

Onondaga County Industrial Development Agency
Regular Meeting Minutes
December 10, 2019

A regular meeting of the Onondaga County Industrial Development Agency was held on Tuesday, December 10, 2019 at the 333 West Washington Street, Syracuse, New York in the large conference room on the first floor.

Patrick Hogan called the meeting to order at 8:11 am with the following:

PRESENT:

Patrick Hogan
Janice Herzog
Steve Morgan
Kevin Ryan
Susan Stanczyk
Victor Ianno
Fanny Villarreal

ALSO PRESENT:

Robert Petrovich, Executive Director
Genevieve A. Suits, Secretary
Nate Stevens, Treasurer
Karen Doster, Recording Secretary
Tony Rivizzigno, Barclay Damon Law Firm
Amanda Mirabito, Barclay Damon Law Firm
Jeff Davis, Barclay Damon Law Firm
Calvin Weaver, Harris Beach
Chris Carrick, Regional Planning & Development Board
Kevin McAuliffe, Barclay Damon

APPROVAL OF REGULAR MEETING MINUTES – NOVEMBER 19, 2019

Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved the regular meeting minutes of November 19, 2019. Motion was carried.

TREASURER'S REPORT

Nate Stevens gave a brief review of the Treasurer's Report for the month of November 2019.

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved the Treasurer's Report for the month of November 2019. Motion was carried.

PAYMENT OF BILLS

Nate Stevens gave a brief review of the Payment of Bills Schedule #438.

Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved the Payment of Bills Schedule #438 for \$31,024.89. Motion was carried.

CONFLICT OF INTEREST DISCLOSURE

The Conflict of Interest Statement was circulated and there were no comments.

Patrick Hogan stated that he discussed possible conflicts with counsel.

ABUNDANT SOLAR POWER (SK1) LLC

Chris Carrick stated that he is from the CNY Regional Planning and Development Board and they have been working with Abundant Solar Power. He stated that Melissa Clark is en route and should be here shortly but would be happy to answer any questions.

Nate Stevens stated that there were positive comments received. He stated a letter supporting the project from the Town Supervisor was received and positive comments were made at the public hearing which were distributed to the Board.

Nate Stevens stated that the public hearing notice was mis-noticed and had \$76,000 instead of \$117,000 noted as the sales tax benefit. He asked Amanda Mirabito what is the best way to proceed with this. Amanda Mirabito stated today the Board has a SEQR resolution which adopts the SEQR determination made by the Town of Skaneateles. She stated that there is also an approving resolution approving the amount of sales tax which was \$76,000. She stated that the Board already approved holding a public hearing at the last meeting. She stated another public hearing should be held between now and January re-noticing the additional amount. She stated that if everything goes well with the public hearing, the Board will approve the additional sales tax.

Nate Stevens stated that today the Board is being asked to approve SEQR, the sales tax of \$76,000 and the PILOT schedule that is in the packet with a total property tax abatement of approximately \$5,000. He stated that in January the project will come back before the Board and an amended application will be voted on for an additional \$40,000 of sales tax abatement.

Patrick Hogan stated that the PILOT agreement is basically to ensure the developer of what the future payments will be. He asked for an explanation of how this is new and clarification about the trouble assessors are having with these types of projects. Robert Petrovich stated that there is an uptick of activity relative to these types of projects. He stated that the UTEP was amended to include renewable projects; wind and solar. He stated that this is the first project staff has put forward under the revised UTEP. He stated that in this particular project it is a win-win because the Town owns this closed landfill and they are supportive of generating tax revenue on this parcel that previously hadn't been generating any tax revenue. He stated that a formulated approach was used in calculating the PILOT payment based on the AC megawatts generated vs a dollar value. He stated that this particular project is \$3,500 in the first year and escalates by 2% for a 25-year term.

Patrick Hogan asked the Board if there were any questions for Melissa Clark. Janice Herzog stated that the Board asked questions at the last meeting.

Robert Petrovich stated that because of the public hearing notice evidencing an error in the amount of the benefit, it was reviewed with Abundant Solar and they are ok with the approach.

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved a resolution authorizing the adoption of the SEQR determination for the Abundant Solar Power (SK1) LLC Project. Motion was carried.

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved a resolution authorizing sales tax abatement and real property tax abatement for the Abundant Solar Power (SK1) LLC project. Motion was carried.

HINSDALE ROAD

Kevin McAuliffe stated that because of conflict Calvin Weaver from Harris Beach is conflict counsel for the Agency. He stated that the request to the Board is an expansion of the sales and mortgage tax exemptions for this project as it does its final build out. He stated that this project was approved in regard to the retail exclusion or limitation under the GML in 2013. He stated the version of Section 862 relevant in 2013 had an exclusion which included tourism destinations. He stated that under the law a tourism destination is one which draws from outside the County's economic region in which a project is located and the counties for our region are Onondaga, Oswego, Cortland Cayuga and Madison. He stated that maps were presented to the Board in 2013 that Costco provided. He stated that in 2014 and 2015 the draw and sales tax revenue from Costco was in excess of what anyone anticipated. He stated that in 2013 this Board determined this was a tourism destination because it drew from outside of our immediate area and therefore passed the exclusion under Section 862.

Victor Ianno stated that it is essentially all built and asked what else they are doing out there. Kevin McAuliffe stated that it is not all built yet and they are doing more medical offices which is the primary reason for the cost increase. He stated that there is land to the North of the hotel that could be built out in the future but there are no plans for it now because it has about 30% wetland coverage issue.

Victor Ianno stated that this is a great project and that what they have done is amazing. Kevin McAuliffe stated that it is the only project he has ever had where the school district led the charge to approve a PILOT where millions of dollars would come out over the life of the project. He stated that the school district was the primary advocate working with the Town and speaking to the County Legislature. He stated that it paid about \$38,000 a year in taxes and now netting out the payment to the developer, it pays \$500,000-\$600,000 a year to the community.

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved a resolution authorizing sales tax abatement and real property tax abatement for the Hinsdale Road project. Motion was carried.

PROJECT TERMINATIONS

Robert Petrovich stated that these projects for whatever reason decided not to move forward so there are resolutions to terminate them and get them off the books.

Kevin Ryan asked if we are out any legal fees or expenses for these projects not going forward. Robert Petrovich stated not to his knowledge.

Robert Petrovich reviewed each project's reason for termination.

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved a resolution to terminate the Buckeye Corrugated project. Motion was carried.

Upon a motion by Victor Ianno, seconded by Susan Stanczyk, the OCIDA Board approved a resolution to terminate the Propel Pharmacy LLC project. Motion was carried.

Upon a motion by Susan Stanczyk, seconded by Janice Herzog, the OCIDA Board approved a resolution to terminate the Willowbrook Manlius project. Motion was carried.

Upon a motion by Fanny Villarreal, seconded by Susan Stanczyk, the OCIDA Board approved a resolution to terminate the Upstate Coin & Gold project. Motion was carried.

Upon a motion by Victor Ianno, seconded by Susan Stanczyk, the OCIDA Board approved a resolution to terminate the United Radio project. Kevin Ryan opposed. Motion was carried.

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved a resolution to terminate the CP 850 LLC project. Motion was carried.

DISCUSSION OF THE STATE COMPTROLLER AUDIT

Robert Petrovich stated that the State Comptroller audited the Agency and the audit is complete. He stated that all of the documents have been circulated to the Board. He stated that a resolution is proposed authorizing submittal of the final element of the audit which is the corrective action

plan. He stated that they had the interview, the initial audit, responses to the audit and now due is the corrective action plan. He stated that the audit was favorable relative to our practices and procedures. He stated that this is the final step and would like a resolution from the Board authorizing staff to send this back to the Office of the State Comptroller as the corrective action plan.


Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved a resolution authorizing staff to submit the corrective action plan to the Office of the State Comptroller. Motion was carried.

EXECUTIVE SESSION

Upon a motion by Susan Stanczyk, seconded by Victor Ianno, the OCIDA Board went into executive session 8:35 am. Motion was carried.

Upon a motion by Janice Herzog, seconded by Steve Morgan, the OCIDA Board adjourned executive session at 8:55 am. Motion was carried.

Upon a motion by Janice Herzog, seconded by Kevin Ryan, the OCIDA Board adjourned the meeting at 8:55 am. Motion was carried.

 1/14/20
Robert M. Petrovich, Executive Director