

WYOMING COUNTY IDA BOARD MEETING MINUTES

The WCIDA Board of Directors met on February 9, 2023 at 2:30 p.m. at the Wyoming County Business Center, 36 Center Street Warsaw, New York 14569.

1. Roll call to establish quorum

Chairman Dadd, called the meeting to order at 3:39 p.m., in attendance were: Mark Dadd, Chairman; A. Douglas Berwanger, Vice-Chairman; Rebecca Ryan, Treasurer; Niccole Hastings, Director; E. Joseph Gozelski, Director; James Rutowski, Director; James Pierce, Executive Director; Robin Marschilok, Director of Operations; Jennifer Tyczka, Program Manager; Scott Gardner, Economic Development Specialist and Kevin Zanner, Hurwitz & Fine, Agency Counsel.

Absent: Thomas McCormick, Secretary

2. Administrative

A. Review/approve minutes from January 12, 2023 Board Meeting

The minutes from the January 12, 2023 Board Meeting were reviewed. A motion was made to accept the minutes by D. Berwanger. The motion was seconded by J. Rutowski and unanimously carried.

B. Review and approve Financial Statements from January 2023

R. Marschilok presented the financial reports from January 2023. After review the Board approved the financial reports on a motion made by R. Ryan. The motion was seconded by N. Hastings and unanimously carried.

C. Review/approve amended WCIDA 2022 Investment Report

R. Marschilok reviewed the amended Annual Investment Report and explained to the Board that after the bank confirmed year-end interest earnings with the auditor, we were made aware of accrued interest on CD's which won't mature until 2023. The amendment includes the accrued interest amount for the WCIDA CD's as of 12/31/2022. After review the Board approved the amended WCIDA 2022 Investment Report on a motion made by J. Rutowski. The motion was seconded by R. Ryan and unanimously carried.

3. Action Items

A. Request from Letchworth Valley Resort and Campground to extend the sales tax exemption from its expiration on 2/28/23 until 2/28/2024

Pierce reviewed with the Board a request from Billy Proietti, owner of the Letchworth Valley Resort and Campground, to extend the sales tax allowance for the project for an additional year. The project has had some scheduling delays due to supply chain issues and the project taking more time to complete. After discussion the Board approved the request on a motion made by J. Gozelski. The motion was seconded by N. Hastings and unanimously carried.

4. Discussion Item

A. SunEast High View has purchased the Niagara Solar (Duke Energy) project in Bennington-Assignment and Assumption of IDA incentives might be requested if the project does not change in terms of scope, size, etc.

Pierce informed the Board that the SunEast Company has purchased the Duke Energy Project in Bennington, from Niagara Solar. Pierce was anticipating SunEast to provide updated project information regarding costs, which would require the Board to review and approve before moving forward with an assignment and assumption of IDA incentives. The Company has not yet provided all the information and this item will be put on hold until the updated project information is submitted.

The board moved to table this item until the next meeting on a motion made by R. Ryan. The motion was seconded by J. Rutowski and unanimously carried.

5. Executive Director's Report

- Jim P. continues to work with an existing manufacturer of squash courts from Warsaw who has outgrown their building and is working to secure a larger space that can be renovated to meet the growing needs of their business. The company is working to finalize their acquisition and rehab numbers and finalize their financing. They are also planning to apply for IDA assistance and possibly some gap financing from the WCBAC to move this project forward.
- Jim P. continues to work with the Buffalo developer interested in building a Holiday Inn Express in Arcade. The site plan which calls for a facility of 77 rooms with a pool was approved by the County and Arcade Planning Board and now are looking to secure their building permits. Jim P. and the developer were on a conference call yesterday and they indicated they working toward finalizing their financing for the project, developing a draft of the land purchase agreement and IDA application.
- Jim is still working with the metal fabrication business in Arcade on a new expansion project. The IDA provided incentives for their previous expansion project 10 years ago. The company is in the process of getting some construction cost proposals together.
- Work continues with an agricultural business located in Java that is planning a new expansion project. The company has received one cost proposal but it came in much higher than expected, they looking at how to lessen the cost.
- Jim P. also continues to work with TPI in Arcade who had originally proposed a \$16 million building and equipment purchase has found some available warehouse space in Sardinia which has opened up some space in their building so they are now planning to just move forward with the equipment purchase that will be in the \$10 million range. Laura O'Sullivan, Director of the Empire State Development Finger Lake's Office and Bridget O'Brien Deputy Director joined Jim P. with a meeting at the plant on January 13th to see what assistance the state can provide.
- Jim P. had a discussion with consultant from Mitsubishi that is partnering with Texas Brine and Plug Power on a concept to develop a hydrogen power plant in the Town of Middlebury. Jim P. suggested that they should reach out Dan Leuer to see if there would be community acceptance for such a project since it is anticipated that it would receive some opposition.

- Jim P. also met once again with the designated developer of the former Emkay site in Arcade to discuss a change in zoning that needs to take place to allow for a reuse of the site that is a mixed use for housing and some commercial. The first phase of the project will include an 80-unit market rate senior housing complex. A change of zoning for a mixed use of housing and commercial for the site has been requested.
- A graduate of the FastTrack program that wants to start a crop harvesting businesses has inquired about financing with the WCBAC and a local bank. Jim P. and the bank representative have talked about they might partner on the project.
- Talks continue with the large dairy processor that wants to make a powdered milk product for export were planning on a new building that would create 100 new jobs is still in play at the Tri-County Business Park which includes land from both Erie and Wyoming County. The investment group under the advisement of their consultant from New Zealand are contemplating a land purchase and are working Empire State Developments Strategic Industry for the Agriculture sector. Empire State Development needs to be involved before the land purchase agreement is executed because of their incentives are based on the “but for” approach on projects.
- The Farmcraft Brewery project is shopping around for the best financing option, they have been approved by 3 lending institutions already. They have applied to the WCBAC for \$200,000 of financing with a combination of the GAIN loan fund and our business development revolving loan fund. We are just waiting to see which bank they will select before we conduct our due diligence utilizing the underwriting and credit analysis that will be conducted by the bank.
- The WCBAC also has received a draft loan application from the A & A Railroad requesting a grant anticipation note to upfront the money needed for the construction of a new safety gate on Rt. 98 in Java. The project is slated to begin in June.

6. Other Business

Pierce discussed with the Board the challenges we have had collecting fees for costs incurred on IDA approved projects that are on hold and have not moved forward with construction. Some projects take years to move forward after they are approved by the IDA. Pierce suggested that the IDA amend its fee policy to include 20% of project fees due for IDA and 20% of fees due for attorney costs once the Board approves the project and before the sales tax exemption will be issued for the project. After discussion the Board agreed to amend the fee schedule to include 20% of fee due for the IDA and 20% of fee due for attorney, post Board approval of the Authorizing Resolution for the project and prior to sales tax exemption issuance on a motion made by R. Ryan. The motion was seconded by N. Hastings and unanimously carried.

7. Executive Session Discuss Compensation Considerations for staff for 2023

The Board moved into executive session at 3:56 p.m. to discuss staff compensation on a motion made by J. Rutowski, seconded by J. Gozelski and unanimously carried.

After discussion the board moved out of executive session at 4:09 p.m. on a motion made by R. Ryan. The motion was seconded by N. Hastings and unanimously carried.

Once back in regular session, D. Berwanger made a motion to approve a 3% increase in compensation, effective as of January 1, 2023, for all staff members; James Pierce, Executive Director; Marschilok, Director of Operations; Tyczka, Program Manager and Scott Gardner, Economic Development Specialist. The motion was seconded by R. Ryan and unanimously carried.

8. **Next Meeting:** The Next Meeting is scheduled for March 9, 2023, at the Ag and Business Center.

9. **Adjournment**

The meeting was adjourned at 4:12 p.m. on a motion made by J. Gozelski. The motion was seconded by N. Hastings and unanimously carried.

Meeting recorded and posted on You-Tube at the following link:

<https://www.youtube.com/watch?v=ijnSMkXbhEs>

Minutes prepared by: Robin Marschilok