

Onondaga County Industrial Development Agency
Regular Meeting Minutes
November 9, 2023

A regular meeting of the Onondaga County Industrial Development Agency was held on Thursday, November 9, 2023, 355 Montgomery Street, Floor 2M, Syracuse, New York.

Patrick Hogan called the meeting to order at 8:36 am with the following:

PRESENT:

Patrick Hogan
Fanny Villarreal
Elizabeth Dreyfuss
Kevin Ryan

DELAYED:

Janice Herzog

ABSENT:

Susan Stanczyk
Cydney Johnson

ALSO PRESENT:

Robert M. Petrovich, Executive Director
Nancy Lowery, Secretary
Nate Stevens, Treasurer
Karen Doster, Recording Secretary
Svetlana Dyer, Assistant Secretary
Alexis Rodriguez, Assistant Treasurer
Len Rauch, Economic Development
Jeff Davis, Barclay Damon Law Firm
Amanda Fitzgerald, Barclay Damon Law Firm
Paul Reichel, Bond Schoeneck & King
Vince Raymond, VIP Structures

APPROVAL OF REGULAR MEETING MINUTES – OCTOBER 12, 2023

Upon a motion by Elizabeth Dreyfuss, seconded by Fanny Villarreal, the OCIDA Board approved the regular meeting minutes of October 12, 2023. Motion was carried.

(Janice Herzog arrived at meeting)

TREASURER'S REPORT

Nate Stevens gave a brief review of the Treasurer's Report for the month of October 2023.

Upon a motion by Fanny Villarreal, seconded by Elizabeth Dreyfuss, the OCIDA Board approved the Treasurer's Report for the month of October 2023. Motion was carried.

PAYMENT OF BILLS

Nate Stevens gave a brief review of the Payment of Bills Schedule #487.

Upon a motion by Janice Herzog, seconded by Elizabeth Dreyfuss, the OCIDA Board approved the Payment of Bills Schedule #487 for \$373,744.46 with PILOT payments to NY S&W Railway Corporation for \$2,910.00, Onondaga County for \$8,231.03, City of Syracuse for \$7,276.80 and City of Syracuse Central School District for \$11,988.90. Motion was carried.

CONFLICT OF INTEREST DISCLOSURE

The Conflict of Interest was circulated and there were no conflicts.

BLUEFORS CRYOCOOLER TECHNOLOGIES INC. (3101-22-08A)

Amanda Fitzgerald stated the Agency approved additional financial assistance to the former Cryomech and now Bluefors project in the Town of DeWitt. She stated the Agency approved a sales and use tax in March that was extended through November 2023. She stated the company needs more time to close on the purchase of the neighboring parcel. She stated they have asked for an extension of the tax exemption through January of 2024 and anticipate closing on the straight lease transaction in January.

Patrick Hogan asked what seems to be the problem. Paul Reichel stated Bluefors is acquiring the adjoining parcel and they need subdivision approvals to combine the parcels. He stated there is a delay in getting the surveys they need. He stated they have received the survey, started the subdivision process, met with the Town Board of DeWitt and they are moving forward. He stated the subdivision will occur in December or January and then they can close.

Patrick Hogan stated he has heard this before and understands.

Robert Petrovich asked how long the extension will be. Amanda Fitzgerald stated the proposal is through January 31, 2024. She stated if the project is not closing in January they will have to report back to the Agency for another extension.

Upon a motion by Janice Herzog, seconded by Kevin Ryan, the OCIDA Board approved a resolution authorizing an extension of the temporary sales and use tax exemption for Bluefors Cryocooler Technologies Inc. Motion was carried.

C2 NY SENTINEL HEIGHTS SOLAR, LLC (3101-21-05A)

Amanda Fitzgerald stated C2 NY Sentinel Heights Solar is a solar project where the Agency provided financial assistance and they closed in January 2023. She stated they put a mortgage on the property in connection with some new financing injected into the property and according to the straight lease transaction document they need Board's consent to put the mortgage on the property. She stated the Board has seen these before but the difference here is the company has not asked the Agency join the mortgage. She stated the Agency is not being asked to be a party and is simply consenting to the mortgage being put on the property.

Patrick Hogan asked Amanda Fitzgerald if she is comfortable with this. Amanda Fitzgerald stated yes.

Upon a motion by Fanny Villarreal, seconded by Elizabeth Dreyfuss, the OCIDA Board approved a resolution consenting to a mortgage in connection with a project for C2 NY Sentinel Heights Solar, LLC and determining other matters in connection therewith. Motion was carried.

TERMINATION OF PROJECT RPNY SOLAR 4, LLC (3101-23-01A)

Robert Petrovich stated this action is a termination of the application for financial assistance by the applicant. He stated there has been a lot of back and forth with the applicant and the applicant has decided to withdraw. He stated he thinks the fundamental reason was the local access policy and the inability to be able to meet the criteria necessary in order to receive benefits. He stated the applicant is aware and agrees.

Kevin Ryan asked if the Agency is out of pocket on this. Robert Petrovich stated OCIDA is not being shorted because of the applicant's initial deposit. He stated it is an important policy we try to adhere to.

Upon a motion by Janice Herzog, seconded by Fanny Villarreal, the OCIDA Board approved a resolution acknowledging the withdrawal of the application submitted by RPNY 4, LLC and revoking any and all financial assistance granted to RPNY Solar 4, LLC in connection with the project associated with the project number. Motion was carried.

G.A. BRAUN, INC. (3101-07-16A) SUCCESSOR REMARKETING AGENT APPOINTMENT

Amanda Fitzgerald stated the Agency was the issuer for variable rate demand bonds back in 2007 with the GA Braun Inc. project in the Town of Cicero. She stated this is an administrative action. She stated the marketing agent is currently M&T who is getting out of the remarketing agent business and assigning all of its remarketing agent responsibilities over to Bear Stearns. She stated in order to do that the Agency needs to officially appoint Bear Stearns as the new remarketing agent for the bonds and that is what is being asked of us here. She stated Bear Stearns has signed all of the requisite documents willing to accept the responsibilities of the remarketing agent in accordance with the closing documents.

Upon a motion by Elizabeth Dreyfuss, seconded by Janice Herzog, the OCIDA Board approved a resolution appointing a successor remarketing agent for the Onondaga County Industrial Development Agency Variable Rate Demand Industrial Development Revenue Bonds (G.A. Braun, Inc. Project), Series 2007 and authorizing the execution and delivery of related documents in connection therewith. Motion was carried.

SYRACUSE RESEARCH CORPORATION (3101-05-15B) – SUCCESSOR REMARKETING AGENT APPOINTMENT

Amanda Fitzgerald stated this is the same request as GA Braun where M& T is getting out of the remarketing agent business and assigning all of their responsibilities, in most cases, to Bear Stearns, which is what we have here. She stated this is in connection with a 2005 bond issuance providing financing for a project in the Town of Cicero for Syracuse Research Corporation.

Elizabeth Dreyfuss asked how long the bonds are for. Amanda Fitzgerald stated she is guessing 20 years considering we are more than 15 years out for both of them but she will get the exact answer to that.

Patrick Hogan asked if we got out of bonding a long time ago. Amanda Fitzgerald stated the restrictions for an IDA to issue bonds are much stricter now then they were in the early 2000's so we don't often see it.

Upon a motion by Fanny Villarreal, seconded by Janice Herzog, the OCIDA Board approved a resolution appointing a successor remarketing agent for the Onondaga County Industrial Development Agency Variable Rate Demand Civic Facility Revenue Bonds Series 2005 and authorizing the execution and delivery of related documents in connection therewith. Motion was carried.

ENGINEERING SERVICES – CONTRACT AUTHORIZATION

Robert Petrovich stated as the Board knows we are looking to develop and advance the readiness of White Pine South or Caughdenoy Industrial Park regarding supply chain opportunities that may be coming forward in connection with the Micron project. He stated we have been working with Barton & Loguidice as our consultant, the Board approved this relationship previously, to locate the municipal pump station to serve the greater service area of Clay for municipal sewers as part of increased development. He stated we are also working with Barton & Loguidice to advance wetland delineation, site programming, design for construction pads, etc., all things SEQR and all the things necessary that we need to do to try to advance the site for supply chain. He stated this additional funding is to advance that initiative.

Upon a motion by Elizabeth Dreyfuss, seconded by Kevin Ryan, the OCIDA Board approved a contract with Barton and Loguidice, D.P.C. in the amount of \$17,000 for engineering services at Caughdenoy Industrial Business Park. Motion was carried.

ENGINEERING SERVICES – CONTRACT AMENDMENT

Robert Petrovich stated this is an \$18,690 increase in our authorization for services in connection with the demolition activities that are occurring along Burnet Road. He stated there has been some twists and turns and asbestos and to get to the end need to increase this amount. He stated he is comfortable putting this before the Board for authorization.

Upon a motion by Janice Herzog, seconded by Fanny Villarreal, the OCIDA Board approved a resolution authorizing an amendment to the contract for engineering services with Barton & Loguidice in connection with the development of White Pine Commerce Park authorizing asbestos monitoring assistance in the amount of \$18,690. Motion was carried.

WHITE PINE COMMERCE PARK DEMOLITION AND REMOVAL: AFFIRMATION OF THE DECLARATION OF EMERGENCY ACTION TO REMOVE PROPERTY

Jeff Davis stated he is going to read through the pertinent parts of the resolution. He stated the Agency currently owns several parcels of property comprising the White Pine Commerce Park and the property was acquired consistent with the GEIS done in 2013 and the 2021 Supplemental GEIS all in support of economic development for Onondaga County. He stated certain parcels within the park that were purchased included homes and other structures. He stated the purchase agreements by which the Agency took title of those were duly executed and delivered by the Agency pursuant to resolutions authorizing such execution delivery adopted between 2021 and 2023. He stated each subject purchase agreement required homeowners to vacate the improved parcels subject to several post possession life estate or fixture removal conditions and between 2021 and 2023 in connection with the Agency's acquisition of the parcels, homeowners vacated the improved parcels and removed various fixtures and possessions including but not limited to windows, exterior doors, interior doors, cabinets, plumbing, heating and cooling systems. He stated the Agency there after secured the structures that were vacated by the former owners and they became abandoned structures. He stated the windows and doors were boarded up and no trespassing signs posted. He stated it was the Agency's intent as documented through the GEIS process to create a shovel ready site to stimulate economic growth and general prosperity for the people of the county. He stated it has been necessary from the beginning to remove the abandoned structures. He stated on November 8, 2022 the Agency commenced this process authorizing the procurement of a bid package and a demo and removal package for the

abandoned structures and authorizing the use of the County Division of Purchase to manage any bidding for the work. He stated in May 2023 the Agency had over 35 parcels with abandoned structures and the Agency partnered with Habitat for Humanity to allow for the removal of remaining materials from several of the abandoned infrastructures that would support the mission for Habitat for Humanity. He stated on June 29, 2023 in conjunction with Barton & Loguidice, the Agency advertised for bid for the removal and demolition of the abandoned structures. He stated despite the Agency's best efforts to secure the abandoned structures, vandalism and a host of illegal activities, including theft, illicit drug use, underage drinking and trespassing has ensued. He stated on May 9, 2023, the Agency issued a press release advising the public to remain off the property, including in particular the abandoned structures following incidents of trespass, discharge of firearms and theft. He stated the press release resulted in four separate news articles concerning dangerous and criminal activity in or about the abandoned structures and advising the public to stay away from the park property. He stated on July 14 an application was submitted to the Agency by Micron New York Semiconductor Manufacturing detailing its plan and desire to invest over \$100 billion in White Pine Commerce Park and create 1000s of jobs, stimulating significant economic growth for the county. He stated in relation to the Micron project there has been an increase of legitimate activity within the park by representatives of Micron performing due diligence activities and undertaking certain studies in connection with SEQRA, including various subsurface investigations, which I've defined as investigative work. He stated despite the press release and related news stories, reports of trespass theft and illegal activities in the park of increased creating a public safety concern for remaining residents within the park and in the center of the park as well as those trespassing into the abandoned structures in the areas of the investigative work. He stated on August 10, 2023, the Agency selected Gorick Construction Company to commence demo and removal of the abandoned structures. He stated in September the Agency owned 41 parcels with abandoned structures. He stated in late August and early September the County Department of Emergency Management issued demo permits for removal of the abandoned structures located on the 41 parcels. He stated on October 27, 2023, the County Sheriff's Office apprehended over 40 trespassers at vacant homes within the park. He stated the sheriff reported upon arrival the trespassers ran in different directions requiring Sheriff's office to use helicopter support to locate trespassers within the park. He stated the sheriff's reported to the Agency on October 30, 2023 juveniles are using internet social media threads to organize events at abandoned structures within the park. He stated despite the Agency's best efforts, the abandoned structures within the park are an attractive nuisance resulting in illegal activity in the park that threatens life, health and property for residents within

and adjacent to the park. He stated there are two actions. He stated as part of the resolution consistent with the requirements of SEQRA, the Agency hereby affirms and ratifies a declaration of an emergency action under SEQRA to remove the abandoned structures for the protection of life, health and property and the Agency is directing the executive director of the Agency is hereby authorize on behalf of the Agency upon advice of agency counsel to take all necessary steps on a temporary basis to remove the abandoned structures to protect life, health and property consistent with the requirements of SEQRA.

Robert Petrovich stated this pot has been on the stove for a while and on October 27 it boiled over. He stated we have been doing our best to try to secure and prohibit trespassing but it has come to a head with latest partying incident. He stated the contractors have also been suffering from theft and burglaries of generators, power tools and other equipment on the site. He stated people are getting caught in structures pulling materials out. He stated although we have a schedule to advance this project, by this action we want to accelerate that process and try to get it done as quickly as possible. He stated we do have people that are still living off of Burnett Road and ancillary to other locations on White Pine and life estates. He stated we certainly don't want to create or at least allow a condition that allows this to continue.

Patrick Hogan asked if procedurally we have done everything as far as public safety aspects go. He stated he commends the Sheriff's Department for their actions in regard to the last incident. Jeff Davis stated the October 27 incident was not the only incident that has happened out there but it is probably the largest.

Robert Petrovich stated he is trying not to be draconian about it and the Sheriffs asked what we wanted to do and he told them give them a stern warning but apparently that is not effective. He stated the Sheriff's Department called again and asked what to do and he said press charges. He stated at some point you have to take action and the latest incident was over the top and that is why we are doing this.

Janice Herzog asked what advancing the schedule forward quicker will do. Robert Petrovich stated it eliminates the attractive nuisance. He stated all the structures are going to come down quicker and we are trying to accelerate that schedule to make everything wrap up quicker. He stated our goal is to be done by December 1.

Janice Herzog stated it makes the most sense to do it as quick as we can but in terms of our procedures do we already have the bids on who is doing the work. Robert Petrovich stated work is already happening and this resolution is proposing to accelerate this. He stated there are 1,400 acres and we have to keep the road open because there are still people living there. He stated it is not a simple situation.

Jeff Davis stated this is affirming and ratifying the decision making process and affirming the fact that this is an emergency situation at this point.

Jeff Davis stated there is other activity going on at the site and there cannot be people running through the site at night. He stated as the legitimate activities increase and the illegal activities increase at some point it is going to come to a head. He stated this is a process that was started back in December.

Kevin Ryan asked if everything that is salvageable has been salvaged. Jeff Davis stated yes.

Upon a motion by Janice Herzog, seconded by Kevin Ryan, the OCIDA Board approved a resolution affirming and ratifying the declaration of an emergency action to remove property to protect life, health and property in connection with the development of White Pine Commerce Park. Motion was carried.

ADJOURN

Upon a motion by Janice Herzog, seconded by Fanny Villarreal, the OCIDA Board adjourned the meeting at 9:03 am. Motion was carried.



Svetlana Dyer, Secretary