

MINUTES
COUNTY OF OSWEGO INDUSTRIAL DEVELOPMENT AGENCY
July 29, 2021
IDA OFFICE BUILDING
44 W. BRIDGE ST.
OSWEGO, NEW YORK

PRESENT: Canale, Sorbello, Stahl, Toth and Trimble

Absent/Excused: Kells and Schick

Also Present: Kevin C. Caraccioli, Tracey Hawthorn, Kevin LaMontagne, L. Michael Treadwell, David Turner, Austin Wheelock and Teresa Woolson

Chair Toth convened the meeting at 8:10 a.m. at the IDA Office in Oswego and welcomed the Board, staff and guests.

MINUTES

On a motion by Mr. Trimble, seconded by Mr. Sorbello, the minutes of June 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 July 16, 2021.

Treasurer's Report

On a motion by Mr. Sorbello, seconded by Mr. Trimble, the Financial Statements for the period ended May 31, 2021, were approved.

EXECUTIVE SESSION

On a motion by Mr. Canale, seconded by Mr. Sorbello, it was approved to go into Executive Session to discuss the financial history of a particular person or corporation at 8:15 a.m.

On a motion by Mr. Canale, seconded by Mr. Sorbello, it was approved to exit Executive Session at 8:55 a.m.

OCIP Expansion

Mr. Caraccioli reported that the deed/transfer for the Oswego County Industrial Park approximately 200 acres is set for July 30. Mr. Toth thanked Mr. Turner and the Board for their efforts. Mr. Turner reported possible infrastructure assistance through Senator Ritchie and/or Senator Schumer's offices, as well as special funding opportunity with an EDA Application. Mr. Caraccioli will reach out to CNY Crops once we own the property.

COVID-19 ERL to OOC

Mr. LaMontagne provided an overview of the program, with \$222,000 remaining in the fund. Per the contract, collected principal payments through June 30, 2021, were returned to the IDA PILOT EDF Account in the amount of \$159,644. The fund remains open.

Nexus Renewables

Mr. Treadwell noted that the application remains under review. Mr. Caraccioli reported that this is a Canadian based 2.5 MW solar project for the Village of Sandy Creek on approximately 17 acres. It is anticipated that the project will be on the August agenda for consideration for an Initial Resolution.

Novelis Corporation

Matters related to projects were discussed in Executive Session.

Hawthorn Holdings, LLC

Following a presentation in Executive Session, on a motion by Mr. Canale, seconded by Mr. Sorbello, a Resolution determining that the acquisition, construction and equipping of a retail facility at the request of the company 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.

PILOT EDF Report

Mr. Treadwell reviewed the report and status as of June 30, 2021 in Executive Session.

Delinquent Loan Report

Following discussion in Executive Session, on a motion by Mr. Toth, seconded by Mr. Trimble, the Delinquent Loan Report for June 30, 2021 was approved.

Other Business

Mr. Treadwell reported receiving official notice via a letter from the NYS Department of State confirming the \$860,000 Fulton DRI Grant approval for the Manufacturing Start-up Facility project at the Nestle site.

Mr. LaMontagne reported that all PILOT Payments have been received for 2021.

Next Meeting

August 23, 2021 at 9:00 a.m. was scheduled.

Adjournment

On a motion by Mr. Sorbello, seconded by Mr. Trimble, the meeting was adjourned at 9:22 a.m.

Respectfully Submitted,



L. Michael Treadwell
CEO

INITIAL RESOLUTION

A regular meeting of the County of Oswego Industrial Development Agency was convened in public session on July 29, 2021, at 8:00 a.m., at 44 West Bridge Street, Oswego, New York.

The meeting was called to order by the Chair and, upon the roll being duly called, the following members were:

PRESENT: Nick Canale, Jr., Morris Sorbello, Tim Stahl, Gary T. Toth and Barry Trimble

ABSENT: H. Leonard Schick 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, CONSTRUCTION AND EQUIPPING OF A RETAIL FACILITY AT THE REQUEST OF THE COMPANY 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 of New York, 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, reconstruction and equipping of one or more "projects" (as defined in the Act); and

WHEREAS, Hawthorn Holdings, LLC, a New York limited liability company (the "**Real Estate Holding Company**") and Alex Hawthorn DVM, P.C., a New York professional service corporation (the "**Operating Company**", and together with the Real Estate Holding Company, the

“Companies”), on behalf of themselves and/or entities formed or to be formed on behalf of the foregoing have submitted an application to the Agency on or about July 20, 2021 (**“Application”**), a copy of which is on file at the office of the Agency, requesting the Agency consider undertaking a project (the **“Project”**) consisting of: (A)(i) the acquisition of a leasehold interest (or sub-leasehold interest) in approximately 1.5 acres of real property located on Gertrude Drive, consisting of all or a portion of the current Tax ID Nos. #276.11-01-03.04 and 276.11-01-03.06, in the Village of Central Square, Town of Hastings, Oswego County, State of New York (the **“Land”**) and the existing approximately 3,000 square foot building located on the Land (the **“Existing Facility”**) and the construction of an approximately 7,200 square foot building (the **“New Facility”** and, collectively with the Existing Facility, the **“Facility”**); (ii) the acquisition and installation in and around the Facility and/or for use in connection with the Project of various fixtures, machinery, equipment, and other tangible personal property (collectively the **“Facility Equipment”**) (the Land, the Facility and the Facility Equipment being collectively referred to as the **“Company Facility”**), which Company Facility is to be leased and subleased by the Agency to the Real Estate Holding Company and further subleased by the Real Estate Holding Company to the Operating Company; and (iii) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the **“Equipment,”** and together with the Company Facility, the **“Project Facility”**), such Project Facility to be used as an Veterinary Hospital and Urgent Care Center; (B) the granting of certain financial assistance in the form of exemptions from real property taxes, real estate transfer taxes, mortgage recording tax (except as limited by Section 874 of the Act) and State and local sales and use tax (collectively, the **“Financial Assistance”**); and (C) the lease (or sub-lease) of the Land and the Facility by the Real Estate Holding Company to the Agency pursuant to a lease agreement; the acquisition by the Agency of an interest in the Facility Equipment and the Equipment pursuant to one or more bills of sale from the Real Estate Holding Company and the Operating Company; the sublease of the Project Facility back to the Real Estate Holding Company pursuant to a sublease agreement; and the lease of Equipment to the Operating Company; and

WHEREAS, the Real Estate Holding Company has requested that the Agency enter into a payment in lieu of tax agreement (the **“Proposed 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 Agency has not approved undertaking the Project or the granting of the Financial Assistance; 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;

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 Real Estate Holding 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;
and

(b) The Financial Assistance contemplated with respect to the Project consists of exemptions from New York State sales and use tax, mortgage recording tax and real property tax.

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. 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 4. The Chief Executive Officer of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Real Estate Holding 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 5. 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 July 29, 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*"), 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 July 29, 2021.



L. Michael Treadwell
Chief Executive Officer

(SEAL)