

**Minutes of the Meeting of the
Oneida County Industrial Development Agency
February 19, 2021**

584 Phoenix Drive, Rome, NY/Webex Video/Teleconference Due to COVID-19 Emergency

Members Present: Webex: David Grow, L. Michael Fitzgerald; Mary Faith Messenger; Steve Zogby; Ferris Betrus, Kirk Hinman, Gene Quadraro.

EDGE Staff Present: Webex: Steven DiMeo, Shawna Papale, Maureen Carney, Bill Van Shufflin, Jennifer Waters, Mark Kaucher, Tim Fitzgerald.

Other Attendees: Webex/Teleconference: Linda Romano, Bond, Schoeneck & King; Mark Levitt & Jenna Peppenelli, Levitt & Gordon; Rome Mayor Jackie Izzo.

Chair Grow called the meeting to order at 8:03 AM. He asked if there were any requests for executive session and there were none.

Minutes

The January 15, 2021 meeting minutes were reviewed. **A motion to approve the minutes was moved by M. Fitzgerald, seconded K. Hinman and carried 7-0.** The February 5, 2021 meeting minutes were reviewed. **A motion to approve the minutes was moved by M. Fitzgerald, seconded M.F. Messenger and carried 7-0.**

Financial Report

Interim Financials: M. Carney noted that a revised January 21st, 2021 financial packet was sent out to the board as the budget report period was just for January and not for the whole year. It did not change the numbers, just the yearly budget amount. Two \$500 fees for facility refinances were received in January. She updated the board on the status of the audit being prepared by Bonadio & Co., noting that it is all being done virtually through their secure online portal. Bonadio did request past work papers from Dermody, Burke and Brown (DB&B). She is confident that the deadline will be met. S. Papale added that there is a possible fee request from DM&B for the preparation of the past audit's work papers requested by Bonadio. M. Carney clarified that we did send a request letter to DB&B allowing them to share the work papers with Bonadio and that we would agree to be billed for any costs related to the request. D. Grow explained that in order to get the process moving along as soon as possible he signed the letter of request. M. Carney said she would start looking at the calendar for a March Audit Committee meeting. M. Fitzgerald asked L. Romano how many closings have been done/planned for February. She responded that only GSSP 4575 State Route 69, LLC, the solar project in Annsville, is scheduled for February. **The Agency received the interim financials as presented-with the revised page, subject to audit.**

PAAA Submission Ratification and Confirmation

The Agency reviewed its annual Public Authorities Accountability Act (PAAA) submissions. **A motion to ratify and confirm the current PAAA submissions was moved by E. Quadraro, seconded by M.F. Messenger, and carried, 7-0.** S. Papale commented that the only PAAA item we will have left to approve will be the IDA project spreadsheet, which will be ready for the March board meeting. She also noted that the Office of the State Comptroller recently contacted us with some questions on the 2018 and 2019 reports. This process was started last summer and now a totally different person on the project has contacted us, so we're dealing with that while concurrently trying to get the 2020 reporting finalized. F. Betrus asked about the status of the Senator Skoufis' inquiry of a couple years back. S. Papale responded that he issued a report that was a little one-sided and that was about it. He did it to a whole handful of IDA's. What we're going through with the Comptroller right now could be a continuation of that. There is some input clean-up but they don't really understand a lot of the Griffiss projects. As for the 2020 report, some of the companies have provided letters explaining their lower employee numbers. She said we will review it all when the spreadsheet is available. M. Fitzgerald asked if the OCIDA was mentioned in the report. S. Papale said we will review and report back. D. Grow said we could distribute it again to everyone.

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Mission Statement 2021 and Performance Measurement 2020

The Agency reviewed its 2021 Mission Statement and Performance Measurements for 2020. **A motion to ratify the Agency Mission Statement for 2021 and approve its Performance Measurements for 2020 was made by M. F. Messenger, seconded by K. Hinman, and carried, 7-0.**

New Confidential Board Performance documentation will be e-mailed out to all board members. J. Waters asked that the signed documents be submitted back to her for filing.

One-Pull Solutions Wire and Cable, LLC

Chair Grow introduced a request from the company for the Agency to consider an inducement resolution relating to the company's plan to lease 17,700 of space at 7500 Cold Point Drive in the 5880 Success Drive/5886 Success Drive building, and to undertake certain renovations to the space to accommodate its operations. L. Ruberto and S. Papale opined that as long as the estimated agency benefits are under \$100,000 no public hearing will be required. S. Papale noted that if the firm eventually goes to a longer lease/PILOT one may eventually be needed. M. Fitzgerald, disabled his video and audio feed into the meeting citing a conflict of interest with the applicant. **A motion to approve an inducement resolution for the benefit of One Pull Solutions Wire and Cable, LLC Facility, granting preliminary approval for financial assistance in the form of exemptions from sales tax (estimated at \$10,500 but not to exceed \$11,550) and a reduction in real property taxes (value estimated at \$48,562) for a period of 4 years, which financial assistance is a deviation from the Agency's Uniform Tax Exemption Policy, was moved by E. Quadraro, and seconded by M.F. Messenger.** S. Papale noted that the property is currently under the IDA's name and paying 100% of taxes with UPS occupying another portion of the building. It is also part of an environmental trust that has been undertaking a clean-up, which is why the Agency has retained an interest in the property. She also noted we are only running the PILOT benefits concurrent with the four-year lease. E. Quadraro asked how many jobs they have in Vermont and whether 22 in Rome would be an increase. S. Papale believes they have slightly lower than that in Vermont. There being no further questions, Chair Grow asked for a vote on the motion: **Motion carried 6-0, with M. Fitzgerald not present for the vote or the discussion pertaining to the resolution.**

Rome Industrial Development Corporation – One Pull and Niagara Mohawk

Chair Grow introduced a request from Rome Industrial Development Corporation to (i) consent to sublease a portion of the 5856 Success Drive (Cold Point/UPS) Facility to One Pull Solutions Wire and Cable, LLC, subject to review of the Sublease Agreement by counsel; (ii) consent to RIDC entering into a Participation Agreement with National Grid pertaining to improvements at the Facility, subject to the Agency receiving a full indemnity and subject to counsel review; and (iii) extend the term of the Lease Agreement between the IDA and RIDC for an additional 4 years to run concurrently with the subtenant lease term. **A motion to approve the request from Rome Industrial Development Corporation for the Agency to (i) consent to sublease a portion of the 5856 Success Drive (Cold Point/UPS) Facility to One Pull Solutions Wire and Cable, LLC, subject to review of the Sublease Agreement by counsel; (ii) consent to RIDC entering into a Participation Agreement with National Grid pertaining to improvements at the Facility, subject to the Agency receiving a full indemnity and subject to counsel review; and (iii) extend the term of the Lease Agreement between the IDA and RIDC for an additional 4 years to run concurrently with the subtenant lease term, was moved by K. Hinman, seconded by S. Zogby, and carried 6-0, with M. Fitzgerald not present for the vote or the discussion pertaining to the resolution.**

Chair Grow temporarily ceded Chair of the meeting to M.F. Messenger for consideration of a request from 122 Otis Street, LLC (MGS Manufacturing, Inc.). Both Chair Grow and M. Fitzgerald left the meeting at this point by muting their microphones and turning off their personal cameras. They will return after Agenda #9 is completed. K. Hinman asked if Cold Point was in their new building yet. S. Papale responded that they anticipate being in by April 1.

122 Otis Street, LLC (MGS Manufacturing, Inc.) – SEQR Resolution

Acting Chair Messenger introduced a resolution relating to the 122 Otis Street, LLC (MGS Manufacturing, Inc.). Based on the EAF submitted by the Company and the resolution of the lead agency (City of Rome Planning Board) adopted on February 2, 2021. **A motion that the Agency determines the Project is an Unlisted Action that exceeds Type 1 thresholds was moved by S. Zogby, seconded by E. Quadraro, and carried 5-0, with neither Chair Grow and M. Fitzgerald not present for the vote or discussion pertaining to the resolution.**

122 Otis Street, LLC (MGS Manufacturing, Inc.) – Final Authorizing Resolution

Acting Chair Messenger introduced a request from 122 Otis Street, LLC (MGS Manufacturing, Inc.) for the Agency to consider a final authorizing resolution relating 122 Otis Street, LLC (MGS Manufacturing, Inc.) facility. The Agency conducted a public hearing on January 11, 2021 and notified the affected tax jurisdictions of its intent to deviate from Policy on February 8, 2021. **A motion to approve a final authorizing resolution for the benefit of 122 Otis Street, LLC (MGS Manufacturing, Inc.), approving financial assistance in the form of exemptions from sales tax during the Construction Period (estimated value at \$30,877 but not to exceed \$33,965) and exemptions from real property tax for the balance of the PILOT Agreement during which time the Company will pay PILOT Payments on the increased assessment resulting from the construction of the addition (estimated value at \$64,377), which financial assistance is a deviation from the Agency's Uniform Tax Exemption Policy, and authorizing the form and execution of related documents, all in the Agency's customary form and subject to counsel review, was moved by S. Zogby, seconded by K. Hinman, and carried 5-0, with neither Chair Grow and M. Fitzgerald not present for the vote or discussion pertaining to the resolution.**

Chair Grow and M. Fitzgerald re-entered the meeting.

Engler Electric - Request for Extension of Inducement

Chair Grow introduced a request from Engler Electric, Inc. for the Agency to extend the inducement of its project for an additional one year, and authorize the execution of an extension agreement. The project inducement expired on November 22, 2020 and the company provided a letter explaining the reasons for delay. No extension payment is due because the Company has not received any financial assistance and therefore the IDA is not required to report on the project for 2020. **A motion to approve the request from Engler Electric, Inc. to extend the inducement of its project for an additional one year (to November 22, 2021), and to authorize the execution of an extension agreement, was moved by M. Fitzgerald, seconded by S. Zogby, and carried 7-0.**

Genesee & Mohawk Valley Railroad Co – Request to release parcel from lease for Oneida County sewer line

Chair Grow introduced a request from Genesee & Mohawk Valley Railroad Co. to release a 2.12± acre parcel of land from the Lease Agreement to convey to the railroad for its further conveyance to the County of Oneida, and authorizing the form and execution of related documents, subject to counsel review. This is related to the County's sewer line improvement down near Leland Ave and will save the county a considerable amount of money.

A motion to approve a request from Genesee & Mohawk Valley Railroad Co. to release a 2.12± acre parcel of land from the Lease Agreement to convey to the railroad for its further conveyance to the County of Oneida, and authorizing the form and execution of related documents, subject to counsel review, was moved by E. Quadraro, seconded by M. F. Messenger, and carried 7-0.

Griffiss Local Development Corporation - Request for release of 7738 Bell Road parcel

Chair Grow introduced a request from Griffiss Local Development Corporation to release a 2.0± acre parcel of land from the GLDC/OCIDA Master Lease for Griffiss Business and Technology Park and convey the land to GLDC for sale. **A motion to approve a request from Griffiss Local Development Corporation to release a 2.0± acre parcel of land from the GLDC/OCIDA Master Lease for Griffiss Business and Technology Park and convey the land to GLDC for sale, and authorize the form and execution of related documents, subject to counsel review, was moved by M.F. Messenger, and seconded by K. Hinman.** SJ Dimeo described this as the farmhouse that GLDC has owned since it was conveyed by the Air Force and has been rented for years and the tenant wishes to purchase it, which will return it to the tax rolls. There once were five officer residences, and is the last one. It was the Commanders residence and is down near the end of the road near the golf course. **There being no further discussion, Chair Grow called for a vote on the matter: Motion carried 7-0.**

Old Business

F. Betrus asked Chair Grow for the opportunity to bring up the issue of solar. He would like to propose that the board consider \$5,000 per MW and a PILOT term of 25 years. He does not know if the board can do a motion today but thinks the board should consider it. Chair Grow responded that at the last meeting the board requested the staff to review and prepare a memo with recommendations for the March meeting. He referenced the end of February taxable status date and said we did not want to have any disruptions in our policy before that date. He says he has heard there is interest from individual board members for changing the terms of the current policy. He asked S. Papale if she was prepared to comment. S. Papale stated that she does feel \$5,000 would be a reasonable number. In reference to precious board discussion on having a sliding scale for specific types of land, she explained that last year the State adopted a requirement that if the property had been in an Agriculture District, where the taxes have been abated, the farmer or developer has to pay a mitigation fee. In speaking with NYSERDA and other IDA's, some are securing a bond for decommissioning, and suggest we put it in our policy. One IDA even asked for cash to be put in a bank account for decommissioning. She said that in looking around the state, even \$5,000 might appear a little high based upon NYSERDA's recommended number, but she puts that in the context of NYSERDA wanting to see these projects developed. The Agency could not approve any changes today anyway due to the public notice requirements with the taxing jurisdictions. For the project planned for closing this month, she would leave it at the \$10,000, since that was approved, that is what went to public hearing, and it also has other circumstances that require it to close and they are fine with the \$10,000 due to the tax status dates. Chair Grow explained that if a project is partially or completely built by the taxable status date, and they do not have a PILOT set-up, it would be fully assessable. E. Quadraro asked if the County would need to approve a change. S. Papale said she has been communicating with James Genovese, County Planning Commissioner, who along Bob Pronteau of the County law office, is assigned to managing solar projects, and thinks \$5,000 is ok, but may still be high. She thinks he would like to see it lower but understands what's going on around the state. She said she has seen everywhere from \$1,800 to \$7,000 around the state. E. Quadraro would hope we could get something in writing from the County. S. Papale said we would need to contact every single jurisdiction and get something in writing from them. Chair Grow stated that he believes our prior discussion required that we get approval letters from all the affected taxing jurisdictions where we were involved in a project but we have to be careful that we don't abdicate our responsibility of independent judgement on whatever project happens. At a minimum, we should require a response from the municipalities involved as to what their position is on the project, but that we reserve the right to approve it even if they indicate they are not in favor of it. S. Papale said the municipalities are opposed to it, but they do not have the staff to provide approvals based upon use. She thinks getting letters of approval from planning boards is very important, and the County does a 239 approval for projects that are subject to it (adjacent to state highway) and has the expertise and some staff versed in solar, at a minimum, we should get something from them that they have looked at it and it is not a detriment. She said there are instances where the municipality is not getting the

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letter because they are trying to squeeze the developer for excess dollars. S. Zogby asked how we got down to \$5,000, saying he understood at the last we were looking at \$7,000-\$7,500. S. Papale responded that it was based upon her review of what is going on around that state, neighboring counties, and when talking to the County, indicating that the final figure could be in a range, but that \$5,000 seemed to be valid. Chair Grow asked S. Papale to prepare a report for the next meeting and explaining the basis for the recommendation, adding that since the last meeting more information has come out from the State as to what their motivation is regarding solar and wind projects, and thinks part of our decision will be based upon that and should be addressed in the March report. S. Zogby said he hopes it more than just what other counties are doing, noting previous discussion that we were too high, but having projects proceed under it, but believes we need to use good judgement and keep it moving forward. Chair Grow stated that for now we are at \$10,000, and once we have the staff report in March, we can discuss it and see where it goes from there. M. Fitzgerald stated that he believes we should retain the 15-year term of the PILOT, rather than locking up projects for 25 years. He said there could be significant changes in technology, and would rather have a company come back to the Agency and re-apply. Chair Grow asked S. Papale to address the term in the memo, and that 15 years is based upon NYSERDA's program. That is one reason the companies come to the Agency. Chair Grow asked Mayor Izzo to comment on what they have done. Mayor Izzo said she believes so and that they have done more than any other place in the County, with two more just notifying them this week. They City is at \$7,100 per MW and they don't seem to be getting any pushback. She said she thinks the Agency is in the ballpark, but does not believe in going any lower than \$5,000. Chair Grow said we'll wait until the March meeting, but if the board would like a special meeting to address just that, he would be open to it.

There being no further business, at 8:45 AM Chair Grow asked for a motion to adjourn the meeting: S. Zogby moved, and E. Quadraro seconded the motion to adjourn. Motion carried 6-0.

Respectfully Submitted,

Mark Kaucher