

Cayuga County Industrial Development Authority
Regular Meeting
2 State St
March 15th, 2022 @ 4pm

Mr. Latimore called the meeting to order at 4:01pm, noting the presence of a quorum.

ROLL CALL:

Present: Herb Marshall, Gina Speno, Paul Lattimore, Andrew Rindfleisch, John Latanyshyn

Absent: Ray Lockwood, Bob Shea

Others Present: Danielle Szabo, Taylor Symes (CEDA), Riccardo Galbato (Galbato Law Firm), Justin Miller (Harris Beach PLLC), Mark Chambers (C&S Companies), Brad Olin, Bill Langden (Highlander Construction) Jeanine Wilson (CCWSA), Elaine Buffington (Buffington & Hoatland PLLC)

MEETING MINUTES:

Mr. Marshall motioned to approve the February 15th Regular Meeting Minutes, seconded by Mr. Rindfleisch. All members present voted in favor; motion was carried.

BILLS AND COMMUNICATION:

Ms. Symes presented the following bills: NYSEG in the amount of \$269.50 which was paid online, C&S Companies in the amount of \$5,989.80 and Buffington and Hoatland in the amount of \$4000. We also had PILOT's that needed to be disbursed to the following taxing jurisdictions: Weedsport Central School District in the amount of \$4,688.92, Union Springs Central School District in the amount of \$49,912.19, Town of Aurelius in the amount of \$4,113.92 and Cayuga County Treasurer in the amount of \$32,279.46.

Ms. Symes stated that there was one outstanding PILOT Payment which was Inns of Aurora. Mr. Lattimore asked how much was their balance? Ms. Symes said it was about \$13,000 and that she spoke to them and the payment was going in the mail.

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

Ms. Symes stated that a transfer needed to be made to the checking account to pay this month's bills. Mr. Latanyshyn asked how much was needed? Ms. Symes said \$10,000. Ms. Speno asked how much is normal kept in the account for a buffer? Ms. Symes stated about \$10,000 and we have about \$6,000 now. Mr. Latanyshyn stated to move \$12,000 for now. Ms. Symes stated that another transfer would need to be made for the purchase of the materials that was approved for Highlander. Mr. Latanyshyn said we would make another transfer at the next meeting.

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

REPORT OF THE TREASURER:

Ms. Symes review the Budget Report for February. CCIDA had Fees for Service in the amount of \$322.72 which was a late payment fee. Gas Lease Revenue in the amount of \$59.37, which brought the total income for the month to \$427.62. The expenses for the month was Construction and Management which was paid to C&S Companies in the amount of \$748.80 and the Industrial Park Gas and Electric in the amount of \$284.33, bringing the total expense for the month to \$1,033.13. The Net income for the

month of February was (605.51). At the bottom of the Budget Report there is a breakdown of the account balances.

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

UNFINISHED BUSINESS:

Update on Sewer Line: Mark Chambers from C&S Companies, Brad Olin from Highlander Construction and Bill Langden from Highlander Construction all introduced themselves to the entire board. Mr. Chambers stated that in regards to the EDA, they have completed all the corrections that were need and the application was resubmitted. Mr. Chambers stated that he worked with Mr. Bottar to complete this. April is the time frame ot hear something back in regards to the application. Mr. Marshall stated that April was the timeframe to hear something back in regards to the application. Ms. Szabo stated that comments are received almost daily in regards to changes and updates that are needed to be made. Ms. Szabo explained that she had a call with Mr. Bottar and Ms. Wilson that the Cayuga County Water and Sewer Authority would eventually be taking ownership of the Sewer line and that they would need to be a co-applicant on the application. Ms. Szabo was working with Ms. Wilson to gather her DUNS and EIN number to add to the application and by the end of the week, her signature would be needed. Mr. Galbato stated that there was a Water and Sewer board meeting and at that meeting a motion would need to be made for the approval of being added to the application and allowing Ms. Wilson to sign the new application. Ms. Wilson stated that this would need to go in front of their board. Once everything was in performance that they will see what they need to do to take ownership. Ms. Szabo stated that two people from the Farm Bureau reached out to her asking what the budget was for the sewer line because they were going in front of the County Legislature to ask for 2.1 million dollars to help with agricultural projects and the sewer line would be included in their proposal. They would be going in front of the legislature on March 22nd. Mr. Marshall stated that he spoke with Mark Calopi about the application that CCIDA had filled out with the county and that if we were to submit it, we would still be eligible for the funding. Ms. Szabo stated that the ARPA funding is the American Rescue Plan Act. She has been working with Mr. Bottar, Mr. Chambers and Ms. Wilson to update the application in real time to meet the deadline of March 30th. This process was already delayed by six months since they have not made any decision on applications in that timeframe yet. In April we should find out if our project will be selected to be reviewed and have an answer in June. Ms. Szabo said the difference is that is a grant match of 80% grant and 20% match from the IDA. The local ARPA funding could be a full funding of the project if approved. Mr. Marshall asked if that was going ot be approved at the Legislature Meeting on March 22nd? Ms. Szabo said as far as she knew it would be decided on then. Mr. Marshall stated that if that was to get approved, he would like for Highlander to start construction immediately. Mr. Marshall stated that he would like to keep the EDA Application submitted but use the local ARPA funding to start the project the take the EDA funds and pay back Cayuga County and allow them to use the funds to finance a different project. Ms. Szabo clarified Mr. Marshall's request stating that he would like to keep the EDA application in place and use the local ARPA funding to complete the project and if awarded the EDA grant to pay back the Cayuga County to invest in another county project.

Mr. Marshall stated that he called and spoke to Highlander in regards to the project because CMI stated that they would not expand until the sewer was finished. Mr. Marshall stated that we should wait until the County Legislature meeting to determine the next steps. Mr. Rindfleisch asked if the pumps were ordered yet? Mr. Marshall stated that Highlander would order the pumps if once they knew exactly which pumps needed to be ordered. Another topic that was spoken on was if the project needed to be rebid. Mr. Marshall stated that it would be awful if the project was rebid and Highlander ordered the pumps. Mr.

Marshall asked for highlander to come so everyone can discuss the next steps. Ms. Szabo stated that Mr. Bottar made the statement because an answer would not be made until June and that would be a while since the original bid was approved. The final letter stating the project would be funded potentially would come in the fall. Mr. Bottar stated that EDA could come back and asked for the project to be rebid. It could be a requirement of the funding agency. Mr. Chambers stated that he's not sure if the grant could be used to refund a different project as it was spoken on earlier as being an idea. Mr. Marshall stated that our lawyers could handle that. Ms. Szabo wanted clarification on if we were to use the County ARPA funding and have to provide use of fund receipts and then be awarded the EDA Grant which is another source of ARPA, we can't submit the same use of fund receipts twice. Mr. Rindfleisch stated that if we only spent 20% we would be ok but once we use 30% we could only be awarded 70%. Mr. Latanyshyn wants clarification on what would be rebid. Mr. Chambers stated that it would be the project proposal would be sent back out to the public to bid on and if Highland Construction chose to rebid on it they could but they may not be the lowest bidder the second time. Mr. Marshall stated that most of the pipe is purchased and onsite. Ordering the pumps could take up to 16 weeks to be delivered on site. Mr. Marshall stated that this meeting was to give Highlander the approval to order the pumps. Mr. Latanyshyn asked how long was Highlander willing to wait? Mr. Olin stated that they have tried to be a great partner with CCIDA. He stated that Ms. Verrier sent a letter a year ago stating that Highlander Construction was awarded both phases of the project and that phase two was contingent on the EDA funding. Mr. Olin stated that once the project is awarded to them they become partners with everyone. During the beginning, Mr. Olin saw an increase in prices happening so they took the risk and ordered the pump on behalf of CCIDA. He stated that he has been invested in the project from the beginning. The only problem they are facing is increasing costs like everyone else. He stated he wanted to provide a breakdown of the increased costs and to keep CCIDA abreast to what is happening. Mr. Olin stated that they are a part of this project. He stated that if CCIDA wanted to rebid the job no one will get a discount in the pricing. Mr. Rindfleisch stated that CCIDA has no desire to rebid the project. Mr. Marshall stated that the entire project was awarded to Highlander Construction at \$910,540, which included both phases. The first phase was paid minus the retainage. Mr. Chambers went back to Highland to get a quote on the additional costs and it came to 109,000. Mr. Marshall stated that it would be increased costs for labor and products. Mr. Marshall stated that we are obligated to build the sewer line. Mr. Latanyshyn asked if they were given ok to order the pumps, how long would it take for the installation? Mr. Olin stated that it would be broken into multiple phases. It would take about 6 weeks to complete it all. Mr. Latanyshyn asked if they would need the pumps on site to start construction. Mr. Olin stated that there is a part that would be needed but the entire pump would not need to be on site to start construction. He stated that he would need like to have everything in order to be able to install the pump.

Mr. Marshall motioned to allow Highlander to start construction contingent on the County Legislature approving their project.

Mr. Latanyshyn asked how much would they be providing? Ms. Szabo stated it would be the entire project cost of 1.4 million. Mr. Chambers stated that there was an additional 1000ft of pipe that would need to be ordered. Mr. Olin stated that he knows the pipe is still available to be ordered now.

Mr. Marshall motioned to allow Highlander to order \$58,000 worth of remaining pipe that would complete the project and CCIDA will reimburse them, seconded by Mr. Rindfleisch.

Mr. Rindfleisch stated a Special Meeting would need to happen after the Legislature Meeting to determine the next steps.

Roll Call Vote:

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

All members present voted in favor; motion was carried.

CEDA Staff Update: Ms. Szabo and Ms. Foster attended the NYSEDC Conference at the end of February. Governor Hochul was the keynote speaker and stated that starting in 2023 she would be allocating \$200,000,000 for grants called FAST NY Grant Program. This funding could be used for IDA's to get properties shovel ready. April 12th is the Spring IDA Academy. Ms. Szabo and Mr. Lynch attended a meeting in regards to Rural DRI and advocated for Cayuga County. ARPA would be launching soon and Ms. Szabo plans to hold info sessions beginning the week of March 21st.

Ms. Szabo stated that the Search Committee concluded the first round of interviews for the CEDA CEO position. They would consider opening back up the process to submit applications but they would be moving forward with the second round of interviews with the two applicants.

NEW BUSINESS:

2021 Financial Audit Review (Elaine Buffington): Ms. Buffington explained that the Financial Audit went very well this year. Ms. Buffington explained that CCIDA did have a few journal entries but no audit entries that were made this year. On page 7 which is the statement of financial position. The total assets increased by \$57,000. There was a total of \$26,000 of outstanding liabilities which left us in a net position of \$1,000,608. On the income statement, for the year the operating revenue increased by \$9,000. Operating expenses were consistent around 46,000. Gas lease revenue was around \$5,600. The net change in position for the year was \$55,690. Ms. Buffington stated she wanted to discuss some of the footnotes. She stated that on page 14, the investments at year end the Audit and Finance Committee reviewed the 2-year CD that came due in February. The Audit Committee discussed that it was moved into a shorter CD and that Ms., Buffington agreed that was a good choice due to the way the economy is going right now. Next year the investments will go to 0 and the funds will be moved to the cash and cash equivalents. The details for land and building are very minimal and they will be researched to have a better understanding. Ms. Buffington stated that there were no finding of weaknesses or material deficiencies on the internal controls when they were tested. Ms., Buffington stated that two letters were provided. The SAS letter discussed if any material weaknesses or deficiencies and the other letter is for Governance, which stated that the Audit was completed and if there were any major changes and corrections were made.

2021 PARIS Reporting Review: Ms. Symes stated this reporting happens yearly. The Governance page was completed. The Board of Director's page was completed and that for next year Mr. Vitale will be removed and Mr. Shea will take his spot on the page. Ms. Speno asked if he was appointed to the board yet? Ms. Szabo stated that he was appointed at the February's Meeting. Ms. Szabo stated that Ms. Speno

and Mr. Marshall were reappointed for their new terms. The staff listing Ms. Verrier will still be listed and we are all part time employees. The staff list points out they are not paid or receives any benefits for being on the board. Ms. Speno asked once this is reported, is there a list that compares all the County IDA's? Ms. Symes stated that she was unsure but could find out. Mr. Latanyshyn recalled a notice in the paper stating how IDA's were approving benefits and how they were doing with job creation and what companies were not complying. He stated that CCIDA was not on that list for discussion. Mr. Latanyshyn asked if we were having problems with gathering information from our projects? Ms. Symes stated that we were. There are 14 project and one new project that needs to be added and is not responsive. Mr. Lattimore asked what project his was? Ms. Symes stated that it was Omni Navitas. Mr. Marshall asked where was this project located? Ms. Symes stated that it is a Solar Farm being built in Niles. Ms. Symes asked Mr. Miller where they were located? Mr. Miller stated that this was originally called Sundog East then was bought out to Omni Navitas who is not GSPP Holdco II LLC who is out of Connecticut. This project is not built yet so they have not used their Sales Tax Exemption nor have they any benefits to report. They do have the obligation to respond. Mr. Miller asked which location are you sending information to? Ms. Symes stated that it was the GSPP address. Mr. Miller stated that he would handle it if they are not willing to respond.

Ms. Symes some of these projects have been submitted but have not been entered into the system. The last one to report would be Inns of Aurora.

Ms. Symes reviewed the goals that CCIDA approved in 2018 that they are still applying to this day.

Report from the Audit Committee: Mr. Marshall recommended the Audit be approved by the full board, seconded by Mr. Latanyshyn. All members present voted in favor; motion was carried.

Upcoming Events: Ms. Lattimore reviewed upcoming events.

EXECUTIVE SESSION:

Mr. Rindfleisch motioned to enter executive session at 5:00pm to discuss land acquisition seconded by Mr. Rindfleisch. All members present voted in favor. Motion was carried.

Mr. Latanyshyn motioned to exit executive session at 5:46pm, seconded by Mr. Marshall. All members present voted in favor; motion was carried.

ADJOURNEMENT

Ms. Speno moved to adjourn at 5:31pm seconded by Mr. Lattimore. All members present voted in favor; motion was carried.

Respectfully Submitted,
Taylor Symes