Behuniak,  
19 B-E-H-U-N-I-A-K. This is not just my concern. I  
20 have three of my neighbors with me right now, but  
21 we have 12 households right now who are extremely  
22 concerned and who are going to be attending  
23 meetings from this point on, and the neighborhood  
24 is quite large, and we pay a lot of money in  
25 taxes.

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I can be contacted at 315-263-8788.

That's my cell. I've given you -- my address is 80 Adams, and my e-mail is Sashaniak@gmail.com.

What I'd like to add is that I did hear from Mr. Munter yesterday. He e-mailed me, and he offered to meet with me. I am trying to emphasize that this is not about me. This is about a huge neighborhood that is a significant part of this community, and we love this community, and we are concerned about so much acreage.

We believe that this is one of the largest acreage left in the county that is really undeveloped. We understand that it's an industrial zone, but we would like to make sure that the safety of the community is enhanced, that we have environmental protections certainly concerning the air, the water, and then the deforestation of this large acreage plot.

So, it's not that we're obstructionists and saying we need to absolutely stop this and preserve for all time, but this has to be done with good stewardship for everybody in the community, now and into the future.

1                                    **Proceedings - April 11, 2023**

2                                    **VICE CHAIRMAN KLEIN:** Thank you. Anyone  
3 else like their voice heard?

4                                    **MR. SHEARER:** Good morning. My name is  
5 Craig Shearer. I'm here representing the owners  
6 and employees of Lane Enterprises.

7                                    Before I talk about Soleno's proposal,  
8 I'd like to give you guys a little background on  
9 who Lane is, that way you know why we're here.

10                                   Lane is an employee-owned company.  
11 That's the first thing I'd like to share. One  
12 hundred percent; we are what is called an ESOP.  
13 That stands for Employee Stock Ownership Program.

14                                   Every employee -- in fact, I brought a  
15 couple with me that are also residents of  
16 Saratoga -- every employee who has been there a  
17 year owns part of the company. They do not have  
18 to buy stock. They are given it by the company.

19                                   Two, we've been in New York for almost 90  
20 years. First plant was in Bath, New York in  
21 1934. We then moved into Pennsylvania, Virginia.  
22 Another plant in New York was added in 1970. So  
23 we have been in this county -- excuse me, 1970 in  
24 Ballston Spa, to be specific. So we've been in  
25 this county for over 50 years and a part of this

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1  
2 community.

3 Three, we are a manufacturer of  
4 stormwater products, that means corrugated steel  
5 pipe, corrugated aluminum pipe, polyethylene  
6 pipe, and polypropylene pipe. What that means is  
7 Soleno is a direct competitor of our company.  
8 Obviously competition moving in less than ten  
9 miles from our existing plant caught the eye of  
10 many of my employees, and they all came to me  
11 very concerned.

12 I can't argue with Mr. Munter wanting to  
13 sell them the land. I can't argue with Soleno  
14 owning the building. It's a great community. We  
15 have been here for 50 years for a reason. What I  
16 can argue about is whether or not our government,  
17 the IDA, should assist them in doing so. My  
18 belief is, no, we should not.

19 In doing so, you're essentially putting  
20 the thumb on the scale helping Soleno come in  
21 here to compete and take money out of our  
22 pockets, take jobs, opportunities, money away  
23 from our company, our employees, and owners of  
24 that company.

25 In general, I applaud what the IDA does.

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1  
2 I think it's admirable, but I believe it was  
3 founded -- and correct me if I'm wrong on this:  
4 In order to advance job opportunities, general  
5 prosperity, and economic welfare of the citizens  
6 of Saratoga County.

7 In some ways, allowing Soleno to build  
8 there would do that, there would be more jobs,  
9 but I am telling you that they will take jobs,  
10 opportunities, and money out of the pockets of  
11 existing citizens who are already here and a  
12 company that has been here in this community for  
13 over 50 years.

14 Based upon that, I would ask you to vote  
15 no on this proposal. Thank you.

16 I will be here and my employees are here  
17 if you would like to ask us any questions.

18 **VICE CHAIRMAN KLEIN:** Thank you, sir.

19 **MR. FRYE:** Hello, my name is Jack Frye.  
20 I am a neighbor on Adams Road. The proposed  
21 Project is going to be 50 feet from my house.  
22 That's the berm that they say.

23 I have two points that I'd like to make.  
24 One is notification. Not all of us get the  
25 *Saratogian* or read it like that. We would expect

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1 notification about this.

2  
3 Munter -- is that his name -- apparently  
4 decided that he was going to contact a neighbor.  
5 He contacted someone I don't even know. His  
6 name, apparently you might know, is Saffron,  
7 because he's been a problem here. He met with  
8 him and got a sign-off, right. Saffron's  
9 property is nowhere near the proposed Project.  
10 Our houses are right next door. We were not  
11 notified at all.

12 The sign that went up was tucked behind a  
13 huge oak tree, and I happened to see it because I  
14 was walking my dog. Nobody else noticed it. I  
15 submit that there was not proper notification  
16 given about any of this. That's my first point.

17 My second point has to do with the number  
18 of jobs being created. If you read the  
19 documentation, they're not clear how many jobs,  
20 in fact, are going to be created. At one point  
21 it says 50, another point it says 35, another set  
22 point it says 25. So, wouldn't the company know  
23 how many employees it takes to run this  
24 operation?

25 If they don't meet their quota, what are

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1  
2 the consequences? What are the punishments if  
3 they do not meet the number of employees that  
4 they say they're actually going to create?

5 So those are my two points. Thank you.  
6 I would ask that you either vote it down or delay  
7 the vote.

8 **VICE CHAIRMAN KLEIN:** Any other comments,  
9 questions?

10 **MR. CARMINUCCI:** Mike, was anything  
11 received electronically?

12 **MR. VALENTINE:** Just what I just passed  
13 out to Board Members, yes, and that's what was  
14 read into the record.

15 **VICE CHAIRMAN KLEIN:** Okay. Having been  
16 a member of the City Planning Board for two  
17 terms, 14 years, I have some questions with  
18 regards to the notifications, but, Jim, if I  
19 could ask you -- and I don't know -- I know you  
20 do not know exactly if all of the notifications  
21 were made, but that would be a function of the  
22 Planning Board receiving their application and  
23 then vetting all of the necessary --

24 **MR. CARMINUCCI:** Right. We've met our  
25 notification obligations under the General



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1  
2 Municipal Law. Whatever the Planning Board is  
3 required to do is separate and apart from this  
4 process.

5 **MR. VALENTINE:** Mr. Chairman, I would  
6 just speak to that. I did speak with -- do you  
7 mind if I call you Sasha?

8 **MS. BEHUNIAK:** That's fine.

9 **MR. VALENTINE:** I have a hard time with  
10 pronouncing your name.

11 I spoke with Sasha at 7:30 yesterday  
12 morning after I received the e-mail at 9 o'clock  
13 Sunday night, and one of the things it brought  
14 up, and I was trying to differentiate, is  
15 Saratoga County IDA and Saratoga Springs City  
16 Planning Board.

17 They are two different bodies, two  
18 different functions. They operate for different  
19 purposes, and as I told you on the list, the list  
20 on here that we received, almost all of it is  
21 City Planning Board. It's not that somebody  
22 sitting here will say, okay, we're not looking at  
23 it or speaking about it, but when you came up to  
24 speak, you were speaking to the City Planning  
25 Department, Planning Board with your comments.

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1  
2 So there is that difference, but as  
3 Counsel noted, our responsibility for  
4 notification has been met. All right. It went  
5 out with the public notice.

6 What the City did with their obligation  
7 to post notice, we were not even aware of until a  
8 conversation came up between yourself and me.

9 **VICE CHAIRMAN KLEIN:** Right.

10 **MR. LEWIS:** Jim, has the City Planning  
11 Board approved this yet?

12 **MR. CARMINUCCI:** No.

13 **VICE CHAIRMAN KLEIN:** The process is  
14 ongoing.

15 **MR. CARMINUCCI:** Mike, what's the status?

16 **MR. VALENTINE:** Yes. There was an  
17 approval on Monday night last week, all right,  
18 and then I was going to ask John if he wants --  
19 do you want to speak to that, as far as what the  
20 status is after?

21 There was an awareness that signage had  
22 to be put up, and the Applicant wasn't either  
23 told, notified by the Board at the time, as far  
24 as posting it on the site.

25 **MR. MUNTER:** There's a new standard in

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1  
2 the UDO, which just took effect very recently,  
3 for a sign to be placed on a property if it's  
4 under any of the Land Use Board approval process,  
5 so Zoning Board, Design Review, Planning Board,  
6 all three boards: Minimum of seven days, maximum  
7 of 20 days from a meeting. Okay.

8 So, the first meeting we attended, it was  
9 a miscommunication between us as the Applicant  
10 and the city planner. She didn't have the sign  
11 made. She has to have the sign made. We have to  
12 purchase it, pick it up, and place it.

13 So, after the meeting, it was determined  
14 by the City attorneys, a representative for Mr.  
15 Shackner's office, our attorney, Stephanie  
16 Bitter, who is here on behalf of John Lapper,  
17 those two communicated to bring up the fact that  
18 that sign had not been placed on the property  
19 prior to the Planning Board meeting.

20 So we all agreed that for the process to  
21 be done lawfully and for the public to have the  
22 opportunity to weigh in, that we place the sign  
23 on the property and bring it back to the Planning  
24 Board.

25 So we're not trying to hide anything. It

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1  
2 was a mistake. It was done in the beginning of a  
3 new process. It's not the first time this  
4 mistake has been made. There's been other public  
5 meetings that this has occurred with.

6 So the sign was placed last Thursday  
7 morning, and the Planning Board meeting is this  
8 coming Thursday evening. So the sign was placed  
9 in the appropriate amount of time. The sign was  
10 not ready for us to even pick up until the very  
11 end of business on Wednesday. I waited for them  
12 at the sign shop as they finished it.

13 So we put it up as soon as we could get  
14 it, and we're willing to hear the public on what  
15 their concerns are on the property.

16 As this Board knows, this industrial park  
17 was zoned industrial in the 1950s. It's been  
18 slowly growing since the '50s up to the point  
19 that it is now. It's been a very important  
20 economic facet of Saratoga Springs' and Saratoga  
21 County's economic well-being.

22 It's provided decades of people that have  
23 worked in those facilities from right out of high  
24 school to retirement. It's supported thousands  
25 of families.

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1  
2 The neighborhoods were built after the  
3 industrial park was founded. So, I have  
4 compassion for the people that live adjacent to  
5 it, but it's always been planned to be developed.  
6 We've been before the Planning Board in this  
7 room. There's a few guys here that have heard us  
8 over the decades of master plans with this park.  
9 We extended the Duplainville Road back in 2010.  
10 There was a master plan for this piece that is  
11 before the Planning Board now for the size site  
12 that it's being developed as.

13 So, this isn't something out of the blue.  
14 This has been planned for since the 1950s for  
15 this property to be developed, and there's a lot  
16 of potential for the well-being of the City and  
17 the County by this park being continually  
18 developed with companies.

19 Environmentally, the Soleno company is  
20 one of the absolute best finds. This is a true  
21 gem to have as an industrial neighbor. So we'd  
22 appreciate the fact that this Board recognize the  
23 value of this application and the value of this  
24 company coming to our community, and this  
25 incentive benefit doesn't benefit us as the

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1  
2 developer whatsoever. It only benefits them as a  
3 company, but, as you know, I have to represent  
4 this point because it's our property.

5 So, we hope that you'll help attract  
6 Soleno to our business community here. Thank  
7 you.

8 **VICE CHAIRMAN KLEIN:** Thank you. Yes,  
9 ma'am?

10 **MS. BEHUNIAK:** Sasha Behuniak again.  
11 This was our notice, okay, in the woods, over a  
12 holiday weekend, okay, Good Friday, Holy  
13 Saturday, Passover, Easter, and during the school  
14 break, because the school is not in session this  
15 week.

16 So, a lot of neighbors are not there. A  
17 lot of people are driving by. They can't see  
18 this sign and, actually, somebody got out, went  
19 out to the sign and moved it closer to the road  
20 so that some people could actually see it.

21 So the seven days' notice, does that  
22 include -- are those business days, or do those  
23 also include holidays?

24 **MR. LEWIS:** The Planning Board, right?

25 **MS. BEHUNIAK:** Yes, this is for Planning

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1  
2 Board meeting. Right, and I understand who you  
3 are. I understand that you're different, but we  
4 don't have any other way of being notified, other  
5 than say something like this, and we have a huge  
6 vested interest as well.

7 If you look at all the real estate there  
8 and you look at our safety and our health  
9 concerns, I'm not sure that your mission is only  
10 to find what's suitable or for business or for  
11 industry or for finances.

12 I think you also have a moral obligation  
13 for some of us who have huge amounts of money  
14 invested in this community and that another  
15 company who is now going to be undercut and that  
16 is going to be in competition, and you're going  
17 to be giving, I assume, tax breaks, and that  
18 influences -- and that impacts all of us as  
19 taxpayers.

20 So this isn't something that can be just  
21 separated out. I think that the questions that  
22 we ask are pertinent. I guess I want to know for  
23 the record that if you're saying that this is  
24 only pertinent for the Planning committee, I hear  
25 you, or are some of these considerations about

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1  
2 the environment, health and safety, is that not  
3 your purview at all?

4 **VICE CHAIRMAN KLEIN:** Well, that's a good  
5 question, but, again, the Planning Board usually  
6 considers the Applicant before we get it.

7 So many of these answers to those -- or  
8 almost all of the answers to the questions that  
9 you proposed are to be answered via vetting by  
10 the Planning Board, and then if the City Council  
11 needs to get involved, then the City Council  
12 needs to get involved.

13 We are a County Agency that looks at it  
14 from a financial well-being of the community,  
15 with regards to jobs and infrastructure and  
16 things such as that. So, it's not our purview to  
17 question in the great detail that you might want  
18 to have this questioned. It's not our job, okay,  
19 to put it very simply.

20 **MR. MANY:** One question you had regarding  
21 the jobs, so they put down a number of jobs they  
22 need to create. That gets audited annually, and  
23 if they don't meet that, they get the tax  
24 exemption removed. They have to meet that job  
25 number.



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1  
2 **MR. VALENTINE:** Through a process.

3 **MS. KOLLIGIAN:** I know the Planning Board  
4 at some point -- or the Project, through the  
5 Planning process, has to notify adjacent  
6 neighbors that there's a Public Hearing that  
7 has --

8 **MR. VALENTINE:** That's what Phil and Tom  
9 were alluding to is the fact that properties  
10 within either -- in the City it could be 200 or  
11 500, they vary from town to town and city, as far  
12 as adjoining properties.

13 So, if you have a residence or parcel  
14 that's within that scope of 200 to 500, or  
15 whatever it is, they would have received  
16 notification, all right, from the Planning Board.  
17 So there was notice, and I did ask last week.  
18 Notices went out.

19 **MS. KOLLIGIAN:** Certified mail?

20 **MR. VALENTINE:** I imagine that's how they  
21 do it with certified mailing.

22 **VICE CHAIRMAN KLEIN:** You could check  
23 that again with the City Planning.

24 **MS. BEHUNIAK:** No notifications.

25 **MR. MUNTER:** Just to clarify on that,

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1  
2 under the new UDO, mail notices are not a  
3 requirement for this type of application.

4 They have the website that they assume  
5 everyone in the world has the Internet now, so  
6 you can go on the website weekly to check the  
7 agenda for the whole city, which is what they  
8 think most people would do if they're concerned  
9 about their neighborhood.

10 If it's a certain type of application,  
11 like a zoning use or area change, they do require  
12 mailed notice. If it's a subdivision, they  
13 require mailed notice. For this type of  
14 application, it is not required.

15 **MR. VALENTINE:** So site plans don't  
16 require the mailing?

17 **MR. MUNTER:** No, but they all require the  
18 sign. So the sign was put up -- actually, I put  
19 the sign up. I disagree with the fact that it  
20 was put deep in the woods. I put it next to the  
21 intersection where people would slow down the  
22 most.

23 **MS. BEHUNIAK:** Perpendicular he placed  
24 it. You can't even see it. I have photos where  
25 the sign was placed.

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**MR. MUNTER:** Okay.

**VICE CHAIRMAN KLEIN:** One at a time.

**MR. MUNTER:** Obviously people saw it because they're here. The sign was placed near the intersection of Rip Van Lane, which was the closest stopping point. It wasn't on the apex of the turn. It wasn't anywhere where people might not be slowed down to see it, so I don't know how an argument about how the sign was placed is valid.

Anyways, the notifications for the City meeting are in compliance. The city attorney has checked it. We e-mailed her pictures last Thursday. She checked the compliance of it. She's content. She is the City's attorney, not our attorney. So I think as far as that goes, we can put that one to rest.

**VICE CHAIRMAN KLEIN:** Okay. Tom?

**MR. LEWIS:** So you can stand or sit, it's up to you.

**MR. MUNTER:** Okay.

**MR. LEWIS:** Just by way of, I don't know, I was on the City Planning Board for almost six years. I've appeared before over 100 different

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1  
2 planning boards for the State of New York back  
3 when I was in the business world. I'm now  
4 retired from that.

5 All municipalities have their own ways of  
6 doing notification, some by e-mail, some by  
7 signs, some are by newspaper stories, and I  
8 understand everything that -- I empathize with  
9 neighbors. Again, I've heard a lot of neighbors  
10 have legitimate objections. These are all very  
11 good, good questions.

12 I've met various kinds and seen different  
13 developers and multiple situations, and I'll tell  
14 you, the Munter Enterprises, they're one of the  
15 best applicants I've ever seen. So, I'm not  
16 surprised that if an error that was made by the  
17 City with notification wasn't their fault, but  
18 they say, okay, we'll come back to the Planning  
19 Board.

20 As to the competition, if you were  
21 proposing exactly what they're proposing, then  
22 I'd be in favor of it. So, I understand your  
23 position. Again, it is really not this Board's  
24 purview. It's like when you have a national  
25 issue, you know, pick any issue that you want,

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1  
2 and then somebody comes before the State, the  
3 City Council on something, on some border issue,  
4 it's just not our purview.

5 So I don't want to be unsympathetic, but  
6 the responsibility of this Board is to look at  
7 the project, we listen to a presentation by  
8 Soleno, and based on what we heard, it seems like  
9 a very good project.

10 I'm in favor of the project from an IDA  
11 standpoint. Everything in this, as Mike  
12 Valentine said, this is all local stuff. It is  
13 under the purview of the City Board. I'm sure  
14 you are all going to be there Thursday.

15 Those people on the City Planning Board  
16 are not rubber stampers. I have every belief  
17 they will listen to you. They will weigh the  
18 decisions, but it's not relevant to this Board.  
19 These are not the kind of things that under the  
20 rules of an IDA, you know, they don't fall under  
21 these things. Thank you, Mr. Chairman.

22 **VICE CHAIRMAN KLEIN:** Okay.

23 **MS. BEHUNIAK:** Is it the purview of the  
24 IDA to favor a Canadian company over --

25 **MR. LEWIS:** No --

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1  
2 **MS. BEHUNIAK:** -- over a local company?

3 **MR. LEWIS:** -- no, I don't favor anybody  
4 over anything.

5 **MS. BEHUNIAK:** But it seems that you're  
6 willing to give away local taxpayer money in the  
7 form of exemptions and credits that will undercut  
8 a local company, and it's for a Canadian company  
9 to come here to compete with them.

10 **MS. KOLLIGIAN:** That's for the City  
11 Council.

12 **MS. BEHUNIAK:** I thought you were in  
13 charge of the economic part, the finance part,  
14 and you're going to enable them to do this.

15 **VICE CHAIRMAN KLEIN:** We're not going to  
16 be discriminatory in any manner. Okay. It's  
17 just not going to happen, and we're not having a  
18 dialogue here. It's question and answer. Okay?

19 **MS. BEHUNIAK:** Sorry, sir.

20 **MR. SHEARER:** I was essentially going to  
21 say the same thing, ma'am.

22 While I agree that it is not your area to  
23 determine whether the project should go forward  
24 or not, it is your area to determine whether or  
25 not this Council should aid the project to go

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1 forward or not.

2 **MS. BEHUNIAK:** Right.

3 **MR. SHEARER:** And my argument is that  
4 economically you're hurting many existing  
5 citizens and an existing business, and that  
6 should be considered when voting on this project.  
7

8 If they want to build there, as I said,  
9 that's fine. Hell, I'll be happy to assign them  
10 the pipe to build, but aid should not be given.  
11 You should not be assisting them with a mortgage  
12 and with tax write-offs.

13 **VICE CHAIRMAN KLEIN:** Well, thank you  
14 very much for your comments.

15 With that said, I guess maybe that's -- I  
16 mean, it just doesn't make sense, sir, and I  
17 don't mean to get into a discussion with you, but  
18 if that would be the case, Ford would be the only  
19 car you'd buy, okay, because it would be the only  
20 dealer in town.

21 With that, are there any other comments  
22 from the public with regards to this matter?

23 **MR. SHEARER:** Sir, you -- I know you  
24 don't want to get into a discussion. I  
25 understand what you're saying but --

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1  
2 **VICE CHAIRMAN KLEIN:** If you want to  
3 address us, you have got to come up to the  
4 microphone, sir.

5 **MR. SHEARER:** I do understand what you're  
6 saying, there should be more than one option, and  
7 there are. There are dealers that sell other  
8 manufacturer's pipe in this county. I'm fine  
9 with that. I said I'm fine with them building  
10 there.

11 I am not fine with our city government  
12 that we pay taxes to helping them to come here.  
13 That is my issue. And where am I wrong in that?

14 **VICE CHAIRMAN KLEIN:** We don't control  
15 the economy. Okay. If private enterprise wants  
16 to do Project A and someone else wants to do  
17 Project A-1, well, then fine. It's up to the  
18 private enterprise to do that. We're not a  
19 constraint. All we are is if everyone meets the  
20 criteria that's been set up --

21 **MR. SHEARER:** I'm not asking you to  
22 constrain them in any form. I'm asking you not  
23 to assist them.

24 **MR. LEWIS:** But if you were the  
25 applicant, I would feel the same way. I would be



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1  
2 in favor of the project if you and your employees  
3 proposed the exact same thing, because we look at  
4 the whole county, how all these affect Saratoga  
5 County. If you were the applicant, I'd be in  
6 favor of it.

7 **MR. SHEARER:** What are the benefits that  
8 you see to the county by bringing Soleno in?

9 **MR. LEWIS:** It's jobs, it's development.  
10 These things all feed on each other. You know,  
11 Saratoga County is, like, for a couple of decades  
12 -- there's only three counties that have real  
13 growth, industrial, commercial, residential in  
14 all of New York: Orange County, Dutchess County,  
15 Saratoga County. North of Westchester, that's  
16 it.

17 So those things all feed off of each  
18 other. You get more industrial, you get more  
19 jobs, you get more houses built, you get more  
20 commercial establishments, and this Board has a  
21 terrific record of supporting really, really good  
22 projects, which is why our county keeps growing.

23 We have to look at a bigger picture. The  
24 City Planning Board is going to look at your  
25 issue.

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1  
2           **MR. SHEARER:** That's what I'm asking you  
3 to do, is to look at the bigger picture. You  
4 can't look at a project on its own. You have to  
5 look at what it's going to do to the community as  
6 a whole.

7           **MR. LEWIS:** So you and I have a  
8 disagreement on that. I think I am doing that,  
9 and you think I'm not doing that.

10          **MR. SHEARER:** I do not think you are.  
11 Pipe is not --

12          **MR. LEWIS:** I'm sorry that I've  
13 disappointed you. I really mean that.

14          **MR. SHEARER:** No, no.

15          **MR. LEWIS:** I'm sorry I disappointed you.

16          **MR. SHEARER:** Sir, pipe is not going to  
17 go door to door to sell it. It depends on the  
18 development in the area. So, as I said, in  
19 general, I'm a fan of the IDA. I like to see  
20 development.

21          **MR. LEWIS:** Good.

22          **MR. SHEARER:** It creates opportunities  
23 for --

24          **MR. LEWIS:** We're on the same page.

25          **MR. SHEARER:** -- our company to sell

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1  
2 pipe, but adding Soleno does not create more  
3 development. It creates more competition for an  
4 existing business that's been here for over 50  
5 years.

6 **MR. LEWIS:** I think this Board  
7 understands your position.

8 **MR. SHEARER:** Okay. Thank you.

9 **VICE CHAIRMAN KLEIN:** Anyone else?


10 (No response.)

11 **VICE CHAIRMAN KLEIN:** If there is no  
12 other input to this Public Hearing relative to  
13 this application, and I see none, then we will  
14 close the Public Hearing. Thank you.

15 (Whereupon, at 9:11 a.m. the proceedings  
16 in the above-entitled matter were concluded.)  
17  
18  
19  
20  
21  
22  
23  
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25

C E R T I F I C A T I O N

I, LAUREL STEPHENSON, a Court Reporter and Notary Public in and for the State of New York, do hereby certify that the foregoing record taken by me at the time and place as noted in the heading hereof is a true and accurate transcript of same, to the best of my ability and belief.



Laurel Stephenson

Date: April 20, 2023

Martin Deposition Solutions, Inc.  
Malta Commons Business Park  
100 Saratoga Village Boulevard  
Building 37, Suite 37C  
Malta, New York 12020  
Phone: (518) 587-6832  
Toll free: (800) 587-6832  
Fax: (518) 587-1539  
Website: [Www.martindepo.com](http://www.martindepo.com)

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