

**Minutes of the Meeting of the
Oneida County Industrial Development Agency
Held on June 26, 2008 at the EDGE Offices,
Rome, NY 13441**

Members Present: N. Brown, M. Fitzgerald, D. Grow, M. Valentine, S. Zogby

Staff Present: F. Arcuri, J. Castilla, S. DiMeo, J. Karam, S. Papale, M. Rizzo

Others Present: D. Guzewich, D. Maneen, C. Martell, T. O'Byrne, L. Ruberto, L. Romano, P. Romano, C. Vitale, P. Vitale

Mr. Grow called the meeting to order at 8:05 AM.

The minutes of the April 24 and May 22, 2008 meetings of the Agency were unanimously approved on a motion mad by Mr. Fitzgerald, seconded by Mr. Zogby.

Agency business included:

- A Resolution approving the conveyance from the Agency to ConMed Corporation of the facility located at 5836 Success Drive, Rome, NY and approval of the form and execution of documents was brought before the Agency. *The Resolution was unanimously approved upon a motion made by Mr. Fitzgerald, seconded by Ms. Brown.*
- A Resolution approving the conveyance from the Agency to ConMed Corporation of the facility located at 310 Broad Street, Utica, NY and approval of the form and execution of documents was brought before the Agency. *The Resolution was unanimously approved upon a motion made by Mr. Fitzgerald, seconded by Mr. Valentine.*
- A Resolution approving the conveyance from the Agency to Boonville Enterprises, Inc. of the facility located at Route 12, Boonville, NY and approving the form and execution of documents was brought before the Agency. *The Resolution was unanimously approved upon a motion made by Mr. Zogby, seconded by Mr. Fitzgerald.*
- A Resolution authorizing the execution of a Supplemental Indenture to amend the Indenture of the Trust for the OCIDA 2002 Civic Facility Revenue Bonds for Hamilton College, to modify the Indenture provisions relating to the Liquidity Facility for the Series 2002 Bonds was brought before the Agency. *A motion to approve the Resolution subject to review and approval of legal counsel was made by Mr. Fitzgerald, seconded by Ms. Brown. The motion was unanimously carried.*
- The Agency was requested to approve a Declaration of Restrictive Covenant relating to the SAES Smart Materials, Inc. facility and the approval of the execution of related documents. Ms. Papale explained that the Agency's approval is necessary in order for the company to build an addition on their existing building. *Upon a motion made by Mr. Grow, seconded by Ms. Brown the request was unanimously approved.*
- The Agency was requested to ratify the execution of loan documents pertaining to the sale of the Oneida Ltd. facility and approve the execution of related documents. *A motion to approve the ratification of the loan documents subject to review and approval of legal*

counsel was made by Mr. Fitzgerald, seconded by Mr. Zogby. The motion was unanimously carried.

- As Chair of the Agency's Audit Committee, Mr. Fitzgerald gave a brief review of the Agency's 2007 Audit. As the Audit was submitted with no issues or findings, Mr. Fitzgerald recommends the Agency's acceptance of the Audit. *Upon a motion made by Mr. Fitzgerald, seconded by Ms. Brown, the Audit was unanimously accepted.*
- Mr. Maneen, President of Griffiss Utilities Services Corporation, (GUSC) was present to explain the proposed GUSC bio-fuel project for Griffiss Business & Technology Park. It was pointed out that the Agency fee listed in the application was incorrect and will be changed. When questioned on the status of bank financing for the project, Mr. Maneen stated that he expects formal commitment from the bank (Key Bank) in mid-July. Mr. Fitzgerald asked what the benefit would be to Park tenants should the project proceed as planned. Mr. Maneen projects a \$1 - \$2 million annual savings to customers of GUSC. *A motion to approve an Initial Authorizing Resolution for up to \$30 million in Civic Facility bonding contingent upon the NYS Legislature passing Civic Facility legislation was made by Mr. Valentine, seconded by Mr. Grow. Discussion ensued. In the absence of a recommendation for the project from an independent third party; Mr. Grow instructed staff to draft a letter to the Griffiss Local Development Corporation (GLDC), who has yet to approve the project, recommending GLDC to secure an independent review of the feasibility studies specifically commenting on the technology used and availability of source material proposed for the project. Upon a call for a vote, the IAR was unanimously passed.*
- An assistance request from BBL Verona, LLC was brought before the Agency. Mr. Martell and Mr. O'Byrne from BBL, Verona, LLC; presented their project to the Agency. The project proposes the construction of a hotel, restaurant and a related retail establishment at 5264 Willow Lane – a 4.05 acre parcel in close proximity to the Turning Stone Casino in Verona, NY. Included among the improvements to the site is an extension of a natural gas line approximately 1,000 feet to service the property and upgrades to the road at Willow Lane. Discussion ensued. Mr. Fitzgerald inquired as to Agency staff having made Mr. O'Byrne aware of the Agency's policy of not supporting retail projects. Mr. O'Byrne stated that the Agency's position was made clear by Ms. Papale; however he believes the project justifies a deviation from Agency policy if viewed as a tourism initiative.
- An IAR for The Terrace at Woodland, an assisted living project proposed for Rome, NY, was brought before the Agency. Paul and Chris Vitale explained the project and the reasoning for requesting Agency assistance. Discussion ensued.
- *Upon a motion made by Mr. Zogby, seconded by Mr. Fitzgerald; the Agency entered Executive Session at 9:55 AM for the purpose of discussing potential contracts and Inducement Resolutions. Consensus to exit Executive Session was reached at 10:25AM.*
- *A motion to approve an IAR for The Terrace at Woodland was made by Mr. Grow, seconded by Mr. Valentine. A motion to table the inducement was made by Mr. Valentine, seconded by Mr. Zogby. Mr. Grow recommended Mr. Vitale research the benefits of pursuing 485-b taxing status with the City of Rome before the next meeting of the Agency.*

In Old Business:

- A request to grant an easement for the Mascoma project was brought before the Agency. *Upon a motion by Mr. Fitzgerald, seconded by Mr. Zogby, the easement was unanimously granted.*
- Owl Wire, Boonville, has requested the Agency consent to the construction of a garage facility on their property. No benefit is requested for the project. *A motion to consent to the construction contingent upon governmental approval of the new structure was made by Mr. Fitzgerald, seconded by Mr. Zogby. The motion was unanimously passed.*
- A Resolution to disburse the recapture fees collected by the Agency from M&T Bank for violating the former Partners Trust PILOT to affected taxing jurisdictions was brought before the Agency. Discussion ensued. *A motion to return collected fees less 5% (to serve as an Agency Fee for legal and administrative costs) was made by Mr. Valentine, seconded by Mr. Zogby. The motion was unanimously carried.*
- A request by the NYS Department of Transportation to pay owners of properties for land used as part of DOT projects was brought before the Agency. Mr. Grow noted that a letter from the beneficial owners of the affected properties agreeing to the price offered by DOT should be received by the Agency before granting the request. *A motion to proceed with the DOT request contingent upon Agency staff and beneficial owners agreeing to the price offered by DOT was made by Mr. Fitzgerald, seconded by Mr. Zogby. The motion was unanimously passed.*
- A request to consent to allowing Ms. Papale and Mr. Arcuri the ability to negotiate and sign agreements with Shumaker Engineering in regards to the environmental clean-up project at the former Rome Cable industrial site was brought before the Agency. Mr. Arcuri explained the current progress and challenges associated with the project. *A motion to authorize Ms. Papale and Mr. Arcuri to negotiate and sign agreements with Shumaker Engineering for matters relating to the clean-up of the former Rome Cable site was made by Mr. Zogby, seconded by Mr. Fitzgerald. The motion passed with Mr. Valentine and Mr. Grow abstaining.*

There being no further business, the meeting was adjourned at 10:40 AM upon a motion made by Mr. Fitzgerald, seconded by Mr. Valentine.

Respectfully submitted,

Shawna M. Papale
Executive Director