

**Cayuga County Industrial Development Agency
Regular Meeting
Cayuga County Chamber of Commerce
2 State Street
Auburn, NY
April 16, 2019 at 4:00pm**

Chairman Lockwood called the meeting to order at 4:03pm, noting that a quorum was present.

ROLL CALL:

Present: Ray Lockwood, Herb Marshall, John Latanyshyn, Ben Vitale, Andrew Rindfleisch, Paul Lattimore

Excused: Gina Speno

Others Present: Tracy Verrier, Maureen Riester, Samantha Frugé (CEDA); Piper Titus (Page Trucking); Dave D'Alberto (D'Alberto Refrigeration Service); Rick Galbato (Galbato Law Firm); Charlie Ripley (Cayuga County Legislator)

MEETING MINUTES:

Mr. Rindfleisch moved to approve the minutes of the March 27th Regular Meeting and March 27th Audit Committee Meeting, seconded by Mr. Lattimore. All members present voted in favor; motion carried.

BILLS AND COMMUNICATIONS:

Ms. Frugé presented bills for CEDA for the first quarter administrative fees (\$5,038.63), Chamber of Commerce for two seats at the State of the City/County Luncheon (\$80), NYSEG for electric at the Industrial Park (\$137.76), Buffington & Hoatland for the FY2018 audit prep (\$2500), and Knapp Electric for service work on the lights at the Industrial Park (\$207.45). Mr. Vitale moved to pay the bills, seconded by Mr. Rindfleisch. Mr. Lockwood and Mr. Latanyshyn abstained. All other members voted in favor, the motion carried.

REPORT OF THE TREASURER

Ms. Frugé reviewed the budget report, noting income generated from interest accounts in the amount of \$1,216.03 and gas lease revenue in the amount of \$45.78. Mr. Latanyshyn asked why the year-to-date interest income isn't higher? Ms. Verrier explained that the interest from CDs is earned quarterly. Mr. Rindfleisch moved to accept the report of the treasurer, seconded by Mr. Latanyshyn. All members present voted in favor, the motion carried.

UNFINISHED BUSINESS

Page Trucking Local Labor Discussion: Ms. Verrier welcomed Piper Titus from Page Trucking and explained Ms. Titus would be providing an update on their request to adjust the local labor requirements for their projects. Ms. Titus said she had conversations with her contractor, who advised it would be very difficult to meet the 40% labor requirement for Cayuga County requested by the board at the last meeting. The building style that was chosen for the project would be manufactured in Rochester and assembled on site using the Rochester construction crew. The contractor advised that they could source some site work from Cayuga County, but the

current requested amount was too high for the project. She added that they also had an MWBE requirement to meet for their ESD funding, which could not be met if combined with the Cayuga County labor requirement. Mr. Marshall asked what the original labor percentages were? Ms. Verrier said the original percentages were 65% Cayuga County, 20% adjacent counties, and 15% from New York State. She added that at the last meeting the Board discussed changing the percentages to 40% Cayuga, 40% adjacent, and 20% NYS. Ms. Titus said that the contractor indicated Cayuga County did not have enough resources for the work to be completed and that they could potentially source around 20% from Cayuga County. She said that Page Trucking was committed to using locally sourced labor, yet they needed to construct within their budget or the project could not go forward. Mr. Marshall asked what percentage of construction workers were involved with the building work versus the site work? Ms. Titus said she did not have a specific breakdown available. Mr. Marshall asked if they could separate the site work from the building construction and base the labor percentages off of that? Ms. Titus explained that the limited availability of vendors made it difficult to accommodate such a breakdown, and that they had to consider cost differentials. To source labor from Cayuga County, they would have to cut variables from the project due to the cost of sourcing locally. She added that there were facets of the project that no labor source in Cayuga County could do. Ms. Verrier noted that the labor percentages were based on where the workers lived, not based on where the vendor was located. She provided an example of an Onondaga County vendor that sourced labor from Cayuga County, those workers from Cayuga would still count toward the local labor requirement. Mr. Latanyshyn asked if there was a discussion with Hueber-Breuer regarding the labor requirement? Ms. Titus said she had conversations with them about the labor requirement and that there wasn't much in terms of comparables for the area. She said he pulled the Grober project as a comparable, which used only 19% labor from Cayuga County. She said he considered what vendors the project needed, what they had access to, what scope the vendors could accomplish, minority requirements, cost comparables, and other similar projects in the area. She said that Page Trucking would be the first project under the new 60% local labor requirement and that, historically, no other project had to meet that criteria. Mr. Latanyshyn asked when the contractors let her know that they couldn't meet the local labor percentage? Ms. Titus said around the time they started to look to close on IDA incentives. Mr. Marshall asked when the 60% local labor requirement was introduced? Ms. Verrier said the policy was put in place in 2016. She added that a few projects had been approved under the updated policy, but were much smaller in scope and could more easily meet the requirement. Mr. Lockwood asked what percentages other counties were using? Ms. Verrier said that it varied. She added that they developed this policy because it was a best practice of the ABO to have one in place, although it is not legally required. Mr. Vitale noted that there weren't any other projects that were comparable to Page Trucking, and if there was another way they could look at the benefit for Cayuga County? Ms. Titus explained that one of the goals for Page Trucking was to create an apprenticeship program that could benefit the community locally. She said that they had been working with workforce development partners in regards to putting together a training center and creating a four-tier apprenticeship program that offered certified stackable credentials for individuals. The credentials would be transferrable, so after graduation students could take their certifications with them to work at other local businesses. Mr. Latanyshyn asked how many jobs

will be created from the project? Ms. Titus said they anticipate creating 67 jobs over 5 years. She added that they have already created 17 new jobs since last year. Mr. Lockwood asked how many jobs will be created for construction? Ms. Titus said it was unclear yet how many would be created. Mr. Rindfleisch asked what labor percentage they think they can meet? Ms. Titus said her contractor advised 20%, but she would try for 25-30% and keep the Board informed as to what was more realistic when the time came. Ms. Verrier suggested they have a follow up conversation after the bids come in. Mr. Marshall requested CEDA staff look into why the Board agreed on 60% local percentage for the labor requirement. Ms. Verrier explained that they looked at what other counties were doing when they established the policy and created the local labor waiver request because they knew some projects couldn't meet that requirement. Mr. Vitale noted that even at a 25% level, the size and scope of the project would still benefit the community substantially. Mr. Vitale motioned to propose local labor percentages as follows: 25% Cayuga County, 60% adjacent counties, 15% NYS. The motion was seconded by Mr. Rindfleisch. Mr. Latanyshyn motioned to amend the percentages to the following: 30% Cayuga County, 55% adjacent counties, 15% NYS, seconded by Mr. Marshall. The motion to amend did not pass with Mr. Lockwood, Mr. Vitale, and Mr. Rindfleisch voting against. Ms. Titus suggested they allow for 25% Cayuga County requirement, aspiring to 30%, and come back to the board with the bids and demonstrate what the options were. Mr. Lockwood called for a vote on the original motion of 30% Cayuga County, 55% adjacent counties, 15% NYS. Motion passed with Mr. Latanyshyn and Mr. Marshall voting against and all others in favor.

Upcoming Events: Ms. Verrier discussed the upcoming events and asked the Board to let staff know if they wanted to attend the Chamber Awards Luncheon on May 8th.

NEW BUSINESS

CEDA Staff Update: Mr. Riester introduced Dave D'Alberto of D'Alberto Refrigeration Service and explained Mr. D'Alberto was interested in purchasing a parcel of IDA-owned land. She explained that his commercial HVAC business has been located in Auburn for 20 years and was looking to construct their own 5000 sq ft facility. Ms. Riester advised she reviewed IDA benefits with Mr. D'Alberto, who would likely seek a Sales & Use and Mortgage Recording tax exemption, and is considering a 485b for property tax. She also advised Mr. D'Alberto that IDA parcels have been selling for around \$25,000 per acre. The parcel Mr. D'Alberto was considering was 2.69 acres. Mr. Lockwood asked how many employees the business had? Mr. D'Alberto said they had six employees, including himself and his wife. Mr. Lockwood asked if they were going to create any new jobs with the building project? Mr. D'Alberto said that they had enough work to hire on more employees, but he can't find skilled labor in the area so isn't able to commit to hiring. He explained that any labor they train eventually leaves the area to pursue new opportunities. He added that he would try to source and subcontract locally when building the new facility. Mr. Latanyshyn asked what the project cost was? Mr. D'Alberto said the project was expected to cost around \$200,000. Ms. Riester explained that the parcel in question hasn't had much interest due to its size, and that the parcel would be a good fit for a local business for a retention project. Mr. Latanyshyn asked what Mr. D'Alberto's budget was for land cost? Mr. D'Alberto said he was budgeting for \$50,000. Mr. Vitale asked what kind of buildings they

would construct? Mr. D’Alberto said they would be constructing a few small offices and a sheet metal shop. He added that they would do much of the work themselves, and they would try to keep the building within their budget of \$120,000. Mr. Marshall asked if the parcel needed any infrastructure for this business to build there? Ms. Verrier said that the parcel should have all the infrastructure it needed available to connect to.

Mr. Latanyshyn motioned to go into executive session, seconded by Mr. Rindfleisch. All members present voted in favor; motion carried. The Board entered executive session at 4:57pm.

Mr. Latanyshyn motioned to exit executive session, seconded by Mr. Rindfleisch. All members present voted in favor; motion carried. The Board exited executive session at 5:17pm.

Mr. Latanyshyn explained that they’d like to offer the adjacent parcel as well, which does have some wetlands.

Mr. Latanyshyn motioned for authorizing the terms of sale to D’Alberto Refrigeration Service, Inc. Tax Map No. 114.00-2-27.81 with an address of Eagle Drive and Tax Map No. 114.00-2-27.71 with an address of Eagle Drive for a total amount of \$55,000 subject to the buyer paying all of the CCIDA’s closing costs including legal fees and subject to the CCIDA attorney approval. Mr. Rindfleisch seconded the motion. A roll call vote was taken and recorded as follows:

NAME	Yes	Nay	Absent	Abstain
BEN VITALE	X			
JOHN LATANYSHYN	X			
PAUL LATTIMORE	X			
RAYMOND LOCKWOOD	X			
HERB MARSHALL	X			
ANDREW RINDFLEISCH	X			
GINA SPENO			X	

All members present voted in favor; motion carried.

In response to an inquiry from Mr. Marshall, Ms. Riester described various parcels that are available for purchase that the IDA could potentially acquire to expand their development capacity. The Board discussed the parcels and decided that the parcels were not in the IDA’s best interest at this time but would continue to discuss opportunities in the future.

Resolution: Solar PILOT UTEP & UPEP Amendments: Ms. Verrier discussed the NYSERDA presentation, noting the presentation had a good turnout from the local municipalities. She advised that she sent the UTEP and project evaluation policy to the municipalities for feedback, of which she only received feedback from one individual whose concern was that the IDA would move forward with projects without municipality support. She said she responded to the feedback, explaining the IDA at this time was not looking to circumvent the municipalities’ wishes and that each project would go through a public hearing to provide the opportunity for the community to respond, as well as would need to go through local site plan and permitting with the municipality. Ms. Verrier said that the final resolution was included in the Board packet, and they could move the resolution forward if the Board was comfortable. Mr. Marshall motioned to

approve the amended UTEP & UPEP Resolution, seconded by Mr. Rindfleisch. All members present voted in favor; motion carried. Mr. Latanyshyn asked if this resolution would make the IDA the one point of contact for solar projects? Ms. Verrier explained that the projects could still go to each municipality, but some municipalities will likely direct them to the IDA for negotiations.

Patterson Land Lease Approval: Ms. Verrier stated that she negotiated lease terms with Mr. Patterson, of which the following terms were proposed: Lease with a five-year term for \$90 per acre for the first two years and \$100 per acre thereafter. The clause requiring CCIDA to pay \$500 per acre for any land that needs to be vacated before harvest was amended to read that Mr. Patterson would be reimbursed for inputs, including time, for those acres. She noted that Mr. Patterson advised the input costs are close to \$500 an acre anyway, but that he was comfortable with the new language. The Board was agreeable to the terms. Mr. Rindfleisch motioned to approve the lease, seconded by Mr. Vitale. All members present voted in favor; motion carried.

Mall Property Maps: Ms. Verrier said that Jason Cuddeback from the Cayuga County Soil & Water Conservation District provided maps of the mall parcel and a drone video as well. She also confirmed that the mall parcel would have a three-year lookback in regard to the donation, so resale within three years would not be ideal.

Motion to adjourn at 6:07pm by Mr. Latanyshyn, seconded by Mr. Vitale. All members present voted in favor; motion carried.

Respectfully submitted,
Samantha Frugé

Next regularly scheduled meeting: Tuesday, May 21, 2019 @ 4pm

AUTHORIZING RESOLUTION

(Adopting Amendments to Uniform Tax Exemption Policy and Uniform Project Evaluation Policy)

A regular meeting of the Cayuga County Industrial Development Agency was convened on Tuesday April 16, 2019 at 4:00 p.m. at 2 state Street, Auburn, NY 13021

The following resolution was duly offered and seconded, to wit:

Resolution No. _____

RESOLUTION OF THE CAYUGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") ADOPTING AMENDMENTS TO THE AGENCY'S UNIFORM TAX EXEMPTION POLICY ("UTEP") AND UNIFORM PROJECT EVALUATION POLICY ("UPEP"), TOGETHER "POLICIES"

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law ("GML") of the State of New York (the "State"), as amended, and Chapter 671 of the Laws of 1974 of the State, (hereinafter collectively called the "Act"), the **CAYUGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called the "Agency") was created as a public benefit corporation of the State for the benefit of Cayuga County (the "County"); and

WHEREAS, pursuant to the Act, the Agency desires to adopt certain amendments to the Agency's Uniform Tax Exemption Policy ("UTEP"), for purposes that include establishing guidelines for the provision of financial assistance to renewable energy projects, including wind and solar facilities; and

WHEREAS, pursuant to Chapter 563 of the Laws of 2015, the Agency desires to adopt certain amendments to the Agency's Uniform Project Evaluation Policy ("UPEP"), for purposes that include establishing guidelines for the provision of financial assistance to renewable energy projects, including wind and solar facilities; and

WHEREAS, Agency staff and counsel have prepared a proposed draft amendment to the Agency's UTEP and UPEP (the "Policy Amendments"), copies of which have been presented before this meeting and attached hereto as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CAYUGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Agency hereby adopts the Policy Amendments, in the form set before this meeting. The foregoing shall be utilized and take effect as of the date hereof.

Section 2. The members, officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all

such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 3. These Resolutions shall take effect immediately upon adoption.

The question of the adoption of the foregoing resolutions was duly put to vote on roll call, which resulted as follows:

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Paul Lattimore	[X]	[]	[]	[]
Andrew Rindfleisch	[X]	[]	[]	[]
John Latanyshyn	[X]	[]	[]	[]
Raymond Lockwood	[X]	[]	[]	[]
Herb Marshall	[X]	[]	[]	[]
Gina Speno	[]	[]	[X]	[]
Ben Vitale	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

SECRETARY'S CERTIFICATION

STATE OF NEW YORK)
COUNTY OF CAYUGA _____) SS:

I, the undersigned Secretary of the Cayuga County Industrial Development Agency, DO
HEREBY CERTIFY:


That I have compared the annexed extract of minutes of the meeting of the Cayuga County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on April 16, 2019, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this 16 day of April, 2019.


Samantha Frugé
Acting Secretary

[SEAL]

EXHIBIT A

FORM OF POLICY AMENDMENTS