

**SENECA COUNTY
INDUSTRIAL DEVELOPMENT AGENCY**

MEETING MINUTES

Regular Meeting
Thursday, May 10, 2007
12:00 Noon.
Abigail's Restaurant
Waterloo, New York

Attendance:

Board Members Present: Bradford Jones, Chairman; Robert Rosenkrans; Kenneth Lee Patchen, Jr., Robert Kernan, Thomas Kime, and Bruce Bonafiglia

Board Members Absent: David M. Kaiser

Staff Attending: Patricia Jones, Interim Executive Director; Bill Bordeau, Deputy Director of Economic Development and Planning; Monica Novack, IDA Administrative Assistant; Greg Keefe, IDA Treasurer; and Russ Gaenzle, Legal Counsel, Harris Beach

Others Attending: Denise Champagne, Finger Lakes Times; Sharon Secor, Seneca County Manager; James Mooney, Supervisor, Town of Waterloo; Joan Teichner, Supervisor, Town of Varick; Kevin Swartley, representing Empire Green Biofuels; Ed Harwood, representing Great Veggies; and Steven Hall, representing Solar Greenhouse and Bioreactor Lighting

Call to Order:

Chairman Jones called the meeting to order at 12:05 P.M. A quorum of the Agency's members was present.

Executive Session:

Chairman Jones requested a motion to enter into Executive Session to discuss a real estate matter. A motion was made by Robert Kernan at 12:08 p.m. to enter into

Executive Session. Seconded by Lee Patchen. Motion carried. A motion was made by Bruce Bonafiglia at 1:00 p.m. to come out of Executive Session. Seconded by Lee Patchen. Motion carried.

Approval of IDA Minutes / Regular Meeting of April 5, 2007:

The minutes of the Agency's regular meeting of April 5, 2007 had been sent to Board members prior to the meeting. After discussion, a motion was made by Robert Rosenkrans to accept the minutes of April 5, 2007. Seconded by Bruce Bonafiglia. Motion carried.

Approval of March 2007 Financial Statements:

The March 2007 financial statements had been mailed to Board members prior to the meeting. Greg Keefe summarized the financial statements. After discussion, a motion was made by Robert Kernan to approve the March 2007 financial statements. Seconded by Robert Rosenkrans. Motion carried.

Approval of \$5,000 Payment to Greater Rochester Enterprises (GRE) for Marketing for 2007:

Pat Jones advised the Board that at the January 4, 2007 IDA meeting, representatives from GRE addressed the Board concerning economic development marketing efforts; however, the Board took no action on the proposed marketing arrangement. Pat then advised that in 2005, the IDA Board did approve a 5 year commitment to GRE at \$5,000 per year for marketing. Pat then stated that based on discussions with the Chairman, she was recommending that we hold off until next year to revamp our marketing efforts and that the Board approve the \$5,000 for this year's marketing assistance from GRE. After discussion, a motion was made by Lee Patchen to approve the \$5,000 to GRE for marketing. Seconded by Bruce Bonafiglia. Motion carried.

Approval for Mowing Services at Deer Run / Approval to Repair Site Work:

Pat Jones advised the Board that the IDA had gone out for proposals for the mowing of Deer Run for the past three years and in each case, only one response was received, that being S. Ritter and Son at the rate of \$175 per cut and that the mowing was done in a very acceptable manner. Pat then stated that she was recommending that we extend the contract with S. Ritter and Son for mowing services at Deer Run at the rate of \$175 per cut. Pat then advised the Board that the area at Deer Run where the power line was installed is in need of repair. Sharon Secor volunteered the county's services to grade this. After discussion, a motion was made by Bruce Bonafiglia approving a contract with S. Ritter and Son for mowing at Deer Run Industrial Park at the rate of \$175 per cut and approving seeding of the area to be graded by the County at a cost not to exceed \$2,500. Seconded by Lee Patchen. Motion carried.

Approval to Submit Grant Application for Multi-Modal (MM) #4 Program / Rail Upgrades:

Pat Jones advised the Board that the IDA has received notification of funding through the Multi-Modal (MM) #4 Program from the New York State Department of Transportation. Pat stated that the grant is in the amount of \$1,000,000 and is designated for new rail track construction, track upgrades, switches, crossing signals, and rail yard repairs from Finger Lakes Railway into Seneca Army Depot. Pat then stated that approval is required for staff to complete the application and submit to NYSDOT for approval and processing of the contract agreement. After discussion, a motion was made by Lee Patchen approving the Grant Application for Multi-Modal (MM) #4 Program / Rail Upgrades and authorizing the Interim Executive Director to execute the grant documents. Seconded by Robert Rosenkrans. Motion carried.

New York Chiropractic College Civic Facility Revenue Bond / IDA Administrative Fee:

Russ Gaenzle advised the Board that Legal Counsel to the New York Chiropractic College (NYCC) is requesting the IDA reduce its administrative fee in connection with the anticipated \$19,100,000 of Civic Facility Revenue Bonds, Series 2007. Russ stated that no new projects are being funded by the Series 2007 bonds and since the IDA had previously been paid a full fee at the time of the original issuance of the bonds, the College is requesting the IDA waive all of the administrative fee or substantially reduce the administrative fee. Pat Jones then advised the Board that using our normal 1% rate, the fee would be \$191,000; however, she was recommending that the IDA reduce that by 50% for a fee of \$95,500. After discussion, a motion was made by Robert Rosenkrans to reduce the IDA Administrative Fee for the NYCC Civic Facility Revenue Bond Project by 50% for a fee of \$95,500 and authorize the Interim Executive Director to notify appropriate officials. Seconded by Bruce Bonafiglia. Robert Kernan "abstained". Motion carried.

Acceptance of Empire Green BioFuels Public Hearing Minutes:

Pat Jones advised the Board that at the April 2007 IDA meeting, the Board extended the Public Hearing Open Comment Period for the IDA Financial Assistance to the Empire Green Biofuels Project until April 25, 2007. Pat then stated that she summarized the comments for both the Romulus and Varick Public Hearings and included the summation in the packet that was mailed to members. After discussion, a motion was made by Robert Rosenkrans that all comments from the Empire Green Biofuels Romulus and Varick Public Hearings had been considered, and the minutes of the public hearings were accepted as written. Seconded by Thomas Kime. Motion carried.

Approval to Purchase Seed and Fertilizer for Depot Deer:

Pat Jones advised the Board that last year, the Board authorized the purchase of seed and fertilizer to be planted by the Army for the depot deer with the cost being approximately

\$300. Pat then stated that the Army has offered to plant seed again this year, and therefore recommended the Board again authorize the purchase of seed at a cost not to exceed \$500. After discussion, Lee Patchen made a motion to approve the purchase of seed and fertilizer at a cost not to exceed \$500. Seconded by Bruce Bonafiglia. Motion carried.

Resolution / Peptic Properties (Sned-Acres) Project:

Pat Jones advised the Board of the potential for a project for Peptic Properties. Pat stated that the project is located on Route 89 in Romulus and Phase I of the project is the construction of a ten unit motel. Russ Gaenzle stated that no financial assistance will be given until he comes back to the Board. Russ then presented IDA Resolution No. 2007-13 as follows:

RESOLUTION OF THE SENECA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING THE APPLICATION OF PEPTIC PROPERTIES WITH RESPECT TO A CERTAIN PROJECT (AS DESCRIBED BELOW), (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT AND (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT

After discussion a motion was made by Lee Patchen to accept IDA Resolution No. 2007-13. Seconded by Robert Kernan. Motion carried.

Other Business:

Access Approval for Bell IPC to Enter Deer Run Industrial Park:

Pat Jones advised the Board that she had received a request from Bell Independent Power Corporation for access to Deer Run Industrial Park to conduct a land survey. Pat explained that Bell has been hired by a manufacturing company in Seneca Falls to determine the feasibility of constructing a gas service to their facility and the most direct path is through the Industrial Park. After discussion, a motion was made by Bruce Bonafiglia approving access by Bell IPC to Deer Run Industrial Park for the purpose of a land survey, contingent upon Bell IPC signing a Hold Harmless Agreement. Seconded by Thomas Kime. Motion carried.

Consideration of Executive Session:

Chairman Jones requested a motion to enter into Executive Session to discuss possible litigation and real estate disposition. A motion was made by Bruce Bonafiglia at 1:20 p.m. to enter into Executive Session. Seconded by Robert Kernan. Motion carried. A

motion was made by Bruce Bonafiglia at 1:50 p.m. to come out of Executive Session. Seconded by Robert Rosenkrans. Motion carried.

Other Business:

Approval of Sale of Finger Lakes Railway Property (2.15 Acres) to Robert Carroll:

A motion was made by Bruce Bonafiglia approving Finger Lakes Railway to sell a 2.15 acre parcel of land on the east side of the tracks known as the "Geneva Cluster's Kendaia Industrial" in the Town of Fayette to Robert Carroll and authorizing the Interim Executive Director to execute and sign the deed, real estate transfer tax return and the real property transfer report. Seconded by Thomas Kime. Motion carried.

IDA Executive Director Position:

Chairman Jones appointed Thomas Kime and Robert Kernan to work with the County Manager and two Board of Supervisor members in concert in filling of the IDA Executive Director position. Chairman Jones stated that items to be addressed included defining job descriptions for each Executive Director position prior to advertising; determining the proper title / job responsibilities for each Executive Director position; jointly discussing whether the County provides funding for the IDA Executive Director position going forward; coordinating the interviewing / hiring process for both positions; jointly determining office space / location of both departments; and to begin the discussions on the salary level for the IDA Executive Director. The Chairman requested that weekly meetings be held to keep this effort on track.

Adjournment:

A motion to adjourn the meeting was made by Bruce Bonafiglia and seconded by Thomas Kime. Motion carried. The meeting adjourned at 2:18 p.m.

The next scheduled meeting will be held on **June 7, 2007 at 12:00 Noon** at Abigail's Restaurant, Route 5 & 20, Waterloo.

Respectfully submitted,

Kenneth Lee Patchen Jr / pj

Kenneth Lee Patchen, Jr.
Secretary

pc: Sharon Secor, Seneca County Manager
Margaret Li, Clerk, Board of Supervisors
Shawn Griffin, Esq, Harris Beach
Russell Gaenzle, Esq, Harris Beach
Justin Miller, Esq, Harris Beach