

COUNTY OF OTSEGO INDUSTRIAL DEVELOPMENT AGENCY
February 23rd, 2023

MEETING MINUTES

CALL TO ORDER

Chair, C. Robinson, was absent from the meeting. Vice Chair, D. Rowley, called to order the meeting of COIDA at 8:05am. M. Marino conducted roll call and determined there was a quorum. Voting members present included:

David Rowley	Jeffrey Lord
Patricia Kennedy	Tom Armao
Andrew Marietta*	James Seward
Craig Gelbsman*	

Absent Board Member(s): Cheryl Robinson, Jeffery Joyner

Also, in attendance:

STAFF

Jody Zakrevsky, **CEO**
Meaghan Marino, **Dir. of Finance and Administration**
Gina Gardner, **Marketing Coordinator**
Nasim Vargha **Administrative Assistant**
Joe Scott, **Bond Counsel (t)**

GUESTS

Margaret Burkett, **NYS Dept. of Labor (t)**

(v) – virtual

(t) - telephone

* arrived after start of meeting

CHAIR'S REMARKS

Vice Chair, D. Rowley, welcomed fellow board members and staff to the February board meeting and moved immediately into the agenda.

MEETING MINUTES

D. Rowley presented the meeting minutes from the December 15th, 2022 COIDA board meeting. Board members were given a copy of the minutes prior to the meeting for review. J. Seward made a motion to

approve the meeting minutes. The motion was seconded by J. Lord, and it was approved by the remaining members present.

D. Rowley then presented the meeting minutes from the February 7th, 2023 Annual Meeting. Board members were given a copy of the minutes prior to the meeting for review. T. Armao made a motion to approve the meeting minutes. The motion was seconded by P. Kennedy, and it was approved by the remaining members present.

BILLS & COMMUNICATIONS

J. Zakrevsky mentioned that the Philadelphia Insurance bill for the umbrella insurance policy was the largest of the month. All other bills were standard. He noted that the deposit total was slightly more than the expenses for the month. J. Zakrevsky also mentioned that IOXUS paid their rent a month late.

J. Lord made a motion to approve the payment of bills. T. Armao seconded the motion, and it was approved by the remaining members.

COMMITTEE REPORTS

- ❖ **Audit & Finance** – The Audit & Finance Committee meeting was held on February 7th, 2023. J. Lord, Chair of the Committee, was absent from that meeting, so he referred board members to the draft of the meeting minutes that had been provided to them.
- ❖ **Governance Committee** – Governance Committee meetings are quarterly, as such, there was no Governance Committee meeting in February. The next meeting will take place on April 13th, 2023.
- ❖ **Projects Committee** – The Projects Committee meeting was held on February 7th, 2023. C. Robinson, Chair of the Committee, was absent from the board meeting, so J. Zakrevsky referred board members to the draft meeting minutes that had been provided to them.

NEW BUSINESS / UNFINISHED BUSINESS

- **Approving Resolution – Remote Access Policy** – M. Marino explained that the Remote Access Policy would be adding the option for board members to attend meetings online if there are extenuating circumstances. J. Seward asked what those extenuating circumstances were, and M. Marino replied that the list of extenuating circumstances is outlined in the policy. She noted that if a member abstains from voting, a board member joining the meeting virtually could vote, but they would not count toward a quorum, which requires five board members to be physically present.
- **Resolution – Amending OtsegoNow Employee’s Handbook** – J. Zakrevsky explained that the amendment of the OtsegoNow Employee’s Handbook would include language required under the NYS Paid Family Leave Law. The first section of the resolution would adopt language in the Employee’s Handbook that matches the state required language. The second section states that our agency would pay the employee 100% of their salary while on Paid Family Leave, 67% of which will be reimbursed by the agency’s insurance carrier for up to 12 weeks of leave. J. Zakrevsky explained that he felt that it was a decision for the board because it was a policy change. He also mentioned that there will be a discussion next month about the substitution of Juneteenth as a paid holiday in place of Martin Luther King Jr. Day. P. Kennedy asked if this was a policy change or a resolution that required a vote. She mentioned that policies should be regularly changed and updated and that they

may not require a resolution every time. To make the process easier in the future, P. Kennedy suggested presenting the original policy, crossing out what is being changed, and then presenting the new policy.

- **Discussion on Pyramid Brokerage Proposal** – J. Zakrevsky explained that he had been in touch with Pyramid Brokerage about listing the IDA's business parks. J. Zakrevsky explained that at the time he was looking into another firm to do the listing but was never given a proposal. During the meeting with J. Joyner and Pyramid Brokerage, J. Joyner suggested that the Wright Soccer Fields could also be listed. J. Zakrevsky mentioned that he spoke to C. Robinson, and she did not think that the WSF should be listed. D. Rowley asked if the IDA had a contract with Pyramid Brokerage yet and J. Zakrevsky said that they did not. D. Rowley also asked if it would just be the WSF that would be listed and not the business parks and J. Zakrevsky replied that they wanted to look at all three. J. Lord wanted to clarify that they intended to list the Oneonta Business Park, the WSF, and Richfield Springs Industrial Park. J. Zakrevsky clarified that he asked Pyramid Brokerage to look at the Oneonta Railyards rather than Richfield Spring. He explained that he discussed the inclusion of the Oneonta Railyards with them and went back and forth regarding its inclusion in the proposal because of the lack of electric and natural gas on site. After about a week of discussion, they decided to include the Railyards in the proposal. J. Zakrevsky also told Pyramid Brokerage that there was a person interested in one of the sites in the Oneonta Business Park and asked them if they would still charge a 7% fee if it was the IDA that brought the interested person to them. Pyramid Brokerage said that they would usually charge a fee, but they would be willing to discuss the matter. J. Lord noted that usually the fee is waived for the client, and they are reserved. J. Zakrevsky explained that he did not have a resolution for the proposal at this time, but he wanted to have a discussion with the board about what to do with the WSF. He noted that C. Robinson expressed that the soccer fields are a community asset that should not be sold. J. Seward and P. Kennedy agreed with C. Robinson. J. Lord noted that the IDA was not committed to selling the WSF, but they would be agreeing to have Pyramid Brokerage bring anyone interested in the property to them. J. Zakrevsky explained that in the WSF lease the IDA has permission to sell the property and give 90 days notice. A. Marietta expressed that having the soccer fields in the listing may send a message to the Oneonta Youth Soccer Association that the lease would eventually be broken, and the property would be sold. He also noted that if OYSA were to be pushed out, it may be blamed on the IDA. D. Rowley said that he would not be opposed to selling the WSF if the property was used for something soccer related and was still available for local use. T. Armao explained that he would be opposed to the property being bulldozed and used for something unrelated. After a brief discussion, J. Lord explained that if the WSF is to be preserved as a community asset, it should be at least financially neutral to the IDA. D. Rowley noted that the sprinkler system at the WSF would have to be replaced eventually and J. Zakrevsky replied that the sprinkler system had already been replaced. J. Zakrevsky also mentioned that the OYSA has put in about \$100,000 into repairs. J. Lord moved the discussion back to the overall proposal presented by Pyramid Brokerage and reiterated that they would be charging a 7% commission fee, and that they gave a range of \$13,000-\$20,000 per acre value for the Oneonta Railyards and the Oneonta Business Park. He added that the proposal is just a listing agreement that would allow Pyramid Brokerage to list the partial properties and try to sell them. C. Gelbsman explained that the firm has local ties and has worked locally for many years. T. Armao noted that previously the Industrial Park was worth \$40,000/acre and is now \$20,000-\$25,000/acre. He said that a new appraisal may be needed. J. Zakrevsky said that he sent Pyramid Brokerage the appraisal for the Oneonta Business Park which was used as a comparison for the acreage value. After a brief discussion, J. Zakrevsky asked J. Scott, who joined by telephone, if it was necessary to have new appraisals done before selling a piece of property. J. Scott replied that as a governmental body, it is important to have appraisals done. J. Zakrevsky said that the IDA had an appraisal done for one industrial park but not the other, and that the appraisal was done five years ago. J. Scott

recommended that an appraisal be done for each property so that the IDA has something on file to show the value. Based on the comments made by J. Scott, J. Zakrevsky recommended to the board that the appraisal of the Oneonta Business Park should be updated, and they should get a new appraisal for the Oneonta Railyards. J. Lord expressed agreement with the idea to get new appraisals done. D. Rowley noted that the appraisal should just be for buildable acreage. T. Armao suggested that appraisals should be updated regularly. P. Kennedy asked how often appraisals should be done, and T. Armao said that appraisals can be done when it is deemed necessary. J. Lord asked if this meant that engagement with Pyramid Brokerage would be on hold until the appraisals were done, and J. Zakrevsky responded that they still had to discuss the WSF. J. Seward said that it should not be included in the listings. D. Rowley asked how they would establish value for the WSF, and if the property included the IOXUS building. J. Zakrevsky replied that the IOXUS building was a separate parcel. T. Armao and J. Lord both expressed that the WSF should be removed from the listing proposal. J. Seward asked about the acreage next to the IOXUS building, and if it was enough for a building to be built. J. Zakrevsky replied that the acreage was currently part of the IOXUS building property, but that it could be subdivided. He also said that it was big enough for a 20,000 square foot building. T. Armao explained that the location of the soccer fields was not important, but their existence is important for the community. Regarding the proposal, J. Lord said that it was strange for the firm trying to sell the property to give the value of the property, and that it is important to get an outside appraisal. D. Rowley recommended that they get updated appraisals and proceed with Pyramid Brokerage after those are complete. J. Lord asked if the lease with IOXUS is month-to-month and J. Zakrevsky replied that it is a yearly lease that will expire in April 2023. J. Zakrevsky added that they are discussing raising the lease price by 6%. J. Lord asked if Burr Trucking and IOXUS will be included in the appraisal, and J. Zakrevsky said that they should be included.

- **Update on Richfield Springs Industrial Park** – J. Zakrevsky reported that EDA has accepted all of the design drawings and specifications for the Richfield Springs Industrial Park and has approved the IDA to go out to bid. The IDA will also be using a service that identifies construction companies and sends notices out. He explained that there will be a contractor's inspection of the site in early March, and bids are due back by the end of March. J. Zakrevsky said that the Town, the Village, and the IDA's attorneys are working to finalize the water and sewer agreement. He also explained that J. Seward was able to set up an executive meeting with the president of NYSEG to discuss the extension of the gas line and NYSEG meeting with the Public Service Commission. D. Rowley noted that the IDA would be going out to bid for the gas line to be installed regardless of the outcome of the meeting. J. Zakrevsky explained that they received one bid from James Jordan Associates Architects for construction management. He said that it was sent to 12 firms and three replied that they were too busy. He noted that Barton & Loguidice reviewed the documents and sent back several questions about James Jordan's experience, and JJAA sent back a response that seemed adequate for EDA. Barton & Loguidice also thought that the bid from JJAA was a little bit low. J. Zakrevsky added that the references provided by JJAA were being contacted.

RESOLUTIONS

Approving Resolution – Remote Access Policy

RESOLUTION APPROVING A CERTAIN REMOTE ACCESS POLICY OF THE COUNTY OF OTSEGO INDUSTRIAL DEVELOPMENT 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 commercial, manufacturing 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, under Section 858 of the Act, the Agency has the power to make certain appointments and approve certain administrative matters; and

WHEREAS, the Agency previously considered a Remote Access Policy (the “Remote Access Policy”); and

WHEREAS, by resolution adopted by the members of the Agency on October 13, 2022 (the “Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 103-a(2)(a) of the Public Officers Law of the State of New York (the “Remote Access Law”) with respect to the Remote Access Policy; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Chief Executive Officer of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”), to hear all persons interested in the Remote Access Policy being contemplated by the Agency with respect to meetings of the Agency, to be posted on December 30, 2022 on a public bulletin board located at the offices of the City of Oneonta located at 258 Main Street in the City of Oneonta, Otsego County, New York, and on the Agency’s website, (B) caused notice of the Public Hearing to be published on January 5, 2022 in The Daily Star, a newspaper of general circulation available to the residents of Otsego County, New York, (C) conducted the Public Hearing on January 18, 2023 at 10:00 o’clock a.m. local time, at the offices of the Agency located at 189 Main Street, Suite 500 in the City of Oneonta, Otsego County, New York, and (D) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency; and

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

WHEREAS, copies of a draft of the Remote Access Policy have been presented to the members of the Agency and the members of the Agency have reviewed the drafts of the Remote Access Policy at this meeting;

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

Section 1. The Agency hereby approves the Remote Access Policy, presented and reviewed by the members of the Agency, a copy of which is attached hereto as Schedule A.

Section 2. The Agency hereby authorizes the Chairman, Vice Chairman and the Chief Executive Officer of the Agency to take all steps necessary to implement the matters described in Schedule A attached hereto.

Section 3. This resolution shall take effect immediately.

T. Armao made a motion to approve the Remote Access Policy Resolution. The motion was seconded by J. Seward and was approved by the remaining members through a voice vote.

Resolution – Amending OtsegoNow Employee’s Handbook

RESOLUTION - AMENDING OTESGO NOW’S EMPLOYEES HANDBOOK TO INCLUDE LANGUAGE REQUIRED BY THE NYS PAID FAMILY LEAVE LAW

WHEREAS, in 2016 New York State has enacted the Paid Family Leave Law, and further revisions were made effective in January 2023; and

WHEREAS, the County of Otsego Industrial Development Agency does have Paid Family Leave Insurance coverage by Arch Insurance Company as required by New York State; and

WHEREAS, under the coverage, the insurance company will reimburse up to 67% of the salary for up to 12 weeks of paid family leave; and

WHEREAS, the Chief Executive Officer has made certain recommendations; now therefore be it

RESOLVED, that a new section be added to the Employees Handbook entitled " Family and Medical Leave Act" with language recommended by New York State; and further be it

RESOLVED, that the County of Otsego will pay 100% of the salary of an employee taking leave under the Paid Family Leave Law and will be reimbursed by our insurance carrier 67% of the salary for up to 12 weeks of leave.

P. Kennedy made a motion to approve the amendment to the OtsegoNow Employee’s Handbook. J. Seward seconded the motion, and it was approved by the remaining members.

PUBLIC COMMENT

D. Rowley asked for any public comments and J. Scott reported that there would be a client alert released on February 24th about some NYS law changes that have occurred in December and January that would affect IDAs. He noted that he would be available to go through the changes in more detail at the next meeting. Margaret Burkett was also listed on the call, but when D. Rowley asked her if she had any comments to make, there was no answer. She replied in the chat that her microphone was not working, but that she had no comments to make.

ADJOURNMENT

T. Armao made a motion to adjourn the meeting of the IDA board at 8:57am.

UPCOMING MEETING SCHEDULE

- COIDA/OCCRC Audit & Finance Committee Meeting / Projects Committee Meeting – March 9th, 2023
- COIDA/OCCRC Board Meeting – March 23rd, 2023

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