

Chemung County Industrial Development Agency

August 14, 2017

AGENDA

1. Public Comment
2. Approval of Minutes – July 25, 2017
3. Audit Committee Report
4. Financial Report
5. Governance Committee Report
6. New Business – Discussion/Informational Items
7. New Business – Action Items
  - a. Maloney Enterprises LLC
    - i. Project Agreement Modification
  - b. John G. Ullman Associates
    - i. Project Agreement Modification
  - c. NY Baldwin I LLC
    - i. Lead Agency Notice
  - d. NY Baldwin II LLC
    - i. Lead Agency Notice
  - e. Transfer of parcel to NYSDOT
8. Old Business
9. Executive Session
  - a. Litigation
10. Other Business
11. Adjournment

**Chemung County Industrial Development Agency**  
**Minutes of the Meeting**  
**August 14, 2017**

A meeting of the Chemung County Industrial Development Agency was held on Monday, August 14, 2017 at 9:30 AM at 203 Lake Street, 5<sup>th</sup> Floor Conference Room in Elmira, New York. The following members were present: Michael Hosey, Donald Quick, Thomas Santulli and Alan Winston.

Dawn Burlew and Donna Draxler were excused.

Also present were: Michael Krusen, Executive Director of the Agency; Susan Katzoff, Counsel to the Agency; Zsuzsi Kadar, staff member of the Agency; Mary Rocchi, Recording Secretary to the Agency; local labor and media representatives.

Mr. Winston called the meeting to order. The agenda was sent ahead along with the items for discussion.

There was no public comment.

On Motion No. 2017-75 by Mr. Quick, seconded by Mr. Santulli and unanimously carried, the minutes of the July 25, 2017 meeting were approved.

Mr. Quick reviewed the July financials. There is a bottom line loss through July of \$350,000, mostly due to the arena. Cash position is strong. Receivables are on time and the IDA is current with everyone. On Motion No. 2017-76 by Mr. Hosey, seconded by Mr. Santulli and unanimously carried, the financial report was approved.

Mr. Hosey did not have a Governance report.

Mr. Krusen presented a request from Maloney Enterprises LLC asking for a modification to their original application with respect to the projected employment. Their previous employment numbers included seasonal help. The Company has represented that they currently employ approximately 39 FTEs at the facility (as opposed to the previously reported 45 which included seasonal help). The Company further represented that they intend to hire an additional 8-10 FTEs as a result of the expansion. This will bring the total number of FTEs to approximately 48 employees originally projected. This change requires a modification to the application and related lease transactional agreements to be entered between the Company and the Agency. On Motion No. 2017-77 by Mr. Hosey, seconded by Mr. Quick and unanimously carried, the board confirmed the prior benefits approved for the Project subject to the submission by the Company of a revised verified application (or applicable pages) setting forth the revisions to the employment projections and authorized staff to work on modification of the Maloney Enterprises LLC agreements with counsel.

Mr. Krusen presented a request from John G. Ullman Associates to modify their PILOT agreement and application. Due to unexpected developments of a tenant that has decided to exercise a 3-year renewal option rather than vacate his space as planned, there is only enough space for the business to provide space for 54 employees, not 59 (as originally projected in their application). John G. Ullman Associates is estimating that they will be in the building by the end of December 31, 2018 but may be a bit longer.

The Company reported increased capital investment as a result of increased costs associated with the project (capital investment now estimated at \$1.9 million) and as a result is requesting an increase in the amount of State and local sales and use tax exemptions previously awarded to the Project. In particular, the Company requested their State and local sales and use tax exemption be increased from \$92,000 to \$150,000. John G. Ullman Associates projects approximately 54 employees by December 2019 and 58.5 full-time equivalents subsequent to renovations to the facility. The increase in exemption does not exceed \$100,000 and therefore no additional public hearing is required. On Motion No. 2017-78 by Mr. Santulli, seconded by Mr. Quick and unanimously carried, the request to increase the award of the State and local sales and use tax exemption from \$92,000 to \$150,000 with respect to this project was unanimously approved subject to receipt by the staff of revised application pages, verified by the Company, reflecting the increased costs and adjusting the employment numbers as set forth herein. All of the foregoing subject to review by counsel to the Agency.

Ms. Kadar received documentation from the Town of Baldwin indicating that they were acting as Lead Agency for NY Baldwin I LLC project and requested that the Agency withdraw its prior resolution appointing itself as lead agency for a coordinated review. On Motion No. 2017-79 by Mr. Hosey, seconded by Mr. Quick and unanimously approved, the Agency's prior appointment of itself as lead agency for purposes of conducting a coordinated review under SEQRA was withdrawn.

Ms. Kadar received documentation from the Town of Baldwin indicating that they were acting as lead agency for NY Baldwin II LLC project and requested that the Agency withdraw its prior resolution appointing itself as lead agency for a coordinated review. On Motion No. 2017-79 by Mr. Hosey, seconded by Mr. Quick and unanimously approved, the Agency's prior appointment of itself as lead agency for purposes of conducting a coordinated review under SEQRA was withdrawn.

Mr. Krusen presented a request from the New York State Department of Transportation regarding the transfer of a parcel owned by the Agency at Exit 59 of Route 17/I-86 where a new turning lane was constructed for CVS Caremark Distribution Center. The CCIDA has indicated that the parcel is available for transfer to NYSDOT for bridge rehabilitation. On Motion No. 2017-81 by Mr. Santulli, seconded by Mr. Quick and unanimously carried, the parcel of land located at Exit 59 of Route 17/I-86 is available for transfer to New York State Department of Transportation for bridge work and widening of exit ramps, was approved subject to all legal requirements under the PAAA and the GML and legal counsel determining process for transfer.

There was no old business.

On Motion No. 2017-82 by Mr. Quick, seconded by Mr. Santulli and unanimously carried Executive Session convened at 9:45 AM to discuss potential litigation.

On Motion No. 2017-83, by Mr. Quick seconded by M. Hosey, and unanimously approved, the Board authorized the Chairman to work with counsel to the Agency to commence a foreclosure action to enforce the Agency's first mortgage lien on the arena and to execute all necessary documents in connection therewith. The Chairman was further given the authority to determine the timing of the commencement of the action.

On Motion 2017-84 by Mr. Hosey, seconded by Mr. Quick and unanimously carried, Executive Session adjourned at 10:30 AM.

On Motion No. 2017-85 by Mr. Quick, seconded by Mr. Santulli and unanimously carried, the meeting adjourned at 10:33 AM.

Respectfully submitted,

Mary K. Rocchi  
Recording Secretary