



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

**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



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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	Chairman
Clint Brooks	Secretary
Kathleen Burke	Member
Donald Richards	Member

ABSENT:

Stephen Compagni	Vice Chairman
John O. Reagan	Treasurer
Johanna Ames	Member

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 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

## CERTIFICATE REGARDING NO CONFLICT OF INTEREST

MEETING DATE: October 17<sup>th</sup>, 2022

The Cortland County Industrial Development Agency (the "Agency") has this day considered numerous business items which may have included, but are certainly not limited to, the sale of real or personal property to, undertaking projects with or on behalf of, and entering contracts with, certain individuals and business entities (each a "Stakeholder").

I, the undersigned director, officer or employee ("Member") of the Agency, **DO HEREBY CERTIFY**, as follows:

1. I do not have an "interest" (as defined pursuant to Article 18 of the General Municipal Law of the State of New York) in any Stakeholder nor do I have any interest in, or relationship with, any Stakeholder which would violate the Agency's Code of Ethics. "Interest" as defined in Article 18 of the General Municipal Law means:

(a) a direct or indirect pecuniary or material benefit accruing to a Member as the result of a contract with the Agency, or (b) a contract between the Agency and:

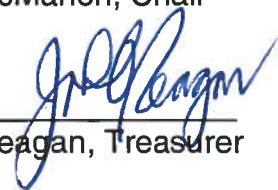
- (i) a Member's spouse, minor children and dependents,
- (ii) a firm, partnership or association of which such Member is a member or employee,
- (iii) a corporation of which such Member is an officer, director or employee or
- (iv) any entity which is owned or controlled directly or indirectly by such Member.

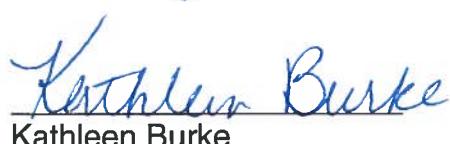
2. I do not directly or indirectly own stock or any ownership interest in any Stakeholder; nor am I an officer or employee of any Stakeholder; nor am I a member of the board of directors of any Stakeholder; nor do I have a familial relationship with any Stakeholder.

3. The nature and extent of any interest I may have in any Stakeholder is described in Schedule A annexed hereto, such disclosure to be made a part of and set forth in the official minutes of the Agency.

### MEMBERS:

  
Michael McMahon, Chair

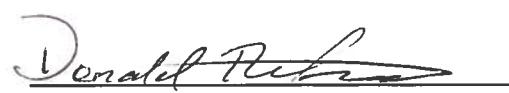
  
Excused  
John O. Reagan, Treasurer

  
Kathleen Burke

Absent  
Stephen Compagni, Vice Chair

Excused  
Johanna Ames

  
Clint Brooks, Secretary

  
Donald Richards

**STAFF/OFFICERS:**

Garry VanGorder  
Garry VanGorder, Executive Director

Karen Niday  
Karen Niday, Chief Financial Officer

Eric J. Mulvihill  
Eric Mulvihill, EDS/Community Relations