

Approved as corrected 8-20-2021

**Minutes of the Meeting of the  
Oneida County Industrial Development Agency  
July 16, 2021**

**In person at 584 Phoenix Drive, Rome, NY and Webex Video/Teleconference**

**Members Present:** David Grow; Kirk Hinman; Mary Faith Messenger, E. Quadraro; Steve Zogby.

**Members Present Webex/Teleconference:** Ferris Betrus, L. Michael Fitzgerald

**EDGE Staff Present:** Shawna Papale; Mark Kaucher; Steve DiMeo; Maureen Carney; Bill Van Shufflin.

**Others Present:** Rome Mayor Jackie Izzo; Jesse Plumley, Plumley Engineering

**Others Present Webex/Teleconference:** Linda Romano & Laura Ruberto, Bond, Schoeneck & King; Mark Levitt & Jenna Peppenelli, Levitt & Gordon; Matt Andrews, City of Rome; Amanda Zurla and Olivia Sproviero, GSPP 7024 Fox Rd (Marcy Solar) Genevieve Trigg, Barclay Damon; Fred Matt and Karl Lindhorst, Matt Brewing Co., Inc.; Matt Andrews, City of Rome.

Chair Grow called the meeting to order at 8:07 AM.

**June 18, 2021 Minutes:** Upon determination that the minutes were not circulated to the entire board ahead of time, consideration of them was deferred to the next meeting.

**Financial Report**

M. Carney reviewed the interim financial statements from June, 2021. She explained that the Agency closed with Orgill in June so a \$6,500 closing fee was noted. An application and commitment fee from Nexamp Inc. (Camden Renewables) was also received in June. The second half of the MSP claw-back payment was received and subsequently distributed to the respective taxing jurisdictions. The audit committee is tentatively meeting on July 29<sup>th</sup> to review an RFP for audit services and then circulate it to a list of audit firms. S. Papale said we may need to re-schedule this because of Orgill ribbon-cutting. The financial report was received as presented subject to audit.

At 8:13 AM, an executive session was requested to discuss potential contracts. A motion to enter executive session to discuss potential contract with the Agency was moved by M. F. Messenger, seconded by K. Hinman, and carried, 7-0.

At 8:55 AM a motion to exit executive session and return to the open meeting was moved by M.F. Messenger, seconded by F. Betrus, and carried, 7-0.

**Woodhaven Ventures, LLC – Termination of May 21, 2021 Inducement/New Inducement**

Chair Grow introduced a request from Woodhaven Ventures, LLC for the agency to consider an amended inducement resolution relating to the **Woodhaven Ventures, LLC Facility**, providing preliminary approval for financial assistance in the form of exemptions from sales tax (value estimated at \$2,852,490 but not to exceed \$3,137,739), exemptions from mortgage recording tax (value estimated at \$39,700 but not to exceed \$43,670), reduction in real property tax (estimated at \$23,569,871) by providing a Master PILOT to the developer for an exemption period of 15 years and individual PILOTs to homeowners for a period of 18 years (not individually but extending out the term to 18 years), which financial assistance is a deviation from the Agency's Uniform Tax Exemption Policy (Housing Policy), and authorizing the Agency to conduct a public hearing. The Agency originally adopted an inducement resolution on May 21, 2021, and after further review of the project, we've agreed to terminate that original inducement resolution and consider a new inducement resolution today, which reflects the 18-year PILOT terms. **A motion to terminate the inducement resolution adopted on May 21, 2021 for the benefit of Woodhaven Ventures, LLC Facility was moved by F. Betrus, seconded by E. Quadraro and carried, 7-0.**

Chair Grow then asked for a motion to approve a new inducement resolution for the Woodhaven Ventures, LLC facility extending the fixed PILOT payment period for 18 years. **A motion to approve an inducement resolution relating to the Woodhaven Ventures, LLC Facility, providing preliminary approval for financial assistance in the form of exemptions**

Approved as corrected 8-20-2021

**from sales tax (value estimated at \$2,852,490 but not to exceed \$3,137,739), exemptions from mortgage recording tax (value estimated at \$39,700 but not to exceed \$43,670), reduction in real property tax (value estimated at \$23,569,871) by providing a Master PILOT to the developer for an exemption period of 15 years and individual PILOTs to homeowners starting in 2023 and running through 2040, which financial assistance is a deviation from the Agency's Uniform Tax Exemption Policy (Housing Policy), and authorizing the Agency to conduct a public hearing, was moved by K. Hinman and seconded by E. Quadraro.** Discussion: The Agency is supporting this unique housing project for a number of reasons: (1) the Master PILOT to the developer will run for 15 years, and the individual homeowner PILOT program will start in 2023 and run through 2040; (2) the fixed PILOT amounts are square footage based; (3) the City will have invested an estimated \$4-\$5 million in infrastructure at the site; (4) there are currently no real property taxes paid on the site, nor have there been for years; (5) the full estimated PILOT value is only applicable if the planned for 250 homes were to be built and sold in calendar year 2023, so the actual PILOT benefit value will most likely be much less than \$23 million; (5) the City has indicated that it has worked out the mechanics of accomplishing subsequent sales of newly-constructed houses so that there will be a transitional benefit to buyers of previously-constructed and sold homes in the development so as to avoid a real property tax "cliff"; (6) periodically, but no later than 2026, the Agency, the City and Woodhaven Ventures, LLC will review the status of the project and consider whether or not re-consideration of the PILOT plan is necessary; (7) all of the above reflecting the unique status of this particular site which has impeded its potential development for many years and will result in the much-needed general improvement of the area. **There being no further discussion, Chair Grow called for a vote on the resolution: The motion carried, 7-0.**

#### **Woodhaven Venture, LLC Facility – SEQR Resolution**

Chair Grown introduced a SEQR resolution relating to the Woodhaven Ventures, LLC Facility. The City of Rome Planning Board, on July 6, 2021, acted as Lead Agency for the SEQR review and determined the project as a Type 1 action. Based upon the findings of the Lead Agency, Chair Grow asked for a motion to approve a SEQR resolution. **Based upon the action of the Lead Agency, a motion to accept the SEQR findings adopted by the Lead Agency determining the Woodhaven Ventures, LLC Facility to be a Type 1 action, was moved by E. Quadraro, seconded by S. Zogby and carried, 7-0.**

#### **Matt Brewing Co., Inc. – SEQR Resolution**

Chair Grow introduced a SEQR resolution relating to the Matt Brewing Co., Inc. Facility. Based upon the Environmental Assessment Form submitted by the Company, motion to determine the project to be an Unlisted Action, was moved by S. Zogby, seconded by E. Quadraro, and carried 7-0.

#### **Matt Brewing Co., Inc. – Final Authorizing Resolution**

Chair Grow introduced a final authorizing resolution relating the Matt Brewing Co., Inc. Facility. The Company submitted a Supplemental Application amending the original project to omit construction of the prospective building, which resulted in reduced values of financial assistance. The Agency conducted a public hearing on July 14, 2021, the minutes of which have provided to the board documenting that there were no comments made and provided notices to the tax jurisdictions of the intent to deviate from Policy on July 7, 2021. **A motion approving a final authorizing resolution relating to the Matt Brewing Co., Inc. facility, approving financial assistance in the form of exemptions from sales tax (value estimated at \$272,125 but not to exceed \$299,338), exemptions from mortgage recording tax (value estimated at \$22,500 but not to exceed \$25,200), reduction in real property tax (estimated at \$353,976) by extending the terms of the existing PILOT Agreement for three additional years, 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 standard form subject to counsel approval was moved by M. F. Messenger and seconded by S. Zogby.** Discussion: F. Betrus asked for clarification on the jobs retained/created. Fred Matt explained that they hope to be around 134 and said they have around 120. Business is currently up 70% this year and they hope to be up 100% next year. Fred then said they will commit to 134. The sleek line is running and hope to have the slim line running by end of September. They are running 20 hours per day, six days per week. F. Betrus also questioned some of the equipment amounts in the budget to which S. Papale responded that they clarified that some equipment was taken out of the application as it has already been purchased. Mr. Matt added that they work very closely with ARC, and that there currently about 20 jobs there and will likely be adding another 15 jobs. They do all of the Saranac seasonal mix-pack (about 3 million cases annually)

Approved as corrected 8-20-2021

assembling. Mr. Matt thanked the board for all their support. **There being no further questions, Chair Grow called for a vote on the motion: Motion carried 7-0.** Mr. Matt and Mr. Lindhorst thanked the board and left the meeting.

#### **Griffiss Local Development Corporation – Consent to MA&N Sublease**

Chair Grow introduced a request from GLDC to consent to a sublease between it and MA&N Railroad. S. Papale summarized the request as the renewal of the lease for rail service they provide at Griffiss Business Park, primarily for SOVENA, but also to others who may need it, all in compliance with all of the requirements the Agency wants as far as indemnification. A PILOT will be coming from GVT/MA&N in about a year. **A motion to approve a resolution providing consent to Griffiss Local Development's sublease to MA&N Railroad was moved by M. F. Messenger, seconded by F. Betrus, and carried, 7-0.**

#### **Solar Decommissioning Plan**

Chair Grow introduced Jesse Plumley, Plumley Engineering to review the DRAFT Decommissioning Plan Requirements and Checklist. He explained that the request from the Agency was for a document that would be included in the Agency's application process and for use by affected municipalities, should they so choose. The document specifically details what is required in the mandatory decommission plan, specifically the costs, which need to be certified by an architect or engineer, reviewed every five years beginning ten years after construction, with the amount to cover decommissioning increased if necessary. Independently, the bond or security instrument starts at 125% of the decommissioning cost and escalates equal to the Consumer Price Index (CPI) annually for the life of the system. This would need to be written into the PILOT agreement. S. Papale said that we can incorporate this into the current Agency-involved solar facility PILOTS. Chair Grow asked if, since this is basically a cash bond, whether a security bond to cover the completion of the decommissioning was considered. S. Zogby said that such an option isn't really available as it would be unaffordable. S. Papale noted that going forward, as soon as we induce a project, we will arrange a meeting with the taxing jurisdictions to coordinate who will monitor the items on the checklist. Chair Grow addressed the question of environmental co-responsibility where multiple parties are accessing the property (ie: farmer using land for grazing while also being used for solar facility). Board consensus is that the Agency needs to make sure our documentation makes it clear the municipality is monitoring the facility, not the Agency. Mr. Plumley added that this is a guide advising the developer what we need to have in the plan. M. Fitzgerald commented that maybe we need to set a minimum power production figure into our requirements so the developer doesn't try to avoid decommissioning by producing a miniscule amount of power. The board thanked Mr. Plumley for his work and he exited the meeting. Plumley Engineering will provide an updated version for review.

#### **GSPP 7024 Fox Rd, LLC (Marcy Community Solar Project – Request for Amended Inducement Resolution**

Chair Grow introduced a request from GSPP 7024 Fox Rd, LLC (Marcy Community Solar Project) for the Agency to consider a resolution amending a previous resolution authorizing financial assistance. The Agency adopted a final authorizing resolution on October 23, 2020 approving financial assistance for the project consistent with the Community Solar Policy that was adopted in September 2020. The applicant is requesting the financial assistance be revised to be consistent with the amended Community Solar Policy that was adopted in April 2021. GIS Mapping confirms the land is classified as prime soils land and the \$7,000 per MW rate applies. The earlier resolution was based on the \$10,000 per MW solar PILOT policy. The applicant has submitted a decommission plan and cost of decommissioning that has been approved by the Town of Marcy Planning Board. S. Papale noted that the Town has informed her that they want to make sure we obtain proof of the proper bonding and that it is consistent with what the Town wants, and the same for the Host Community Agreement. **A motion to approve a resolution, amending a previously authorized financial assistance, authorizing reduction of real property taxes for a period of 25 years (value estimated at \$1,106,924), consistent with the Agency's Uniform Tax Exemption Policy (Community Solar Policy) and authorizing the Agency to conduct a public hearing, with final authorizing resolution being subject to receiving an acceptable decommissioning plan and bond information, and also receipt of any input from the affected taxing jurisdictions, was moved by K. Hinman and seconded by M.F. Messenger.** Discussion: M. Fitzgerald questioned why we would consider this and whether we had discussed it with the Town. S. Papale said this amendment is acceptable with the Town as long as all the required documents requested come in and are consistent with what they want. The school district has not been contacted. Chair Grow commented that at the time of the initial resolution, it was all new grounds for the Agency and

Approved as corrected 8-20-2021

that subsequent consideration of the per MW fee by the Agency, resulted in its reduction to what was thought to be more in line with the market reality. He believes that we should go forward and have all the solar projects we are involved with are consistent. A public hearing would be required as the additional benefits are above \$100,000. S. Papale noted that the Town will not provide a building permit until they have a PILOT in place. The project has not yet closed with the Agency. The Town is going to receive an up-front Host Community Agreement. Chair Grow provided G. Trigg, representing the applicant, the opportunity to speak. She noted that when the project was one of three GSPP projects originally induced, they maintained that the \$10,000 per MW PILOT policy was very high and not feasible over the long term, and that they reserved their right, and with understanding that the board was planning on furthering its review of the per MW amount and possibly revise it, to hold off closing on the project with the \$10,000 per MW PILOT. Given that the Agency has revised its policy, she respectfully requested that this project should be consistent with the other solar projects being provided the new PILOT policy. She noted that the PILOT amount will result in much higher income to all the jurisdictions than what is being paid now. She also reviewed the PILOT payment amounts that will be paid over the 25 years. Discussion of the value of the PILOT took place and S. Papale referred to the calculations that were included in the applicants packet and memo. F. Betrus stated that not knowing exact numbers and whether or not the school district is comfortable with the proposal makes him uncomfortable voting on the proposal. M. Fitzgerald asked if the bond being proposed is acceptable to the Town and whether or not it was sufficient. Ms. Trigg explained that the bond value will be reviewed at 10 years and updated if necessary. She said Brian Scala has signed off on the plan. She said the host community benefit payment will be \$37,500. M. Fitzgerald stated that he agrees with F. Betrus in not being comfortable voting on the proposal without knowing the exact PILOT benefit figures and whether or not the school district has had an opportunity to review. S. Papale noted that the only GSPP project we have closed on is the Annsville solar project, as it needed to close before the taxable status date. G. Trigg stated that they will be submitting an amendment request for the GSPP Hillsboro Dunbar project as well. S. Papale reviewed the difference at the 15-year point between the 15 and 25 year PILOT. At the 15-year point in the 25 year PILOT, the benefit amount is about \$300,000 less than the same point in the 15-year PILOT. A public hearing will be required so there will be the opportunity to gain input from the affected taxing jurisdictions, which will provide information for the board to base its final authorization vote on. M. Fitzgerald stated that the applicant needs to provide an acceptable decommissioning plan, the completed checklist, and clarification on what the bond is going to cover before the final authorizing vote. **There being no further discussion, Chair Grow called for a vote on the motion: Motion carried, 7-0.**

There being no further business, Chair Grow asked for a resolution to adjourn the meeting. At 10.05 AM a motion to adjourn the meeting was moved by F. Betrus, seconded by E Quadraro, and carried unanimously.

Respectfully Submitted,

Mark Kaucher