

Wayne County Industrial Development Agency
Board Meeting – February 28, 2023
MINUTES

A regular meeting of the Wayne County Industrial Development Agency (WCIDA) was called to order by Chairman Scott Johnson, at 9:04 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 Pamela Heald, Secretary Kaye Stone-Gansz, Kenneth VanFleet, Amanda McDonald and Robert DeBadts. Vice-Chairman Phil Eygnor, Jeannie Brockmyre and Treasurer Julie DiLella were absent. Also present in person were staff members Brian Pincelli, CEO; Jamie Corteville, CFO; and Deb Hall, Assistant Secretary. Counsel John Morrell was present via Zoom. There were technical difficulties and the meeting was NOT live streamed on the WCIDA YouTube channel. The meeting was recorded to post to the Youtube channel but the audio was accidentally muted for the first 10 minutes.

Mr. Johnson presented Minutes from the January 25, 2023 board meeting for approval with a motion to accept by Ms. Stone-Gansz and a second by Ms. Heald. Minutes were accepted with unanimous approval. Mr. Johnson welcomed the newest board member, Amanda McDonald, whose appointment now confirms a 9-member board.

Mr. Johnson presented the Initial Project Resolution for Sleight NY Solar Farm LLC. The Board reviewed the PILOT summary document showing total project costs and incentives being offered. Mr. Pincelli discussed some of the details but confirmed that it is standard solar PILOT application and confirmed the location is in the Town of Arcadia, not the Village of Newark, despite the mailing address. A motion to approve the application was made by Ms. Heald with a second from Mr. DeBadts. All approved.

Ms. Hall updated the board on Governance procedures and protocol including the Fiduciary Duties, Performance Measures, Confidential Board Survey and ABO required training. There was a brief discussion on the Survey which represents Board opinion from 2022. Ms. Heald asked if an Open Comment field could be added to the survey for written comments. Ms. Hall said she would do that and noted that new 2023 members need not reply. Also discussed was the requirement for ABO Board training. Links and instructions were provided to the new members and those needing still to fulfill requirements.

Ms. Corteville presented the Fiscal Officer's Report that showed the bank account balances. She also reported that the Annual PILOT fees of \$1000 for each project were billed in January and all accounts were paid by February 15. There was discussion of what to do with the monies in CD set to mature on 5/31/23. Ms. Hall interrupted the conversation to let the Board know that the meeting discussion was on mute, accidentally and will appear that way on the recorded version that will be posted to Youtube.

Mr. Pincelli updated the Board on upcoming draft revisions to the UTEP (Uniform Tax Exempt Policy) which outlines how the IDA addresses applications for projects. Most of the revisions will be focused on the handling of solar projects with potential for higher charges based on soil types used for solar projects. This is, in part, to accommodate farmland protection in conjunction with reviewing and accepting solar project. The County is also considering a resolution for exempting out of the state's 487 tax exemption status for all solar projects. This will basically change the notification process that solar developers must follow and instead of giving notice to the taxing jurisdictions of their non-taxable status and then waiting a statutory time period for objection, the developers will know that they are fully taxable from the onset and will have to contact the IDA for any tax exemption benefits. Several towns are following this lead. Ms. McDonald asked about decommission bonds. He mentioned that the towns are the gatekeepers for that requirement. The Planning Department has made recommendations back to the towns for changes to the code stating the need for solar developers to include decommissioning bonds and more robust maintenance plans.

Mr. Pincelli provided information to the Board regarding interest at the County-level to transfer ownership of the county-owned rail property and tracks from Newark to Sodus, along with just the railroad tracks on the Webster to Wolcott line, to the IDA so that it can be better managed. The operation is currently leased to OMID / LAL. Mr. Pincelli did some research with County officials as well as with Steuben County IDA officials who currently leases a line they own to another shortline railroad. There are nuances to the ownership and management of the line include maintenance responsibilities, review of financials, insurance and reporting of hazardous materials. There has been no action on this. Ms. Heald mentioned the article in the paper that preempted this discussion. Mr. Pincelli said that was simply a resolution to explore the options. He mentioned that a Strategic plan was developed last year for the county and the operator on how to enhance track improvements and business development opportunities along the rail line. While the railroad is an asset to the county, some towns are concerned about rail crossing on roads and highways. Ms. Heald asked what the benefits would be to exchange ownership. Mr. Pincelli said that the county has never exercised any oversight of the lease, and this is an opportunity to engage in more robust conversations with the for-profit operators on economic development opportunities and as well grant opportunities for track upgrades and enhancements in an effort to increase the value of the service. He cited the Steuben County agreement that reviews financial statements and has an agreement for some minimal revenue sharing at a certain carload county. They also review lease terms in an effort to maximize the depreciation schedule for railroad infrastructure. The IDA staff (through the EDC) already manages assets at the BOCES Conference Center.

The bottom line is regular review of business and utilization of the asset for economic development. Mr. VanFleet asked if ownership would change liability exposure. Mr. Pincelli said it certainly does to an extent and that is part of the process they are working through. He feels the asset is underutilized and wants to include it as part of the site-readiness programs that the state is promoting. No decisions are being requested today. Ms. Stone-Gansz asked for due diligence documentation relative to this acquisition. Mr. Pincelli confirmed that is goal of the whole process.

Hearing no other business, Mr. Johnson stated that the next WCIDA Board Meeting was set for March 22, 2022 at 9:00 a.m. Ms. Stone-Gansz made a motion to adjourn which was seconded by Ms. Heald. Meeting adjourned at 9:32 a.m.

Respectfully submitted,



Deborah Hall, Assistant Secretary