

Tioga County Industrial Development Agency
October 5, 2016 • 4:30 p.m. • 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 at 4:40pm by Chairperson, R. Kelsey.

2. Attendance

A. IDA Board Members

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

a. Absent:

b. Excused: M. Sauerbrey, K. Gillette

2. Guests:

B. Myers, L. Tinney, C. Haskell, J. Bellis, J. Meagher, J. Franz

3. Privilege of the Floor-

A. None

Chairperson, R. Kelsey asked to move to project updates while we await the arrival of T. Monell and J. Nolis.

4. Project Updates

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

1. Update – B. Myers shared that the Crown project is moving well. The HVAC unit will be placed via helicopter on 10/8/2016 and all effected parties have been alerted. The Tioga County Commissioner of Public Works, Gary Hammond, was informed as well as Tioga County Sheriff, Gary Howard.
2. Costs Spreadsheet - B. Myers shared that approximately \$344,000.00 was expensed in September. Vacri submitted their payment application for October's payment 10/5/2016. Larson Design Group's subcontractor submitted a request for payment in the amount of \$55,474.74 for the work associated with the fresh water pumps.
3. Larson Design Group – J. Bellis
 - a. WWTP Update – J. Bellis confirmed that Vacri has been close with their cost projections and that they are on schedule. We can anticipate equipment purchases this month. Crown Cork and Seal representatives were on site last week and confirmed that they do not intend sending vast amounts of water to the WWTP by 12/2/2016. J. Bellis will follow up with date that they are anticipating to start sending the large volumes of water. There was a change order in the amount of \$4,500.00for valves, but it was covered under the 2% contingency cost.
 - b. Water Update – J. Bellis shared that the well pumps are in for SRBC

review. New valves may be needed for the project, in the amount of \$15,000.00 (approximate). One of the existing buildings may need a new roof. This was not specified in the original estimates, it is likely that this cost will be rolled over to the Town of Nichols. J. Bellis will have an update on all costs and the SRBC process at November's meeting.

T. Monell arrived at 4:56pm

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

1. Update – B. Myers stated that the casino work is ongoing and that phase 3 is underway and that construction crews are preparing the site.
2. Request for Sales Tax Exemption Extension – B. Myers shared that Tioga Downs has asked for an extension for their sales tax exemption period.

Motion to accept Tioga Downs' request for sales tax exemption extension regarding Phase 2 & 3 portions of their project. (A. Gowan, T. Monell)

Aye – 4 Abstain – 0

No – 0 Carried

C. Owego Gardens Project Update - B. Myers

1. Update - B. Myers confirmed that the project is moving along, and plans to take residents in the January-February 2017 timeframe.

D. FedEx Project – B. Myers

1. Update – B. Myers shared that L. Tinney confirmed that the water easement is moving along due to help from Congressman Reed's office, and that we can anticipate final approval this week.

J. Nolis arrived at 5:05pm

E. Gateway Project Update – B. Myers shared the following updates with the Board.

1. Local Approvals Issued
2. Negative Declaration Issued
3. Restore NY Application Submitted
4. Anticipated PILOT Application

5. PILOT Updates- B. Myers

A. Tioga Downs Racetrack, LLC: Phase 4 Golf Course

1. PILOT Application Received – B. Myers shared that the IDA received a PILOT application from Tioga Downs Racetrack, Inc. This application is for Phase 4 of the Tioga Downs expansion and includes the demolition and rebuild of the Tioga Country Club, located in Nichols, NY.

2. Inducement Resolution – J. Meagher

J. Meagher prepared the inducement resolution and shared it with the Board

3. Set Public Hearing – November 9th, 6:00p.m., Nichols, NY, Tioga Country Club

After discussion, the Board decided to have the public hearing on November 2nd at the Tioga Country Club at 6:00pm. The IDA's regular monthly meeting will be pushed to November 9th at 4:30pm at the regular meeting place.

Motion to accept the application, authorize the preliminary inducement, and set the public hearing for November 2nd at 6:00pm at the Tioga Country Club, 151 Roki Blvd, Nichols, NY 13812. (A. Gowan, T. Monell)

Aye – 5 Abstain – 0

No – 0 Carried

B. Tioga Downs Racetrack, LLC: Phase 2 & 3

1. Closing – J. Meagher confirmed that the Phase 2 and 3 PILOT will close prior to 10/6/2016.

2. Agency Fee Invoice Sent 9/29/2016 – B. Myers confirmed that he sent out the agency fee associated with the Tioga Downs Phase 2 and 3 PILOT.

C. All School/Library PILOT Bills sent 9/12/2016

D. WCSD PILOT Payment to be mailed 10/6/2016

Chairperson, R. Kelsey asked that since we have a quorum we move to the beginning of the agenda to discuss last month's minutes, this month's email votes, and the financial reports for September.

6. Approval of Minutes-

A. September 5, 2016 Regular Meeting Minutes

B. September 5, 2016 Finance Committee Minutes

Motion to accept the Regular Meeting Minutes and Finance Committee Minutes (T. Monell, J. Nolis)

Aye – 5 Abstain – 0

No – 0 Carried

7. Affirm Email Vote:

A. OASD Sewer Easement 9/21/2016

Motion to affirm email vote (T. Monell, J. Nolis)

Aye – 5 Abstain – 0

No – 0 Carried

B. Village of Owego Planning Board, Lead Agency for Gateway Project

Motion to affirm email vote (A. Gowan, K. Dougherty)

Aye – 4 Abstain – 1 (J. Nolis)

No – 0 Carried

8. Financial Reports – B. Myers

1. Balance Sheet
2. Profit and Loss
3. Transaction Detail

B. Myers confirmed that the monies in the IRP 2 and 3 accounts have been moved to IRP 4 due to the loan program consolidation, and that monies have been moved from the General Fund to General Checking to cover the costs for the Nichols WWTP.

Motion to acknowledge the financial statements (T. Monell, J. Nolis)

Aye – 5 Abstain – 0

No – 0 Carried

9. New Business – B. Myers

- A. Chamber Business Show – Split cost with ED&P - \$75.00
- B. Business Show Advertisement – Split Costs w/ ED&P \$187.50

Motion to approve the above expenses (T. Monell, J. Nolis)

Aye – 5 Abstain – 0

No – 0 Carried

C. Finger Lakes Technologies Easement Request

1. OHRY approved the easement – J. Meagher reviewed the easement and approved it. OHRY also approved the easement prior to the meeting. B. Myers suggested that we require a \$200.00 per year lease for the right of way privileges. The Board agreed.

Motion to accept and execute the easement for Finger Lakes Technologies (T. Monell, A. Gowan)

Aye – 5 Abstain – 0

No – 0 Carried

10. Old Business – B. Myers

- A. Public Authority Accountability Act
 1. Audit Committee Report (R. Kelsey, K. Dougherty, J. Nolis)
 - a. PARIS Report – Will file as soon as budget is approved
 2. Governance Committee Report (R. Kelsey, K. Dougherty, J. Nolis)
 - a. Quarter 3 Report – B. Myers provided the committee with the quarterly report for quarter 3.
 3. Finance Committee Report (R. Kelsey, A. Gowan, K. Gillette)
 - a. Draw Note – Chemung Canal – Closed 10/5/2016
 - b. 2017-2020 Budget

Motion to approve the 2017-2020 Budget (J. Nolis, T. Monell)

Aye – 5 Abstain – 0

No – 0 Carried

B. Tioga Commons Study – New Drawings – B. Myers shared the following 2 concepts

provided by Fagan Engineers. The final report will be forthcoming.

1. Concept 4
2. Concept 5

1. Congressman Reed Assistance – Congressman Reed’s office has tried to contact Suez repeatedly, but has been unsuccessful. They will continue to try and talk with them.

2. PSC Process – L. Tinney is researching the process of alerting the PSC. Ms. Tinney also mentioned the possibility of a partnership with Suez.

3. SRBC – Well drilling on E-Site – B. Myers confirmed that this is likely not possible as Suez may have the right to file a lawsuit with the IDA as the E-Site area is already in an existing water district.

D. Newark Valley Sidewalk Project – B. Myers shared that Mayor Tornatore, in email, thanked the IDA for their consideration for contribution towards the sidewalk project, but costs will no longer be put onto the property owners. Newark Valley secured funds from an alternative source.

11. Reports

A. Railroads

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

- a. Income to Date – B. Myers shared that we have made approximately \$22,000.00 more in railroad revenues in 2016 than 2015.

B. Loan Program – B. Myers

- a. Lenders Roundtable Event – Promoted new loan program

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

13. Next Meeting – Wednesday, November 9, 2016

14. Adjourned

Motion to move into executive session to discuss the acquisition of properties (T. Monell, J.

Nolis) 5:40pm

Aye – 5 Abstain – 0

No – 0 Carried

At 6:15pm the IDA came out of executive session.

Motion to expend \$1,000.00 each for options to buy for properties 1.2A and 1.2B (A.

Gowan, T. Monell)

Aye – 5 Abstain – 0

No – 0 Carried

Motion to adjourn meeting (J. Nolis)

Aye – 5 Abstain – 0

No – 0 Carried

Next meeting: Wednesday, November 9th, 2016 4:30pm