Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on September 27, 2012 at Mohawk Valley EDGE
584 Phoenix Drive, Rome NY

EDGE Staff Present: S. Papale, M. Bonney, J. Waters, J. Cardone, S. DiMeo
Others Present: C. Levitt, M. Levitt, L. Ruberto, L. Romano, J. Saunders, M. Kaucher, Andrew Peterson, Michelle Kohl

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

Andrew Peterson and Michelle Kohl from Lutheran Care addressed the Agency about a potential retirement housing project. Lutheran Care has been around for 43 years and are expanding their care services. L. Romano advised the agency that the lack of affordable senior housing impedes economic development. S. Papale stated that by moving seniors into retirement housing would free up housing stock for new hires. D. Grow encouraged them to fill out a formal Application for Financial Assistance.

A motion to enter executive session at 8:44 AM to discuss draft audit and legal was made by N. Brown, seconded by S. Zogby. Motion passed unanimously 5-0.

A motion to exit executive session at 10:15 AM to discuss draft audit and legal was made by N. Brown, seconded by S. Zogby. Motion passed unanimously 5-0.

J. Cardone presented the financial statements to the Agency. She stated that the income statement will increase due to the number of project closings occurring. J. Cardone also presented the 2013 budget to Agency. A motion to approve the 2013 budget was made by M. Fitzgerald and seconded by D. Grow. Motion passed unanimously 5-0.

A request to consider an inducement resolution in connection with the MSP LLC Facility (request for sales tax exemption and standard industrial PILOT) and adopt a SEQR resolution relating to the project. MSP is obtaining a property in East Rome on the opposite corner headed west of American Alloy Steel. They are requesting a standard 10-year industrial PILOT and sales tax exemption. This project will support Rofin and allow them to have more on hand inventory to complete their production line. They will be reutilizing a brownfield. They will be retaining 10 jobs. Five will be transferred from Rofin to MSP. A motion to approve an inducement resolution in connection with the MSP LLC Facility (request for sales tax exemption and standard industrial PILOT) and adopt a SEQR resolution relating to the project was made by M. Fitzgerald and seconded by D. Grow. Motion passed unanimously 5-0.

A request to consider a final authorizing resolution relating to the Griffiss Local Development Corporation Facility Transfer XVI (Parcels FB6-6 and FB6-7), approving financial assistance that is a deviation from the Agency’s Uniform Tax Exemption Policy, and authorizing the form and
execution of related documents. A public hearing was held and the Rome City School District is in favor of this project. A motion to approve a final authorizing resolution relating to the Griffiss Local Development Corporation Facility Transfer XVI (Parcels FB6-6 and FB6-7), approving financial assistance that is a deviation from the Agency’s Uniform Tax Exemption Policy, and authorizing the form and execution of related documents was made by S. Zogby and seconded by D. Grow. Motion passed unanimously 5-0.

A request to consider a final authorizing resolution relating to the Griffiss Local Development Corporation Facility Transfer XVII (Parcels F6B-1, F6B-2, F6B-3, F6B-4, F6B-5, F10C-2, F10C3, F11B and a portion of Parcel 13), approving financial assistance that is a deviation from the Agency’s Uniform Tax Exemption Policy, and authorizing the form and execution of related documents. A public hearing was held and the Rome City School District is in favor of this project. A motion to approve a final authorizing resolution relating to the Griffiss Local Development Corporation Facility Transfer XVII (Parcels F6B-1, F6B-2, F6B-3, F6B-4, F6B-5, F10C-2, F10C3, F11B and a portion of Parcel 13), approving financial assistance that is a deviation from the Agency’s Uniform Tax Exemption Policy, and authorizing the form and execution of related documents was made by S. Zogby and seconded by N. Brown. Motion passed unanimously 5-0.

A request to consider a final authorizing resolution relating to The Brooklyn Brewery Corporation Facility, approving financial assistance that is consistent with the Agency’s Uniform Tax Exemption Policy, and authorizing the form and execution of related documents. A public hearing was held, no comments were made. A motion to approve a final authorizing resolution relating to The Brooklyn Brewery Corporation Facility, approving financial assistance that is consistent with the Agency’s Uniform Tax Exemption Policy, and authorizing the form and execution of related documents was made by M. Fitzgerald and seconded by N. Brown. Motion passed unanimously 5-0.

A request to consider a final authorizing resolution relating to the Sovena USA, Inc. Facility 2012 Addition, approving financial assistance that is consistent with the Agency’s Uniform Tax Exemption Policy, and authorizing the form and execution of related documents. This is for a 1,500 sq. ft. addition to their facility. It will reset their jobs numbers. A motion to approve a final authorizing resolution relating to the Sovena USA, Inc. Facility 2012 Addition, approving financial assistance that is consistent with the Agency’s Uniform Tax Exemption Policy, and authorizing the form and execution of related documents was made by M. Fitzgerald and seconded by S. Zogby. S. Zogby disclosed that he sells insurance to Sovena. Motion passed unanimously 5-0.

A request to approve revisions to the Facility Assessment Agreement which have been approved by Family Dollar as it relates to the Family Dollar PILOT. Family Dollar is concerned that if the State amends the Empire Zone Program in a manner which reduces reimbursement of real property taxes for the years 2012 through 2015 below the rates currently in effect that Family Dollar has a way to recapture the shortfall. They are requesting that the Agency would consider extending the PILOT and have the same payments continue until the shortfall is
realized, and if the Agency does not extend the PILOT they would have the option to grieve their assessment. Agency Counsel is also working on how to define “actual knowledge” of a change in the tax law because it is important that Family Dollar notify the Agency promptly. M. Fitzgerald requested that the Rome City School District and the City of Rome be notified of this change to the Family Dollar PILOT in writing, and stating that the Agency is adding this revision in case the State unilaterally changes the law. A motion to approve revisions to Section 1 of the Facility Assessment Agreement which have been approved by Family Dollar as it relates to the Family Dollar PILOT was made by D. Grow and seconded by M. Fitzgerald. Motion passed unanimously 5-0.

A request by SR Sloan to consider an extension of the 1/3 portion of their PILOT for three additional years. S. Zogby stated that based on the letter they sent the Agency, the tide is turning and their business is going up. M. Fitzgerald requested that the Agency gradually increase the PILOT based on the following schedule. One additional year at 33%, year 2 - 44%, year 3 - 55% and year 4 - 66%. No public hearing is required because additional benefits will not exceed $100,000. A motion to consider an initial resolution relating to modification of SR Sloans PILOT was made by M. Fitzgerald and seconded by N. Brown. Motion passed unanimously 5-0.

The Agency received the August 27, 2012 Meeting Minutes. A motion to approve the August 27, 2012 Meeting Minutes was made by M. Fitzgerald and seconded by N. Brown. Motion passed unanimously 5-0.

Old Business

- The Agency received a memo on an Annual Confirmation Report and those companies who did not meet their job numbers. The Agency has requested letters be sent to non-performers, stating that they have until June 30, 2013 to meet their job numbers. If not their benefits will decreased based on a proportion of their job numbers.

There being no further business, the meeting was adjourned at 10:01 AM upon consensus.

Respectfully recorded,
Jennifer Waters