



tel: 607 687 8259

fax: 607 223 7125

info@developtioga.com

Tioga County Industrial Development Agency

May 3, 2017

Ronald E. Dougherty County Office Building

56 Main Street, Owego, NY 13827

Minutes

1. Call to Order and Introductions

The meeting was called to order by Chairperson R. Kelsey at 4:30 p.m.

2. Attendance

A. IDA Board Members

1. Roll Call: R. Kelsey, A. Gowan, T. Monell, K. Gillette, K. Dougherty, M. Sauerbrey, J. Ceccherelli

a. Absent:

b. Excused: K. Dougherty

2. Guests:

- a. B. Myers, L. Tinney, C. Haskell, J. Bellis, D. Chase, G. Conde, J. Meagher, M. Freeze, and N. Ruiz

M. Sauerbrey arrived at 4:32 p.m.

3. Privilege of the Floor:

J. Bellis – Larson Design Group

J. Bellis reported the following regarding **Project Freehold**:

a. Rendering: The base image would be put on to a concrete deck.

b. Base Flood Elevation: The 100-year flood elevation is approximately 3 ft. above street level for a total base flood elevation of 817.6 ft.

c. Geotech: Finished borings on 5/1/17. Ground water around 4ft. It is possible that we could tie into the village system.

d. Request for Proposals: LDG - The opinion of construction costs will be derived from the RFP.

D. Chase – Clark Patterson Lee

D. Chase presented the E-site Master Plan Update. The Plan includes a 2nd housing facility consisting of 62-units. D. Chase reported he explained the letter to SUEZ which illustrates demand and how we will handle it. Waiting for SUEZ to respond. D. Chase reported the anticipated gallons per day is 30,000, therefore, will need a 250,000-gallon tank. D. Chase presented the following options for the water tower:

1. 100 ft. water tower within the Village of Owego limits - \$1.3 million dollars.
2. 24 ft. water tower outside the Village of Owego limits - \$450,000 dollars (\$400,000 for the tank and \$50,000 for the pipe).

K. Gillette arrived at 5:18 p.m.

It is unknown as to whether the tank can be located outside the village limits. D. Chase reported the overall infrastructure (roads, water, utilities) is over \$5 million dollars with the elevated tank whereas the alternative option is under \$4 million dollars. Question was raised as to whether the IDA could annex the property over to the Village of Owego to accommodate staying within the village limits. L. Tinney reported there is a \$350,000 commitment from the State for the extension of water at this site. L. Tinney further reported she has shared this information with Congressman Reed's office as they were instrumental with this issue and the meetings with SUEZ.

G. Conde – DePaul

Ms. Conde attended today's meeting to provide a presentation on DePaul and their interest in constructing a 60-unit supported housing complex in Tioga County. Ms. Conde highlighted the following:

- DePaul is focusing on smaller communities. The intent of the project is to keep people who reside in this community to stay in the community.
- DePaul is similar to Home Leasing, LLC but on a smaller scale. DePaul is a not-for-profit for special needs housing, however, in the past ten years has expanded their housing to serve the general public. For this project, DePaul would be partnering with Home Leasing, LLC.
- Tioga County model consists of 60 units; 56 one-bedroom apartments and 4 two-bedroom apartments. 50% of these units would serve individuals with broad range disabilities. Units would be available at mid-market with 50% of the units meeting ADA standards with 4-6 units enhanced for individuals with audio and visual impairments.
- Security consists of a 24/7 front desk person, security cameras installed on the complex, and aggressive background checks for prospective tenants.
- Staffing will consist of the front desk person, as well as three housing specialists who will link tenants to services already established in the community. NYS will pay for these housing specialists via a 10-year grant and DePaul has secured a 30-year commitment. DePaul will hire staffing from the community.
- This is not public housing and is not Section 8 housing, however, will take these housing vouchers after proceeding with the aggressive vetting process. The lease agreements are the same for all tenants.

The following questions were raised in regards to the proposed project:

- **Was a study done regarding the need for this type of housing and where would the residents come from?** Ms. Conde reported a study was not done, however, she spoke with Lori Morgan, Tioga County Director of Community Services, who expressed a need as well as excitement for this type of concept in Tioga County.
- **Is DePaul aware of the fact that Tioga County does not have a public transportation system?** Ms. Conde reported DePaul is aware of this and there will be a van on-site to assist tenants with transportation, as well as assisting them in making their own transportation arrangements.
- **Why are there only four 2-bedroom apartments?** Ms. Conde reported this is to minimize the number of families with children, as more families with children would require additional amenities such as playground, etc.
- **Vetting process for sexual offenders?** Ms. Conde reported sexual offenders are not a protected class, therefore, can discriminate and DePaul does.

G. Conde departed the meeting at 5:35 p.m.

D. Chase departed the meeting at 5:35 p.m.

4. Project Updates

A. Crown Cork & Seal USA, Inc. – B. Myers/J. Bellis

1. **Ribbon Cutting** - B. Myers reported the ribbon cutting event is scheduled for 5/9/17 from 1:00 – 3:00 p.m.

2. **Update** – B. Myers reported final invoices and before/after photos are required for the grant reimbursement through ESD. J. Bellis reported Vacri Construction is able to prepare and send the final invoices, however, some of the contractual items are still outstanding. One of the outstanding items is sludge testing and at this time there is not enough sludge to test. It is anticipated that this may not occur until mid-summer. The Board had no issue with Vacri submitting the final bills and allowing the IDA to move forward with the grant reimbursement process, as the contractor has a contractual obligation to complete the outstanding items. J. Bellis will request final pay requisition from Vacri for the IDA June meeting. J. Bellis reported this project went well and was in the hands of a good contractor which resulted in the project coming in \$93,000 under budget. B. Myers reported he will provide the required before/after photos.

B. Tioga Downs Racetrack, LLC Phase 2 & 3 – B. Myers

1. **Update** - B. Myers reported all levels of the hotel have been constructed and work is currently being done on the inside/outside of the hotel. B. Myers reported progress is being made on the convention center and anticipated completion is slated for Fall 2017.

C. Tioga Downs Racetrack, LLC Phase IV – B. Myers

1. **Update** - B. Myers reported Phase IV consists of the golf clubhouse and course. B. Myers reported the old existing clubhouse has been demolished and site work is continuing. Anticipated completion for new construction is slated for Fall 2017.

D. FedEx Project - B. Myers

1. **Update** – B. Myers reported the ribbon cutting event was held on 4/18/17 and noted this was well attended. B. Myers thanked M. Sauerbrey and J. Ceccherelli for attending. B. Myers reported Congressman Reed was in attendance, as well as representatives from Senator Akshar’s office and Assemblyman Friend’s office.

E. Gateway Project – B. Myers

1. **Update** – B. Myers reported the underwriting of the project’s financial phase is currently underway. B. Woodburn, ED&P, has been working with the fund administrators.

F. Project Freehold

a. Request for Proposals – LDG – Question was raised as to whether LDG is eligible to submit a bid in the event they are awarded the opportunity to prepare the RFP. J. Meagher reported preparing the RFP does not prohibit LDG from submitting a bid.

Motion to authorize Larson Design Group (LDG) to prepare the Request for Proposal (RFP) on Project Freehold. (M. Sauerbrey, K. Gillette)

Aye – 6 Abstain – 0

No – 0 Carried

G. DePaul Project

1. **Update** – B. Myers reported he drafted a letter of intent regarding the site and ordered the appraisal on 5/1/17 under the approval of the IDA Chairman, R. Kelsey. L. Tinney reported this project would be part of the 120-acre parcel located on Davis Hill Road. Further discussion was tabled for Executive Session.

H. Minka Village – Tioga Opportunities Project

1. Update – B. Myers reported the original site is located on Stanton Hill Road in the Town of Nichols, however, Tioga County Soil & Water did a site review and noted a strong possibility of a wetland issue which could pose a problem. L. Tinney reported an alternate site was pursued and they are moving forward with the alternate site, however, this site does not have infrastructure. Tioga Opportunities would need to do well and septic. L. Tinney reported ED&P is assisting Tioga Opportunities, Inc. with an application and there is no IDA involvement at this time. The project consists of 2 and 3-bedroom family type houses for a total of 12 units.

I. Upstate Shredding – B. Myers reported LeChase was awarded the construction contract for the media separation plant located at Upstate Shredding’s current facility. Construction is anticipated to begin soon.

J. Owego Gardens – B. Myers reported the ribbon cutting was held earlier today and thanked R. Kelsey, M. Sauerbrey, and L. Tinney for attending the event. B. Myers reported the facility will be at 100% occupancy with a current waiting list of 145 people as of 6/1/17. B. Myers reported there is a high demand for the Owego Gardens II project.

6. Old Business – B. Myers

A. Public Authority Accountability Act

1. Audit Committee Report (R. Kelsey, K. Dougherty, A. Gowan) –
Nothing new to report.

2. Governance Committee Report (R. Kelsey, K. Dougherty, J. Ceccherelli)

- a. **Solar Project Policy** - B. Myers reported he will prepare and distribute a solar project policy similar to the guidelines used for Distributed Sun for the Governance Committee’s review. Possibility of calling a Governance Committee meeting prior to the June monthly meeting.

4. Finance Committee Report (R. Kelsey, A. Gowan, K. Gillette)
Nothing new to report.

B. E-Site Phase IB Archeological Study –

1. Update -

- a. **Master Plan Update** – J. Meagher reviewed the Master Plan Update and determined a Full Environmental Assessment Form (Parts 1,2, & 3) will need to be done.

Motion to approve the Full EAF (Parts 1, 2 & 3) and recommend the Board issue a Negative Declaration indicating the project will have no significant adverse impacts on the environment. (A. Gowan, T. Monell)

Aye – 6 Abstain – 0
No – 0 Carried

- b. **Wetland Delineation Update** – B. Myers reported he spoke with Fagan Engineers and the USACE will be on-site 5/31/17.
- c. **VIP Structures** – B. Myers reported Charlie Wallace expressed possible interest in another project in Tioga County for either professional office space or extended stay facility.

C. Lounsberry 1.2A – 540 Stanton Hill Road, Nichols, NY –

1. Update

- a. **Asbestos Abatement** – B. Myers reported asbestos has been found in tiles and boards, therefore, will need to be included in the RFP for demolition of the building.
- b. **Demolition** - B. Myers reported he will draft a Scope of Work and is working on language for the RFP for J. Meagher’s review. B. Myers anticipates presenting this information at the June Board meeting.

7. PILOT Updates – B. Myers

- A. **Sun8 PDC LLC Discussion** – B. Myers reported the public hearing was held last week in the Town of Spencer. B. Myers reported the IDA received letters of support from the Town of Spencer, County of Tioga, and Spencer-VanEtten School District all expressing they were in favor of this project. B. Myers reported there is only a 10% real property tax benefit.

**Motion to approve the PILOT application as received from SUN8 PDC, LLC
(A. Gowan, M. Sauerbrey)**

Aye – 5	Abstain – 1 (R. Kelsey)
No – 0	Carried

- B. **Owego Gardens PILOT Modification Request** – L. Tinney reported Home Leasing made a request to the Village of Owego to consider changing the classification to Senior Housing Facility, which is what was originally proposed from start of project. L. Tinney reported Owego Gardens is being charged double what was initially anticipated, therefore, creating a shortfall and hardship to make payment for the sanitary sewer and real property taxes. Changing the classification will aid with this shortfall, however, does not satisfy the \$3,200 gap in what Owego Gardens planned and can provide. L. Tinney reported she contacted all the entities involved with the PILOT (Town of Owego, County of Tioga, O-A School District, and Village of Owego) to request consideration for a payment disbursement modification in the amount of the \$3,200 shortfall. L. Tinney reported the Town of Owego and County of Tioga were agreeable to this request, however, the O-A School Board did not take any action and the Village of Owego is pending decision based on the re-classification review of Senior Facility Housing from Mixed Use. R. Kelsey reported this is a 3-year commitment, as the Village of Owego is expected to do upgrades to their wastewater treatment facility over the course of the next three years. Question was raised as to whether all entities need to be in agreement in order to proceed with the modification request. J. Meagher reported the IDA is entitled to modify the PILOT and can deviate from our Uniform Tax Exemption Policy without approval from other municipalities, however, this may not be the best course of action.

R. Kelsey reported Owego Gardens II or other potential projects would add users to the wastewater treatment facility that would hopefully result in lower rates. N. Ruiz, Village of Owego trustee, inquired as to how the classification was initially Senior Housing Facility, but ultimately ended up as Mixed Use and why this was not brought to the attention of the Village of Owego Board sooner. L. Tinney reported it was always the intent to have this project classified as Senior Housing Facility and Home Leasing was not aware that the classification was incorrect until they received their first invoice.

8. Approval of Minutes –

A. April 5, 2017 Regular Meeting Minutes

Motion to approve the April 5, 2017 Regular Board Meeting minutes

(T. Monell, M. Sauerbrey)

Aye – 6 Abstain – 0

No – 0 Carried

B. April 5, 2017 Loan Committee Meeting Minutes

Motion to approve the April 5, 2017 Loan Committee Meeting minutes

(T. Monell, M. Sauerbrey)

Aye – 6 Abstain - 0

No – 0 Carried

C. April 27, 2017 Public Hearing Minutes

Motion to approve the April 27, 2017 Public Hearing minutes related to the application for financial assistance submitted to the IDA from Sun8 PDC, LLC

(T. Monell, M. Sauerbrey)

Aye – 6 Abstain - 0

No – 0 Carried

N. Ruiz departed the meeting at 6:17 p.m.

9. Financial Reports – B. Myers presented the financial reports.

A. Reports

1. Balance Sheet – B. Myers noted the balance sheet reflects the recent loan closing activity.
2. Profit & Loss
3. Transaction Detail – Question was raised regarding the \$0.00 check. B. Myers explained a check was inadvertently cut to the wrong vendor, therefore, was VOIDED and re-issued accordingly.

Motion to acknowledge financial statements (T. Monell, A. Gowan)

Aye – 6 Abstain – 0

No – 0 Carried

10. New Business – J. Meagher

A. DOL Public Work Enforcement Fund – B. Myers reported the IDA received a letter from Department of Labor indicating a percentage payment is owed on each public works project the IDA engaged in. J. Meagher reported Brian McMahan, NYS EDC, is researching this, as no one has heard of this or paid such a fee. J. Meagher reported this would involve only the projects constructed on the IDA's behalf.

B. Easement Request – Tioga County Information Technology – B. Myers reported the Tioga County Information Technology Department is requesting an easement for the fiber extension on Glenmary Drive/Goodrich Settlement Road. B. Myers reported the railroad was agreeable and J. Meagher did not foresee an issue.

Motion to approve easement request for Tioga County Information Technology for the fiber extension on Glenmary Drive/Goodrich Settlement Road (K. Gillette, T. Monell)

Aye – 6 Abstain – 0
No – 0 Carried

11. Reports

A. Railroads – B. Myers

1. Committee Report (T. Monell, K. Gillette)

a. Income to Date – B. Myers reviewed the income to date chart and indicated the IDA is ahead of where we were last year at this time.

B. Loan Program – B. Myers

1. Committee Report (R. Kelsey, A. Gowan, K. Dougherty, D. Barton, S. Thomas)

a. Income to Date:

- i.** LINC Report – B. Myers reported the USDA LINC Report was completed on 4/21/17.
- ii.** R&C Auto – B. Myers reported the \$40,000 loan closed on 4/19/17.
- iii.** Granite Works – B. Myers reported the \$100,000 loan closed on 4/26/17.
- iv.** Tioga Gardens – B. Myers reported the \$20,000 loan closed on 4/26/17.
- v.** Stiletto’s Hair & Nails – B. Myers reported the \$23,500 loan closed on 5/3/17.
- vi.** Tioga Downs – Revolving Loan Fund Scope of Work – The establishment of a Revolving Loan Fund to be used regionally was part of the Tioga Downs gaming license application. B. Myers reported the Loan Committee met last month and is starting to work together on developing a Scope of Work for this \$500,000 Revolving Loan Fund.

12. Executive Session –

Motion to move into Executive Session at 6:24 p.m. pursuant to Public Officers Law Section 105 to discuss financial matters and property acquisitions. (T. Monell, J. Ceccherelli)

Aye – 6 Abstain – 0
No – 0 Carried

Motion to exit Executive Session at 6:34 p.m. (J. Ceccherelli, M. Sauerbrey)

Aye – 6 Abstain – 0
No – 0 Carried

Motion to authorize purchase of 19.8 acres located in the Town of Nichols not to exceed \$238,900 (J. Ceccherelli, M. Sauerbrey)

Aye – 6 Abstain – 0
No – 0 Carried

13. Next Meeting – Wednesday, June 7, 2017

14. Adjournment –

Motion to adjourn at 6:37 p.m. (K. Gillette, R. Kelsey)

Aye – 6 Abstain – 0
No – 0 Carried