

Onondaga County Industrial Development Agency
Regular Meeting Minutes
May 15, 2013

The regular meeting of the Onondaga County Industrial Development Agency was held on Wednesday, May 15, 2013 at the 333 West Washington Street, Syracuse, New York in the large conference room on the first floor.

Chairperson Donna DeSiato called the meeting to order at 8:00 am with the following:

PRESENT:

Donna DeSiato
Daniel Queri
Janice Herzog
Michael Allen
Victor Ianno
Lisa Dell

ABSENT:

Jessica Crawford

ALSO PRESENT:

Mary Beth Primo, OCIDA, Executive Director
Kristi Smiley, OCIDA, Secretary & Treasurer
Karen Doster, Recording Secretary, Agency
Nora Spillane, Office of Economic Development
Linda McShane, Office of Economic Development
Devon Knapp, Office of Economic Development
Tony Rivizzigno, Gilberti Law Firm
Gary Malfitano, Hancock Park Development
Walt Kalina, CHA
Sara Wisnewski, Gilberti Law Firm

APPROVAL OF REGULAR MEETING MINUTES – APRIL 19, 2013

Upon a motion by Mike Allen, seconded by Victor Ianno, the OCIDA Board approved the regular meeting minutes of April 19, 2013. Motion was carried.

TREASURER'S REPORT

Kristi Smiley gave a brief review of the Treasurer's Report for the month of April 2013. She stated that on the operating revenues there is \$14,000 and just under \$14,000 of that is for project fees for Indian Springs and Noble Health Services. She stated that OCIDA is above in terms of total assets from last year to this year. For the first time in a long time we have seen an increase in revenues so OCIDA's cash position is a lot stronger.

Upon a motion by Daniel Queri, seconded by Lisa Dell, the OCIDA Board approved the Treasurer's Report for the month of April 2013. Motion was carried.

PAYMENT OF BILLS – SCHEDULE #364

Kristi Smiley gave a brief review of the OCIDA Payment of Bills Schedule #364.

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved the Payment of Bills, Schedule #364 with General Expenses being \$57,636.64 and PILOT payments to the Town of Camillus for \$1,313.50, Town of Elbridge for \$1,519.75, Town of Geddes for \$962.51, Village of Camillus for \$709.22, Village of Solvay for \$137.50, Jordan Elbridge Schools for \$7,765.21, Marcellus Schools for \$112.17, Solvay Schools for \$5,431.31, West Genesee Schools for \$6,715.86 and Onondaga County for \$11,517.55. Motion was carried.

CONFLICT OF INTEREST DISCLOSURE

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

HANCOCK PARK DEVELOPMENT: SEQRA, INDUCEMENT, CLOSING AND AGENCY AGREEMENT

Gary Malfitano stated that he is with Hancock Park Development and they are affiliated with the Edgewater Companies which is a real estate company that has been in Syracuse since the early 1980's. He stated that they are on schedule to start construction and more site work in about 30

days. He stated that they will have the Jadak building enclosed by approximately Thanksgiving time and do some material work and have Jadak up and operating in about February or March in the facility.

Donna DeSiato stated that it is a fast moving project. Gary Malfitano agreed.

Upon a motion by Victor Ianno, seconded by Michael Allen, the OCIDA Board approved a resolution adopting a negative declaration for the Hancock Park Development project located in the Town of Cicero as an unlisted action with no significant adverse environmental impact. Motion was carried.

Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved an inducement resolution for a straight lease transaction for a project consisting of the construction of a 40,000 square foot addition to an existing 15,000 square foot office and manufacturing facility located at 7279 William Berry Blvd in the Town of Cicero.

Upon a motion by Victor Ianno, seconded by Daniel Queri, the OCIDA Board approved a closing resolution of the Board authorizing the execution of Agency documents with respect to the acquisition, construction and installation of the Hancock Park Development project. Motion was carried.

Upon a motion by Victor Ianno, seconded by Lisa Dell, the OCIDA Board approved a resolution authorizing the execution of the Agent Agreement outlining the responsibilities of the Developer and Agency for the Hancock Park Development project. Motion was carried.

BITZER SCROLL: SALES TAX EXEMPTION EXTENSION

Mary Beth Primo stated that this is a unique situation with Bitzer Scroll. She stated that usually once the Board gives authority to sign the sales tax exemption letters further Board action isn't necessary. She stated that because this is such a long extension she thought she should bring it to the Board and have the Board approve it. She stated that the company is going to put in a second

line and buy the equipment for the second line but they would like to get their second shift trained first and hold off on the equipment purchase.

Janice Herzog asked when the original completion date was. Kristi Smiley stated that they are already moved in and up and running in the new facility. Mary Beth Primo suggested giving them a three month extension now just in case something comes out of Albany regarding the new sales tax exemption requirements.

Tony Rivizzigno suggested doing it for 90 days and see what happens.

Michael Allen asked how many employees Bitzer Scroll has now. Kristi Smiley stated that she thinks it is around 80.

Janice Herzog asked if the new shift that they are bringing in is hiring new people. Mary Beth Primo stated yes. Kristi Smiley stated that she can send the original application to the Board.

Upon a motion by Michael Allen, seconded by Victor Ianno, the OCIDA Board approved a resolution authorizing the extension of Bitzer Scroll's sales tax exemption letter until December 2014 or until the project is complete, whichever date occurs sooner. Motion was carried.

HINSDALE ROAD GROUP (TOWNSHIP 5): CLOSING AND AGENCY AGREEMENT

Tony Rivizzigno stated that on this project as well as the next several items, the Board is doing a closing resolution on the Agency. He stated that the idea is the closing resolution basically says that we are done and ready to sign documents. He stated that the Agent Agreement compels the Company to do what the Agency asks them to do. He stated that it is also incorporated into the agreement with the new sales tax provisions. He stated that a lot of this is in the inducement resolution but the company does not sign the inducement resolution but they do sign this one which obligates them.

Upon a motion by Dan Queri, seconded by Lisa Dell, the OCIDA Board approved a resolution authorizing the execution of Agency documents with respect to the acquisition, construction and installation of the Hinsdale Road Group project. Motion was carried.

Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved a resolution authorizing the execution of Agent Agreement outlining the responsibilities of the Developer and Agency for the project. Motion was carried.

JADAK: CLOSING & AGENCY AGREEMENT

Upon a motion by Victor Ianno, seconded by Michael Allen, the OCIDA Board approved a resolution authorizing the execution of Agency documents with respect to the acquisition, construction and installation of the Jadak project. Motion was carried.

Upon a motion by Daniel Queri, seconded by Victor Ianno, the OCIDA Board authorized the execution of the Agent Agreement outlining the responsibilities of the Developer and Agency for the Jadak project. Motion was carried.

NOBLE HEALTH SERVICES: CLOSING & AGENCY AGREEMENT

Upon a motion by Daniel Queri, seconded by Victor Ianno, the OCIDA Board approved a resolution authorizing the execution of Agency documents with respect to the acquisition, construction and installation of the Noble Health Services project. Motion was carried.

Upon a motion by Janice Herzog, seconded by Daniel Queri, the OCIDA Board authorized the execution of the Agent Agreement outlining the responsibilities of the Developer and Agency for the Noble Health Services project. Motion was carried.

INDIAN SPRING MANUFACTURER: CLOSING & AGENCY AGREEMENT

Upon a motion by Victor Ianno, seconded by Daniel Queri, the OCIDA Board approved a resolution authorizing the execution of Agency documents with respect to the acquisition, construction and installation of the Indian Spring Manufacturer project. Motion was carried.

Upon a motion by Michael Allen, seconded by Janice Herzog, the OCIDA Board authorized the execution of the Agent Agreement outlining the responsibilities of the Developer and Agency for the Indian Spring Manufacturer project. Motion was carried.

AGRANA FRUITS US, INC.: AGENCY AGREEMENT

Mike Allen asked if Agrana has broken ground yet. Lisa Dell stated that they are asking the Codes Department for permits in stages.

Lisa Dell stated that when she read the minutes from the last meeting Mr. Ron Haney had an issue with waiving the local labor policy. She stated that it sounded like he was assured that some local labor has already been hired. Mary Beth Primo stated that the first three companies hired were local.

Donna DeSiato stated that they wanted to keep us mindful of the importance of our local labor. She stated that we have always had that as a very high priority and in this particular incidence we were in competition both within the State and with two other states in which that agreement doesn't exist in those particular development agencies.

Mike Allen stated that they get a little nervous and rightly so because they have had some issues with construction projects in this area.

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved a resolution authorizing the execution of Agency documents with respect to the acquisition, construction and installation of the Agrana Fruits US, Inc. project. Motion was carried.

Upon a motion by Daniel Queri, seconded by Victor Ianno, the OCIDA Board authorized the execution of the Agent Agreement outlining the responsibilities of the Developer and Agency for the Agrana Fruits US, Inc. project. Motion was carried.

WHITE PINE COMMERCE PARK: INDIANA BAT HABITAT ASSESSMENT

Walt Kalina stated that this is in response to the DEIS last fall and comments received from the US Fish and Wildlife Service and the US Corp of Engineers. He stated that Indian Bat are a federally endangered species and are known to exist in the Town of Clay near the site. He stated that Fish and Wildlife and the Corp are asking for TES to do an assessment to make sure that we know exactly what type of habitat exists on the site for the bat like the types of trees on site where the bats typically nest. He stated that TES will go out in the field and do the assessment, find out whether the habitat is present, and write up a report and give it to Fish and Wildlife. He stated what Fish and Wildlife typically will do is ask OCIDA to make some type of commitment towards mitigation measures so it may be to stay out of particular areas of the site. He stated that OCIDA is already staying out of the wetlands and staying out of the dense woodland areas which are typically bat habitats. He stated that this request is for money to authorize TES of Phoenix, New York to go out in the field and wrap up some field work and produce a report that will satisfy Fish and Wildlife and the Corp of Engineers so they can sign off on the project. He stated that it is one of the last steps in the SEQRA process.

Mary Beth Primo asked Walt Kalina what happens next when this is completed. Walt Kalina stated that we get this done, we get the report done and that is part of the final EIS.

Mary Beth Primo stated that besides that there are also the archeological digs. Walt Kalina stated that there was good news on the archeological since the last board meeting where SHPO agreed with us that part of the site along one of the wetlands which is a low quality wetland did not have to be shovel tested. He stated that they have gone from about 5,000 shovel tests that were initially proposed down to about 1,200.

Mary Beth Primo stated that we still have to do the traffic study. Walt Kalina stated that the traffic study has gone through an internal review and they are making some last minute revisions to it that they think the DOT wants to see in it. He stated that should be ready to send to the Board soon.

Walt Kalina stated that those are the three hurdles that we have to get through. He stated that the bat, the archeology and unless something is found by the archeologist and they are not anticipating anything, they can wrap up SEQRA pretty quick. He stated that the big question mark still remains making sure DOT is satisfied with our mitigation of the intersection near the site. He stated that if we can get them to agree to that we are good to go and can wrap up SEQRA.

Tony Rivizzigno stated that they are changing the signal light at Caughdenoy Road and there will be a three color signal and right now it is a blinking yellow. Walt Kalina stated that he will talk to his traffic guy.

Upon a motion by Mike Allen, seconded by Janice Herzog, the OCIDA Board approved a resolution authorizing up to \$9,600 for Indiana Bat Habitat assessment. Motion was carried.

The Board and staff briefly discussed policy topics to review at the IDA study session scheduled for May 21.

Upon a motion by Janice Herzog, seconded by Mike Allen, the OCIDA Board adjourned the meeting at 9:00 am. Motion was carried.

Kristi Smiley, Secretary