

Onondaga County Industrial Development Agency  
Regular Meeting Minutes  
January 8, 2009

The regular meeting of the Onondaga County Industrial Development Agency was held on Thursday, January 8, 2009 at the Eastside Business Center, 1201 E. Fayette Street, Syracuse, New York.

Chairperson Robert Baldwin called the meeting to order at 8:28 a.m. with the following:

PRESENT:

Robert Baldwin  
Karen Kitney  
Joseph Scuderi  
Gregg Kidd  
William Towsley  
Russell Andrews

ABSENT:

Dan Healy

ALSO PRESENT:

Mark Arbon, Agency Counsel, Gilberti Law Firm  
Mary Beth Primo, Executive Director, Agency  
Gregory Hitchin, Business Development Manager, Office of Economic Development  
Kim Hall, Management Analyst, Office of Economic Development  
Carolyn May, Sr. Economic Development Specialist, Office of Economic Development  
Cheryl Menzel, Office of Economic Development  
Karen Doster, Recording Secretary, Agency  
Shellie Ryan, Gilberti Law Firm  
Melissa Dujnic, Gilberti Law Firm  
William Meyer, County Legislature  
Casey Jordan, County Legislature  
Sue Stanczyk, County Legislature

APPROVAL OF REGULAR MEETING MINUTES – DECEMBER 11, 2008

Upon a motion by Joseph Scuderi, seconded by Russell Andrews, the OCIDA Board approved the minutes of December 11, 2008 regular meeting with Robert Baldwin, Joseph Scuderi, Karen Kitney and William Towsley voting yes. Motion was carried.

TREASURER'S REPORT

Greg Hitchin gave a brief review of the OCIDA investments and accounts for the month of December 2008.

Gregg Kidd asked Robert Baldwin what his concerns are for the Agency's financial future. Robert Baldwin stated that his concern is that a lot of the Agency's revenue was generated by the civic facility bonding and it has been taken away from the IDA. He stated that it would be good to have the Treasurer prepare a financial outlook for the IDA and have the Board review it to see where the Agency is headed.

Greg Hitchin stated that he has done research on civic facilities and did a cash flow analysis. He stated that based on the analysis the Agency will be out of money in 2012 if everything continues being the same. He stated that he can do a more in depth presentation.

Robert Baldwin stated that like everyone else, the Agency needs to tighten its belt a little more and look at realistic expenditures. He stated that we don't know what the State Legislature is going to do. He stated that we may need to bring in our Legislators to discuss what the IDA does in the economic development community and what the cost to the community would be by eliminating the scope of what IDAs do or not allowing the Agency to continue with the civic facility bonds.

Upon a motion by William Towsley, seconded by Russell Andrews, the OCIDA Board approved the investments and accounting for the month of December 2008 with Robert Baldwin, Karen Kitney, Joseph Scuderi and Gregg Kidd voting yes. Motion was carried.

Mark Arbon stated that an alternative would be to create a local development corporation to issue bonds and figure out a way to give civic facility bonds to an LDC.

Robert Baldwin stated that this may be a good subject for a work session.

#### PAYMENT OF BILLS – SCHEDULE #317

Greg Hitchin gave a brief review of the Payment of Bills.

Robert Baldwin stated that the funding for the Park Street Bridge was approved at the federal level but he is not sure any payments were made. He asked if we should be in touch with the new congressman. Greg Hitchin stated that the Agency should be in touch with the new congressmen. He stated that the money was a transfer from another project within the town and he is not sure where the money is. He stated that he will look into it.

Gregg Kidd asked if the Agency owns the Clay Business Park and if so what is it worth. Robert Baldwin stated that the Agency owns the park. Greg Hitchin stated that the average industrial land price for the County is approximately \$30,000 per acre range and the Agency owns 333 acres.

Robert Baldwin stated there are two interested parties looking at the site and it is a significant piece of land.

Joseph Scuderi asked about the status of the Buxton Report. Greg Hitchin stated that Buxton is in the process of reviewing the four markets in the area in downtown. He stated that they are determining what the draw would be from the University Hill and that kind of information. He stated that they are waiting for the preliminary report to go to the next step. He stated that the Agency is being included in the meetings that the MDA has had with Buxton.

Joseph Scuderi asked if there is a schedule for them to be complete. Carolyn May stated that there is a schedule in the proposal and the contract with Buxton.

Joseph Scuderi asked Carolyn May to provide him with the scheduling information.

Upon a motion by Gregg Kidd, seconded by Karen Kitney, the OCIDA Board approved the Payment of Bills, Schedule #317 with General Expenses being \$219,685.14, Marketing Expenses being \$15,216.31 and the approval to check #2 to Onondaga County be authorized for up to the amount as listed and to be ratified at the next meeting with Robert Baldwin, Joseph Scuderi, William Towsley and Russell Andrews voting yes. Motion was carried.

FW WEBB & COMPANY – SEQRA FINDINGS & PROJECT INDUCEMENT

Robert Baldwin asked if there were any comments at the public hearing. Kim Hall stated that there were no comments.

Robert Baldwin stated that notices requesting to be lead agency were sent out to the involved agencies and asked if there were responses. Mark Arbon stated that all the consents from involved agencies were received.

Robert Baldwin stated that the Agency is Lead Agency for SEQRA purposes for this project. He stated that the project is a Type I action and a SEQRA resolution is needed relative to the environmental significance of the project. He stated that staff has reviewed the long form EAF that has been submitted.

Mark Arbon stated that John Kluscik of the Gilberti Law Firm spoke with the FW Webb, their consultants and Carolyn May and he recommends that the Board adopt a negative declaration.

Karen Kitney asked if the drainage issues were taken into consideration. Robert Baldwin stated that O'Brien and Gere reviewed everything.

Joseph Scuderi asked if the project has site plan approval. Robert Baldwin stated yes.

Upon a motion by Joseph Scuderi, seconded by William Towsley, the OCIDA Board approved a resolution adopting a negative declaration for the FW Webb & Company project located in the Town of DeWitt as an unlisted action with no significant effect on the environment with Robert Baldwin, Karen Kitney, Gregg Kidd and Russell Andrews voting yes. Motion was carried.

Upon a motion by Joseph Scuderi, seconded by William Towsley, the OCIDA Board approved an inducement resolution for a straight lease transaction for the FW Webb project consisting of

the construction of a wholesale distribution center on 18.5 acres of land in the Town of DeWitt with Robert Baldwin, Karen Kitney, Gregg Kidd and Russell Andrews voting yes. Motion was carried.

#### CNY ASC LLC – SEQRA FINDINGS & PROJECT INDUCEMENT

Robert Baldwin asked if there were any comments at the public hearing. Kim Hall stated that there were no comments.

Upon a motion by William Towsley, seconded by Karen Kitney, the OCIDA Board approved a resolution adopting a negative declaration for the CNY ASC LLC project as a Type II action and not subject to SEQRA because it is equipment only with Robert Baldwin, Gregg Kidd, Joseph Scuderi and Russell Andrews voting yes. Motion was carried.

Upon a motion by Joseph Scuderi, seconded by William Towsley, the OCIDA Board approved an inducement resolution for a straight lease transaction for the CNY ASC LLC project consisting of equipping a 16,500 square foot ambulatory care surgery center located on the third floor office building constructed by Central Land LLC located in the Town of DeWitt with Robert Baldwin, Gregg Kidd, Karen Kitney and Russell Andrews voting yes. Motion was carried.

#### SCANNELL PROPERTIES #58, LLC (FEDEX FREIGHT)

Mark Arbon stated that the methodology of the proposed PILOT schedule is written in the letters to the taxing jurisdictions. He stated that it is a standard schedule used for a net wealth generator. He stated that it takes the value of the property as determined by their hard construction costs and similar properties and applying a 458b exemption with a tax increase of 3% per year.

Joseph Scuderi asked if the schedule is a fixed schedule. Mark Arbon stated that the payments are fixed.

Upon a motion by William Towsley, seconded by Karen Kitney, the OCIDA Board approved a resolution accepting the financial terms of a direct payment in lieu of tax agreement between the Scannell Properties #58, LLC project and the Agency for the distribution facility located in the Town of DeWitt with Robert Baldwin, Gregg Kidd, Joseph Scuderi and Russell Andrews voting yes. Motion was carried.

Joseph Scuderi stated that he should have abstained from the CNY ASC LLC resolutions.

Upon a Gregg Kidd, seconded by William Towsley, the OCIDA Board rescinded and readopted the resolution adopting a negative declaration for the CNY ASC LLC project as a Type II action and not subject to SEQRA because it is equipment only with Robert Baldwin, Karen Kitney and Russell Andrews voting yes. Joseph Scuderi abstained. Motion was carried.

Upon a motion by Karen Kitney, seconded by Russell Andrews, the OCIDA Board rescinded and readopted an inducement resolution for a straight lease transaction consisting of equipping a 16,500 square foot ambulatory care surgery center located on the third floor office building constructed by Central Land LLC located in the Town of DeWitt with Robert Baldwin, Gregg Kidd, Karen Kitney and William Towsley voting yes. Joseph Scuderi abstained. Motion was carried.

#### AGENCY HANDBOOK

Mark Arbon stated that several months ago at the request of Carolyn May they had began updating the employee handbook. He stated that not only did they include the policies from the old handbook but they looked at all the policies adopted as a result of the public authorities act, the investment committee charter, the grant request policy, the incoming cash handling policy.

He stated that it also includes a number of helpful summaries of regulations and laws such as the SEQRA process, the open meetings law, the executive session law, public hearing provisions, code of ethics and annual disclosure statement. He stated that he has also included a comparison of the existing polices bylaws etc. that have changed.

Mark Arbon reviewed the changes made to the Agency handbook. He stated that the handbook is now the go to book that will answer any questions. He stated that there is an index and he tried to include everything that might be relevant to the duties of the board and to staff.

Robert Baldwin stated that the handbook contains bylaws as amended but not yet officially amended. Mark Arbon stated that the bylaws have not been officially amended and can be adopted now or wait until the February meeting to adopt so the Board can review and make comments.

Robert Baldwin stated that pursuant to bylaws the bylaws cannot be amended unless written notification has been given to the members. He stated that there is no specific date requirement and this can be considered written notice and go from there.

The Board agreed to review the handbook and consider adoption at the February meeting.

### STAFF ACTIVITIES

No comments.

Carolyn May stated that she wanted to thank the Board for the past eight months because she and Greg Hitchin inherited positions without any previous experience. She stated that without the Agency's support she is not sure they would have made it through. She stated that there was a lot of ambition in County Government and they didn't have the expertise that Don Western brought to the table. She stated that she would really like to thank Bob Baldwin. She stated that she is not sure the Board understands how much time Bob Baldwin has spent on this. She stated

that she communicated daily with Bob Baldwin the first eight weeks if not more than once a day. She stated that his help was remarkable.

Robert Baldwin stated that as well Carolyn May and Greg Hitchin did a great job in moving the Agency along during that period of time. He stated that the experience that was gained during that time will make the team a much more efficient team moving forward.

Joseph Scuderi asked when Anheuser Busch is coming back before the board. Mary Beth Primo stated that there is no date set yet.

Upon a motion by William Towsley, seconded by Joseph Scuderi, the OCIDA Board adjourned the regular Agency meeting at 9:02 am with Robert Baldwin, Karen Kitney, Gregg Kidd and Russell Andrews voting yes. Motion was carried.

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Mary Beth Primo, Executive Director