Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on January 13, 2009 at the EDGE offices
Rome, NY 13441


Absent: R. Calli, F. Betrus

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

Others Present: P. Reichel, L. Romano, L. Ruberto, J. Saunders, M. Stephens

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

The minutes of the December 18, 2008 Agency meeting were unanimously approved upon a motion made by Mr. Zogby, seconded by Mr. Fitzgerald.

In other Agency business:

• An Initial Authorizing Resolution for JMTG Realty LLC/Bonide’s PILOT to be extended for five (5) years at its current 1/3 exemption (company pays 2/3’s of taxes owed) with an employee count of 98 was brought before the Agency. Upon a motion made by Mr. Zogby, seconded by Ms. Brown; the motion was approved with Mr. Fitzgerald abstaining.

• A Final Authorizing Resolution relating to Housing Vision Consultants/Canal Village LLC lease-leaseback transaction authorizing the execution of financing documents conditioned upon approval by counsel of the form of financing documents was brought before the Agency. Upon a motion made by Mr. Fitzgerald, seconded by Ms. Brown; the FAR was unanimously approved contingent upon approval of counsel as to the form of financing documents.

Old Business:

• Discussion pertaining to the review of the proposed revisions to the Agency’s Uniform Tax Exemption Policy took place.

A motion to enter Executive Session for the purpose of discussing potential litigation and potential projects was made by Mr. Zogby, seconded by Mr. Fitzgerald at 9:35 AM. Consensus to exit Executive Session was achieved at 10:05 AM

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

Respectfully submitted,

Shawna M. Papale
Executive Director
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on February 20, 2009 at the EDGE offices
Rome, NY 13441


Absent: R. Calli, M. Valentine

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

Others Present: R. Destito, D. Guzewich, M. Murphy, L. Ruberto, M. Stephens

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

A motion to enter Executive Session for the purpose of discussing potential litigation and potential projects was made by Mr. Fitzgerald, seconded by Mr. Zogby at 8:06 AM. Consensus to exit Executive Session was achieved at 9:00 AM

The minutes of the January 13, 2009 Agency meeting were unanimously approved upon a motion made by Mr. Fitzgerald, seconded by Mr. Grow.

In other Agency business:

- An Initial Authorizing Resolution for GLDC Building 798 was brought before the Agency. Ms. Papale explained the project involved a 24,000 square foot addition to the Griffiss Institute (GI) building. BAE Systems currently is leasing space in the GI building and will be moving into the 2nd floor of the addition. Upon a motion made by Mr. Betrus, seconded by Mr. Fitzgerald; the motion was unanimously approved.

- The Agency received a request from 421 Ridge Street, LLC to consent to a modification to its sublease agreement with PAR Government Systems. PAR was occupying a portion of the building and will now be occupying the entire facility. Upon a motion made by Ms. Brown, seconded by Mr. Zogby; the lease modification was unanimously approved.

Old Business:

- Discussion pertaining to the review of the final revisions to proposed modification of the Agency’s Uniform Tax Exemption Policy took place. A motion to approve publication of the Agency’s Uniform Tax Exemption Policy was made by Mr. Betrus, seconded by Mr. Fitzgerald. The motion was unanimously approved.

- The following resolution regarding the use of RESTORE NY funds for the Rome Community Brownfields Restoration Corporation was brought before the Agency: The OCIDA will pay Shumaker for Engineering Design Services pursuant to the attached agreement if the following conditions are met:

  1. Funds paid to Shumaker will be City of Rome funds and will not be fronted by the OCIDA for later reimbursement; and
  2. The OCIDA will not be obligated to pay any outstanding invoices pursuant to the agreement should the City of Rome not pay (as evidenced by Paragraph 4(A) of the agreement, which states “The OCIDA will not be held financially responsible for any unpaid bills forwarded to the City of Rome...”)


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nor for any costs incurred in the completion of Task Order 1 – Phase I Abatement and Demolition Design”. Upon a motion made by Mr. Fitzgerald, seconded by Mr. Zogby; the resolution was approved with Mr. Grow abstaining.

- Ms. Papale presented a request by the New York State Economic Development Council (NYSEDC) for $2,000 to assist in an ad campaign on behalf of the State’s Industrial Development Agencies to be placed in the Legislative Gazette. The ad will showcase the positive impacts IDAs have had on the State’s economy. Upon a motion made by Mr. Betrus, seconded by Mr. Grow; the $2,000 expenditure was unanimously approved.

A motion to enter Executive Session for the purpose of discussing personnel issues was made by Mr. Betrus, seconded by Mr. Zogby at 9:50 AM. Consensus to exit Executive Session was achieved at 10:25 AM

There being no further business, the meeting was adjourned at 10:27 AM upon a motion made by Mr. Zogby, seconded by Mr. Fitzgerald.

Respectfully submitted,

Shawna M. Papale
Executive Director
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on March 20, 2009 at the EDGE offices
Rome, NY 13441

Members Present: F. Betrus, N. Brown, D. Grow, S. Zogby

Absent: M. Fitzgerald, M. Valentine

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

Others Present: M. Murphy, P. Reichel, L. Romano, L. Ruberto, J. Saunders, M. Stephens

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

A motion to enter Executive Session for the purpose of discussing financial matters and potential projects was made by Mr. Zogby, seconded by Mr. Betrus at 8:11 AM. Consensus to exit Executive Session was achieved at 8:46 AM.

The minutes of the February 20, 2009 Agency meeting were unanimously approved upon a motion made by Mr. Zogby, seconded by Mr. Betrus.

In other Agency business:

- A request by SAES Smart Materials, Inc. for a resolution to release certain assets and equipment was brought before the Agency. Upon a motion made by Mr. Betrus, seconded by Mr. Zogby, the resolution was unanimously approved.

- An Initial Authorizing Resolution for FedEx Ground/Westco Marcy, LLC was brought before the Agency. The FedEx facility in Marcy is competing nationwide with other FedEx Ground operations for an expansion of their facility. The approximately $2.8 million project will create 10 FTE positions over a three year period. A Standard Industrial PILOT with sales tax exemption and mortgage recording tax exemption were requested. The PILOT will apply only to the incremental increase in assessment resulting from the expansion of the building. Upon a motion by Ms. Brown, seconded by Mr. Betrus, the IAR was unanimously approved.

- An Initial Authorizing Resolution submitted by Mohawk Valley EDGE for a project related to the acquisition of 55+/- acres of land in the Town of Marcy was brought before the Agency. Ms. Romano stated that a public hearing will be scheduled even though one is not required since projected benefits are less than $100,000. Upon a motion made by Mr. Betrus, seconded by Mr. Zogby, the IAR was unanimously approved subject to completion of SEQR.

- Mr. Howard presented the draft 2008 audit to Agency members. The audit committee will meet prior to March 31, 2009 to finalize the audit. A motion to accept the audit subject to approval of the audit committee was made by Mr. Zogby, seconded by Mr. Betrus. The motion was unanimously approved.

Old Business:

- Discussion pertaining to the review of the final revisions to proposed modification of the Agency’s Uniform Tax Exemption Policy took place. A motion to approve the revisions to Agency’s Uniform Tax Exemption Policy and proceed to public hearing was made by Mr. Betrus, seconded by Mr.
Zogby. The motion was unanimously approved; the public hearing will be held prior to the April 30 meeting of the Agency.

- Mr. Stephens reporting the Agency that the PILOT Agreement with Mohawk, Adirondack, Northern Railroad has been approved by all parties and is awaiting signature by the County Executive.

There being no further business, the meeting was adjourned at 9:10 AM upon a motion made by Mr. Zogby, seconded by Mr. Grow.

Respectfully submitted,

Shawna M. Papale
Executive Director
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on April 30, 2009 at the EDGE offices
Rome, NY 13441


Absent: None

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

Others Present: M. Mojave, M. Murphy, A. Picente, L. Romano, L. Ruberto

Mr. Grow called the meeting to order at 8:15 AM.

The minutes of the March 20, 2009 Agency meeting were unanimously approved upon a motion made by Mr. Betrus, seconded by Mr. Valentine.

In other Agency business:

- A motion to approve a final authorizing resolution relating to the Broad Street Warehouse, LLC/Oriskany Manufacturing, Inc. Facility; approving the deviation from the IDA’s Uniform Tax Exemption Policy, and approving the form and execution of related documents made by Mr. Betrus, seconded by Mr. Valentine. Ms. Ruberto explained that the reason for the deviation was due to the Agency approving a reverse PILOT in which the company will continue to pay 100% of taxes until the termination of NYS Empire Zone benefits, then proceed with the standard industrial PILOT benefits. Mr. Fitzgerald clarified that the Agency benefits will only apply to the incremental increase in the assessed value of the property. Mr. Mojave thanked the Agency on behalf of the owner of the property for the Agency’s assistance in the business’s expansion and stated that construction has begun and the company is hiring. Members expressed their gratitude for the company undertaking such an expansion project in these economic times. Upon Mr. Grow calling for a vote, the motion was unanimously passed.

- A motion to approve a final authorizing resolution relating to the Bonide Products, Inc. five-year PILOT extension at the current exemption rate of 33 and 1/3%; approving the deviation from the IDA’s Uniform Tax Exemption Policy, and approving the form and execution of related documents was made by Mr. Zogby, seconded by Mr. Valentine. Ms. Papale explained the improvements associated with the project. Upon Mr. Grow calling for a vote, the motion was passed with Mr. Fitzgerald abstaining.

- A motion to approve a revised negative declaration relating to the ECR Properties, LLC/ECR International, Inc. Facility; and consider a final authorizing resolution approving the deviation from the IDA’s Uniform Tax Exemption Policy, and approving the form and execution of related documents was made by Mr. Fitzgerald, seconded by Mr. Betrus. Ms. Ruberto explained the reason for the deviation in that the PILOT will apply to the entire facility rather than the incremental increase in the assessed value of the property. In addition, the project called for a 6,000 square foot addition to the building located at 2201 Dwyer Avenue, Utica, NY; upon further consideration the project is now allowing for an expansion of the Dwyer Avenue facility up to 30,000 square feet and will therefore require a revised SEQR. Upon Mr. Grow calling for a vote, the motion was unanimously approved.
• A motion to approve a request from Charles T. Sitrin Health Care Center, Inc. to release a portion of the Land from the Facility, and approving the form and execution of related documents was made by Mr. Betrus, seconded by Mr. Fitzgerald. Ms. Ruberto explained that Sitrin had dedicated a portion of a road on its property to the Town of New Hartford and the Agency need to release that portion of roadway from its deed and return it to Sitrin so that the transaction can be completed. Upon Mr. Grow calling for a vote, the request was unanimously granted.

• A motion to approve a request by 5900 Success Drive Realty, LLC for a mortgage modification to EDGE note was made by Mr. Betrus, seconded by Mr. Zogby. Ms. Papale explained that since the Agency hold title to the property, it is being requested to approve and sign an extension of the mortgage granted by EDGE to 5900 Success Drive Realty, LLC. Discussion ensued. Upon Mr. Grow calling for a vote, the request was granted with Mr. Fitzgerald abstaining.

• A motion to approve the revised Uniform Tax Exemption Policy was made by Mr. Betrus, seconded by Mr. Fitzgerald. Mr. Grow reviewed the comments received from the Public Hearing and written comments submitted by Mr. Comis, City Manager, City of Sherrill. Discussion ensued. As a result of the comments in the Public Hearing, the Agency will make it a practice to send notices of public hearings to Business Managers in the school districts affected by Agency action and to the entire Oneida County Board of Legislators. Upon Mr. Grow calling for a vote, the Policy was unanimously approved. Mr. Grow thanked Ms. Romano, Ms. Ruberto and the staff of Bond, Schoeneck & King for their efforts and assistance in drafting the revised Policy.

• A motion to enter Executive Session was made by Mr. Betrus, seconded by Mr. Valentine at 8:55 AM. Consensus to exit Executive Session was achieved at 9:45 AM upon a motion made by Mr. Betrus, seconded by Ms. Brown.

Old Business:

• Mr. Fitzgerald reported the outcome of the Audit Committee meeting held earlier in the month. The Committee has recommended acceptance of the Audit with recommended changes in place. A motion to accept the Audit as recommended by the Audit Committee and the accompanying Management Letter was made by Mr. Fitzgerald, seconded by Mr. Zogby. The motion was unanimously approved.

• In accordance with the MOU between the Agency and GLDC, a motion to allow GLDC to enter into a four-month lease with CUBRIC Companies located in Building 780, Griffiss Business & Technology Park, was made by Mr. Betrus seconded by Mr. Zogby. The motion was unanimously approved.

It was agreed that the next meeting of the Agency will be held on Friday, May 22nd, 2009 rather than the scheduled date of May 15, 2009.

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

Respectfully submitted,

Shawna M. Papale
Executive Director
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on May 22, 2009 at the EDGE offices
Rome, NY 13441


Absent: F. Betrus

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

Others Present: M. Murphy, L. Ruberto

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

The minutes of the April 30, 2009 Agency meeting were unanimously approved upon a motion made by Mr. Zogby, seconded by Mr. Valentine.

In other Agency business:

• Ms. Papale recommended the Agency appoint an Assistant Secretary to fill the position of the late Mr. Karam. Upon a motion made by Ms. Brown, seconded by Mr. Valentine, Jim Castilla was unanimously named Assistant Secretary.

• In regards to the Agency’s Recapture Policy, members agreed to hold a separate meeting for the purpose of discussing policy.

• A motion to adopt a negative declaration for the Mohawk Valley EDGE project was made by Mr. Zogby, seconded by Mr. Valentine. Upon Mr. Grow calling for a vote, the declaration was unanimously adopted.

• A motion to approve a substitute letter of credit for the Preswick Glen bonds was made by Mr. Fitzgerald, seconded by Mr. Zogby. Upon Mr. Grow calling for a vote, the letter was unanimously approved.

• A motion to enter Executive Session for the purpose of discussing pending contracts was made by Mr. Valentine, seconded by Mr. Zogby at 8:20 AM. Consensus to exit Executive Session was achieved at 8:55 AM.

Old Business:

• Ms. Papale distributed the corrected 2008 Audit to members. The previously distributed version had an error as the auditor did not carry forward his notes from the draft to the final version.

There being no further business, the meeting was adjourned at 8:25 AM upon a motion made by Mr. Zogby, seconded by Ms. Brown.

Respectfully submitted,

Shawna M. Papale
Executive Director
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on June 19, 2009 at the EDGE offices
Rome, NY 13441


Absent:

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

Others Present: M. Dorr, M. Murphy, D. O’Toole, L. Ruberto, M. Stephens

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

The minutes of the May 22, 2009 Agency meeting were unanimously approved with corrections deleting portion of prior month’s minutes that were inadvertently left in upon a motion made by Mr. Valentine, seconded by Ms. Brown.

In other Agency business:

- A request by Fountainhead Group for a three-year extension of their current PILOT, which expires in 2010, was brought before the Agency. Included in the request is the purchase of approximately $575,000 worth of equipment. Mr. O’Toole, representing Fountainhead Group, explained the equipment purchase is part of a product redesign project for their backpack sprayer line that is necessary for the company to remain competitive in the marketplace. He also made mention of the owners’ significant private contributions that have been made to the company in recent years in order to keep the company operating during the downturn in business it has experienced over the past few years. Discussion ensued. A motion was made by Ms. Brown to table the request, seconded by Mr. Betrus. The motion was unanimously passed.

- A request by Fountainhead Group for a three-year extension of their current PILOT, which expires in 2010, was brought before the Agency. Included in the request is the purchase of approximately $575,000 worth of equipment. Mr. O’Toole, representing Fountainhead Group, explained the equipment purchase is part of a product redesign project for their backpack sprayer line that is necessary for the company to remain competitive in the marketplace. He also made mention of the owners’ significant private contributions that have been made to the company in recent years in order to keep the company operating during the downturn in business it has experienced over the past few years. Discussion ensued. A motion was made by Ms. Brown to table the request, seconded by Mr. Betrus. The motion was unanimously passed.

- Mr. Fitzgerald exited the meeting due to prior commitment.

- A motion to enter Executive Session for the purpose of discussing pending contracts was made by Mr. Betrus, seconded by Ms. Brown at 8:45 AM. Consensus to exit Executive Session was achieved at 9:35 AM.

- A request by Champion Home Builders for a five year extension of their current PILOT, which expires in 2010, was brought before the Agency. Mr. Castilla explained that the company requested the extension as it has been severely impacted by the downturn in the economy, particularly the housing market. The company has reduced employment to 75 FT people and has made significant cost cutting measures in order to keep operating. The Waterville School District has indicated its support for the extension of this PILOT. A motion to extend the PILOT for five (5) years with the company employing a minimum of 75 FT people and with each year of the extension increasing an equal percentage to the point whereby year five of the PILOT the company is paying 100% of taxes was made by Mr. Betrus, seconded by Mr. Zogby. Upon calling for a vote, the motion was passed with Mr. Valentine opposed.

- A request by Lewis Brothers for sales and mortgage recording tax exemptions on Phase III of their Lewiston at Clinton Street project was brought before the Agency. There was no formal application submitted for this project as it is a continuation of an ongoing project for which an application was
submitted and acted upon in January of 2008. Mr. Grow requested that the minutes from the January 2008 Agency action be distributed to members. The request was tabled.

Old Business:

• The ongoing brownfield remediation project at the former Rome Cable facility has cleaned approximately 10 acres to date. Approximately 53 acres remain for cleaning. Rome Community Brownfield Restoration Corporation has submitted a NY RESTORE grant and the project has been approved for funding. A bid was released for refurbishing of electrical equipment at the facility. The Agency is overseeing the bidding process as it is the owner of record for the site.

• Mr. Grow informed the Board that County Executive Picente has submitted Gene Quadraro to the Legislature for appointment to the Agency Board.

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 July 17, 2009 at the EDGE offices
Rome, NY 13441


Absent:

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

Others Present: L. Ruberto, J. Siepiola, M. Stephens

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

Mr. Grow welcomed Mr. Quadraro to the Agency Board and thanked him for serving.

The minutes of the June 19, 2009 Agency meeting were unanimously approved with corrections indicating at what point Mr. Fitzgerald exited the meeting upon a motion made by Mr. Valentine, seconded by Ms. Brown.

In other Agency business:

• An Initial Authorizing Resolution for Mid-State Development Corporation was brought before the agency. Mid-State proposes an expansion of the Vernon Downs facility with the addition of an event center and improvements to the existing structures. Questions were raised as to the source of reimbursement listed in the financing section of the application. It was agreed the principals of the project should be present at the Agency’s August meeting to answer questions. Ms. Ruberto informed members that any resolution approved would be subject to SEQR review as that portion of the application was incomplete. A motion to approve a Commercial PILOT, subject to SEQR review, on the incremental increase in assessed value was made by Mr. Betrus, seconded by Ms. Brown. Upon Mr. Grow calling for a vote, the motion was unanimously passed.

• A request by American Alloy Steel/Chickadee Properties, LP to modify the job creation commitment contained in their original application. Submitted in the Fall of 2008, the application called for 15 full-time jobs to be created over three years, The Company is requesting the job creation number be reduced to ten full-time jobs created over three years. The job retention number remains unchanged at 21. In a letter to the Agency, Mr. Moore, the company’s President, explained the job creation number needed to be reduced due to the economic downturn that has occurred in late 2008 and has continued through 2009. Ms. Ruberto informed members that the Inducement Agreement authorized by the Agency has not yet been signed, thus an amendment to the Initial Authorizing Resolution would be sufficient. A motion to authorize an amendment to the Initial Authorizing Resolution to reduce American Alloy Steel/Chickadee Properties, LP’s job creation requirement from 15 to ten (10) was made by Mr. Betrus, seconded by Mr. Zogby. The motion was passed with Mr. Valentine and Mr. Grow abstaining.

• A motion to enter Executive Session for the purpose of discussing pending contracts was made by Ms. Brown, seconded by Mr. Zogby at 8:40 AM. Ms. Ruberto and Mr. Siepiola were excused. Consensus to exit Executive Session was reached at 9:35 AM.
Old Business:

- The request for a three-year PILOT extension from the Fountainhead Group tabled in June’s meeting was discussed. Mr. Siepiola, representing the Fountainhead Group, stated the company’s employment level of 172 is down from a high of 225 in 2007/2008. The primary reason for the reduction in workforce was the decision by the company to have product produced in China in order to remain competitive and to cut costs. Since that time, extensive cost-cutting measures have been put in place in order to stabilize jobs in Oneida County. Mr. Grow asked at what level of employment the company would commit if the PILOT were extended. Mr. Siepiola stated the company expects to stabilize employment at 150 and would commit to that number. Mr. Fitzgerald commented on the company’s financial statements that were requested as part of the review process in granting the extension; and then returned the financial statements to Mr. Siepiola. Ms. Papale stated that the company has two PILOT agreements in force with the Agency with one expiring in 2010 and the second PILOT expiring in 2014. A motion to extend the PILOT expiring in 2010 for three (3) years, increasing at an equal percentage each year from its current tax liability level of 66.7% until it reaches 100% and to terminate at the same time as the 2014 PILOT while maintaining 150 jobs throughout was made by Mr. Fitzgerald, seconded by Ms. Brown. The motion was passed with Mr. Valentine abstaining.

- The request by Lewis Brothers for Agency assistance on Phase III of their Lewiston at Pheasant Run housing development project that was tabled in June’s meeting was discussed. The Agency is being requested to grant sales and mortgage recording tax exemptions for Phase III of the project. Mr. Grow requested that the company submit a formal application for the project. A motion to approve sales tax exemption and mortgage recording tax exemption for Phase III of the project contingent upon receipt of a completed application was made by Mr. Zogby, seconded by Mr. Quadraro. Discussion ensued. Ms. Papale informed the board the benefits received by Lewis Brothers for Phase II of the project consisted of sales tax exemption and resulted in improvements to the public infrastructure. Mr. DiMeo stated that the region is still lacking in housing of the type that this project is providing to community residents working in professional positions. Ms. Ruberto stated that the project would require a public hearing and be subject to SEQR review. Upon calling for a vote, the motion was passed with Mr. Fitzgerald and Mr. Zogby opposed and Mr. Betrus abstaining.

- Discussion of the recapture policy took place. Review of the proposed policy will continue.

- Deedback of the Slocum Dixon and Mohawk LTD facilities was unanimously approved upon a motion made by Mr. Zogby, seconded by Ms. Brown.

- Agency consent to a modification of the Nortek lease of 5900 Success Drive, Rome, NY was approved upon a motion made by Mr. Zogby, seconded by Mr. Quadraro. Mr. Fitzgerald and Mr. Quadraro abstained.

- A Final Authorizing Resolution for Building 798/796 and deviation for the portion of the building occupied by BAE Systems was unanimously approved upon a motion made by Mr. Fitzgerald, seconded by Mr. Valentine.

- Birnie Bus/Leonard Bus has requested the Agency approve the consolidation of the loans pertaining to their project. A motion to approve the loan consolidation subject to review by Agency Counsel was made by Mr. Betrus, seconded by Mr. Fitzgerald. The consolidation was approved with Ms. Brown abstaining.

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

Respectfully submitted,

Shawna M. Papale
Executive Director
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on August 21, 2009 at the EDGE offices
Rome, NY 13441


Absent:

EDGE Staff Present: F. Arcuri, J. Cardone, J. Castilla, S. Papale, M. Rizzo, J. Stock

Others Present: D. Bertrand, J. Dinga, D. Evers, M. Hennessy, M. McDonough, L. Lewis, K. Nichols, V. Raymond, P. Romano, L. Ruberto, P. Savage, K. Sawyer


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

Ms. Papale introduced Julianne Cardone to Agency members. Ms. Cardone-Nelson is the new CFO for Mohawk Valley EDGE.

The minutes of the June 17, 2009 Agency meeting were unanimously approved upon a motion made by Mr. Betrus, seconded by Mr. Quadraro.

In other Agency business:

- Mr. Savage, President & GM of Mid-State Development, explained the expansion plans proposed for the Vernon Downs facility. Questions were raised at the last Agency meeting as to the financing for the project; Mr. Savage explained that in late 2008 the NYS Lottery Commission granted Vernon Downs permission to set aside 4% of its gaming revenues for capital improvements. These funds, along with conventional financing, will fund the project. Mr. Dinga, Sr. Financial Analyst for Mid-State Development, added that the company has also sought out assistance from Empire State Development Corporation for possible grants and loans. Mr. Raymond, representing VIP Structures Engineering Design, presented detail and sketches of the project. Mr. Fitzgerald asked which phase involved refurbishing the hotel rooms. Mr. Raymond explained that a portion of Phase 1 will involve room renovations, but mainly due to the addition of a roof-top terrace and that this will affect very few rooms. The phase which contains the largest portion of room renovations is Phase 2. Mr. Quadraro asked if a market study has been done to verify the feasibility of the project. Mr. Savage said Cornell University was commissioned to perform the analysis and the subsequent report verified the feasibility of the expansion. Mr. Quadraro also asked about the job creation numbers listed on the application. Mr. Dinga said 50 jobs were to be created in Phase 1 of the project with no other new jobs anticipated for Phases 2 & 3. He said the company employs about 370 workers during the racing season and 270 in the off-season. Mr. Grow inquired as to the project’s approval status with the Town of Vernon. Mr. McDonough, Town of Vernon Councilman, said the Town has approved the preliminary plans for the project and supports the expansion. He said he fully supports this project and believes it will be a tremendous asset to the Town of Vernon and Oneida County. Ms. Ruberto confirmed that the Town of Vernon is serving as the lead agency for the SEQR process reminded those present the SEQR review has not yet been completed and the Inducement was conditioned upon the completion of the SEQR process. Mr. Grow said the next phase of the approval process for this project involves a public hearing and demonstration of the SEQR review being completed. Mr.
Fitzgerald asked Mr. Dinga provide Agency staff with a two year quarterly average FTE employment number since they are a seasonal business. This number will help to set the base employment number for the recapture provisions of the agreement between the company and the Agency. Mr. Fitzgerald reiterated the provision of the Resolution of the Inducement made in July’s meeting stating that Agency benefits for this project fall under the Commercial PILOT provisions whereby benefits are granted for a period of five (5) years and apply only to the incremental increase on the assessed value of the tax parcels affected by the project.

- Members reviewed the Agency’s 2010 proposed budget. Mr. Grow pointed out the budget is balanced for 2010. A motion to approve the 2010 budget was made by Mr. Valentine, seconded by Mr. Betrus. The motion was unanimously passed.

Old Business:

- The application for Phase III of the Lewiston at Pheasant Run project submitted by Lewis Brothers at the request of the Agency was discussed. Mr. Luke Lewis explained that Phase III of this project is unique to the Region in that it is the only multi-unit housing project underway that is not devoted to senior or low-income populations. He mentioned that his project helps stabilize the 25 – 50 year old professional working class’ presence in the region by providing upscale, multi-unit housing options to that population. Public infrastructure improvements that were made by the completion of Phase I & Phase II of this project will be a smaller part of Phase III as the infrastructure improvements for this phase will be related to water lines not having to be terminated. Mr. Grow said that the public hearing will provide the opportunity for public comment on the project and such comments will be considered when the Agency determines its final action on the project.

- Mr. Arcuri recapped the bids received for the electrical overhaul work to be performed at the former Rome Cable site. The City of Rome has agreed to pay for the entirety of the project from RESTORE NY grant funds and a Memorandum of Understanding (MOU) was drafted detailing this agreement between the City of Rome and the Agency. A motion to approve the MOU between the City of Rome and the Agency was made by Mr. Betrus, seconded by Mr. Fitzgerald. Upon calling for a vote, the MOU was approved with Mr. Grow abstaining. Mr. Arcuri further explained that the low bidder for the work was Huen Contracting of New York with a bid of $559,000. A motion to award the bid to Huen Contracting of New York for $559,000 and to allow the Agency’s Executive Director to sign the associated contract was made by Mr. Zogby, seconded by Mr. Fitzgerald. Upon calling for a vote, the motion was passed with Mr. Betrus and Mr. Grow abstaining. Mr. Paul Romano, representing Shumaker Engineering (the company overseeing the environmental cleanup of the site), informed members that the State has run out of funds for environmental cleanup that was to be performed as part of Phase II of the project. The State will honor the current contract for $1.5 million in cleanup but any additional work will not be funded. Therefore, a change order in the amount of $326,700 is necessary to perform an investigation of the areas of the site that have shown a need for additional remedial assessment. Dollars in the existing contract will be shifted from remedial tasks to investigative tasks for these areas. A motion to authorize a change order in the amount of $326,700 for the above-stated purpose was made by Mr. Betrus, seconded by Mr. Zogby. Upon calling for a vote, the motion was passed with Mr. Grow abstaining. Regarding the work associated with the electrical renovations bid by the Agency, Mr. Arcuri explained that there was additional work to be performed at the site as a result of the electrical overhaul that was not a part of the bid request and that additional funds may be necessary to complete the associated work. Total cost for the electrical overhaul and associated site work is expected to not exceed $800,000. A motion to authorize the Agency’s Executive Director to execute change orders relating to the electrical overhaul and related site work upon notification and agreement of the Agency Chairman and/or Vice Chairman and to ratify such change orders for a combined amount not to exceed $800,000 was made by Mr. Fitzgerald, seconded by Mr. Betrus. Upon calling for a vote, the motion was passed with Mr. Grow abstaining.
• The Agency’s recapture policy was discussed. Agency members agreed to postpone action on the policy until the September meeting.
• Ms. Papale reminded members to file their financial disclosure statements with the County.

There being no further business, the meeting was adjourned at 10:05 AM upon a motion made by Mr. Fitzgerald, seconded by Mr. Betrus.

Respectfully submitted,

James P. Castilla
Assistant Secretary
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on September 18, 2009 at the EDGE offices
Rome, NY 13441


Absent: F. Betrus

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

Others Present: R. Maciol, L. Ruberto, M. Stephens

Press: None

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

The minutes of the August 18, 2009 Agency meeting were unanimously approved as amended upon a motion made by Mr. Fitzgerald, seconded by Ms. Brown.

In other Agency business:

- A Final Authorizing Resolution (FAR) relating to a three-year extension of the PILOT for the Parco Facility, approving the benefits which represent a deviation from the Agency’s Uniform Tax Exemption Policy and approving the form and execution of related documents was brought before the Agency. A motion to approve the FAR was made by Mr. Zogby, seconded by Mr. Fitzgerald. Mr. Grow called for discussion. Mr. Maciol, Mayor of New York Mills, voiced his support of the project saying that the Fountainhead Group is an exceptional member of the community and he is in favor of the proposed action of the Agency to extend the PILOT. Mr. Grow thanked Mr. Maciol for attending the meeting and voicing his opinion. Upon calling for a vote, the FAR was approved with Mr. Valentine abstaining.

- A Final Authorizing Resolution (FAR) relating to the Champion Home Builders Co. Facility, approving the benefits extending the Company’s PILOT for five (5) years while employing a minimum of 75 FT people and with each year of the extension increasing an equal percentage to the point whereby at year five of the PILOT the company is paying 100% of taxes, which represent a deviation from the Agency’s Uniform Tax Exemption Policy and approving the form and execution of related documents was brought before the Agency. A motion to approve the FAR was made by Ms. Brown, seconded by Mr. Quadraro. There being no discussion, the FAR was unanimously approved.

- A request by Professional Transmission & Converter Corporation for Agency approval of the refinancing of its existing mortgage was brought before the Agency. A motion approving the refinance and to grant a mortgage recording tax exemption subject to review of legal counsel and confirmation by counsel that the mortgage tax exemption is applicable in this circumstance was made by Ms. Brown, seconded by Mr. Quadraro. There being no discussion, the motion was unanimously approved.

- GLDC projects for Agency action pertaining to the SEQR process were brought before the Agency. Upon a motion made by Mr. Valentine, seconded by Mr. Quadraro, a negative declaration was issued for demolition projects to be performed in Griffiss Business & Technology Park. There being no discussion, the motion was unanimously passed. Upon a motion made by Mr. Zogby, seconded by Mr. Valentine, a negative declaration was issued for the AFRL mod & fab shop project taking place at
Griffiss Business & Technology Park. There being no discussion, the motion was unanimously passed.

- The meeting entered Executive Session at 8:45 AM for the purpose of discussing potential projects upon a motion made by Ms. Brown, seconded by Mr. Zogby. Consensus to exit was achieved at 9:00 AM.
- Financial statements were discussed. Members agreed to separate financial data pertaining to Rome Community Brownfields Restoration Corporation from the Agency’s statements and account for RCBRC expenses separate from the Agency’s.
- The Audit Committee recommended continuation of Barone Howard & Co. Cpas, PC as auditor for the Agency.
- Agency members agreed that the October Agency meeting will be moved to Tuesday, October 27. This meeting will serve as the October and November meetings of the Agency.

Old Business:

- The Agency’s recapture policy was discussed. Members commented on the most recent version distributed prior to the meeting. Mr. Fitzgerald agreed to summarize his comments and forward them to Ms. Ruberto. Ms. Ruberto will then incorporate his comments in the policy and redistribute to all members.

There being no further business, the meeting was adjourned at 9:50 AM upon a motion made by Mr. Valentine, seconded by Ms. Brown.

Respectfully submitted,

James P. Castilla
Assistant Secretary
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on October 27, 2009 at the EDGE offices
Rome, NY 13441


Absent:

EDGE Staff Present: F. Arcuri, J. Cardone, J. Castilla, S. DiMeo, S. Papale, J. Stock

Others Present: J. Saunders

Press: None

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

The minutes of the September 18, 2009 Agency meeting were unanimously approved upon a motion made by Mr. Fitzgerald, seconded by Mr. Betrus.

In other Agency business:

- A request to approve a sub-sublease authorizing Owl Wire to lease a portion of their facility (approximately 170 square feet) to Esteves, Inc. was brought before the Agency. A motion to approve the sub-sublease subject to review of legal counsel was made by Mr. Betrus, seconded by Mr. Quadraro. The request was unanimously approved.

- A recommendation by Shumaker Consulting Engineering & Land Surveying, PC for acceptance of Ritter & Paratore Contracting, Inc. bid for demolition of Former Rome Cable Building Complex 3; and grant authority to Agency Executive Director to sign and authorize Contract Change Orders up to a maximum of $175,000 above the approved contract price, for a total contract value of $1,031,300 was brought before the Agency. A motion to accept the Ritter & Paratore bid and to authorize the Executive Director to sign and approve contract change orders subject to legal counsel review, up to a maximum of $175,000 above the approved contract price for a total contract value of $1,031,000 was made by Mr. Betrus, seconded by Mr. Valentine. The motion was approved with Mr. Grow abstaining.

- Ms. Cardone presented the Agency’s financial statements. Mr. Fitzgerald noted that there is a potential for a net loss at year end. Ms. Papale explained that there were still certain projects pending that could prevent a loss, but they may or may not close by year end. Mr. Fitzgerald requested that the RCBRC project become an off-balance sheet item. A motion to accept the financial statements was made by Ms. Brown, seconded by Mr. Betrus. The motion was unanimously carried.

- A motion to enter Executive Session for the purpose of discussing a potential change in operations regarding not-for-profit corporations was made by Mr. Betrus, seconded by Mr. Quadraro. The Agency entered Executive Session at 8:35 AM. Mr. Quadraro was excused at 9:15 AM. Consent to exit Executive Session was reached at 9:25 AM.

- A resolution authorizing formation of a Limited Purpose Local Development Corporation subject to review by legal counsel as to its potential use was unanimously passed upon a motion made by Mr. Fitzgerald, seconded by Mr. Zogby.

- Mr. Arcuri informed the Agency that the NYS DEC just notified Shumaker Engineering of new air monitoring requirements and therefore an air monitoring contractor will need to be hired for the
demolition of the former Rome Cable Building Complex 3. Estimated cost of such a contractor should not exceed $75,000. The funding for this item as well as the demolition of Building Complex 3 is fully reimbursable by the City of Rome through a Restore NY Grant the City received. A motion authorizing the Executive Director to sign a contract for an air monitoring contractor in an amount not to exceed $75,000, subject to Agency legal counsel review and approval by the City of Rome was made by Ms. Brown, seconded by Mr. Grow. The motion was unanimously passed with Mr. Grow abstaining.

- Mr. Saunders requested the Agency amend the referenced lenders in its July 17 meeting in which they passed a resolution authorizing refinancing of the Griffiss Institute building. The original refinancing included Oneida Savings Bank, Mohawk Valley EDGE and MVEDD all participating in the project whose owner is the Griffiss Local Development Corporation. Mr. Saunders asked that the original loan from MVEDD to GLDC be changed to a loan from MVEDD to EDGE, who will then in turn lend the funds to GLDC for the project. Upon a motion made by Mr. Fitzgerald, seconded by Mr. Valentine; the lenders for the Griffiss Institute project were amended to include Oneida Savings Bank and Mohawk Valley EDGE. The motion was passed with Ms. Brown and Mr. Betrus abstaining.

- Mr. Saunders also requested the Agency approve a lease of a portion of the Griffiss Institute building to CUBRC, a research & development, testing and systems integration company headquartered in Buffalo, NY. Upon a motion made by Mr. Zogby, seconded by Mr. Betrus; the lease was unanimously approved.

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

Respectfully submitted,

James P. Castilla
Assistant Secretary
Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on December 18, 2009 at Daniele’s at Valley View
Utica, NY 13501

Absent: M. Valentine
EDGE Staff Present: F. Arcuri, J. Cardone, J. Castilla, S. DiMeo, S. Papale, M. Rizzo
Others Present: C. Nichols, M. Stephens, L. Romano, P. Romano, L. Ruberto
Press: None

Mr. Grow called the meeting to order at 11:10 AM.

The minutes of the October 27, 2009 Agency meeting were unanimously approved upon a motion made by Mr. Fitzgerald, seconded by Mr. Zogby.

In other Agency business:

- A Final Authorizing Resolution (FAR) for Lewiston at Pheasant Run Phase III facility granting mortgage & sales tax exemption was brought before the Agency. A motion to approve the FAR for Lewiston at Pheasant Run Phase III facility granting mortgage recording tax exemption and sales tax exemption was made by Mr. Betrus, seconded by Mr. Zogby. Discussion ensued. Mr. Betrus said that given the economic climate of NYS and the reduced amount of industrial development projects coming before the Agency, the Agency must expand on the type of projects it assists to include those such as this which will improve the housing stock of the region. Mr. Grow called for a vote; Betrus, Brown, Grow, Quadraro in favor; Fitzgerald and Zogby opposed. The FAR was approved.

- A resolution authorizing conveyance of 4.56 acre parcel to GLDC to be further conveyed to Rome City School District was brought before the Agency. A motion to convey the parcel was made by Mr. Betrus, seconded by Ms. Brown. The conveyance was unanimously approved.
A request by Alfred Publishing to approve refinancing and the granting of mortgage recording tax was brought before the Agency. Ms. Ruberto explained the benefit of mortgage recording tax exemption was not used by the company when the project was originally approved in 2001. Now that the company is refinancing it would like to utilize the benefit. A motion to approve the refinancing and to grant mortgage recording tax exemption was made by Mr. Zogby, seconded by Mr. Fitzgerald. The motion was unanimously approved.

A request to approve no-cost time extension amendment to extend the term of contract for DEC project regarding Rome Cable Site No. E633053 to August 25, 2011 was brought before the Agency. Mr. Arcuri explained that the City of Rome has agreed to the change order and that the City will be held liable for all payments associated with the contract. A motion to approve the change order subject to review of Agency legal counsel was made by Mr. Betrus, seconded by Mr. Zogby. The extension was approved with Mr. Grow abstaining. Ms. Romano stated that Bond, Schoeneck & King has submitted a conflict waiver in regards to this project as BS&K represents Owl Wire on labor matters. A motion to approve the waiver of conflict was made by Mr. Fitzgerald, seconded by Mr. Zogby. The waiver was unanimously approved.

The 2010 Staff Services Agreement between Mohawk Valley EDGE and the Agency was brought before the Agency for consideration and approval. Discussion ensued. A motion approve the Staff Services Agreement was made by Mr. Betrus, seconded by Mr. Quadraro. The Agreement was unanimously approved.

Ms. Cardone presented the financial statements for the period ending November 30, 2009. The financials were received by the Agency.

The Agency entered Executive Session for the purpose of discussing the potential sale or lease of real property upon a motion made by Mr. Betrus, seconded by Mr. Zogby at 12:10 PM. Consensus to exit Executive Session was reached at 12:25 PM.

A motion to authorize Mr. Grow to sign documents with Champion Enterprises, Inc. to classify PILOT payments as administrative fees for the purposes related to the filing of Chapter 11 Bankruptcy by Champion Enterprises, Inc. subject to approval of Agency legal counsel was made by Mr. Betrus, seconded by Mr. Zogby. The motion was unanimously approved.

Old Business:

- A motion to agree to the Agency’s subordination in an UCC-1 Financing Statement for Fisk Alloy Conductors, Inc. was made by Ms. Brown, seconded by Mr. Fitzgerald. The motion was unanimously approved.
- A motion to adopt a negative declaration relating to the completion of the SEQR for the Mid-State Development project was made by Ms. Brown, seconded by Mr. Betrus. The motion was unanimously approved.

There being no further business, the meeting was adjourned at 12:30 PM upon a motion made by Mr. Betrus, seconded by Mr. Zogby.

Respectfully submitted,

James P. Castilla
Assistant Secretary