

**Cayuga County Industrial Development Authority**  
**Regular Meeting**  
**2 State St. Auburn NY 13021**  
**May 17<sup>th</sup>, 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), Mark Chambers (C&S Companies), Steve Lynch (Cayuga County Planning & Economic Development), David Bottar(NYSRPB), Justin Miller (Harris Beach)

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. Lockwood stated that Mr. Latanyshyn communicated with him that some errors were made in the minutes and Ms. Symes was working on fixing them. Ms. Symes stated that the minutes had been corrected.

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 for \$207.78, C&S Companies for \$4,734.60, and Finger Lakes Railroad PILOT Payment in the amount of \$54,866.76.

Mr. Marshall asked if Ms. Symes received the invoice for the pipe that Highlander Construction purchased? Ms. Symes stated that she did receive it but was waiting for Mr. Olin to clarify if he would like for CCIDA to pay the bill. Also, Ms. Symes stated that Probst Group has asked for the unpaid bills to be paid. July of 2021 CCIDA decided to not pay the bills due to the incorrect measurements of pipe that was put in the bid documents. Mr. Chris Lewis from Probst Group stated he would talk to management to have the bills credited but Ms. Alicia Lu from their finance department has been assigned to collect the payments. Ms. Symes stated that in her communications with Ms. Lu, Ms. Lu explained that she spoke with Mr. Lewis and he stated that they had no records of the bills being credited to the account.

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

**REPORT OF THE TREASUERER:**

Ms. Symes reviewed the Budget Report for April. Ms. Symes stated that for the month of April, our income for the month was \$58.97. Our total expenses for the month was \$13,143.05 which included audit charges, contract services, and postage. The net income for the month of April was (13,084.08). Ms. Symes stated that there was a breakdown on the account balances at the bottom of the report.

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

## **UNFINIHSED BUSINESS:**

Update of Sewer Line: Mr. Rindfleisch asked if the application was completed? Mr. Broadwell stated that we received an update on the EDA Application and he was working with Mr. Lynch and Mr. Bottar to have everything completed. Mr. Broadwell stated that he was guided by Mr. Bottar in writing a letter back to Mr. Hummel in regards to wanting the EDA Grant. He stated that he completed this on May 11<sup>th</sup> via email. The last meeting the board was unaware of where we stood on the EDA Grant. Mr. Rindfleisch stated that he was wondering about CCDC. Ms. Symes stated that she was working on it and Mr. Lynch will be receiving it. Mr. Rindfleisch stated that it was supposed to have been turned in. Mr. Marshall stated that Mr. Lynch explained that he would have the committee review it 10-12 days after it was sent in. Mr. Marshall stated that Ms. Symes explained that we could have everything put together once he had the committee ready to review it and it was a month ago. Mr. Broadwell and Ms. Symes stated that we had a Special Meeting on the 28<sup>th</sup> and that's when the decision was made. Mr. Marshall explained he was concerned on the loan and it being accepted. Mr. Lynch stated that he has made his board aware that CCIDA would be submitting an application and they are ready one it is submitted. Mr. Rindfleisch asked if these applications are hard to complete. Mr. Lynch stated that these applications are not like submitting one for a car loan. These loans are very different. Mr. Lynch stated that what the EDA is giving and what the County is willing to do to capitalize the project, the underwriting process doesn't come into play when applying for CCDC. At the end of this process the way this loan could be paid off whether a transfer happens from one authority to another would be possible. But it is questionable if CCIDA needs the bridge loan. Mr. Rindfleisch stated that this is getting off track. Mr. Rindfleisch asked when will this be completed? Ms. Symes stated that we held off due to the letter from EDA. Mr. Marshall stated that this should have been completed 10 days after the last meeting. Mr. Rindfleisch reiterated when this would be completed. Ms. Symes stated that it would be done by Friday. Mr. Marshall stated that once this is completed how long would it take to have this handled by the committee. Mr. Lunch stated he had dates out to the committee.

Mr. Marshall stated that he received a call from the County attorney and wanted to know where the application was for the \$400,000? Mr. Marshall stated that he wasn't sure just yet. Mr. Lockwood asked why did the County Attorney called him? Mr. Marshall stated that he thought it was the County chair. Mr. Marshall stated it was because he called Mr. Haans Petcher called to see why the resolution was not on the agenda? Mr. Petcher told Mr. Marshall to not attend. Mr. Petcher met with the Chair and Attorney to see what was happening. Mr. Lockwood stated that they should have called CEDA. Mr. Marshall stated they are finalizing the \$400,000 grant. Mr. Marshall stated that the reason why it didn't get approved the first time due to not understanding if they could give money directly to the IDA. They found out they can give money to the Water and Sewer Authority as a pass through to the IDA.

Mr. Latanyshyn asked if we need to discuss another organization? Mr. Marshall stated that he would be making a motion to allow the contractors to start construction. Mr. Latanyshyn stated that he doesn't believe we need to talk about what is happening at another organization.

Mr. Bottar stated that if the project came back July 1<sup>st</sup> we could go out to bid and have it completed early 2023. Mr. Bottar stated his concern is that if CMI would continue with the project. Mr. Bottar stated that if we have to rebid it is not going to hinder CMI. Mr. Miller stated that if CMI chooses to continue to buy the property it would give the IDA deposit funds that would replace the need for a CCDC Loan. Mr. Marshall stated that we have taken too long on this project and that it has been 2 years. Mr. Marshall stated that even though Mr. Bottar is sure we will get the grant. He feels that we need to continue with the county funds. Mr. Marshall stated that CMI wants to know we are going to complete the project. Mr.

Lockwood stated that we completed their gravity line. Mr. Lockwood stated that members from CMI sat in the meeting and knew that we would do it and he stated that the urgency wasn't necessary.

Mr. Marshall motioned to authorize the engineer to issue a notice to proceed to the contractor by June 1, 2022 for phase 2 of the Sanitary Sewer Project. Seconded by Mr. Rindfleisch.

Mr. Marshall stated that if we don't do this, we have a bill for the pipe. Mr. Latanyshyn stated that we paid the contractor. Mr. Marshall stated we have not paid them. Ms. Symes stated that we did not pay them due to not wanting to be paid. Mr. Latanyshyn stated that the pipe was purchased by him and he stated he didn't want to be paid. Mr. Marshall stated that he would like to be paid if we continue this project.

Mr. Marshall stated that the county wants to see this project finished. Mr. Rindfleisch stated that CMI would pay the bulk of it. He would like CMI to have an input on the notice to proceed. Mr. Lattimore stated that we will be criticized from the new leaders of the company if we do not complete this project. Mr. Latanyshyn would like to know when the meeting with CMI is going to take place. Mr. Lattimore stated that he would like to have a meeting in person. Mr. Miller stated that to move forward wouldn't we want the County to commit their funds along with CCDC loan before submitting a notice. Mr. Rindfleisch stated that his would need to happen before.

Mr. Rindfleisch motioned to amend the motion due to the uncertainty of CMI and would like to have CMI meet before the full board, seconded by Mr. Shea.

Mr. Lynch stated that if CCIDA doesn't accept the EDA Funding and if they walk away we would close the door in regards to receiving funding again. Mr. Marshall stated that we aren't denying the grant. Mr. Bottar stated that if we issue a notice to proceed on June 1<sup>st</sup>, we will not receive the grant. Mr. Marshall stated that we don't know that and the Water and Sewer Authority Grant writer said it wouldn't happen. Mr. Bottar stated that the process will be over if they start construction without being rebid. The relationship with EDA would be over and they will no longer review our grant application. Mr. Bottar stated that they only review about 3 applications in New York and if we proceed with construction we will lose it. Mr. Bottar stated with Federal Government money on the line taking County money would be the same thing. Mr. Latanyshyn stated that when we meet with CMI it needs to be before the full board. Mr. Latanyshyn asked are we delaying the notice to proceed. Mr. Lattimore stated we need to have the meeting first with CMI.

Mr. Rindfleisch motioned to authorize our engineer to issue a notice to proceed by June 1, 2022 to the contractor for phase 2 of the Sanitary Sewer Project condition upon the board meeting with the principles of CMI.

Mr. Miller asked how are we going to pay for the project. Mr. Marshall stated that the CCDC will be complete before June 1<sup>st</sup>. Mr. Lynch stated that as long as he receives the loan by Friday he can gather them either May 23, 24, or 25<sup>th</sup>. Mr. Lynch stated that if in the grant application that there is a mechanism stating that the funds from the grant will go back to CCDC, then it should be accepted. Mr. Lynch stated that with this CCDC loan there isn't the same criteria when underwriting a commercial loan. Mr. Miller stated that something similar at Wells College, where a pledged assignment. Mr. Miller stated we could utilize their structure.

Mr. Shea asked about the timeline, it would affect the timeline for the County. Everyone needs to have everything in order. Based on the timeline, we are looking at September. Mr. Bottar stated that this will be

awarded by July 1<sup>st</sup>. Mr. Latanyshyn stated that we have no rush from CMI. Mr. Shea stated that we need to think everything over and meet with CMI.

Mr. Shea motioned to table the matter to issue a notice to proceed., seconded by Mr. Rindfleisch.

Mr. Lattimore would like to know why we are tabling matter. He stated that we need to meet with CMI as soon as possible. Mr. Shea stated that CMI is in a transition period. Mr. Rindfleisch stated that being a company this isn't going to affect them.

Roll Call Vote:

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

All members present voted in favor with one opposed; motion was carried.

Mr. Marshall stated that a letter was sent with question in regards to accepting the EDA Grant. He would like to know who is handling the questions. Mr. Bottar explained that he is taking the lead on the questions and Mr. Lynch had a few questions he was going to take care of along with Ms. Wilson at the Water and Sewer Authority would handle her questions. Mr. Lynch stated that he would handle his 2 questions.

Mr. Bottar reviewed the document in regards to the next steps for the EDA Grant. Mr. Lynch stated that he would put a document together stating that he would put a letter together in regards to the wages. The document will be presented to the board.

Mr. Marshall asked who our design engineer was? Mr. Bottar stated it was C&S Companies. Mr. Bottar stated we would not want to hire another firm. Mr. Chamber stated that he would like Probst Group to review the pumps that are being submitted for the project. He stated that he can handle the rest. Mr. Marshall stated that he just wants the grant. Mr. Marshall stated the first portion had the wrong number of feet of piping. It cost us hundreds of dollars. Mr. Chambers stated that a specification sheet will be added when the project goes back out to bid. Mr. Marshall stated that he doesn't know how to handle that. Mr. Bottar stated that C&S would handle that and we could reach out to Probst Group if needed. Mr. Marshall asked about the electricity porting. Mr. Chambers stated that its in Highlander's contract to get electricity to the pump station. Mr. Marshall stated that we paid the engineers \$103,000 already. Ms. Symes clarified the \$103,000 went the Probst Group. Mr. Bottar stated that he will remove that from the application.

Mr. Galbato asked what would the new total be? Mr. Bottar stated that we would still receive the same grant amount. It's due to inflation. Mr. Marshall stated that we would still need to spend 1.3 million dollars. Mr. Galbato stated that we just need to reduce our costs. Mr. Bottar stated yes.

Mr. Marshall stated that we would need to pay Probst Group the outstanding bills. Mr. Rindfleisch asked why were we holding the bills? Mr. Marshall stated that they submitted the wrong number of feet in the drawing.

Mr. Marshall motioned for the paid personnel to pay the Probst Group bills, seconded by Mr. Rindfleisch. All members present voted in favor, motion was carried.

CEDA Staff Update:

Ms. Maureen Riester reintroduced herself to the board as she has returned to CEDA. Ms. Riester stated that she would be connecting with Mr. Shea in due time.

**NEW BUSINESS:**

Upcoming Events:

Ms. Symes reviewed upcoming events.

**BOARD MEMBER DISCUSSION:**

Mr. Latanyshyn stated that he was late on the motion for the minutes. Mr. Lockwood stated that Ms. Symes revised the minutes.

**EXECUTIVE SESSION:**

Mr. Rindfleisch motioned to enter executive session at 5:18pm 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 5:45pm, seconded by Mr. Marshall. All members present voted in favor; motion was carried.

**ADJOURNEMNT:**

Ms. Marshall moved to adjourn at 6:23pm seconded by Mr. Rindfleisch. All members present voted in favor; motion was carried.

Respectfully Submitted,  
Taylor Symes