Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on December 19, 2014 at Mohawk Valley EDGE
584 Phoenix Drive, Rome NY


EDGE Staff Present: S. Papale, J. Waters, S. DiMeo, A. Gerardo


D. Grow called the meeting to order at 8:09 AM.

The Agency received the November 14, 2014 Meeting Minutes. A motion to approve the November 14, 2014 minutes with edits was made by F. Betrus and seconded by S. Zogby. Motion passed unanimously 6-0.

Financials were distributed to the Agency. Agency accepted the financials as presented.

A request to consider a statement of findings relating to the New Hartford Lodging Group LLC facility as it is a retail facility, and request the Oneida County Executive confirm the financial assistance.

M. Levitt read the following from the Agency’s Uniform Tax Exemption Policy: The Agency will provide financial assistance to retail facilities only in accordance with the restrictions contained in New York State General Municipal Law Section 862(2), and subject to the eligibility criteria set forth in Part I (a) of this Policy. The Agency will also consider the competitive impact of the project. Retail projects are generally not eligible for Agency assistance, with the following exceptions:

(i) Retail businesses that primarily serve customers located in Oneida County are generally not eligible for financial assistance unless located in a “highly distressed area” as defined in General Municipal Law §854(18), which includes projects located in an economic development zone or Empire Zone (as defined in New York State statute or regulation), or the project meets one of the other requirements of this paragraph (c);

(ii) Retail projects operated by not-for-profit corporations may be eligible for financial assistance;

(iii) Retail projects may be eligible for financial assistance provided an appropriate market analysis demonstrates that a majority of the project’s customers are expected to come from outside of Oneida County and the project will not directly compete with existing businesses located in Oneida County; and

(iv) Retail businesses that primarily provide a product or a service that is otherwise not reasonably available in Oneida County may be eligible for financial assistance.

D. Grow requested the Statement of Findings say:
The predominant purpose of the Project is to make available services which would not, but for the Project, be reasonably accessible to the residents of Oneida County because of a lack of reasonably accessible retail trade facilities offering such services.

Notes: The Facility is marketed as an extended-stay hotel, and per the applicant there is not another facility marketed as an extended-stay hotel within Oneida County; and

The Facility is likely to attract a significant number of visitors from outside Oneida County, and an appropriate market analysis as submitted by the applicant demonstrates that a majority of the Project’s customers are expected to come from outside of Oneida County and the Project will not directly compete with existing businesses located in Oneida County. Notes: The Company submitted an independent market study that addresses the demand for lodging in the area, the study states that the construction of the Facility will not impact the existing facilities in their market area, marketed as extended-stay hotels.

A motion to approve the statement of findings relating to the New Hartford Lodging Group LLC facility as it is a retail facility, and request the Oneida County Executive confirm the financial assistance was made by F. Betrus and seconded by N. Brown. Motion passed 5-1 with M. Fitzgerald indicating his opposition but is unable to vote via telephone.

A request to consider a SEQR resolution and final authorizing resolution relating to the New Hartford Lodging Group, LLC facility, authorizing financial assistance that is a deviation from the Agency’s Uniform Tax Exemption Policy and approving the form and execution of related documents. The Town of New Hartford Planning Board served as lead agent for the environmental review, and determined the project would not have a significant impact on the environment. The Agency conducted a public hearing for this project on December 17, 2014. A motion to approve a SEQR resolution was made by M.F. Messenger and seconded by F. Betrus. Motion passed 5-1 with M. Fitzgerald indicating his opposition but is unable to vote via telephone. A motion to approve a final authorizing resolution for sales tax exemption and mortgage recording tax exemption relating to the New Hartford Lodging Group, LLC facility, authorizing financial assistance that is a deviation from the Agency’s Uniform Tax Exemption Policy and approving the form and execution of related documents was made by D. Grow and seconded by F. Bertus. Motion passed 5-1 with M. Fitzgerald indicating his opposition but is unable to vote via telephone.

A request to consider a final authorizing resolution relating to the Research Associates of Syracuse, Inc. facility, authorizing financial assistance consistent with the Agency’s Uniform Tax Exemption Policy and approving the form and execution of related documents. The Agency conducted a public hearing for this project on December 15, 2014. No comments were made at the public hearing. A motion to approve a final authorizing resolution for a standard industrial PILOT and sales tax exemption relating to the Research Associates of Syracuse, Inc. facility, authorizing financial assistance consistent with the Agency’s Uniform Tax Exemption Policy and approving the form and execution of related documents was made by S. Zogby and seconded by E. Quadraro. Motion passed unanimously 6-0.

A request to consider a resolution relating to the EDGE/Marcy Nanotech at SUNY Poly Facility, authorizing the Agency to serve as a standby party in connection with the performance by EDGE of its
New Business

- D. Grow stated that the Vision 2020 group does not have any recommendations for the OCIDA Housing Policy yet and the Agency will address those when they are received.
- S. Papale stated that the Agency received a letter because Nirvana has not paid their school tax bill.

There being no further business, the meeting was adjourned at 9:12 AM upon a motion by F. Betrus and seconded by E. Quadraro.

Respectfully recorded,
Jennifer Waters
TO: OCIDA Board of Directors

FROM: Jennifer Waters

DATE: December 16, 2014

RE: New Hartford Lodging Public Hearing

Attendees: Rakesh Patel, Herbert Cully, Jim Messa, Pat Tyksinski

From Agency: Jennifer Waters

Public hearing opened at 9:00 AM.

Reading the public hearing notice aloud was waived.

The Town of New Hartford and the applicant exchanged questions before the start of the public hearing. The main question was if the construction materials will be purchased in the Town of New Hartford? Mr. Patel responded that he was not sure but that he would ask his construction manager and get back to the Town. The response below was submitted via email the afternoon of December 16th.

“I understand from speaking with Rakesh that the question was whether materials for the project will be purchased in the Town of New Hartford. The answer is that, as with any project, the company will advertise for bids for materials and subcontractors, and that any local company is welcome to submit bids. All bids are reviewed and suppliers and subcontractors ultimately selected by the company's construction management team. While it's certainly possible that a New Hartford-based supplier or subcontractor could be contracted with as a result of this process, the company is not in a position to make any commitments with respect to material sourcing at this point.”

-Robert Halprin, The Halprin Law Firm

Public Hearing was closed at 9:30 AM.
Oneida County Industrial Development Agency  
584 Phoenix Drive  
Rome, New York 13441  

Attn: Shawna M. Papale, Executive Director  

Dear Ms. Papale:  

Please be advised that the Town of New Hartford OPPOSES your Agency granting any form of  
assistance which would impact our sales tax revenues. As you may be aware the Town of New  
Hartford has recently sustained a substantial financial loss as a result of a Court Decision in a  
tax proceeding brought in connection with Sangertown Mall.  

We have asked the developer for information relating to where they intend to purchase the  
materials and hope your agency will consider this factor.  

Obviously, we do not want to set a precedent, especially with developers building outside of  
our business park. Thank you for your consideration.  

Very truly yours,  

[Signature]

Patrick M. Tyksinski  
Town Supervisor  
December 17, 2014
TO: OCIDA Board of Directors

FROM: Jennifer Waters

DATE: December 15, 2014

RE: Research Associates of Syracuse Hearing

Attendees: Brian Moore, Larry Ames, Rob Mezza

From Agency: Jennifer Waters

Public hearing opened at 9:00 AM.

Reading the public hearing notice aloud was waived.

No comments

Public Hearing was closed at 9:30 AM.