

Tioga County Industrial Development Agency

56 Main Street

Owego, NY 13827

Wednesday, October 7, 2015, 4:00 p.m.

Minutes

1. **Call to Order and Introductions** – the meeting was called to order by the Chair, R. Kelsey at 4:05 p.m.
2. **Attendance**
 - A. IDA Board Members
 1. Roll Call: R. Kelsey, R. Case, T. Monell, J. Nolis, and K. Dougherty
 - a. Absent:
 - b. Excused: A. Gowan and K. Gillette
 - B. Guests: L. Tinney, J. Meagher, A. Renko (Morning Times) and R. Fiato
3. **Privilege of the Floor - None**
4. **Approval of Minutes: September 2, 2015 Regular Meeting Minutes; October 1, 2015 Special Meeting Minutes (T. Monell/R. Case)**

Aye: 5	Abstained: 0
Nay: 0	Carried
5. **Project Updates**
 - A. Lockheed Martin Closing – Agency Counsel needs to update documents; Ms. Tinney will take documents to Lockheed Martin for signature
 1. Lockheed Martin – Denmark MH-60R Aircraft Delivery Ceremony, October 22, 2015
 - B. CFA Transfer Agreement between the IDA and Upstate Shredding. Ms. Tinney made the recommendation to put a transfer agreement between the TCIDA and Upstate Shredding in place prior to the award announcement of when the IDA is awarded the CFA monies on behalf of Upstate Shredding. This agreement would transfer all responsibilities of the CFA award from the TCIDA to Upstate Shredding.
 - C. Sign at the Corporate Park – Ms. Fiato has called three sign companies to get quotes to repair and/or replace the sign at the Corporate Park; she received only one quote. Prior to last month's meeting, Ms. Tinney received an email from Mr. Steven Donnelly at Upstate Shredding requesting permission for Upstate Shredding to install a separate sign at the entrance of the Corporate Park. After a brief discussion, the Board recommended that Ms. Tinney and Ms. Fiato work with the insurance company and Mr. Donnelly to come up with a plan to upgrade the sign together.
 - D. Tioga Downs Racetrack, LLC
 1. Resolution to accept the application
 2. Resolution to authorize the preliminary inducement
 3. Resolution to set the public hearingMotion to accept the application, authorize the preliminary inducement, and set the public hearing for October 21, 2015 at 5:30 p.m. at the Nichols Elementary School, 139 Ro-Ki Boulevard, Nichols, NY 13812 (R. Case/J. Nolis)

Aye: 5	Abstained: 0
Nay: 0	Carried
 - E. Crown Cork & Seal USA, Inc.
 1. Resolution to accept the application
 2. Resolution to authorize the preliminary inducement

3. Resolution to set the public hearing

Motion to accept the application, authorize the preliminary inducement, and set the public hearing for October 21, 2015 at 6:15 p.m. at the Nichols Elementary School, 139 Ro-Ki Boulevard, Nichols, NY 13812 (J. Nolis/R. Case)

Aye: 5

Abstained: 0

Nay: 0

Carried

4. Confidentiality Agreement (RG&E) – Motion to affirm the Chairperson sign the confidentiality agreement between the IDA and Rochester Gas & Electric regarding Crown Cork & Seal USA, Inc., Project

Aye: 5

Abstained: 0

Nay: 0

Carried

F. E-Site Development Project Update

1. Update - Owego Gardens – Closing on 10/13/2015; breaking ground the week of October 19th

a. Amendment to Purchase and Sale Agreement - TCIDA & Home Leasing, LLC – Motion to affirm the Chairperson to sign the Amendment to Purchase and Sale Agreement between the TCIDA and Home Leasing, LLC; in lieu of the full purchase price, Home Leasing, LLC will construct the road and extend the water line (T. Monell/J. Nolis)

Aye: 5

Abstained: 0

Nay: 0

Carried

b. Update – Waterline Easement – Agency Counsel has prepared waterline easements and will submit to the appropriate parties for signature

c. Update – NYS DOT Commercial Access Highway Work Permit (Perm 33) & NYS DOT Highway Work Permit Application Agreement (Perm 50) – Delta Engineers has prepared the Perm 33 and 50 on the IDA's behalf. The application fee for the Perm 33 was waived by NYS DOT; Perm 50 does have an inspection and/or supervision fee of \$370 per day, for an anticipated fee of \$1480 (4 days) to be reimbursed to DOT for inspection/supervision of the construction of the road. Ms. Tinney will discuss this expense with Home Leasing since they are the responsible party constructing the road.

d. Submission to ESD for Site Design Costs – Ms. Fiato spoke with the ESD project manager about what the next steps are to get reimbursed. The process is as follows: notify project manager when final bill is received, the grant disbursement agreement will be prepared and sent out for the Chairperson to sign, all corresponding expenditures need to be attached to the grant disbursement agreement and submitted to ESD for approval in January or February 2016. Reimbursement normally takes 60+days after ESD's final approval.

2. Upper level – hydrogeology testing; environmental audit – future development cost – Ms. Tinney discussed the need to gather quotes for future development cost to assist in making the upper portion of the E-Site shovel ready. Ms. Tinney is having her staff gather quotes and will present to the Board in the near future.

G. Resolution to submit an application to the Southern Tier Region Economic Development Corporation for the transfer of the \$800,000 loan from one location to another (T. Monell/J. Nolis)

Aye: 5

Abstained: 0

Nay: 0

Carried

H. NYSEG Easement – Owego Apalachin School District new maintenance building – Ms. Fiato advised the Board of an inquiry from NYSEG about requesting an easement to run gas and electric lines underneath the railroad tracks for the new maintenance building Owego Apalachin School District is constructing. Once the easement is received, Agency Counsel will review and make his recommendation on proceeding.

I. Nichols Cross Dock/Federal Express Project

1. Wetland Issue – Ms. Tinney informed the Board of the wetlands issues the Nichols Cross Dock Project is facing. Under old regulations, no wetlands were noted; under new

10. Reports

A. Railroads

1. Committee Report (T. Monell, W. Caloroso, R. Case, K. Gillette) – Ms. Fiato provided updated freight projections from OHRY

B. Loan Program

1. Brochure Printing Quote – Ms. Fiato received three printing quotes and recommended to have Curcio Printing to print 2,000 loan brochures

Motion to hire Curcio Printing to print 2,000 loan brochures (J. Nolis/K. Dougherty)

Aye: 5

Abstained: 0

Nay: 0

Carried

2. New marketing materials – At the September Board Meeting the Board approved a budget of \$400 for new marketing materials; Ms. Fiato requested an increase of \$150 to the budget for a total of \$550. Motion to increase the budget for new marketing materials to \$550 (J. Nolis/ R. Case)

Aye: 5

Abstained: 0

Nay: 0

Carried

3. Commercial Façade Loan Request – Rawley S. Filbin – Loan Request: \$13,950 (discuss in Executive Session)

4. Loan Funds Availability Report - Ms. Fiato advised the Board there is \$584,982 of funds available to loan out

- C. **Training Update** – completed webinars: Dealing with Conflict in the Workplace (9/14/2015); Handling Inappropriate, Hot Button, and Controversial Conversations (9/17/2015); Communicating Through E-Mail Webinar (9/18/2015); Developing a Perpetually Positive Attitude (9/25/2015) **Upcoming training:** None scheduled at this time

11. Motion to move into Executive Session pursuant to Public Officers Law Section 105

Motion to move into Executive Session at 6:15 p.m. pursuant to Public Officers Law Section 105 (K. Dougherty/T. Monell)

Exit Executive Session at 6:35 p.m. (T. Monell/J. Nolis)

Motion to approve the loan request from Rawley S. Filbin in the amount of \$13,950 with the following terms/conditions (J. Nolis/R. Case, R. Kelsey abstained)

- Maximum of \$13,950 at 0% fixed for six (6) years (\$193.75/month)
- Loan funds will be used to reimburse for 90% of cost for exterior renovations to include remodel of storefront façade including new windows, build out of front entry and entrance door
- Unconditional Personal guarantee of Rawley S. Filbin
- Key person life insurance on Rawley S. Filbin, at least in the amount of the outstanding debt and assigned to the Tioga County Industrial Development Agency shall be provided. A provision can be made for the insurance to decline as the loan is repaid, retaining an insured amount on the policy equal to the amount of the declining loan balance
- Collateral includes 2nd co-security interest on the real property located at 334 Broad Street, Waverly, NY
- All applicable local, state and federal requirements to apply

Aye: 4

Abstained: 1

Nay: 0

Carried

12. Next Meeting – Wednesday, November 4, 2015

13. Adjourned – R. Kelsey adjourned the meeting at 6:35 p.m. (J. Nolis/T. Monell)

EXECUTIVE SESSION MEETING MINUTES
Tioga County Industrial Development Agency

Date: 10/7/2015

Time: 6:15 p.m.

On a motion of Board Member Gillette, seconded by Board Member Monell, the Board of Directors went into Executive Session to discuss:

1. Financial matters of a particular person(s)

Motion to Exit Executive Session at 6:35 p.m.