

Cayuga County Industrial Development Authority
Regular Meeting
6141 W Lake Rd, Auburn, NY 13021
December 20th, 2022 @ 12:00pm

Present: Ray Lockwood (Chair), Herb Marshall, Andrew Rindfleisch, Bob Shea, Gina Speno, Paul Lattimore, John Latanyshyn (attended via telephone, voting not permissive)

Others Present: Riccardo Galbato (Galbato Law Firm), Mark Chambers (C&S Companies), David Norbut (Norbut Solar Farms), Justin Miller (Harris Beach), Maureen Riester (CEDA), Michael Miller (CEDA), Christine Martynski (CEDA), Aileen McNabb-Coleman (Cayuga County Legislator), David Bottar (CNY Regional Planning)

Mr. Lockwood called the meeting to order at 12:24pm, noting the presence of a quorum.

MEETING MINUTES:

Mr. Lockwood inquired to the board for approval of the November minutes. Mr. Marshall motioned with a second by Mr. Latanyshyn. All present voted in favor with no opposition. No discussion ensued.

BILLS AND COMMUNICATION:

Bills: Mr. Miller presented to the board an update on the status of PILOT payments, of which there were none from November. Other bills presented by Mr. Miller included NYSEG, Harris Beach Law Firm services for the 2022 year, C&S Companies work that has been completed for engineering on the sewer line project, the Spring-Side Inn invoice for hosting the annual meeting luncheon, Galbato Law Firm's general counsel work completed for 2022, and an interest income reported from Minard Oil

Motion by Mr. Marshall with a second by Mr. Rindfleisch. All in presented voted in favor with no opposition. Mr. Marshall inquired to Mr. Justin Miller and Mr. Galbato on their fees for the year, both of which noted the costs associated with the Sewer Line.

REPORT OF THE TREASURER:

Mr. Miller noted fees were received from both the hospital project and the fees associated with the LDA agreement from CMI and Eagle Drive Holdings. The only bill that had been received presently was for NYSEG in the same period. Mr. Miller noted that the budget was off for year-to-date as it assumed the EDA grant would be received in 2022.

Mr. Lattimore inquired to Mr. Justin Miller if CCIDA would be reimbursed for his work related to the Sewer Line. Mr. Justin Miller responded that it depended on the EDA grant guidelines. Mr. Miller noted that the EDA grant does not reimburse for those costs but the ESD grant that they've also received does reimburse CCIDA for soft costs. Mr. Marshall then inquired what fees CEDA would be entitled to for 2022 per the fee sharing agreement. Mr. Miller explained that though CEDA will be receiving fees based on the activity of 2022, they were not subject to the income received from the LDA agreement.

Mr. Marshall moved to accept the treasurer's report, seconded by Mr. Lattimore. All present voted in favor with no opposition. Mr. Rindfleisch motioned that the board meet in January to discuss the CCIDA contract with CEDA, with a second by Mr. Marshall. Mr. Rindfleisch went on to discuss that there should be discussion on the contract and there isn't a signed one; Mr. Miller noted that in February 2021, per the accepted meeting minutes, the full board at the time voted in favor for the current contract. Mr. Latanyshyn (via phone) noted that despite not having a hard copied signed contract, the board approved the discussion and questioned the need to have a meeting on the contract in question. Mr. Rindfleisch shared his feeling that there appears to be confusion on the existing contract and would like to start discussing the new contract. Mr. Marshall added that he thinks there should be more discussion with the board on how to proceed with CEDA and agrees with Mr. Rindfleisch to

discuss in January. Mr. Justin Miller added that since 2020, there were many items not physically signed due to COVID-19. Mr. Marshall then noted that officers have not been nominated and he wasn't prepared to nominate any, but thought meeting next month would be appropriate to discuss this item in connection with the CEDA contract. Mr. Latanyshyn asked for clarification for the January meeting, noting that the existing contract was still in force. Further discussion ensued by the board on what should be discussed in the January meeting.

All members present voted in favor of the motion, with Mr. Latanyshyn (via telephone) voting in opposition.

UNFINISHED BUSINESS:

Update to Sewer line & IDA Park Sinkhole: Mr. Chambers provided an update to the board, specifically noting that Highlander has transported CCIDA materials to county property. He went on to share that engineering work for specifications have been completed and are under review by the EDA. Mr. Chambers shared that unfortunately we are behind on putting the bid out, but noted that there has been back and forth with the EDA on this item. Mr. Miller added that the EDA has a slow lag time due to the holiday season but that we have provided everything they've asked for. Mr. Justin Miller and Mr. Galbato each noted that making sure we are following their requirements are important. Mr. Marshall shared his frustration that this process has taken so long to move through.

Mr. Chambers expects the bid to go out sometime in January, again ensuring we are staying within EDA parameters and that the September timeline is still set. Further discussion was had by Mr. Chambers and the board on specifics of the project related to pumps and material delays for the project.

CCDC Loan / Resolution: Mr. Miller noted that this item from CCDC was imperative to pass. Mr. Rindfleisch motioned to approve the agreement, seconded by Ms. Speno. Mr. Marshall inquired on what the resolution obligated the board to do, to which Mr. Justin Miller responded nothing and that it permitted Mr. Miller to ensure there was ample cash flow for CCIDA. Mr. Miller went out to re-iterate the general terms of the loans. Roll call vote was held with all members physically present voting in favor – Mr. Latanyshyn (though unable to vote, noted he would abstain from voting had he been present).

Self-Evaluation Forms: Mr. Miller reminded the board of the self-evaluation forms and requested that any members who have not completed the form to please do so and return to either him or Ms. Martynski.

CEDA Update: Mr. Miller shared that there has been growing efforts related to the opportunity around Micron. He went on to share that CEDA has been working with local and regional partners, specifically Steve Lynch and Mr. Justin Miller on potential sites and option agreements to ensure ability to move quickly. Mr. Miller shared that a meeting was recently held in Syracuse, hosted by Mr. Bottar; Mr. Miller noted key points from the meeting was site acquisition and community development. He went on to share that he was encouraged by the level partnering of the level. Lastly, Mr. Miller noted the importance of demonstrating good faith from all county representatives in partnering. Mr. Bottar shared that all counties are interested in having more information and contacts with Micron directly but that the efforts by Onondaga County are the reason Micron was present (along with ESD and CenterState). He went on to advise the board that being well organized is critical in looking to work with Micron through Onondaga, and building credibility will also be very important. Further discussion was had by the board and Mr. Bottar on the opportunity, specifically preparation efforts and the pressing need to have more development ("shovel ready") within the region. Other discussion was had around what potential supply chain companies may be coming into the region; Mr. Bottar noted that Micron has not shared much information on this but expects they will be during Q1 of 2023 but that overall this will all move pretty quickly.

Mr. Rindfleisch inquired to Mr. Miller on land acquisition. Mr. Miller responded that he, Ms. Riester, and Mr. Lynch will be meeting very soon on this item to evaluate maps and potential sites. After discussion by the board Mr. Rindfleisch suggested that the board form a committee on site acquisition. Mr. Justin Miller noted that the work that had been completed for the current park, it took some time to make the site shovel ready and to keep that in mind.

Mr. Rindfleisch requested that a committee be put together for land acquisition. Board members discussed and agreed that Mr. Rindfleisch, Mr. Lockwood, and Ms. Speno would be comprise the committee for site acquisition.

NEW BUSINESS:

Officer Nominations: Mr. Miller noted that as part of the annual meeting, the board had to either elect or re-appoint existing members of the board for officer positions. Mr. Marshall motioned that though he supports existing members in their current positions, he felt this should be done in January during a special meeting to coincide with discussing CEDA's contract. Mr. Latanyshyn inquired to Mr. Marshall on his foundational reasoning for doing so. Mr. Marshall shared that he had did not feel prepared to vote at this time to which Mr. Latanyshyn noted, in his opinion, that it was not a valid reason and he had not been approached by any member of the board to date about issues with existing appointments. Governance committee members noted that they had not met to discuss members and agreed to separately speak to discuss (this included Mr. Rindfleisch, Mr. Shea, and Ms. Speno). Mr. Latanyshyn left the call due to other work obligations while the committee met.

Mr. Lockwood asked Mr. Norbut if he would like to address the board. Mr. Norbut presented to the board large photographs of the IDA park site and adjacent property owned by his firm, Norbut Solar Farms. Mr. Norbut felt that over time there has been un-addressed issues on IDA lands that have impeded his work. Mr. Justin Miller responded that the IDA has addressed his concerns several times prior, and that work being completed for the Sewer Line project would in effect be addressing the improvements he is requesting. Mr. Chambers added that again work being completed for the project would be addressing a culvert.

Other discussion was had by the board by the increase in the wholesale water rates that are specifically impacting tenants of the IDA Park. Ms. Riester explained to the board that she has been facilitating discussions between the City of Auburn and surrounding towns on water rates and noted that the IDA had previously (10 years ago) negotiated the rate for the park, but was always set to expire. Further discussion was had by the board of work being done/proposed by the Water and Sewer authority for the IDA Park.

Following discussion the on the water rates, Mr. Marshall motioned that current members whose terms expire on 12/31/22 be reappointed, noting that it was ultimately up to the Legislature. Ms. Speno seconded the motion with all members present voting in favor. Mr. Marshall then inquired to the governance committee members what they decided regarding officer appointments. Mr. Rindfleisch and Ms. Speno shared that they agreed that they would like to have further discussion in January on the topic. Mr. Marshall inquired to Mr. Justin Miller if that was permissible to do, which he noted as affirmative that the resolution would have to be amended as required.

Mr. Marshall motioned to amend the resolution for a new set of officers for the 2023 calendar year in January 2023, to which Mr. Rindfleisch seconded. All present voted in favor. Mr. Marshall asked Mr. Miller to arrange a meeting in early January. Mr. Lockwood inquired about ratifying prior adopted policies, to which Mr. Rindfleisch responded that this was also recommended by the governance committee to be voted on in the intended early January meeting. A roll call vote was held with all present members voting 'yea', with no opposition.

Twelve Corner Notice of Approved Assignment for TE: Mr. Justin Miller explained to the board that this has been known for some time and no approval or action was warranted by the board on this item and that it was merely a notice of owner equity transition.

ADJOURNMENT AND EXECUTIVE SESSION:

Mr. Lockwood motioned to adjourn at 1:46 with Mr. Rindfleisch seconding the motion. All members present voted in favor.

Respectfully Submitted,
Christine Martynski