



# Cortland County

## Industrial Development Agency

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

October 17th, 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 - July 11<sup>th</sup>, 2022 & September 12<sup>th</sup>, 2022

**New Business** 1.) Consider rescinding IDA 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.

#### **Monthly Reports**

- 1.) Finance Report
- 2.) Director's Report
  - Update on Apex Brownfield Clean-up
  - EPA Brownfield Assessment Grant

#### **Adjourn**



**Cortland County**  
Industrial Development Agency

# Minutes



# Cortland County

## Industrial Development Agency

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

Agency July 11th, 2022 – Noon

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

**Roll Call** – Chairman McMahon called the meeting to order at noon

Mike McMahon	Chairman	Present
Stephen Compagni	Vice Chairman	Absent
John O. Reagan	Treasurer	Present
Clint Brooks	Secretary	Remote
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	Remote
Nevin Bradford	C&S Engineers	Remote

**Approval of Minutes** - June 13th, 2022 – Mr. Richards made a motion to approve the minutes of June 13<sup>th</sup>, Mr. Reagan seconded the motion; all voting in favor, none opposed.

### **New Business**

- 1.) Award Bid for Phase 1 Apex Site Clean-up – Mr. VanGorder introduced Nevin Bradford from C& S Engineers. Mr. VanGorder informed the Board that the IDA has officially closed on the former Apex property located at 43-47 Cleveland Street in Cortland at a cost of \$25,000 as previously authorized by the Board. In conjunction with the site acquisition the IDA retained C&S



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Engineers to develop a plan to clean-up the former industrial site. Once the bids for the clean-up are approved phase one of the site remediation can commence, this includes removal of the demolition debris on the site. The most recent owner did not satisfy their obligations as part of their clean-up. Due to spotty record keeping during previous remediation projects at the former plant there are some gaps in records which raises the possibility that there may be asbestos in the debris. C&S has worked with the New York State Department of Labor to determine the appropriate process to clean-up the site. Mr. Bradford informed the Board that the clean-up process will include an independent monitoring and testing firm. Mr. Bradford reviewed the responses to the bid for clean-up services. Mr. Sidd pointed out to the Board that the procurement process used to solicit bids for the clean-up is consistent with the IDA's established procurement policy. Mr. Sidd said the recommended companies to be awarded the bids are the lowest responsible and capable bidders.

Mr. VanGorder discussed the second phase of the clean-up at the site. The City of Cortland has obtained funding to conduct sampling under the footprint of the former industrial complex, it is anticipated that some level of contaminants will be found given the lengthy history of industrial activity there. Once the level of contamination is known he expects the IDA will be able to access brownfield clean-up resources to complete the clean-up and make the site ready for redevelopment. Mr. VanGorder pointed out that the funds being used to support this project are coming from IDA project fees, those fees support activities such as this clean-up.

Chairman McMahon made a motion to award the bid for asbestos and debris clean-up services for a cost of \$339,650.00 to Gorick Construction Inc. 27 Track Dr. Binghamton NY 13904 and to award the project and clean-up monitoring services for a cost of \$10,886.50 to Arctic Enterprises Inc. 222 Teall Ave. #100a,



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Syracuse, NY 13210. Mr. Richards seconded the motion, all voting in favor none opposed.

### **Monthly Reports**

- 1.) Finance Report – Ms. Niday reviewed the monthly finance reports.
- 2.) Director's Report – Mr. VanGorder provided a brief update regarding discussions concerning the proposed EDF Solar project in the Towns of Cortlandville, Homer, and Solon.

### **Adjourn**

**DRAFT**



# Cortland County

## Industrial Development Agency

Meeting of the Members of the Cortland County Industrial Development Agency  
40-42 Main Street, Suite A, 2<sup>nd</sup> Floor Cortland New York, 13405

### Meeting Minutes – of September 12<sup>th</sup>, 2022

Roll Call – Chairman McMahon called the meeting to order at 12:42 P.M.  
following the regularly scheduled Cortland County Business Development  
Corp. Meeting

Mike McMahon	Chairman	Present
Stephen Compagni	Vice Chairman	Absent
John O. Reagan	Treasurer	Present
Clint Brooks	Secretary	Excused
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	Remote
Lori Law	BDC Director	Remote
Marie Weiss	Carpenters Local 277	Remote

### Approval of Minutes - No Outstanding Minutes to Approve

### New Business

- 1.) Consider Adoption of 2023 IDA Budget – Mr. Reagan made a motion to adopt the budget as presented. Mr. Richards seconded the motion; all voting in favor none opposed.



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### Monthly Reports

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

#### 2.) Director's Report

- Update on Apex Brownfield Site Clean-up- Phase I of the Apex site clean-up has been completed, 4500 tons of debris were removed from the site and transported to the Cortland County Landfill for disposal. Mr. VanGorder indicated he is working with C&S Engineers to begin phase II of the clean-up which, involves soil sampling of the site to determine levels and types of industrial contaminants that are expected to be present.
- Update on Dissolution of the Cortland County Agricultural Corp.
  - The Cortland County Agricultural Corp has been officially dissolved and the dissolution has been recognized by the appropriate state agencies.
- Update on Former Contento Property – The Ida has retained a contractor to remove debris that has collected against the bridge to the site. The Village of Homer is also assisting with the debris removal.

Adjourn – 1:11 Pm.



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## New Business

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	Chairman
Stephen Compagni	Vice Chairman
Clint Brooks	Secretary
John O. Reagan	Treasurer
Johanna Ames	Member
Kathleen Burke	Member
Donald Richards	Member

ABSENT:

FOLLOWING PERSONS WERE ALSO PRESENT:

Garry VanGorder	Executive Director
Karen Niday	Chief Financial Officer
Eric J. Mulvihill	Community Relations Specialist
John P. Sidd, Esq.	Agency Counsel

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:

Resolution No. \_\_\_\_\_

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	_____
Stephen Compagni	VOTING	_____
Clint Brooks	VOTING	_____
John O. Reagan	VOTING	_____
Johanna Ames	VOTING	_____
Kathleen Burke	VOTING	_____
Donald Richards	VOTING	_____

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.

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Clinton Brooks, Secretary



**Cortland County**  
Industrial Development Agency

# Financial Reports

Cortland County IDA  
Balance Sheet  
September 30, 2022

ASSETS

<b>CURRENT ASSETS</b>	
NBT - Checking 5112	\$ 42,713.92
NBT Proj Invest Checking	1,031,805.80
NBT Money Mkt Savings	49,414.55
Prepaid Expenses	<u>1,434.58</u>
<b>TOTAL CURRENT ASSETS</b>	<b>1,125,368.85</b>
<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>	<b>328,172.56</b>
<b>RECEIVABLES</b>	
<b>TOTAL RECEIVABLES</b>	<b>0.00</b>
<b>TOTAL ASSETS</b>	<b>\$ 1,453,541.41</b>

LIABILITIES/FUND BALANCE

<b>CURRENT LIABILITIES</b>	
Accounts Payable	\$ <u>12,889.50</u>
<b>TOTAL CURRENT LIABILITIES</b>	<b>12,889.50</b>
<b>LONG TERM LIABILITIES</b>	
Due to BDC-Contento Property	<u>91,835.00</u>
<b>TOTAL LONG TERM LIABILITIES</b>	<b>91,835.00</b>
<b>TOTAL LIABILITIES</b>	<b>104,724.50</b>
<b>FUND BALANCE</b>	
Unrestricted Earnings	1,520,281.50
Net Income	<u>(171,464.59)</u>
<b>TOTAL FUND BALANCE</b>	<b>1,348,816.91</b>
<b>TOTAL LIAB &amp; FUND BALANCE</b>	<b>\$ 1,453,541.41</b>

**Cortland County IDA  
Income Statement  
For the Nine Months Ending September 30, 2022**

	Current Month	Year to Date
<b>REVENUE</b>		
Project Fee	\$ 0.00	\$ 49,327.00
Interest on Deposits	87.55	758.14
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
<b>Total Revenue</b>	<b>87.55</b>	<b>225,132.95</b>
<b>TOTAL REVENUE</b>	<b>87.55</b>	<b>225,132.95</b>
 <b>EXPENSES</b>		
Apex/Cleveland St Property	13,164.99	162,464.59
Accounting	0.00	7,000.00
Bank Charges	0.00	97.00
Legal	52.00	15,586.44
Office Supplies/Maintenance	0.00	857.00
Property Tax-Sewer/Water	0.00	197.44
D & O Insurance	130.42	1,173.74
Depreciation	168.84	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
<b>TOTAL EXPENSES</b>	<b>13,516.25</b>	<b>396,597.54</b>
 <b>NET INCOME</b>	<b>\$ (13,428.70)</b>	<b>\$ (171,464.59)</b>



**Cortland County**  
Industrial Development Agency

## Director's Report