

Chemung County Industrial Development Agency  
Minutes of the Meeting  
February 14, 2013

A meeting of the Chemung County Industrial Development Agency was held on Thursday, February 14, 2013 at 8:40 AM in the 2<sup>nd</sup> Floor Conference Room of the Hazlett Building, 203 Lake Street, Elmira, New York. The following members were present: John Burin, Michael Hosey, Thomas Santulli and Alan Winston.

Excused: Donna Draxler, Donald Quick, Thomas Tranter

Also present were George Miner, Executive Director of the Chemung County Industrial Development Agency; Thomas O'Mara, Counsel; Jill Koski, Southern Tier Economic Growth; Sherri Geary, Southern Tier Economic Growth; Mary Rocchi, Recording Secretary and local labor union representatives.

Chairman Alan Winston called the meeting to order.

Public Comment: There was no Public Comment.

On Motion No. 2013-01 by Mr. Santulli, seconded by Mr. Hosey and unanimously carried, the minutes of the December 12, 2012 were approved.

Mr. Miner reviewed financial reports for 2012 and January 2013. On Motion No. 2013-02 by Mr. Burin, seconded by Mr. Santulli and unanimously carried, the financial report was approved.

Mr. O'Mara presented a SEQR Resolution for Harmony Water LLC. This project involves the renovation of the Rosenbaum's, Harold's and Marvin's building on West Water Street. On Motion No. 2013-03 by Mr. Burin, seconded by Mr. Hosey and unanimously carried, A RESOLUTION ACCEPTING THE DETERMINATION BY THE PLANNING COMMISSION OF THE CITY OF ELMIRA TO ACT AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE HARMONY WATER LLC PROJECT AND ACKNOWLEDGING RECEIPT OF THE NEGATIVE DECLARATION ISSUED WITH RESPECT THERETO was approved.

Mr. O'Mara presented a PILOT Deviation Resolution for Harmony Water LLC. On Motion No. 2013-04 by Mr. Hosey, seconded by Mr. Santulli and unanimously carried, A RESOLUTION AUTHORIZING A DEVIATION FROM THE AGENCY'S UNIFORM TAX EXEMPTION POLICY IN CONNECTION WITH THE PROPOSED PAYMENT IN LIEU OF TAX AGREEMENT TO BE ENTERED INTO BY THE AGENCY IN CONNECTION WITH THE PROPOSED HARMONY WATER LLC PROJECT was approved.

Mr. O'Mara presented an Approving Resolution for Harmony Water LLC. On Motion No. 2013-05 by Mr. Santulli, seconded by Mr. Burin and unanimously carried, A RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT FOR HARMONY WATER LLC was approved.

Mr. Miner presented a request from 100 Woodlawn LLC. that the CCIDA authorize the company to enter into a second mortgage in the amount of \$300,000 for capital improvements In order to secure a lease with a new tenant, Hangar Prosthetic and Orthotics. The mortgage will be through 100 Woodlawn LLC's existing lending institution M&T Bank and it is for approximately \$300,000. The Chemung County IDA does not have any financial obligation. On Motion No. 2013-06 by Mr. Hosey, seconded by Mr. Santulli and unanimously carried, APPROVAL OF 100 WOODLAWN LLC TO SECURE A SECOND MORTGAGE IN THE AMOUNT OF \$300,000 ON THEIR PROPERTY LOCATED AT 1300 COLLEGE AVENUE, ELMIRA AND AUTHORIZING THE CHAIRMAN OR VICE CHAIRMAN TO EXECUTE THE MORTGAGE AND OTHER DOCUMENTS REQUIRED, SUBJECT TO APPROVAL OF COUNSEL was approved.

Mr. Miner presented a request from Riverside Realty LLC for the CCIDA to subordinate its Loan and Lien to a new primary lender on their property in Airport Corporate Park. The company wants to refinance its mortgage. Riverside Realty is current on all their payments to the IDA. On Motion No. 2013-07 by Mr. Burin, seconded by Mr. Santulli and unanimously carried, it was APPROVAL OF RIVERSIDE REALTY REFINANCING OF ITS FIRST MORTGAGE PROVIDED THAT THE NEW MORTGAGE IS NOT HIGHER THAN CURRENT OUTSTANDING PRINCIPAL OF THE PRESENT MORTGAGE, AND AUTHORIZING THE CHAIRMAN OR VICE CHAIRMAN TO EXECUTE THE MORTGAGE AND OTHER DOCUMENTS REQUIRED, SUBJECT TO APPROVAL OF COUNSEL, was approved.

Mr. Miner presented a Professional Services Agreement between Southern Tier Economic Growth Inc. and the Chemung County Industrial Development Agency. It explains the expectations of each organization. Mr. Winston stated that he has always had positive interaction with the STEG/CCIDA staff. On Motion No. 2013-08 by Mr. Hosey, seconded by Mr. Burin and unanimously carried, the PROFESSIONAL SERVICES AGREEMENT BETWEEN SOUTHERN TIER ECONOMIC GROWTH INC. AND THE CHEMUNG COUNTY INDUSTRIAL DEVELOPMENT AGENCY was approved.

Mr. Winston, Mr. Quick and Mr. Miner recently attended a New York State Economic Development Council session in Albany. The breakout sessions were very beneficial. Mr. Winston discussed Governor Cuomo's budget proposal. Governor Cuomo is proposing to eliminate the ability of IDA's to exempt the State sales tax. Mr. O'Mara has received several pieces of correspondence on this proposal and feels that it will be rescinded, but we still need to keep the pressure on Governor Cuomo.

On Motion No. 2013-09 by Mr. Hosey, seconded by Mr. Santulli, the meeting was adjourned at 9:02 AM.

Respectfully submitted,

Mary K. Rocchi  
Recording Secretary