

**SENECA COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY**

**MEETING MINUTES**

Thursday, May 1, 2008  
12:00 Noon  
Deerhead Inn  
Seneca Falls, New York

**Attendance:**

Board Members Present: Robert Rosenkrans, Chairman; Thomas Kime; David M. Kaiser; Fred Gaffney; Robert Kernan; and Kenneth Riemer

Board Members Absent: Kenneth Lee Patchen, Jr. and Thomas Macinski

Staff Attending: Patricia Jones, Interim Executive Director; Monica Novack, IDA Administrative Assistant; Greg Keefe, IDA Chief Financial Officer; and Justin Miller, Harris Beach

Others Attending: David Dresser, Supervisor, Town of Ovid; James Mooney, Supervisor, Town of Waterloo; Kevin Swartley, Dave Young, Roger Arliss, F. Spencer Givens, and Doug Frier, Empire Green Biofuels; Dave Shaw, Finger Lakes Times; Mike Coia and Paul Linnim, Seneca BioEnergy; Michael Davis, representing IBEW Local 840; and Joan Teichner, Mary Ann Kowalski, Carol Richardson, Lucille Povero, Dennis Money, John Patti, and Charles A. Lucido

**Call to Order:**

Chairman Rosenkrans called the meeting to order at 12:13 p.m. A quorum of the Agency's members was present.

**Approval of IDA Minutes / Meeting of April 7, 2008:**

The minutes of the Agency's regular meeting of April 7, 2008 had been sent to Board members prior to the meeting. After discussion, a motion was made by David Kaiser to approve the April 7, 2008 minutes. Seconded by Thomas Kime. Messrs. Rosenkrans, Kime, Kaiser, Kernan, Riemer, and Gaffney voted "yea". Messrs. Patchen and Macinski were absent. Motion carried.

**Approval of March 2008 Financial Statements:**

The March 2008 financial statements had been mailed to Board members prior to the meeting. After discussion, a motion was made by Robert Kernan to approve the March 2008 financial statements. Seconded by Thomas Kime. Messrs. Rosenkrans, Kime, Kaiser, Kernan, Riemer, and Gaffney voted “yea”. Messrs. Patchen and Macinski were absent. Motion carried.

**Report of Correspondence:**

Pat Jones advised the Board that the IDA had received several pieces of correspondence that had been included in their packets.

**SEQR for Seneca BioEnergy Project:**

Pat Jones advised the Board that this is a preliminary discussion item pertaining to the next agenda item, the initial resolution for Seneca BioEnergy, LLC, the company taking possession of the two large warehouses at the Depot. Pat then noted that as we begin to move ahead with this project, it must be decided who will be lead agency for this project for the purposes of SEQR and that there are two (2) obvious choices: The Seneca County IDA or the Romulus Planning Board. She also noted that, since the Romulus Planning Board meets a few days after the IDA meeting, she felt it was appropriate to get the Board’s feelings on lead agency so this information could be passed on to the Romulus Planning Board. Pat then advised the Board that Seneca BioEnergy had submitted Part 1 of the EAF and that a coordinated review could be initiated. After discussion a motion was made by Ken Riemer to accept Seneca BioEnergy application and for staff to initiate the coordinated review required by the State Environmental Quality Review Act. Seconded by Robert Kernan. Messrs. Rosenkrans, Kime, Kaiser, Kernan, Riemer, and Gaffney voted “yea”. Messrs. Patchen and Macinski were absent. Motion carried.

**Approval of IDA Resolution No. 2008-11 – Seneca BioEnergy, LLC:**

Pat Jones advised the Board that this resolution is an initial resolution for Seneca BioEnergy, which accepts the application and describes the forms of financial assistance being considered by the Agency for this project. Justin Miller than presented IDA Resolution No. 2008-11 – Seneca BioEnergy, LLC as follows:

RESOLUTION OF THE SENECA COUNTY INDUSTRIAL DEVELOPMENT AGENCY ACCEPTING THE APPLICATION OF SENECA BIOENERGY, LLC (THE "COMPANY") WITH RESPECT TO A PROPOSED PROJECT MORE FULLY DESCRIBED BELOW AND DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO SUCH PROJECT

After discussion, a motion was made by Thomas Kime to approve IDA Resolution No. 2008-11 – Seneca BioEnergy, LLC. Seconded by Fred Gaffney. Messrs. Rosenkrans, Kime, Kaiser, Kernan, Riemer, and Gaffney voted “yea”. Messrs. Patchen and Macinski were absent. Motion carried.

**Approval of Professional Services Agreement between Seneca County IDA and Fisher Associates for 2008:**

Pat Jones advised the Board that for the past four (4) years, the IDA has had an agreement with Fisher Associates to provide professional engineering services. Pat noted that the last agreement commenced on May 1, 2007 and extended through April 30, 2008, with an option to renew the same services for an additional year. She then advised that this agreement is to not-to-exceed a fee of \$10,000 and is based upon the actual cost of labor times a multiplier of 2.7 to cover overhead and fixed fee, plus direct costs and subcontract and/or sub consultant services, which is described in the agreement. Pat also noted that this agreement provides funding for survey, environmental and traffic studies, geotechnical analyses, landscape architecture, site plan design, constructability reviews, architectural design activities and other professional tasks as may be identified by the IDA. Pat then informed the Board that in the past, the IDA has used this contract for work associated with Deer Run Industrial Park. Lastly, Pat stated that if services are not requested, then the IDA pays nothing. After discussion, a motion was made by David Kaiser to approve this agreement and authorize the Interim Executive Director to execute the agreement. Seconded by Robert Kernan. Messrs. Rosenkrans, Kime, Kaiser, Kernan, Riemer, and Gaffney voted "yea". Messrs. Patchen and Macinski were absent. Motion carried.

**Status Update / PETRO's PIF:**

Bill Bordeau provided the Board with an update on the PILOT-Increment-Financing (PIF) for the PETRO Project. He stated that, at this point, it looks as though the PIF will be paid off within the 5 year contract period. Chairman Rosenkrans questioned what could affect the balance at the end of the 5 years. Bill advised that the PILOT payments, based on the tax rates and assessments, could affect the final balance, and if there were a deficiency, payments would have to be extended. Bill agreed to provide quarterly statements on all PIFs for the Board.

**Status Update / Lowe's PIF:**

Bill Bordeau provided an update on the proposed PILOT-Increment-Financing (PIF) for the Lowe's Project. He stated that this is a 1.85M dollar project which extends the water line from Marshall Road to the new Lowe's store, thereby providing water for future economic development on Route 96A. A map showing the exact location of the proposed water lines was provided at the meeting. Bill noted that financial terms and the length of PIF is being negotiated with banks at this time.

**Status Update / Hotel Clarence PIF:**

Bill Bordeau provided an update on the proposed PILOT-Increment-Financing (PIF) for the Hotel Clarence (Gould Hotel) Project. He stated that this project, between \$1.6M and \$1.8M is still in the negotiation process, with terms and length to be negotiated. Bill also noted that this project covers demolition of houses; installation of sewer line/drainage; removal of asbestos; and construction of the parking lot.

### **Approval of Contract for Empire Zone Services:**

Pat Jones advised the Board that staff had received approval to go out with RFQ's from individuals and firms for professional services in support of the Seneca County Empire Zone Program. Pat noted that the IDA is specifically looking for assistance in finalizing the Zone's Development Plan and completing a Zone Boundary Amendment, including assistance with mapping as required. She noted that staff sent out three (3) requests and received one (1) response from Camoin Associates from Saratoga Springs. Pat then advised that Camoin is very experienced in the Empire Zone arena and has provided services to several Empire Zones in the State. Lastly, Pat noted that their contract would be not-to-exceed \$7,500. Thomas Kime requested monthly progress reports on the project. After discussion, a motion was made by David Kaiser to approve the proposal from Camoin Associates to provide Empire Zone Technical Assistance at a cost of not-to-exceed \$7,500 with completion of the project, and authorize the Interim Executive Director to sign the contract. Seconded by Thomas Kime. Messrs. Rosenkrans, Kime, Kaiser, Kernan, Riemer, and Gaffney voted "yea". Messrs. Patchen and Macinski were absent. Motion carried.

### **Approval to Amend Letter of Engagement for Appraisal of Veteran's Cemetery:**

Pat Jones advised the Board that the original Letter of Engagement for Doan Associates Appraisal was to appraise 100 acres for the Veteran's Cemetery. Pat advised that this amendment changes the acreage from 100 to 167. After discussion, a motion was made by David Kaiser to amend the Letter of Engagement from Doan Associates Appraisal for Appraisal of Veteran's Cemetery at a cost not to exceed an additional \$1,000. Seconded by Robert Kernan. Messrs. Rosenkrans, Kime, Kaiser, Kernan, Riemer, and Gaffney voted "yea". Messrs. Patchen and Macinski were absent. Motion carried.

### **Other Business:**

Pat Jones advised the Board that she had met with Frank Fisher, the County Attorney, to discuss the agreement between the IDA and the County for space in the Seneca County Office Building for the new IDA office. She noted that Frank is working on the agreement, which will be available prior to the next IDA Board Meeting. Pat noted that once approved by the IDA, the agreement, will be presented to the Board of Supervisors for their approval.

Justin Miller advised the Board concerning Correspondence received from NYS Open Government regarding Requests for Opinion (in connection with FOIL Requests) by Mary Ann Kowalski. He stated that there needs to be a clearer, more precise reason stated for entering into executive sessions. Tom Kime and Robert Kernan noted that the IDA should post to the website the designated areas for public notices.

### **Consideration of Executive Session:**

Chairman Rosenkrans requested a motion to enter into Executive Session for the purposes of personnel matters. A motion was made by Thomas Kime at 12:47 p.m. to enter into Executive

Session. Seconded by Robert Kernan. Motion carried. A motion was made by Fred Gaffney at 1:58 p.m. to come out of Executive Session. Seconded by David Kaiser. Motion carried.

**Approval of Professional Services Agreement between Seneca County IDA & Bill Jones:**

A motion was made by Robert Kernan to approve the Professional Services Agreement between the Seneca County IDA & Bill Jones to assist in the preparation of responses received at the Town of Romulus Public Meeting for the Restore NY II Grant at a rate of \$60/hour with a not-to-exceed amount of \$1,000. Seconded by Thomas Kime. Messrs. Rosenkrans, Kime, Kaiser, Kernan, Riemer, and Gaffney voted "yea". Messrs. Patchen and Macinski were absent. Motion carried.

**Adjournment:**

A motion to adjourn the meeting was made by Thomas Kime and seconded by David Kaiser. Motion carried. The meeting adjourned at 2:15 p.m.

The next regular scheduled meeting will be held on **June 5, 2008 at 12:00 Noon** at Abigails Restaurant, Routes 5 & 20, Waterloo.

Respectfully submitted,



Kenneth Lee Patchen, Jr.  
Secretary

pc: Suzanne Sinclair, Seneca County Manager  
Margaret Li, Clerk, Board of Supervisors  
Russell Gaenzle, Esq, Harris Beach  
Justin Miller, Esq, Harris Beach  
Shawn Griffin, Esq, Harris Beach  
Gregory Keefe, CFO