

# **Cayuga County Industrial Development Agency**

## **Regular Meeting**

**2 State Street, Auburn, NY 13021**

**June 20, 2023, 4:00 P.M.**

**Present:** Ray Lockwood (Chair), John Latanyshyn, Andrew Rindfleisch, Herb Marshall, Bob Shea, Gina Speno, Paul Lattimore

**Others Present:** Michael Miller (CEDA), Ricardo Galbato (Galbato Law Firm), Justin Miller (Harris Beach), Aileen Coleman-McNabb (County Legislator), Karl Rindfleisch (Cayuga County Water & Sewer Authority), Mark Chambers (C&S Engineering), Steve Lynch (Cayuga County Planning Department), Brian Linney (Cayuga Milk Ingredients), Mark Strucker (Cayuga Milk Ingredients), Rod Ives (Cayuga Milk Ingredients), Katie Moran (CEDA)

Mr. Lockwood called the meeting to order at 4:03 p.m. noting the presence of a quorum.

### **MINUTES OF THE LAST MEETING:**

Mr. Marshall made a motion to approve the minutes of the last meeting. Mr. A Rindfleisch seconded the motion. There was not further discussion and the motion passed unanimously.

### **BILLS AND COMMUNICATION:**

Ms. Moran reported that there are several bills to consider.

NYSEG – a bill for \$53.57 for electricity for Eagle Drive Extension

CCDC - \$1,500 paid as a fee for the loan and \$1,583.33 paid for the first month's interest on the loan

GoDaddy - \$41.34 for annual renewal of two domains for CCIDA

Knapp Electric - \$459.06 for electrical repairs needed on Eagle Drive Ext.

CEDA - \$7,734.11 for the second quarter contractual payment and other reimbursable items

Dannible & McKee - \$4,200 for final payment on the annual CCIDA audit

Mr. Lockwood asked for a motion to accept the bills. Mr. A. Rindfleisch made the motion and Mr. Marshall seconded it. Mr. Marshall asked if the CCDC money was invested anywhere that would earn interest. Right now it is in the checking account. It might be worthwhile to check out CD's and other interest bearing accounts. The hope is that the money will be used soon and it may not be worthwhile to put it into a CD or Money Market but the options will be explored. There was also some discussion about where the responsibility for items such as the lights on Eagle Drive lies, but this discussion will be tabled until a later date. There was no further discussion and the motion to pay the bills was passed unanimously.

## **REPORT OF THE TREASURER:**

There is a positive bottom line of \$2,592.44 for the end of May which is a significant variance compared to the projected budget deficit for that period. There was not much activity in May. The PILOT payment for the Finger Lakes Railroad was received and dispersed to the appropriate school districts and municipalities, with a \$4,000 administrative fee going to CCIDA. One expense was paid in May - the CCDC loan fee. Otherwise there was no financial activity. Mr. A. Rindfleisch made a motion to accept the Treasurer Report and Mr. Marshall seconded the motion. There was no further discussion and the motion passed unanimously.

## **OLD BUSINESS:**

### **EAGLE DRIVE HOLDINGS AND CAYUGA MILK INGREDIENTS:**

CMI Project:

J Miller brought maps to show what was planned in 2022 by CMI versus what is planned now. The proposed CMI site plan for the trucking depot includes elements that will be located in the CCIDA right of way near lot 4. CMI hopes to use the right of way but there are questions about how this would be accomplished and what would make the most sense. The Town Planning Board and the County Legislature may get involved. An easement to use the right of way may be all that is needed. The County may want to take over the road. Water and sewer lines also have to be considered. There will be a meeting with the Town Planning Board in July to discuss Lot 4. Adjustments can be made to what is on the maps depending on needs. There has been discussion about connecting Route 126 with Half Acre but that is still an open discussion. A resolution was approved in November 2022 by this board and an additional resolution has been prepared for today that will authorize: (i) the acceptance of the Updated Application; (ii) adoption of an updated description of the Project; and (iii) authorizing the execution and delivery of a first amendment to the LDA (herein, the "Amended LDA").

A motion was made to approve the following resolution (attached hereto):

RESOLUTION OF THE CAYUGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE AMENDED APPLICATION OF CAYUGA MILK INGREDIENTS, LLC (THE "COMPANY"); (ii) ADOPTING AN AMENDED PROJECT DESCRIPTION, AS FURTHER DEFINED HEREIN; (iii) AUTHORIZING THE EXECUTION AND DELIVERY OF AMENDMENT NO. 1 TO A CERTAIN LAND DEVELOPMENT AGREEMENT ("LDA AMENDMENT NO. 1") TO BE ENTERED INTO BY THE AGENCY AND COMPANY WITH RESPECT TO THE CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW).

The resolution as presented was adopted unanimously.

EDH Project:

The board also discussed the revised application submitted by EDH for the new bottling plant, including the adjustments to building location, building size and overall land assemblage. These adjustments will require adoption of an additional resolution and execution of an amended LDA for the EDH Project.

Representative of EDH also requested the board's approval to expand license rights under the LDA to allow some preliminary site work on the EDH assemblage prior to closing (the Site Work). A motion was made to approve the EDH resolution as presented, along with a motion to amend the resolution to include the Site Work provisions in the LDA made by Mr. Marshall and seconded by Mr. A. Rindfleisch. The Amendments can be modified in the future if needed.

A resolution was approved in November 2022 by this board and an additional resolution has been prepared for today, and as amended on motion will authorize: (i) the acceptance of the Updated Application; (ii) adoption of an updated description of the Project; and (iii) authorizing the execution and delivery of a first amendment to the LDA (herein, the "Amended LDA").

A motion was made to approve the following resolution, as amended (attached hereto):

RESOLUTION OF THE CAYUGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING THE AMENDED APPLICATION OF EAGLE DRIVE HOLDINGS, LLC (THE "COMPANY"); (ii) ADOPTING AN AMENDED PROJECT DESCRIPTION, AS FURTHER DEFINED HEREIN; (iii) AUTHORIZING THE EXECUTION AND DELIVERY OF AMENDMENT NO. 1 TO A CERTAIN LAND DEVELOPMENT AGREEMENT ("LDA AMENDMENT NO. 1") TO BE ENTERED INTO BY THE AGENCY AND COMPANY WITH RESPECT TO THE CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW)

The resolution as presented and amended on motion was adopted unanimously.

#### **UPDATE ON SEWER LINE:**

The contracts have been executed and submitted to the EDA for review and approval, along with bonds and insurance information. We have not heard back yet. Mr. Marshall asked when the paperwork was actually sent out. It may have been held up due to discussion of a 5% or 10% withholding. There was a holdup but it wasn't just about the withholding. Once the EDA approves the request a notice to proceed can be immediately issued. It is important to get things started due to possible delays in getting equipment. Mr. Chambers was asked to stay on top of the activities of the contractors to make sure that they keep moving ahead.

The Norbert Energy people are interested in an easement and they are interested in working with CCIDA. The Water Authority is looking at a master plan and CMI would be a major customer. Mr. K. Rindfleisch says that an agreement could be reached with Norbert in good faith. He has asked CCIDA for permission to continue talking with Norbert about a right of way across the Wait farm for a water line. There was some discussion about going across the BOCES property. Going across the Wait property would save a few hundred feet.

#### **DOUG WAYNE:**

The email and contract have been sent to the group. Further discussion was passed until the end of the meeting.

#### **CEDA UPDATES:**

Two active applications for solar projects have been received from the Town of Scipio and the Town of Ledyard. We have not heard back from them for a month. The size of these projects is in excess of 80 million. We hope to hear from them soon. Lewis County has a unique model for solar projects. They test the soil when solar projects are presented. If the soil is rich farming soil they will be charged more than for less rich soil. Good farmland needs to be protected. Some solar projects are working through school districts and going around the IDA. In doing this, they can get a tax break from the School Districts, but not from the county.

Other site work is ongoing. An application has been submitted for a response from the state allowing us to go ahead and apply for a FASTNY grant. CCIDA will work with Soil and Water for environmental studies.

A motion was made and seconded to go into Executive Session to discuss the proposed acquisition or disposition of real property that may affect the value and/or price thereof. The motion was passed unanimously.

Upon leaving executive session, a motion was made to adjourn the meeting without any further action of the board. The motion was passed unanimously.