

**Cayuga County Industrial Development Agency  
Regular Meeting  
Cayuga County Chamber of Commerce  
2 State Street  
Auburn, NY  
February 20, 2018 at 4:00pm**

Chairman Ray Lockwood called the meeting to order at 4:02pm, noting that a quorum was present.

**ROLL CALL:**

Present: Ray Lockwood, Andrew Rindfleisch, Paul Lattimore, Herb Marshall

Excused: John Latanyshyn, Gina Speno, Grant Kyle

Others Present: Tracy Verrier (CEDA); Maureen Riester (CEDA); Chris Lewis (Probst Group), Henry Probst (Probst Group), Jeanine Wilson (Director of Operations, Cayuga County Water and Sewer Authority), Meghan Ehrhart (Towns Reporter, the Citizen)

**MEETING MINUTES:**

Mr. Marshall moved to approve the minutes of the January 16, 2018 Regular Meeting, seconded by Ms. Rindfleisch. All members present voted in favor, motion carried.

**BILLS AND COMMUNICATIONS:**

Ms. Verrier presented bills from CEDA for the Economic Forecast Luncheon (\$120.00), Knapp Electric for service on the pole lights at Eagle Drive (\$545.85), Coburn Design for web hosting (\$304.80), and NYSEG for service at the industrial park (\$214.93). All bills totaled \$1,185.58.

Ms. Verrier also noted that they received the 2018 Assessment Notices. Mr. Marshall moved to pay the bills, seconded by Mr. Rindfleisch. All members voted in favor, motion carried.

**REPORT OF THE TREASURER**

Ms. Verrier reviewed the budget report, noting that two new CD accounts were opened and funds were transferred from the existing 2-year CD to the new 6-month and 12-month CD accounts. Mr. Lattimore moved to accept the report of the treasurer; seconded by Mr. Rindfleisch. All members present voted in favor, the motion carried.

**UNFINISHED BUSINESS**

Probst Group: Mr. Marshall asked about the timetable for the final report on preliminary engineering. Mr. Lewis stated they are waiting on lab samples and expect the final report within 4-6 weeks. Mr. Probst asked if there is an approved contractor list for sewer work so they can contact them for pricing. Mr. Marshall requested Ms. Wilson to send them a list. Mr. Lattimore asked if they would use local labs for the samples. Mr. Probst stated they would be depending on who can do it quickly. Mr. Lewis stated the lab would send kits to CMI and the town to take samples. Mr. Probst stated they would try to get local quotes to get a good pricing structure.

Updated Incentive Proposal: Ms. Verrier explained the NYS incentive proposal and MWBE/SDVOB requirements noting that, because of the state, grant funding will need to contract with these types of businesses for a specific amount of grant reward.

Report from the Governance Committee: Ms. Verrier provided a report from the Governance Committee meeting. She noted that she added the Authorities Budget Office reporting line to the Whistleblower Policy. She stated the Governance Committee approved the following policies: Compensation, Reimbursement and Attendance Policy, Defense and Indemnification Policy, Travel Policy, and Whistleblower Policy.

RESOLUTION: Ratifying prior-adopted policies, standards, and procedures: Motioned by Mr. Rindfleisch to approve the policy resolution, seconded by Mr. Lattimore. All voted in favor, motion passed.

CEDA Staff Update: Ms. Verrier noted that Mr. Sheppard's replacement will start on March 1<sup>st</sup>, and Mr. Sherman's last day will be November 23<sup>rd</sup>. Ms. Verrier also noted that they are working on the job description and will be posting a notice for the position soon.

## **NEW BUSINESS:**

INITIAL PROJECT RESOLUTION: Inns of Aurora- Shackelton House Project: Sue Edinger of the Inns of Aurora provided an overview of the Shakelton project, noting that it is similar to the Rowland House project. Ms. Edinger explained they intend to take the former Shackelton Funeral Home and repurpose it as a 12-room inn. They are aware they need to have 55-60 rooms to be profitable and this project will bring their total room number into that realm. Pleasant Rowland desires to restore historical properties in the village of Aurora rather than see them torn down; this fifth inn would position the company to be successful moving forward. The inns are not yet profitable but are close. For the Rowland House, the IDA incentives were important emotionally for Pleasant and made her want to invest in Aurora. Each additional step of the business development is moving them in the right direction. Ms. Edinger explained they are seeking a 10-year PILOT because the project would be a \$4 million initial investment and the new tax liability would be difficult to absorb right away. The business would require time to grow to allow for an increase of their contribution. Ms. Edinger explained that the inns have added significant contributions to the village and municipalities through property and sales tax.

Mr. Marshall noted there is a meeting tomorrow (February 21) regarding the water situation in Aurora. He explained that Wells College wants to get out of the water business and there needs to be a large investment in the system. Ms. Edinger explained she is involved in conversations and is willing to be part of the solution and pay their share of the cost. She explained that if the Inns do not have water, they could not do business. There are currently two problems: the water treatment system and the blue-green algae in the lake. Mr. Marshall noted there have been numerous issues with the water supply and it is always helpful to have support from our congressional representative. Ms. Edinger noted that Keith Batman has been involved and there have been conversations with the governor's office, Pam Helming, and Gary Finch. GHD has been consulting on possible solutions of which the Inns will split the cost of the study with the college. Additionally, there is a second study with B&L regarding the water treatment plant of which the Inns will pay a third of the cost. The studies regarding treatment solutions for the

water should be complete within the next week. Furthermore, there is a regional plan to explore regional treatment solutions. Mr. Marshall explained that users would need to know their water bill might increase due to water treatment costs.

Mr. Rindfleisch motioned to approve the initial project resolution, seconded by Mr. Lattimore. A roll call vote was taken and recorded as follows:

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

CEDA Contract 2018-2020: Mr. Marshall requested to table the conversation until more Board members were present. The Board was agreeable.

Upcoming Events: Ms. Verrier provided information on upcoming events.

**EXECUTIVE SESSION:**

Mr. Marshall made a motion to enter into Executive Session to discuss matters involving the proposed acquisition, sale or lease of real property; seconded by Mr. Rindfleisch. All members present voted in favor. The Board Entered Executive Session at 4:19pm.

Mr. Marshall moved to exit Executive Session; seconded by Mr. Rindfleisch. All members present voted in favor. The Board Exited Executive Session at 4:43pm.

Motion to adjourn made at 5:18pm by Mr. Marshall, seconded by Ms. Rindfleisch. All present voted in favor, motion passed.

Respectfully submitted,  
Tracy Verrier

Next regularly scheduled meeting: Tuesday, March 20, 2018 at 4:00pm.

**INITIAL PROJECT RESOLUTION**  
*(Inns of Aurora, LLC – Shakelton House Project)*

A regular meeting of Cayuga County Industrial Development Agency was convened on Tuesday, February 20, 2018 at 4:00 p.m.

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

Resolution No. 02/2018 - \_\_

**RESOLUTION OF THE CAYUGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF INNS OF AURORA, LLC (THE "COMPANY") WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW); (ii) AUTHORIZING THE SCHEDULING AND CONDUCT OF A PUBLIC HEARING WITH RESPECT TO THE PROJECT; (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY; (iv) RATIFYING FINDINGS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA"); AND (v) AUTHORIZING THE NEGOTIATION OF CERTAIN AGREEMENTS RELATING TO THE PROJECT**

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 688 of the Laws of 1970 of the State of New York, (hereinafter collectively called the "Act"), the **CAYUGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called the "Agency") was created with the authority and power to promote, develop, encourage and assist in acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research, and recreational facilities as authorized by the Act, and in connection therewith to issue its revenue bonds, enter into straight lease transactions and provide other forms of financial assistance; and

WHEREAS, **INNS OF AURORA, LLC** for itself or on behalf of an entity to be formed (herein, the "Company"), has submitted an application (the "Application") to the Agency requesting that the Agency consider undertaking a Project (the "Project") consisting of (A) the acquisition by the Agency from the Company of a leasehold interest in an approximately 1.4 acre parcel of land located at 418 Main Street within the Village of Aurora, New York (the "Land", being more particularly described as TMID No. 181.12-1-13) and the existing improvements located thereon, including an approximately 5,500 square foot vacant commercial building , along with related site improvements (collectively, the "Existing Improvements") (B) the planning, design, construction, reconstruction, rehabilitation and upgrade of the Existing Improvements as a modern lodging facility, including of twelve (12) guest rooms, an innkeeper room, common rooms, building addition, ADA upgrades, and various outdoor improvements, parking and site improvements (collectively, the "Improvements"); (C) the acquisition and installation in and around the Existing Improvements and Improvements of certain machinery, equipment and other items of tangible personal property (the "Equipment", and collectively with the Land, the Existing Improvements and Improvements, the "Facility"); and (D) through a

straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will acquire a leasehold interest in the Facility and sublease such interest in the Facility back to the Company (the "Straight Lease Transaction"); and

WHEREAS, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the financial assistance that the Agency is contemplating with respect to the Project; and

WHEREAS, pursuant to and in accordance with Section 859-a of the Act, the Agency desires to schedule and conduct a public hearing relating to the Project and the proposed financial assistance contemplated by the Agency (collectively, the "Financial Assistance"), such Financial Assistance to include (i) sales and use tax exemptions for purchases and rentals related to the construction and equipping of the Facility and (ii) a partial real property tax abatement provided through a Payment in Lieu of Tax Agreement ("PILOT Agreement"); and

WHEREAS, the Village of Aurora Planning Board, as lead agency, conducted a review of the Project pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617 (collectively referred to as "SEQRA"), which resulted in the issuance of a negative declaration by the Village of Aurora Planning Board dated November 29, 2017 (the "Negative Declaration"), a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Agency desires to (i) accept the Application, (ii) authorize the scheduling and conduct of a public hearing pursuant to and in accordance with the Act (the "Public Hearing"), (iii) authorize the negotiation of an Agent Agreement, Lease Agreement, Leaseback Agreement, PILOT Agreement and related documents to allow the Company to undertake the project as agent of the Agency following the Public Hearing and pursuant to future authorization by the Agency; and (iv) ratify the SEQRA Findings of the Village of Aurora Planning Board with respect to the Project.

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

Section 1. The Company has presented the Application and related information in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) The Agency has the authority to take the actions contemplated herein under the Act; and

(C) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Cayuga County, New York, and otherwise furthering the purposes of the Agency as set forth in the Act;

(D) The Project will not result in the removal of a facility or plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's Application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other facility or plant to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries;

(E) Based upon the Agency's review of the Application submitted by the Company, along with supporting materials, the Project will include facilities or property that are primarily used in making retail sales, as defined within Section 862(2) of the Act, to customers who personally visit the Facility. Notwithstanding the foregoing, and based upon the Application and supporting materials prepared and presented by the Company to the Agency, the Project constitutes a "tourism destination" inasmuch as the Project and Facility will likely attract a significant number of visitors from outside the economic development region (as established by Section 230 of the Economic Development Law) in which the Project is located; and

(F) Based upon a review of the Application and the Negative Declaration submitted to the Agency by the Company, the Agency hereby consents to and affirms the status of Village of Aurora Planning Board as Lead Agency, within the meaning of, and for all purposes of complying with SEQRA; determines that the proceedings undertaken by the Village of Aurora Planning Board under SEQRA with respect to the undertaking of the Project by the Company satisfies the requirements of SEQRA; ratifies such proceedings by the Village of Aurora Planning Board; and determines that all of the provisions of SEQRA that are required to be complied with as a condition precedent to the prospective approval of the Financial Assistance contemplated by the Agency with respect to the Project and the participation by the Agency in undertaking the Project have been satisfied.

Section 2. The Chairman (or Vice Chairman) and/or Executive Director of the Agency are hereby authorized, on behalf of the Agency, to schedule, notice and conduct the Public Hearing in compliance with the Act.

Section 3. The Agency hereby authorizes the Chairman (or Vice Chairman) and/or Executive Director of the Agency to negotiate the terms of, but not execute, an Agent Agreement, Lease Agreement, Leaseback Agreement, PILOT Agreement and related documents for authorization by the Agency following the Public Hearing.

Section 4. Harris Beach PLLC, as Transaction Counsel for the Agency, is hereby authorized to work with Agency General Counsel and counsel to the Company and others to

prepare for the Public Hearing and prospective authorizations by the Agency in furtherance of the Project.

Section 5. The 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 6. These Resolutions shall take effect immediately.

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

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

The Resolution was thereupon declared duly adopted.

# SECRETARY'S CERTIFICATION

STATE OF NEW YORK     )  
COUNTY OF CAYUGA    ) SS:

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

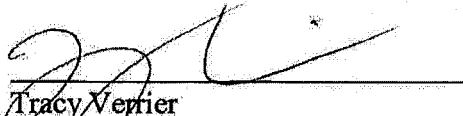
That I have compared the annexed extract of minutes of the meeting of the Cayuga County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on February 20, 2018, with the original thereof on file in my office, and that the same is a true and correct copy of 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.

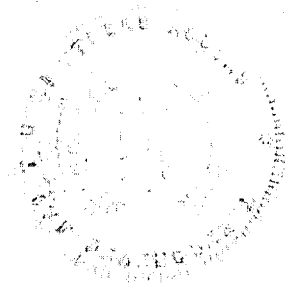
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this 4<sup>th</sup> day of April, 2018.

  
Tracy Verrier  
Interim Secretary

[SEAL]



**Exhibit A**  
**SEORA Materials**



***Full Environmental Assessment Form***  
***Part 3 - Evaluation of the Magnitude and Importance of Project Impacts***  
***and***  
***Determination of Significance***

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information  
All evidence submitted as part of the Project Sponsor's application, together with evidence submitted during the Planning Board hearing conducted on  
November 29, 2017

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Village of Aurora Planning Board as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Shaketon House Renovation

Name of Lead Agency: Village of Aurora Planning Board

Name of Responsible Officer in Lead Agency: Patricia Bianconi

Title of Responsible Officer: Planning Board Chair

Signature of Responsible Officer in Lead Agency: *Patricia Bianconi*

Date: 11-29-17

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: Ann Balloni

Address: 456 Main Street, Aurora, N.Y. 13026

Telephone Number: 315-364-7293

E-mail: [villageclerk@villageofaurora.us](mailto:villageclerk@villageofaurora.us)

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**