

## WYOMING COUNTY IDA BOARD MEETING MINUTES

The WCIDA Board of Directors met on March 19, 2020 at 2:30 p.m.

Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, the Wyoming County Industrial Development Agency Board Meeting was held electronically via conference call instead of a public meeting open for the public to attend in person. Members of the public may listen to and view the Board meeting by clicking the following link: <https://www.youtube.com/watch?v=1ntZo10wLhk>

**1. Roll call to establish quorum – Roll call was taken to establish the Members and others attending by telephone.**

Chairman, Mark Dadd, called the meeting to order at 2:32p.m., in attendance by telephone were: Mark Dadd, Chairman; A. Douglas Berwanger, Vice-Chairman; Rebecca Ryan, Treasurer; Sandra Pirdy, Secretary; E. Joseph Gozelski, Director; James Hardie, Director; James Pierce, Executive Director; Robin Marschilok, Director of Operations; Jennifer Tyczka, Program Manager; William Daly, Special Projects Coordinator and Kevin Zanner, Hurwitz & Fine, Agency Counsel.

Absent: Thomas McCormick, Director

Guests: Kathryn Barrett, Freed Maxick, PC (Left the Meeting at 2:56 p.m.)

**2. Administrative**

**A. Review/approve minutes from February 20, 2020 Board Meeting**

The minutes from the February 20, 2020 Board Meeting were reviewed. A motion was made to accept the minutes by J. Gozelski. The motion was seconded by J. Hardie and unanimously carried.

**B. Review and approve Financial Statements February 2020**

R. Marschilok presented the financial reports from February 2020. After review the Board approved the financial report on a motion made by R. Ryan. The motion was seconded by J. Hardie and unanimously carried.

**C. Review/Approve 2019 Audit-Presentation by representative from Freed Maxick**

Chairman Dadd introduced and asked Kathryn Barrett from Freed Maxick to present the 2019 Audit Report. Barrett announced that she would be reviewing the combined IDA and BAC Financial Statements. She reported that the audits went well, the staff was organized and prepared and there were no uncorrected misstatements, no significant issues or audit adjustments to the original trial balances submitted. Barrett pointed out line items associated with the NYS Retirement System and explained that the adjustment reflects members obligations to the system. Barrett stated that the amount of restricted fund balance that decreased between 2018 and 2019 reflects the CDBG funds which were granted out to businesses after NYS Office for Community Renewal put out new mandates in 2018. In summary Barrett pointed out that the IDA financials are strong and in good shape. Barrett then reviewed the Letter to Management stating that the observations and recommendations were identical to both of the Agency's. After Barrett's review the Board made a motion to accept the audited financials on a motion made by S. Pirdy. The motion was seconded by R. Ryan and unanimously approved. Barrett left the meeting at 2:56 p.m.

### **3. Action Items**

#### **A. Request for IDA assistance from Invenergy Battery Storage Project- Orangeville**

Chairman Dadd introduced the Orangeville Energy Storage Project to be constructed in the Town of Orangeville and asked Pierce to overview the project. Pierce stated it will be a 20MW energy storage facility located on Centerline Road on property next to the existing substation. Pierce stated Invenergy is well known having completed two large projects in Wyoming County. The Company is a good community partner; taking good care of the Town of Orangeville through a host agreement and agreeing to the PILOT. The project will not have a lot of employment associated creating only 1 job. The completed cost benefit for the project; which will receive a 20-year term PILOT, reflects total project incentives of \$7,258,200. The incentives include \$131,400 for the mortgage recording tax, property tax savings over the 20 years of approximately \$6,294,000 and sales tax exemption of \$832,800. Pierce reminded the Board that if a project receives more than \$100,000 in incentives a public hearing is required. The project owners asked for a deviation to our UTEP schedule and deviation notices were sent to the affected taxing jurisdictions. The public hearing was held on March 17<sup>th</sup>. Pierce reviewed the public hearing information and minutes included with the meeting packet, reporting that there were only two representatives from Invenergy present at the public hearing and there were no objections or concerns for the project.

Pierce also informed the Board that the packet includes the complete application from the Company and SEQR finding provided by the Town of Orangeville in which there was a negative declaration on the project as there will be little to no environmental impact. After review the Board resolved to consent and affirm the Orangeville Town Board's status as lead agency, ratify and confirm the Town's proceedings to satisfy requirements of SEQR and determines that all provisions of SEQR contemplated by the Agency with respect to the project have been satisfied. The Board further resolved to provide financial assistance to the project including an exemption from mortgage tax for an amount up to \$10,512,000, exemption of sales and use tax for building materials, equipment and fixtures purchased for incorporation into the project with a total cost not to exceed \$11,125,000 and a 20-year abatement from real property taxes in accordance with a non-standard PILOT schedule. The resolution was passed a motion made by D. Berwanger. The motion was seconded by J. Hardie and unanimously carried.

#### **B. Request for the extension of sales tax exemption by Indus Hospitality Group**

Pierce updated the Board on the status of the Microtel project in Warsaw stating that the project has fell a little behind because of weather and the recent crisis. The Company has asked for an extension of the sales tax exemption through the end of this year. The Board approved the request on a motion made by R. Ryan. The motion was seconded by S. Piridy and unanimously carried.

#### **C. Request for the extension of sales tax exemption by Java Energy Storage**

Pierce reminded the Board that this project was a battery storage project and has been delayed due to NYSEG and Invenergy working out details. The project was designed to service the Town of Java with battery storage to eliminate the blackouts and brownouts and balance out the energy system. It is an important project and Java Energy has asked to extend the sales tax exemption for another year. After review, the Board moved to approve the request on a motion made by J. Gozelski. The motion was seconded by J. Hardie and unanimously approved.

**D. Consider authorization of a land sale of the Steele Avenue Business Park Parcel B in Arcade for the 4.28 acres owned by the IDA.**

The Board determined there was not a need to go into executive session for this item and the Chairman asked for any question in regard to the land sale contract and resolution which was supplied to them previously for their review. S. Piridy asked for an update on the gas line and sign issues which had been presented at the being of the negotiations. Pierce confirmed that a grant had been applied for and awarded to cover the full \$60,000 cost to extend the gas line from Steele Avenue to a box for the Hotel on site. The sign issue has been resolved, owners of Utz Tire have agreed to lease a parcel of land by the road for the installation of a sign and the Town Zoning Law has been amended and approved to allow for the sign as well. After discussion the Board passed a resolution approving the Land Sale Agreement as written on a motion made by S. Piridy. The motion was seconded by D. Berwanger and unanimously approved.

**4. Executive Director's Report**

**Economic Development Updates – Reported by J. Pierce**

Since our last meeting the Coronavirus has really thrown our existing businesses into unchartered waters. We have been dedicating most of our time on receiving and responding to many phone calls and emails from our manufacturing community looking for guidance on a number of concerns. The list includes question on health concerns, what are other manufacturers doing to cope with the virus and how are they dealing with non-essential people working from home, businesses are contemplating closure, where is the best place to get answers for unemployment questions, what about tax and debt relief, specific questions about mandated workforce reductions and the list goes on and on. Just in the last two days the Governor has ordered the reduction of workforce to 50% and today to 75%. There is the question of what's a non-essential employee, who works and who doesn't? The IDA is working in collaboration with our County Chamber of Commerce we have assembled a list of websites and resources that are now available in one place that can answer many questions that have been received. At this point we are concentrating on serving the needs of our existing businesses.

**5. Special Project Coordinator's Report**

W. Daly update the Board on the following:

- There has been no word on the census grant since the 1<sup>st</sup> of March. Everyone should be receiving or have received the census notice in the mail. These can be filled out on line.
- Daly reminded the Board that in light of the sale on the property in Arcade it is important to keep in mind that the prevailing wage issue is still up in the air and if it should pass with the State Budget it will be detrimental to a large project like this.

**6. Other Business/Communications**

Pierce asked the Board for permission to give the staff the option to work from home due to the current pandemic. Each of the staff is equipped with a laptop, cell phone and the ability to check the phone messages remotely. The Board agreed and granted permission for staff to work from

home.

Chairman Dadd brought attention to copies of newspaper articles which were included in the packet. Dadd stated that the articles did a good job of bringing attention to projects in Wyoming County and the success of the mailing Jim used to attract the hotel prospect.

**7. Next Meeting**

The next regular scheduled meeting is scheduled for April 23, 2020 at 2:30 p.m.

**8. Adjournment**

The meeting was adjourned at 3:19 p.m. on a motion made by R. Ryan, seconded by S. Pirby and unanimously carried.

Minutes prepared by: R. Marschilok