

**Cayuga County Industrial Development Agency
Special Meeting
Remote due to COVID
April 8th @ 4pm**

Chairman Lockwood called the meeting to order at 4:00pm, noting a quorum was present.

Roll Call:

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

Others Present: Tracy Verrier, Taylor Symes (CEDA), Veronica Fields and Karl Henry (Finger Lakes Railway), Jeanine Wilson (CCWSA), Riccardo Galbato (Galbato Law firm).

Construction Oversight Proposal: Ms. Verrier stated that Ms. Symes sent out the information to everyone to review. Ms. Verrier stated that she received clarification from C&S Companies regarding their recommendation for part-time construction oversight services. C&S stated that for full time service, Phase one would be \$16,800 and Phase 2 would be \$52,200, for a total of \$69k. Ms. Verrier stated that even at this level it would be significantly lower than the other proposals. Probst Group revised their budget based on the existing contract that's in place with CMI as well, however the lowest bidder was C&S. Mr. Latanyshyn asked if C&S would be comfortable doing part time oversight instead of full time. Ms. Verrier stated that they submitted originally based on part-time, so could do either. Mr. Latanyshyn asked if other board members were comfortable with part-time coverage. Mr. Vitale stated that based on working with C&S for over 22 years he has no problem working with them and taking their recommendation. He stated that the project team would just need to coordinate to ensure that C&S would be on site during the most critical components of the construction. Mr. Rindfleisch stated that he likes part time since the IDA could save \$30k.

Ms. Verrier stated that Probst, Highlander and the potential oversight company could come to an agreement on when the oversight work would need to take place during their coordination meetings. Ms. Verrier stated that she doesn't feel comfortable telling C&S when they should be conducting their oversight work, that she would rely on Probst and Highlander to help guide that decision. Mr. Galbato stated that CCWSA might be able to help with oversight. Ms. Wilson stated that CCWSA planned to make visits to the site, but not every day and they are not able to make any engineering signoffs. Ms. Verrier stated that she would include them in the preconstruction meeting.

Mr. Marshall asked if the bids were for both phases and asked if anyone had any problems with them working part-time? Mr. Latanyshyn stated that he didn't have enough knowledge on that and would like to know how Mr. Marshall felt on that. Mr. Marshall stated that if they were able to complete their job on a part time basis and wouldn't need additional help, then he would be ok with them doing the oversight as part time. Ms. Verrier stated that C&S submitted a proposal for \$40k as part time for phase 1&2 and the resubmitted one for \$69k for fulltime. Mr. Latanyshyn asked if the final responsibility falls on C&S to sign off on the project. Mr. Vitale he is fine with part-time, especially if someone from CCWSA stops by, and he'd be willing to stop by the site as well. Mr. Marshall stated that he would be fine with that plan. Mr. Latanyshyn was concerned with having too many different parties involved, and questioned if that would spread out any

potential liability if something went wrong. Mr. Vitale stated that the ultimate responsibility lies with the IDA and everything needs to be coordinated with Ms. Verrier. Mr. Lockwood clarified that much of the responsibility actually lies with the firms hired to conduct the work.

Mr. Vitale motioned to approve C&S as the construction oversight contractor part time, seconded by Mr. Rindfleisch.

	Yea	Nay	Abstain	Absent
Ray Lockwood	X			
Herb Marshall	X			
Gina Speno	X			
Paul Lattimore	X			
Andrew Rindfleisch	X			
Ben Vitale	X			
John Latanyshyn	X			

All members voted in favor; motion was carried.

Project Financing: Ms. Verrier stated that Mr. Selby sent over a formula to assign an assessment of usage over the time period of the loan. This would split the financing responsibility between the parcel owners. The vacant parcels would be paid from the IDA. Each of the vacant parcels was assigned a per acre assumed usage, and all parcels were assigned a base assessment. Multiple scenarios were provided based on the length of the loan. Ms. Wilson has been working with her team to identify financing. Ms. Wilson stated that they have not found an appropriate financing program yet, but had a meeting with a potential program the following week. Ms. Wilson asked Ms. Verrier to sit in on the meeting to see if it would be a good fit for the project.

Mr. Marshall stated that he didn't know that phase 1 and 2 would be grouped together for the financing and asked how the total amount was over \$1m? Ms. Verrier stated that Mr. Selby took multiple things into account, including the construction, engineering, and oversight costs, as well as a small fee to CCWSA for technical assistance and administration. From that, he also accounted for grant funding from ESD (20% for all phases), EDA (50% for phase 2) and the IDA (10% required equity injection per the ESD grant agreement). The remainder was assumed to be financed. Ms. Verrier stated that the annual debt service is lower for longer debt terms, but interest would be higher. Mr. Vitale stated that we should ask the CMI about the length of the loan since they are paying the majority of the debt service based on their usage. Mr. Vitale stated that he supports a 20-year loan. Mr. Marshall stated that he would like a 20 year but would leave it up to CMI since they will pay the majority amount and it would be a huge commitment on their part. Mr. Latanyshyn wanted to know what would happen if CMI wanted to leave the park, who would be responsible for the remainder of the bill? Mr. Latanyshyn stated based on the liability aspect he would be more comfortable with the shorter term. Mr. Latanyshyn stated that since the IDA was responsible for the empty parcels we would be paying out a decent amount of money. Ms. Verrier stated that the property owner, whether the parcel was in use or not, would be responsible and that would need to put in the contract stating so. This means that if CMI or another tenant left, they would be responsible for their parcel until they sold it to someone else. Ms. Wilson agreed. It was also made clear that CCIDA would be responsible for the currently vacant parcels until they are sold to a new tenant, but if a business bought a parcel and moved out 5 years later, they would then remain responsible until the parcel was sold again.

Mr. Marshall motioned to approve the 20-year repayment schedule but to consult with CMI first, seconded by Mr. Rindfleisch. Ms. Verrier and Ms. Wilson stated that we also could not confirm a schedule until a financing mechanism was secured.

Roll Call Vote:

	Yea	Nay	Abstain	Absent
Ray Lockwood	X			
Herb Marshall	X			
Gina Speno	X			
Paul Lattimore	X			
Andrew Rindfleisch	X			
Ben Vitale	X			
John Latanyshyn	X			

All members voted in favor, motion was carried.

Fingerlakes Railroad Request:

Ms. Verrier stated that Ms. Fields called to discuss a project that would take place in Auburn in regards to the railway. Ms. Verrier stated that Finger Lakes Railway would like to apply for a grant from NBRC, but is not an eligible applicant. They are requesting that CCIDA apply on their behalf and act as a passthrough. Ms. Verrier stated that a decision wouldn't need to be made at the current meeting, the issue would be brought to the regular meeting later in the month.

Ms. Fields stated that funding was presented from the Northern Border Regional Commission. They are looking to piggyback off a project that is being funded by the Department of Transportation that would take place on Route 5 & 20. The project would consist of upgrades to a single rail that would pass over Route 5 & 20, Orchard St., Baker Ave., and Columbus St., ending west of Carolina Eastern-Vail. Their match would come from NYS funding. Ms. Fields stated that they are unable to apply on their own, so the IDA would have to apply for them. Ms. Verrier stated that the IDA wouldn't be involved directly in this project, but would only be involved as a passthrough for funding. Mr. Latanyshyn asked if there would be any risks or liabilities for the IDA to take part in this? Ms. Fields stated that no, the project budget is around \$1m and they are looking for \$538k. She stated that from her understanding, the match would come from the DOT. Mr. Latanyshyn asked if CCIDA would be liable for any issues with non-compliance if the railroad did not complete the project or didn't follow funding requirements, as well as if there would be any administration on the part of the staff. Ms. Fields stated that FLRR would handle the application and administration with their consultant, and that this project would just benefit the County and the IDA. She was not sure about the liability in the case of non-compliance and agreed to research this.

Mr. Lockwood asked how much disturbance would take place during this project? Ms. Fields stated that she would follow up with that question. Ms. Verrier stated that if anyone had any further questions to please let her know and she would pass them on to Ms. Fields' team and address them at the regular meeting on April 20th. Mr. Henry stated that with route 5&20 being a main artery, a full closure would not happen. The work would happen lane by lane which should take about two weeks to complete the crossing. Mr. Henry stated that the crossing reconstruction would happen regardless of the NBRC award as that is the piece funded by DOT.

Adjournment:

Mr. Marshall motioned to adjourn at 4:59pm, seconded by Mr. Latanyshyn. All members voted in favor; motion was carried.

Respectfully Submitted,

Taylor Symes

DRAFT