

Onondaga County Industrial Development Agency
Regular Meeting Minutes
February 9, 2021

A regular meeting of the Onondaga County Industrial Development Agency was held on Tuesday, February 9, 2021 via Zoom Teleconference.

Patrick Hogan called the meeting to order at 8:07 am with the following:

PRESENT VIA TELECONFERENCE:

Patrick Hogan
Janice Herzog
Sue Stanczyk
Kevin Ryan
Victor Ianno
Fanny Villarreal

ABSENT:

Steve Morgan

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
Robert Murray, Harris Beach Law Firm
Glenn Mackay, OYA Camillus A & B LLC
Timothy Pecci, Dain Torpey
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 Audit Committee Meeting.)

APPROVAL OF REGULAR MEETING MINUTES – DECEMBER 8, 2020, JANUARY 12, 2021 AND JANUARY 12, 2021 ORGANIZATIONAL MEETING

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved the regular meeting minutes of December 8, 2020, January 12, 2021 and January 12 Organizational meeting. Motion was carried.

TREASURER’S REPORT

Nate Stevens gave a brief review of the Treasurer’s Report for the month of January 2021.

Upon a motion by Kevin Ryan, seconded by Janice Herzog, the OCIDA Board approved the Treasurer's Report for the month of January 2021. Motion was carried.

PAYMENT OF BILLS

Nate Stevens gave a brief review of the Payment of Bills Schedule #452.

Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved the Payment of Bills Schedule #452 for \$67,115.07 and PILOT payments to the Town of Cicero for \$25,225.51, Town of Clay for \$29,935.00, Town of Dewitt for \$220,555.54, Town of Elbridge for \$81,972.00, Town of Geddes for \$393.22, Town of Lysander for \$90,346.00, Town of Onondaga for \$2.32, Town of Salina for \$93,819.86, Town of Skaneateles for \$35,782.33, Town of Van Buren for \$111,339.00, Village of Baldwinsville for \$58,110.00, Village of Liverpool for \$4,127.00, Village of Solvay for \$3,128.56, Baldwinsville Central School District for \$583,995.00, East Syracuse Central School District for \$914,373.72, Jamesville Dewitt Central School District for \$74.62, Jordan Elbridge Central School District for \$444,141.00, Liverpool Central School District for \$174,597.00, Lyncourt Union Central School District for \$461,652.43, North Syracuse Central School District for \$312,481.69, Solvay Union Central School District for \$6,577.23, Syracuse Central School District for \$51,450.00, West Genesee Central School District for \$230,995.00, City of Syracuse for \$28,628.86 and Onondaga County for \$1,158,468.85. Motion was carried.

CONFLICT OF INTEREST DISCLOSURE

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

CF ANACONDA SYR LLC

Robert Petrovich stated the original sales tax allocation was put forward via Trammel Crow, TC Syracuse Development Associates. He stated subsequent to that CF Anaconda came into the conversation as being a project principle and now because of some allocations of equipment expenditures Amazon and CF Anaconda are coming forward on a division of the sales tax.

Robert Murray stated the original application included the purchase of certain machinery, equipment and robotics. He stated the total spend for sales tax was about \$250,00,000 and \$100,000,000 of that figure was for the robotics, machinery and equipment. He stated that it now has been confirmed that the \$100,000,000 will go on the tenant ledger and the tenant will be making those expenditures. He stated as a result of the request, it is no longer contemplated that the spend would be by CF Anaconda. He stated the request is to take the same already approved expenditure and move it over to the tenant and authorize the tenant to make sales tax exempt purchases in the total amount of \$100,000,000. He stated the Agency approved a total sales benefit of \$20,000,000 and that is not changing but what is changing of that \$20,000,000 is the allocation of it. He stated \$12,000,000 will stay with the landlord and \$8,000,000 will be to the tenant.

Nancy Lowery stated a public hearing was held in January and there were no recorded comments or written comments.

Robert Petrovich stated the resolution will be for approval and asked if subsequently any documentation will paper this over in terms of allocation. Jeff Davis stated yes and the change in allocation will be documented should the board approve this. He stated this entire project was reviewed for SEQR purposes and this is a diminimous change to what was previously reviewed so there is nothing further to do from a SEQR standpoint.

Robert Petrovich stated there is no change in the aggregate benefit and it is just a different allocation. Jeff Davis agreed.

Patrick Hogan stated this is nothing unusual and we have done this with other projects. He asked if this is a template that Amazon follows in other parts of the country. Robert Murray stated yes and when the application was submitted the tenant was not secured but the costs for the robotics anticipated were approved so the allocation is happening after the initial approval.

Upon a motion by Victor Ianno, seconded by Kevin Ryan, the OCIDA Board approved a resolution authorizing allocating a portion of the sales and use tax exemption granted to CF Anaconda SYR LLC to Amazon.com Services LLC. Motion was carried.

OYA CAMILLUS A LLC – INITIAL MEETING

Glenn Mackay stated the OYA Camillus A and B are immediately adjacent to one another located at 6327 Van Alstine Road in the Town of Camillus. He stated they are each proposed to be 5 megawatt facilities which is in or around 35 acres each in a fenced in area. He stated they leased a single 279 acre lot which they are currently in the process of subdividing for the purpose of installing these two projects. He stated they have completed all field studies and obtained all agency concurrences including the US Army Corp, DEC and US Fish and Wildlife. He stated they are currently in the final stages of permitting with the Town of Camillus and they expect to obtain SEQR Negative Declaration on both projects in March as well as the special use permits. He stated they have already signed their interconnection agreements with both projects with the National Grid and detailed construction engineering is beginning. He stated they are requesting a PILOT as well as some sales and use tax abatements.

Patrick Hogan asked if OYA will have to go to the Town of Camillus Board to get the special use permit and if the property has to be subdivided to make it work. Glenn Mackay stated yes. Patrick Hogan asked Mr. Mackay to let the Board know how it goes.

Upon a motion by Susan Stanczyk, seconded by Victor Ianno, the OCIDA Board approved a resolution authorizing a public hearing for the OYA Camillus A LLC Project. Motion was carried.

OYA CAMILLUS B LLC – INITIAL MEETING

Upon a motion by Susan Stanczyk, seconded by Kevin Ryan, the OCIDA Board approved a resolution authorizing a public hearing for the OYA Camillus B LLC Project. Motion was carried.

MILTON REAL PROPERTIES OF MASSACHUSETTS, LLC & SOUTHWORTH-MILTON, INC. d/b/a MILTON CAT)

Robert Petrovich stated the Milton Cat project is located in the City of Syracuse and they are looking to locate a new facility in Cicero. He stated the application indicated they were not abandoning a site in the City for another site in the County. He stated they are going to maintain some presence on Ainsley but they are going to sell one building and keep another. He stated

this is a “cleanup matter” with respect to the application and wanted to make sure the Board was aware. He stated abandonment letters were sent to the City of Syracuse. He stated early on in the process and through discussions with staff in the City of Syracuse Economic Development Department and SIDA, they are fully aware and the mayor was briefed on this. He stated they are supportive of this project with what they are purporting to do with respect to moving to Cicero, selling a building on Ainsley and maintaining a building on Ainsley for future operations.

Jeff Davis stated the resolution before the Board is a reaffirmation reauthorization resolution of the Board’s prior approval. He stated the project is already underway with the SEQR determination and there is no change or need to address SEQR any further. He stated it is just reapproving the prior authorizing resolution now that the abandonment notices have gone out and that issue has been addressed.

Amanda Fitzgerald stated this also reaffirms what was already discussed in a previous meeting that Southworth Milton Inc. will initially own and sell the project and then sell to the related entity, Milton Real Properties of Massachusetts LLC. She stated the approval for that sale is built into the resolution.

Patrick Hogan asked if the reason for the move is to expand the business. Tony Mancuso stated yes. He stated it is to expand and give them room to run the operation.

Patrick Hogan stated the Ainsley area is still a viable business park and he is glad they were successful there and he wishes them success in Cicero.

Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved a resolution authorizing the financial assistance the Agency will provide and an assignment and lease transaction between Milton Real Properties of Massachusetts, LLC & Southworth-Milton Inc. d/b/a Milton CAT project. Motion was carried.

EXECUTIVE SESSION/LEGAL ADVICE

Jeff Davis stated the Board needs to go into executive session so they should entertain a motion to go into executive session pursuant to public officer’s law Section 105 to discuss the proposed

acquisition of four parcels of land of which the discussions need to be in executive session because they could substantially affect the value of the land. He stated the request is to go into executive session to have those discussions.

Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board went into executive session. Motion was carried.

Upon a motion by Victor Ianno, seconded by Susan Stanczyk, the OCIDA Board adjourned executive session. Motion was carried.

Jeff Davis stated the Board went into executive session to discuss the potential acquisition of four parcels of land. He stated as part of that and a prerequisite of that an environmental assessment form was prepared for each parcel and reviewed by agency counsel and staff. He stated as a result the recommendation is the issuance of a negative declaration with regard to each acquisition. He stated before the Board are four separate resolutions that walk through the issuance of SEQR negative declaration prior to any further action. He stated pursuant to SEQR the Agency is required to make a determination with respect to the environmental impact or unlisted action. He stated the environmental assessment form has been prepared by the Agency to determine whether the acquisition of the property may have a significant effect on the environment. He stated the action is limited to the acquisition of the property and the Agency does not have a project before it concerning the use of the property and the Agency has no current or proposed plan to develop the property. He stated since the Agency currently has no product before it or plans to develop the property any consideration or impact associated with future development of the property at this time would be purely speculative. He stated should the property be made available at some future date by the Agency for development, that future project or development would be required to undergo full thorough environmental review according to SEQR. He stated accordingly each resolution states that the project (the project is the acquisition of the land) constitutes an unlisted action that does not direct any subsequent development or commit the Agency to future actions. He stated if potential future development were to occur it would be dependent upon environmental conditions and other factors that are currently unknown and the Agency's review of the project would be no less protective of the environments since any future development of the property must undergo a thorough environmental review pursuant to SEQR at that time. He stated the Agency acting as the lead agency thus has determined that the project, i.e. the acquisition of the land, does not have a

significant adverse effect on the environment and the Agency will not require the preparation of an environmental impact statement. He stated the four resolutions all state that same regard. He stated if everyone is in agreement the request is an omnibus vote on the approval of the four resolutions before the Board issuing a negative declaration for each one of the proposed acquisitions of land.

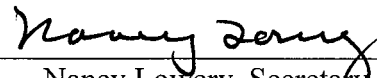
Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved a resolution issuing a negative declaration for each of the four proposed land acquisition resolutions. Motion was carried.

(Janice Herzog left the meeting.)

PURCHASE CONTRACT EXECUTION

Upon a motion by Victor Ianno, seconded by Susan Stanczyk, the OCIDA Board approved a resolution authorizing the Executive Director to enter into four purchase contracts and any related documents with respect to four parcels of property. Motion was carried.

Upon a motion by Victor Ianno, seconded by Susan Stanczyk, the OCIDA Board adjourned the meeting at 9:05 am. Motion was carried.



Nancy Lowery, Secretary