

Jeffery Joyner, Chair * **David Rowley**, Vice Chair * **Jeffrey Lord**, Treasurer * **Craig Gelbsman**, Secretary
Tom Armao * **Patricia Kennedy** * **Cheryl Robinson** * **Andrew Marietta** * **James Seward**

Jody Zakrevsky, CEO * **Joseph Scott**, Bond Counsel * **Kurt Schulte**, Counsel * **Meaghan Marino**, Dir. of Finance and Administration

The Mission of Otsego Now is to transform Otsego County's economy so that it can provide a prosperous livelihood for all its residents by attracting and retaining business investment from established and growing firms that will bring high-paying skilled jobs to our community.

COIDA BOARD AGENDA THURSDAY, OCTOBER 27TH 2022

- ROLL CALL
- CHAIR'S REMARKS
- APPROVAL OF MEETING MINUTES
 - August 25th – COIDA Board Meeting Minutes
 - October 13th – COIDA Special Board Meeting Minutes
- REPORT OF THE AUDIT & FINANCE COMMITTEE AND TREASURER
- BILLS AND COMMUNICATIONS
- REPORT OF THE PROJECTS COMMITTEE
- NEW AND UNFINISHED BUSINESS
 - 2023 COIDA Budget Approval
 - Appointing Mostert, Manzanero & Scott, LLP. for 2023 Financial Audit
 - RFP for Construction Management Services
 - November/December Board Meeting Schedule
- PUBLIC COMMENT PERIOD
- EXECUTIVE SESSION, IF NEEDED
- ADJOURNMENT

COUNTY OF OTSEGO INDUSTRIAL DEVELOPMENT AGENCY
August 25th, 2022

MEETING MINUTES

CALL TO ORDER

Chair, J. Joyner, called to order the meeting of COIDA at 8:52am. M. Marino conducted roll call and determined there was a quorum. Voting members present included:

Jeffery Joyner
Tom Armao
James Seward

David Rowley
Andrew Marietta

Absent Board Member(s): Jeffrey Lord, Craig Gelbsman, Patricia Kennedy, Cheryl Robinson

Also, in attendance:

STAFF

Jody Zakrevsky, **CEO**

Meaghan Marino, **Dir. of Finance and Administration**

Kurt Schulte, **Agency Counsel**

(v) – virtual. NYS Executive Order 11.9 extended the State of Emergency until September 12, 2022. Pursuant to this extension, the Agency is permitted to conduct remote meetings and board members are able to attend virtually and vote on meeting items.

CHAIR'S REMARKS

Chair, J. Joyner, welcomed fellow board members and staff to the August board meeting.

MEETING MINUTES

J. Joyner presented the meeting minutes from the June 23rd, 2022 COIDA board meeting. Board members were given a copy of the minutes prior to the meeting for review. D. Rowley made a motion to approve the meeting minutes. The motion was seconded by J. Seward and it was approved by the remaining members present.

BILLS & COMMUNICATIONS

Board members reviewed the bills for the agency since the August 11th Audit & Finance Committee meeting. M. Marino noted that of the three expenses, all were normal operating expenses. She also pointed out

deposits made and several PILOT and Bond administrative fees that came into the agency. She noted that they are still waiting for payment on some administrative fees. She also pointed out that Congressman Delgado requested to terminate his lease due to his becoming Lt. Governor. That lease will now expire on September 30th. His office did note that Congressman Paul Ryan's office may reach out to extend the lease through January 2nd, 2023, but that has not happened as of yet.

D. Rowley made a motion to approve payment of the expenses provided. J. Seward seconded the motion, and it was approved by remaining members.

COMMITTEE REPORTS

- ❖ **Audit & Finance** – The Audit & Finance Committee meeting was held on August 11th, 2022. J. Lord, Chair of the Committee, was absent from the board meeting, so board members were referred to draft minutes as a review of the August Audit & Finance Committee.
- ❖ **Governance Committee** – The Governance Committee was held on August 11th, 2022. A. Marietta, Chair of the Committee, advised members that the main point of discussion from that meeting was the Remote Access Policy, which was approved by the Governance Committee and brought to the board meeting today. Board members were also given a draft copy of the meeting minutes from the Governance Committee meeting.
- ❖ **Projects Committee** – The Projects Committee meeting was held on August 11th, 2022. C. Robinson, Chair of the Committee, was absent from the board meeting, so board members were referred to draft minutes as a review of the August Projects Committee meeting.

NEW BUSINESS / UNFINISHED BUSINESS

- **CBRE Commercial Real Estate Services** – J. Zakrevsky advised that at the August Projects Committee meeting there was a discussion of whether the IDA should hire a real estate company to market the agency's properties. J. Zakrevsky and D. Rowley both met with Norfolk Southern, regarding the Oneonta Rail Yards, and in that discussion they recommended using CBRE, as they use them for many of their rail-sided properties. CBRE sent a proposal for their services; in the proposal they are requesting an exclusive on the listings for 9-months and 6% of any sales price. T. Armao confirmed that they would be marketing all the IDA's sites and not just the Rail Yards.
- **Contract with Otsego County** – J. Zakrevsky reminded board members that Otsego County has allocated \$75,000 of their 2022 budget for operating support for the IDA. J. Zakrevsky went before the County's Intergovernmental Affairs Committee, their Administrative Committee, and finally the full County board last month where they approved releasing the funds to the IDA. J. Zakrevsky requested permission from the IDA board to enter into a contract with Otsego County to release those funds to the IDA. This operational support has been provided to the IDA, by the County, for the last few years. J. Seward questioned whether J. Zakrevsky had gone to the full board to request a higher allocation of funds. J. Zakrevsky advised that the \$75,000 is for 2022, but he did request a higher allocation for 2023 of approximately another \$150,000.
- **Designating Juneteenth National Independence Day as a Public Holiday/Amending Otsego Now's Policy Manual to Include the Holiday** – J. Zakrevsky advised the board that as of now Juneteenth, typically celebrated on June 19th, is not listed as a Public holiday in Otsego Now's policy manual. At the August Governance Committee meeting, they recommended adding Juneteenth to the list of observed holiday's in our policy manual. He advised board members that staff worked the

holiday this year (celebrated on June 20th due to the 19th falling on a Sunday), when all State offices were closed.

- **Remote Access Policy** – The remote access policy has been reviewed several times at past board and committee meetings. D. Rowley reminded board members that once adopted the board can still modify the policy as it sees fit in the future. J. Seward asked for clarification on board members joining virtually and being counted towards a quorum. M. Marino advised that board members are able to join virtually, and be able to vote, if they have an extenuating circumstance, of which are outlined in the policy. However, even with an extenuating circumstance, there still must be a quorum of board members present at the physical meeting location, which is posted in the meeting notice. For a board member to join virtually and be counted towards a quorum and be eligible to vote, their meeting location needs to be available to the public and needs to be listed on the meeting notice. A. Marietta noted that the executive order is still in place until September 12th, and board members have the option to join virtually until then.
- **September Committee and Board Meeting Dates** – M. Marino advised the board that September has five Thursdays and, as it stands, the Committee meeting falls on the 8th and the board meeting falls on the 22nd. Because the 8th is the first day of school, she requested that the board consider moving the dates back one week, so the committee meeting falls on the 15th and the board meeting falls on the 29th. The board agreed to the changes in the meeting schedule for September.

RESOLUTIONS

Retaining CBRE Commercial Real Estate Services/Rick Searles

Board members discussed retaining the services of CBRE, specifically Senior Broker, Rick Searles, to market the IDA's available properties. The contract would require an exclusive listing by CBRE for a term of 9 months and a 6% commission on any sales.

D. Rowley made a motion to approve hiring CBRE. T. Amaro seconded the motion, and it was approved by remaining members present through a voice vote.

Contract with Otsego County for IDA Appropriation

J. Zakrevsky advised board members that the County Board approved releasing its \$75,000 allocation for the IDA from its 2022 budget. As with the past, the IDA is required to enter into a contract with Otsego County prior to obtaining the funds. J. Zakrevsky requested that board members approve entering into this contract prior to him signing.

D. Rowley made a motion to enter into a contract with Otsego County for them to release their 2022 budget allocation for the IDA. T. Armao seconded the motion, and it was approved by remaining members present through a voice vote.

Designating Juneteenth National Independence Day as a Public Holiday/Amending Otsego Now's Policy Manual

Juneteenth, celebrated on June 19th, is already a federal holiday, but is not currently listed as a public holiday in Otsego Now's policy manual. The Governance Committee recommended to the full board adding it to the list of public holiday's observed by Otsego Now and staff.

D. Rowley made a motion to approve amending Otsego Now's policy manual and adding Juneteenth to the list of the agency's observed holidays. T. Armao seconded the motion, and it was approved by remaining members through a voice vote.

Adopting the Remote Access Policy

After being discussed at several committee and board meetings, the Project Committee recommended that the board approve the remote access policy, as follows:

AGENCY MEETING POLICY

SECTION 1. PURPOSE AND SCOPE. Article 7 of the Public Officers Law (the "Open Meetings Law") contains various provisions providing that, among other things, every meeting of a public body shall be open to the general public (the "Open Meetings"). Section 103-a of the Open Meetings Law (the "Remote Access Law") further provides that a public body may use videoconferencing to conduct an Open Meeting in certain limited circumstances to be outlined and governed by written procedures. The purpose of this Policy is to set forth procedures to implement the Remote Access Law as it applies to Open Meetings conducted by _____ (the "Agency").

SECTION 2. DEFINITIONS. All words and terms used herein and not defined in the Open Meetings Law and the Remote Access Law shall have the meanings assigned to them in the Article 18-A of the General Municipal Law of the State of New York (the "Act"), unless otherwise defined herein or unless the context or use indicates another meaning or intent. The following words and terms used herein shall have the respective meanings set forth below, unless the context or use indicates another meaning or intent:

"Immediate Family Member" shall mean a spouse, parent, sibling, child, domestic partner, or individual for whom the member is the designated guardian.

"In-Person Meeting" shall mean any Open Meeting of the Agency which is not a Remote Access Meeting.

"Meeting Notice" shall mean the public notice required to be published by the Agency regarding any Open Meeting pursuant to Section 104 of the Open Meetings Law and Section 103-a(2)(f) of the Remote Access Law.

"Non-Public Location" shall mean any remote location from which a member of the Agency participates in a meeting that is (a) not open to the public; and (b) not required to be disclosed in the Meeting Notice.

"Open Meetings Law" shall mean the open meetings law, being Article 7 of the Public Officers Law.

"Public Location" shall mean (a) the Offices of the Agency located at _____; or (b) any other physical location that is (1) open to the general public, and (2) identified on the Meeting Notice.

"Remote Access Law" shall mean Section 103-a of the Open Meetings Law.

"Remote Access Meeting" shall mean any Open Meeting of the Agency where a member of the Agency participates in the Open Meeting using videoconferencing from a Non-Public Location.

"Remote Connection" shall mean the process of connecting multiple Public Locations using videoconferencing.

"Sponsoring Municipality" shall mean the _____, the municipality for whose benefit the Agency was created.

SECTION 3. GENERAL RULE. (A) All meetings of the Agency, including public hearings held by the Agency, will be Open Meetings.

(B) Members of the Agency shall be physically present at the Public Location(s) identified in the Meeting Notice unless such member is unable to be physically present due to extraordinary circumstances as identified in Section 4 of this Policy.

(C) A majority of the whole number of the members of the Agency shall be physically present at the Public Location(s) identified in the Meeting Notice to establish a quorum. The Agency must satisfy this quorum requirement whether it conducts an In-Person Meeting or a Remote Access Meeting.

(D) Members of the public shall be permitted to attend, listen and observe all Open Meetings at the Physical Location(s) identified in the Meeting Notice unless the in-person participation requirement is suspended pursuant to Section 103-a(3) of the Remote Access Law.

(E) If the Agency conducts a Remote Access Meeting pursuant to this Policy, except in the case of executive sessions, members of the public shall be permitted to attend and observe the meeting using a videoconferencing service which permits the public to see, hear and identify

the members of the Agency attending said meeting.

(F) If the Agency conducts a Remote Access Meeting pursuant to this Policy, the Agency shall use the videoconferencing technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA) pursuant to Section 103-a(5) of the Remote Access Law.

(G) Nothing herein shall prohibit the Agency from holding meetings entirely by videoconference, with no in-person requirement, during a state of emergency declared by the Governor of the State of New York pursuant to Section 28 of the Executive Law or by the appropriate officials of the Sponsoring Municipality pursuant to Section 24 of the Executive Law if the Agency determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Agency to hold an In-Person Meeting.

SECTION 4. REMOTE ACCESS MEETINGS. (A) The Agency may, at its discretion, conduct a Remote Access Meeting and permit a member or member(s) to participate in the meeting from a Non-Public Location using videoconferencing provided that (a) a quorum of members are present in the identified Physical Location(s); and (b) the member is unable to be physically present at such meeting due to extraordinary circumstances including, but not limited to:

- (1) disability;
- (2) illness, including but not limited to compliance with applicable quarantine requirements;
- (3) the death of an Immediate Family Member;
- (4) caregiving responsibilities for an Immediate Family Member;
- (5) any other significant or unexpected factor that may preclude physical attendance; and
- (6) other significant or unexpected factors or events which shall be identified by the Agency in subsequent amendments to this Policy.

(B) A member who wishes to participate in a meeting by videoconference must provide advance notice and justification for such member's absence to the extent possible to both the Chairperson and the Chief Executive Officer of the Agency. The Chairperson and the Chief Executive Officer of the Agency may require any member requesting to participate in a meeting by videoconference to provide documentation, to the extent possible, supporting such request and may publicly confirm that such documentation was received without publicly stating the contents of such documentation.

SECTION 5. PUBLIC PARTICIPATION. Members of the public shall only be permitted to participate in meetings of the Agency where (a) the Agency invites public comment, or (b) public comment is required by law. Where the public is permitted to participate, the Agency shall permit public comment pursuant to the operating rules on the attached Appendix A. If public participation is permitted at a Remote Access Meeting, the Agency shall ensure that members of the public have equal opportunity to participate in real time in such meetings whether attending in-person or remotely via videoconference.

SECTION 6. REMOTE ACCESS MEETING MINUTES. If the Agency conducts a Remote Access Meeting, the minutes of such meeting shall (a) include which, if any, members participated remotely, (b) be available to the public within two weeks from the date of such meeting, and (c) be posted on the Agency's website within two weeks from the date of such meeting. For purposes of this requirement, (I) unabridged video recordings or unabridged audio recordings or unabridged written transcripts may be deemed to be meeting minutes; and (II) this requirement shall not require the creation of minutes if the Agency (or committee) would not otherwise take them.

SECTION 7. MEETING NOTICE. The Agency shall give notice to the public and the news media of all meetings of the Agency pursuant to the requirements of Section 104 of the Open Meetings Law and Section 103-a(2)(f) of the Remote Access Law. The Meeting Notice shall include the following information:

- (a) the date and time the meeting is scheduled;
- (b) the Public Location where the meeting will be held;
- (c) the Public Location(s) where members will be participating using Remote Connection;
- (d) whether any members will be participating using Remote Access;
- (e) where the public can view and/or participate in such meeting whether in-person or remotely; and
- (f) where required documents and records will be posted or available.

SECTION 8. MEETING RECORDS. The Agency shall ensure that (a) each meeting shall be streamed on its website in real time, (b) each meeting shall be recorded, (c) such recordings are posted or linked on the public website of the Agency within five business days following such meeting, and (d) such recordings remain so available for a minimum of five years thereafter, pursuant to Section 103-a(2)(g) of the Remote Access Law and Section 857 of the Act. The Agency shall further ensure that recordings of any Remote Access Meetings are transcribed upon request.

SECTION 9. POSTING. This Policy shall be conspicuously posted on the Agency's website.

APPENDIX A

PUBLIC COMMENT OPERATING PROCEDURES

1.	The public comment section of the meeting: (a) shall be permitted only to the extent that it supports the Agency in conducting public business; and (b) is designed to provide an opportunity for those members of the public attending the meeting to make comments to the Agency, it is not intended to be a question and answer period or for members of the public to interact with members of the Agency.
2.	If a member of the public wishes to make a comment, please raise your hand before speaking.
3.	The (Vice) Chair will recognize members of the public in the order in which they raise their hands, and will invite them to speak in the order they are recognized.
4.	Please do not make any comments prior to being recognized by the (Vice) Chair.
5.	Upon recognition by the (Vice) Chair, please first provide your full name and address, and then proceed with your comment.
6.	The (Vice) Chair will limit your comment to five (5) minutes before moving on to any other individuals wishing to make comments.
7.	If you wish to provide further comment, you may contact the Agency outside of this meeting at the address or phone number of the Agency: Otsego Now 189 Main Street, Oneonta. NY. 13820 607-267-4010

D. Rowley made a motion to approve the remote access policy provided to board members. T. Armao seconded the motion, and it was approved by remaining members through a voice vote.

PUBLIC COMMENT

There was no one from the public in attendance.

EXECUTIVE SESSION

D. Rowley made a motion to enter executive session with board members, the CEO of the agency, and the Director of Finance and Administration, under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 8:24am for the following reasons: To discuss the sale of property and pending litigation. T. Armao seconded the motion, and it was approved by all committee members present. The committee entered executive session at 8:24am.

There was no action taken in executive session.

D. Rowley made a motion to enter back into public session; T. Armao seconded, and all members approved. The committee exited executive session at 8:51am.

ADJOURNMENT

D. Rowley made a motion to adjourn the meeting of the IDA board at 8:51am.

UPCOMING MEETING SCHEDULE

- COIDA/OCCRC Audit & Finance Committee Meeting / Projects Committee Meeting – September 15th
- COIDA/OCCRC Board Meeting – September 29, 2022

***All meetings are held at the Otsego Now offices at 189 Main Street, Oneonta. NY. 13820, unless otherwise specified.**

COUNTY OF OTSEGO INDUSTRIAL DEVELOPMENT AGENCY
October 13th, 2022

SPECIAL BOARD MEETING MINUTES

CALL TO ORDER

Chair, J. Joyner, called to order the Special Board Meeting of COIDA at 8:03am. M. Marino conducted roll call and determined there was a quorum. Voting members present included:

Jeffery Joyner	David Rowley
Craig Gelbsman	Tom Armao
Andrew Marietta	James Seward

Absent Board Member(s): Jeffrey Lord
Virtual Board Member(s): Cheryl Robinson*, Patricia Kennedy*

Also, in attendance:

STAFF

Jody Zakrevsky, **CEO**
Meaghan Marino, **Dir. of Finance and Administration**
Kurt Schulte, **Agency Counsel**

* Members attending the meeting virtually are not counted towards a quorum and not eligible to vote on items.

CHAIR'S REMARKS

Chair, J. Joyner, welcomed fellow board members and staff to the Special Meeting of the COIDA board.

NEW BUSINESS / UNFINISHED BUSINESS

- **Approving Resolution for ESD Grant Agreement (Project AA609 Railyards Redevelopment)** – M. Marino advised the board that this resolution came from counsel, Hodgson Russ, which has the board approve the agency submitting the grant disbursement agreement to Empire State Development so they can begin working on reimbursement for the project. Upon approval, Hodgson Russ will also provide an Opinion of Counsel letter, required by ESD for the reimbursement process.
- **Public Hearing Resolution for the Remote Access Policy** – M. Marino advised the board that the agency does need to hold a public hearing regarding the remote access policy that the COIDA board approved. This allows the public to offer comments on the policy before it goes into effect. This resolution is authorizing the agency to set that public hearing and notice it in the Daily Star.

RESOLUTIONS

Approving Resolution for ESD Grant Agreement (Project AA609 Railyards Redevelopment)

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A CAPITAL GRANT AGREEMENT WITH EMPIRE STATE DEVELOPMENT IN CONNECTION WITH THE UNDERTAKING OF THE ONEONTA RAILYARDS REDEVELOPMENT, PROJECT NO. AA609.

WHEREAS, County of Otsego 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 252 of the 1973 Laws of New York, as amended, constituting Section 910-a 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 manufacturing, warehousing, research, commercial and industrial 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 acquire, construct, reconstruct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, by resolution adopted by the members of the Agency on August 25, 2016 (the "Acquisition Resolution"), the Agency determined to (1) assist in the development of approximately 79 acres of land in Otsego County, such land being more particularly described by tax identification numbers 299.11-2-3.4; 299.11-2-4; and 299.11-2-3.1 (the "Property"), (2) acquire and further develop the Property, (3) make an investment of Agency funds in an amount not to exceed \$275,000 (the "Agency Investment") by drawing on the Agency's line of credit with Community Bank, account number C-14-11-196270 (the "Line of Credit") and (4) enter into a lease/leaseback transaction with a local development corporation to-be-created pursuant to Section 1411 of the New York State Not-For-Profit Corporation Law (the "Corporation") to facilitate the cost-efficient development of the Property; and

WHEREAS, the Corporation was formed by the Otsego County Capital Resource Corporation (the "County CRC") for the purpose of undertaking a project (the "Project") consisting of the following: the development of a commercial/industrial park containing approximately 80 acres of land and located on the Property and known as the Oneonta Rail Yards (together with any improvements constructed thereon and any machinery and equipment located thereon, collectively, the "Project Facility"), and other directly and indirectly related activities; and

WHEREAS, the Corporation commenced the undertaking of the Project, and in connection with the commencement of the Project, the Agency acquired a leasehold interest in the Project Facility in order to facilitate the undertaking of the Project; and

WHEREAS, in connection with the Agency's leasehold interest in the Project Facility, the Agency is undertaking certain portions of the Project consisting of the preliminary planning related to the Project, including the engineering, strategic planning, and environmental investigation costs (the "Planning Costs") related to expanding and activating a rail-supported business park on the Property; and

WHEREAS, the Agency has been awarded a grant in the amount of \$150,000 (the "ESD Grant") from the New York State Urban Development Corporation d/b/a Empire State Development (the "ESD") to assist in undertaking the Project and the Planning Costs; and

WHEREAS, in connection with the receipt of the ESD Grant, the ESD has requested that the Agency enter into a capital grant agreement (the "Grant Agreement"); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), the Agency is required to make a determination with respect to the environmental impact of any "action" (as defined by the SEQR Act) to be taken by the Agency; and

WHEREAS, pursuant to SEQRA, the Agency has examined the Grant Agreement and the Project Planning Costs in order to make a determination as to whether the Planning Costs are subject to SEQRA, and it appears that the Planning Costs constitutes a Type II action under SEQRA; and

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

Section 1. Based upon an examination of the Planning Costs, the Agency hereby determines that the Planning Costs constitute a "Type II action" pursuant to 6 NYCRR 617.5(c)(27), and therefore that, pursuant to 6 NYCRR 617.6(a)(1)(i), the Agency has no further responsibilities under SEQRA with respect to the Request.

Section 2. All action taken by the Chief Executive Officer of the Agency with respect to the Project is hereby ratified and confirmed.

Section 3.The receipt of the ESD Grant and the execution and delivery of the Grant Agreement are hereby approved. A copy of the Grant Agreement and related materials is attached as Schedule A to this Resolution.

Section 4.The Agency is hereby authorized to accept the ESD Grant and to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to the Project, the Planning Costs, and the ESD Grant are hereby ratified, confirmed and approved.

Section 5.The Chairman (or Vice Chairman) of the Agency, with the assistance of Agency Counsel and/or Special Counsel, is authorized to negotiate and approve the form and substance of the Grant Agreement.

Section 6.(A) The Chairman (or Vice Chairman) of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Grant Agreement, and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in the forms thereof as the Chairman (or Vice Chairman) shall approve, the execution thereof by the Chairman (or Vice Chairman) to constitute conclusive evidence of such approval.

(B) The Chairman (or Vice Chairman) of the Agency is hereby further authorized, on behalf of the Agency, to designate any additional authorized representatives of the Agency.

Section 7.The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Grant Agreement, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Grant Agreement binding upon the Agency.

Section 8.This Resolution shall take effect immediately.

D. Rowley made a motion to approve the approving resolution for the ESD grant agreement (Project AA609 Railyards Redevelopment). J. Seward seconded the motion, and it was approved by remaining members through a rollcall vote.

Public Hearing Resolution – Remote Access Policy

RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER OF COUNTY OF OTSEGO INDUSTRIAL DEVELOPMENT AGENCY (THE “AGENCY”) TO HOLD A PUBLIC HEARING REGARDING A PROPOSED REMOTE ACCESS POLICY OF THE AGENCY.

WHEREAS, County of Otsego 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 252 of the 1973 Laws of New York, as amended, constituting Section 910-a 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 manufacturing, warehousing, research, commercial and industrial 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 acquire, reconstruct, renovate and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, reconstructed, renovated and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, under Section 858 of the Act, the Agency has the power to make certain appointments and approve certain administrative matters; and

WHEREAS, under Section 103-a(2)(b) of the Public Officers Law of the State of New York (the “Remote Access Law”), the Agency further has the power to adopt written (the “Remote Access Policy”) authorizing and governing the use of videoconferencing to conduct its meetings ; and

WHEREAS, pursuant to Section 103-a(2)(a) of the Remote Access Law, prior to the Agency adopting the Remote Access Policy, the Agency, among other things, must hold a public hearing pursuant to Section 103-a(2)(a) of the Remote Access Law with respect to the use of videoconferencing; and

WHEREAS, the members of the Agency desire to approve the adoption of a Remote Access Policy; and

WHEREAS, the Agency further desires to provide for compliance with the provisions of Section 103-a(2)(a) of the Remote Access Law with respect to the Remote Access Policy;

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

Section 1. The Agency hereby authorizes the Chief Executive Officer of the Agency, after consultation with the members of the Agency and Agency Counsel, (A) to establish the time, date and place for a public hearing of the Agency to hear all persons interested in the Remote Access Policy (the "Public Hearing"); (B) to cause the Public Hearing to be held in the County of Otsego, New York, and to cause notice of such Public Hearing to be given to the public by publishing a notice or notices of such Public Hearing (1) in a newspaper of general circulation available to the residents of the governmental units where the Agency is located, (2) on public bulletin boards in at least four prominent places within the County of Otsego, and (3) on the Agency's website; (C) to conduct such Public Hearing; (D) to cause a report of the Public Hearing fairly summarizing the views presented at such Public Hearing (the "Report") to be prepared; and (E) to cause a copy of the Report to be made available to the members of the Agency.

Section 2. The Chairman, Vice Chairman and/or Chief Executive Officer of the Agency is hereby authorized and directed to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 3. All action taken by the Chief Executive Officer of the Agency in connection with the Public Hearing with respect to the Remote Access Policy prior to the date of this Resolution is hereby ratified and confirmed.

Section 4. This Resolution shall take effect immediately.

D. Rowley made a motion to approve the Public Hearing Resolution for the Remote Access Policy. T. Armao seconded the motion, and it was approved by remaining members through a rollcall vote.

PUBLIC COMMENT

There was no one from the public in attendance.

ADJOURNMENT

D. Rowley made a motion to adjourn the special board meeting at 8:06am.

UPCOMING MEETING SCHEDULE

- COIDA/OCCRC Audit & Finance Committee Meeting / Projects Committee Meeting – November 10th, 2022
- COIDA/OCCRC Board Meeting – October 27th, 2022

***All meetings are held at the Otsego Now offices at 189 Main Street, Oneonta. NY. 13820, unless otherwise specified.**

**COUNTY OF OTSEGO INDUSTRIAL DEVELOPMENT AGENCY
OTSEGO COUNTY CAPITAL RESOURCE CORPORATION**

**AUDIT & FINANCE COMMITTEE
OCTOBER 13TH, 2022
MEETING MINUTES**

CALL TO ORDER

The COIDA and OCCRC's joint Audit & Finance Committee meeting was called to order at 8:06am at the Otsego Now offices at 189 Main Street in Oneonta, NY. Members present included:

Craig Gelbsman
Jeffery Joyner
Cheryl Robinson (v)
James Seward

Andrew Marietta
David Rowley
Tom Armao

Also, in attendance:

STAFF

Jody Zakrevsky, **CEO**
Meaghan Marino, **Dir. of Finance and Admin.**

(v) – virtual. Members attending the meeting virtually are not counted towards a quorum and not eligible to vote on items.

CHAIR'S COMMENTS

J. Lord, Chair of the Audit & Finance Committee, was absent from the meeting. As such, C. Gelbsman, Vice Chair, welcomed members and staff and moved immediately into the agenda.

MEETING MINUTES

C. Gelbsman requested a motion to approve the meeting minutes from the September 15th Audit & Finance Committee meeting. Members were given the draft minutes prior to the meeting for review. There being no corrections, D. Rowley made a motion to approve the meeting minutes. J. Joyner seconded the motion, and it was approved by remaining members.

PAYMENT OF BILLS

M. Marino reviewed the bills and deposits made since the September committee meetings. Committee members received a report of the expenses and deposits prior to the meeting to review. T. Armao had a

housekeeping note regarding the totals that were presented on the deposits log that M. Marino agreed to fix for the reports. J. Seward confirmed that James Stevenson was the new tenant in the office.

J. Joyner made a motion to pay the expenses listed before the committee. T. Armao seconded the motion, and it was approved by remaining members present through a voice vote.

REVIEW OF FINANCIALS

J. Zakrevsky reviewed his YTD budget for the committee. He also reviewed the CFO's reports for the month of September. He noted that revenue was down for the month of September, but he spoke with the County Treasurer this week and the check for the agency's appropriation of \$75,000 should be delivered this week. D. Rowley also noted that at the last County board meeting the County voted to appropriate another \$200,000 of ARPA funds for the 2023 budget. J. Seward confirmed that the \$200,000 was in addition to the \$75,000 that the agency already gets annually. J. Zakrevsky advised that he had asked the Treasurer to check with their consultants on what the \$200,000 of ARPA funds could be spent on and if there were any restrictions for the funds. Their consultants advised that since the agency lost over \$200,000 during the COVID-19 pandemic, mainly the loss of the sale of property to the Halal meat-processing company, the agency can use those funds towards general operating support.

NEW AND UNFINISHED BUSINESS

- **Draft IDA/CRC/LDC 2023 Budgets** – J. Zakrevsky provided members with copies of the draft budgets for the three agencies; the IDA, the CRC, and the LDC. Budgets need to be provided to the ABO at the end of October, so they will be approved by the board at the October board meeting. The CRC and LDC budgets are straight forward, as there isn't much activity in either agency. The most significant item in the CRC budget is the income of approximately \$42,000 which comes in from the bond administrative fees, but is then paid out to the IDA, as the IDA staff is administering those bonds on behalf of the CRC. J. Zakrevsky provided members with the standard ABO budgets for the IDA, but he also included a more detailed budget breakdown for members to review. J. Zakrevsky reviewed specific parts of the IDA budget and answered questions for members, mainly about the budgeted salary and work requirements of the Marketing Director for the Innovation Center.
- **IOXUS** – J. Zakrevsky received a call from Chad Hall at IOXUS regarding a wall at the back of the building that needs to be fixed. IOXUS has received one estimate for the repairs from Eastman Construction for approximately \$8,900 to fix the wall. Chad requested that the IDA pay for the repairs even though the lease agreement between the IDA and IOXUS specifies that the tenant is to take care of such repairs. J. Zakrevsky advised that should the board decide to pay for the repairs, we would be required to get two more estimates to complete the work. T. Armao suggested that should the IDA not pay for the work and IOXUS decides not to pay to have the wall fixed, it could degrade the condition even more and make for a more expensive fix later. C. Robinson argued that since the building belongs to the IDA, it should ultimately be our responsibility to take care of the issue. Members agreed to get two more quotes for the work. C. Gelbsman requested two more quotes with full descriptions of work and little exclusions.

ADJOURNMENT

There being no further business to discuss, C. Gelbsman made a motion to adjourn the Audit & Finance committee meeting at 8:35am.

UPCOMING MEETING SCHEDULE

The next Audit & Finance Committee meeting is November 10th at 8:00am.

DRAFT

COIDA EXPENSES				
10/13/2022 - 10/26/2022				
Vendor	Amount Due	Due Date	Reimbursable?	Notes
Great America	\$174.83	30-Oct		copier agreement
Hummel's OP	\$49.99			office supplies - copy paper
Keystone Engineers	\$21,675.15			richfield springs construction items
Melex	\$4,116.67			october rent
Paperkite	\$16,000.00			marketing campaign
Spectrum	\$298.95	31-Oct		otsego now wifi/voice
COIDA TOTAL	\$42,265.60			

COIDA DEPOSITS				
10/13/2022 - 10/26/2022				
Vendor	Amount	Date of Deposit	Notes	
IOXUS	\$5,000.00	24-Oct	october rent	
US House of Reps	\$750.00	18-Oct	october rent	
County of Otsego	\$75,000.00	17-Oct	2022 county appropriation	
CADE	\$1,050.00	17-Oct	october rent	
Southern Tier 8	\$100.00	14-Oct	october rent	
TOTAL	\$81,900.00			

**COUNTY OF OTSEGO INDUSTRIAL DEVELOPMENT AGENCY
OTSEGO COUNTY CAPITAL RESOURCE CORPORATION**

**PROJECTS COMMITTEE
September 15th, 2022
MEETING MINUTES**

CALL TO ORDER

The COIDA and OCCRC's joint Projects Committee meeting was called to order at 8:36am at the Otsego Now offices at 189 Main Street in Oneonta, NY. Members present included:

Cheryl Robinson (v)
Andrew Marietta
David Rowley
James Seward

Tom Armao
Jeffery Joyner
Craig Gelbsman

Also, in attendance:

STAFF

Jody Zakrevsky, **CEO**
Meaghan Marino, **Dir. of Finance and Admin.**

(v) – virtual. Members attending the meeting virtually are not counted towards a quorum and not eligible to vote on items.

CHAIR'S REMARKS

Projects Chair, C. Robinson, moved immediately into the agenda.

MEETING MINUTES

C. Robinson requested a motion to approve the September 15th Project Committee meeting minutes. Committee members were given a draft copy of the minutes prior to the meeting for review. There being no corrections to be made, J. Joyner made a motion to approve the meeting minutes. J. Seward seconded the motion, and the motion was approved by remaining board members.

CEO REPORT OF PROJECTS

J. Zakrevsky recapped some of his activities since the September Projects Committee meeting until now. He also provided members with a detailed update of some of the IDA's priority projects. The following

topics were discussed in greater detail:

- **Oneonta Rail Yards** – J. Zakrevsky advised that CBRE has begun work marketing the available properties owned by the IDA for sale. He also noted that the vacant lot in the Rail Yards, that was being used by Robinson as a staging area for their work on West St. in the City of Oneonta, has been cleared of trees, debris, and rubble by Robinson, as part of the arrangement to use the property over the summer. T. Armao asked if Robinson is still at the site and J. Zakrevsky advised that there is still a bulldozer on the property. J. Joyner added that the site looks much better now than it did at the beginning of the summer. J. Zakrevsky advised the committee that he and J. Joyner have a meeting next week with Pyramid Brokerage re: marketing the sale of the IDA's properties. Pyramid Brokerage is aware that there is an exclusive with CBRE, but would still like to meet to discuss potential opportunities. C. Robinson recommended putting together milestones for CBRE to rate their success at the end of their listing period.
- **Innovation/Acceleration Center** – J. Zakrevsky advised that he has had a series of meetings with Matthew Walsh, who is the Director of Innovation and Entrepreneurialism at Hartwick College and was brought in by the new President of the college. Hartwick College has expressed an interest in taking over the agency's ARC grant and using the funds for the Innovation Center on their campus. He advised that Custom Electronics and IOXUS have expressed that they would prefer the Innovation Center to stay with the IDA. J. Seward asked if there was any way to get Hartwick to bring their Innovation Center away from the college campus and fold in with the IDA. J. Zakrevsky advised that should the agency get the USDA RISE funding; the hope was to purchase the building at 189 Main Street and use the 4th floor for the Center. SUNY Oneonta has also expressed an interest in using the 4th floor space. He advised Hartwick that there are other partners involved and the consensus about where the Center should be needs to be agreed upon from all the partners. C. Robinson added that we need to be straight up with Hartwick and if the vision for the Center is to be located downtown, then it doesn't align with their vision to be on campus. J. Zakrevsky also advised that ads have been posted for the Marketing Director position for the Innovation/Acceleration Center. He also noted that Southern Tier 8 held a press conference in the IDA offices last week to announce the \$150,000 funding awarded to the IDA for the Innovation/Acceleration Center. He is hopeful that we will hear from USDA if the IDA has been awarded the RISE funding in the next two weeks.
- **Richfield Springs (RS)** – J. Zakrevsky advised that all of the engineering proposals have been to sent to EDA. EDA has responded with comments on the proposals and on the RFP for constructions management services. J. Zakrevsky met with Keystone Engineering in Binghamton, who have been working on these documents on behalf of the agency, to review EDA's comments and make changes. Keystone hopes to get the documents back to them in the next week or so. EDA has also requested that the agency request an extension of time, which J. Zakrevsky views as a positive. Lastly, Larry Frigault, Town of Richfield Springs board member, mailed out approximately nine letters to NYSEG in support of this project and constructing the gas line into the property. NYSEG is putting together a package to submit to the PSC, who will ultimately decide if the gas line can go in at the same time as the water and sewer lines. J. Seward asked if the PSC must approve the documents from NYSEG before the project can proceed. J. Zakrevsky advised that the project will move forward with water and sewer regardless of the PSC's determination. Should the PSC not approve the construction of a gas line it could greatly impact the desire for potential tenants to not want to move into the Richfield Springs Business Park. It also makes more sense to build the line at the same time as the water and sewer lines, as opposed

to doing it later when a tenant moves into the property. The plan is to get the construction documents out to bid in November and being construction in the Spring.

NEW/UNFINISHED BUSINESS

- **Otsego County Budget Appropriation** – J. Zakrevsky advised that the Otsego County board agreed to provide the IDA with \$200,000 of ARPA funding in addition to the \$75,000 already allocated to the agency annually. He remarked on the positive relationship that has developed between the IDA and the County in the last few years, as the board voted unanimously to increase the IDA's allocation.
- **Marketing Campaign** – J. Zakrevsky advised that Paperkite has began the next phase of the marketing campaign. The lifestyle portion is being scaled back slightly, while the business portion is being retargeted to areas closer to ours (Albany, Binghamton, Utica, etc.) and is focused more on the electronics industry as a lead for the Innovation and Acceleration Center.
- **IOXUS** – J. Zakrevsky met with staff from IOXUS to finalize documentation for the CDBG grant that the agency is administering. They are also putting together their first purchase order for new equipment.
- **Brooks Bottling** – J. Zakrevsky advised that he is working on another CDBG funding pre-application for Brooks Bottling. He has also submitted an ESD application for funding for Brook's project. J. Zakrevsky met with the Town of Oneonta Supervisor who agrees to move the application ahead, as it is the Town that needs to apply, which the IDA will administer the grant. He also advised members that he spoke with staff at HCR, who is very interested in this project and has advised that the agency can receive funding for the project from both sources.
- **Marketing Subcommittee** – C. Robinson suggested creating a temporary subcommittee for the marketing aspects of the agency, as the projects committee tends to be a "catch-all" for things going on in the agency.

ADJOURNMENT

There being no further business to discuss, D. Rowley made a motion to adjourn the Projects Committee meeting at 8:36am.

UPCOMING MEETING SCHEDULE

The next Projects Committee meeting will be held on November 10th, 2022 at 8:00am.

2023 COIDA Draft Budget		Notes
Revised Projections		
Revenues	2023 Proposed Budget	
Operating Revenues		
Charges for Services (PILOTs)	\$79,611.00	
- Manor	\$50,000.00	
- Advanced Bio-Tech	\$3,500.00	
- Northern Eagle	\$3,850.00	
- Skyline Hospitalities		
- Hillside	\$1,500.00	
- Corning	\$7,791.00	
- Corning Solar		
- Corning Phase III Expansion	\$6,000.00	
- Simple Integrity, LLC		
- Heritage House	\$0.00	
- Klugo	\$703.00	
- Springbrook	\$6,267.00	
- Hickey Softball Fields		
Rental and Financing Income	\$155,220.00	
- IOXUS	\$60,000.00	
- Burr Trucking	\$51,540.00	
- ARC Reimbursement	\$12,000.00	ARC Grant Reimbursing \$1000 per month for space
- Chamber of Commerce	\$12,000.00	Looking to Bring Back Chamber of C.
- Training Room Rental/Congressman	\$0.00	
- Southern Tier 8	\$1,200.00	
- C.A.D.E.	\$12,480.00	
- Int. Food Policy Research Institute	\$6,000.00	Assumes Continued Leasing for full year
<i>Other Operating Revenues</i>	\$86,200.00	
Other Operating Revenue	\$1,200.00	
Administrative Fees		
Other Operating Revenue - Misc. Pilots	\$10,000.00	Possible new PILOT Project
Bank Interest		
Bad Debt Recovery/Bank Interest		
Otsego County Appropriation	\$75,000.00	
Operating Revenues	\$311,031.00	

	2023 Proposed Budget	Notes
Non-Operating Revenues		
Investment Earnings		
- Cleinman		
- JSJJ		
- Cooperstown Distillery		
- Cooperstown Distillery		
- Jones Marine		
- Brooks		
- HW Naylor		
- Enviro Energy		
State Subsidies/Grants	\$0.00	
- GE Microgrid Study		
- NYS ESD Grant Halal Meat Processing		
- Cooperstown Foundation		
- County ARPA Funding	\$200,000.00	County Approved \$200,000 in ARPA Funds
- Railyard Study/ESD Richfield		
- 205 Traffic Study		
- Airport Study		
- GE Microgrid Study/ESD Richfield		
- CDBG Program Delivery & Admin.	\$5,000.00	Ioxus Grant
Federal Subsidies/Grants (ARC)	\$44,000.00	ARC Funds for Marketing Director
Public Authority Subsidies		
Other Non-Operating Revenues	\$0.00	
- Operating Charges to OCCRC-Pilots		
- Hartwick		
- Springbrook		
- Bassett		
Sale of Property	\$0.00	
- Federal EDA Grant		
- IDA Fund Balance		
- Richfield Sewer and Water		
- OCCRC		
- County Loan		
Total Revenues	\$597,936.00	

2023 COIDA Draft Budget		Notes
	2023 Proposed Budget	
OPERATING EXPENSES		
<i>Salaries and Wages</i>	\$238,140.00	Includes Salary for Marketing Director,
<i>Other Employee Benefits</i>	\$10,000.00	Additional Part-Time Administrative
- DBL		Assistant, and additional 5% on total
- Other Benefits		
- FICA		
- SUTA		
- Payroll Service		
- Interns		
<i>Subtotal Salary and Benefits</i>	\$248,140.00	
<i>Professional Service Contracts</i>	\$60,500.00	
- Paperkite Creations		
- NYS EDC	\$5,000.00	
- ISD	\$5,000.00	
- Delaware Engineering		
- Elan Planning		
- CFO for Hire/BST	\$15,000.00	
- Hodgson Russ	\$5,000.00	
- Kurt D. Schulte	\$5,000.00	
- Audit	\$10,000.00	
- CGR	\$500.00	
- MVEDD	\$5,000.00	
- STEPRDB	\$7,000.00	
- ESD		
- PPE Recovery		
- Sweet Home Productions		
- Halal Meat Processing Facility		
- Barton & Loguidice	\$3,000.00	Provides additional funds for EDA help.
- Keystone Associates		
- MRB Group		
- CRBE Real Estate Appraisal		

	2023 Proposed Budget	Notes
Advertising and Marketing	\$51,000.00	
- Chamber of Commerce		
- Marketing	\$50,000.00	
Conference, Meetings	\$1,000.00	
Supplies and Materials	\$5,000.00	
- Office Cleaning		
- Office Supplies		
Computer, Phones, Copier	\$10,000.00	
- Copy Machine - Monthly Paper Fee		
- Copier Finance Charge		
- Data/Wifi/Internet: Spectrum		
- Data/Wifi/Internet: ISD		
- Otsego Telephone		
- Software Updates		
Leased Office Space	\$57,540.04	
Travel, Lodge, Meals	\$1,500.00	
Insurance	\$38,766.65	
- Property Insurance		
- Non-Profit PA		
- NYFIF		
- Non-Profit Umbrella		
- Disability Benefits		
- Workmans Comp		
Utilities and Maintenance	\$25,000.00	
- Incubator/Siemens (Hale Trans) Electric		
- Incubator/Siemens (Hale Trans) Gas		
- Accruals (Hale Trans)		
- Oneonta Business Park		
- 189 Main Street		
- Soccer Field Maintenance/Richfield WS		

- Pony Farm Grass Mowing		
- General Maintenance		
	2023 Proposed Budget	Notes
Filing, Payroll Services, Misc.	\$500.00	
Interest: LOC		
Other Operating Expenditures		
Richfield Springs Industrial Park		
Reimbursement of County		
Total Expenditures	\$497,946.69	
NET	\$99,989.31	

2023 COIDA Proposed Budget - PARIS REPORTING

REVENUE & FINANCIAL SOURCES	2021 Actual Budget	2022 Adopted Budget	2023 Proposed Budget	2024 Proposed Budget	2025 Proposed Budget	2026 Proposed Budget
Operating Revenues						
Charges for Services	\$320,540.14	\$73,344.00	\$77,011.20	\$80,861.76	\$84,904.85	\$73,344.00
Rental & Financing Income	\$125,750.00	\$134,220.00	\$143,220.00	\$143,220.00	\$143,220.00	\$125,380.00
Other Operating Revenues						
Nonoperating Revenues						
Investment Earnings	\$517.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
State subsidies/grants	\$75,062.00	\$475,000.00	\$0.00	\$0.00	\$0.00	\$30,000.00
Federal Subsidies/grants	\$0.00	\$1,200,000.00	\$44,000.00	\$0.00	\$0.00	\$0.00
Municipal Subsidies/grants	\$0.00	\$63,750.00	\$75,000.00	\$75,000.00	\$100,000.00	\$125,000.00
Public Authority Subsidies	\$0.00	\$42,905.00	\$42,905.00	\$42,905.00	\$42,905.00	\$42,905.00
Other Non-Operating Income	\$124.00	\$1,476,200.00	\$201,200.00	\$66,200.00	\$66,200.00	\$0.00
Proceeds from the issuance of debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Revenues & Financing Sources	\$521,993.14	\$3,465,419.00	\$583,336.20	\$455,806.69	\$455,806.69	\$447,806.69

2023 COIDA Proposed Budget - PARIS REPORTING

EXPENDITURES	2021 Actual Budget	2022 Adopted Budget	2023 Proposed Budget	2024 Proposed Budget	2025 Proposed Budget	2026 Proposed Budget
Operating Expenditures						
Salaries and Wages	\$153,769.00	\$153,000.00	\$203,000.00	\$203,000.00	\$203,000.00	\$203,000.00
Other Employee Benefits	\$12,209.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
Professional Service Contracts	\$82,053.00	\$53,500.00	\$60,500.00	\$53,500.00	\$53,500.00	\$45,500.00
Supplies and Materials	\$6,017.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
Other Operating Expenditures	\$191,136.00	\$3,184,306.69	\$184,306.69	\$184,306.69	\$184,306.69	\$184,306.69
Nonoperating Expenditures						
Payment of Principal on Bonds						
Interest and other financing charges						
Subsidies to other public authorities						
Capital asset outlay	\$0.00					
Grants and Donations						
Other Non-Operating Expenditures						
Total Expenditures	\$445,184.00	\$3,405,806.69	\$462,806.69	\$455,806.69	\$455,806.69	\$447,806.69
Capital Contributions						
Excess (deficiency) of revenues and capital	\$76,809.14	\$59,612.31	\$120,529.51	\$0.00	\$0.00	\$0.00

Request for Proposal for Construction Management Services

The County of Otsego Industrial Development Agency (IDA) is soliciting Construction Management Agent of the Owner (CMA) proposals for the construction and installation of new water, sewer, electric and natural gas to a new Business Park located in the Town of Richfield, New York.

All work is to achieve substantial completion by September 1, 2023 and final completion by October 1, 2023. The total cost of the project including all fees and Owner expenses is \$2,400,000. Construction is estimated to be \$1.9 million.

The project consists of the development of the Richfield Springs Eco-Industrial Business Park in the Town of Richfield, totaling 55.057 acres of land owned by the IDA. The property is identified in general as Tax Map No. 24-00-18.32. The proposed access road intersects NYS Route 28 approximately 525 feet southwest of the intersection of Union Street and NYS Route 28.

Services requested will be for construction services as detailed below:

- Track cost estimates against budgets monthly.
- Assist and manage team meetings with the Owner and Engineer and Construction Contractor.
- Prepare detailed project schedules and schedule updates.
- Provide comprehensive phase administration which would include on-going full-time supervision, project management and inspection of work, review shop drawings, preparation of change orders and contractor payment estimates, final inspections, and submitting project completion reports.
- The construction manager will not be allowed to “self-perform” any divisions of the work.
- Perform all other related work as required by the IDA.
- Be Responsible for “as built” drawings. There are approximately 10 shop drawings.
- Review and approve change orders – approximate number is 3-5.

Proposed Schedule:

RFP for Construction Manager Services released: November 1, 2022.

Proposals for Construction Manager Services due: December 5, 2022.

Board Selection of Construction Manager firms: December 22, 2022.

Construction Management Firm begins: January 9, 2023.

Site Development and Construction begins: March 1, 2023.

Substantial Completion of all work: September 1, 2023.

Final Completion of all work: October 2023.

Following is the criteria to include within your proposal response.

FIRM PROFILE

1. List company name and address.
2. How many years has your company provided professional construction management services?
3. What other services does your firm presently provide besides professional construction management?

4. Provide relative staff resumes of those working on this project.

PROFESSIONAL ORGANIZATION

1. How many people are employed by your organization?
2. List the project team which will service this project and provide an organizational chart of those who will be involved in the project.
3. Describe the role of each person proposed for this project and their experience in this type of project.

PROJECT EXPERIENCE

1. List your experience providing Construction Management services for similar installation of utilities.
2. List three references.
3. Based on your professional organization, can you manage the project proposed by the IDA?

CONSTRUCTION MANGEMENT APPROACH

1. How do you propose to manage the following:
 - a. Cost estimating and cost control
 - b. Project Scheduling
 - c. Coordination with other consultants
 - d. Project Supervision and management.
 - e. Communication with the IDA.

WORKLOAD

- List your firm’s current construction management projects including type of projects, location, size, and anticipated completion date.

Basis of Evaluation

In deciding to which consultant, the IDA will award the contract, the IDA will take into consideration experience, qualifications, references, cost and who the City feels will perform the duties in the best interests of the community.

The IDA will evaluate proposals as follows:

Qualifications and Experience of Personnel	40 Points
Firm’s Experience	35 Points
References	20 Points
Cost	5 Points

All costs and fees provided must be broken down into compensation based on specific milestones including detailed schedule and updates, project management, inspection, shop drawing review, change order preparation and pay estimates.

Cost will be based on a cost-not-to-exceed price.

Construction Administration Services (based on an 8-month construction duration)

1. Prepare conforming contracts for the project. Construction Administration Services are based upon three prime contracts.
2. Coordinate agreements, bonds and insurance as required for each contract.
3. Prepare and issue Notice to Proceed for each contract.
4. Hold pre-construction meeting for the project.
5. Hold bi-weekly onsite meetings to review progress and assist in contractor coordination.
6. Submittal review of materials and equipment.
7. Respond to questions during construction including RFP's, RFI's, change orders, allowance authorizations, etc.
8. Review and process monthly payment requests.
9. Prepare completed works certification.
10. Contract closeout, to include assembling and review of closeout documents received from each contractor, including but not limited to bonds, insurance certificates, certificates of substantial completion, release of liens, contractor record drawings, operation and maintenance manuals provided by each contractor, etc.

Sub-Total C (Construction Phase Services) Items 1-10 \$_____ Lump Sum

Construction Observation Services

1. Provide observation of construction on an hourly, as incurred basis. Observation is estimated based on eight (8) months of time for periodic site visits to monitor contractor's progress, witness subsurface or critical work, and assist with field questions or issues. This will include both part-time and full-time observation during this timeframe depending upon the activities being completed. It is anticipated that 2 site visits per week will occur. **During the installation of underground utilities, full-time observation shall be provided.**
2. Assist during start-up of equipment on an hourly basis as incurred.
3. Punch List preparation and review of work completed.
4. Site Visit during Post-Construction as necessary.
4. Site visit prior to the one (1) year warranty period and coordination with Contractors as necessary.

Fee is estimated based on _____ hours of observation @ \$_____/hour plus mileage reimbursement estimated to be \$_____.

Subtotal Construction Observation (hourly, as incurred) \$_____

Proposals are Due To:

County of Otsego Industrial Development Agency
Attention: Director of Finance and Administration
189 Main Street - Suite 500, Oneonta, NY 13815

by October 3, 2022, at 3:30 p.m. Please indicate "EDA Grant Construction Management Services" on the outside of the envelope. Please provide four (4) hard copies of the proposal and one electronic version. Please submit the following forms, completed, and signed as required, with your proposal:

Non-Collusion Affidavit
Conflict of Interest Form

Contact Person

Questions about the RFP should be directed to Jody Zakrevsky, CEO, phone 2607-267-4010 ext. 102 or JZakrevsky@otsegonow.com .

Applicable Law - The following regulations should still be taken into account:

Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which provides that no person shall be excluded from participation, denied the benefits, or subjected to discrimination on the basis of race, color, or national origin under any program or activity receiving federal financial assistance.

Public Works and Economic Development Act of 1965, As Amended ("PWEDA"), Including the Comprehensive Amendments Made by the Economic Development Administration Reauthorization Act of 2004

Title 13 of the Code of Federal Regulations, Chapter III—Economic Development Administration, Department of Commerce

In addition to the above regulations, the contract will include all provision found in 2 CFR Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

The selected consultant must be registered with Sam.gov, have an active registration, must not appear on an excluded party list, and not subject to debt offset.

Enclosures

Conflict of Interest Disclosure Form
Non-Collusion Statement

Otsego County Industrial Development Agency – Potential Conflict of Interest Disclosure

POTENTIAL CONFLICT OF INTEREST DISCLOSURE

Richfield Springs Industrial Park
Richfield NY

Do you have family or business ties to any of the people listed below?

Yes

No

If yes, please check the box next to the name(s) of the individual(s) and describe the relationship in the space provided below.

ELECTED OFFICIALS:

- Jeffery Joyner, Board Member
- David Rowley, Board Member
- Jeffrey Lord, Board Member
- Craig Gelbsman, Board Member
- Cheryl Robinson, Board Member
- Patricia Kennedy, Board Member
- Andrew Marietta, Board Member
- James Seward, Board Member

STAFF:

- Jody Zakrevsky, CEO
- Meaghan Marino, Director of Finance and Administration
- Kurt Shulte, IDA Attorney

Description of Relationship:

Please Note: The name of any bidder with a potential conflict of interest will be disclosed at the IDA Board of Directors Meeting in which bids are discussed. Potential conflicts of interest will be reviewed in accordance with 24 CFR 570.489(h).

Print Name of Individual

Title

Signature

Name of Business/Firm/Company

Date Signed (MM/DD/YYYY)

State of New York Non-Collusion Form

NON-COLLUSIVE BIDDING CERTIFICATION

Required by Section 139-D of the State Finance Law

By submission of this bid, bidder and each person signing on behalf of bidder certifies, and in the case of joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his/her knowledge and belief:

[1] The prices of this bid have been arrived at independently, without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor.

[2] Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

[3] No attempt has been made or will be made by the bidder to induce any other person, partnership, or corporation to submit or not to submit a bid for the purpose of restricting competition.

A BID SHALL NOT BE CONSIDERED FOR AWARD NOR SHALL ANY AWARD BE MADE WHERE [1], [2], [3] ABOVE HAVE NOT BEEN COMPLIED WITH; PROVIDED HOWEVER, THAT IF IN ANY CASE THE BIDDER(S) CANNOT MAKE THE FORGOING CERTIFICATION, THE BIDDER SHALL SO STATE AND SHALL FURNISH BELOW A SIGNED STATEMENT WHICH SETS FORTH IN DETAIL THE REASONS THEREFORE:

[AFFIX ADDENDUM TO THIS PAGE IF SPACE IS REQUIRED FOR STATEMENT.] Subscribed to under penalty of perjury under the laws of the State of New York, this __ day of _____, 20__ as the act and deed of said corporation or partnership.

IF BIDDER(S) (ARE) A PARTNERSHIP, COMPLETE THE FOLLOWING:

NAMES OF PARTNERS OR PRINCIPALS

LEGAL RESIDENCE

IF BIDDER(S) (ARE) A CORPORATION, COMPLETE THE FOLLOWING:

NAMES

Signature

LEGAL RESIDENCE

President

Secretary

Treasurer
