

Approved 1/21/2022

**Minutes of the Meeting of the  
Oneida County Industrial Development Agency**

**December 17, 2021**

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

**Members Present:** David Grow; Steve Zogby; Kirk Hinman

**Members Present Webex/Teleconference:** Eugene Quadraro; Ferris Betrus; Mary Faith Messenger

**EDGE Staff Present:** Shawna Papale; Jennifer Waters; Mark Kaucher; William Van Shufflin; Maureen Carney

**EDGE Staff Present Webex/Teleconference:** Tim Fitzgerald; Laura Cohen

**Others Present:** Oneida County Executive Anthony Picente; Rome Mayor Jackie Izzo; Gregory Evan, Indium Corporation; Darlene Stromstad, Lou Aiello & Robert Scholefield, Mohawk Valley Health System; Paul Goldman, Goldman Attorneys; Dr. Michael Kelberman, Dr. Faisal Saiful, Dr. Dave Quirello & Mr. Bruce Smith, CNY Cardiology/Central Utica Building, LLC.

**Others Present Webex/Teleconference:** Laura Ruberto and Linda Romano, Bond, Schoeneck & King; Mark Levitt and Jenna Peppenelli, Levitt & Gordon; Genevieve Trigg & Dan Krzykowski, Barclay Damon; Amanda Zurla, Green Street Power Partners; Utica Common Council Member Maria McNeil; Zachary Schroang, New York Solar DG 1 LLC.

Chair Grow called the meeting to order at 8:08 AM.

Chair Grow stated that representatives from the proposed Central Utica Building, LLC project desired to make a brief presentation in furtherance of the information presented at the recent public hearing for the project. He proposed to move this agenda item to the top of the agenda.

**Central Utica Building, LLC**

Chair Grow introduced Robert Scholefield, representing Mohawk Valley Health System, to present new information regarding this project, to support the applicant's request to modify the induced benefit to the project. Prior to the presentation starting, S. Zogby stated that upon reviewing the information presented at the public hearing, he was willing to change his original position and support the full amount of benefit requested by Central Utica Building, LLC. Mr. Scholefield presented renderings of the building, and how it fits within new MVHS medical campus downtown. These renderings were not previously included in presentations to the Agency. He stated that design of the building's ambulatory surgical center was approaching completion, and will be submitted to the NYS Department of Health for approval in February of 2022. He also stated that it is critical to have this facility operational at least a couple months prior to the completion of the Wynn Hospital, so that sufficient surgical capacity is in place for patient care once the new hospital opens. Dr. Michael Kelberman then spoke about the size of this private sector investment in downtown Utica (\$40+ million), which has been unmatched in his lifetime. He also stated that this project has taken years of planning, and that the economic development benefits have been crucial to get this project to a feasible position. CNY Cardiology will bring 30-40,000 patients to this new facility each year, as CNY Cardiology expects to grow its services 20-30% over the next few years. He also stressed that the American College of Cardiology has recognized MVHS as the first Heart Center in New York State, which demonstrates the quality of heart care locally. Critical modern technology and services will be present in this building, while providing care in a lower cost setting. He stressed how the facility can and will be used as a recruiting tool to help bring high-quality doctors to the community. Dr. Kelberman then introduced Dr. Faisal Saiful, a newly recruited doctor to CNY Cardiology. Dr. Saiful explained the factors that led him to choose practicing medicine here rather than continuing to practice at Mount Sinai Hospital in New York City, citing the new Wynn Hospital and the forward-thinking approach to medicine at CNY Cardiology. Chair Grow asked if Central Utica Building, LLC has taken into account any price increases since the beginning of project planning, to which Dr. Kelberman said costs have gone up considerably, which has impacted project feasibility. Mr. Scholefield also stated that supply chain disruptions have impacted the lead time on medical equipment (up to 12+ months), so costs have to be incurred sooner in order to make sure it is ready by the time the facility is completed. He also stated that until this project was presented, CNY Cardiology had concrete plans to move its practice out of the community, but that the leadership of Darlene Stromstad at MVHS led them to stay and to pursue this project. Chair Grow said that this is an important piece of information that needs to be part of the Agency's consideration of benefits. Dr. Quirello also pointed out that since the original

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application was submitted, the proposed building's size has grown from 80,000 square feet to 93,000 square feet, and that the added cost has not been incorporated into the requested sales tax benefit. M. Messenger asked if the new information regarding the medical group's prior intention of leaving the community can be considered by the Agency, even though this deliberation occurred prior to the application for benefits. Chair Grow said that this could be considered, because until the building is built, that possibility is still out there. Dr. Kelberman then confirmed that CNY Cardiology has to move to a new facility, as its existing space is inadequate, so if this building is not built, the medical practice would still be relocating, and potentially outside this community. **F. Betrus motioned to amend an inducement resolution to provide for financial assistance in the form of exemptions from sales tax (estimated at \$1,820,000 not to exceed \$2,002,000) and exemptions from mortgage recording tax (estimated at \$128,138 not to exceed \$140,951), which financial assistance is consistent with the Agency's Uniform Tax Exemption Policy, and authorizing the Agency to conduct a public hearing. S. Zogby seconded the motion, and the motion passed 6-0.**

**Executive Session:** Chair Grow requested to enter Executive Session to discuss potential litigation. At 9:00 AM, F. Betrus motioned to enter executive session. E. Quadraro seconded the motion, which carried 6-0.

At 9:29 AM, a motion to exit executive session and return to the open meeting was moved by F. Betrus, seconded by M. Messenger, and carried 6-0.

**Minutes:** The November 19, 2021 meeting minutes and December 1, 2021 special meeting minutes were reviewed. With no corrections, **a motion to approve the November 19, 2021 minutes was moved by S. Zogby, seconded by K. Hinman and carried 6-0.**

With no corrections, **a motion to approve the December 1, 2021 minutes was moved by M. Messenger, seconded by F. Betrus and carried 6-0.**

### **Financial Report**

M. Carney reviewed the interim financial statements from November 30, 2021. She stated that yearly revenues were approximately \$268,000. The Agency's year-to-date administrative fees are approximately \$226,000. The Agency will be closing on the Camden Renewables, LLC project imminently, resulting in \$34,000 of administrative closing fees paid to the Agency. She also expects the Agency to close on the Matt Brewing Co. project, which will result in an additional \$40,000 administrative closing fee paid to the Agency. The Woodhaven Ventures project should also close by year's end, which would result in a \$57,000 administrative closing fee paid to the Agency. If all of these close as expected, the Agency will have taken in a yearly total of \$357,000 in administrative closing fees. Expenses have been in line with the budget for the year. The Agency's cash on hand is currently \$681,000. The financial report was accepted as presented.

### **Annual Housekeeping Resolution**

Chair Grow presented for consideration an annual Housekeeping Resolution for the Agency. The Annual Housekeeping Resolution (1) documents election of officers and committee members; (2) confirms the occurrence of the annual meeting and actions taken at that meeting; (3) provides for the selection of staff and contracted services; (4) affirms policies and procedures of the agency/corporation and (5) officially adopts the meeting schedule for 2022. S. Papale presented an amendment to this resolution, in which the Finance Committee shall consist of Mary Faith Messenger, Steve Zogby, and Kirk Hinman. **A motion to approve the Annual Housekeeping Resolution, as amended, was made by M. Messenger, seconded by K. Hinman, and carried 6-0.**

### **GSPP Hillsboro & Dunbar, LLC**

Chair Grow introduced a final authorizing resolution relating to the GSPP Hillsboro & Dunbar, LLC (Camden Community Solar Project) Facility, approving financial assistance in the form of reduction of real property taxes for a period of 25 years (value estimated at \$1,729,030), consistent with the Agency's Uniform Tax Exemption Policy (Community Solar Policy) and authorizing the form and execution of related documents, subject to counsel review. The Agency conducted

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a public hearing on December 9, 2021. **A motion to approve the Final Authorizing Resolution relating to the GSPP Hillsboro & Dunbar, LLC (Camden Community Solar Project) Facility was made by K. Hinman, seconded by E. Quadraro, and carried 6-0.** S. Zogby stated that after listening to the public hearing for this project, and the concerns that were presented, he desires that the Agency take another look at its community solar policy, as it is currently too generous to developers. Chair Grow stated that the Agency will likely have to review its policy if pending legislation is passed, which reduces the authority of an IDA as it relates to providing benefits to solar projects.

#### **SG Onedia PV, LLC**

Chair Grow introduced an inducement resolution relating to the SG Onedia PV, LLC (Trenton Community Solar) Facility, providing preliminary approval for financial assistance consisting of reduction of real property taxes for a period of twenty-five years (value estimated at \$791,069.00), which financial assistance is consistent with the Agency's Uniform Tax Exemption Policy (Community Solar Policy) and authorizing the Agency to conduct a public hearing. L. Romano that "Onedia" is the way the company is spelled in its formation documents. **A motion to approve an inducement resolution relating to SG Onedia PV, LLC, pending receiving adequate ownership documentation, was moved by F. Betrus and seconded by D. Grow.** F. Betrus then asked who are the principals that own New York Solar DG 1 LLC. Edward Klehe was stated as the sole owner of the company. M. Kaucher asked for clarification on the size of the project, to which G. Trigg confirmed that it is 4.75 MW (AC). S. Papale asked what the status was of a host community payment agreement was with the Town of Trenton. G. Trigg confirmed that the Town had waived a host community payment agreement. S. Papale asked if the Town had an independent engineer review the decommissioning plan, to which G. Trigg confirmed they did, and that the Town has signed off on that plan. **The motion was carried 6-0.**

#### **SG Onedia PV, LLC – SEQR Resolution**

Chair Grow introduced a SEQR resolution relating to the SG Onedia PV, LLC (Trenton Community Solar) Facility. The Town of Trenton Planning Board acted as lead agency for the SEQR review and on March 9, 2021 determined the action was an "Unlisted Action." **S. Zogby made a motion to approve a SEQR resolution relating to the SG Onedia PV, LLC (Trenton Community Solar) Facility. The motion was seconded by K. Hinman, and passed 6-0.**

**Old Business:** S. Papale stated that the Agency has reached out repeatedly to obtain requested information, including information regarding insurance, bonding, and decommissioning, from GSPP 4575 State Route 69, LLC, and these attempts have thus far been unsuccessful. S. Papale suggested that the Agency put the company on notice that if after 30 days this information is not received, the Agency will terminate the benefits. G. Trigg stated that it took some time to get the necessary rider, but it has been obtained and she will provide it shortly. They are also working on getting the issues regarding the decommissioning plan addressed, specifically third-party engineer review. She expressed that she anticipated having these items completed by the end of the year. Chair Grow suggested providing notice that these materials need to be received by the end of the year, or else benefits will be terminated. **S. Zogby made motion to send a termination notice to GSPP 4575 State Route 69, LLC if the requested documents were not received by the Agency by December 31, 2021. The motion was seconded by F. Betrus, and passed 6-0.**

There being no further business, Chair Grow asked for a resolution to adjourn the meeting. At 10:10 AM. **A motion to adjourn the meeting was moved by S. Zogby, seconded by K. Hinman, and carried unanimously.**

Respectfully Submitted,

Tim Fitzgerald