

**Wayne County Industrial Development Agency**  
**Regular Meeting – January 25, 2023**  
**MINUTES**

A regular meeting of the Wayne County Industrial Development Agency (WCIDA) was called to order by Chairman Scott Johnson, at 9:08 a.m. at 9 Pearl Street, Lyons, Second Floor Conference Room. The meeting was held in person for board members. Members present in-person were Vice-Chairman Phil Eygnor, Treasurer Julie DiLella, Pamela Heald, Secretary Kaye Stone-Gansz, new member Kenneth VanFleet, and Robert DeBadts. Jeannie Brockmyre was absent. Also present in person were staff members Brian Pincelli, CEO; Katie Bronson, COO; Jamie Corteville, CFO; Ariel Camp, Economic Development Specialist, and Deb Hall, Assistant Secretary. Guests in attendance were Amanda McDonald, prospective new board member, as well as PILOT applicants, brothers Brad and Kyle Kennedy and parents/partners Lori and Richard Kennedy of K2 Brewing LLC who arrived at 9:30 a.m. Counsel John Morrell was present via Zoom. The meeting was live streamed on the WCIDA YouTube channel.

Mr. Johnson presented Minutes from the December 14, 2022 board meeting for approval with a motion to accept by Ms. Heald and a second by Ms. Stone-Gansz. Minutes were accepted with unanimous approval.

Mr. Pincelli introduced an update to the Eagle Island Properties, LLC PILOT project regarding a change in the status of the project. The applicant has been found to be in default of the PILOT agreement due to the presence of retail operation at the building that was not previously disclosed, and that which is not allowed under the PILOT agreement. The applicant admits to the default and is ready to discontinue the PILOT agreement with WCIDA. Ms. DiLella expressed disappointment at the outcome. Mr. Pincelli explained the qualifying process in which this action was not disclosed. He also explained that the retail use of the building did not qualify under “unique services” under the provision in the state law, such as some other current PILOT projects in the County. There was discussion as to the reporting requirements under the PILOT and how the violation occurred. Mr. Morrell confirmed that the applicant did not disclose their plans to lease 40% of the property. The applicant ended the program on good terms. Ms. Heald asked if more research should be done to find out these kinds of issues ahead of time. Ms. Bronson assured the Board that the IDA application includes questions about retail for the Project. The Eagle Island Properties, LLC PILOT application did not include a retail component for this project. In addition, the SEQR form submitted to the Town did not include a commercial component..

Mr. Pincelli officially welcomed Mr. VanFleet as a new board member and Ms. McDonald as a prospective new Board member. He pointed out that all three agencies (IDA, WEDC, and CFDC) will have the same board membership. He thanked all members for their participation in committees and on the board. Ms. McDonald will be presented as a recommendation at the February Board of Supervisors meeting. Ms. Stone-Gansz asked for clarification that her participation on the CFDC board would not be in conflict with her membership on the hospital board. It will not.

Ms. Bronson discussed the board contact information and 2023 meeting schedule for the year including the committees. Annual Organization Resolution shows all the board members, the principal officers, committee members, attorneys and all agency policies. Ms. DiLella asked about the additional law firm of Nixon Peabody which will be used as needed. Two additional policies were added that were recently approved: the Conflict of Interest and the Videoconferencing Policy. Ms. Heald asked about FOIL policy and whether text messages can be FOIL-ed. Mr. Morrell said he would research this. Ms. Heald made a motion to approve the Resolution with a second from Mr. DeBadts. All members approved.

Mr. Pincelli explained the Resolution to Approve County Contract and Shared Services between all the agencies (IDA, EDC, and CFDC). The County-IDA funding agreement is herein clarified that \$50,000 in

operating funding from the County will be used to support all three agencies operating budget. County agreed to fund 100% of staff costs associated with staffing of the economic development agencies. Salaries of the Director and Deputy Director are split between economic development budget and planning budget. Ms. Bronson stated that the Resolution will name the IDA as the main agency to receive the funding which will then be allocated to the other two agencies as needed. Ms. Heald asked about the percentage of planning time that Ms. Bronson and Mr. Pincelli “share” with economic development. Mr. Pincelli explained the county subcommittee of economic development and planning monitors his time as well as the chair of the committee becoming the chair of the agency boards, and the chairman of the county board of supervisors also having a seat on the agency boards. Ms. Heald made a motion to approve the Resolution with a second from Ms. Stone-Gansz. All members approved. A side note was made that the funding from the county as decreased over the years from \$135,000 to \$50,000 due to the great work of the staff and internal processes.

Ms. Bronson announced a Resolution to name the Times of Wayne County as the official newspaper. Ms. Heald made a motion to approve the Resolution with a second from Mr. Eygnor. All members approved. Mr. Johnson ask for a motion to approve the Resolution accepting and authorizing the presented 2022 Annual Investment and Procurement Reports to NYS ABO/PARIS. The audit committee that met early that morning recommended approval of said reports as presented. Ms. DiLella made a motion to approve the Resolution with a second from Ms. Stone-Gansz. All members approved.

Ms. Corteville presented the fiscal officers report showing the current bank balances. The Annual Financial Review Report was presented to the Finance committee that morning along with the PARIS investment and procurement reports. Hearing no questions.

Mr. Pincelli offered for review the NYS Real Property Tax Law 487 exemption of property taxes for solar developments projects. As a condition of building solar projects in the county, IDA provides PILOT agreements at the rate of \$5,500 per MW. Discussion at the county planning and board of supervisors have been ongoing about the balance of protecting farmland and accommodating solar development. Planning department is updating county farmland protection plan. State is looking at specifics of developing solar on farmland based on the specific classification of soil, wherein the Dept of Ag and Markets (DAM) may require a notice from the development. Recently, DAM provided a negative response, halting the project for 60 days, to a local Lyons development relevant to soil types. He suggested that the board consider a higher PILOT payment for solar projects that aim to development on prime soils (if range is 1-10, with top four being excellent soils). He offered consideration to charge more for projects on soil types 1-4. Currently is it \$5,500 per MW for 15 yrs with 2% escalator, plus \$25,000 per MW one-time payment to town. Consider, additional charge of \$50,000 per MW for projects on prime soil 1-4. For example, a typical 5 MW would have an addition \$250,000 if they insisted on development on prime soil. The additional money could be used to purchase development rights on other farm land in the county or it could go back to the town. He is looking for feedback on what is the best approach to balance farmland and solar. Ms. DiLella questioned the value of the soil and Mr. VanFleet and Mr. DeBadts stated that state maps identify soil types. Ms. Heald asked if the county is looking at maximum percentage of solar. Mr. Pincelli said it is a town decision on land use not the county’s. Ms. Heald stated that the development of solar seems to be of more concern. However, Ms. Bronson and Mr. Pincelli explained the necessity of comprehensive planning for both kinds of development is a statewide concern. The IDA is looking at adding more questions pertaining to soil types under proposed developments and updating the UTEP (Uniform Tax Exempt Policy) to require copies of DAM notices and other specific information related to soil types. Ms. Heald pointed to the need to plan for the future. Mr. Pincelli agreed and pointed to the current development on the west side of the county and the role that this agency can play in accommodating development. Ms. McDonald asked for clarification on who is the responsible party in solar developments. Mr. Pincelli said the IDA must know who the long-term owner is.

Mr. Pincelli then reminded the board that the county owns a rail line that runs east-west along Route 104 from county line to Wolcott and also north-south from Sodus to Newark, the latter section of which includes the underlying property where the former section is owned by the utility company with an easement. It is operated by a company that is stockholder-owned, meaning the customers along the line have shared ownership. The operating railroad company is called OMID and was recently purchased by a holding company that also operates a line in Steuben County which is owned by the Steuben County IDA. Wayne County is considering transferring ownership of the rail line and property to the IDA for better oversight which would include regular communication with the rail operator to include revenue reports, economic development opportunities, and hazardous material movement. County officials have met with Mr. Pincelli and upcoming meetings of the Finance and Economic Development Planning committees would meet to discuss further implications of transfer. Ms. Stone-Gansz asked if operations at the railroad would change. Mr. Pincelli assured it would not.

Ms. Bronson introduced the owners and partners, the Kennedys, of K2 Brewing. Mrs. Kennedy gave the board a history of the company and touted the top quality of all the work they have done. Business has grown in popularity and production is maxed out at their current location. A realtor introduced them to the former Freewill Elementary school property. It matched their needs. Mrs. Kennedy stated that she feels Walworth is growing due to the outgrowth of Penfield. They will provide a three-phase build out of the facility, starting with production facility and kitchen. Future phases would utilize rooms for private parties and added activities and attractions for all ages. These plans will increase the need for full time and part-time staff. Walworth community is supportive of the project as a destination. They do not feel the Walworth project would not detract from the Webster location. The Board is considering an Authorizing Project Resolution for 4320 Canandaigua Rd. LLC. Mr. Brad Kennedy stated that the distance from Monroe County is not a deterrent. Mr. Kyle Kennedy shared the distribution map for brewing products and the schematic layout of the building. Plans for expansion of distribution is based on production quantity. They will also be in Wegmans and Tops. Ms. Stone-Gansz asked about employment which is anticipated to be Wayne County residents. Quality control is based on the quality of the water which is almost identical to their current location. Timeline projection is 6-8 months for operations once the project is closed and approved. All inspections are done. Ms. Stone-Gansz made a motion to approve the Resolution with a second from Ms. Heald. All members approved.

Hearing no other business, Mr. Johnson stated that the next WCIDA Board Meeting was set for February 22, 2022 at 9:00 a.m. Mr. Eynor made a motion to adjourn which was seconded by Ms. Stone-Gansz. Meeting adjourned at 10:18 a.m.

Respectfully submitted,



Deborah Hall, Assistant Secretary