Minutes of the Meeting of the  
Oneida County Industrial Development Agency  
Held on May 16, 2014 at Mohawk Valley EDGE  
584 Phoenix Drive, Rome NY

Members Present: F. Betrus, N. Brown, D. Grow, M. Fitzgerald, E. Quadraro  
EDGE Staff Present: S. Papale, M. Carney, S.J. DiMeo, Mark Kaucher  
Others Present: C. Levitt; M. Levitt; L. Ruberto, Frederick R. Burrows, Jr. and unidentified companion, Accelerate Sports Complex; Dr. Rudolf Buckley and Paul Scopac, Westmoreland Ambulatory Surgery Center; Dan Guzewich, Rome Sentinel.

D. Grow called the meeting to order at 8:05 AM, and asked if the Members would deem it appropriate to defer Meeting Agenda Item #1 until after Meeting Agenda Items # 4-6, based upon the fact that representatives from Accelerate Sports Complex are in attendance. By consensus, the Members agreed with this suggestion but proceeded to dispense with general housekeeping Agenda Items # 1 and 2 first.

The Agency received the March 21, 2014 and April 11, 2014 Meeting Minutes. A motion to approve both, both with edits, was made by M. Fitzgerald and seconded by F. Betrus. Motion passed unanimously 5-0.

M. Carney presented the most recent financial statements, which the Agency received as presented.

A request to consider a resolution adopting a SEQRA Negative Declaration relating to the Accelerate Sports Complex facility. The Town of Whitestown Planning Board served as lead agency under SEQRA and on October 30th, 2013 made a determination that it is a Type I Action and adopted a Negative Declaration. A motion to adopt a Negative Declaration under SEQRA for the Accelerate Sports Complex facility, based upon the Lead Agency’s Negative Declaration determination, was made by by E. Quadraro and seconded by F.Betrus. The Motion passed unanimously 5-0.

A request to consider a Statement of Finding related to the Accelerate Sports Complex facility, and request confirmation of action by the Oneida County Executive. Due to the “retail facility” nature of the project, the Agency must make a determination as to under which NYS statute the project qualifies for Agency financial assistance. D. Grow stated that the Agency has received an extensive market report; the operator is a for-profit entity; and that there were no other facilities in the County that provide the services that will be provided by this Sports Complex. It was noted that there were no comments made at the public hearing. Discussion ensued on the various statute qualifiers for retail facilities. S. Papale stated that staff recommends qualifier #2. A motion to adopt a Statement of Finding that the Accelerate Sports Complex facility qualifies for Agency financial assistance based upon the Agency’s determination that the predominant purpose of the project would be to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the Oneida
County because of a lack of reasonably accessible retail trade facilities offering such services, and requesting confirmation of such proposed action of the Agency with respect to the facility by Anthony J. Picente, Jr., Oneida County Executive was made by N. Brown and seconded by E. Quadraro. Motion passed unanimously 5-0.

A request to consider a final authorizing resolution relating to the Accelerate Sports Complex facility, approving financial assistance that is consistent with the Agency’s Uniform Tax Exemption Policy, and approving the form and execution of related documents. The Agency held a Public Hearing on April 24, 2014 and there were no comments made. A motion to approve a final authorizing resolution to the Accelerate Sports Complex facility – approving financial assistance in the form of exemptions from mortgage recording tax, exemption from sales tax for one year and abatement of real property taxes for a period of five years, consistent with the Agency’s Policy was made by F. Betrus and seconded by N. Brown. Motion passed unanimously 5-0. F. Burrows, Accelerate Sports Facility, expressed thanks to the Board and exited the meeting.

A motion to enter Executive Session to discuss potential contracts was made by F. Betrus and seconded by E. Quadraro at 8:30 AM.

A motion to exit Executive Session was made by F. Betrus and seconded by N. Brown at 9:00 AM. Motion passed unanimously 5-0.

D. Grow welcomed Dr. Rudolf Buckley and Paul Scopac into the meeting, both representing Westmoreland Ambulatory Surgery Center. D. Grow stated that the Board was not planning to discuss this project until later in the meeting, but that if there was Board consensus, the Board could go out of agenda order to allow the pair to address the Board. There was Board consensus to provide them this opportunity to speak. M. Scopac explained that the Certificate of Need has been approved by the State of New York, and that evidence of such had been provided to the Agency. Reference was made to the letter the Agency received from Rome Memorial Hospital CEO & President, Basil J. Ariglio. D. Grow stated that the Agency, being established for the benefit of Oneida County, needs to make sure that the project benefits Oneida County citizens. Mr. Scopac stressed that the DOH findings showed that none of the physicians involved (80% ownership) currently do business at RMH, so it wouldn’t be impacted. The DOH determined that it would not take dollars from Rome or Utica hospitals. The trend is pushing patients out of institutional settings and into ambulatory surgery centers, and hospitals will need to adapt to this new change. One of the doctors involved currently sends patients to Syracuse, so the new facility would allow patients to stay local for their surgery. Dr. Buckley explained that this facility would allow Oneida County residents to stay local for ambulatory surgery, rather than having to go out of the county for the service. And, since it will be limited to orthopedic surgery, set up time for surgery will be drastically reduced, allowing less waiting time between surgeries. Ferris Betrus asked whether the facility could elect to be a multi-specialty facility in the future. Dr. Buckley responded that it could, but it would not be a prudent business decision because it would dramatically reduce the efficiency of the operation. He gave the example of the amount of time it takes to turn over an operating room.
from a brain surgery to a knee surgery is several hours, whereas turning over an operating room from a knee surgery to another knee surgery takes five minutes. Dr. Buckley and P. Scopac thanked the Board for the opportunity to speak and left the meeting.

A request to consider a SEQRA resolution related to the EDGE/Discontinued Portion of Edic Road acquisition, adopting a determination and making certain findings. The Agency has conducted an independent SEQRA review in compliance with Article 2 of the New York State Eminent Domain Procedure Law. As part of its review it has considered (a) an EAF submitted by EDGE relating to the project; and (b) comments received at a public hearing conducted by the Agency on April 29, 2014, the results of which are contained in a Statement of Finding which has been circulated to the Board. A motion adopting a Negative Declaration under SEQRA for the EDGE/Discontinued Portion of Edic Road acquisition, based upon the Agency’s determination that the project is an Unlisted Action and that there were no findings, was made by N. Brown and seconded by E. Quadraro. Motion passed unanimously 5-0.

A request was made by the Rome Industrial Development Corporation (RIDC) to consent to an amendment to a sublease with United Parcel Service (UPS) and authorize the form and execution of related documents. A motion was made to consent to the amendment of the sublease between RIDC and UPS and to authorize the form and execution of related documents subject to approval by Agency counsel, by M. Fitzgerald and seconded by F. Betrus. Motion passed 4-0, with D. Grow abstaining.

A request was made by Griffiss Local Development Corporation (GLDC) for the Agency to consider granting a drainage easement to the NYS Department of Transportation (NYSDOT) and authorize the form and execution of related documents. NYSDOT needs to acquire a drainage easement from OCIDA/GLDC to facilitate drainage from the Griffiss Parkway, and the County of Oneida is requesting the Agency’s and GLDC’s cooperation. A motion to grant a drainage easement to NYSDOT and authorize the form and execution of related documents subject to approval by Agency counsel was made by M. Fitzgerald and seconded by F. Betrus. Motion passed unanimously 5-0.

A request was made by GLDC for the Agency to for the early termination of the sale-leaseback transaction related to GLDC XV (parcel F1B-1b/Building 131) Facility and authorizing the form and execution of related documents. The County of Oneida has requested that GLDC exercise its option to acquire this from OCIDA and, in turn, convey the same to the County for incorporation into the Griffiss International Airport. Termination of the current Agency/GLDC sale-leaseback transaction is a prerequisite for this action. A motion was made to terminate the sale-leaseback transaction related to GLDC XV (parcel F1B-1b/Building 131) Facility and authorizing the form and execution of related documents was made by M. Fitzgerald and seconded by E. Quadraro. Motion passed unanimously 5-0.

A request was made by GLDC for the Agency to consider releasing a portion of Parcel F11A from the Master Lease and to convey fee title of the subject property to GLDC and authorize the form and execution of related documents. The subject property is a certain 5.822± acre parcel.
of land and the other improvements situate thereon (known as the Rome Medical Office Parcel) and deliver a deed to GLDC, so GLDC may, in turn, convey the property to Rome Medical Group. A motion was made to release a portion of Parcel F11A from the Master Lease and to convey fee title of the subject property to GLDC and authorize the form and execution of related documents was made by N. Brown and seconded by F. Betrus. Motion unanimously passed 5-0.

A request was made by Bonide Products Inc. to consent to a sublease to Verizon and authorize the form and execution of related documents. Verizon plans to build a cell phone tower behind Bonide’s manufacturing plant and the current Bonide/OCIDA leaseback agreement requires Agency consent to any sublease of a portion of the facility. The question was raised whether the Facility’s assessment would increase due to the sublease and if so, would the Company receive any PILOT benefits. L. Ruberto responded that although we cannot predict how an assessor will treat this change of use of the property, the PILOT will not be applied to any increase in assessment unless the Agency and the Company file an amended PILOT with the Assessor. A motion to consent to a sublease to Verizon and authorize the form and execution of related documents was made by N. Brown and seconded by E. Quadraro. Motion passed 4-0, with M. Fitzgerald abstaining.

L. Ruberto noted that the Agency should consider an additional resolution clarifying the earlier adopted resolution pertaining to acquisition of Edic Road. The Agency was presented with a Statement of Determination and Findings, summarizing all of the action taken by the Agency in connection with the acquisition. A motion authorizing D. Grow to sign Statement of No Findings and send them to the current landowner was made by E. Quadraro and seconded by F. Betrus. Motion passed unanimously.

OLD BUSINESS

- OMNI ASC: Project is being considered by the Town of Kirkland Planning Board and the OCIDA will be notified if any action is taken.
- Lewis Brothers: S. Papale informed that this project continues to move towards closure. They applied for benefits covering all three phases of the project. They used the old application with the old fees. When they realized the new fee, Lewis Brother requested to reduce the project budget, which would reduce it from $6 million down to $3.5 million. The OCIDA approved a $6 million dollar project which the cost benefit analysis was based upon. They were only granted sales tax exemption and mortgage recording tax exemptions. M. Levitt commented that the OCIDA needs to make a policy as to how much of a deviation from a project’s original described size it is going to allow. F. Betrus stated that the Lewis Brothers had contacted him. D. Grow stated that clients with legal questions need to work through their appropriate legal counsel and not the board members. S. Papale added that she prepared a new cost-benefit analysis based upon the revised project costs and the project remains well above the threshold for financial assistance.
There being no further business, the meeting was adjourned at 10:00 AM upon a motion by D. Grow and seconded by F. Betrus

Respectfully recorded,

Mark Kaucher