



# Cortland County

## Industrial Development Agency

### Meeting of the Members of the Cortland County Industrial Development Agency

November 14th, 2022 – Noon

40-42 Main Street, Suite A, 2<sup>nd</sup> Floor Cortland New York, 13405

#### Roll Call

Mike McMahon	Chairman	
Stephen Compagni	Vice Chairman	
John O. Reagan	Treasurer	
Clint Brooks	Secretary	
Johanna Ames	Member	
Dr. Kathleen Burke	Member	
Donald Richards	Member	
Garry VanGorder	Executive Director	
Karen Niday	Corporate Finance Officer	
Eric Mulvihill	Development Specialist	
John Sidd	Agency Counsel	

#### Approval of Minutes - October 17, 2022

#### New Business

#### Monthly Reports

- 1.) Finance Report
- 2.) Director's Report

#### Adjourn



**Cortland County**  
Industrial Development Agency

# Minutes



# Cortland County

## Industrial Development Agency

### Meeting Minutes of the Cortland County Industrial Development Agency

October 17th, 2022

40-42 Main Street, Suite A, 2<sup>nd</sup> Floor Cortland New York, 13405

**Call to Order**- Chairman McMahon Called the meeting to order at 12:25PM

#### **Roll Call**

Mike McMahon	Chairman	Present
Stephen Compagni	Vice Chairman	Excused
John O. Reagan	Treasurer	Excused
Clint Brooks	Secretary	Present
Johanna Ames	Member	Excused
Dr. Kathleen Burke	Member	Present
Donald Richards	Member	Present
Garry VanGorder	Executive Director	Present
Karen Niday	Corporate Finance Officer	Present
Eric Mulvihill	Development Specialist	Present
John Sidd	Agency Counsel	Present
Jerry Contento Jr	BDC Board Member	Present
Jason Hage	BDC Board Member	Present
Robert Edwards	BDC Board Member	Present

**Approval of Minutes** - July 11<sup>th</sup>, 2022 & September 12<sup>th</sup>, 2022 – Mr. McMahon made a motion to approve both sets of minutes, Ms. Burke seconded the motion. All voting in favor, none opposed.

**New Business** - Consider rescinding IDA Resolution No. 2020-9-14-06. – Mr. VanGorder discussed the background of the resolution and provided a brief history. Mr. Sidd said rescuing the resolution rests the table and provides for negotiations with EDF or any renewable Energy Company. Mr. McMahon said the IDA Board is capable of making



# Cortland County

## Industrial Development Agency

responsible decisions for our community and said he supports rescinding the resolution. Mr. VanGorder said I don't think the IDA would be doing its job by not entertaining this type of investment.

Mr. VanGorder read the following statement as submitted by Ms. Ames who was excused from the meeting.

"As I recall the context of our deliberations two years ago, we as a board worked to educate ourselves on this issue of solar "farms", brought in outside experts to guide our analysis, and worked to facilitate the best possible outcomes for our communities.

After receiving feedback from the towns/villages/municipalities on whose behalf we were negotiating, we made what I felt was the right decision to defer the future negotiation on solar projects to those entities.

After nearly two years, many if not all of those entities are still struggling to resolve their positions and to take the lead on the negotiations as had been their preference. To that end some investments /projects in our communities are in jeopardy.

I am comfortable revisiting and reversing our resolution of two years ago such that potential positive impacts on our communities are not lost."

Johanna Ames  
President  
Ames Linen Service

### **Monthly Reports**

1.) Finance Report – Ms. Niday reviewed the monthly financial reports

2.) Director's Report

- Update on Apex Brownfield Clean-up – Mr. VanGorder discussed the completion of Phase I of the Apex Brownfield clean-up. He said 4500 tons of material was sent to the County landfill with a corresponding tipping fee over \$380,000.00. Mr. VanGorder said he recently met with the County to negotiate a waiver of the tipping fees. Mr. VanGorder then discussed the potential future of the Apex site; he said the phase II environmental analysis of the site is moving slower than expected.
- EPA Brownfield Assessment Grant – Mr. VanGorder said the IDA has awarded a contract to C&S Engineers to seek funds in support of a county-wide brownfield site identification program.

**Adjourn – The meeting was adjourned at 12:50 PM**

A meeting of Cortland County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 40 Main Street, Suite A, in the City of Cortland, Cortland County, New York on October 17, 2022 at 12:00 o'clock p.m., local time.

The meeting was called to order by the Chairman and, upon roll being called, the following members of the Agency were:

PRESENT:

Michael McMahon  
Clint Brooks  
Johanna Ames  
Kathleen Burke  
Donald Richards

Chairman  
Secretary  
Member  
Member  
Member

ABSENT:

Stephen Compagni  
John O. Reagan  
Johanna Ames

Vice Chairman  
Treasurer  
Member

FOLLOWING PERSONS WERE ALSO PRESENT:

Garry VanGorder  
Karen Niday  
Eric J. Mulvihill  
John P. Sidd, Esq.

Executive Director  
Chief Financial Officer  
Community Relations Specialist  
Agency Counsel

The following resolution was offered by Chairman McMahon, seconded by Member Richards, to wit:

Resolution No. 2022-10-17-01

RESOLUTION RESCINDING RESOLUTION NO. 2020-9-14-06 REGARDING LOCAL LAWS, RESOLUTIONS AND ORDINANCES BY TOWNS IN CORTLAND COUNTY ESTABLISHING A MINIMUM PAYMENT IN LIEU OF TAX FOR SOLAR ENERGY SYSTEMS AND REQUIRING A COMMUNITY HOST AGREEMENT.

WHEREAS, Cortland County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 77 of the

1974 Laws of New York, as amended, constituting Section 902 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their 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 promote, attract, encourage the development of renewable energy projects, among other projects; and

**WHEREAS**, certain Towns in Cortland County expressed a desire that the Agency not undertake projects involving the development of solar photovoltaic facilities ("Solar Energy Systems") located in said Towns unless such projects pay a minimum payment in lieu of tax ("PILOT") and enter a Community Host Agreement ("CHA") with said Town; and

**WHEREAS**, in response, the Agency adopted Resolution No. 2020-9-14-06 on September 14, 2020 (the "Resolution") wherein the Agency confirmed it would honor such requests by any Town in Cortland County which, in accordance with the requirements set forth in the Resolution, set a minimum PILOT for Solar Energy Systems; and

**WHEREAS**, it has been 2 years since the Agency adopted the Resolution and no Solar Energy System developers have approached the Agency with projects in the Towns which complied with the requirements of the Resolution, nor have those Towns successfully negotiated any other PILOT agreement and CHA with Solar Energy System developers for projects in which the Agency could play a part; and

**WHEREAS**, this failure has jeopardized at least one approximately \$150,000,000.00 Solar Energy System Project in Cortland County which is expected to soon receive its permit from the New York State Office of Renewable Energy Siting and will continue to jeopardize the viability of other Solar Energy System projects in Cortland County; and

**WHEREAS**, consistent with its mission and purpose and in accordance with its authority, the Agency desires to preserve, promote and encourage the development of Solar Energy System projects in Cortland County;

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:**

Section 1. The Agency hereby rescinds Resolution No. 2020-9-14-06.

Section 2. The Chairman, Vice Chairman and Executive Director of the Agency are hereby authorized and directed to distribute copies of this Resolution and to do such

further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 3. This Resolution shall take effect immediately.

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

Michael McMahon	VOTING	Aye
Stephen Compagni	VOTING	Absent
Clint Brooks	VOTING	Aye
John O. Reagan	VOTING	Absent
Johanna Ames	VOTING	Absent
Kathleen Burke	VOTING	Aye
Donald Richards	VOTING	Aye

The foregoing Resolution was thereupon declared duly adopted.

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

I, the undersigned Secretary of Cortland County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY, that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on October 17, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such Resolution set forth therein and of the whole of said original so far as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respect duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public and due notice of the time and place of said meeting was given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present through said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 17<sup>th</sup> day of October, 2022.

  
Clinton Brooks, Secretary



**Cortland County**  
Industrial Development Agency

# Financial Reports

Cortland County IDA  
Balance Sheet  
October 31, 2022

ASSETS

<b>CURRENT ASSETS</b>	
NBT - Checking 5112	\$ 39,609.98
NBT Proj Invest Checking	932,093.55
NBT Money Mkt Savings	49,415.39
Prepaid Expenses	<u>1,304.16</u>
<b>TOTAL CURRENT ASSETS</b>	1,022,423.08
<b>PROPERTY AND EQUIPMENT</b>	
Land-Railroad Properties	209,818.00
Land-Contento Property	91,835.00
Land-Cleveland St - Apex	25,000.00
Leasehold Improvements	3,376.80
Accum.Depreciation-L.H.I.	(1,857.24)
Office Equipment	5,909.00
Accum.Depreciation-Equip	<u>(5,909.00)</u>
<b>NET PROPERTY &amp; EQUIPMENT</b>	328,172.56
<b>RECEIVABLES</b>	
<b>TOTAL RECEIVABLES</b>	<u>0.00</u>
<b>TOTAL ASSETS</b>	<u>\$ 1,350,595.64</u>

LIABILITIES/FUND BALANCE

<b>CURRENT LIABILITIES</b>	
<b>TOTAL CURRENT LIABILITIES</b>	0.00
<b>LONG TERM LIABILITIES</b>	
Due to BDC-Contento Property	\$ <u>91,835.00</u>
<b>TOTAL LONG TERM LIABILITIES</b>	91,835.00
<b>TOTAL LIABILITIES</b>	91,835.00
<b>FUND BALANCE</b>	
Unrestricted Earnings	1,520,281.50
Net Income	<u>(261,520.86)</u>
<b>TOTAL FUND BALANCE</b>	<u>1,258,760.64</u>
<b>TOTAL LIAB &amp; FUND BALANCE</b>	<u>\$ 1,350,595.64</u>

**Cortland County IDA  
Income Statement  
For the Ten Months Ending October 31, 2022**

	Current Month	Year to Date
<b>REVENUE</b>		
Project Fee	\$ 0.00	\$ 49,327.00
Interest on Deposits	288.59	1,046.73
Land Lease	0.00	16,333.00
Cort Crown Homes PILOT	0.00	23,079.40
Creamery Hills PILOT	0.00	7,635.41
83-85 Main LLC PILOT	0.00	14,000.00
Lapeer Cortland Solar PILOT	0.00	45,000.00
DG NY 1 C Ville LLC	0.00	22,500.00
Janis Solar LLC	0.00	30,000.00
Yellow 3 LLC	0.00	16,500.00
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Total Revenue	288.59	225,421.54
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<b>TOTAL REVENUE</b>	<b>288.59</b>	<b>225,421.54</b>
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<b>EXPENSES</b>		
Apex/Cleveland St Property	89,063.44	251,528.03
Accounting	0.00	7,000.00
Bank Charges	0.00	97.00
Legal	1,001.00	16,587.44
Office Supplies/Maintenance	150.00	1,007.00
Property Tax-Sewer/Water	0.00	197.44
D & O Insurance	130.42	1,304.16
Depreciation	0.00	506.52
Cort Crown Homes PILOT	0.00	23,079.40
Creamery Hills PILOT	0.00	7,635.41
83-85 Main LLC PILOT	0.00	14,000.00
Lapeer Cortland Solar PILOT	0.00	45,000.00
DG NY 1 C Ville	0.00	22,500.00
Janis Solar LLC	0.00	30,000.00
Yellow 3 LLC	0.00	16,500.00
BDC Admin Support	0.00	50,000.00
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<b>TOTAL EXPENSES</b>	<b>90,344.86</b>	<b>486,942.40</b>
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<b>NET INCOME</b>	<b>\$ (90,056.27)</b>	<b>\$ (261,520.86)</b>
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**Cortland County**  
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## Director's Report