

Approved 9-16-2022

**Minutes of the Meeting of the
Oneida County Industrial Development Agency
August 19, 2022**

584 Phoenix Drive, Rome, NY/Webex Video/Teleconference

Members Present: David Grow, Michael Fitzgerald; Ferris Betrus, Steve Zogby.

Members Present Virtually: Gene Quadraro

EDGE Staff Present: Bill Van Shufflin, Tim Fitzgerald, Laura Cohen; Shawna Papale, Maureen Carney, Mark Kaucher, and Hannah Phillips.

Other Attendees: Rome Mayor Jackie Izzo; Paul Goldman, Esq., Goldman Attorneys, PLLC (WebEx); Linda Romano (WebEx) and Laura Ruberto, Bond, Schoeneck & King; Mark Levitt (WebEx) and Jenna Peppenelli, Levitt & Gordon; Jef Saunders, Saunders-Kahler; Greg Evans, The Indium Corporation of America; Jolene Cleaver, The Daily Sentinel (call-in)

Chair Grow called the meeting to order at 8:06 AM.

Executive Session

At 8:06 AM a motion to enter executive session to evaluate potential contracts and existing litigation involving the Agency was made by M. Fitzgerald, seconded by F. Betrus, and carried 5-0.

At 8:56 AM a motion to exit executive session and return to the open meeting was moved by M. Fitzgerald, seconded by F. Betrus, and carried 5-0. No action was taken during the executive session.

E. Quadraro left the meeting at 8:56 AM.

Indium Corporation of America – Supplemental Inducement Resolution

Chair Grow introduced a supplemental inducement resolution relating to The Indium Corporation of America Facility, accepting an amended Application for Financial Assistance, and granting preliminary approval for financial assistance in the form of exemptions from sales tax (increased from \$131,250 to \$148,750); exemptions from mortgage recording tax (decreased from \$99,750 to \$82,200) and reduction of real property tax for a period of twelve years during which time the Company will have a fixed exemption applied to its real estate tax (no change, estimated at \$1,270,000), which financial assistance is a deviation from the Agency's Uniform Tax Exemption Policy, and authorizing the Agency to conduct a public hearing. **M. Fitzgerald motioned, and S. Zogby seconded, a motion to approve the supplemental inducement resolution request from The Indium Corporation of America granting preliminary approval for financial assistance in the form of exemptions from sales tax (increased from \$131,250 to \$148,750); exemptions from mortgage recording tax (decreased from \$99,750 to \$82,200) and reduction of real property tax for a period of twelve years during which time the Company will have a fixed exemption applied to its real estate tax (estimated at \$1,270,000). This motion acknowledges the original action taken by the Agency at its July 15th meeting, which was to approve the original inducement resolution for this project. With no further discussion, the motion carried 4-0.**

Minutes

The July 15, 2022 meeting minutes were reviewed. Chair Grow explained that due to a technical issue, the WebEx meeting recording was faulty, and that as a result, no audio or video of the meeting was available. As such, the meeting minutes were generated by staff based on their notes and recollection. These minutes were circulated to Members to give them an opportunity to review and provide feedback prior to the regularly scheduled August meeting. Agency members are being asked to ratify and confirm the actions taken at the July 15th meeting. **A motion to approve the July 15th minutes as presented, and to ratify and confirm all actions taken at that meeting, was moved by M. Fitzgerald and seconded by F. Betrus. The motion carried 4-0.**

Interim Financials

M. Carney reviewed the July 31st interim financial report. She noted that one commitment and application fee had been received from Indium Corporation, and that the Agency closed on the Quiet Meadows 1 facility. She also noted that in the next interim report provided to the Members, the annual comparisons will reflect year-to-date figures,

Approved 9-16-2022

rather than year-end figures. This will provide a more appropriate budget comparison. F. Betrus requested a list of OCIDA projects that make annual lease payments to the Agency. M. Carney stated she would provide such a list. **The Agency received and accepted the interim financials, subject to audit.**

Clarification of Minutes from 11/19/2021 OCIDA Meeting and the 3/25/2022 OCIDA Meeting

Chair Grow introduced for consideration a draft amendment to the 11/19/2021 OCIDA meeting minutes, which clarifies that sales tax benefit offered to Delta Luxury Townhomes LLC will be the lesser of what's incurred within two years of the *date of the agency appointment*, rather than the inducement date, or \$490,000, and cannot exceed the lesser amount. **A motion to approve the draft amendment to the 11/19/2021 OCIDA meeting minutes, with the aforementioned clarification, was made by F. Betrus, seconded by S. Zogby, and carried 4-0.**

Chair Grow introduced for consideration a draft amendment to the 3/25/2022 OCIDA meeting minutes, making the same clarification regarding sales tax benefit offered to Delta Luxury Townhomes LLC. **A motion to approve the draft amendment to the 3/25/2022 OCIDA meeting minutes, with the aforementioned clarification, was made by S. Zogby, seconded by M. Fitzgerald, and carried 4-0.**

Indium Corporation of America – SEQR Resolution

Chair Grow introduced a SEQR resolution relating to The Indium Corporation of America Facility. The Agency is serving as lead agency for the SEQR review and determines that the action is an Unlisted Action. **A motion to approve the SEQR resolution relating to The Indium Corporation of America Facility was made by M. Fitzgerald, seconded by F. Betrus, and carried 4-0.**

McCraith Beverages, Inc. – SEQR Resolution

Chair Grow introduced a SEQR resolution relating to the STD Realty, LLC/McCraith Beverages, Inc. Facility. The Agency is serving as lead agency for the SEQR review and determines that the action is an Unlisted Action. **A motion to approve the SEQR resolution relating to STD Realty, LLC/McCraith Beverages, Inc. Facility was made by M. Fitzgerald, seconded by S. Zogby, and carried 4-0.**

McCraith Beverages, Inc. – Final Authorizing Resolution

Chair Grow introduced a final authorizing resolution relating to the STD Realty, LLC/McCraith Beverages, Inc. Facility, approving financial assistance in the form of exemptions from sales tax (valued at \$214,720) and reduction of real property tax on the incremental assessment resulting from the project (valued at \$182,763), which financial assistance is consistent with the Agency's Uniform Tax Exemption Policy and authorizing the form and execution of related documents, subject to counsel review. The Agency conducted a public hearing on July 29, 2022. **A motion to approve the final authorizing resolution relating to the STD Realty, LLC/McCraith Beverages, Inc. Facility, and execution of related documents, subject to counsel review was made by M. Fitzgerald, seconded by S. Zogby, and carried 4-0.**

Rome Community Brownfield Restoration Corporation – Rome Cable Complex 4 Environmental Easement

Chair Grow introduced a supplemental resolution relating to the Rome Community Brownfield Restoration Corporation (Former Rome Cable) Facility, amending a resolution adopted on January 21, 2022 to reflect that the Environmental Easement relating to Complex 4 will cover the entire 49.651± acre parcel rather than a 21.451± acre portion that was identified for remediation, and authorizing the form and execution of related documents, subject to counsel review. **A motion to approve the supplemental resolution relating to the Rome Community Brownfield Restoration Corporation (Former Rome Cable) Facility, and authorizing the form and execution of related documents, subject to counsel review was made by F. Betrus, seconded by S. Zogby, and carried 4-0.**

Rome Community Brownfield Restoration Corporation – Tower Parcel License to EDGE

Chair Grow introduced a resolution relating to the Rome Community Brownfield Restoration Corporation (Tower Parcel) Facility, approving a license to EDGE for the purpose of EDGE entering upon the property with its consultants to perform environmental investigation and remedial planning, and authorizing the form and execution of related documents, subject to counsel review. **A motion to approve the resolution relating to the Rome Community Brownfield Restoration**

Approved 9-16-2022

Corporation (Tower Parcel) Facility, and authorizing the form and execution of related documents, subject to counsel review was made by S. Zogby, seconded by M. Fitzgerald, and carried 4-0.

Griffiss Local Development Corporation – Release of Parcels from Master Lease

Chair Grow introduced a request from Griffiss Local Development Corporation to release from the Master Lease the various streets and portions of the utility infrastructure and Parcel F10A and Parcel F3B at Griffiss Business and Technology Park to convey to the City of Rome, and approving the form and execution of related documents, subject to counsel review. The City of Rome agreed to accept the roads and utility infrastructure and Parcel F10A and Parcel F3B in the Service Fee Payment Agreement and have been maintaining the same for years. This transfer will divest the Agency and GLDC of all interest in the roads and utility structure. It was clarified that *all* streets and portions of utility infrastructure will be released from the Master Lease. Mayor Izzo stated that the City supported this action. **A motion to approve the request from Griffiss Local Development Corporation to release from the Master Lease the various streets and portions of the utility infrastructure and Parcel F10A and Parcel F3B at Griffiss Business and Technology Park, and approving the form and execution of related documents, subject to counsel review was made by M. Fitzgerald, seconded by S. Zogby, and carried 4-0.**

GLDC and Cardinal Griffiss Realty – Sales and Mortgage Recording Tax Exemption

Chair Grow introduced a request from Griffiss Local Development Corporation and Cardinal Griffiss Realty LLC to authorize financial assistance relating to its gas conversion project in the form of exemptions from mortgage recording tax (valued in the aggregate at \$19,356.00) and exemptions from sales tax relating to Building 301 only (valued at \$36,332.13) and approve the form and execution of related documents, subject to counsel review. As fee or leasehold owner of the properties to be improved, the Agency will be asked to join in several mortgages to finance the costs of improvements to Building 770-774 (Building 770 formerly Tektronix, currently unoccupied and Building 774 currently occupied by BAE); Building 776 (currently occupied by Peraton); Building 778 (currently occupied by Huntington Ingalls Industries f/k/a Alion Science and Technology); Building 780 (currently occupied by EDGE); Building 796/798 (formerly occupied by Griffiss Institute/CUBRC); and Building 301 (currently occupied by AIS). GLDC is requesting sales tax exemption relating to Building 301 in the event GLDC's exempt status does not extend to the property as is owned by Cardinal Griffiss Realty, LLC. J. Saunders explained that the mortgage recording tax exemption is broken out by building because allocating the grant proceeds to each Griffiss property proportionately will afford GLDC greater flexibility in the event it needs to obtain bank financing relating to a particular Griffiss Property. L. Ruberto further explained that the Agency will need to report to New York State on the level of assistance provided to each building. A discussion ensued about what Griffiss Utility Service Corporation intends to do to maintain its viability, particularly regarding to its existing steam infrastructure, without a sufficient number of customers to make steam distribution cost effective. This includes the possibility of utilizing steam infrastructure to generate electricity. The Members discussed what responsibility the Agency has to inform Griffiss Park tenants of this gas conversion project and how it may impact any businesses that remain on the steam system. The Members requested that GLDC send a letter to Park tenants making them aware of the upcoming gas conversion project and gauging interest in such a conversion from any remaining steam users. Members supported sending a letter from the Agency if GLDC chose not to do so. **A motion to approve the request from Griffiss Local Development Corporation and Cardinal Griffiss Realty LLC to authorize financial assistance relating to its gas conversion project in the form of exemptions from mortgage recording tax (valued in the aggregate at \$19,356.00) and exemptions from sales tax relating to Building 301 only (valued at \$36,332.13) and approve the form and execution of related documents, subject to counsel review was made by M. Fitzgerald, seconded by D. Grow, and carried 4-0.**

Griffiss Local Development Corporation – Building 796/798 Facility

Chair Grow introduced a resolution relating to the Griffiss Local Development Corporation (Building 798/798) Facility, approving a short-term license to be followed by a long-term sublease from GLDC to The Kelberman Center in the former Griffiss Institute space, and authorizing the form and execution of related documents, subject to counsel review. After a brief discussion concerning existing tenants in Building 796/798, **a motion to approve the resolution relating to the Griffiss Local Development Corporation (Building 798/798) Facility, approving a short-term license to be followed**

Approved 9-16-2022

by a long-term sublease from GLDC to The Kelberman Center in the former Griffiss Institute space, and authorizing the form and execution of related documents, subject to counsel review was made by M. Fitzgerald, seconded by S. Zogby, and carried 4-0.

There being no further business, at 10:00 AM Chair Grow asked for a motion to adjourn the meeting: M. Fitzgerald moved, and F. Betrus seconded the motion to adjourn. Motion carried 4-0.

Respectfully Submitted,

Tim Fitzgerald