

Executive Session Minutes

OEDA Board Meeting

July 14, 2023

121 N Main Street 2nd Floor Albion NY

Board Room

8:00 a.m.

Members Present:

John Misiti, Chairman
Craig Tuohey, Assistant Secretary
John Fitzak, Treasurer
Skip Draper, Vice Chairman
Jeff Martin, Member
Carol D'Agostino, Assistant Treasurer

Members Absent:

Ed Urbanik, Secretary

Also Present:

Michael Dobell, CEO/CFO
Gabrielle Barone, Vice President Development
Kevin Zanner, OEDA Legal Counsel
Diane Blanchard, Admin Manager
Andina Barone, Mindful Media Group (via conference call)

Roll Call---- The meeting was called to order by Chairman John Misiti at 8:00 a.m. Diane Blanchard called the roll. Board members John Misiti, Craig Tuohey, John Fitzak, Skip Draper, Jeff Martin and Carol D'Agostino were present, constituting a quorum of the Board.

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John Fitzak made a motion for the Board to enter into executive session to discuss the proposed acquisition of interests in real property. The motion was seconded by Jeff Martin and unanimously carried (6-0-0).

Michael Dobell presented a proposal involving the joint acquisition by the Agency and the County of Orleans of certain protective easements in real property from three landowners. The public use and public purpose for acquiring the easements was presented and discussed by the Board. The Board also discussed an appropriate purchase price for acquiring each of the easements. A proposed Board resolution was then presented as follows:

RESOLUTION OF THE COUNTY OF ORLEANS INDUSTRIAL DEVELOPMENT AGENCY APPROVING THE JOINT ACQUISITION WITH THE COUNTY OF ORLEANS OF CERTAIN PROTECTIVE EASEMENTS.

WHEREAS, the County of Orleans Industrial Development Agency (“COIDA”) is a public benefit corporation established pursuant to the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended, and Section 892-g of the General Municipal Law, as amended (collectively, the “Act”) for the benefit of the County of Orleans and the inhabitants thereof. COIDA’s mission as the sole industrial development agency of Orleans County is to create and retain employment opportunities and enhance the general prosperity and economic welfare of the people of Orleans County.

WHEREAS, in furtherance of its mission on behalf of the inhabitants of Orleans County, COIDA has undertaken the development of Medina Business Park, an approximately 300-acre business park located in the Village of Medina and Town of Shelby.

WHEREAS, the continued development of the Medina Business Park and the ability of COIDA and the County of Orleans to attract certain larger-scale businesses to locate their operations at the Medina Business Park is dependent in part on the continued availability of sewer facilities or discharge points with sufficient capacity to process or accept sewer discharges.

WHEREAS, the Medina Business Park is in close proximity to Oak Orchard River. Oak Orchard River in the Town of Shelby has been proposed by the Genesee County Industrial Development Agency (“Genesee County IDA”) and its affiliated entity STAMP Sewer Works, Inc. as the discharge point location for a sewer treatment facility to be constructed and operated for the benefit of the Western New York Science and Technology Advanced Manufacturing Park (the “STAMP Project”), which is located in the Town of Alabama in Genesee County. Although currently permitted to begin discharge of one million gallons/day, up to six million gallons/day have been contemplated. The use of Oak Orchard River in this manner will adversely affect economic development opportunities within Orleans County and potentially foreclose opportunities to attract end-users at Medina Business Park with significant discharge capacity needs.

WHEREAS, sport fishing in Oak Orchard River represents the number one tourism draw in Orleans County. The use of Oak Orchard River as proposed for the STAMP Project will have negative environmental impacts, and the County believes that it will adversely affect tourism in Orleans County.

WHEREAS, Genesee County IDA has been purchasing temporary and permanent easements from property owners in Orleans County along NYS Route 63 in order to install a sewer discharge pipeline and related appurtenances from the STAMP Project site in the Town of Alabama to a discharge facility proposed in the Town of Shelby into Oak Orchard River. It has done so in

apparent violation of Section 854(4) of the General Municipal Law (GML), which prohibits an industrial development agency from “using its funds or providing financial assistance in respect of any project wholly or partially outside the municipality for whose benefit the agency was created without the prior consent thereto by the governing body or bodies of all the other municipalities in which a part or parts of the project is, or is to be, located.” No such consent pursuant to GML 854(4) has been granted by the County of Orleans. STAMP Sewer Works, Inc. has also called a public hearing in the Town of Alabama on July 27, 2023 for the purpose of acquiring, through the eminent domain process, easement rights to two parcels of real property located in Orleans County.

WHEREAS, in light of the foregoing circumstances, the County of Orleans and COIDA desire to jointly acquire exclusive protective easements from Orleans County property owners as for the express purpose of preserving economic development opportunities and to protect Oak Orchard River, all of which are specifically impacted by the STAMP Project. The protective easements will include a restrictive covenant prohibiting the granting of access (temporary and permanent) and the construction and installation of any post treated effluent force main facility, pipeline(s), and related appurtenances for the benefit of the STAMP Project without the prior consent of the County of Orleans and COIDA.

NOW, THEREFORE, the County of Orleans Industrial Development Agency resolves as follows:

RESOLVED, that COIDA hereby authorizes the joint acquisition with the County of Orleans of certain easements and property rights with respect to the parcels of real property located at 4636 South Gravel Road in the Town of Shelby (SBL No. **90.16-2-26**), 4814 South Gravel Road in the Town of Shelby (SBL No. 101.-1-9.11) and 11316 Oak Street in the Town of Shelby (SBL No. 90.16-2-23.1) for a purchase price to be negotiated on behalf of COIDA and the County by the Chair and CEO/CFO of COIDA and the County Chief Administrative Officer (CAO) with the respective landowners, at an aggregate cost not to exceed Twenty Thousand Dollars (\$20,000.00); and it is further

RESOLVED, that COIDA determines that the aforesaid acquisition (i) qualifies as a Type II action under SEQRA for which no further environmental review is required and (ii) is in furtherance of the corporate purposes of COIDA, which has been established for the benefit of Orleans County and the inhabitants thereof; and it is further

RESOLVED, the Chair and CEO/CFO are each authorized to execute such documents, instruments and agreements and take such as actions may be necessary to effectuate the purpose and intent of these resolutions.

The proposed resolution was reviewed and discussed in detail. At the conclusion of the discussion, a motion was made by Jeff Martin to approve the resolution as presented. The motion was seconded by Craig Tuohey and upon vote of the Board, was unanimously carried (6-0-0). John Fitzak then made a motion to exit executive session, which was seconded by Skip Draper and unanimously carried (6-0-0).

Respectfully submitted,

Diane Blanchard