

Onondaga County Industrial Development Agency  
Regular Meeting Minutes  
November 7, 2017

A regular meeting of the Onondaga County Industrial Development Agency was held on Tuesday, November 7, 2017 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 8:00 am with the following:

PRESENT:

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

ALSO PRESENT:

Julie Cerio, OCIDA, Executive Director  
Isabelle Harris, Secretary  
Nate Stevens, Treasurer  
Karen Doster, Recording Secretary, Agency  
Brian Bartlett, Office of Economic Development  
Tony Rivizzigno, Gilberti Law Firm  
Angela Orandella, Barclay Damon

APPROVAL OF REGULAR MEETING MINUTES – OCTOBER 19, 2017

Isabelle Harris noted Patrick Hogan called the meeting to order and that has been changed in the minutes.

Upon a motion by Susan Stanczyk, seconded by Fanny Villarreal, the OCIDA Board approved the regular meeting minutes of October 2, 2017 with change. Motion was carried.

APPROVAL OF REGULAR MEETING MINUTES – OCTOBER 2, 2017

Upon a motion by Susan Stanczyk, seconded by Fanny Villarreal, the OCIDA Board approved the regular meeting minutes of October 2, 2017. Motion was carried.

## TREASURER'S REPORT

Nate Stevens gave a brief review of the Treasurer's Report for the month of October 2017.

Steve Morgan asked is \$14,000 for Roth. Nate Stevens stated it's the Spectra payment. Isabelle Harris stated it's more of the investigation portion and can send specific information to him.

Steve Morgan asked what JMT is. Isabelle Harris stated JMT bought Spectra.

Upon a motion by Janice Herzog, seconded by Susan Stanczyk, the OCIDA Board approved the Treasurer's Report for the month of October 2017. Motion was carried.

## PAYMENT OF BILLS

Nate Stevens gave a brief review of the Payment of Bills Schedule #410.

Patrick Hogan asked what the NYS Department of Transportation pass through is. Nate Stevens stated it is for the COR Collamer Road through the Industrial Access Program and it's the last pass through payment of 10.

Steve Morgan asked if the Agency paid for the road to be built. Nate Stevens stated he does not have the exact details but can send them. He stated his sense of it was there was a deal to get the road built to get the property developed.

Upon a motion by Janice Herzog, seconded by Susan Stanczyk, the OCIDA Board approved the Payment of Bills Schedule #412 for \$65,736.80 and PILOT payments to Town of DeWitt for \$13.50, Town of Onondaga for \$2.75, Jamesville DeWitt School District for \$88.37, City of Syracuse for \$1,370.05 and Onondaga County for \$880.91. Motion was carried.

## CONFLICT OF INTEREST DISCLOSURE

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

## HINSDALE ROAD/TOWNSHIP 5

Angela Orandella showed a map of the location of Lot 1B, about .2 acres and has never been any part of the development plan. She stated they put it up for sale. She stated they are asking for the lot to be released from the Agency transaction and will be back on the tax rolls.

Patrick Hogan asked whose property is adjacent. Angela Orandella stated it's a homeowner and they have the interest but is subject to approval of this board.

Upon a motion by Kevin Ryan, seconded by Fanny Villarreal, the OCIDA Board approved a resolution authorizing the release, subdivision and sale of the Lot 1B of the Hinsdale Road group, PLLC project. Motion was carried.

## SPECIAL COUNSEL RFP LEGAL SERVICES

Julie Cerio stated Tony Rivizzigno's law firm, Gilberti Law Firm, is merging with Barclay Damon. She stated this does cause conflicts now anytime Barclay Damon is before the Board so someone else will be drawing up the contracts and looking over documents for projects. She stated the Board will be made aware of any conflicts.

Kevin Ryan stated given the amount of work Kevin McAuliffe does here it becomes important in terms of who we retain as special counsel. Tony Rivizzigno stated there is the possibility that Barclay Damon's client may be given to somebody else for IDA purposes.

Patrick Hogan asked if the agreement has been finalized and if yes should we have had someone else here to represent the Agency. Julie Cerio stated it was contemplated but because it is just a contract we will have someone else draw up the contract. She stated generally we would have the other attorney here when it is a new project but because this is an old project, it's very simple and Tony isn't going to have anything to do with it, it was decided not to have somebody attend just for this. Tony Rivizzigno stated he will contact special counsel chosen today to explain it.

Patrick Hogan asked who determines special counsel. Julie Cerio stated we usually don't have a lot of conflicts but the list is rotated and will be evenly disbursed.

Kevin Ryan stated realistically we shouldn't consider Barclay Damon because they responded to the RFP so we should choose one of the 3 remaining firms to hire as special counsel. Julie Cerio stated usually the Board chooses all respondents. Isabelle Harris stated more than one special counsel is chosen because you could end up with a problem with that counsel as well.

Nate Stevens stated a couple months ago staff issued an RFP and was awarded to Gilberti Law Firm beginning January 1 for a 3 year term. He stated a special counsel RFP was also issued this past month with the intent to award to multiple legal firms. He stated a lot of firms have few people specialized in IDA and if they are unavailable we want to have a good alternative choice. He stated we received several good responses and the intent is to award to all the responses. He stated we will choose special counsel on a case by case basis.

Julie Cerio stated that Tony Rivizzigno's rates stay the same.

Sue Stanczyk stated to Kevin Ryan's point do we need to remove Barclay Damon. Isabelle Harris stated yes.

Upon a motion by Janice Herzog, seconded by Kevin Ryan, the OCIDA Board approved a resolution appointing special counsel who responses were received not including Barclay Damon. Motion was carried.

#### TOPS PT, LLC – TERMINATION

Tony Rivizzigno stated the project is over and they need to terminate the lease.

Upon a motion by Janice Herzog, seconded by Susan Stanczyk, the OCIDA Board approved a resolution executing the delivery of certain termination documents with respect to Tops PT, LLC project in Fayetteville, NY. Motion was carried.

## 437 NORTH SALINA STREET – CLEAN UP DISCUSSION

Julie Cerio stated an offer was received this morning for 437 North Salina Street. She stated it has been on the market for about 6 months and is appraised for \$24,000. She stated it has deteriorated to the point where the realtor has needed masks to enter the building because of the mold problem. She stated we received full price offer of \$24,000 with a \$12,400 work credit to clean it up and pay to have it done. She stated the Agency will receive \$11,600 back. She stated they plan to put in 2 apartments on top and retail space on the bottom. She stated there are a couple contingencies with the first one being an engineering report because there could be foundation problems. She stated the second is they need a certificate of occupancy so if there is a certain type of mold prohibiting them from getting a certificate of occupancy then they would not take the building and we would be on the hook for \$12,400. She stated originally we thought we were coming before the board with a quote for cleanup. She stated the quote is for \$12,400 for a total clean out. She stated it is a dangerous situation in the building

Kevin Ryan asked who made the offer. Julie Cerio stated CK Construction. She stated since it is a Landbank property they have requirements that we will need work out in terms of getting the Agency off and getting them on. She stated they are on the hook for everything the Landbank requires on the premises before the Landbank will release. She stated we have not actually received the offer but our realtor said he is putting it together.

Kevin Ryan stated the Agency is giving them a credit on the purchase offer and asked who is actually doing the cleanup work. Nate Stevens stated the quote we received was from Churchill and our understanding they will be working for CK.

Kevin Ryan asked if the Agency is giving CK the money to pay them. Julie Cerio stated yes as a credit. She stated the other option are to do the cleanup ourselves and hope someone comes in but she is not confident.

Steve Morgan asked how much we paid for the property. Julie Cerio stated the Agency paid \$90,000 for the two properties. She stated 435 was in much better repair and we put the roof on. She stated we have stabilized a city property. She stated we took a property back on taxes and turned it around. She stated we had the plan of selling it to St. Joe's for a workforce training program but then St. Joe's was bought out by a big conglomerate and changed that plan.

Steve Morgan asked if it was listed for \$24,000. Isabelle Harris stated yes and it was appraised.

Patrick Hogan stated both buildings would be in the same shape if we hadn't gone in that direction. He stated we took two buildings, rehabbed them, selling one and did something positive. He stated 435 has been a tremendous success with OCC and training people. Julie Cerio stated this turns it around and puts it back on the tax rolls.

Julie Cerio stated we also received a proposal from Dominick Robinson but that includes the Agency investing \$250,000 then giving it to them.

Fanny Villarreal stated there is \$30,000,000 on the table for workforce training that the County has. She asked if anyone has approached us to see about that. Julie Cerio stated no. She stated it has been on the market for 6 months, the word has been out and there hasn't been any interest. She stated Dominick Robinson looked into putting 2 apartments upstairs and a small training space downstairs and the Agency would be putting \$250,000 into this. She stated it is up to the Board but it is \$250,000 of \$500,000 and we have learned costs rise but it is up to the Board. She stated there may be other ways to spend \$250,000 training more people with more space.

Patrick Hogan stated there may be a more suitable building and there are a lot of variables. He stated we have an offer on the table.

Kevin Ryan stated we have an offer on the table where someone is going to pay us and take this off our hands.

Patrick Hogan stated there is money available for training but there are plenty of buildings in the city that we could spend a lot less money if we wanted to work a partnership with them down the road. He stated he thinks we need to take this offer.

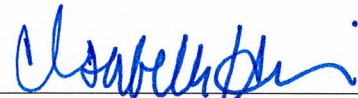
Tony Rivizzigno stated we need a resolution approving the sale subject to receiving a written purchase offer.

Upon a motion by Kevin Ryan, seconded by Janice Herzog, the OCIDA Board approved a resolution approving the sale of 437 North Salina Street subject to receiving a written purchase offer. Motion was carried.

Nate Stevens asked if the Board wants to pass a resolution to clean up the property in case the purchase offer falls through. Julie Cerio stated the property needs to be cleaned up so if this falls through do we want to do a parallel resolution to clean it up.

Upon a motion by Susan Stanczyk, seconded by Janice Herzog, the OCIDA Board approved a resolution to authorize the cleanup of 437 North Salina Street if purchase offer falls through. Motion was carried.

Upon a motion by Susan Stanczyk, seconded by Janice Herzog, the OCIDA Board adjourned the meeting at 8:34 am. Motion was carried.



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Isabelle Harris, Secretary