

Approved Mar 25, 2022

**Minutes of the Meeting of the
Oneida County Industrial Development Agency
March 3, 2022
584 Phoenix Drive, Rome, NY/Webex Video/Teleconference**

Members Present: David Grow, Michael Fitzgerald; Kirk Hinman, Steve Zogby.

Members Present: WebEx: Mary Faith Messenger; Ferris Betrus, Gene Quadraro.

EDGE Staff Present: Shawna Papale, Steven DiMeo, Bill Van Shufflin, Mark Kaucher, Tim Fitzgerald, Laura Cohen

EDGE Staff Present: WebEx: Maureen Carney

Other Attendees: Rome Mayor Jackie Izzo, Paul Goldman, as special counsel to the OCIDA; John Switzer, SSC Kirkland LLC

Other Attendees: WebEx: Linda Romano & Laura Ruberto, Bond, Schoeneck & King; Mark Levitt & Jenna Peppenelli, Levitt & Gordon; Patrick Donnelly, Brown Duke & Fogel, P.C.; Genevieve Trigg, Tim Julian.

Chair Grow called the meeting to order at 8:10 AM.

Executive Session

At 8:11 AM a motion to enter executive session to discuss a pending contract with the Agency was moved by M. Fitzgerald, seconded by S. Zogby, and carried 7-0.

At 9:10 AM a motion to exit executive session and return to the open meeting was moved by S. Zogby, seconded by M. Fitzgerald, and carried 7-0.

Additional Call-In Attendees Post-Executive Session: Ken Weider, SSC Kirkland property lessor; Joe Tassone, Abovegrade Solar; Tim Julian did not return.

Minutes

The January 17, 2022 meeting minutes were reviewed. **A motion to approve the minutes, as amended, was moved by M. Fitzgerald and seconded K. Hinman.** There being no further discussion, Chair Grow called for vote on the motion. **The motion carried 7-0.** Amended minutes will be attached to the March 3 meeting minutes.

Interim Financials: M. Carney reviewed the interim financial report. She stated that, per the direction of the Agency at the last meeting, the financials have been modified to show the PILOT holdings related to the Hampton Inn project as restricted cash. Cash has increased by about \$172,000 over the past twelve month. One application/commitment fee has been received in 2022 so far. Annual rent bills have gone out to all existing projects, so the Agency will start to see those payments coming in soon. An Audit Committee meeting will be scheduled prior to the March 25 meeting. **There being no further questions, the Agency received the interim financials as presented.**

Amendments to Uniform Tax Exemption Policy (Community Solar)

Chair Grow introduced a proposed amendment to the Agency's Uniform Tax Exemption Policy (Community Solar Policy). The Agency provided notice to all affected tax jurisdictions of the intent to revise its policy and conducted a public hearing on February 25, 2022. The transcript of this public hearing was provided to Agency members. The proposed amendment changes the per-megawatt PILOT payment made by the beneficiary company from a two-tier structure of either \$7,000 per megawatt or \$5,500 per megawatt to one flat payment of \$10,000 per megawatt. **A motion to consider amendments to the Agency's Uniform Tax Exemption Policy (Community Solar), was moved by S. Zogby and seconded by M. Fitzgerald.** S. Papale stated that in addition to feedback from taxing jurisdictions, the Agency also received feedback from solar developers. She also shared that Agency staff created mock projects to run

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through the new State PILOT calculator at a \$10,000 per megawatt benefit, and this formula still provides a benefit even in the jurisdictions with the lowest tax burden. S. Papale also cited the zoning/planning policy being implemented by the Town of Marcy that she thought could be a model for other municipalities looking to implement solar development policy. F. Betrus asked that Ms. Papale share this policy with Agency members, which she confirmed she would. He also asked if the Agency retained the ability to adjust the PILOT payment on an individual case basis if the developer made a case for such deviation. Chair Grow confirmed that the Agency still has the ability to deviate on a case-by-case basis. ***There being no further questions, the motion carried 7-0.*** G. Trigg asked what the process would be if an applicant's projected PILOT would be more than the full tax load in a municipality. Chair Grow responded that the Agency does not believe this would happen regularly, but that the Agency could choose to deviate in this situation. L. Romano also stated that the Agency states in its PILOT agreements that the payment would be reduced if it was found to be higher than the full tax burden because statutorily, PILOT payments cannot be higher than full tax burden.

SSC Kirkland, LLC – Request to reconsider Inducement Resolution

Chair Grow introduced a request relating to the SSC Kirkland (Kirkland Community Solar) Facility. The project was initially induced on January 17, 2022. The Company has requested that PILOT benefits consistent with the April 30, 2021 Community Solar Policy, but was induced as a deviation, to be consistent with the proposed March 2022 Community Solar Policy. S. Papale stated that she believes the Agency should honor the UTEP that was in place at the time this application was received, and offer a benefit to this project that is consistent with that policy. ***S. Zogby moved to amend the SSC Kirkland, LLC inducement resolution, consistent with the Agency's solar policy at the time the application was received, so that this project would be subject to a PILOT payment of \$7,000 per MW and that the benefit would be recalculated based on that.*** M. Fitzgerald pointed out that the Host Community Agreement should be modified so that, consistent with Agency policy, the payment to the Host Community ought not cover fees and other costs associated with the project. J. Switzer stated that he would work with the Town of Kirkland to modify the Host Community Agreement so that it is not used to cover fees associated with the project. ***S. Zogby modified his motion so that approval of the inducement resolution is contingent upon satisfactory modification of the Host Community Agreement. M.F. Messenger seconded the motion. The motion carried 6-1, with F. Betrus opposed.***

Alder Creek Beverage – Request to consider consent to sublease to Burns & McDonnell Engineering Co.

Chair Grow introduced a request from Alder Creek Beverages, LLC for the Agency to consent to a sublease of a 20-acre parcel of land currently covered under the Agency's lease/leaseback with the company to Burns & McDonnell Engineering Co., Inc. ***A motion to approve Alder Creek Beverages, LLC's request, subject to Agency receipt of insurance certificates satisfactory to the Agency, was moved by S. Zogby, seconded by E. Quadraro, and passed unanimously.***

Griffiss Local Development Corp – Request to consent to license to NYS Vietnam Veteran's Memorial Fund, Inc.

Chair Grow introduced a request from GLDC requesting the Agency's consent to a license to NYS Vietnam Veterans Memorial Fund, Inc. to operate the Vietnam Veteran's Memorial Fund to operate the Vietnam Veteran's Memorial at Griffiss Business & Technology Park. ***A motion to approve GLDC's request, and to authorize execution of same, was moved by M. Fitzgerald, seconded by Kirk Hinman, and passed unanimously.***

Griffiss Local Development Corp – Request to consent to sublease – Peraton to CTFV Acquisition Co.

Chair Grow introduced a request from GLDC to consent to assignment of a sublease by Peraton, Inc. to CTFV Acquisition Corp., for property located at 474 Phoenix Drive, Rome. ***A motion to approve GLDC's request, subject to receipt of insurance certificates satisfactory to the Agency, was moved by M. Fitzgerald, seconded by F. Betrus, and passed unanimously.***

Griffiss Local Development Corp – Ratify consent for sublease – Bldg. 770 To Tioga Construction Co./Hanson

Chair Grow introduced a request from GLDC to ratify consent for two, month-to-month subleases at Building 770 (Tioga Construction Company, Inc. and Hanson Aggregates New York LLC). Forms of documents have been approved by legal counsel and evidence of insurance has been submitted by the subtenants. ***A motion to approve the request to***

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ratify consent was moved by K. Hinman, seconded by F. Betrus, and passed unanimously.

New Hartford Lodging Group, LLC – Ratify execution of termination documents

Chair Grow introduced a proposal to ratify the execution of termination documents relating to the New Hartford Lodging Group, LLC Facility. The lease term was scheduled to expire on February 28, 2022 and the Agency signed documents terminating the leases a week early to allow the Company to refinance the Facility without the Agency's involvement. **A motion to ratify the execution of termination documents was moved by M. Fitzgerald, seconded by S. Zogby, and passed unanimously.**

SG Oneida PV, LLC (Trenton Community Solar) Facility

Chair Grow introduced a request to consider a Final Authorizing resolution relating to the SG Oneida PV, LLC (Trenton Community Solar) Facility, approving financial assistance in the form of reduction of real property tax (valued at \$791,069), which financial assistance is consistent with the Agency's Uniform Tax Exemption Policy (Community Solar Policy) adopted April 30, 2021, and authorizing the form and execution of related documents, subject to changes approved by counsel. The Agency conducted a public hearing on January 27, 2022. The project inducement was conditioned upon receipt of adequate ownership documentation, which has been submitted. **A motion to approve the Final Authorizing Resolution for the benefit of SG Oneida, PV LLC (Trenton Community Solar) was moved by S. Zogby, seconded by M.F. Messenger, and passed 6-1, with F. Betrus voting No.**

Central Utica Building, LLC – Final authorizing resolution

Consider a final authorizing resolution relating to the Central Utica Building, LLC Facility, approving financial assistance in the form of exemptions from mortgage recording taxes (valued at \$128,138) and exemptions from sales tax (valued at \$1,820,000), which financial assistance is consistent with the Agency's Uniform Tax Exemption Policy, and authorizing the form and execution of related documents, subject to changes approved by counsel and conditioned upon (a) CUB acquiring an interest in the O'Brien Parcel, either through fee ownership or a land lease for a minimum term of twenty years; (b) CUB and CNY Cardiology executing a sublease for a minimum term of ten (10) years and minimum 20,000 square feet; and (c) CUB and Mohawk Valley ASC executing a sublease for a minimum term of ten (10) years and minimum 18,000 square feet. **A motion to approve the Final Authorizing Resolution with the conditions listed was moved by E. Quadraro and seconded by M.F. Messenger.** M. Fitzgerald stated that the Agency should revisit the findings related to this project as a retail facility. Chair Grow stated that the Agency has additional findings that may be included in the final authorizing resolution, which may be discussed at this time. He then read these from the Statement of Findings. Chair Grow stated that the Agency would include these findings with the final authorizing resolution. M. Fitzgerald recalled the comments received during the public hearing, in which one of the concerns was that CUB LLC did not have control over the project site. He stated that this concern is mitigated by the fact that in the inducement resolution, benefits are contingent upon CUB obtaining ownership of the site. L. Romano confirmed that the same condition is present in the final authorizing resolution. **The motion passed unanimously.**

Old Business

GSP Route 69 Annsville

S. Papale reminded the Agency members that in December, the members gave staff the authority to notify this project of its termination within 30 days if the requested documentation was not received. The documentation was received within the timeframe requested, so this project is back in good standing.

Title Research Project

L. Romano gave a brief update of the title research project. Bond, Schoeneck & King has completed all conveyances that could be done, and is now moving on to a summary of the property OCIDA owns on the Griffiss Business and Technology Park.

Executive Session

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At 10:05 AM a motion to enter executive session to discuss a pending contract with the Agency was moved by K. Hinman, seconded by M.F. Messenger, and carried 7-0.

At 11:25 AM a motion to exit executive session and return to the open meeting was moved by F. Betrus, seconded by M. Fitzgerald, and carried 7-0.

There being no further business, at 10:34 AM Chair Grow asked for a motion to adjourn the meeting: M. Fitzgerald moved, and S. Zogby seconded the motion to adjourn. Motion carried 7-0.

Respectfully Submitted,
Tim Fitzgerald