

**SENECA COUNTY
INDUSTRIAL DEVELOPMENT AGENCY
MEETING MINUTES**

Regular Meeting
Thursday, November 5, 2020
12:00 Noon
Via Livestream and Recorded

Attendance:

IDA Board Members Present: Steve Brusso, Chair, Don Trout, Valerie Bassett, Erica Paolicelli, Menzo Case, Thomas Kime, Jeff Shipley and Steve Wadhams
Board Members Absent: None
Staff Attending: Sarah Davis, Executive Director; Patricia Jones, Deputy Director and Kelly Kline, Office Manager
Others Attending: Rob Halpin, The Halpin Law Firm; Robert Kernan, CFO; Mitch Rowe, County Manager; Dan Compitello, NY Fayette I LLC; Earl Martin, Deer Haven Park and Kyle Krenzer, FL TV

Call to Order:

Chairman Brusso called the meeting to order at 12:00 p.m. A quorum of the Agency's members was present.

Approval of IDA Minutes / Meeting of October 1, 2020:

The minutes of the Agency's regular meeting of October 1, 2020 had been sent to Board members prior to the meeting. A motion was made by Ms. Bassett to approve the meeting minutes. Seconded by Mr. Case. Members Case, Bassett, Trout, Paolicelli, Brusso, Kime and Shipley voted "yea". Mr. Wadhams was absent. Motion carried.

Mr. Wadhams arrived at meeting

Approval of IDA Financials thru September 2020:

The IDA Financial statements thru September 2020 had been mailed to board members prior to the meeting. Mrs. Paolicelli summarized the financial statements for the board. A motion was made by Mr. Kime to accept the September 2020 financial statements. Seconded by Mr. Wadhams. Members Case, Bassett, Trout, Paolicelli, Brusso, Kime, Wadhams and Shipley voted "yea". Motion carried.

Discussion / Approval of IDA Resolution No 2020-18 Deer Haven Park / Inducement:

Ms. Davis advised board members that Earl Martin has submitted an application for financial assistance on his proposed project at the former Hillside Facility in Varick. A copy of the application was provided to board members prior to the meeting. Mr. Martin provided an overview of his project. One of the main driving reasons for his interest in the Hillside property has to do with expanding the White Deer Tours to include the history of the Depot. He stated that many people that have taken the tour have said that the historical component of the Depot has as much of an appeal to them as the white deer. Therefore, in order to make the tours sustainable, he would add the historical component to the tours. In addition, he plans to develop a campsite, including other businesses like an ice cream stand, camp store and a miniature golf course with a white deer and military history theme, all of which will complement the tours. The Hillside property will also provide temporary workspace for his employees of Seneca Dairy as they continue their expansion of the Galvanizing Plant at the Depot.

Mrs. Davis noted that part of Mr. Martin's purchase bid on the Hillside property was made conditionally with the approval of a one-year pilot. The requested PILOT is due to the substantial investment that Mr. Martin is looking to make over the next few years and with the current assessment of the property valued at \$3.8 million, the taxes would be prohibitive for the project to work in the long term without an incentive package. Ms. Davis noted that a cost-benefit analysis was completed by staff and provided to board members. The proposed one-year pilot payment would be approximately \$10,000, which is calculated by using the appraised value of the property of \$350,000. The resolution today would accept the application and authorize staff to conduct a public hearing. The Resolution was presented as follows:

RESOLUTION OF THE SENECA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING THE APPLICATION OF DEER HAVEN PARK, LLC (THE "COMPANY") DATED OCTOBER 27, 2020 WITH RESPECT TO A CERTAIN PROJECT (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT, (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED WITH RESPECT TO THE PROJECT, AND (iv) AUTHORIZING THE NEGOTIATION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS

A motion was made by Ms. Bassett approving IDA Resolution No 2020-18. Seconded by Mr. Trout. Members Case, Bassett, Trout, Paolicelli, Brusso, Kime and Shipley voted "yea". Mr. Wadhams was absent. Motion carried.

Governance Committee Report:

Mr. Brusso chairman of the IDA Governance Committee advised Board members the Committee met on October 19th of this year, reviewed the following policies, and are recommending approval by the full Board:

a) Approval of IDA Policies:

Established Policies with Modifications:

The amended policies were provided to board members prior to the meeting. The proposed amendments were presented as follows:

- **Administrative Guidelines Policies and Procedures:** The addition of a social media policy and to break out the agency's FOIL policy into a standalone, public-facing document.

- **By-Laws:** Added clarification regarding the definition of a quorum per state Public Authorities Law.
- **Code of Ethics:** Added section of NYS Public Officers Law that outlines lobbying ban for all agency employees.
- **FOIL Policy:** Expanded upon the previous policy to include contact information for the public and further detail on the FOIL process.
- **Sexual Harassment Policy:** Clarified that the policy applies to board members in addition to staff and volunteers. Added a clause to allow individuals who've received the training elsewhere to supply proof of completion instead of needing to retake the training.
- **Uniform Tax Exemption Policy:** Added policy regarding community-distributed solar facilities of 5MW or less.

A motion was made by Mr. Wadhams approving the modified policies. Seconded by Mr. Trout. Members Case, Bassett, Trout, Paolicelli, Brusso, Kime, Wadhams and Shipley voted "yea". Motion carried.

Established Policies with No Modification:

The following policies were provided to Board members prior to the meeting and were presented as follows with no changes: Audit Committee Charter, Conflict of Interest, Capitalization Policy, Code of Ethics, Disposition of Property Policy, Equal Opportunity Policy, Finance Committee Charter, Governance Committee Charter, Investment Policy, Procurement Policy, Records and Retention Policy, Supplies and Equipment Policy, Whistleblower Policy and Mission Statement. A motion was made by Mr. Wadhams approving all established policies listed above with no modifications. Seconded by Mr. Kime. Members Case, Bassett, Wadhams, Trout, Paolicelli, Brusso, Kime and Shipley voted "yea". Motion carried.

b) Review and Approval of Updated IDA Application for Financial Assistance:

A copy of the proposed application was provided to board members prior to the meeting. Proposes changes are as follows: Added spaces for additional contact and project information, including desired closing date and estimated construction start and end dates. Also, provided additional guidance and clarification on job projection table to bring it more in line with PARIS reporting to the state. A motion was made by Ms. Bassett approving the updates to the IDA Application. Seconded by Mr. Wadhams. Members Case, Bassett, Wadhams, Trout, Paolicelli, Brusso, Kime and Shipley voted "yea". Motion carried.

c) Governance Self Evaluation:

The IDA Governance Committee Charter requires that they report to the full IDA Board, at least annually, any proposed changes to the Governance Charter or the Governance Guidelines. A copy of the evaluation was provided to board members prior to the meeting, and no changes were noted.

d) Contract Renewals:

Six contracts for Professional Services for the 2021 calendar year are up for renewal: Fisher Associates; Dermody Burke and Brown; Eleanor Beattie, IDA Bookkeeper; Jim Armstrong, Business Retention & Expansion Specialist; Finger Lakes TV and Robert E. Kernan Jr., CFO. All six contracts have been reviewed by the Governance Committee and approval by the full board was recommended.

1. **Fisher Associates** offers professional engineering services. Their annual contract fee is for up-to \$10,000 and would be billed on an as-needed basis. No increase from prior year.
2. **Dermody Burke and Brown** provides accounting services with a \$6,750 annual fee. An annual increase of \$150 from 2020.
3. **Eleanor Beattie** is an independent contractor who currently performs bookkeeping duties for the IDA/EDC/SVMC at a price of \$675 a month for a maximum of 20 hours monthly. No increase from prior year
4. **Jim Armstrong** is a business expansion and retention specialist. His services are not to exceed \$15,000 for 2021. No increase from prior year.
5. **Finger Lakes TV** for livestreaming services of the agency's Meetings with an annual fee of \$10,000. A motion was made by Mr. Case approving renewal of contracts 1-5 above. Seconded by Mr. Trout. Members Case, Bassett, Wadhams, Trout, Paolicelli, Brusso, Kime and Shipley voted "yea". Motion carried.
6. **Robert E. Kernan, Jr.**, as CFO with a monthly service fee of \$1,500; \$1,000 is paid by the IDA and \$500 is paid by the EDC
A motion was made by Ms. Bassett approving renewal of Mr. Kernan's contract as CFO. Seconded by Mrs. Paolicelli. Members Bassett, Wadhams, Trout, Paolicelli, Brusso, Kime and Shipley voted "yea". Mr. Case abstained due to his affiliation with Generations Bank of which Mr. Kernan is a member. Motion carried.

Discussion / Approval of IDA Resolution No 2020-19 / NY Fayette 1 LLC / Final:

A copy of the proposed resolution was provided to board members prior to the meeting. Mrs. Davis advised the board that a public hearing was held on October 21, 2020 and two written comments were received. One of the comments was from residents in the Town of Fayette who noted they are opposed to the project due to the lack of long-term job creation. The second comment was from a representative of the carpenters' union urging the IDA to ensure that solar developers on any future projects use local construction labor instead of bringing workers from out of state. Dan Compitello from Delaware River Solar was at the hearing and commented that the company is based in New York State and they hire local construction workers for all their projects. The proposed resolution approves a 15-year, \$4,500/MW PILOT with a 2% annual escalator. It also approves up to \$476,812 in sales tax exemption and \$32,570 in mortgage recording tax exemption. The project should be connected and ready for operation within the first or second quarter in 2021, in coordination with NYSEG and when they can finalize the interconnection with the project. They would then be able to sell power to residents in the town and surrounding towns in Seneca County. The resolution was then presented as follows:

RESOLUTION AUTHORIZING THE SENECA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") TO (i) UNDERTAKE A CERTAIN PROJECT (FOR THE BENEFIT OF NY FAYETTE I, LLC (THE "COMPANY")), (ii) NEGOTIATE, EXECUTE AND DELIVER A LEASE AGREEMENT, LEASEBACK AGREEMENT, AGENT AGREEMENT, PAYMENT IN LIEU OF TAX AGREEMENT, AND RELATED DOCUMENTS, (iii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (a) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE UNDERTAKING OF THE PROJECT, (b) A PARTIAL REAL PROPERTY TAX ABATEMENT UNDER A PAYMENT IN LIEU OF TAX AGREEMENT, AND (c) A MORTGAGE RECORDING TAX EXEMPTION FOR FINANCING RELATED TO THE PROJECT; AND (iv) EXECUTE A MORTGAGE AND RELATED DOCUMENTS

A motion was made by Mr. Case approving IDA Resolution No. 2020-19. Seconded by Mr. Trout. Members Case, Bassett, Wadhams, Trout, Paolicelli, Brusso, Kime and Shipley voted "yea". Motion carried.

Grant Status Report:

The Grant Status report had been provided to Board members prior to the meeting. The IDA Working capital grant is currently the only open grant.

Loan Status Report:

The Loan Status report had been provided to Board members prior to the meeting. There are currently three loans, and all are current. More information on how to apply for a loan can be found on the IDA's website at the following link: <https://www.senecacountyida.org/incentives>

Standing Item – Update / Seneca County Chamber of Commerce – Jeff Shipley:

Mr. Shipley gave the following update to the board. A community wide campaign, "Seneca Safe" has just been launched this week. www.DiscoverSeneca.com/SenecaSafe. Seneca Safe is a pledge to be taken by businesses and community members to take the necessary precautions to slow the spread of Covid-19. The website offers visitors the opportunity to share their experience in our county and once they do, they are entered into a giveaway. The One Seneca effort is also continuing and meeting once a week for discussions regarding the state of the county as it comes to its response to the pandemic.

Standing Item – Update / Seneca County Board of Supervisors (BOS) – Don Trout:

Mr. Trout advised the board that the transfer of the 414 Sewer line to the County is almost complete. Signatures are being collected and then the documents will be filed with the County Clerk.

Other Business:

None

Executive Session:

None

A motion to adjourn the meeting was made by Mr. Case. Seconded by Mr. Wadhams. Motion carried. The meeting adjourned at 12:57 p.m. The next regular scheduled meeting will be held on December 3, 2020 at 12:00 pm via Livestream

Respectfully submitted,



Stephen Wadhams
Secretary

pc: Margaret Li, Clerk, Board of Supervisors