

Approved June 16

**Minutes of the Meeting of the  
Oneida County Industrial Development Agency  
May 5, 2023  
584 Phoenix Drive, Rome, NY  
And via Webex Video/Teleconference**

**Members Present:** David Grow, Steve Zogby, Mike Fitzgerald, Mary Faith Messenger, Kirk Hinman, Gene Quadraro.

**Members Present – WebEx:** Ferris Betrus.

**EDGE Staff Present:** Shawna Papale, Maureen Carney, Tim Fitzgerald, Laura Cohen, Mark Kaucher, Chris Lawrence, Hannah Phillips.

**EDGE Staff Present – WebEx:** Bill Van Shufflin

**Other Attendees:** Mark Levitt, Levitt & Gordon; Rome Mayor Jackie Izzo, Shaun Kaleta, Oneida County; Libby Clark, Bonacio Construction.

**Other Attendees – WebEx:** Paul Goldman, Goldman Attorneys PLLC; Linda Romano and Laura Ruberto, Bond, Schoeneck & King; Greg Mountain, Collins Solar LLC; and Bailey Irwin, Sunlight General Capital, LLC.

Chair Grow called the meeting to order at 8:02 AM.

**Financials**

M. Carney presented the 3/31/2023 interim financial statement. Cash has increased by \$86K over the last 12 months. She explained the rates and terms of the Agency's current CDs, and that as of March 31, no interest income from those CDs are reflected in the financial statement. Two commitment fees were received in March. There are currently seven open projects that are awaiting closing. The most recent Wolfspeed and Sovena PILOT payments were recently disbursed to the taxing jurisdictions according to the respective PILOT agreements. Principal-and-interest payments on Wolfspeed project financing began in January 2023, for both NBT and Economic Development debt. Cold Point, Orgill, and Family Dollar PILOT billing will be coming up in July. **Agency received and accepted the interim financials presented, subject to audit.**

At 8:07 AM a motion to enter executive session in order to discuss litigation was made by E. Quadraro, seconded by M.F. Messenger, and carried 7-0.

At 10:12 AM a motion to exit executive session and return to the open meeting was moved by S. Zogby, seconded by F. Betrus, and carried 7-0.

**Yoder Properties, Ltd. (Stark Truss) Facility – Inducement**

Chair Grow introduced an inducement resolution relating to the Yoder Properties, Ltd. (Stark Truss) Facility, granting preliminary approval for financial assistance in the form of exemptions from sales tax (valued at \$78,450.00), exemptions from mortgage recording tax (valued at \$14,350.00) and reduction of real property taxes for a period of 10 years (valued at \$568,959.00), which is consistent with the Agency's Uniform Tax Exemption Policy, making certain findings regarding the abandonment of an existing facility, and authorizing the Agency to conduct a public hearing. S. Papale explained that this project has been in the works for a long time, and that it took a while to identify the proper site for this new facility. She also explained that while a new facility will enable higher production and improved layout, the business's current facility in Whitestown has been flooded several times in recent history, which has further prompted the need to move to a safer location. **S. Zogby moved, and M.F. Messenger seconded, to approve the Agency's inducement resolution relating to the Yoder Properties, Ltd. (Stark Truss) Facility.** M. Fitzgerald was concerned about how this new construction would be assessed, and the impact that would have on the value of the PILOT. If the building was assessed at a level much higher than estimated, the financial benefit to the business would be

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diminished. M. Kaucher explained the methodology used to come up with the estimated assessment. S. Papale reminded the members that a PILOT payment may be set at a fixed amount, but an assessment cannot be fixed by the Agency. **M. Fitzgerald asked S. Zogby and M.F. Messenger to modify their motion so that the PILOT payments would be fixed as specified in the application materials. Both S. Zogby and M.F. Messenger assented to this modification. The motion carried 7-0.** S. Papale further clarified that the project will result in the retention of 22 FTE jobs and the creation of 8 FTE jobs.

### **Minutes**

The members reviewed the March 28, 2023 meeting minutes. M. Fitzgerald asked to clarify a comment made during the Open Meetings Policy discussion. **F. Betrus moved, and M.F. Messenger seconded, to approve the minutes as corrected. The motion carried 7-0.**

### **GLDC Master Lease – Partial Release of Property**

Chair Grow introduced a resolution relating to the GLDC/Griffiss Business and Technology Park Facility, authorizing the partial release from the GLDC Master Lease of a 8.638± acre parcel of land located at 878 Ellsworth Road for sale to Yoder Properties, Ltd. and approving the form and execution of related documents, subject to counsel review. **M.F. Messenger moved, and K. Hinman seconded, to approve the Agency's resolution relating to the partial release from the GLDC Master Lease of the 8.638± acre parcel of land for sale to Yoder Properties, Ltd. and approving the form and execution of related documents.** M. Fitzgerald asked for the sale price of the parcel. M. Kaucher clarified that the total sale price is \$223,000. **The motion carried 7-0.**

### **Mohawk Adirondack & Northern Railroad Inc./Genesee & Mohawk Valley Railroad, Inc - Inducement**

Chair Grow asked the Agency to reaffirm an inducement resolution presented on March 28, 2023 relating to the Mohawk Adirondack & Northern Railroad Inc./Genesee & Mohawk Valley Railroad, Inc. 2023 Lease and PILOT Extension, granting preliminary approval for financial assistance (that is a deviation from the Agency's Uniform Tax Exemption Policy) in the form of extending the full exemption from real property taxes for a period of ten years (valued at approximately \$1,000,000.00) and authorizing the Agency to conduct a public hearing. The members voted unanimously in favor of the resolution on March 28, but the record shows the motion was not moved or seconded and the Agency wishes to correct this oversight. **S. Zogby moved, and E. Quadraro seconded, to reaffirm the Agency's inducement resolution relating to Mohawk Adirondack & Northern Railroad Inc./Genesee & Mohawk Valley Railroad, Inc..** F. Betrus stated that he was concerned that the applicant wasn't able to share the specific fee amount which they charge to the nonprofit Adirondack Scenic Railroad to assist in the maintenance and upkeep of the tracks used for Scenic Railroad operations. He expressed his desire for leniency in the fee charged because of the value this nonprofit offers to the community. Chair Grow stated that this resolution also includes provisions allowing for municipal access across the tracks. Chair Grow also asked that, in the event that this resolution is passed, Agency staff advise the applicant to charge the nonprofit users of the tracks a fair and reasonable fee for use. He asked that staff obtain company financials and fee agreements relative to track usage. The members were in agreement on this point. M. Fitzgerald reiterated that this financial benefit ought to be contingent upon the execution of a lease agreement with Griffiss Local Development Corporation. L. Ruberto clarified that all conditions of financial assistance are listed in section 3(b) of the inducement resolution, including a lease agreement with GLDC. With no further discussion, **the motion carried 7-0.**

### **Mohawk Adirondack & Northern Railroad Inc./Genesee & Mohawk Valley Railroad, Inc – Final Authorizing**

Chair Grow introduced a final authorizing resolution relating to the Mohawk Adirondack & Northern Railroad Inc./Genesee & Mohawk Valley Railroad, Inc. 2023 Lease and PILOT Extension, authorizing financial assistance (that is a deviation from the Agency's Uniform Tax Exemption Policy) in the form of extending the full exemption from real property taxes for a period of ten years (valued at approximately \$1,000,000.00) and approving the form and execution of related documents, all in the Agency's standard form and subject to counsel review. The Agency conducted public hearings on April 18, 2023 and April 20, 2023 and mailed certified notices to the taxing jurisdictions with the inducement resolution, the notice of hearing and reasons for deviating. **M. Fitzgerald moved, and F. Betrus seconded, to approve the Agency's final authorizing resolution relating to Mohawk Adirondack & Northern Railroad Inc./Genesee & Mohawk Valley Railroad, Inc. The motion carried 7-0.**

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**GLDC 2023 Master Lease and PILOT Extension – Final Authorizing**

Chair Grow introduced a final authorizing resolution relating to the GLDC 2023 Master Lease and PILOT Extension, authorizing financial assistance (that is a deviation from the Agency’s Uniform Tax Exemption Policy) in the form of extending the full exemption from real property taxes for a period of ten years (valued at approximately \$6,781,298.00) and approving the form and execution of related documents, all in the Agency’s standard form and subject to counsel review. The Agency conducted a public hearing on April 25, 2023 and mailed certified notices to the taxing jurisdictions with the inducement resolution, the notice of hearing and reasons for deviating. S. Papale clarified that this resolution identifies the correct estimated amount of financial benefit, compared to what was included in the original application. **M.F. Messenger moved, and S. Zogby seconded, to approve the Agency’s final authorizing resolution relating to the GLDC 2023 Master Lease and PILOT Extension. The motion carried 7-0.**

**Collins Solar, LLC (Barneveld Community Solar) Facility – Final Authorizing**

Chair Grow introduced a final authorizing resolution relating to the Collins Solar, LLC (Barneveld Community Solar) Facility, authorizing financial assistance in the form of reduction of real property taxes (valued at approximately \$1,628,296) for a period of 25 years during which time the Company will pay PILOT Payments equal to \$10,000 per MW-AC, which is consistent with the Agency’s Uniform Tax Exemption Policy and approving the form and execution of related documents, all in the Agency’s standard form and subject to counsel review. The Agency conducted a public hearing on April 26, 2023 and mailed certified notices to the taxing jurisdictions with the inducement resolution and the notice of hearing. **M. Fitzgerald moved, and K. Hinman seconded, to approve the Agency’s final authorizing resolution relating to the Collins Solar, LLC (Barneveld Community Solar) Facility.** E. Quadraro referenced the Oneida County Executive’s desire to direct solar developments to non-usable or non-developable land, and whether that ought to impact the Agency’s uniform tax exemption policy going forward. F. Betrus expressed his dissatisfaction with the letter provided by the applicant which specifies the ownership structure of the company. **The motion carried 6-1, with F. Betrus against.**

**Statement of Appreciation to Oneida County**

M. Fitzgerald stated for the record that the Agency ought to express its appreciation of the attendance of Shaun Kaleta, the newly-appointed Director of Economic Development for Oneida County. There is a hope and expectation of more cooperation that will occur in the future. The members voiced their concurrence to this statement.

**New York Natural Gas Ban**

M. Fitzgerald suggested that the Agency go on record in opposition to the 2023-24 New York State budget which includes provisions banning gas-powered stoves, furnaces and propane heating in newly-constructed buildings beginning in 2026. This policy is antagonistic to economic development in Oneida County. **M. Fitzgerald moved that the Agency make a public statement that the New York State imposition of the elimination of gas-powered furnaces and stoves is a detriment to economic development in Oneida County. D. Grow seconded the motion, which carried 7-0.**

**B240, LLC (Air City Lofts Phase 1 and Phase 2 Facilities) – Consent to Sublease**

Chair Grow introduced a resolution relating to the B240, LLC (Air City Lofts Phase 1 and Phase 2 Facilities), consenting to the sublease of commercial space, subject to approval by counsel of the form of sublease agreement. **S. Zogby moved, and D. Grow seconded, to approve the Agency’s resolution consenting to the sublease of commercial space by B240, LLC.** S. Papale stated that she would clarify the number of jobs being retained as part of this project. **The motion carried 7-0.**

**126 Business Park Drive, LLC/Rising Phoenix Holdings Corporation (Adjusters International) Facility – Landlord Waiver**

Chair Grow introduced a resolution relating to the 126 Business Park Drive, LLC/Rising Phoenix Holdings Corporation (Adjusters International) Facility, authorizing the Agency to execute a Landlord’s Waiver and approving the form and execution of documents, subject to counsel review. **M.F. Messenger moved, and F. Betrus seconded, to approve the Agency’s resolution authorizing the Agency to execute a Landlord’s Waiver and approving the form and execution of documents pertaining to the to the 126 Business Park Drive, LLC/Rising Phoenix Holdings Corporation Facility.** M. Fitzgerald asked if this activity will result in other functions being moved out of the current facility in order to

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accommodate this new call center. S. Papale stated that there is some existing space available within the facility, but was unsure as to the exact amount. M. Fitzgerald requested that Agency staff clarify how new and existing functions will fit in the facility, and what the net new jobs will be as a result. S. Papale stated that she would gather this information.

**The motion carried 7-0.**

### **Open Meetings Policy**

Chair Grow directed the members' attention to the Agency's revised Open Meetings Policy, which was discussed and approved at its last meeting. M. Fitzgerald offered two corrections to the revised policy. First, Paragraph 3 should state that members be physically present at the designated public meeting location in *Oneida County*, New York (rather than Rome, NY); second, Paragraph 4 should not name any specific individual as the Agency's Executive Director. M. Fitzgerald also revisited the discussion as to the length of the term of appointment of Agency members at the time they are appointed. D. Grow stated that New York State law sets member terms at five years. It was the recollection of S. Papale that in Oneida County, terms were set at three years, or until replaced. M. Fitzgerald stated that since terms of all current members have expired, the current County Executive has discretion to review performance and attendance of each member, and take action accordingly. Chair Grow stated that this policy provides a formal methodology of reviewing member attendance. F. Betrus stated that he thought it was unfair to require 60% attendance regardless of extraordinary circumstances. M.F. Messenger stated that the Agency would have the discretion to take such circumstances into account on a case-by-case basis. **M. Fitzgerald moved, and. Grow seconded to adopt the Agency's revised Open Meetings Policy, as corrected. The motion carried 6-1, with F. Betrus opposed.**

### **New Business**

The members directed their attention to a memo provided by staff providing a summary of the NYSEDC Spring 2023 IDA Academy. M. Kaucher stated he would re-issue the memo after discovering some errors.

### **Annual Job Review**

The members reviewed a memo from staff which identified businesses that reported a jobs shortfall in their 12-31-2022 annual report. S. Papale explained that this is the first step in the annual process to address all projects with job shortfalls. The next step will be to issue each business a letter notifying them of this shortfall, and giving them an opportunity to respond and explain why.

At 11:17 AM, M. Fitzgerald moved to go into executive session to discuss a potential contract issue. The motion was seconded by M.F. Messenger and carried 7-0.

At 11:24 AM, S. Zogby moved to exit executive session and return to the open meeting. The motion was seconded by F. Betrus and carried 7-0.

**There being no further business, at 11:25 AM Chair Grow asked for a motion to adjourn the meeting: M. Fitzgerald moved, and F. Betrus seconded the motion to adjourn. Motion carried 7-0.**

Respectfully Submitted,

Tim Fitzgerald