

Cayuga County Industrial Development Authority
Regular Meeting
2 State St. Auburn NY 13021
April 21st, 2022 @ 4:00pm

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

Others Present: Taylor Symes, Bradley Broadwell (CEDA), Riccardo Galbato (Galbato Law Firm), Tracy Verrier (MRB Group), Brad Olin (Highlander Construction), Noah Siegel, Mark DiGuiseppe, Varun Hamanthka (Abundant Solar/True Green Capital), Aileen McNabb-Coleman (Cayuga County Legislator), Ben Vitale (Auburn Citizen), Mark Chambers (C&S Companies), Charles Randall (IBEW) Steve Lynch (Cayuga County Planning & Economic Development), Kevin Ellis (CMI),

Mr. Lockwood called the meeting to order at 4:01pm, noting the presence of a quorum. Mr. Lockwood requested each member give an introduction on who they are and where they are from. Mr. Broadwell talked to the board about his background and his connections to Cayuga County. He explained the type of work he has done in the past and what lead him back to Cayuga County.

MEETING MINUTES:

Mr. Rindfleisch motioned to approve the meeting minutes, seconded by Mr. Shea. All member present voted in favor; motion was carried.

BILLS AND COMMUNICATION:

Ms. Symes presented the following bills: NYSEG in the amount of \$189.95 and this was paid online. The next bill was from Probst Group and Ms. Symes stated that she received a phone call from Probst Group stating that we had an unpaid balance. One was from March 2021 in the amount of \$4,391.25 and the other one was from June 2021 in the amount of \$843.75.

Mr. Marshall asked if these were bills that were sent from them that were never paid? Ms. Symes stated that she never received these bills but yes. She stated that the IDA did receive bills after them that were paid. Mr. Marshall asked if they were checked to see if we paid them? Ms. Symes stated that she doubled check to see if they were paid. Mr. Marshall stated that earlier he had called to inquire about how much was paid to the engineering firm and would like to know if this would need to be added to the total? Ms. Symes stated yes you would be adding an additional \$5,000 onto the number that was previously given. Ms. Verrier asked to double check with Probst Group to see if these were the bills that should have been credited to the account. Ms. Symes stated that these bills were before the credited bill and that Probst Group did not inquire about those bills.

The next bill was the CEDA Q1 payment in the amount of \$5,258.05 and Buffington and Hoatland in the amount of \$2,650.

Mr. Latanyshyn motioned to accept the bills, seconded by Mr. Rindfleisch. All members present voted in favor; motion was carried.

REPORT OF THE TREASUERER:

Ms. Symes reviewed the Budget Report for March. She stated that the only income was the income for the oil. The CD was up for renewal. The expenses for the month were the audit for \$4,000, payments to

C&S Companies and NYSEG. The expenses for the month was \$10,449.25. At the bottom of the report, there was a breakdown of the account balances.

Mr. Latanyshyn motioned to accept the Treasurer's Report, seconded by Mr. Rindfleisch. All members present voted in favor; motion was carried.

UNFINISHED BUSINESS:

Update of Sewer Line: Mr. Marshall stated that a key question was brought up in regards to building over a county road. Mr. Marshall stated that he spoke with the County Legislature Chair and Attorney and the recommended talking with Mr. Ellis and that he should ask for easements. Mr. Ellis asked what attorney should he be dealing with. Mr. Marshall said the only attorney he would know is the County Attorney. Mr. Galbato stated that Mr. Ellis needs to see if the County is open to the proposal. Mr. Marshall said for Mr. Ellis to contact Mr. Gould and to contact the town assessor for Aurelius.

Mr. Marshall stated he received tons of pages from Mr. Miller. He stated that we would need an easement from the county to continue the work. Mr. Marshall stated that Mr. Miller was working on getting the easement from the town. Mr. Galbato stated that himself, Mr. Miller and Mr. Chambers would work with the proper parties to get the documents in order. Mr. Galbato stated that he thinks we should be able to get the easements fairly easy.

Mr. Marshall stated that once the proper documents are filed then we can move forward with Highlander construction and order the pumps which has a 20-week delay. Mr. Ellis had one request, which would be to take on 100% of the expenses of the sewer line. CMI would take full ownership of the sewer and not allow Grober to have access to it. Mr. Latanyshyn asked for clarification on if Mr. Ellis was looking to complete the project and pay for the sewer project? Mr. Ellis stated no that he does not want to be a Sewer District. He stated that he wants to take the responsibility for the assessments and maintenance. Mr. Ellis explained that he wants exclusive rights and have this bonded if necessary. Mr. Ellis explained that they do not want Grober on the line. He reiterated that they are growing and would need to have sole use of the line. Mr. Marshall stated that they want to be the sole user of the line. Mr. Marshall stated that someone should talk with Grober about what their future plans are. Mr. Chambers stated that the gravity line is connected to the force main. They would need to separate the lines if CMI would want to have Grober not be a part of the discharge line. Mr. Latanyshyn stated that Mr. Selby put together a repayment plan that was over a 30-year period. He asked Mr. Ellis if he was willing to pay it all back.

Mr. Marshall stated that he was meeting with Mr. Shea and Mr. Gould to ask for \$400,000. Mr. Marshall stated that from his understanding of the grant that was applied for, we would receive an acceptance letter by June and receive the award letter by October.

Mr. Galbato stated that we have two resolutions on the agenda for Mr. Ellis to sign that would be executed tonight. These would not get in the way of what Mr. Ellis verbally discussed earlier on what he would like to see happen within the park. Mr. Galbato stated when discussing his land purchase this could be brought up to Mr. Miller and have a board member present. Mr. Ellis asked when you have CCWSA takes over the sewer line what else do they take over. He wanted to know where does the water come from? Mr. Galbato stated that we don't deal with the water but a bill of sale would happen between CCWSA and CCIDA. Mr. Chambers stated that this was not the plan. The gravity is mixed between CMI and Grober.

Mr. Galbato stated that a meeting will be scheduled to discuss everything and Mr. Lockwood would like to be informed on when the meeting is happening. Also, Mr. Latanyshyn stated that someone from CEDA

should be present along with Mark Chambers. Mr. Galbato stated this meeting would be about the purchase of land and not the sewer line so Mr. Chambers wouldn't need to be present.

CEDA Staff Update: Mr. Lockwood stated that Mr. Broadwell would be joining the CEDA Staff along with Ms. Maureen Riester. Ms. Symes stated that Ms. Szabo has departed from the organization and her position is not vacant. The only fulltime CEDA staff left is Ms. Foster and Ms. Symes. Ms. Symes stated that herself, CEDA and some Chamber staff joined TGW on a tour of the County. TGW visited sites around town along with a few outside of Auburn. They made it a point to have lunch at a small business in town. Ms. Foster has been working diligently on ARPA. To qualify you would need to be in business prior to May 3rd, 2021. The deadline to turn the applications in was April 29th. So far she has received 55 applications and has been working with businesses to make sure all documentation was in order. Ms. Symes stated that we are moving forward with the DRI Projects for Small Businesses. Ms. Symes has been working with certain businesses to get this in order. The deadline for this is December 2022 and we will most likely be asking for an extension due to lack of material and other things.

NEW BUSINESS:

CMI: Authorizing Resolution, Grant of Right-of-Way and Easement (Sewer) and Agreement, Revocable License Agreement: Mr. Marshall motioned to accept the resolution and to allow Mr. Ellis to sign all documents, seconded by Mr. Rindfleisch.

Roll Call Vote:

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

All members present voted in favor; motion was carried.

Mr. Ellis stated that they are moving west and that all the test holes would happen on IDA property and they decided to move the expansion off of the County Road. Mr. Marshall asked if they would still be building over Eagle Dr. Mr. Ellis stated tht he was hoping the road would be abandoned and they could take it out. Mr. Ellis explained the map that was distributed to the board.

Mr. Lockwood asked what did Mr. Ellis want to accomplish tonight? Mr. Ellis stated jus the passing of the Resolutions.

A Map was passed out to the board that showed the propsed expansion for CMI and their Sister Company. Mr. Ellis stated that their neighbors have discussed building a warehouse but nothing in regards to a huge expansion. Mr. Ellis explained that the roadway would gain 2 acres of land if it was taken out. Mr. Ellis explained what their approach would be with the expansion with a visual of another map.

IBEW Update: Charles Randall introduced himself and stated he was out of Geneva. He stated that he was here due to the Solar Project behind the Sheriff Department. Mr. Randall wanted to talk about how the Solar Project misrepresented themselves at the previous meeting. He stated that he wanted the board to have a second vote in regards to IDA money. He said he would like the board to do a revote on it. Mr.

Rindfleisch asked what was the misrepresentation. Mr. Randall stated that the racking work would be electrical and not mechanical. Mr. Latanyshyn asked if there were men and women in our county and neighboring counties that are looking for work? Mr. Marshall asked Mr. Galbato if a change in vote was needed could we do it at a meeting that was not the following meeting. Mr. Galbato stated that it would need to be in writing. Mr. Marshall stated that he would like to talk about this at our next meeting and not this one. Mr. Randall stated that he would contact Mr. Mike Bruno in regards to getting a letter stating the misrepresentation.

Mr. Marshall asked Mr. Siegel what waiver did he receive in March? Mr. Siegel stated that they submitted two which were Mechanical. Mr. Siegel stated that they did submit for the Civil work but the workers are from neighboring counties or two counties over from Cayuga County.

Mr. Randall discussed with Mr. Siegel what makes racking electrical and not mechanical. Mr. DiGuiseppe reviewed that the workers are being paid prevailing wages deemed by New York State.

Mr. Galbato stated that Mr. Randall and Mr. Siegel should have a direct conversation and submit in writing what they would like to board to review. Mr. Galbato stated that the board would need to reconsider the waiver that was granted to Abundant Solar.

Fiduciary Acknowledgement Forms: Ms. Symes stated that this form is required yearly. The board email them, mail or drop off at the office. All members present at the meeting could sign and return it at the end of the meeting.

Upcoming Events:

Ms. Symes reviewed upcoming events.

BOARD MEMBER DISCUSSION:

Mr. Latanyshyn wanted clarification of we approved Highlander Construction for a notice to proceed. Mr. Marshall stated that we gave them the notice to proceed. Mr. Lockwood stated that we should not start this project until we have funding. Mr. Latanyshyn agreed with Mr. Lockwood and that we need determine what we are doing. Mr. Marshall stated that we gave them the approval and they will start as soon as CMI signed the paperwork stating they would accept the debt service charges. With any delinquent debt service, it would be added to their taxes. Mr. Chamber would give them the notice to proceed. Mr. Latanyshyn stated that we need to clarify or revote if Highlander has to notice to proceed.

Mr. Latanyshyn asked if we just approved for the right of ways along with CMI taking care of all the debt service charges. Mr. Galbato stated that the resolutions that were standard resolutions that needed to happen. In addition to acknowledge of debt service if it goes into the arrears it can be applied to the tax bill. This would be handled the way Mr. Selby outlined in the proposed repayment plan that was approved by the board in March of 2021. Mr. Latanyshyn stated that he understood that and that is why he abstained from the vote due to a conflict of interest in funding choice. Mr. Latanyshyn asked if either companies signed the proposal from Mr. Selby that CCIDA approved last year. He stated that's what he thought was going to happen but that didn't take effect. Mr. Galbato stated that the debt allocation was dated March 2021, the methodology is in place. Mr. Latanyshyn wanted to know the methodology formula. Mr. Galbato stated it based off of sewage and acreage. Mr. Latanyshyn stated the resolution that he signed committed him to that agreement as of now. Mr. Galbato stated that it was for his current parcel. He stated any other companies would be held to the methodology formula as well.

EXECUTIVE SESSION:

Mr. Rindfleisch motioned to enter executive session at 5:14pm for contract negotiations and purchase of sale of real property seconded by Mr. Shea All member present voted in favor; motion was carried.

Mr. Rindfleisch motioned to exit the executive session at 5:41pm, seconded by Mr. Lattimore. All members present voted in favor; motion was carried.

ADJOURNMENT:

Ms. Speno moved to adjourn at 5:46pm seconded by Mr. Rindfleisch. All members present voted in favor; motion was carried.

Respectfully Submitted,
Taylor Symes