

OEDA Meeting Board Minutes

February 9, 2018

**121 N Main Street 2nd Floor Albion NY
Boardroom
8:00 a.m.**

Draft

Members Present:

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

Members Absent:

Carol D'Agostino, Member
John DeFilipps, Assistant Secretary

Also Present:

Jim Whipple, CEO/CFO
Gabrielle Barone, Vice President Business Development
Diane Blanchard, Micro-Enterprise Business Coordinator
Kevin Zanner, OEDA Legal Counsel
Chuck Nesbitt, Orleans County Chief Administrative Officer

The meeting was called to order by Chairman Paul Hendel at 8:00 a.m.

Mr. Hendel reported that all Board Members have been reappointed by the Legislature to the COIDA Board.

I. Roll Call----A quorum of the Board was present.

II. Approval of Previous Board Meeting Minutes January 12, 2018 (Electronic)

The January 12, 2018 Board meeting minutes were reviewed. A motion was made by Skip Draper to accept the meeting minutes as presented, seconded by John Misiti. Motion Passed.

III. Financial Reports

COIDA—The current Agency account balance as of 01/31/2018 is \$8,186.60. All of the Agency accounts were discussed.

ORLF---The current ORLF account balance as of 01/31/2018 is \$653,122.60. ORLF account/statements were reviewed.

Motion to accept the OEDA and ORLF financials made by John Misiti, seconded by Skip Draper. Motion Passed. M0218-01.

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

IV. Executive Session

Motion to go into Executive Session to discuss the financial and credit history of a corporation and the proposed acquisition, sale or lease of real property, and to invite in staff, Jim Whipple and Counsel Kevin Zanner made by Ken DeRoller, seconded by Skip Draper. Motion Passed.

Motion to exit Executive Session made by John Misiti, seconded by Skip Draper. Motion Passed.

No action was taken during Executive Session or from the discussion in Executive Session.

V. Report of Committees/Departments

Business Development

Gabrielle presented an update to the Board regarding business development projects.

Gabrielle reviewed the chart included in the Board materials that identifies companies that are receiving incentives from the Agency, including PILOTs, Sales and Mortgage tax exemptions, ORLF Loans and OCR Grants.

Hotel Project---Gabrielle reported that a New York business entity has been formed for the project. The developer reimbursed the Village of Medina for costs incurred by the Village to retain a consultant to review the site plan. The site plan is complete.

Captains Cove---Gabrielle met with the owner who may build stainless steel docks for the upcoming season. Gabrielle also spoke of a potential OCR grant.

Project Updates

Jim reviewed the current project list report with the Board. These are projects staff is currently working on and updates. Jim reported that he responded to 6 or 7 project RFP's within the last few weeks.

Holley Gardens--Ken DeRoller reported the Village of Holley received a NYS Brownfield Opportunity Area (BOA) grant for the amount of \$165,600. The

Holley grant will complete a Brownfield Opportunity Area Nomination for 813 acres with 55 potential sites, according to the State announcement. The objectives include identifying opportunities surrounding the former high school in the downtown core plus.

Takeform---Jim reported that he submitted to the company a real estate contract for the sale of the .75+/- acre parcel at MBP. The company will be responsible for surveying the parcel.

MBP-Spec Building on Virtual Site---Looking at alternative plans.

Adaptive Re-Use Policy---Jim reported that he is working with counsel on an adaptive reuse policy and that he expects to discuss the proposed policy at the March Board meeting.

ARG Fee Discussion --- Jim discussed with the Board the calculation of the administrative fee to be paid by ARG Services of WNY to the Agency in connection with the mortgage recording and sales tax exemptions to be provided by the Agency for the project. Jim negotiated a fee of \$4000, which is anticipated to be the fee for sales tax-only projects once the fee schedule is updated. Kevin noted that the Agency's current fee schedule does not clearly distinguish between a project that involves a PILOT, mortgage recording tax exemption and sales tax exemption from a project that involves only a mortgage recording tax and sales tax exemption. Jim indicated that given the value of the mortgage recording and sales tax incentives to be provided for this project, a 2% fee would be excessive. Jim recommended that the Board approve a \$4,000 administrative fee for the project and undertake a review of the fee policy.

Motion to authorize the charging of a \$4000 administrative fee for the ARG Services of WNY project and to review and consider modifications to the October 4, 2007 Agency fee schedule made by Ken DeRoller, seconded by John Misiti. Motion Passed. M0218-02.

Facilities/Sites

3959 Bates Road-ERP---- Jim referred the Board to the NYSDEC Fact Sheet for the 3959 Bates Road Environmental Restoration Program (ERP) project. The NYSDEC has scheduled a public meeting on February 25th at the Ridgeway Town Hall. This public outreach process is required by law. Jim indicated that one of the goals of the project will be to subdivide the property and market the uncontaminated parcels.

Legal - No report.

MAP and LDC Report.

Diane reported the Spring MAP class starts on April 3 and ends on June 19. Ten possible participants are showing interest in the next class.

The GOSC loan fund account as of 01/31/8 has a balance of \$187,133.88; the HUD unrestricted account has a balance of \$362.67; the LDC money market account has a balance of \$115,702.29 and the LDC Grant loan fund has a balance of \$48,135.52.

Workforce Information---- Jim referred the Board to the Hot Jobs list provided by Kelly Kiebala, which is included as pages 32-33 of the Board materials.

Marketing Update—Jim reviewed the Agency’s monthly website snapshot for January. This report provides information regarding the number of users who visited the Agency’s website.

NYSEDC Information----Jim and Kevin reviewed the February 6, 2018 update from the New York State Economic Development Council (NYSEDC). Jim attended the NYSEDC’s annual conference last week. At the meeting, two items discussed were the Governor’s budget bill proposal to defer business tax credits and the NYSEDC’s proposed IDA Loans and Grants legislation. Kevin indicated that the deferment of tax credits such as the investment tax credit, the Brownfield Cleanup Program tax credits and historic tax credits would adversely impact economic development projects. The NYSEDC is asking members to submit letters to NYS Assembly and Senate representatives opposing the budget bill.

The NYSEDC’s proposed IDA legislation would permit IDAs to provide loans, grants, and make investments for economic development purposes. The making of grants of loans by IDAs of their own funds has come under scrutiny of the NYS Comptroller and the Authorities Budget Office. The NYSEDC is asking members to submit letters to the NYS Assembly and Senate representatives supporting this proposed legislation.

VI. Unfinished Business---None.

VII. New Business

2018 Election of Officers:

The following proposed slate of officers for 2018 was presented:

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

Motion to elect the individuals to the offices as set forth in the proposed slate of officers made by Skip Draper, seconded by John Misiti. Motion Passed. M0218-03.

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

Motion to appoint Jim Whipple as CEO/CFO made by Skip Draper, seconded by Ken DeRoller. Motion Passed. M0218-04.

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.

2018 Committee Appointments

Motion to approve reappointment of individuals to the existing Audit Committee, Finance Committee, Governance Committee, Personnel Committee, Empire Zone Committee, ORLF Committee and Project Committee positions as reflected on page 38 of the board materials, made by John Misiti, seconded by Ken Rush. Motion Passed. M0218-05.

2018 Mission Statement and Performance Measurements - Jim reviewed the Agency's mission statement and the proposed performance measurements for 2018. He also reviewed with the Board the five questions under the Governance Certification. The Board responded to each of the five questions.

Motion to approve the Mission Statement and 2018 Performance Measurements made by John Misiti, seconded by Ken DeRoller. Motion Passed. M0218-06.

Policy Updates

- **Property Disposal Guidelines---**This policy is required to be reviewed annually.

Motion to approve the Property Disposal Guidelines made by Skip Draper, seconded by John Misiti. Motion Passed. M0218-07.

- **Procurement Policy----** Jim noted that this policy does not require a review this year as the Board recently reviewed and approved changes to the Procurement Policy.
- **Investment Guidelines –** The Investment Guidelines were reviewed. It was suggested that HSBC be removed from the list of designated depositories and replaced with Five Star Bank.

Motion to approve the Investment Guidelines with the removal of HSBC as a designated authorized depository and addition of Five Star

**Bank as a designated authorized depository made by Skip Draper,
seconded by John Misiti. Motion Passed. M0218-08.**

VIII. Adjournment

**Motion to adjourn subject to Chairman's recall was made by Ken DeRoller,
seconded by John Misiti. Motion Passed.**

**Respectfully Submitted,
Diane Blanchard**