

MINUTES
COUNTY OF OSWEGO INDUSTRIAL DEVELOPMENT AGENCY
March 16, 2021
Virtually Recorded Open Conference Call
Oswego County, NY

PRESENT: Canale, Schick, Sorbello, Stahl, Toth and Trimble

Absent/Excused: Kells

Also Present: John Camp, Kevin C. Caraccioli, Kevin LaMontagne, Bill Perrine, L. Michael Treadwell, Austin Wheelock and Teresa Woolson

Chair Toth convened the meeting at 9:03 a.m. and welcomed the Board, staff and guests.

MINUTES

On a motion by Mr. Sorbello, seconded by Mr. Toth, the minutes of February 24, 2021 were approved.

NOTICE OF MEETING

Meeting notices were posted at the Oswego County Building, the IDA Office Building and on the IDA website. A notice was published in The Palladium Times on March 2, 2021.

Treasurer's Report

On a motion by Mr. Stahl, seconded by Mr. Trimble, the Financial Statements for the period ended December 31, 2020, were approved.

Executive Session

Chair Toth and Mr. Caraccioli reported that due to matters involving the financial history of a business/organization and individuals and pending and current contractual matters, on a motion by Mr. Sorbello, seconded by Mr. Canale, it was approved to go into Executive Session at 9:09 a.m.

On a motion by Mr. Sorbello, seconded by Mr. Schick, the Executive Session ended at 11:37 a.m.

OCIP Expansion

Following discussion in Executive Session, on a motion by Mr. Trimble, seconded by Mr. Sorbello, the acquisition of property to expand the Oswego County Industrial Park was approved.

On a motion by Mr. Stahl, seconded by Mr. Schick, it was approved to expand the C&S Scope of Work on the OCIP Expansion Project to include the development of plans to pursue federal funding to help with the development of the Oswego County Industrial Park.

Delinquent Loan Report

Following discussion in Executive Session, on a motion by Mr. Toth, seconded by Mr. Trimble, the Delinquent Loan Report for February 28, 2021 was accepted.

Administrative Services Agreement Renewal

Following discussion in Executive Session, on a motion by Mr. Schick, seconded by Mr. Sorbello, the Administrative Services Agreement with Operation Oswego County, Inc. was approved for 2021 and 2022.

Camelot Lodge, LLC (YMCA)

Following a discussion in Executive Session, on a motion by Mr. Trimble, seconded by Mr. Sorbello, an Initial Resolution determining that the acquisition, renovation, equipping and completion of a mixed-use project at the request of Camelot Lodge LLC constitutes a project and describing the financial assistance requested in connection therewith and authorizing a public hearing, was approved. A copy of the Initial Resolution is attached.

D&D Logging & Lumber, LLC

Following a discussion in Executive Session, on a motion by Mr. Schick, seconded by Mr. Toth, a six-month deferral of P&I was approved.

Patterson Warehousing, Inc.

Following discussion in Executive Session, on a motion by Mr. Trimble, seconded by Mr. Stahl, the consent to ownership transfer was approved.

COVID Emergency Relief Loan Program

Mr. LaMontagne provided a summary and review of the program to date.

HUD CDBG Interest 2020

On a motion by Mr. Schick, seconded by Mr. Trimble, it was approved to return savings interest of \$954.75 to HUD.

County Local Law – PILOT Arrangements

Mr. Stahl reported that the County passed a local law for alternative PILOT arrangements for solar projects. He noted the amount was \$5,500/MW.

Next Meeting

March 26, 2021 at 8:00 a.m. was scheduled.

Adjournment

On a motion by Mr. Sorbello, seconded by Mr. Trimble, the meeting was adjourned at 12:03 p.m.

Respectfully Submitted,

H. Leonard Schick
Secretary

INITIAL RESOLUTION

A regular meeting of the County of Oswego Industrial Development Agency convened in public session on March 16, 2021 at 9:00 a.m., remotely by conference call or similar service pursuant to New York State Executive Order 202.1 (as amended and extended), the meeting was called to order by the Chair and, upon the roll being duly called, the following members were:

PRESENT: H. Leonard Schick, Morris Sorbello, Tim Stahl, Gary T. Toth and Barry Trimble

ABSENT: Nick Canale, Jr. and Tom Kells

ALSO PRESENT: Kevin C. Caraccioli, Kevin LaMontagne, L. Michael Treadwell, Austin Wheelock and Teresa Woolson

The following resolution was duly offered and seconded:

RESOLUTION DETERMINING THAT THE ACQUISITION, RENOVATION, EQUIPPING AND COMPLETION OF A MIXED-USE PROJECT AT THE REQUEST OF CAMELOT LODGE LLC CONSTITUTES A PROJECT AND DESCRIBING THE FINANCIAL ASSISTANCE REQUESTED IN CONNECTION THEREWITH AND AUTHORIZING A PUBLIC HEARING

WHEREAS, the County of Oswego Industrial Development Agency (the “*Agency*”) is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the “*State*”), as amended, together with Chapter 234 of the Laws of 1973 of the State, as amended from time to time (collectively, the “*Act*”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, including industrial pollution control facilities, railroad facilities and certain horse racing facilities, for the purpose of promoting, attracting, encouraging and developing recreation and economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State, to improve their recreation opportunities, prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to grant “financial assistance” (as defined in the Act) in connection with the acquisition, construction, renovation, and equipping of one or more “projects” (as defined in the Act); and

WHEREAS, in 2018, the Agency at the request of Camelot Lodge LLC, a New York State limited liability company (the “**Company**”) undertook a project the “**Original Project**”) consisting of: (A)(i) the acquisition of a leasehold interest in approximately 43,139 square feet of improved real property located at 249 West First Street, City of Oswego, County of Oswego, State of New York (the “**Original Land**”); (ii) renovation of an existing approximately 15,500 square foot, three story building for use as a mixed use facility consisting of approximately 5,500 square feet of commercial space on the first floor and approximately 10,000 aggregate square feet on the second and third floors to contain 10 market rate apartments (the “**Original Facility**”); and (iii) the acquisition and installation in and around the Original Facility and/or for use in connection with the Original Project of various machinery, equipment and furnishings (the “**Original Equipment**”) (the Original Land, Original Facility and Original Equipment are hereinafter collectively referred to as the “**Original Project Facility**”); (B) granting certain financial assistance in the form of exemptions from real property taxes, mortgage recording tax (except as limited by Section 874 of the General Municipal Law) and State and local sales and use tax (collectively the “**Original Financial Assistance**”); (C) the lease of the Original Land and Original Facility by the Agency pursuant to a lease agreement; the acquisition by the Agency of an interest in the Original Equipment pursuant to a bill of sale from the Company; and the sublease of the Original Project Facility back to the Company pursuant to a sublease agreement; and

WHEREAS, in connection with the Original Project, the Company and the Agency executed and delivered, inter alia, a payment in lieu of taxes agreement dated as of February 1, 2018 (the “**Original PILOT Agreement**”); and

WHEREAS, due to unexpected construction delays and the onset of the COVID-19 pandemic, there have been significant delays in the completion of the Original Project Facility; and

WHEREAS, on or about February 22, 2021, the Company submitted an application to the Agency (the “**Application**”), a copy of which is on file at the office of the Agency, requesting the Agency undertake a new project (the “**New Project**” and together with the Original Project, the “**Project**”) consisting of: (A) (i) the acquisition or continuation of a leasehold interest in the Original Land and all or a portion of property currently located at 251-265 West First Street, City of Oswego, County of Oswego, State of New York (collectively, the “**New Land**” and together with the Original Land, the “**Land**”); (ii) (a) the continued renovation of (1) the Original Facility, and (b) the renovation of an existing approximately 4,500 square foot building to contain 6 market rate townhouse multi-floor apartments (the “**New Facility**” and, together with the Original Facility, the “**Facility**”), all located on the Land; (iii) the acquisition of and installation in the New Facility of various machinery, equipment and furnishings (collectively the “**New Equipment**” and together with the Original Equipment, the “**Equipment**”) (the New Land, New Facility and New Equipment are hereinafter collectively referred to as the “**New Project Facility**” and together with the Original Project Facility, the “**Project Facility**”); (B) the granting of certain financial assistance with respect to the Project Facility in the form of exemption from certain real property taxes, mortgage recording tax (except as limited by Section 874 of the Act) and State and local sales and use tax and a lease transaction for the purchase of equipment to be used in the Project Facility in an amount not to exceed \$200,000 (the “**Equipment Lease**”) (collectively, the “**New Financial Assistance**” and together with the Original Financial Assistance, the “**Financial Assistance**”); and (C) the lease of the Land and Facility by the Agency pursuant to a lease

agreement; the acquisition by the Agency of an interest in the Equipment pursuant to a bill of sale from the Company; and the sublease of the Project Facility back to the Company pursuant to a sublease agreement; and

WHEREAS, the Project Facility is located in a Highly Distressed Area as that term is defined in the Act; and

WHEREAS, the Company, is the current owner of the New Land and New Facility and continues to own the Original Project Facility; and

WHEREAS, the Company has requested that the Agency enter into an amendment to the Original PILOT Agreement (the “*Proposed Amended PILOT Agreement*”) with respect to the Project Facility; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “*SEQRA*”), the Agency is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Agency and the preliminary agreement of the Agency to undertake the Project constitutes such an action; and

WHEREAS, the grant of Financial Assistance to the Project is subject to the Agency finding after a public hearing pursuant to Section 859-a of the Act that the Project will serve the public purposes of the Act by promoting economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State or increasing the overall number of permanent, private sector jobs in the State; and

WHEREAS, the Agency has not approved undertaking the Project or the granting of the Financial Assistance.

NOW, THEREFORE, be it resolved by the Members of the County of Oswego Industrial Development Agency as follows:

Section 1. Based upon the representations made by the Company to the Agency, the Agency hereby makes the following findings and determinations:

- (a) The Project Facility constitutes a “project” within the meaning of the Act.
- (b) The Financial Assistance contemplated with respect to the Project consists of exemptions from real property tax, mortgage recording tax and State and local sales and use taxation.

Section 2. The Agency hereby directs that pursuant to Section 859-a of the Act, a public hearing with respect to the Project and Financial Assistance shall be scheduled with notice

thereof published, and such notice shall further be sent to affected tax jurisdictions within which the Project is located.

Section 3. If the terms of the Proposed PILOT Agreement deviate from the standard terms of a payment in lieu of tax agreement under the Agency's Uniform Tax Exemption Policy (the "*UTE*P"), the Agency hereby further authorizes the Chief Executive Officer of the Agency to (A) establish a time, date and place for a meeting of the Agency to consider the approval by the members of the Agency of the Proposed PILOT Agreement; and (B) cause notice of said meeting to be given to the chief executive officer of the county and each city, town, village and school district in which the Project Facility is or is to be located, such notice or notices to comply with the requirements of Section 874 of the Act.

Section 4. A copy of this Resolution shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

Section 5. The Chief Executive Officer of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 6. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>	<u>Recuse</u>
Nick Canale, Jr.				X	
Tom Kells				X	
Tim Stahl	X				
H. Leonard Schick	X				
Morris Sorbello	X				
Gary T. Toth	X				
Barry Trimble	X				

The resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) ss.:
COUNTY OF OSWEGO)

I, the undersigned Chief Executive Officer of the County of Oswego Industrial Development Agency, **DO HEREBY CERTIFY** that (i) I have compared the annexed extract of the minutes of the meeting of the County of Oswego Industrial Development Agency (the “*Agency*”) held on March 16, 2021, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of the whole of such original insofar as the same relates to the subject matters referred to therein.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of such meeting, (ii) pursuant to Article 7 of the Public Officers Law (the “*Open Meetings Law*”), as modified by New York State Executive order 202.1 (as amended and extended), such meeting was open to the general public and public notice of the time and place of such meeting was duly given in accordance with such Open Meetings Law, (iii) the meeting was in all respects duly held, and (iv) there was a quorum present throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency on March 16, 2021.

L. Michael Treadwell
Chief Executive Officer

(SEAL)