

Tioga County Industrial Development Agency
March 4, 2020 • 4:30 p.m. • Ronald E. Dougherty County Office Building
56 Main Street, Owego, NY 13827

Regular Meeting Minutes

- I. **Call to Order and Introductions** – Chairwoman J. Ceccherelli called the meeting to order at 4:30 p.m.

- II. **Attendance**
IDA Board Members:
 - A. Roll Call: J. Ceccherelli, K. Gillette, A. Gowan, M. Sauerbrey, T. Monell, J. Ward, E. Knolles
 - B. Absent: None
 - C. Excused: None
 - D. Guests: C. Curtis, L. Tinney, J. Meagher (*arrived @ 4:40 p.m.*), C. Haskell, M. Freeze, G. Lohmann (*departed @ 4:45 p.m.*), K. Flesher (*departed @ 4:45 p.m.*), S. Hartwig (*departed @ 4:45 p.m.*), W. Walsh (*departed @ 4:55 p.m.*)

- III. **Privilege of the Floor – Keith Flesher, Town of Berkshire Supervisor –**
Town of Berkshire Recreational Park Access – Town of Berkshire Supervisor, Keith Flesher reported he has held the position of supervisor for the past two years and progress on the Town of Berkshire Recreational Park has been underway before his term of office. Mr. Flesher reported a promotional video has been created to show the progress over the years and will be used for future grant applications. Mr. Flesher reported the Town of Berkshire wants to provide an area for residents to access outdoor facilities without travelling to Owego or Endicott. Mr. Flesher reported the idea is to secure grants and donations to avoid any additional tax burden to the residents. Mr. Flesher addressed the concern of the railroad tracks and crossing and expressed a desire to move the project forward with the OHRY and IDA partners.

IDA Attorney, J. Meagher reported the IDA should request input from S. May regarding any impact to railroad operations. L. Tinney reported she spoke with S. May and he expressed no opposition to granting access to the railroad tracks contingent upon the following conditions:
 1. Town of Berkshire agrees to be responsible for railroad crossing improvements; and
 2. Town of Berkshire agrees to continue maintenance of the railroad crossing; and
 3. Town of Berkshire agrees to draft a letter indicating the railroad crossing is changing from a private to public crossing. Currently, this railroad track is considered a private crossing with public access.
 4. Town of Berkshire understands there may be times, as needed, when S. May would need

to store cars on the railroad siding, which could potentially limit or deny use or access to the park. K. Flesher requested a schedule of these times for event scheduling purposes.

K. Gillette inquired about potential insurance implications from changing from a private to a public crossing. J. Meagher reported the IDA would need to inquire with our insurance carrier, Smith Brothers.

T. Monell inquired as to whether construction has commenced. Mr. Flesher reported the project is currently in the end-stage planning phase and the Town of Berkshire is in the process of obtaining cost estimates and exploring grant opportunities.

T. Monell inquired about the potential for flooding. Mr. Flesher reported the Town of Berkshire is aware of the flood plain and engineering plans will address any potential issues.

A. Gowan inquired as to whether there is any encroachment on the railroad's right-of-way.

L. Tinney reported potential right-of-way impact will need to be addressed with S. May, as he has the maps.

IDA Board was in agreement with the Town of Berkshire's request for railroad crossing access contingent upon all above-referenced conditions are met.

Privilege of the Floor – Wendy Walsh, Director, Tioga Co. Soil & Water Conservation District -

Monkey Run (Huntington Creek) – Wendy Walsh, Director, Tioga County Soil & Water Conservation District provided history, assessed damage, and potential funding opportunities for Monkey Run (Huntington Creek) IDA-owned property. W. Walsh reported following the Tropical Storm Lee event in 2011, Tioga County Soil & Water was consulted to remove a 100-year-old crib dam from this property and as a result National Resources Conservation Services (NRCS) completed the work. W. Walsh reported the October 2019 flash flooding event was declared a federal disaster for our area and since that time, Soil & Water periodically checks on this site. As a result of one of these checks, damage was assessed, therefore, started discussion for possible FEMA public assistance in the form of a 75/25 match. W. Walsh reported Soil & Water is currently pursuing FEMA public assistance, however, cannot include this property, as Tioga County Soil & Water is not the owner. W. Walsh reported the application deadline has passed, however, believes a letter stating extenuating circumstances such as the Tioga County IDA was unaware of this funding and that Soil & Water believed the property could be included as part of their application, may allow for an exception for application submission. W. Walsh estimated \$20,000 - \$25,000 for damage repair; therefore, the 25% local IDA match would be approximately \$6-7,000. W. Walsh reported that if the IDA agrees to pursue FEMA public assistance, she would assist C. Curtis with the application process. W. Walsh reported FEMA has been known for strict deadlines; therefore, noting this may not be a viable option this year.

M. Sauerbrey exited the meeting at 4:50 p.m.

A. Gowan inquired as to the extent of the damage. W. Walsh reported damage includes erosion around the grade control and rock shoot causing the shifting of these structures, therefore, in need of replacing and extending elevation to get back to the center of the grade control.

W. Walsh reported operation and maintenance of these structures is approximately ten years, therefore, on the cusp and believes it is worthwhile to do the necessary work to address damage control.

Motion to approve W. Walsh, Tioga County Soil & Water, to submit a letter on behalf of the Tioga County IDA identifying extenuating circumstances and authorize IDA as the applicant for FEMA Federal Disaster Public Assistance funding. (K. Gillette, T. Monell)

Aye – 6 Abstain – 0
No – 0 Carried

Blodgett Road Update – L. Tinney inquired about the condition of Blodgett Road. W. Walsh reported survey work is required, as the creek is getting closer to the railroad tracks. W. Walsh reported application for Water Quality Improvement Project (WQIP) funding is available this spring through the Consolidated Funding Application (CFA) process. This funding would also require a 75/25 match and either the Tioga County IDA or Soil & Water could be the applicant. W. Walsh reported she would be willing to look at design scenarios and costs with IDA Board authorization.

IV. Approval of Minutes

A. February 5, 2020 Regular Board Meeting Minutes

Motion to approve February 5, 2020 Regular Board meeting minutes, as written. (E. Knolles, T. Monell)

Aye – 6 Abstain – 0
No – 0 Carried

V. Financials – The following financial reports were reviewed.

A. Balance Sheet

B. Profit & Loss –

C. Transaction Detail – C. Curtis highlighted the PILOT disbursements, Crown Cork and Seal agency fee of \$42,000, and the \$300,000 transfer of the Crown Cork and Seal PILOT from general checking to the Crown Cork and Seal PILOT account.

D. Town & County PILOT Disbursements – C. Curtis provided an Excel spreadsheet overview of the 2020 Town and County PILOT disbursements.

Motion to acknowledge financials, as presented. (A. Gowan, J. Ward)

Aye – 6 Abstain – 0
No – 0 Carried

M. Sauerbrey returned to the meeting.

VI. Project Updates: C. Curtis

A. Owego Gardens II – C. Curtis reported SUEZ approved the water extension plans, therefore, bid process for the water tank is anticipated soon.

B. Agriculture Value Chain Study – C. Curtis reported a resolution is required for USDA RDBG grant application.

Motion to authorize resolution for the Tioga County IDA to act as the grant applicant for the USDA Rural Business Development Grant (RBDG) for the Ag Value Chain Study for \$26,000 with no local match required. (T. Monell, A. Gowan)

Aye – 7 Abstain – 0
No – 0 Carried

C. Southern Tier Network Broadband – C. Curtis reported funding application for \$36,500 was submitted to Empire State Development (ESD).

D. Livestreaming TCIDA Meetings – C. Curtis reported Tioga County ITCS Department advised setting up a YouTube account to host the archived meeting videos.

VII. ED&P Update: L. Tinney

- A. 2020 Census Complete Count Committee – L. Tinney reported Planning Director, E. Jardine will attend the April 1, 2020 IDA meeting to provide a presentation.
- B. DRI Projects – L. Tinney reported Deputy Director of Economic Development, Brittany Woodburn created a spreadsheet of all the projects. B. Woodburn, M. Griffiths, and C. Curtis continue to meet with the property owners. L. Tinney reported she anticipates issuing a Request for Proposal (RFP) soon. K. Gillette inquired about flood insurance. C. Curtis reported ED&P is requesting all property owners to submit their insurance to the IDA. J. Ward inquired whether the request is for private or FEMA insurance, as private insurance is more prevalent. C. Curtis reported this type of requirement was not specified to the property owners.
- C. Land Bank – L. Tinney reported three purchase offers have been made and one is currently in negotiation.
- D. Phase II Workforce Pipeline Strategy – L. Tinney reported the Owego-Apalachin Central School District and Waverly Central School District are taking the lead. In-person interviews with the partners are currently underway regarding plans, strategies, etc.
- E. Annual Agricultural District Inclusion – L. Tinney reported this annual process secured an additional 110 acres for inclusion with both parcels in the Town of Newark Valley.
- F. Deliver Fresh Virtual Food Hub – L. Tinney reported the meeting at the Engelbert facility was well attended with over 20 producers in attendance.
- G. 239 Planning Reviews – L. Tinney reported Planning had six 239 reviews this month with the most notable being the rezoning of a Town of Owego property from Residential B to Residential C to allow future multi-family apartment housing development.
- H. REAP Code Enforcement Study – L. Tinney reported the baseline report has been completed.
- I. Grants – L. Tinney reported ED&P is exploring nine potential grant opportunities; eight of which are pending. L. Tinney reported ED&P is currently involved with 34 grant opportunities, in addition to the DRI project grants, for a total of 51 grants.

VIII. New Business: C. Curtis

- A. Zoning Change Request – C. Curtis reported Phase I Full Environmental Assessment Form has been completed with the IDA as the applicant for a zoning change request for three property owners (Engelbert, Lounsberry, and Boyle) from agricultural to industrial in the Town of Nichols. L. Tinney reported the code enforcement officer advised one applicant to act as the sponsor versus three individual applicants for simplicity purposes. J. Meagher reviewed and approved the form. This request will go before the Town of Nichols Zoning Board, then to the County Planning Board for review and recommendation, with formal action taken by the Town of Nichols. L. Tinney reported all owners agreed and acknowledged their desire to pursue this zoning request.
Motion to approve Tioga County IDA to act as the sponsor and sign the Phase I Full Environmental Assessment Form for all three property owners in the Town of Nichols for the rezoning change from agricultural to industrial.
- B. RBEG Equipment Loan Program – C. Curtis reported ED&P suggested the IDA develop an equipment loan program to address unmet needs for small business owners. C. Curtis reported the IDA Loan Committee recommended a 1% interest rate and J. Meagher and J. Nolis offered the same opinion that this has no taxing implications, therefore, is not an issue. C. Curtis reported the process would continue through the IDA Loan Committee.
- C. FOIL Request – C. Curtis reported she received a FOIL Request requesting copies of all energy PILOTs. C. Curtis reported she complied and sent the requested information.

D. Railroad Insurance – C. Curtis reported the Railroad Committee approved the railroad insurance renewal for this year, but requested quotes at least three months in advance of the renewal date for next year. C. Curtis reported the railroad insurance renewal is a 23% cost increase.

ACTION: The IDA Board requested three quotes for next year at least three months in advance of the renewal due date.

E. RBDG USDA Application: \$250,000 NY Main Street Funding – ED&P requested the IDA act as the applicant to secure additional USDA funding to match the existing \$250,000 already obtained NY Main Street funding to allow for a bigger impact and increase of work. L. Tinney reported the application is due March 31, 2020 and anticipates a quick turnaround. J. Ward inquired as to whether targeted property owners are aware of the potential for additional funding. L. Tinney reported this information has not been released, however, will reach out with the understanding there is no guarantee additional funding will be secured. L. Tinney reported ED&P would administer the additional funding, if awarded, as they already administer the NY Main Street funding.

Motion to authorize resolution for the Tioga County IDA to act as the grant applicant for the USDA Rural Business Development Grant (RBDG) for \$250,000 with no local match required to supplement the existing \$250,000 NY Main Street funding already obtained.

(T. Monell, A. Gowan)

**Aye – 7
No – 0**

**Abstain – 0
Carried**

IX. Old Business: C. Curtis

A. Public Authority Accountability Act (PAAA)

1. Audit Committee Report: A. Gowan, E. Knolles, J. Ward
 - a. Insero & Co. – C. Curtis reported the final report is forthcoming and anticipates receiving in time to meet the PARIS Report submission deadline.
2. Governance Committee: J. Ceccherelli, A. Gowan, E. Knolles
 - a. Nothing to report.
3. Finance Committee: J. Ceccherelli, A. Gowan, K. Gillette
 - a. Nothing to report.
4. Loan Committee: S. Thomas, A. Gowan, R. Kelsey, K. Dougherty, D. Barton, J. Ward, J. Ceccherelli
 - a. DRI Flood Insurance Requirement & Acknowledgement Form – C. Curtis reported the requirement is only during the construction period.
 - b. DRI Recaptured Funds - C. Curtis reported any recaptured funds would roll into the IDA's Façade Improvement Loan Program. C. Curtis reported an Administrative Plan would be submitted for administration of funds.

X. PILOT Updates: C. Curtis

A. Sales Tax Exemptions Update: C. Curtis

1. V&S New York Galvanizing – C. Curtis reported V&S is submitting monthly sales tax reports and, to date, the company has used \$603,813.92 of their allowable \$671,200 sales tax exemption. C. Curtis reported V&S submitted a letter of request for the IDA to grant an extension for completion until August 31, 2020 and increase the exemption to \$771,000 due to project and cost overruns. L. Tinney reported the increased exemption level would most likely not be reached.

Motion to approve V&S New York Galvanizing’s extension request to August 31, 2020 and increase the exemption to \$771,000. (E. Knolles, T. Monell)

Aye – 7 Abstain – 0
No – 0 Carried

2. Best Buy – C. Curtis reported Best Buy is submitting monthly sales tax reports and, to date, the company has used \$399,226.50 of their allowable \$1,028,429.

3. Spencer-Tioga Solar – C. Curtis reported a letter of request to increase the maximum sales and tax use exemption was received for this project. As the project is nearing completion, the company determined they will exceed the original exemption amount of \$672,986, therefore, is requesting a net over max increase of \$24,151.75 for a new total exemption of \$697,137.75.

Motion to approve Spencer-Tioga Solar’s sales and tax exemption request to for a net max increase of \$24,151.75 for a new total exemption of \$697,137.75. (A. Gowan, J. Ward)

Aye – 7 Abstain – 0
No – 0 Carried

B. Agency Fee Installments

1. Tioga Downs Phase I – C. Curtis reported installments are paid in full.

2. Crown Cork & Seal – C. Curtis reported four annual installments remain due for a total of \$168,000.

XI. Executive Session

Motion to move into Executive Session pursuant to Public Officers Law Section 105 at 5:30 p.m. to discuss financial matters, property acquisition, and litigation matters. (K. Gillette, M. Sauerbrey)

Aye – 7 Abstain – 0
No – 0 Carried

M. Sauerbrey motioned, seconded by K. Gillette to adjourn Executive Session at 5:58p.m.

XII. Adjournment – E. Knolles motioned to adjourn the meeting at 5:58 p.m.

XIII. Next Meeting: Wednesday, April 1, 2020 at 4:30 p.m. Legislative Conference Room.

Respectfully submitted,

Cathy Haskell

IDA Executive Assistant