

# OEDA Board Meeting Minutes

February 14, 2020

121 N Main Street 2<sup>nd</sup> Floor Albion NY

Board Room

8:00 a.m.

## Draft

### Members Present:

Paul Hendel, Chairman

John Misiti, Vice Chairman

Ken DeRoller, Secretary

John DeFilipps, Assistant Secretary

Skip Draper, Treasurer

### Members Absent:

Carol D'Agostino, Member

### Also Present:

Jim Whipple, CEO/CFO

Gabrielle Barone, Vice President Development

Diane Blanchard, Micro-Enterprise Business Coordinator

Kevin Zanner, OEDA Legal Counsel

Tom Rivers, Orleans Hub

- I. **Roll Call**---- The meeting was called to order by Chairman Paul Hendel at 8:00 a.m. The Chairman reminded the Board that the meeting is being live streamed as required by the new state law that went into effect on January 1<sup>st</sup>. Diane called the roll. Board members Hendel, Misiti, DeRoller, DeFilipps and Draper were present, constituting a quorum of the Board. Carol D'Agostino was absent.

**Board Seat Vacancy Discussion-** Jim Whipple reported that James Panek resigned as a Board member effective January 1, 2020. Paul Hendel suggested that each Board member provide Jim with the names of potential candidates to fill the vacancy.

## II. **Approval of Previous Board Meeting Minutes December 13, 2019 (Electronic)**

The Board reviewed the draft minutes from the January 10, 2020 Board meeting. John Misiti made a motion to accept the meeting minutes as presented, seconded by John DeFilipps. Motion Passed (5-0-0).

## III. **Financial Reports**

**COIDA**—Jim presented the monthly financial report for the Agency. The Agency cash account balance as of 01/31/20 is \$21,903.81. All of the Agency accounts were reviewed and discussed. Jim indicated that the current cash position of the Agency is not strong, but payments are being made.

**ORLF**--- Jim presented the monthly financial report for the ORLF. The ORLF cash account balance as of 01/31/20 is \$5,017.13.

John Misiti made a motion to accept the COIDA and ORLF financial reports, seconded by Ken DeRoller. Motion Passed. (5-0-0) M0220-01.

**County Loan Repayment-Update**---Jim reported that the second of three payments owed to the County of Orleans will be paid in March once the hotel project closes. Kim DeFrank, County Treasurer has been made aware of the payment delay.

**PILOT Report**----Diane reported that all PILOTs are current.

#### **IV. Report of Committees/Departments/Sites**

**Business Development**-- Gabrielle presented the Business Development update on the following matters:

**Workforce Development**---Gabrielle reported that she and Kelly Kiebala recently met with Viking Polymer Compound. The company currently employs 47 and is looking to hire more employees.

**Zambito Project**---Gabrielle reported on the redesign of their proposed conference area. A Village board meeting is pending. She also reported on a recent NYSDEC hearing regarding the environmental remediation of the neighboring property, which was formerly a dry-cleaning operation.

**WNYE**--Gabrielle reported that the Village of Medina and WNYE are working together on a water rate proposal.

**Project Updates** - Jim reviewed the current project list report with the Board, a copy of which was included in the Board meeting materials.

**Cobblestone Hotel**---Jim reported that two news articles were recently published in the Buffalo News and the Orleans Hub regarding the delay of the construction of the hotel. A financing holdup is expected to be resolved soon, with construction to resume and the hotel likely to open in the summer.

**Snappy**— Jim reported that a portion of the Bernzomatic property is being marketed for sale.

**Heritage Wind**---Jim reported that the developer of the proposed Heritage Wind project recently issued a notice of submission of application for the project. The developer plans to construct a major wind energy generating facility in the Town of Barre. The proposed facility will consist of up to 33 wind turbines generating up to 184.8 megawatts of electricity.

**BOMET Medina**---Jim reviewed with the Board a letter of intent from BOMET to purchase 10+/- acres of land in the Medina Business Park in the Village of Medina. BOMET is seeking to purchase the property to construct an approximately 37,500 square foot building for the operation of a single source recycling facility. The next step is to draft a land disposition agreement.

**Falls Road-Culvert/Bridge Replacement**---Kevin is working on the sub-grant agreement between the Agency and Falls Road RR. The Agency's role is to serve as a pass-thru for the grant funds.

**Mid-South Adjustment Update**---Jim updated the Board on this back-office student loan collections project. The company is recruiting employees for another location but also remains committed to the Albion site.

**REDI**---Jim reported that he met with a few possible applicants for the NYS lakeshore funding. The application deadline was 1/31/20.

## **Facilities/Sites**

**Sale of Albion Business Park Update**---GCASA---GCASA is working with its mortgage lender to secure financing for the project. The Agency will close on the sale of the land once GCASA has lined up its financing.

**RFQ for MBP Feasibility/Development Study Update**--- Jim reported he has not yet reviewed the three engineering firm responses that the Agency received to the Agency's request for qualifications.

## **MAP and LDC Report**

Diane reported the Spring MAP class starts on April 14<sup>th</sup> and runs through June 23<sup>rd</sup>. To date 518 participants have gone through the program. Diane reported she will be having the MAP graduation at Tinsel for this session.

**Loans Status:** Printed reports from 02/10/2020 are available for review.

## **Total Funds in RLF account as of 01/31/2020.**

HUD unrestricted funds---\$12,202.93

Five Star Money Market Account-Unrestricted Funds---\$112,740.07.

**Legal-Kevin Zanner---Prevailing Wage.**

Kevin Zanner updated the Board regarding the proposed prevailing wage legislation that is included as part of Governor Cuomo’s Fiscal Year 2021 Executive Budget. The legislation would require the payment of prevailing wages for private projects that receive public incentives equal or greater than 30% of the total project cost. Certain incentives are excluded, including brownfields, low-income housing and historic tax credits. The legislation also provides for the creation of a new public subsidy board with oversight responsibility regarding prevailing wage matters.

**Marketing-Website Activity**—Jim reported on the January snapshot.

**Workforce Development**---Jim reviewed the current Workforce Development job listing.

**V. Unfinished Business** –No unfinished business.

**VI. New Business**

**Consideration of Guidelines and Policies:**

The following policies and guidelines were presented to the Board for review and approval: (i) Investment Policy; (ii) Property Disposal Guidelines; and (iii) Procurement Policy. Jim noted that there is one proposed change to the Investment Policy to reflect that KeyBank is currently the sole authorized depository for the Agency.

Skip Draper made a motion to approve the Investment Policy, the Property Disposal Guidelines and the procurement Policy as presented. The motion was seconded by John Misiti and unanimously carried (5-0-0). M0220-02.

**2020 Election of Officers:**

The following proposed slate of officers for 2020 were presented:

- Chairman, Paul Hendel
- Vice Chairman, John Misiti
- Secretary, Ken DeRoller
- Treasurer, Skip Draper
- Assistant Secretary, John DeFilipps

Motion to elect the individuals to the offices as set forth in the proposed slate of officers made by John Misiti, seconded by John DeFilipps. Motion unanimously carried (5-0-0). M0220-03.

Motion to nominate Carol D'Agostino to the Assistant Treasurer position made by Skip Draper, seconded by John Misiti. Motion unanimously carried (5-0-0). M0220-04.

**Appointment of CEO/CFO**---Jim Whipple was nominated.

Motion to appoint Jim Whipple as CEO/CFO made by John DeFilipps, seconded by Ken DeRoller. Motion unanimously carried (5-0-0). M0220-05.

**Appointment of an Administrative Director**- Jim noted that this position is currently vacant and has not been filled for some time. The CEO/CFO handles the duties of the position. No appointment was made. The suggestion was made to remove the position from the bylaws.

**2020 Committee Appointments:**

A proposed slate of committee members to serve on the Audit Committee, Finance Committee, Governance Committee and Executive Committee was presented as reflected on page 58 of the board materials. It was noted that the slate should be modified to exclude former Board member James Panek.

Motion to approve the proposed committee appointments made by Ken DeRoller, seconded by Skip Draper. Motion unanimously carried (5-0-0). M0220-06.

**Consideration of Sales Tax Incentive for Bents Opera House:**

Jim presented the details of the Bents Opera House project. The company is seeking a sales tax exemption on equipment and furnishings having a total cost not to exceed \$1,551,000. Jim reviewed the project application, the Project Summary Statement, the cost-benefit analysis, public hearing notice, the minutes from the public hearing and the short-form Environmental Assessment Form, all of which were included in the Board materials circulated in advance of the meeting. Jim noted that the company also provided information and testimony at the public hearing demonstrating that the project qualified as a tourism destination. The project is expected to draw a significant number of visitors from Buffalo, Toronto and other areas outside of the Finger Lakes economic development region.

Jim then presented the following resolution:

**RESOLUTION OF THE COUNTY OF ORLEANS INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE ACQUISITION, RENOVATION, CONSTRUCTION AND EQUIPPING OF AN APPROXIMATELY 30,000+/- SQUARE FOOT HOTEL, RESTAURANT AND BANQUET FACILITY BY BENTS OPERA HOUSE LLC, TO BE LOCATED AT 444 MAIN STREET IN THE VILLAGE OF MEDINA, NEW YORK, FOR SALE OR LEASE TO THE AGENCY AND SUBSEQUENT LEASE OR RECONVEYANCE PURSUANT TO AN INSTALLMENT SALE CONTRACT TO BENTS OPERA HOUSE LLC, THE EXECUTION**

**OF LEASE AGREEMENT AND/OR INSTALLMENT SALE CONTRACT, AND THE TAKING OF OTHER ACTIONS.**

**Resolution moved by Skip Draper, seconded by Ken DeRoller.**

**Roll Call:**

<b>Paul Hendel</b>	<b>Aye</b>
<b>Ken DeRoller</b>	<b>Aye</b>
<b>John DeFilipps</b>	<b>Aye</b>
<b>Carol D'Agostino</b>	<b>Absent</b>
<b>Skip Draper</b>	<b>Aye</b>
<b>John Misiti</b>	<b>Aye</b>

**5 Ayes**  
**0 Nays**

**Resolution Passed; Resolution attached. M0220-07.**

**VII. Executive Session---**The Board did not enter into Executive Session.

**VIII. Adjournment**

**Ken DeRoller made a motion to adjourn the meeting subject to Chairman's recall, seconded by John Misiti. Motion Passed. (5-0-0).**

Respectfully Submitted,  
Diane Blanchard