



## INDUSTRIAL DEVELOPMENT AGENCY

**Meeting Minutes**  
**Monday, May 24, 2021 Meeting**  
 Zoom Meeting

<b>Members Present</b>	<b>Members Excused</b>
Mike Davis, Chairman	
Lewis Zulick, Treasurer	
Andy Molodetz	
Kelly Mittiga, Vice-Chair	<b>Guests Present</b>
Deb Brown	Brian Young, Deputy County Administrator
Supervisor Dan Marshall	Bogdan Dinu, BW Solar
Don Culeton	Bill O’Hanlon, Leonard’s Express
	Kyle Johnson, Leonard’s Express
<b>Staff Present</b>	Supervisor David Phillips, Town of Manchester
Mike Manikowski, Executive Director	
Suzanne Vary, Staff	
Michael Wojcik, CFO	
Jessica Kazmark, Staff	<b>Contract Staff</b>
Brigitte Larson, Staff	James Coniglio, Underberg & Kessler
	Barry Carrigan, Nixon Peabody

**CALL TO ORDER:** Chair Mike Davis called the meeting to order at 5:00 p.m. and performed a roll call. A quorum was present.

**NEW BUSINESS:**

**Leonard’s Express/Cabbage Patch Lane:**

Suzanne Vary welcomed Kyle Johnson and Bill O’Hanlon of Leonard’s Express. The Company would like to build a frozen food warehouse in Shortsville, as well as put in a new accessibility road for the property. It is anticipated that they will retain all current jobs and create 20 more. The project will cost about \$18.7 million.

Kyle Johnson shared that the Company lost their primary potential customer that was going to be occupying the space but are looking at other possible tenants. Throughout the last 18 months, the Company has grown, up to 655 trucks, close to 650 refrigerated trailers and 350 or so drive-in trailers. Nationwide there are about 900 employees in the Company’s operations across the country.

Bill O'Hanlon shared two aerial views of the property and pointed out the terminal and warehouse. Bill summarized the layout and indicated where the entryways would be located. It was also discussed that there are a few potential tenants that are interested in the rental space. The Company is requesting IDA assistance in the form of a standard PILOT agreement to include exemptions from mortgage recording tax, sales and use tax, and real property tax. *Kelly Mittiga made a motion to authorize a public hearing. Don Culeton seconded the motion. Unanimously approved. Motion carried.*

### **BW Solar:**

Suzanne Vary introduced Bogdan Dinu, from BW Solar. Sue explained that the Company would like to build a community solar project in the Town of Phelps. It is a 5 megawatt project, costing over \$7 million.

Bogdan began by stating that the Company hopes to put forth for construction next year under NYSERDA, New York Sun Energy program. He gave a brief background on the Company, which is part of the BW Group, a family owned and privately owned business. The BW Group has about 7000 employees worldwide in a total of 13 offices. BW Solar was started last February, and currently has a total of 22 employees. Bogdan explained that their directive is to concentrate of the North American market for energy projects and that the Company is well positioned to from an experience standpoint to do their own engineering, financing, construction management and operation. The Company has about 30 community solar projects in development, 10 of which are in the engineering and permitting phase, and the other 20 are early stage.

Bogdan discussed the five megawatt project which would be located on a 43 acre parcel, where the actual area to be utilized is a little over 24 acres. It is estimated that 380 watt panels would be used, coming out to around 16,000 modules sitting on 200 single access freestanding trackers. Bogdan explained that this type of tracker tilts east to west, following the sun's rays during the day. It would be a 25 year contract, but the useful life of the solar plant itself is between 30 to 40 years, based on the longevity of the equipment and the operability of the equipment itself.

Bogdan also indicated that they are in the process of permitting with the Town of Phelps and that a decommissioning plan has been put in place.

*Supervisor Dan Marshall made a motion to authorize a public hearing. Andy Molodetz seconded the motion. Unanimously approved. Motion carried.*

### **Sulphur Creek Solar:**

Suzanne Vary stated that at the last board meeting a public hearing was authorized. Since then, the Company has made some changes in pricing and has completed a new application. Reports will need to be updated by Mike N'Dolo from the MRB Group. The Board will be updated as necessary.

### **OLD BUSINESS:**

#### **Board Training/Refresher:**

Jim Coniglio began by stating that this is in no way a substitute for the Board Training required by the State. The presentation Jim and Barry have provided is solely for informational purposes and will cover some general background on IDAs, the policies and purposes, and its authority.

Jim shared that the IDAs in New York State exist under what is called the IDA Act of Article 18-A of the General Municipal Law of the State of New York. This has sections that set forth the purpose and policies. It states that the creation of an Industrial Development Agency is further as of the policy in New York State to promote economic welfare, recreational opportunities, and prosperity of its inhabitants and to actively promote, attract, encourage developer recreation, economically sound commerce and industry, and economically sound projects for the purpose of preventing unemployment and economic deterioration. Under the enabling legislation the IDA has a responsibility to encourage responsible environmental development of all the particular types of industries and businesses that they are authorized to do business with, to promote development of recreational and tourism activities and the development of renewable energy policies. As long as the IDA's activities and actions are in furtherance of assisting these kinds of facilities based on the policies and purposes set forth in the act for these particular agencies, then they're within their scope of authority. Jim also indicated that generally if a project is presented, the IDA will look at the zoning and planning decisions as well as Local Law compliance that are required in that project's location.

Barry Carrigan continued the presentation by speaking about the authority of the IDA and comparing them to some other entities such as Cities, City Councils, School Districts and Boards of Education. Barry stated that an IDA can't approve an actual project unless that project has gone through all the local land use and zoning approvals within their location. The IDA can authorize a public hearing for a project but can't go forward and approve that project unless the local jurisdiction, the town, the city, the village has approved that project and passed on SEQR. When the IDA is approving a final authorizing resolution, the town or the village has already held multiple public hearings, passed SEQR and given a final approval for the project. Similarly, the IDA can't enforce or participate in the terms of local laws or regulations. The project must also meet requirements of the Strategic Plan. It was also clarified that each project is to be considered on a case by case basis.

Barry and Jim both encouraged the Board to reach out with any questions.

**Airport Update:**

Mike Davis presented Bob Mincer's report for review. There were no questions.

**Task Order 9A:**

Mike Manikowski presented Task Order 9A and explained that this is for the design of our general aviation terminal. It will be the centerpiece of KIUA operations and will be an essential gateway to Ontario County for many, many visitors. Mike also indicated that the use of the airport keeps growing every year. With the new assets being created in the community, new draws from the metropolitan areas, and new businesses coming to the area, this will be one of their gateways. Approval of the task order will allow our engineers to go forward with the terminal building design.

*Supervisor Dan Marshall made a motion to approve Task Order 9A for the Terminal Design. Don Culeton seconded the motion. Unanimously approved. Motion carried.*

**7910 Lehigh Crossing:**

Suzanne Vary reminded the Board that last month the IDA authorized some refinancing for 7910 Lehigh Crossing and that they would be identifying two new tenants. The tenants will need to be

approved by the IDA. The first tenant is Ken's Beverage Service and they are a provider of beverage equipment, installation services, preventative maintenance and water filtration systems. *Lew Zulick made a motion to approve the tenant. Deb Brown seconded the motion. Unanimously approved. Motion carried.*

#### **ADMINISTRATION:**

##### **April 26, 2021 Minutes:**

Mike Davis presented the April 26, 2021 Meeting Minutes for approval.

*Andy Molodetz made a motion to approve the April 26, 2021 minutes as presented. Kelly Mittiga seconded the motion. Unanimously approved. Motion carried.*

##### **Invoices for payment:**

Michael Wojcik presented airport invoices for payment totaling \$60,045.00; Agency invoices totaling \$85,916.98 and total invoices in the amount of \$145,961.98. Bob Mincer clarified the airport related invoices at the Airport Committee meeting last week.

*Lew Zulick made a motion to approve the above referenced invoices for payment. Supervisor Dan Marshall seconded the motion. Unanimously approved. Motion carried.*

##### **Financial Statements:**

Michael Wojcik presented the updated Financial Statements.

*Lew Zulick made a motion to approve the Financial Statements as presented. Don Culeton seconded the motion. Unanimously approved. Motion carried.*

#### **ADJOURNMENT:**

*Andy Molodetz made a motion to adjourn the IDA meeting at 6:29 p.m. Supervisor Dan Marshall seconded the motion. Motion unanimously approved.*

Respectfully submitted,

*Brigitte Larson*