

MINUTES OF
COUNTY OF CLINTON
INDUSTRIAL DEVELOPMENT AGENCY
ANNUAL MEETING
MONDAY, SEPTEMBER 15, 2014

The meeting was called to order by T. Trahan, Chairperson, at 12:07 p.m., at the offices of the County of Clinton Industrial Development Agency, 190 Banker Road, Suite 500, Plattsburgh, N.Y.

MEMBERS PRESENT: Trent Trahan, President
Michael Zurlo, Secretary
Kim Murray, Assistant Secretary
Mark Leta, Member
John VanNatten, Member

MEMBERS EXCUSED: Keith Defayette, Treasurer and Chief Financial Officer
David Hoover, Vice Chairperson

STAFF PRESENT: Erin Hynes, Executive Director
George W. Cregg, Esq., Agency Counsel
Barbara Shute, Recording Secretary

T. Trahan ascertained that there was a *quorum* present.

T. Trahan waived the reading of the notice of the meeting published in the *Press-Republican* on January 9, 2014.

T. Trahan welcomed everyone to the annual meeting of the County of Clinton IDA; he noted that there will be three separate meetings held today. Along with the CCIDA, the group will also be conducting a meeting of the Municipal Leasing Corporation and the Clinton County Capital Resource Corporation.

Approval of the Minutes of the September 16, 2013 Meeting:

T. Trahan asked if there were any questions regarding the draft minutes of the September 16, 2013 meeting of the CCIDA. There were none, on a motion by M. Leta, and seconded by J. VanNatten it was unanimously carried to approve the minutes of the September 16, 2013 Annual Meeting of the CCIDA.

Approval of the Minutes of the August 11, 2014 Meeting:

T. Trahan asked if there were any questions regarding the draft minutes of the August 11, 2014 meeting of the CCIDA. There were none, on a motion by M. Leta, and seconded by J. VanNatten it was unanimously carried to approve the minutes of the August 11, 2014 meeting of the CCIDA.

Public Comment: None

Bills & Communications: None

Chairperson's Report

T. Trahan reviewed the Operations and Accomplishments report for the past year as of September 2014.

- Approved and closed an application for Northstar41, LLC for the redevelopment of the former Pfizer facility in Chazy, NY;
- Re-Conveyed the East Port Development Corporation, Inc. project to Livingston, Inc.;
- Re-Conveyed TDC Building #3 project to TDC;
- Re-Conveyed TDC Building #4 project to TDC;
- Re-Conveyed TDC Building #5 project to TDC;
- Re-Conveyed TDC Building #9 project to TDC;
- Participated in the former Clinton County Airport Highest and Best Use Study;
- Re-Conveyed BT-NEWYO, LLC UPS to UPS;
- Re-Conveyed Northern Comfort Project to Northern Comfort (Balin);
- Approved Resolution Authorizing the CCCRC to issue Bonds for the Laurentian Project;
- Held a fifth public hearing for the Laurentian Aerospace project to prepare for the financial closing;
- Approved CVPH project transfer of land;
- Held public hearing for a PILOT Deviation regarding technical amendments for the Northstar41, LLC project and met with the taxing jurisdictions thereof;
- Approved a PILOT Deviation regarding technical amendments for the Northstar41 and
- Participated in Office of State Comptroller Audit;

On a motion by M. Zurlo, and seconded by J. VanNatten, the Chairperson's Report was unanimously accepted as presented by T. Trahan.

Report of Treasurer:

J. VanNatten gave the Treasurer's report for July and August 2014 on behalf of K. Defayette.

CCIDA: Report for July 2014

The account balance at 7/31/14 was \$285,429.89

Other income reported for July: None

Balance Sheet:

There is \$0 remaining in the CIDA, LLC's bank account.

Income Statement:

The income statement shows the expenses that were approved during the month of July.

The “net income or loss” for each month will be for expenses for administering the CCIDA.

Expenses paid in July:

Jennetix (website posting)	\$85.00
TDC- Admin fee	\$6,936.00
Total Expenses	\$7,021.00

CCIDA: Report for August 2014

The account balance at 8/31/14 was \$278,493.89

Other income reported for August:

Northstar 41, LLC	\$500.00
(Documentation change)	

Balance Sheet:

There is \$0 remaining in the CIDA, LLC’s bank account.

Income Statement:

The income statement shows the expenses that were approved during the month of August.

The “net income or loss” for each month will be for expenses for administering the CCIDA.

Expenses paid in August:

TDC- Admin fee	\$6,936.00
TDC – For 50% of Binswanger report	\$15,000.00
Delish	\$150.96
Total Expenses	\$22,086.96

On a motion by K. Murray, and seconded by M. Zurlo, the Treasurer’s Report for July and August of 2014 was unanimously accepted.

Old Business: Correct an oversight regarding certain rail-siding parcels as they related to the transfer of property from the US Air Force to the Agency and from the Agency to PARC pursuant to the agreement.

E. Hynes stated that this request was made by Randall Beach, the lawyer for PARC. This correction is being made to an agreement that was previously executed in 2001. G. Cregg gave a brief overview of the request. The correction involves conveying three small parcels of land first from the air force to the CCIDA and then from the CCIDA to PARC.

The following resolution was offered by J. VanNatten, seconded by K. Murray, to wit:

Resolution No. 09-14-01

RESOLUTION AUTHORIZING THE EXECUTION OF CERTAIN CONVEYANCE DOCUMENTS (1) FROM THE UNITED STATES OF AMERICA IN CONNECTION WITH THE PLATTSBURGH AIRBASE REDEVELOPMENT CORPORATION PROJECT AND (2) FROM COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY TO PLATTSBURGH AIRBASE REDEVELOPMENT CORPORATION.

WHEREAS, County of Clinton 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 225 of the 1971 Laws of New York, as amended, constituting Section 895-f 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, 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, on March 9, 2001 (the "Closing"), the Agency undertook the following project (the "Project"): (A) (1) the acquisition from the Air Force Base Conversion Agency, on behalf of the United States of America, (the "USAF") of a portion of the former Plattsburgh Air Force Base (the "Air Base") located in the City of Plattsburgh and the Town of Plattsburgh, Clinton County, New York (the "EDC Land"), together with all existing buildings and related utilities and appurtenances located thereon (collectively, the "EDC Facility") and (2) the acquisition of certain machinery and equipment related thereto (the "EDC Equipment"), all of the foregoing to be leased by the Agency to the Company for the conversion by the Company from military to civilian use (the EDC Land, the EDC Facility and the EDC Equipment being collectively referred to as the "EDC Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from sales taxes, real property transfer taxes, mortgage recording taxes and real estate taxes (collectively, the "Financial Assistance"); and (C) the lease of the EDC Project Facility to the Company pursuant to the terms of a lease agreement dated as of January 1, 2001 (the "EDC Lease Agreement") between the Agency and the Company; and

WHEREAS, the United States of America, acting by and through its Secretary of the Air Force (the "Government") has requested the Agency to accept the following documents in connection with the Project and pursuant to the EDC Lease Agreement:

three (3) quitclaim deeds from the Government to the Agency (being collectively referred to as the "Government Documents") in connection with the conveyance of certain strips of land containing the rail spur located on the Air Base (the "Government Conveyance"); and

WHEREAS, the Agency has been further requested to convey (the "Agency Conveyance," and collectively with the Government Conveyance, the "Conveyances") the above mentioned strips of land containing the rail spur received from the Government to Plattsburgh Airbase Redevelopment Corporation ("PARC"), as required by Article XI of the EDC Lease Agreement, pursuant to three (3) quitclaim deeds from the Agency to PARC (being collectively referred to as the "Agency Documents,"); 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 "DEC Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA") the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Conveyances; and

WHEREAS, Section 617.6(b) of the Regulations provides that a lead agency must be established for (A) all "Type I actions" and (B) any "unlisted action" which involves more than one "involved agency", unless the Agency determines that there will be no coordinated review of such "unlisted action" (as such quoted terms are defined in the Regulations); and

WHEREAS, pursuant to the Regulations, the Agency has examined the Conveyances in order to make an initial determination as to the potential environmental significance of the Conveyances and the number of agencies that may be involved with respect to the Project, and, based upon such review, it appears that the Conveyances do not appear to constitute a "Type I Action" (as said quoted term is defined in the Regulations), and therefore coordinated review and notification is optional with respect to the actions contemplated by the Agency with respect to the Conveyances; and

WHEREAS, the Agency desires to conduct an uncoordinated review of the Conveyances and to make its initial determination of significance with respect to the Conveyances;

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

Section 1. Pursuant to SEQRA and based upon an examination of the Conveyances, and based further upon the Agency's knowledge of the area surrounding the strips of land containing the rail spur and such further investigation of the strips of land containing the rail spur and their environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations:

(A) The Conveyances consist of (i) the conveyance by the Government to the Agency of certain strips of land containing the rail spur located on the Air Base; and (ii) the subsequent conveyance by the Agency to PARC of said strips of land containing the rail spur located on the Air Base.

(B) No potentially significant impacts on the environment are noted with respect to the Conveyances, and none are known to the Agency.

Section 2. Based upon the foregoing investigation of the potential environmental impacts of the Conveyances and considering both the magnitude and importance of each environmental impact therein indicated, the Agency makes the following findings and determinations with respect to the Conveyances:

(A) The Conveyances constitute an "Unlisted Action" (as said quoted term is defined in SEQRA) and therefore coordinated review and notification of other involved agencies is strictly optional. The Agency hereby determines not to undertake a coordinated review of the Conveyances, and therefore will not seek lead agency status with respect to the Conveyances.

(B) The Conveyances will result in no major impacts and, therefore, are ones that will not cause significant damage to the environment. Therefore, the Agency hereby determines that the Conveyances will not have a significant effect on the environment, and the Agency will not require the preparation of an environmental impact statement with respect to the Conveyances.

(C) As a consequence of the foregoing, the Agency has decided to prepare a negative declaration with respect to the Conveyances.

Section 3. The Executive Director of the Agency is hereby directed to prepare a negative declaration with respect to the Conveyances, said negative declaration to be substantially in the form and to the effect of the negative declaration attached hereto, and to cause copies of said negative declaration to be filed in the main office of the Agency.

Section 4. The Agency hereby determines to proceed with the Conveyances and authorizes the execution by the Agency of the Government Documents and Agency Documents and any other documents needed in connection therewith (collectively, the "Conveyance Documents").

Section 5. The Chairperson (or Vice Chairperson) of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Conveyance Documents to the Government and to PARC, 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 substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chairperson (or Vice Chairperson) shall approve, the execution thereof by the Chairperson (or Vice Chairperson) to constitute conclusive evidence of such approval.

Section 6. 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 Conveyance Documents, 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 Conveyance Documents binding upon the Agency.

Section 7. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Trent Trahan	VOTING	YES
David Hoover	VOTING	EXCUSED
Michael E. Zurlo	VOTING	YES
Keith Defayette	VOTING	EXCUSED
Kim Murray	VOTING	YES
Mark Leta	VOTING	YES
John VanNatten	VOTING	YES

The foregoing Resolution was thereupon declared duly adopted.

Nominations:

T. Trahan opened the meeting to nominations.

G. Cregg stated, I hereby make the motion that the following appointed Agency members be elected officers of the County of Clinton Industrial Development Agency for the year 2014-2015

Trent Trahan - Chairperson
David Hoover - Vice Chairperson
Michael Zurlo – Secretary
Kim Murray – Assistant Secretary
Keith Defayette – Treasurer and Chief Financial Officer

G. Cregg stated, I hereby make the motion that the following be appointed as the staff of the County of Clinton Industrial Development Agency for the year 2014-2015

Erin M. Hynes - Executive Director
George W. Cregg, Jr. Esq. - Agency Counsel

There being no other nominations, the nominations were declared closed.

On a motion by M. Zurlo, seconded by J. VanNatten and unanimously carried the following were nominated to be elected officers and staff of the County of Clinton Industrial Development agency for the year 2014-2015.

Officers:

Trent Trahan - Chairperson
David Hoover - Vice Chairperson
Michael Zurlo – Secretary
Kim Murray – Assistant Secretary
Keith Defayette – Treasurer and Chief Financial Officer

Staff:

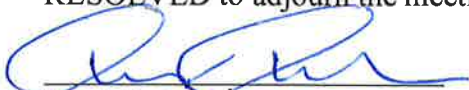
Erin M. Hynes - Executive Director
George W. Cregg, Jr. Esq. - Agency Counsel

The nominated slate of officers and staff proposed were duly elected.

Executive Directors Report


E. Hynes stated that she no other information to report.

There being no further business to discuss, on a motion by J. VanNatten, it was unanimously RESOLVED to adjourn the meeting at 1:20 p.m.


Trent Trahan



David Hoover


Keith Defayette


Michael Zurlo


Kim Murray


Mark Leta


John VanNatten


Roseanne Murphy