

NOTICE OF PUBLIC HEARING
ON PROPOSED PROJECT
AND FINANCIAL ASSISTANCE
RELATING THERETO

Notice is hereby given that a public hearing pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the "Act") will be held by Schoharie County Industrial Development Agency (the "Agency") on the 4th day of February, 2025 from 11:00 o'clock a.m., local time, at the Sharon Springs Free Library – Community Room located at 129 Main Street in the Village of Sharon Springs, Schoharie County, New York in connection with the following matters:

On July 27, 1994, the Agency executed and delivered a lease agreement dated as of July 15, 1994 (the "Lease Agreement") with Wal-Mart Stores, Inc. (the "Company") for the purpose of undertaking the following project (the "Project") consisting of the following: (A) (1) the acquisition of an interest in a parcel of land containing approximately 217 acres located at 721 Highway Route 20 (currently tax ID # 5.19-1-1) in the Town of Sharon, Village of Sharon Springs, Schoharie County, New York (the "Land"), (2) the construction on the Land of a single story building initially to contain approximately 1.42 million square feet of space (the "Facility"); and (3) the acquisition and installation therein and thereon of certain machinery and equipment (the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to be utilized by the Company as a warehouse/distribution center; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company pursuant to the terms of a lease agreement dated as of July 15, 1994 (the "Original Lease Agreement") by and between the Agency and the Company.

The acquisition, construction and installation of the Project is complete.

In connection with the undertaking of the Project, the Agency and the Company entered into a payment in lieu of tax agreement dated as of July 15, 1994 (the "Original PILOT Agreement") pursuant to which the Company agreed, among other things, to make certain payments in lieu of tax payments to the Town of Sharon, the Village of Sharon Springs and the Sharon Springs Central School District (collectively, the "Affected Taxing Jurisdictions").

In connection with a request (the "2015 Request"), (A) the Original Lease Agreement was amended pursuant to a first amendment to lease agreement dated as of June 1, 2015 (the "First Amendment to Lease," and collectively with the Original Lease Agreement, the "Lease Agreement"), (B) the Original PILOT Agreement was amended pursuant to a first amended and restated payment in lieu of tax agreement dated as of June 1, 2015 (the "First Amended and Restated PILOT," and collectively with the Original PILOT Agreement, the "PILOT Agreement") pursuant to which the Agency and the Company, among other things, amended the term of the Original PILOT Agreement to provide that the agreement would be scheduled to terminate on May 31, 2025 in accordance with the terms of the Lease Agreement, and (C) the Agency and the Company executed and delivered a project benefits agreement dated as of June 1, 2015 (the "Project Benefits Agreement") by and between the Agency and the Company relating to the terms of the granting by the Agency of the Financial Assistance to the Company and the extension of the Basic Documents.

The Company has approached the Agency for the purpose of further amending (A) the payment terms of the PILOT Agreement and (B) the expiration date of the Basic Documents (as defined in the Lease Agreement) (the "PILOT Request").

In connection with the PILOT Request, the Agency is considering whether to approve the PILOT Request and amend the Basic Documents (collectively, the “PILOT Amendments”), following the satisfaction by the Agency of its policies and applicable New York law. The Agency will also condition its approval of the PILOT Amendments on the approval of the PILOT Amendments by the governing boards of the Affected Taxing Jurisdictions.

The PILOT Amendments constitute a deviation from the Agency’s Uniform Tax Exemption Policy and the Agency will satisfy applicable New York law relating to such deviation.

The Agency has not yet made a determination pursuant to Article 8 of the Environmental Conservation Law (the “SEQR Act”) regarding the potential environmental impact of the approval of the PILOT Amendments.

The Agency will at said time and place hear all persons with views on the proposed PILOT Amendments being contemplated by the Agency in connection with the Project. A copy of the application previously filed by the Company with the Agency with respect to the Project is available for public inspection during normal business hours at the office of the Agency. A transcript or summary report of the hearing will be made available to the members of the Agency.

Additional information can be obtained from, and written comments may be addressed to: James Halios, Chief Executive Officer, Schoharie County Industrial Development Agency, P.O. Box 627, Cobleskill, New York 12043; Telephone: 518-918-9735.

Dated: January 17, 2025

SCHOHARIE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

BY: /s/ James Halios
Chief Executive Officer