Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on January 11, 2008 at EDGE offices,
Rome, NY 13441


Staff Present: F. Arcuri, J. Castilla, R. Duchow, S. DiMeo, J. Karam, S. Papale

Others Present: Bob Comis, Sherrill City Manager; Todd Schaal, VVS School Board Vice Chairman; Joe Shay, Mayor of Sherrill; Dick Sheeran, Vernon Town Councilman; Norman Reed, VVS School Superintendent; Mike Hennessy, County Legislator L. Ruberto, BS&K; M. Stephens, Agency Counsel

Mr. Grow called the meeting to order at 8:10 AM.

The minutes from the December 14 meeting were amended to reflect that Mr. Seymour was given permission by the Agency to perform internet banking only to allow transfer of funds within Agency accounts. A motion to amend the minutes was made by Mr. Fitzgerald, seconded by Ms. Brown. The motion was unanimously carried. A motion to approve the minutes as amended was made by Mr. Fitzgerald, seconded by Mr. Valentine. The motion was unanimously carried.

A motion to enter Executive Session for the purpose of discussing pending contract negotiations was made by Mr. Betrus, seconded by Mr. Fitzgerald. The Board entered Executive Session at 8:15 AM. Consensus to exit was reached at 9:15 AM.

In other Agency business:

- Mr. Comis was invited to speak, along with other political and school district officials impacted by the proposed Ferris Industries PILOT being considered by the Agency. Mr. Comis stated that the elected officials present have taken action at their respective board level to oppose the proposed PILOT to Ferris in its current form. Mr. Grow related to the group that the Agency had only induced the benefit package to Ferris and that a public hearing is scheduled to provide a forum whereby public comment will be received and considered before a final decision is made.

Mr. Comis said he had received the lease and application which requested a standard PILOT of paying one-third of taxes for five years and two-thirds of taxes for another five years. In their view, “this will be a $1.4 million PILOT for 15 jobs,” he said. Ferris’ $2 million investment is for equipment to be used in Sherrill and Munnsville. There are four laser machines involved, two of which will be new, and others moved. Ms. Papale noted that the 15 jobs to be created in Sherrill is the initial number planned to be reached in one year and committed to for three years; but the company and the Agency anticipate more jobs will result from the
project. Mr. Comis said the PILOT would be worth $1.4 million over 10 years based on the property assessment of $7.1 million. He asked could Empire Zone (EZ) benefits could be used instead. Ms. Papale said that the company has changed its federal ID number, changing the EZ certification and benefits the company can access. Mr. Comis told the Agency he objected to the present form of the PILOT and that granting it would not be in the best interest of the community; stating that the "$1.4 million is simply a tax shift" to other taxpayers.

Mr. Comis stated the PILOT would increase city tax bills by four percent; other jurisdictions affected by the PILOT would receive a lesser increase. "We are looking for more reward based systems" Mr. Comis said. He mentioned that the building Ferris will be moving into was built in 2000 and received Agency benefits; if the present PILOT is approved, the building will be under the terms of a PILOT for 18 years. In regards to the prospect of jobs being created, Mr. Comis said, “While these plans start out as well-intentioned promises, they don’t turn out that way.” He did acknowledge that the Agency does have to respond to a request by a company for benefits while also stating that he was confident the building will be sold and it will not be to Ferris before the end of the year.

Noting the proposed lease with Ferris is for $3 per square foot, NNN, Mr. Comis asked how the proposed project make sense for the community; adding that he was looking for dialogue for “smart development” in the area. He noted his delinquent tax properties have been increasing in number and are now higher than ever. “For 15 jobs, I may be putting 15 more people on my delinquency list.” The average homeowner would pay $500 more in taxes over 10 years because of the deal, he said.

Mr. Comis added that is it difficult for the taxing jurisdictions affected by Agency action to participate in the approval process after an application has been filed with the Agency and would like to participate earlier in the PILOT process, sitting down with developers prior to Agency action.

Mr. Reed said, “What we’re asking for is intelligent economic development that benefits all jurisdictions and the entire region,” adding, “a number of PILOT issues have not worked out for our region.” Mr. Grow interjected that there was an apparent misconception of how the Agency deals with an application. When an application is received, it is first sent to Agency Council to determine if it can be acted on by the Agency. Once an affirmative determination is made, the Agency must move forward with the application. Public input is vital to the Agency’s action on a project and the Board clearly understands the impact its actions have on taxing jurisdictions.

Mr. Picente asked those present what benefit are they looking for in regards to the Ferris project? Mr. Comis responded that he was looking at a shift of $1.4 million in exchanged for 15 jobs and was at a loss as to how to explain it to his constituents; adding that members of his community are shocked at the benefits
being offered to Ferris in this case. Ms. Papale stated that a cost benefit analysis had been performed on the project and that the project had projected a $97 million impact and that she would share the analysis with Mr. Comis. Mr. Picente again asked what would make the project plausible. Mr. Reed responded that they would like to see a guarantee of more jobs or a deviation from the 2/3 tax exemption for the first five years of the PILOT; adding that if a company was moving into Sherrill and building a warehouse with 15 jobs they would applaud it. Their concern is the impact of the project on the current situation with that property.

Mr. Comis inquired as to what other PILOTs the Agency had approved where deviations were made. Mr. DiMeo said that the ConMed project in the former General Electric building on French Road was approved where a much greater benefit was received by the company as a result of the deviation.

Mr. Grow said that the Agency will analyze the comments of the guests at the meeting and that the Agency attempts to bring in new business to the region while preserving those already here; noting that this particular project is somewhat of an anomaly. Mr. Grow added that a public hearing will provide feedback that the Agency will consider as it shapes and updates its policy. Mr. Grow told those present that their participation in the public hearing is encouraged. Mr. Comis thanked him and noted that they wouldn’t have attended the meeting if they felt the outcome was predetermined.

Mr. Betrus asked those in attendance if they were totally against the PILOT or would they be in favor of it with specific changes made. Mr. Comis said they were open to modifications being made. Mr. Grow asked that the group present their modifications at the public hearing.

- Old business:
  - The Agency is ready to sign documents regarding the Adirondack Northern Railroad PILOT. The railroad wants to renegotiate back taxes for the City of Rome and the Rome School District. The county will have the right of first refusal on any property sold by the railroad.
  - Mr. Grow received a call from Alan Naples from M&T Bank regarding the termination of the Partners Trust PILOT and tax payments due. Mr. Grow agreed to meet, but reminded Mr. Naples that the Board’s position on recapturing the past taxes was very clear and that any action that is to be taken will take place in public session.
  - A motion to confirm the inducement of a 15-year PILOT for Housing Visions Consultants, Inc. was made by Mr. Fitzgerald, seconded by Mr. Valentine. The motion was unanimously approved.
  - A resolution to establish a public hearing for SDJ Properties, LLC/PLC Trenching, LLC to reapply for a new PILOT for expansion of their facility was unanimously approved upon a motion made by Mr. Betrus, seconded by Mr. Fitzgerald. Mr. Betrus disclosed that SDJ Properties is a member of
the Clinton Chamber and that he has no business dealings with the company.
  o Mr. Karam asked that the Agency table action on the Nirvana Inc. PILOT until next meeting.
  
• In regards to the Agency’s annual audit, Mr. Fitzgerald informed the Board that a multi-year quote was received from the accounting firms that bid on performing the Agency’s audit. Barone, Howard & Company proposed to perform the 2007 audit at the same price as the 2006. A motion to appoint Barone, Howard & Company as the Agency’s auditor for 2007 was made by Mr. Fitzgerald, seconded by Mr. Valentine. The motion was unanimously approved.
  
• A list of properties to be removed from the Agency’s name in 2008 was distributed. The first company to be removed in 2008 is Lodging Kit. Upon a motion made by Mr. Betrus, seconded by Mr. Fitzgerald, Lodging Kit was unanimously removed from the Agency’s name.
  
• A request by Call Mohawk Valley Home (CMVH) was brought before the Agency by Mr. Betrus. Mohawk Valley EDGE, area Chambers of Commerce, Working Solutions, the Oneida County Convention and Visitors Bureau, Genesis and a number of other organizations, agencies and private sector companies determined there was a need to develop a single point of entry to the region for internet users world wide. As a result, CMVH is developing a web portal that will serve as that gateway. An RFP was released and a designer chosen for the project: MVINTECH. On behalf of CMVH, Mr. Betrus requested the Agency fund the web portal project in the amount of $13,000. It was made clear that the Agency would be clearly identified as a sponsor for the portal. Upon a motion made by Mr. Betrus, seconded by Mr. Fitzgerald, funding for the web portal was unanimously approved.

There being no further business, the meeting was adjourned at 10:20 AM upon a motion made by Mr. Betrus, seconded by Mr. Grow.

Respectfully submitted,

Shawna M. Papale
Executive Director
Minutes of the Meeting of the  
Oneida County Industrial Development Agency  
Held on January 24, 2008 at the Radisson Hotel,  
Utica, NY 13501


Staff Present: F. Arcuri, J. Castilla, R. Duchow, J. Karam, S. Papale, L. Ruberto, L. Romano, J. Saunders

Others Present: L. Adler

Mr. Grow called the meeting to order at 8:35 AM.

*The minutes from the January 11 meeting were unanimously approved upon a motion made by Mr. Betrus, seconded by Mr. Valentine.*

The Board requested confirmation that the change in bank accounts has been completed as directed. Financial statements were received as presented.

In other Agency business:

- An Initial Authorizing Resolution for Lewiston at Clinton Street, LLC was brought before the Agency. Ms. Papale explained the project stating that Mr. Lewis contacted the Agency requesting assistance for the $25 million housing project they have undertaken. The project will take place in five phases with each phase estimated to cost approximately $5 million. Phase one of the project is already completed. The project involves wetlands mitigation – which will alleviate flooding issues in the area. The mitigation has been solely borne by Mr. Lewis’ company and combined with rapidly rising construction costs; the cost of the project is outpacing the projected rents. Mohawk Valley EDGE has demonstrated the need for the type of housing being constructed by Mr. Lewis in its interactions with major employers looking to locate in the region. Mr. Fitzgerald clarified that Mr. Lewis was only seeking mortgage recording and sales tax exemptions, not property tax abatement. Mr. Valentine relayed that he was in favor of approving phase two of the project and that the other phases should be presented to the Agency as they are implemented, as demand will determine the execution of subsequent phases of the project. Ms. Brown questioned if approval of this project was a deviation from Agency policy, Mr. Grow confirmed that action on this project would be a deviation from current Agency policy. **Mr. Betrus made a motion to approve sales tax exemption for Phase II of the project currently under construction, noting that the company would have to return to the Agency to request assistance for future phases of the project however only one Agency fee will be charged for the entire project. Mr. Fitzgerald seconded the motion. The motion was unanimously passed.**

- Ms. Papale explained the Nirvana Spring Water expansion project was originally induced by the Agency for a PILOT Agreement and bond. Bank of America is providing financing for the project and the company will not be pursuing a bond. Mr. Karam stated
that financing for the project got complicated and as a result the company put Agency assistance on hold but now that it appears to be straightened out, the company would like to move forward with the PILOT. The IAR and FAR were approved in 2007, a public hearing was held on July 12, 2007 with no comment from the public received. Upon a motion made by Mr. Fitzgerald, seconded by Mr. Betrus the Nirvana project was unanimously reaffirmed.

- An easement, subject to approval by the Adirondack Northern Railway, to finalize the sale of property from Sphere Development Group to a land owner of a retail tractor supply store was unanimously approved upon a motion made by Mr. Valentine, seconded by Mr. Betrus.
- Mr. Grow requested that discussion on proposed policy revisions be tabled.
- Mr. Adler was invited to speak in regards to his project taking place in the Town of New Hartford for which he is requesting Agency assistance. Mr. Adler said that he is working with the county, school district, town and EDGE to develop the New Hartford Business Park. The construction of The Hartford Insurance building will require $5 million in infrastructure improvements to the property. The Town of New Hartford has committed to some of the improvements. The application Mr. Adler has brought before the Agency is for construction of a hotel (New Hartford Office Group LLC). In addition Dr. John Costello has submitted an application for Agency assistance in the construction of an office building in the Park (BCK Enterprises LLC). There is a Tax Increment Financing (TIF) proposal to perform the infrastructure improvements on the property. Mr. Adler said the county, town and school district have reached consensus to accept the TIF allocation agreement. Financing is proposed from three PILOT streams:
  1. A 10-year PILOT for The Hartford Insurance which includes sales and mortgage recording tax exemption and property tax abatement of 67% for years 1 – 5, 33% for years 6 – 10, and then is amended to add years 11 – 15 at 0% abatement.
  2. A 15-year PILOT for New Hartford Office Group, LLC which includes sales and mortgage recording tax exemptions and 0% abatement of property taxes.
  3. A 15-year PILOT for BCK Enterprises, LLC which includes sales and mortgage recording tax exemptions and 0% abatement of property taxes.

As proposed, the Agency would collect the funds from the three landowners, pay the debt service for infrastructure improvements and allocate the balance to the taxing jurisdictions on a prorated basis. Mr. Fitzgerald recommended that the Agency’s contract with EDGE specify EDGE’s administration in the collection of taxes on projects such as this. When asked what type of hotel was to be built in the Park, Mr. Adler responded that it was a Hampton Inn & Suites.

Mr. Fitzgerald made a motion to approve an Initial Authorizing Resolution for New Hartford Office Group LLC which includes a 15-year PILOT/TIF with 0% property tax abatement, sales tax exemption and no mortgage recording tax exemption. Ms. Brown seconded the motion. Mr. Betrus said the Agency should consider broadening its approach to such projects. Mr. Grow called for a vote, the motion was unanimously approved.
Mr. Fitzgerald made a motion to approve an Initial Authorizing Resolution for BCK Enterprises LLC which includes a 15-year PILOT/TIF with 0% property tax abatement and no mortgage recording and no sales tax exemption. Ms. Brown seconded the motion. Mr. Grow called for a vote, the motion was unanimously approved.

A motion to amend the Initial Authorizing Resolution for The Hartford Insurance to extend the PILOT/TIF for five years at 0% tax abatement with all tax proceeds being paid to the Agency for distribution to debt service providers and taxing jurisdictions as specified in the TIF Agreement was made by Mr. Betrus, seconded by Mr. Fitzgerald. The motion was unanimously carried.

- A motion to enter Executive Session for the purpose of discussing pending contracts was made by Mr. Betrus, seconded by Ms. Brown. The Agency entered Executive Session at 9:30 AM. Consensus to exit Executive Session was reached at 9:35 AM.

There being no further business, the meeting was adjourned at 9:40 AM upon a motion made by Mr. Betrus, seconded by Ms. Brown.

Respectfully submitted,

Shawna M. Papale
Executive Director
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on February 28, 2008 at the Sherrill Municipal Building,
Sherrill, NY


Staff Present: J. Castilla, S. Papale

Others Present: P. Romano, L. Ruberto, M. Stephens

Mr. Grow called the meeting to order at 8:10 AM.

Approval of the minutes of the January 24 meeting was deferred.

Upon a motion made by Mr. Fitzgerald, seconded by Mr. Betrus, the Agency entered Executive Session at 8:15 AM for the purpose of discussing pending contracts and potential litigation. Consensus to exit Executive Session was reached at 9:05 AM.

Ms. Papale informed the Board that financial statements will be made available at the March meeting.

In other Agency business:

- In accordance with the Memorandum of Understanding between the Agency and the Griffiss Local Development Corporation:
  - A Final Authorizing Resolution relating to the GLDC XI Transfer for Parcels F3A and F5 was unanimously approved upon a motion made by Mr. Fitzgerald, seconded by Ms. Brown.
  - A Final Authorizing Resolution relating to the GLDC XII Transfer for the water distribution and sanitary/storm sewer systems was unanimously approved upon a motion made by Mr. Valentine, seconded by Ms. Brown.

- Ms. Papale explained expansion project underway at SDJ Properties/PLC Trenching. The company is adding 16,000 square feet to its existing building and is requesting Agency benefits in the form of a standard 10-year industrial PILOT, sales and mortgage recording tax exemptions. Mr. Fitzgerald asked if the current PILOT can be modified to include the building addition. Ms. Ruberto said that the current PILOT can be amended and restated to reflect the addition. Mr. Fitzgerald moved to amend and restate the current SDJ Properties/PLC Trenching PILOT to apply Agency benefits including PILOT Agreement, sales tax exemption and mortgage recording tax exemption to the addition. Mr. Valentine seconded the motion. The motion was unanimously passed. Mr. Betrus stated that the company is a member of the Clinton Chamber of Commerce.

- An Initial Authorizing Resolution granting a standard 10-year industrial PILOT Agreement, sales tax exemption, but no mortgage tax exemption for SAES Getters Smart Materials was brought before the Agency. Mr. Betrus pointed out that the application stated 29 jobs would be associated with the project; while the old PILOT stated 34 jobs.
A motion to approve the PILOT with sales tax exemption, no mortgage recording tax exemption, and employment level of at least 34 full-time positions within 24 months of the PILOT’s execution date was made by Mr. Betrus, seconded by Mr. Fitzgerald. The motion was unanimously passed.

- Mr. Romano from Shumaker Engineering distributed and explained the change order for RCBRC. The workplan was submitted and approved by the DEC and the scope of work was formed with the DEC’s input. A motion to approve the execution of the workplan contingent upon receipt of the contract from the City of Rome verifying participation in payment of the 5% match was made by Mr. Fitzgerald, seconded by Mr. Valentine. The motion was unanimously passed with Mr. Grow abstaining.

- In regards to old business, Mr. Stephens explained the following:
  - The Bank of America PILOT is set to expire on February 28, 2008. A resolution to transfer the property back to the owner was unanimously approved upon a motion made by Mr. Fitzgerald, seconded by Mr. Betrus.
  - The Tri-Valley Beverage project was induced by the Agency in 2004. The facility was upgraded in 2006. The effective date of the PILOT will be in 2006. A motion to approve final execution of documents including $500 annual rental fee payable to the Agency was made by Mr. Fitzgerald, seconded by Mr. Valentine. The motion was unanimously passed.
  - A Final Authorizing Resolution for Burrstone Energy project is needed to reflect the following: no property tax abatement, sales tax exemption and mortgage recording tax exemption. A motion to approve the FAR for Burrstone energy with no property tax abatement, sales tax exemption and mortgage recording tax exemption was made by Mr. Betrus, seconded by Mr. Grow. The motion was passed with Mr. Fitzgerald and Mr. Valentine abstaining.

There being no further business, the meeting was adjourned at 9:45 AM upon a motion made by Mr. Betrus, seconded by Mr. Valentine.

Respectfully submitted,

Shawna M. Papale
Executive Director
Members Present: F. Betrus, N. Brown, R. Calli, M. Fitzgerald, D. Grow

Staff Present: J. Castilla, S. Papale


Mr. Grow called the meeting to order at 8:10 AM.

Upon a motion made by Ms. Brown, seconded by Mr. Betrus, the Agency entered Executive Session at 8:15 AM for the purpose of discussing pending contracts. Consensus to exit Executive Session was reached at 8:50 AM.

In other Agency business:

- Ms. Papale distributed the latest revisions to the recapture policy as it applies to The Hartford Insurance. Discussion ensued. Discussion points pertaining to the recapture provisions included:
  - The Hartford certify to the Agency their FTE’s for each year the PILOT is in force.
  - The Hartford certify to the Agency their acceptance of the property’s assessed value for each year the PILOT is in force. If The Hartford does not agree with the assessed value, they must follow the standard grievance procedure outlined in the PILOT Agreement.
  - Mr. Livingston agreed that the recapture schedule on Page Four of the recapture provisions be kept in tact with the addition of mortgage recording tax being subject to recapture action.
  - The Ryan Companies is not liable for job numbers in years 11 – 15 of the PILOT Agreement.
  - Mr. Livingston, counsel for The Hartford, requested that the first reporting period pertaining to the recapture provisions begin on 12/31/2009.
  - A motion to approve a Final Authorizing Resolution for The Hartford/Ryan Companies incorporating the above-mentioned revisions to the recapture agreement; subject to final approval of documents by legal counsel, was made by Mr. Calli, seconded by Mr. Betrus. The motion was unanimously approved.
- At the February 28, 2008 meeting of the Agency, a PILOT was approved for the expansion of SDJ Properties/PLC Trenching. The Agency agreed to modify the existing PILOT that was enacted in 2006 to add the additional property that was part of the expansion. In so doing, the Agency inadvertently shorted the benefit period for the expansion project from ten to eight years. A motion to amend the action taken at the February 28 meeting to apply a full 10-year PILOT to the expansion project for SDJ
Properties/PLC Trenching was made by Mr. Betrus, seconded by Ms. Brown. The motion was unanimously approved.

- As part of the M.G.S. Manufacturing, Inc. expansion project that took place in 2001, a loan from Statewide Zone Capital Corporation to Mohawk Valley EDGE was made. To take advantage of lower interest rates, EDGE requested the Agency to approve modification to the loan agreement for the purpose of refinancing at a lower interest rate. *A motion to approve the refinancing documents, subject to final approval of counsel, was made by Mr. Calli, seconded by Mr. Betrus.* The motion was approved with Mr. Grow abstaining.

There being no further business, the meeting was adjourned at 9:55 AM upon a motion made by Mr. Betrus, seconded by Ms. Brown.

Respectfully submitted,

Shawna M. Papale
Executive Director
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on March 27, 2008 at the EDGE Offices,
Rome, NY 13441


Staff Present: J. Castilla, S. Papale

Others Present: Mayor Brown, J. Dawes, L. Ruberto, M. Stephens

Mr. Grow called the meeting to order at 8:05 AM.

Agency business included:

- A Final Authorizing Resolution (FAR) for the Canal Village LLC Facility was brought before the Agency. Mayor Brown informed Board members that all taxing jurisdictions affected by the Agency’s action were in agreement with the project as presented and he appreciates the Agency’s support of this project as it represents an $8.1 million investment in James Street. A motion to approve the FAR for Canal Village LLC representing a deviation from the Agency’s Uniform Tax Exemption Policy to provide Agency benefits in the form of a PILOT equal to 7% of the gross rents for each year up to the sooner of 15 years or the property changing ownership and sales and mortgage recording tax exemption was made by Mr. Betrus, seconded by Mr. Valentine. The motion was unanimously approved.

- Upon a motion made by Mr. Valentine, seconded by Mr. Betrus, the Agency entered Executive Session at 8:10 AM. Consensus to exit was achieved at 8:40 AM.

- A Final Authorizing Resolution (FAR) for Briggs & Stratton was brought before the Agency. A public hearing was held for this project as well as meetings with public officials and Agency staff. Documentation received with the application for benefits demonstrates that the project meets the Agency’s criterion set forth by the Cost Benefit Analysis. Minutes of the public hearing were distributed to Agency members in the mailing prior to the meeting. Ms. Papale thanked Mr. Dawes for his cooperation in responding to the numerous requests for information pertaining to this project. Discussion ensued pertaining to the job requirements of the project. A motion to approve the FAR for Briggs & Stratton providing benefits in the form of a standard 10-year industrial PILOT with the requirement to maintain 323 jobs in Madison County and create 15 jobs in Oneida County within three years of closing and 30 total jobs in Oneida County within five years of closing in accordance with the City of Sherrill’s taxable status date. Furthermore, the PILOT will be revisited if the job numbers are not met and if the company becomes QEZE qualified. Mr. Calli seconded the motion. Mr. Dawes asked if the job requirement and QEZE status were standard benchmarks of an Industrial PILOT. Discussion ensued as to the impact of the benchmarks on the PILOT’s terms. Upon a call for a vote from Mr. Grow, the motion was unanimously passed.

- A Final Authorizing Resolution (FAR) for the New Hartford Office Group LLC Facility was brought before the Agency. A motion to approve the FAR for the New Hartford
Office Group, LLC for the purpose of providing benefits in the form of Tax Increment Financing for the project to include sales tax exemption, no PILOT, no mortgage recording tax exemption representing a deviation from the Agency’s Uniform Tax Exemption Policy was made by Mr. Betrus, seconded by Mr. Valentine. The motion was unanimously passed.

- A Final Authorizing Resolution (FAR) for the BCK Enterprises, LLC Facility was brought before the Agency. A motion to approve the FAR for BCK Enterprises, LLC for the purpose of providing benefits in the form of Tax Increment Financing for the project to include no sales tax exemption, no PILOT, no mortgage recording tax exemption representing a deviation from the Agency’s Uniform Tax Exemption Policy was made by Mr. Betrus, seconded by Mr. Zogby. The motion was unanimously passed.

- A Final Authorizing Resolution (FAR) for Phase II of the Lewiston at Pheasant Run Facility was brought before the Agency. A motion to approve the FAR for Phase II of the Lewiston at Pheasant Run project for the purpose of providing benefits that include sales tax exemption, no PILOT, no mortgage recording tax exemption was made by Mr. Betrus, seconded by Mr. Zogby. The motion was passed with Mr. Calli opposed.

- An Authorizing Resolution relating to the refinance of the Parco Properties Inc./The Fountainhead Group, Inc. Facility was brought before the Agency. Business conditions have warranted a change in financing for the company. The Agency has been requested to approve the changes in financing for the company. A motion to authorize the refinancing of Parco Properties, Inc./The Fountainhead Group, Inc. to include the Agency benefit of mortgage recording tax exemption was made by Mr. Fitzgerald, seconded by Mr. Valentine. The motion was unanimously approved.

In Old Business:

- Mr. Grow informed the Board that M&T Bank has informed him that they are evaluating the invoice for recapture of taxes under the former Partners Trust PILOT.

There being no further business, the meeting was adjourned at 9:20 AM upon a motion made by Mr. Betrus, seconded by Mr. Valentine.

Respectfully submitted,

Shawna M. Papale
Executive Director
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on April 24, 2008 at the EDGE Offices,
Rome, NY 13441


Staff Present: F. Arcuri, J. Castilla, J. Karam, S. Papale, M. Rizzo

Others Present: L. Ruberto

Mr. Grow called the meeting to order at 8:05 AM.

The minutes from the March 10, 2008 and March 27, 2008 meeting were unanimously approved upon a motion made by Mr. Betrus, seconded by Mr. Valentine.

Other Agency business included:

- A Final Authorizing Resolution (FAR) for PLC Trenching/SDJ Properties for the firm’s second expansion on Robinson Road, Clinton, NY was brought before the Agency. The company’s business is growing at a rate that necessitates another addition to their current facility. A motion to approve the FAR for PLC Trenching/SDJ Properties was made by Mr. Betrus, seconded by Mr. Valentine. The motion was unanimously approved.

- Discussion and action regarding approval of various documentation and policies listed in Agenda items #3 - #6 in accordance with the Public Authority Accountability Act was tabled as Agency members did not have sufficient time to review each document prior to the April 24 meeting. Mr. Grow instructed Ms. Papale to indicate that the policies had not yet been adopted by the Agency on the Agency’s Annual Report to the Comptroller. Action will be taken at the May meeting of the Agency.

In Old Business:

- The release of Fountainhead Group, Inc. from its equipment bond was brought before the Agency. A motion to approve the form and execution of documents relating to the termination of the equipment bond for the Fountainhead Group, Inc. was made by Mr. Fitzgerald, seconded by Mr. Zogby. The motion was unanimously passed.

- The Agency was requested to accept and approve the Findings for the New Hartford Office Group, LLC and BCK Enterprises, LLC regarding their respective projects taking place at the New Hartford Business Park. A motion to accept and approve the Findings for the New Hartford Office Group, LLC and BCK Enterprises, LLC was made by Mr. Valentine, seconded by Mr. Fitzgerald. The motion was unanimously passed.

There being no further business, the meeting was adjourned at 8:35 AM upon a motion made by Mr. Betrus, seconded by Mr. Valentine.

Respectfully submitted,

Shawna M. Papale
Executive Director
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Oneida County Industrial Development Agency
Held on March 27, 2008 at the EDGE Offices,
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Staff Present: J. Castilla, S. Papale

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Office Group, LLC for the purpose of providing benefits in the form of Tax Increment Financing for the project to include sales tax exemption, no PILOT, no mortgage recording tax exemption representing a deviation from the Agency’s Uniform Tax Exemption Policy was made by Mr. Betrus, seconded by Mr. Valentine. The motion was unanimously passed.

- A Final Authorizing Resolution (FAR) for the BCK Enterprises, LLC Facility was brought before the Agency. A motion to approve the FAR for BCK Enterprises, LLC for the purpose of providing benefits in the form of Tax Increment Financing for the project to include no sales tax exemption, no PILOT, no mortgage recording tax exemption representing a deviation from the Agency’s Uniform Tax Exemption Policy was made by Mr. Betrus, seconded by Mr. Zogby. The motion was unanimously passed.

- A Final Authorizing Resolution (FAR) for Phase II of the Lewiston at Pheasant Run Facility was brought before the Agency. A motion to approve the FAR for Phase II of the Lewiston at Pheasant Run project for the purpose of providing benefits that include sales tax exemption, no PILOT, no mortgage recording tax exemption was made by Mr. Betrus, seconded by Mr. Zogby. The motion was passed with Mr. Calli opposed.

- An Authorizing Resolution relating to the refinance of the Parco Properties Inc./The Fountainhead Group, Inc. Facility was brought before the Agency. Business conditions have warranted a change in financing for the company. The Agency has been requested to approve the changes in financing for the company. A motion to authorize the refinancing of Parco Properties, Inc./The Fountainhead Group, Inc. to include the Agency benefit of mortgage recording tax exemption was made by Mr. Fitzgerald, seconded by Mr. Valentine. The motion was unanimously approved.

In Old Business:

- Mr. Grow informed the Board that M&T Bank has informed him that they are evaluating the invoice for recapture of taxes under the former Partners Trust PILOT.

There being no further business, the meeting was adjourned at 9:20 AM upon a motion made by Mr. Betrus, seconded by Mr. Valentine.

Respectfully submitted,

Shawna M. Papale
Executive Director
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on June 26, 2008 at the EDGE Offices,
Rome, NY 13441


Staff Present: F. Arcuri, J. Castilla, S. DiMeo, J. Karam, S. Papale, M. Rizzo

Others Present: D. Guzевич, D. Maneen, C. Martell, T. O’Byrne, L. Ruberto, L. Romano, P. Romano, C. Vitale, P. Vitale

Mr. Grow called the meeting to order at 8:05 AM.

The minutes of the April 24 and May 22, 2008 meetings of the Agency were unanimously approved on a motion made by Mr. Fitzgerald, seconded by Mr. Zogby.

Agency business included:

- A Resolution approving the conveyance from the Agency to ConMed Corporation of the facility located at 5836 Success Drive, Rome, NY and approval of the form and execution of documents was brought before the Agency. The Resolution was unanimously approved upon a motion made by Mr. Fitzgerald, seconded by Ms. Brown.

- A Resolution approving the conveyance from the Agency to ConMed Corporation of the facility located at 310 Broad Street, Utica, NY and approval of the form and execution of documents was brought before the Agency. The Resolution was unanimously approved upon a motion made by Mr. Fitzgerald, seconded by Mr. Valentine.

- A Resolution approving the conveyance from the Agency to Boonville Enterprises, Inc. of the facility located at Route 12, Boonville, NY and approving the form and execution of documents was brought before the Agency. The Resolution was unanimously approved upon a motion made by Mr. Zogby, seconded by Mr. Fitzgerald.

- A Resolution authorizing the execution of a Supplemental Indenture to amend the Indenture of the Trust for the OCIDA 2002 Civic Facility Revenue Bonds for Hamilton College, to modify the Indenture provisions relating to the Liquidity Facility for the Series 2002 Bonds was brought before the Agency. A motion to approve the Resolution subject to review and approval of legal counsel was made by Mr. Fitzgerald, seconded by Ms. Brown. The motion was unanimously carried.

- The Agency was requested to approve a Declaration of Restrictive Covenant relating to the SAES Smart Materials, Inc. facility and the approval of the execution of related documents. Ms. Papale explained that the Agency’s approval is necessary in order for the company to build an addition on their existing building. Upon a motion made by Mr. Grow, seconded by Ms. Brown the request was unanimously approved.

- The Agency was requested to ratify the execution of loan documents pertaining to the sale of the Oneida Ltd. facility and approve the execution of related documents. A motion to approve the ratification of the loan documents subject to review and approval of legal
counsel was made by Mr. Fitzgerald, seconded by Mr. Zogby. The motion was unanimously carried.

- As Chair of the Agency’s Audit Committee, Mr. Fitzgerald gave a brief review of the Agency’s 2007 Audit. As the Audit was submitted with no issues or findings, Mr. Fitzgerald recommends the Agency’s acceptance of the Audit. Upon a motion made by Mr. Fitzgerald, seconded by Ms. Brown, the Audit was unanimously accepted.

- Mr. Maneen, President of Griffiss Utilities Services Corporation, (GUSC) was present to explain the proposed GUSC bio-fuel project for Griffiss Business & Technology Park. It was pointed out that the Agency fee listed in the application was incorrect and will be changed. When questioned on the status of bank financing for the project, Mr. Maneen stated that he expects formal commitment from the bank (Key Bank) in mid-July. Mr. Fitzgerald asked what the benefit would be to Park tenants should the project proceed as planned. Mr. Maneen projects a $1 - $2 million annual savings to customers of GUSC. A motion to approve an Initial Authorizing Resolution for up to $30 million in Civic Facility bonding contingent upon the NYS Legislature passing Civic Facility legislation was made by Mr. Valentine, seconded by Mr. Grow. Discussion ensued. In the absence of a recommendation for the project from an independent third party; Mr. Grow instructed staff to draft a letter to the Griffiss Local Development Corporation (GLDC), who has yet to approve the project, recommending GLDC to secure an independent review of the feasibility studies specifically commenting on the technology used and availability of source material proposed for the project. Upon a call for a vote, the IAR was unanimously passed.

- An assistance request from BBL Verona, LLC was brought before the Agency. Mr. Martell and Mr. O’Byrne from BBL, Verona, LLC; presented their project to the Agency. The project proposes the construction of a hotel, restaurant and a related retail establishment at 5264 Willow Lane – a 4.05 acre parcel in close proximity to the Turning Stone Casino in Verona, NY. Included among the improvements to the site is an extension of a natural gas line approximately 1,000 feet to service the property and upgrades to the road at Willow Lane. Discussion ensued. Mr. Fitzgerald inquired as to Agency staff having made Mr. O’Byrne aware of the Agency’s policy of not supporting retail projects. Mr. O’Byrne stated that the Agency’s position was made clear by Ms. Papale; however he believes the project justifies a deviation from Agency policy if viewed as a tourism initiative.

- An IAR for The Terrace at Woodland, an assisted living project proposed for Rome, NY, was brought before the Agency. Paul and Chris Vitale explained the project and the reasoning for requesting Agency assistance. Discussion ensued. Upon a motion made by Mr. Zogby, seconded by Mr. Fitzgerald; the Agency entered Executive Session at 9:55 AM for the purpose of discussing potential contracts and Inducement Resolutions. Consensus to exit Executive Session was reached at 10:25AM.

- A motion to approve an IAR for The Terrace at Woodland was made by Mr. Grow, seconded by Mr. Valentine. A motion to table the inducement was made by Mr. Valentine, seconded by Mr. Zogby. Mr. Grow recommended Mr. Vitale research the benefits of pursuing 485-b taxing status with the City of Rome before the next meeting of the Agency.
In Old Business:

- A request to grant an easement for the Mascoma project was brought before the Agency. *Upon a motion by Mr. Fitzgerald, seconded by Mr. Zogby, the easement was unanimously granted.*

- Owl Wire, Boonville, has requested the Agency consent to the construction of a garage facility on their property. No benefit is requested for the project. *A motion to consent to the construction contingent upon governmental approval of the new structure was made by Mr. Fitzgerald, seconded by Mr. Zogby.* The motion was unanimously passed.

- A Resolution to disburse the recapture fees collected by the Agency from M&T Bank for violating the former Partners Trust PILOT to affected taxing jurisdictions was brought before the Agency. Discussion ensued. *A motion to return collected fees less 5% (to serve as an Agency Fee for legal and administrative costs) was made by Mr. Valentine, seconded by Mr. Zogby.* The motion was unanimously carried.

- A request by the NYS Department of Transportation to pay owners of properties for land used as part of DOT projects was brought before the Agency. Mr. Grow noted that a letter from the beneficial owners of the affected properties agreeing to the price offered by DOT should be received by the Agency before granting the request. *A motion to proceed with the DOT request contingent upon Agency staff and beneficial owners agreeing to the price offered by DOT was made by Mr. Fitzgerald, seconded by Mr. Zogby.* The motion was unanimously passed.

- A request to consent to allowing Ms. Papale and Mr. Arcuri the ability to negotiate and sign agreements with Shumaker Engineering in regards to the environmental clean-up project at the former Rome Cable industrial site was brought before the Agency. Mr. Arcuri explained the current progress and challenges associated with the project. *A motion to authorize Ms. Papale and Mr. Arcuri to negotiate and sign agreements with Shumaker Engineering for matters relating to the clean-up of the former Rome Cable site was made by Mr. Zogby, seconded by Mr. Fitzgerald.* The motion passed with Mr. Valentine and Mr. Grow abstaining.

There being no further business, the meeting was adjourned at 10:40 AM upon a motion made by Mr. Fitzgerald, seconded by Mr. Valentine.

Respectfully submitted,

Shawna M. Papale
Executive Director
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on August 14, 2008 at the EDGE Offices,
Rome, NY 13441


Staff Present: J. Castilla, S. DiMeo, J. Karam, S. Papale

Others Present: D. Guzewich, M. Hennessey, C. Martell, N. Matt, M. Murphy, L. Ruberto, C. Vitale, J. Vitale

Mr. Grow called the meeting to order at 8:03 AM.

The minutes of the June 26 meeting of the Agency were unanimously approved on a motion made by Mr. Betrus, seconded by Mr. Valentine.

In other Agency business:

- An Initial Authorizing Resolution for Matt Brewing Company was brought before the Agency. Mr. Matt explained the $7.465 million plan being implemented to rebuild the bottling facility at the brewery after the fire. Discussion ensued. Mr. Fitzgerald made a motion to fix taxes for Matt Brewing Company at $100,000 for one year; fix taxes at the 2008 rate for years 2 – 5 and the higher of 2008 taxes or 2/3 of all taxes due and owed for years 6 – 10. The motion was seconded by Mr. Grow and unanimously approved.

- Chris Martell from Hodgson-Russ, the developer for the BBL hotel and restaurant complex in Vernon was present to further explain his project to the Agency. Mr. Martell was present at the Agency’s June meeting and was directed to speak with the taxing jurisdictions affected by the project to determine their support of the project. Mr. Martell spoke with representatives from the taxing jurisdictions and has obtained support of the project receiving Agency benefits from county and town officials however the school district, while in favor of the project, could not offer support of the project receiving real property tax benefits. Mr. Martell recognized the project was a deviation from Agency policy but requested approval of the project. Ms. Papale stated that in her discussions of this project with County Executive Mr. Picente, Mr. Picente was not opposed to the project receiving sales and mortgage recording tax exemptions. Discussion ensued. Mr. Zogby made a motion to induce an Initial Authorizing Resolution allowing sales tax exemption and mortgage recording tax exemption but no PILOT for property taxes. The motion was seconded by Mr. Zogby. Mr. Hennessey expressed confidence in the project benefiting the area given the location of the project. Mr. Grow called for a vote. Mr. Betrus and Mr. Zogby were in favor, Mr. Valentine, Ms. Brown, Mr. Grow and Mr. Fitzgerald opposed. The motion was defeated. Mr. Valentine made a motion to induce an IAR allowing mortgage recording tax exemption only. Mr. Fitzgerald seconded the motion. The motion was unanimously approved. Mr. Martell asked that if the Agency should modify its policy in regards to retail projects, that it reconsider his request for a PILOT and sales tax exemption as well.
Jim and Chris Vitale, developers for the Terrace at Woodland were present to further explain their Assisted Living Project (ALP) for low/mod income individuals planned for the City of Rome. Chris distributed a narrative description of the ALP and stated it would create 40-50 permanent jobs and 50 construction jobs. He further explained that there is currently no low/mod income ALP facility in Rome and those seniors who are in need of such facilities are forced to move to other cities that have such services. The Vitales requested the Agency approve a PILOT with sales and mortgage recording tax exemptions. Ms. Papale suggested to the Vitales that property tax reductions would be more advantageous under the City of Rome’s 485-b program rather than through a PILOT from the Agency. *A motion to approve mortgage recording tax exemption for the Terrace at Woodland project was made by Mr. Valentine.* Ms. Brown seconded the motion. Mr. Grow called for a vote. Mr. Grow, Mr. Betrus, Mr. Valentine, Ms. Brown and Mr. Zogby voted in favor; Mr. Fitzgerald opposed. The motion was passed. *A motion to approve sales tax exemption for the Terrace at Woodland project was made by Mr. Betrus.* Mr. Grow seconded the motion. Upon a vote, Mr. Grow and Mr. Betrus were in favor, the remaining Board opposed, Ms. Brown abstained. The motion was defeated.

A Resolution to approve amendments to OCIDA 2002 Bonds for Hamilton College, authorizing termination of the bond insurance securing the bonds, conversion of the bonds from variable rate to fixed rate, remarketing of the bonds in fixed rate mode, and related amendments to bond documents was brought before the Agency. *The Resolution was unanimously approved upon a motion made by Mr. Fitzgerald, seconded by Mr. Grow.*

A Resolution authorizing (a) the release of Parcel F-1 and Parcel F-4 from Lease Agreements with GLDC, (b) the conveyance of Parcel F-1 and Parcel F-4 to GLDC pursuant to the Memorandum of Understanding and (c) upon acquisition of certain additional lands from the United States Air Force, the release of said lands to GLDC, all for the purpose of conveying all lands to Birnie Bus Service, Inc. was brought before the Agency. *A motion to approve the Resolution using the best-suited methodology in the opinion of legal counsel was made by Mr. Betrus, seconded by Mr. Fitzgerald.* The motion was unanimously passed.

An Initial Authorizing Resolution (IAR) for a project by Leonard Bus Company was brought before the Agency. Ms. Papale related to the Board the project meets Agency criterion for sales, mortgage recording and PILOT exemptions. Mr. Grow felt the project would be better served if the company filed for 485-b benefits with the City of Rome. Discussion ensued. *Mr. Grow moved to approve an IAR for Leonard Bus Company with mortgage recording tax exemption and sales tax exemption.* Mr. Betrus seconded the motion. All members voted in favor with Mr. Fitzgerald abstaining. The motion was passed.

An Initial Authorizing Resolution for a project by Birnie Bus Service, Inc. was brought before the Agency. *A motion to approve mortgage recording tax exemption for the project was made by Mr. Fitzgerald, seconded by Mr. Valentine.* All members voted in favor of the project with Mr. Grow abstaining. The motion was passed.

*A Resolution authorizing the termination of the Oneida Research Services Facility and the form and execution of conveyance and termination documents was unanimously approved upon a motion made by Mr. Fitzgerald, seconded by Mr. Betrus.*
• A motion to approve the transfer of Parcel F4C to GLDC under the terms and conditions consistent with the MOU and EDC Agreement was made by Mr. Betrus, seconded by Mr. Grow. The motion was unanimously passed.

• A Resolution to have OCIDA serve as the lead agency under SEQR for the Rome Cable Complex #3 Demolition Project was brought before the Agency. A motion to approve the Resolution was made by Mr. Fitzgerald, seconded by Mr. Betrus. The motion was unanimously passed.

• The Agency entered Executive Session at 10:00 AM upon a motion made by Mr. Fitzgerald, seconded by Mr. Valentine.

• The Agency exited Executive Session at 10:20 AM upon a motion made by Mr. Valentine seconded by Mr. Fitzgerald

There being no further business, the meeting was adjourned at 10:30 AM upon a motion made by Mr. Betrus, seconded by Mr. Valentine.

Respectfully submitted,

Shawna M. Papale
Executive Director
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on September 8, 2008 at the EDGE Offices,
Rome, NY 13441

Members Present: F. Betrus (by telephone), M. Fitzgerald, D. Grow, M. Valentine, S. Zogby

Staff Present: S. DiMeo, S. Papale, M. Rizzo

Others Present: M. Murphy

Mr. Grow called the meeting to order at 8:03 AM.

Presented for consideration and vote by Ms. Papale was a request to approve a Final Authorizing Resolution for The Terrace at Woodland. A motion to approve mortgage recording tax exemption for the Terrace at Woodland project was made by Mr. Fitzgerald. Mr. Valentine seconded the motion. Mr. Grow called for a vote. Mr. Grow, Mr. Betrus, Mr. Valentine, Mr. Fitzgerald and Mr. Zogby voted in favor.

The Agency entered Executive Session at 8:14 AM upon a motion made by Mr. Valentine, seconded by Mr. Zogby.

The Agency exited Executive Session at 9:10 AM upon a motion made by Mr. Valentine seconded by Mr. Zogby.

There being no further business, the meeting was adjourned at 9:11 AM upon a motion made by Mr. Fitzgerald, seconded by Mr. Valentine.

Respectfully submitted,

Shawna M. Papale
Executive Director
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on September 19, 2008 at the EDGE Offices,
Rome, NY 13441


Staff Present: J. Castilla, S. DiMeo, S. Papale, M. Rizzo

Others Present: M. Murphy, L. Romano, L. Ruberto

Mr. Grow called the meeting to order at 8:10 AM.

Ms. Papale informed the Board that action on Champion Home Builders and Remet Corporation will be postponed until the next Agency meeting.

A Resolution approving the extension of a lease agreement between Special Metals Corporation and SAES Smart Materials, Inc. and the execution of the Amendment #1 to Lease Agreement was brought before the Agency. *A motion to approve the Resolution was made by Mr. Fitzgerald; seconded by Mr. Valentine.* The Resolution was unanimously approved.

A Resolution authorizing the execution of a State Assistance Contract, and the initiation of the second phase of environmental cleanup at the former Rome Cable site in Rome, New York, pursuant to the terms and conditions set forth by the New York State Department of Environmental Conservation through its Environmental Restoration Program was brought before the Agency. *A motion to approve the Resolution was made by Mr. Betrus; seconded by Mr. Fitzgerald.* The Resolution was unanimously approved.

Mr. Grow introduced the discussion of Agency policy, which was the purpose of the meeting. Given the shift from a manufacturing dominant economy to a service and technology-based economy; there is a need for the Agency to review its policy and make adjustments that are responsive to the changing demographics of our region.

Ms. Romano explained to Members, the thought process that went into gathering and distribution the information Members had to review prior to the meeting. She explained the question to be answered by this meeting was whether the Agency would adopt a policy that accepts applications that are allowed by NY General Municipal Law or write a policy that is more restrictive than the law. She reminded Members that the Law governing IDA practice has restrictions in place to prevent situations where unfair competitive advantage is given to an applicant. Furthermore, Oneida County’s economic status allows for more flexibility in the types of applications that can be accepted by the Agency.

Mr. DiMeo mentioned that there has been a change among towns and cities in that they have been driving to get more commercial development in their towns in order to collect the sales tax that is associated with the commercial development.
Discussion ensued. Staff was requested to provide the following:

- A copy of Real Property Tax Law §485-b
- List which municipalities offer §485-b benefits and which do not
- Demonstrate the impact the board actually makes when granting benefits. Unsure whether board is overestimating its impact; don’t know unless they know the budget
- A recommendation by EDGE as to what kinds of projects will encourage economic development in the area
- Propose a policy that includes recommendations from the discussion that has taken place within this meeting; and has asked EDGE to list areas in the County with greater economic distress.

A special meeting will be held on October 15 to further discuss changes in policy.

Respectfully submitted,

Shawna M. Papale
Executive Director
Minutes of the Meeting of the  
Oneida County Industrial Development Agency  
Held on October 15, 2008 at the EDGE Offices,  
Rome, NY 13441


Staff Present: J. Castilla, S. DiMeo, S. Papale, M. Rizzo

Others Present: L. Ruberto

Mr. Grow called the meeting to order at 8:08 AM.

Ms. Papale informed the Board that the re-inducement of the IRB for the GUSC project and the IAR for GLDC Building B796/798 have been removed from the agenda.

In other Agency business:

- The September 8 and September 18 meeting minutes were unanimously approved upon a motion made by Mr. Fitzgerald, seconded by Mr. Zogby.
- A resolution relating to the granting of a second mortgage to M&T Bank for the Rome Hospital Facility and approving the form and execution of related documents was brought before the Agency. *A motion to approve the resolution was made by Mr. Fitzgerald, seconded by Mr. Betrus.* The motion was unanimously approved.
- An Initial Authorizing Resolution for PCN Builders/Clinton Commons was brought before the Agency. The similarities and differences of this project compared to the Agency’s action on the Lewiston at Pheasant Run project were discussed. Discussion centered on the Lewiston project involving significant improvement to Town infrastructure whereas the Clinton Commons project involved no community infrastructure improvements and was substantially complete. Mr. Grow called for a motion to induce the project. No motion was made; the inducement was not presented for vote.
- The 2009 Agency budget was submitted for discussion. It was recommended that budgeted IRB fees be reduced to $75,000 from $100,000. In addition, it was recommended that 2009 Revenues be reduced from $180,000 to $155,000 and 2009 Expenses be reduced from $168,000 to $153,000. *A motion to approve the 2009 Budget as amended was made by Mr. Fitzgerald, seconded by Mr. Zogby.* The Budget was unanimously approved.
- *A motion to enter Executive Session for the purpose of discussing proposed contracts was made by Mr. Zogby, seconded by Mr. Betrus.* The Agency entered Executive Session at 8:35 AM. Agreement to exit Executive Session was made at 9:25 AM.
- An Initial Authorizing Resolution for American Alloy Steel was brought before the Agency. Ms. Papale explained the project to the Agency which includes the construction and equipping of a 60,000 square foot metal plate and bar products distribution and processing facility. This project represents the reuse of the former General Cable facility at 600 Railroad Street Rome. The site had been vacant for decades. *A motion to approve the IAR for American Alloy Steel was made by Mr. Betrus, seconded by Mr. Zogby.* The motion was unanimously approved.
An Initial Authorizing Resolution for McDonough Hardwoods, LLC was brought before the Agency. In August of 2008 the McDonoughs lost their sawmill to a fire caused by a lightening strike. Agency assistance is being sought to build a new hardwood processing facility on the site. A motion to approve the IAR for McDonough Hardwoods, LLC was made by Mr. Fitzgerald, seconded by Mr. Betrus. The motion was unanimously approved.

Old Business:

- A resolution authorizing Shawna Papale and Frederick Arcuri to execute a State Assistance Contract, and the initiation of the second phase of environmental cleanup at the former Rome Cable site in Rome, New York, pursuant to the terms and conditions set forth by the New York State Department of Environmental Conservation through its Environmental Restoration Program was brought before the Agency. A motion to approve the Resolution was made by Mr. Fitzgerald, seconded by Mr. Zogby. The motion was passed with Betrus, Fitzgerald and Zogby voting yea, Grow abstained.
- A resolution providing final authorization to execute and deliver a mortgage and assignment to Alliance Bank, N.A. to secure its loan to Sherrill Manufacturing, Inc. of $550,000 was brought before the Agency. A motion to approve the Resolution subject to legal counsel completing all documentation in accordance with the Board's intent was made by Mr. Fitzgerald, seconded by Mr. Betrus. The motion was unanimously passed.
- Discussing of Agency Policy took place. Action for next meeting includes Ms. Papale preparing document to address Agency fees for applications and a sliding scale of closing fees based upon the magnitude of the project.

There being no further business, the meeting was adjourned at 10:10 AM upon a motion made by Mr. Fitzgerald, seconded by Mr. Betrus.

Respectfully submitted,

Shawna M. Papale
Executive Director
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on November 20, 2008 at the EDGE Offices,
Rome, NY 13441


Staff Present: J. Castilla, S. DiMeco, S. Papale

Others Present: M. Murphy, T. O’Byrne, A. Picente, P. Romano, L. Ruberto, J. Saunders, J. Spaeth

Mr. Grow opened the meeting with a moment of silence in memory of Joe Karam at 8:08 AM.

The minutes of the October 15 Agency meeting were unanimously approved upon a motion made by Mr. Zogby, seconded by Mr. Valentine.

In other Agency business:

- A Final Authorizing Resolution for the BBL Verona, LLC facility adopting a Statement of Findings with respect to the Facility, request Anthony J. Picente, Jr., Oneida County Executive, to confirm the proposed action of the Agency was brought before the Board. Mr. Picente must confirm the BBL project is a tourism destination in order to support the Agency’s deviation from policy. Mr. Tim O’Byrne from BBL thanked the Agency for their inducement action for mortgage recording tax exemption and requested that they consider allowing sales tax exemption on projects such as this one in the future. Upon a motion made by Mr. Fitzgerald for mortgage recording tax exemption for the BBL Verona, LLC Facility, seconded by Mr. Zogby; the Final Authorizing Resolution was unanimously approved.

- An Initial Authorizing Resolution for Oriskany Manufacturing Technology (OMT) was brought before the Agency. Mr. Castilla explained the company’s recent growth which requires that it move out of its existing building in Utica and expands its operation in a New York Mills building that will require a 30,000 square foot addition. The project will create 35 jobs over three years in addition to retaining the 55 present jobs. A motion to induce the OMT project providing a standard industrial PILOT on the incremental assessment increase for a 10-year period after sunset of Empire Zone Benefits while maintaining 80 full-time jobs at the facility was made by Mr. Zogby, seconded by Mr. Fitzgerald. The IAR was unanimously approved.

- Chairman Grow recognized Mr. Karam for his contributions to the community over the years, particularly his contributions in economic development. Mr. Picente reflected on the unique character Mr. Karam was and how he had a lasting impact on all those who knew him. Mr. Picente then read a Proclamation in honor of Mr. Karam. Mr. Grow suggested that in lieu of flowers, the Agency donate a $250 honorarium to the Players Theater – one of the charities listed in Mr. Karam’s obituary. Upon a motion made by Mr. Fitzgerald, seconded by Mr. Betrus; the $250 honorarium was unanimously approved.

- A Final Authorizing Resolution in connection with the 210 Commons Road LLC (Remet Corporation) Facility, approving the financial assistance that represents a deviation from the
IDA’s Uniform Tax Exemption Policy was brought before the Agency. *Upon a motion made by Mr. Fitzgerald, seconded by Mr. Betrus; the FAR was unanimously approved.*

- A Final Authorizing Resolution relating to the Matt Brewing Co., Inc. Facility, approving the financial assistance that represents a deviation from the IDA’s Uniform Tax Exemption Policy was brought before the Agency. *Upon a motion made by Mr. Betrus, seconded by Mr. Valentine; the FAR was unanimously approved.*

- A Final Authorizing Resolution in connection with the Birnie Bus Service, Inc./Leonard Bus Sales, Inc. Facility was brought before the Agency. *Upon a motion made by Mr. Betrus, seconded by Mr. Zogby; the FAR was unanimously approved.*

- A request to ratify the action taken by the Agency in connection with the redemption of Series 1999B Bonds for Bonide Products, Inc. and ratification of the execution of related documents was presented. *Upon a motion made by Mr. Valentine, seconded by Mr. Zogby; the action was ratified with Mr. Fitzgerald abstaining.*

- A request to ratify the action taken by the Agency in connection with the appointment of BNY Mellon Capital Markets, LLC as successor Remarketing Advisor for Champion Home Builders Co. and ratification of the execution of related documents was presented. *Upon a motion made by Mr. Fitzgerald, seconded by Mr. Betrus, the action was unanimously ratified.*

- *Upon a motion made by Mr. Betrus, seconded by Mr. Zogby; the Agency entered Executive Session at 8:45 AM. A motion to exit Executive Session was made by Mr. Betrus, seconded by Mr. Grow at 10:05 AM.*

**Old Business:**

- A request to re-induce the Initial Authorizing Resolution for Griffiss Utilities Services Corporation (GUSC) for Industrial Revenue bonds and IDA benefits was brought before the Agency. It was affirmed that the Griffiss Local Development Corporation approved a Resolution to move forward with the GUSC project at their Board Meeting on November 12. Mr. Grow and Mr. Zogby also relayed the information gathered from a meeting with GUSC and forest industry representatives that confirmed the availability and cost effectiveness of wood chips that would supply the project. A summary of the talking points of that meeting are attached. *Upon a motion made by Mr. Zogby, seconded by Mr. Betrus, re-inducement of the IAR for GUSC was unanimously approved.*

- Approval to close-out the SEQR process on the Rome Cable Complex 3 Demolition Project by issuing a “Negative Declaration” and authorizing Ms. Papale to sign Part III of the Short Environmental Assessment form stating that the proposed action WILL NOT result in any significant adverse environmental impacts was requested by Mr. Romano representing Shumaker Engineering. Mr. Romano stated that his firm had completed a coordinated review with NYSDEC, ESD, and the City of Rome and no comments were issued. *Upon a motion made by Mr. Betrus, seconded Mr. Valentine; close-out of the SEQR process was approved with Mr. Grow abstaining.*

- A request to authorize Ms. Papale to sign Task Order No. 2-3 under the Rome Cable, Phase II Project to complete Interim Remedial Measure design services at Building Complex 4 was brought before the Agency. Mr. Romano stated that the Budget for this work has already been allocated by the NYSDEC under the State Assistance Contract and scope of services
approved by NYSDEC. Upon a motion made by Mr. Betrus, seconded by Mr. Valentine, authorization was granted with Mr. Grow abstaining.

There being no further business, the meeting was adjourned at 10:15 AM upon a motion made by Mr. Betrus, seconded by Mr. Fitzgerald.

Respectfully submitted,

Shawna M. Papale  
Executive Director
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on December 18, 2008 at Valley View Country Club
Utica, NY 13501


Staff Present: J. Castilla, S. DiMeo, S. Papale, M. Rizzo

Others Present: A. Picente, P. Reichel, L. Romano, L. Ruberto, J. Saunders

Mr. Grow called the meeting to order at 11:45 AM.

The minutes of the November 20 Agency meeting were unanimously approved upon a motion made by Mr. Zogby, seconded by Mr. Betrus.

In other Agency business:

- Acknowledgement of a Utility Easement from International Wire was unanimously approved by the Agency upon a motion made by Mr. Zogby, seconded by Mr. Betrus.
- An Initial Authorizing Resolution for ECR International was brought before the Agency. Ms. Papale explained the company’s recent consolidation efforts that have closed two locations (including Rome, NY) and involves relocating their R&D function from Medfield, MA to Utica, NY. The company was heavily solicited by the state of South Carolina, but at this time has chosen to remain in NY. The proposed PILOT will have job level requirements and include recapture provisions. Upon a motion made by Mr. Betrus, seconded by Mr. Grow, the IAR was approved. Member present voted in favor with Mr. Fitzgerald abstaining.
- A Final Authorizing Resolution was brought before the Agency for American Alloy Steel. A public hearing was held, no comments were received. Upon a motion made by Mr. Grow, seconded by Mr. Betrus, the FAR was unanimously approved.

Old Business:

- A revised Agency Fee Schedule was distributed for discussion and action. Upon a motion made by Mr. Betrus, seconded by Mr. Zogby the Fee Schedule was unanimously approved for all applications distributed on and beyond 12/18/2008.
- In accordance with the MOU between the Agency and the Griffiss Local Development Corporation, the following actions were unanimously approved:
  - Transfer to GLDC of 146 acres (the Bunal Parcel) for the purpose of sale upon a motion made by Mr. Fitzgerald, seconded by Mr. Zogby.
  - Transfer to GLDC the Daycare Center Property for the purpose of sale upon a motion made by Mr. Fitzgerald, seconded by Mr. Zogby.
- A request by Mark Mojave on behalf of Oriskany Manufacturing Technologies, Inc. to revise the IAR approved at the Agency’s November 20, 2008 meeting to apply 100% of the assessed value of the property to the PILOT as opposed to the PILOT applying to the
incremental increase in the property’s assessment. Discussion ensued. No motion for modifying the November 20 IAR was made.

- The Agency’s Uniform Tax Exemption Policy was discussed.

* A motion to enter Executive Session for the purpose of discussing potential litigation was made by Mr. Zogby, seconded by Mr. Grow at 12:55 PM. Consensus to exit Executive Session was achieved at 1:05 PM

* A Resolution to direct Agency Counsel to review Section 858(4) of the General Municipal Law, and the provisions of the Eminent Domain Procedure Law, and report at the next regularly scheduled OCIDA meeting on what procedures OCIDA would be required to follow, and what agreements, arrangements and/or undertakings, if any, would be necessary or appropriate under the circumstances, in the event that OCIDA were to decide to exercise its power under Section 858(4) of the General Municipal Law to acquire the Farmer Parcel pursuant to the provisions of the Eminent Domain Procedure Law was unanimously approved upon a motion made by Mr. Betrus, seconded by Mr. Fitzgerald.

* The 2009 Staff Services Agreement between the Agency and Mohawk Valley EDGE was unanimously approved upon a motion made by Mr. Fitzgerald, seconded by Mr. Betrus.

* Authorization for Barone, Howard & Company, CPA to perform the Agency’s 2008 audit was unanimously granted upon a motion made by Mr. Fitzgerald, seconded by Mr. Betrus.

* The Agency’s 2008 year in review was distributed to members.

There being no further business, the meeting was adjourned at 1:10 PM upon a motion made by Mr. Betrus, seconded by Mr. Valentine.

Respectfully submitted,

Shawna M. Papale
Executive Director
Representing Agency: David Grow, Ferris Betrus, Shawna Papale, James Castilla
Representing Briggs & Stratton: Jerome Dawes, Philip Wenzel

Mr. Grow opened the Hearing at 10:06 AM, introduced Agency representatives and gave brief
description of the mechanisms by which the Agency is authorized and operates. Mr. Grow read
a summary of the proposed benefits to be received by Briggs & Stratton. He then presented into
record letters received by the Agency in regards to the project including:

- Letter from Oneida County Executive Anthony Picente – received 2/12/08
- Letter from the City of Sherrill – received 1/24/08
- Letter from Edward Thoma – received 2/19/08
- Written testimony from John Douglas Sr. – received 2/28/08

Mr. Grow then invited those who had registered to speak to come forward and present their
support or opposition for the Briggs & Stratton project. Representatives of the company
declined to comment at that time.

The following public comment was received in opposition to the project:

1. Leon Bronson – 144 Allen Street, Sherrill, NY
   a. Mr. Bronson stated that he was not against the application for tax exemption, but
      he is against this PILOT the way it is set up. He is looking for justification for
      action by the Agency and would like to see a change in the policy of granting
      exemptions. Effects of increased fuel prices, healthcare costs, and anticipation of
      the Bureau of Indian Affairs placing 13,000+ acres into tax exempt land trust has
      taken a toll on local residents. Mr. Bronson also questioned why the PILOT with
      Oneida Ltd. put in place in the year 2000 on the property in question is still in
      effect even though Oneida Ltd. no longer employs people in Oneida County. He
      further questioned whether the exemption offered to Briggs & Stratton be equal to
      those given Oneida Ltd. given the difference in number of jobs in Sherrill
      associated with each company.

2. Myron Thurston – 3949 Peterborough Road, Vernon Center, NY
   a. Mr. Thurston understands the difficult nature of the decision facing the Agency
      and welcomes any new industry to Sherrill. The Town of Vernon has a track
      record of working with industry regarding assessments and strives to place fair
      assessments on properties in the Town. Mr. Thurston believes the process of
      granting exemptions is flawed by not allowing input of local elected officials who
      have to answer to the local taxpayers. Mr. Thurston wants businesses in Sherrill,
      but does not agree with the process that led to the comments be heard today at this
      hearing. Mr. Thurston believes that if meetings were held with elected officials
      from the various jurisdictions affected by this project prior to the project
      advancing to this point, the issue would have been resolved earlier and hopes the
      issues can be worked out.
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3. Richard Sheron – 5210 W. Seneca Street, Vernon, NY
   a. Mr. Sheron informed the Agency that Briggs & Stratton approached Madison County to have local law passed granting the company Empire Zone designation and there appears to be duplication of efforts.

4. Edward Thoma – 808 W Hamilton Avenue, Sherrill, NY
   a. Mr. Thoma spoke in follow-up to the letter he wrote to the Agency on 2/19/08. He recognizes the achievement of Ferris Industries in Munnsville and welcomes the company to Sherrill. It is now up to the Agency to consider what level of PILOT to offer the company. There are two basic issues: 1) the PILOT that is ultimately enacted should relate to the investment and number of employees involved. In this case the application talks about a $1.5 million investment, but the benefit calculation is based on $7.0 million. In this case, the owner of the property is not applying for benefits, the lessee is. 2) From Mr. Thoma’s understanding Ferris will occupy 1/2 to 1/3 of the building with an investment of approximately $1.2 million; the balance of the building will be used as a Briggs & Stratton centralized warehouse where the investment is only about $300,000. Mr. Thoma believes benefits should be given Ferris based on their investment of $1.2 million and given the company’s record in Munnsville, there will more than likely be growth. He recommends that the Agency recalculate the PILOT to better reflect the investment being made by each participant in the project.

5. Ralph Adams – 301 E Noyes Boulevard, Sherrill, NY
   a. Mr. Adams would like to speak in opposition to the PILOT the way it is structured as he sees it as a “very specific and real danger” to the VVS School District. The School District is highly leveraged and a 1% change in state aid funding amounts to a 4% change in the amount of total aid that comes to the District. This, in conjunction with tax shifts, creates a multiplier effect on tax revenues. Mr. Adams has taught in the VVS School District and witnessed a turnover in teachers that was started by a small change in the tax levy. The VVS School District is fragile and any shift in tax burden can cause harm to its operation.

6. Michael Hennessy – 439 Betsinger Road, Sherrill, NY
   a. Mr. Hennessy is not in opposition to anything Ferris Industries has done. As a County Legislator, Mr. Hennessy has supported the efforts of Mohawk Valley EDGE and the OCIDA and recognizes the good things done by these organizations in the community as demonstrated by the development that has taken place at Griffiss Business & Technology Park. Mr. Hennessy has also realized that every project should be looked at on an individual basis. As Minority Leader of the County Legislator, Mr. Hennessy supports the effort going into the New Hartford Business Park and recognizes that the whole community (Town, County, School) is supporting the business park project. In this case there is opposition with because there is an unfair tax issue, the number of jobs and the shifting of the tax burden on the tax payers would put an unfair burden on the residents of the community. Mr. Hennessy presented a petition from the Oneida County Board of Legislators with 14 signatures from County Legislators asking the Agency to modify the project to where it’s in the best interests of the community and the County.
7. Robert Comis – 377 Sherrill Road, Sherrill, NY [30:25]
   a. Mr. Comis thanked the Agency board & staff for their assistance in providing information on this project. Mr. Comis welcomes Ferris to Sherrill and wishes them success. Mr. Comis understands that four laser cutting machines will be occupying 1/3 of the building while 2/3 of the building will be used as warehouse. He questions the validity of the economic impact of the jobs created as represented in the Cost Benefit Analysis. Mr. Comis reiterated that nature of the comments were not in opposition to manufacturing, but a need to balance the effects of benefits on the taxpayers. Mr. Comis referenced the fact sheet he had previously submitted to the Agency. He mentioned that the Oneida Ltd. property Ferris/Briggs & Stratton will be occupying will be sold to another party in the next 30 days. Mr. Comis questioned the applicability of Agency’s standard policy in this case and suggested a deviation from standard policy would be more appropriate for the project given that the estimated value of the exemptions and economic impact justify offering less than standard industrial PILOT benefits as applying standard benefits will result in a $204 tax increase to Sherrill taxpayers over a 10-year period. Mr. Comis presented a resolution passed by the Sherrill City Council in opposition to the PILOT as proposed. Mr. Comis stated that if the PILOT is approved by the Agency it will result in a reduction in assessed value. Mr. Comis desires that the Agency change the way it deals with projects in that projects should be discussed with taxing entities prior to being brought before the Agency for approval. Mr. Comis referenced a letter outlining alternatives for this project that was sent to the Agency on February 25, 2008. In summation, Mr. Comis requested that the Agency, when considering granting a standard PILOT, take into account tax policy, provide benefits that are reasonable, and factor in the number of jobs that are being created. Mr. Comis also would like the Agency to get input from elected officials and have an “overwhelming reason” [44:18] to override what the local elected officials are saying. Mr. Comis requests the Agency support the alternatives presented by the City. Mr. Comis also presented letters and petitions from residents who oppose the project as presented. Mr. Grow thanked Mr. Comis for allowing the Agency use of the Sherrill facility for its regularly scheduled meeting held at 8:00 AM.

   a. Mr. Shay is the Mayor of Sherrill and thanked the Agency for coming to the hearing and hopes that the comments presented will be taken into consideration. If the PILOT is approved in its current form, Mr. Shay anticipates a trip to Albany to request a member item to cover the lost taxes. The City Commission welcomes Ferris/Briggs & Stratton to the community and wishes them success and growth.

9. John Douglas, Sr. – 5721 Youngs Road, Vernon, NY [48:07]
   a. Mr. Douglas thanked Mr. Hennessy and Mr. Comis for their involvement and input on this project. Mr. Douglas read his written testimony submitted earlier and thanked the Agency for considering the comments made this morning.

10. Norm Reed – 2551 Middle Road, Munnsville, NY [56:49]
    a. Mr. Reed is Superintendent of VVS Schools; he referenced the earlier comment of the VVS School District being fragile, adding that the economy of the area is fragile. Ferris is wanted in the community and local officials want to partner with Ferris in balanced, “intelligent economic development” [58:53] that allows the company to prosper, but doesn’t push current taxpayers “over the edge” [59:02] Mr.
Reed does not want the 15 jobs being created by this project have the effect of pushing jobs out of the community. He asked that the Agency be cautious in the decision about to be made and to balance its positive intents with unintended consequences of pushing taxpayers out of the District.

11. Philip Wenzel 3712 Hogan Road, Vernon Center, NY [01:01:26]
   a. Mr. Wenzel introduced himself as Vice President of Operations for Ferris/Briggs & Stratton. Mr. Wenzel did not prepare a formal presentation as his intent was not to take a position, rather his intent was to listen to the respected members of the community who cared enough to come out and speak about the project. Mr. Wenzel agreed with Mr. Bronson in that the effects of fuel prices, foreign competition particularly from China and commodity prices have had a tremendous negative impact on manufacturing. Mr. Wenzel stated that he followed the Agency’s application process to the letter and was unaware that there was opposition to the application until he read it in the Oneida Daily Dispatch newspaper. In 1998 the company ran out of room in Vernon, had little money and the company was marginally surviving. The people of Stockbridge reached out to the company inviting them to their community. The Madison County IDA and Stockbridge officials met with the company and asked what could the company promise. The company had 70 employees and about $12 million in annual sales at the time. The company promised 50 jobs in 1998, today they have “over 350 employees” [01:05:02]. Having heard public comment about the broken promises of jobs with Oneida Ltd., Mr. Wenzel understands people’s suspicion regarding job creation. The only reply Mr. Wenzel has to that is his company’s record of performance. They have substantially exceeded every commitment made. The company’s situation in Munnsville is such that there is no further room to expand or grow the company. Ferris is now owned by Briggs & Stratton, in the corporate view the jobs in Sherrill and Munnsville are linked together. Mr. Wenzel was successful in convincing Briggs & Stratton management that the company can grow locally – even though the company has excess capacity in other states. Briggs & Stratton assessed the northeast for outdoor power products distribution purposes and determined a location between Albany, NY & Buffalo, NY (East to West) and between Watertown, NY and Harrisburg, PA (North to South) as the best location for a distribution facility. This helped sell the Sherrill location to corporate officials. Mr. Wenzel’s plan calls for doubling the business over the next five years. The company will be leasing the entire building in 2009. To Briggs & Stratton, there are many locations that will work for their business plan; Mr. Wenzel hopes the Sherrill location will be chosen. Mr. Wenzel recognizes the difficulty faced by the Agency in making its decision and that may be the reason for its independence. Mr. Wenzel stated that if he can’t make the cost base work, there will be a greater loss than just a warehouse operation. [01:15:50] Mr. Wenzel commented on the quality of the workforce in Central NY. When Briggs & Stratton purchased the company three years ago, the intent was to sell off the Ferris operation. However, the Ferris operation has proven itself and can continue to be a part of the company as long as they can justify there operation from a cost basis. Having no further comment, Mr. Wenzel thanked the Agency and all the well meaning people who came out to express their opinions.

There being no further comments, Mr. Grow closed the hearing at 11:25 AM.