

Onondaga County Industrial Development Agency  
Regular Meeting Minutes  
December 8, 2020

A regular meeting of the Onondaga County Industrial Development Agency was held on Tuesday, December 8, 2020 via Zoom Teleconference.

Patrick Hogan called the meeting to order at 8:14 am with the following:

PRESENT VIA TELECONFERENCE:

Patrick Hogan  
Janice Herzog  
Steve Morgan  
Sue Stanczyk  
Kevin Ryan  
Victor Ianno

ABSENT:

Fanny Villarreal

ALSO PRESENT:

Robert M. Petrovich, Executive Director  
Nancy Lowery, Secretary  
Nate Stevens, Treasurer  
Karen Doster, Recording Secretary, Agency  
Carolyn Evans-Dean, Onondaga County Economic Development  
Amanda Fitzgerald, Barclay Damon Law Firm  
Jeff Davis, Barclay Damon Law Firm  
Victor Ianno, Board Member  
Kevin Ryan, Board Member  
Christopher Andreucci, Harris Beach Law Firm  
Kevin McAuliffe, Barclay Damon Law Firm  
John Switzer, Summit Solar  
David Spotts, Summit Solar  
David Muraco, 629 LeMoyne Manor  
Alexis Muraco, 629 LeMoyne Manor  
Mark Arbon, Sarofeen & Arbon, LLC  
Brad Farrin, Milton CAT  
Tony Mancuso, Milton CAT  
Jeremy Speich, Harris Beach Law Firm

(Patrick Hogan shared information as to how the meeting will be conducted in light of COVID-19 at the start of the Finance Committee Meeting.)

APPROVAL OF REGULAR MEETING MINUTES – NOVEMBER 10, 2020

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved the regular meeting minutes of November 10, 2020. Motion was carried.

## TREASURER'S REPORT

Nate Stevens gave a brief review of the Treasurer's Report for the month of November 2020.

Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved the Treasurer's Report for the month of November 2020. Motion was carried.

## PAYMENT OF BILLS

Nate Stevens gave a brief review of the Payment of Bills Schedule #450.

Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved the Payment of Bills Schedule #450 for \$16,005.15 and COVID Grant Payments for \$79,599.19. Motion was carried.

## CONFLICT OF INTEREST DISCLOSURE

The Conflict of Interest was emailed to Board Members present to sign off.

## 5845 WIDEWATERS COMPANY, LLC - MEETING TO MODIFY

Robert Petrovich stated Chris Andreucci is representing the IDA as conflict counsel.

Kevin McAuliffe stated last year the Agency approved the construction of two 41,000 square foot buildings on an approximately 11 acre parcel in the Town of DeWitt. He stated the first building is under construction and that is going to be the international headquarters of Widewaters. He stated due to COVID they have determined it is not logical at this time to proceed with construction of the 2<sup>nd</sup> building which will be purely speculation on occupancy. He stated they have asked the Agency to allow counsel to modify the documents and remove from the relationship the 2<sup>nd</sup> parcel upon which nothing would be constructed at this time. He stated the legal description would be modified and the description of the project changing it down to reflect one 41,000 square foot building. He stated there will still be all the jobs as originally presented in the 2019 application. He stated the net effect actually increases the cost benefit ratio because they are spending only a slightly smaller amount of money when you look at the

total investment but all the jobs and salaries will be there. He stated they simply won't be building the second building and would eliminate from the IDA relationship of that second parcel.

Robert Petrovich stated the project cap has been reduced by roughly 50% in terms of the benefits to the project. He stated the original is in the package as well as the modified summaries of the project to see the differences. He stated counsel has determined that we are in compliance by doing this. Chris Andreucci agreed and said that he will draft an omnibus amendment to remove the second building from the project description. He stated individual documents that would modify the record will be filed with the County Clerk's office to show the change. He stated the PILOT schedule will be modified to reflect only one building and the sales tax exemption authority will be reduced which will be evidenced in a modified ST-60 that he will prepare and file with the State on behalf of the Agency.

Victor Ianno asked if 18 months from now things turn around and they have an opportunity to build another building, is that going to be a brand new application at that time. Chris Andreucci stated it will be a brand new application.

Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved a resolution authorizing a modification of the project description in connection with a straight lease transaction involving the Onondaga County Industrial Development Agency and 5845 Widewaters Company, LLC to remove the acquisition, construction and equipping of the second building and modifying the PILOT obligations in accordance with the schedule presented at this meeting. Motion was carried.

#### SSC LYSANDER LLC – SECOND MEETING

David Spotts stated the project is a 3.5 megawatt AC ground mounted solar facility. He stated the solar panels will be mounted to a single axis tracking system which will follow the movement of the sun throughout the day. He stated power from the solar panels will be converted through the use of an inverter and transformer and directly injected into the grid. He stated they are expecting to participate in the NYSEDA Community Solar Program which allows them to sell energy to residential homeowners in the contiguous areas. He stated the solar

modules are about 8 to 9 feet off the ground. He stated they intend to have vegetative screening on the project and the project produces no noise, smell or sound.

Patrick Hogan asked if a public hearing was held. Nancy Lowery stated the public hearing was held and there were no comments. She stated there is support from the School District and the Town. She stated staff will be working with the assessor to make sure there is a proper subdivision either through courtesy or slash parcel.

Jeff Davis stated counsel reviewed the EAF provided by the applicant and it is an unlisted action with an uncoordinated review from SEQR standpoint. He stated based upon a review of the project and the environmental assessment done by the Town, the recommendation is the issuance of a negative declaration. He stated counsel has prepared and upon approval the negative declaration will be signed as part of Part 3 of the SEQR EAF.

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved a resolution authorizing adoption of SEQRA negative declaration determination for the SSC Lysander LLC project. Motion was carried.

Nancy Lowery stated she has received emails from the attorney representing the school district and from the Town and there are no objections to the PILOT.

Upon a motion by Victor Ianno, seconded by Susan Stanczyk, the OCIDA Board approved a resolution authorizing the financial assistance the Agency will provide to include exemption from certain real estate property taxes for the SSC Lysander LLC project. Motion was carried.

#### 629 LEMOYNE MANOR, LLC – SECOND MEETING

David Muraco stated the public hearing was held about two weeks ago. He stated they are now asking for financial assistance for a 102,000 square foot development which includes 66 apartments and 5,000 square feet of retail. He stated the project has been approved by the Town of Salina and the project is ready to go.

Nancy Lowery stated there were no comments at the public hearing but received letters of support. She stated one was cosigned by Supervisor Gunnip and Councilor Magnarelli, one from Mr. Pirro and one from a local business woman, Angi Renna.

Jeff Davis stated counsel reviewed the environmental assessment form provided by the applicant as well as materials in the environmental review conducted by the Town of Salina. He stated it is an unlisted action and the recommendation is there is no significant effect on the environment and as a result counsel is recommending the issuance and preparation of a negative declaration.

Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved a resolution authorizing adoption of SEQRA negative declaration determination for the 629 LeMoyne Manor, LLC project. Motion was carried.

Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved a resolution authorizing the financial assistance the Agency will provide to include exemptions from certain sales and use taxes, real estate property taxes, real estate transfer taxes and mortgage recording taxes for the 629 LeMoyne Manor LLC project. Motion was carried.

MILTON REAL PROPERTIES OF MASSACHUSETTS, LLC & SOUTHWORTH-MILTON, INC. DBA MILTON CAT) – INITIAL MEETING

Bradlee Farrin stated Milton CAT is finalizing and closing on the property on Eastman Road. He stated this is to provide a state of the art facility for service, sales and parts for the full caterpillar line. He stated there are some challenges they are looking at with the site as far as a number of out of pocket expenses for sewer and other things so they are looking for assistance along the way to make this happen. He stated they are building a 75,000 square foot facility. He stated they have the Planning Board support and they are now working on the design this winter with anticipation they will break ground sometime in late spring or summer. He stated they hope to have it completed by spring of 2022.

Jeff Davis stated this was before the Board with resolutions and there have been some changes in the project that requires us to go back and it is on the agenda to reopen and conduct the public hearing to reflect the changes in the project.

Nate Stevens stated the difference between the old CBA and the new CBA is there is now mortgage recording tax being requested by the applicant.

Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved a resolution authorizing a public hearing for the Milton Real Properties of Massachusetts, LLC & Southworth-Milton, Inc. (DBA Milton CAT) project. Motion was carried.

REQUEST FOR PROFESSIONAL SERVICES: OCIDA AUDIT SERVICES – 2020

Robert Petrovich stated request for proposals were sent out for audit services for the IDA and proposals were received from Grossman St. Amour and Bonadio & Associates. He stated staff is recommending to the Board that we issue contract awards for both firms and then the Agency will be in a position with additional information in January to make a recommendation on the firm for services for the IDA.

Victor Ianno asked who the current auditor is. Robert Petrovich stated Grossman St. Amour.

Patrick Hogan stated it is a two-step process. Robert Petrovich stated yes.

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved a resolution authorizing the Executive Director to enter into an agreement for the RFP Services: OCIDA Audit Services-2020. Motion was carried.

REQUEST FOR PROFESSIONAL SERVICES: OCIDA COUNSEL/SPECIAL COUNSEL/GENERAL LEGAL SERVICES

Robert Petrovich stated staff issued an RFP for legal services and received a number of responses. He stated responses were received from Barclay Damon LLP, Bond Schoeneck & King, PLLC, Hancock & Estabrook, LLP, Trespasz & Marquardt LLP, Nixon Peabody LLP and Harris Beach PLLC. He stated the recommendation being sought is to enter into contracts with all the law firms so that we can proceed with the work of the IDA. He stated at the January meeting staff will make recommendation for primary counsel and the remaining law firms will be conflict counsel depending on the needs and situations that arise and come before the Board.

Upon a motion by Steve Morgan, seconded by Victor Ianno, the OCIDA Board approved a resolution authorizing the Executive Director to enter into an agreement for the RFP Services: OCIDA Counsel/Special Counsel/General Legal Services-2020. Motion was carried.

#### OCIDA COVID-19 SMALL BUSINESS GRANT

Robert Petrovich stated this is the latest round in COVID reimbursement grants for small businesses that have purchased PPE. He stated staff has been working with counsel to make sure any grant application requests meet the statute required. He stated this is the 4<sup>th</sup> round and the information is contained in the Board packet. He stated all of the applications have been vetted and staff worked with counsel to make sure we are in compliance with the statute.

Patrick Hogan stated he would like to congratulate Mr. Petrovich and staff on this initiative as well as the County Executive for his input on this. Robert Petrovich stated he appreciates that but should also recognize Carolyn Evans-Dean as she has been working diligently on this process and managing the day to day. He stated she is an integral part of the equation.

Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved a resolution authorizing grants to qualified applicants pursuant to the COVID-19 Grant Legislation for authorized use up to the amount of \$10,000. Motion was carried.

#### EXECUTIVE SESSION/LEGAL ADVICE

Upon a motion by Susan Stanczyk, seconded by Victor Ianno, the OCIDA Board went into Executive Session. Motion was carried.

Upon a motion by Kevin Ryan, seconded by Janice Herzog, the OCIDA Board adjourned Executive Session. Motion was carried.

(Steve Morgan left the meeting.)

## PURCHASE CONTRACT EXECUTION

Jeff Davis stated this is a request for an authorization of purchase for land on Caughdenoy Road. He stated OCIDA currently owns all the land from Route 31 and Caughdenoy Road north to the railroad tracks and all the frontage there with the exception of this small parcel owned by the Arnaults. He stated there has been some interest in acquiring this property for quite some time. He stated the property that is just north of the Arnaults that OCIDA owns has an existing house on the property. He stated there is a life estate for the Kings on this property and there is a relationship between the Kings and the Arnaults. He stated by acquiring the property by the Arnaults it is the understanding that the life estate for Kings would in all likelihood have Mrs. King move to be closer to relatives as the Arnaults are relocated. He stated this is 3.17 acres of land and it gives OCIDA all the road frontage on Caughdenoy Road from the intersection of Route 31 to the railroad tracks. He stated everything on the east side of Caughdenoy Road would then be owned by OCIDA which is all part of the current White Pine Park and covered under the 336 acre generic environmental impact study that was done in 2013. He stated before the Board are two requested resolutions. He stated the first is a SEQR resolution that identifies this as an unlisted action and recognizes the fact that there is no direct subsequent development or commitment by this Agency by proceeding with a purchase of the property. He stated there is potential for future development and if it were to occur that would be part of a specific environmental review. He stated the development that could be on the property is currently unknown. He stated it would not be productive to do a full environmental review of the property other than just an environmental review for acquisition of the land so that the Agency can control it and become part of the White Pine Park for any future development which then would be studied separately. He stated the first request is that the Agency would act as lead agency and we will issue a recommendation for a negative declaration with regard to the purchase of the 3.17 acres of land from the Arnaults. He stated the second is authorizing the execution of the purchase and sale agreement for \$300,000 to purchase the Arnault property. He stated the Arnault property is improved property and it contains a home, out buildings and out parcels etc. He stated the purchase price is reflective that this is last remaining parcel that the Agency does not own with road frontage on the east side of Caughdenoy Road as well as the relationship with the property to the north with the life estate.



Victor Ianno asked how much frontage we have along Route 31 going east. Jeff Davis stated about one quarter mile.

Susan Stanczyk asked if this is the last piece on Caughdenoy Road. Robert Petrovich stated yes.

Patrick Hogan asked if this is locking up the last piece of property in furtherance of the Agency's plans for further development of this property. Jeff Davis stated it has been included and identified on the marketing efforts for OCIDA for White Pine so it's one that has been the hold out and we are now in a position to purchase that and move forward to obtain all of the rectangle that is currently identified as the White Pine Park.

Victor Ianno asked if at this point we are done with Caughdenoy Road side and the acquisitions along Route 31. Jeff Davis stated yes. He stated this would conclude rounding out the Caughdenoy Road/Route 31 side.

Victor Ianno asked when will OCIDA be at the point when we say we don't need any more property there. Jeff Davis stated in the marketing of the property to the high end users that have been identified in discussions that have gone on since 2013 with various potential suitors, he believes it's fair to say, that we have identified the fact that current land holdings for OCIDA are not sufficient to support the scale of development that one would want to bring here. He stated there are a lot of nice things in terms of water, availability, location and access but the size is restrictive at the current acreage OCIDA owns. He stated the current White Pine Park under GEIS is 336 acres. He stated OCIDA has purchased additional land outside of that and has under control right now about 600 acres through option agreements. He stated there is a need to expand that to a larger area for the type of development that we are trying to attract.

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved a resolution authorizing the adoption of a SEQRA negative declaration determination. Motion was carried.

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved a resolution authorizing the Executive Director to enter into a purchase contract and any related documents with respect to property located at 8676 Caughdenoy Road, Clay NY. Motion was carried.

## WHITE PINE ENVIRONMENTAL REVIEW

Jeff Davis stated in 2013 the Agency completed a generic environmental impact statement studying potential development on the property and that included a parcel on White Pine Park that is 336 acres. He stated as discussed it is currently vacant and they have identified and learned that the park needs to be a larger area. He stated this Board has undertaken a process through acquisition of lands to do that, expand the park and consider acquiring more land. He stated the motion before the Board now is a reopening of the 2013 GEIS so that this Board can commence a similar generic environmental review of a larger White Pine Park area. He stated it will become the supplemental GEIS so the request before the Board is to issue a positive declaration under SEQR that will commence the process of notifying other agencies involved and interested that OCIDA plans to be lead agency for purposes of conducting a supplemental GEIS and we will send out notices to all involved and interested agencies of that intent. He stated they will have 30 days to comment and provide their consent to the Agency to be lead agency for this supplemental GEIS. He stated upon the completion of that 30 day period and assuming nobody objects OCIDA will then take on conducting a generic environmental review of an expanded White Pine Park up to 1,253 acres along the Caughdenoy Road/Route 31/Burnet Avenue corridor area and slightly east of Burnet Avenue. He stated the potential development of 1,253 acres would be studied in the same way that OCIDA studied the potential development and issue the GEIS in 2013. He stated there is no specific project at this time but a GEIS is an appropriate step taken when one is trying to develop a future high end business park like this and become shovel ready. He stated the action before the Board is authorizing the Agency to consider itself and declare itself lead agency to issue the appropriate notices and to commence a supplemental generic environmental impact statement on that 1,253 acre park.

Patrick Hogan asked if this would advise all other governmental entities that the Agency would be the lead agency. Jeff Davis stated we are declaring by issuing a positive declaration that we are saying there is a potential for significant environmental impact for future development for this area and we are going to study it. He stated we are asking to be lead agency to perform that study. He stated it would in essence be reopening what was done in 2013 and taking a look at those exact same impacts over a larger geographic area and what would come with a development that would be a larger development in that geographic area.

Upon a motion by Susan Stanczyk, seconded by Janice Herzog, the OCIDA Board approved a resolution authorizing the adoption of a SEQRA determination, declaring the Board's intent to act as lead agency, and authorizing the Executive Director to take the necessary steps to initiate and develop a supplement to the September 2013 final generic environmental impact statement. Motion was carried.

Patrick Hogan stated he would like to congratulate staff, Mr. Petrovich and certainly the County Executive's office.

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board adjourned the meeting at 9:31 am. Motion was carried.

  
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Nancy Lowery, Secretary