

**COUNTY OF OTSEGO INDUSTRIAL DEVELOPMENT AGENCY**  
**APRIL 27<sup>th</sup>, 2023**

**MEETING MINUTES**

**CALL TO ORDER**

Chair, C. Robinson, called to order the meeting of COIDA at 8:02am. N. Vargha conducted roll call and determined there was a quorum. Voting members present included:

Cheryl Robinson  
Jeffrey Lord  
Patricia Kennedy  
James Seward

David Rowley  
Jeffery Joyner  
Tom Armao  
Andrew Marietta

Absent Board Member(s): Craig Gelbsman

Also, in attendance:

**STAFF**

Jody Zakrevsky, **CEO**  
Nasim Vargha **Administrative Assistant**  
Joe Scott, **Bond Counsel (v)**

(v) – virtual

**CHAIR’S REMARKS**

Chair, C. Robinson, welcomed fellow board members and staff to the April board meeting and moved immediately onto the agenda.

**MEETING MINUTES**

C. Robinson presented the meeting minutes from the March 23<sup>rd</sup>, 2023 COIDA board meeting. Board members were given a copy of the minutes prior to the meeting for review.

J. Joyner made a motion to approve the March 23<sup>rd</sup> Board minutes. The motion was seconded by D. Rowley and was approved by the remaining members present.

**BILLS & COMMUNICATIONS**

J. Zakrevsky reviewed the bills and communications. He explained that the bill from Keystone Associates was for the processing of the bidding documents and the bill from the Railroad Management Company

was an annual fee for the waterline that runs under the railyards in the Oneonta Business Park. C. Robinson noted that the annual assistance from the County was deposited.

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

## COMMITTEE REPORTS

- ❖ Audit & Finance – The Audit & Finance Committee meeting was held on April 13<sup>th</sup>, 2023. J. Lord, Chair of the Committee, referred board members to the draft of the meeting minutes that had been provided to them.
- ❖ Governance Committee – The Governance Committee meeting was held on April 13<sup>th</sup>, 2023. The Governance Committee meets quarterly, and the next meeting will take place on August 10<sup>th</sup>, 2023.
- ❖ Projects Committee – The Projects Committee meeting was held on April 13<sup>th</sup>, 2023. T. Armao, Chair of the Committee, referred board members to the draft meeting minutes that had been provided to them.

## NEW BUSINESS / UNFINISHED BUSINESS

**Amending Resolution for Skyline Hospitality:** J. Zakrevsky explained he has done an analysis of the Skyline Hospitality payments based on the assessment of \$5.75 million made by the Town of Hartwick assessor. The assessment was based on the construction costs and the number of rooms in the building/story height. He said that the PILOT agreement would be for 10 years rather than 15 years because it is considered a retail project. The analysis included the IDA's 1% project cost, the annual payments, and anticipated bond and local counsel fees. The total fees on the project would total approximately \$542,000. J. Lord noted that Skyline Hospitality's estimated costs are lower than other hotels and questioned whether the project could be completed with the estimated budget. J. Zakrevsky reported that a public hearing was held regarding the increase in project costs and that there were no public comments. J. Scott explained that this resolution would be amending the resolution adopted in May 2020. The amended resolution addresses the increase in project costs. He noted that, unlike with Centrome, these cost adjustments were made pre-closing. The amendment reflects the increased project costs, the increased benefits, and the results of the public hearing. J. Lord explained that he would be voting no on the amended resolution because he believed the retail aspect of the project gives an unfair advantage. He added that the project would be cutting up the market rather than drawing in new customers. T. Armao noted that Skyline Hospitality is taking advantage of the benefits that are being offered. J. Lord responded that the benefits would allow them to reduce costs and take market share from other retailers. After a brief discussion, P. Kennedy asked if these benefits were unavailable in the past or if retailers simply did not come to the IDA for assistance. J. Lord clarified that similar projects had approached the IDA for assistance in the past but were turned down. C. Robinson reminded the board that this project has already been accepted and that the amended resolution is regarding the increased costs, not the approval of the project itself. J. Seward said that he still saw the benefit of having more hotel rooms in Otsego County, especially near Cooperstown.

**Hiring a new part-time Innovation Marketing Coordinator:** J. Zakrevsky explained that Gina Gardner has left her position as the Innovation Marketing Coordinator at Otsego Now. He said that he had reached out to Tammy Graves, who used to be a marketing coordinator in Schoharie County, to replace her. She will be working 20 hours a week.

**Richfield Springs Update:** J. Zakrevsky explained that there are two DEC SPDES permits for Richfield Springs dating back to 2009. He was only aware of one of them and therefore has only been renewing one of them. J. Zakrevsky submitted a new application and heard from the DEC's regional director that the approval process will be expedited. He also reported that EDA has been holding off approval of the RS construction contracts because there is no draft Memorandum of Agreement between the Town and the Village. After following up, J. Zakrevsky was sent the two draft water and sewer MOAs which he then forwarded to the EDA. D. Rowley asked if the IDA is ready to award bids as soon as EDA gives approval. J. Zakrevsky confirmed that the IDA is ready and asked for the board's approval to sign a contract with the lowest bidder pending EDA's approval.

J. Seward made a motion to allow J. Zakrevsky to sign a contract with the lowest construction bidder pending EDA approval. J. Lord seconded the motion, and it was approved by the remaining members.

**PILOT program requests from County:** J. Zakrevsky reported that he received two requests from the County. He explained that there is an informal agreement between the County Treasurer and the County Chairman that the IDA is responsible for handling all PILOT payments moving forward. The County is asking for a more formal resolution to be made for this agreement. The second request was regarding solar energy projects. Several solar companies have approached the County about starting PILOT agreements under Section 487 of the Tax Law. The law states that a person can negotiate a PILOT agreement if they have not filed for exemption, but if a PILOT is not negotiated and they do not respond within 60 days, no funding must be provided. C. Robinson asked if that meant that the IDA must respond within 60 days of the application in order to be able to assess and tax the projects. J. Scott clarified that the County has 60 days to respond. J. Zakrevsky explained that other counties have completely opted out of 487 which means that in order to proceed with the projects they have to either pay 100% of the taxes to the county or they must negotiate a PILOT agreement with the local IDA. He noted that Otsego County as a whole has not opted out. A. Marietta explained that the County has not opted out because they were unaware of it. J. Lord asked if some proposed projects had already passed the 60 days to respond, and J. Zakrevsky said that the County had sent out letters during the 60 days to negotiate a PILOT. He noted that most towns receive the letter and throw it away because they do not know what it is. In order to reduce this, J. Zakrevsky is going to send letters explaining the situation to every town and school district that has not opted out of 487. C. Robinson asked what triggers the start of the 60 days, and J. Scott said that a letter needs to be sent to each of the taxing jurisdictions and then they have 60 days to react. J. Scott explained that the goal is to notify all of the taxing jurisdictions so that they can opt out. Any future renewable energy projects would have to pay normal tax or would need to go through the IDA.

# RESOLUTIONS

## Amending Resolution: Skyline Hospitality

Resolution No. 0423-\_\_\_\_\_

RESOLUTION AMENDING A RESOLUTION ENTITLED “RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT FOR SKYLINE HOSPITALITY LLC (THE “COMPANY”).”

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, on May 28, 2020, the members of the Agency adopted a resolution (the “Approving Resolution”) entitled “Resolution Authorizing Execution of Documents in Connection with a Lease/Leaseback Transaction for a Project for Plug Power Inc.” (the “Company”); and

WHEREAS, subsequent to the adoption of the Approving Resolution, the Agency was notified that the Project cost increased, as well as the amount of benefits being requested by the Company;

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

Section 1. The Approving Resolution, is hereby amended to include the following recital clauses:

“WHEREAS, in April, 2023, the Agency received an amended application from the Company (the “Amended Application”) providing for certain amendments to the Application with respect to the Project from the Company, which Amended Application contains revised Project costs and amounts of Financial Assistance resulting in the need for the Agency, pursuant to Section 859-a of the Act, to hold a second public hearing with respect to the Project and the amount of the Financial Assistance as described in the Amended Application; and

“WHEREAS, pursuant to the Amended Application, the Chief Executive Officer of the Agency (A) caused notice of a public hearing of the Agency (the “Supplemental Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on April 4, 2023 to the chief executive officers of the county and of each city, town, village and school district in which the Project is or is to be located, (B) caused notice of the Supplemental Public Hearing to be posted on April 4, 2023 on a public bulletin board located at the Town of Hartwick Town Hall located at 103 Town Drive in the Town of Hartwick, Otsego County, New York, as well as on the Agency’s website, (C) caused notice of the Supplemental Public Hearing to be published on April 6, 2023 in The Daily Star, a newspaper of general circulation available to the residents of Otsego County, New York, (D) conducted the Supplemental Public Hearing on April 18, 2023 at 10:30 o’clock a.m., local time at the Town of Hartwick Town Hall located at 103 Town Drive in the Town of Hartwick, Otsego County, New York, and (E) prepared a report of the Supplemental Public Hearing (the “Supplemental Hearing Report”) fairly summarizing the views presented at such Supplemental Public Hearing and distributed the same to the members of the Agency; and

Section 2. The Agency hereby amends Section 3(D) of the Approving Resolution to read as follows:

“(D) It is estimated at the present time that the costs of the planning, development, acquisition, construction and installation of the Project Facility (collectively, the “Project Costs”) will be approximately \$20,500,000;”

Section 3. The Agency hereby amends Section 3 of the Approving Resolution to include the following subsection:

“(L) Pursuant to Article 8 of the Environmental Conservation Law (the “SEQR Act”) that the Project, as supplemented, constitutes a “Type II” action within the meaning of the SEQR Act.”

Section 4. The members of the Agency have considered the comments received from the public pursuant to the Supplemental Public Hearing.

Section 5. Exhibit A of the Approving Resolution is hereby amended as reflected in the attached Exhibit A to this Resolution.

Section 6. Except as amended by this Resolution, the Approving Resolution, including the Exhibits attached thereto, shall remain in full force and effect and the terms and conditions thereof are hereby confirmed.

Section 7. All action taken by the Chairman or the Chief Executive Officer of the Agency in connection with the Supplemental Public Hearing with respect to the Project prior to the date of this Resolution is hereby ratified and confirmed.

Section 8. This Resolution shall take effect immediately.

D. Rowley made a motion to approve the amending resolution and J. Joyner seconded the motion. J. Lord voted no. Remaining members approved the resolution through a roll call vote.

## **PUBLIC COMMENT**

There were no Public Comments for this meeting.

## **ADJOURNMENT**

D. Rowley made a motion to adjourn the meeting of the IDA board at 8:38am.

## **UPCOMING MEETING SCHEDULE**

- COIDA/OCCRC Audit & Finance Committee Meeting / Projects Committee Meeting – May 11<sup>th</sup>, 2023
- COIDA/OCCRC Board Meeting – May 25<sup>th</sup>, 2023

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