



STAFF

JOHN J. PISECK, JR.
Chief Executive Officer

VICTORIA L. ADAMS
Operations Manager

JENNIFER L. YOUNG
Administrative Office
Assistant

ERIN E. SPINA
Marketing & Communications
Specialist

ALAINA VALERIANO
Community & Business
Development Specialist

BOARD OF DIRECTORS

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CORY ALBRECHT
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JOHN SCARANO
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Treasurer

ANN GAWORECKI
Director

TIM DAY
Director

ALANA BASLOE
Director

COUNSEL

ANTHONY G. HALLAK, Esq.
Felt Evans, LLP

MINUTES

April 30, 2024

Herkimer County Industrial Development Agency Board of Directors Meeting

The Herkimer County Industrial Development Agency held a regular meeting of the Board of Directors on Tuesday, April 30, 2024 at 8:00 AM. The meeting was held electronically via zoom conference as well as a public meeting open for the public to attend in person. Members of the public were invited to join the meeting virtually by going to www.zoom.com or by dialing (929) 205-6099 and entering meeting ID: 875-6466-4800 and passcode: 402411. Members of the public were invited to attend the meeting in person in the Herkimer County Chamber of Commerce conference room at 420 E. German Street, Herkimer, NY 13350.

After the Pledge of Allegiance, Chairman Vincent (Jim) Bono called the meeting to order at 8:01 AM.

The following members were present in person and answered the roll call: Cory Albrecht, Alana Basloe Vincent (Jim) Bono, Tim Day, Michael Werenczak and John Scarano. (6) **Quorum present.**

Members Absent: Ann Gaworecki

Staff Present: John Piseck, Victoria Adams, Jennifer Young, Erin Spina, and Alaina Valeriano

Also Present in Person: Anthony Hallak, Felt Evans, LLP Heather (CFLR)

Also Present Virtually: James (Office of Senator Mark Walczyk), Mike (Office of Senator Mark Walczyk), Elaine Sperbeck (Little Falls Resident), and Shannon Wagner (Hodgson Russ LLP.)

Mission Statement: Alaina Valeriano read the agency's mission statement.

Minutes: The minutes of the March 21, 2024 regular meeting were offered for review. **Cory Albrecht moved, seconded by Alana Basloe to approve the minutes as presented. The motion carried with 6 ayes and 0 nays.**

Financial Reports: The following financial reports were offered for review and approval: March 2024 Financial Report, Balance Sheet, Check Register, RLF/Lease Balance with payment status, SBP Mortgage and Amazon Lease. Mr. Piseck stated that all payments have been made on time. The Agency continues to move various projects forward and the Agency is in a good place

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"This institution is an equal opportunity provider, employer and lender."

place financially. **Mike Werenczak moved, seconded by Cory Albrecht to approve all financial reports as presented. The motion carried with 6 ayes and 0 nays.**

Marketing Update: Erin Spina presented the board members with marketing updates from the month. She shared a Facebook post and public outreach received over 1,500 hits on the post. The board was invited to a meet and greet with the new owners of Water Safari on, May 9, 2024. The Agency sponsored the awards given at the Brownfields Developer Summit this year. Erin showed the board new personalized mini dumpster, for candy. Brownfield book for our sites with all the site details (location, acreage, tax id number, etc.) was also presented to the board.

Grant Updates:

Microenterprise: Jennifer Young presented the board with the Grant update. Agency staff continues to market the Microenterprise Grant through social media, email, flyers, and word of mouth. At this time, Agency staff is assisting several business owners with applications and grant requirements.

Rock Valley Brewing 2/2/2: The Agency received an application for the 2/2/2 loan and grant program from Rock Valley Brewing to purchase a food truck. Mr. Piseck recommended granting the remaining funds to the business to dissolve the account. The Agency will set up a time with the owner to present the award. **Tim Day moved, seconded by Mike Werenczak to approve as a Grant for the remaining funds in the program, estimated to be \$3,002.00, upon receipt of proof of payment documents and close out the program. The motion carried with 6 ayes and 0 nays.**

Resolution- 043024-01

Anti- Harassment Training: Heather, from Center for Family. Life. and Recovery. presented State required anti-harassment training for all board members and staff present at the meeting.

Key Person Insurance: Mr. Piseck recommended looking into key person insurance. In case something was to happen, this would provide the Agency with some funds to train and replace the CEO. The Agency will reach out for bids and provide additional information as available.

Russell Farms- PSA Modification: The Agency received a request from Bloom Utica to modify the name of the holding company on the PSA. Being no objections from counsel, **Alana Basloe moved, seconded by John Scarano to approve name modification as presented. The motion carried with 6 ayes and 0 nays.**

Resolution: 043024-02

AEDC Sponsorship: Mr. Piseck proposed that the Agency would like to do a 5,000 sponsorship to support Economic Development in Northern Herkimer County. They are an economic development group. They do loans, trainings, marketing, business plan review, grant assistance. **John Scarano moved, seconded by Mike Werenczak to approve sponsorship as presented. The motion carried with 6 ayes and 0 nays.**

Resolution 043024-03

EPR Water, LLC:

Inducement Resolution: An inducement resolution was provided to the board prior to the meeting. Upon review and discussion **Cory Albrecht made the following motion:**

RESOLUTION OF THE HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the “AGENCY”) TAKING OFFICIAL ACTION TOWARD APPOINTING EPR WATER, LLC (the “COMPANY), AND THE PRINCIPALS OF THE COMPANY, AS AGENT OF THE AGENCY IN CONNECTION WITH A LEASE-LEASEBACK TRANSACTION, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AND PROJECT AGREEMENT AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE PROJECT.

Seconded by Tim Day. The motion carried with 6 ayes and 0 nays. The original resolution is attached to the original minutes.

Resolution 043024-04

Set Public Hearing: Mr. Piseck requested the board provide authorization to move forward with a public hearing for EPR Water, LLC. The public hearing will be held in the Town of Old Forge at a time to be determined. **Alana Basloe moved, seconded by Mike Werenczak to approve scheduling the public hearing to be held in Old Forge. The motion carried with 6 ayes and 0 nays.**

Resolution 043024-05

Masonic Building:

4Site- Architectural Proposal: Mr. Piseck requested The Agency continues to move forward with Architectural plans with the Masonic Building. The proposal was presented to the board members. **Tim Day moved, seconded by Cory Albrecht to approve continuing working with 4 Site. The motion carried with 6 ayes and 0 nays.**

Resolution 043024-06

Various Expenses- Howie has started cleaning up the exterior of the Masonic Property. Mr. Piseck recommended to set aside an amount, so that we can draw funds down to keep the project moving. Mr. Piseck requested starting with \$100,000 to work on different phases. Mr. Piseck would like to get a storage pod, to keep some of the original wood work, to then put back into the building once updates are completed. We will keep the board posted on drawdowns and updates. This project will fall under the DRI and BOA areas. Mr. Piseck requested authorization to fund various expenses related to the Masonic Building, after discussion. **Tim Day moved, seconded by Alana Basloe to draw down \$100,000 to keep the Masonic Project moving. The motion carried with 6 ayes and 0 nays.**

Resolution 043024-07

Stumpin’ by Mike- Masonic Building- The Agency received a proposal from Stumpin’ by Mike for \$5,500 to remove the trees at the Masonic. Mr. Piseck would like to move ahead with removing the trees at the Masonic. **Mike Werenczak moved, seconded by John Scarano to approve the quote of \$5,500 to have the trees removed. The motion carried with 6 ayes and 0 nays.**

Resolution 043024-08

Fuzehub Sponsorship- Mr. Piseck proposed a \$2,000 sponsorship, this would support the Vitality in the Valley event at HCCC, on June 5, 2024. **Cory Albrecht moved, seconded by Tim Day to approve the sponsorship. The motion carried with 6 ayes and 0 nays.**

Resolution 043024-09

IDA Lease- HARC- The lease expires in September 2024, Mr. Piseck suggested signing the lease for The Agency office space located in the Arc Building, for another 2 years. If The Agency leaves before the two-year term is up, there will be no penalties as the building manager stated, he can rent the space no problem. **John Scarano moved, seconded by Tim Day to approve extending the current lease in the amount of \$1102.50, per month, for two years. The motion carried with 6 ayes and 0 nays.**

Resolution 043024-10

Hansen Island Bridge Proposal- Little Falls owns the bridge and they have been unsuccessful with receiving a Grant to fix the Hansen Island Bridge. The Agency received a proposal from Barton & Logudice, to complete a structural evaluation and load rating on the Hansen Bridge in the amount of \$14,000. They estimated that it will be another \$5,000 to repair the bridge. Chet and the City of Little Falls, would then maintain the bridge. **Cory Albrecht moved, seconded by Alana Basloe to approve the proposal in the amount of, \$14,000 to come up with Engineering plan for Hansen Island Bridge. The motion carried with 6 ayes and 0 nays.**

Resolution 043024-11

Mr. Bono welcomed comments from elected officials.
No comments were made.

Project Updates/ Other Business:

- Chips- The County has ownership of Chips and they had an agreement with NYS Comptrollers office to remove the tanks. The Agency was not able to apply for assistance from solid waste Authority to remove the tanks and while waiting, more asbestos fell. Now it is unacceptable for NYS Comptroller to take it. The Agency is working with HRP Associates and other consultants to tear down the structure. The Agency has a rough estimate of \$100,000 to take down the building. The Agency has applied on behalf of the county, to MVEDGE RLF grant for the municipalities for \$100,000. Once the building is down and the tanks are removed, the property will be turned over to the Town of Frankfort to maintain and use for parking for the Bike Path.
- ContainerFare- This company is closing this week on the building previously owned by ELG, they are a processing company. The Agency is working with Hodgson Russ on project specifics.
- EDC Conference- May 22, 2024, the Staff will all be attending the conference in Cooperstown.
- Village of Ilion Thank you: The Village sent a Thank you card to The Agency for letting them use the Russell Farm Property for training.
- William K. Guglielmo Legacy Award – The Agency is receiving the award at noon today.
- Mr. Piseck received the Phil Clappin award at the Brownfields Summit on May 23, 2024.
- Daneli Partners training is going fantastic.
- Jenn Waters from ESD, will be in the Herkimer Chamber Conference Room on Thursday May 2, 2024, doing a presentation on the Semi-Conductor Industry. Board members encouraged to attend.

- EPA has awarded us two \$100,000 grants. Rem Arms received 100,000 and Bills School received \$100,000.
- Duofold- The Agency is working towards a \$20 Million Dollar Grant for Duofold building.

Alana Basloe moved, seconded by John Scarano to enter into executive session at 9:27 AM to discuss matters of contracts and properties. The motion carried with 5 ayes and 0 nays. All board members, John Piseck, Victoria Adams, Erin Spina, Jennifer Young, Alaina Valeriano, Anthony Hallak, and Shannon Wagner were invited to stay.

Cory Albrecht and Alaina Valeriano were excused from the meeting at 09:47am.

John Scarano moved, seconded by Alana Basloe to end executive session at 9:57AM. The motion carried with 5 ayes and 0 nays.

Being no other business, Alana Basloe moved, seconded by Tim Day to adjourn at 9:58AM. The motion carried with 5 ayes and 0 nays.

Respectfully Submitted,

Alaina Valeriano



Community & Business Development Specialist

INDUCEMENT RESOLUTION
043024-04

At a regular meeting of the Herkimer County Industrial Development Agency held at 420 E. German Street, Herkimer, New York, on April 30, 2024 at 8:00 A.M.

The meeting was called to order by the Chairman, and, upon the roll being called, the following were

PRESENT: Vincent J. Bono, Cory Albrecht, Michael Werenczak, John Scarano, Timothy Day and Alana Basloe

ABSENT: Ann Gaworecki

ALSO PRESENT: John Piseck, Victoria Adams, Alaina Valeriano, Jennifer Young, Erin Spina and Anthony Hallak

The following resolution was offered and seconded with the members voting:

AYE

NAY

All

None

RESOLUTION OF THE HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "AGENCY") TAKING OFFICIAL ACTION TOWARD APPOINTING EPR WATER, LLC (the "COMPANY), AND THE PRINCIPALS OF THE COMPANY, AS AGENT OF THE AGENCY IN CONNECTION WITH A LEASE-LEASEBACK TRANSACTION, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AND PROJECT AGREEMENT AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE PROJECT.

WHEREAS, the Herkimer County Industrial Development Agency (the "Agency") is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law of the State of New York Chapter 410 of the Laws of 1970 and Chapter 158 of the Laws of 1981 of the State (collectively, the "Act") to promote, develop, encourage and assist in the constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, pollution control, commercial, research and recreation facilities for the purpose of promoting, attracting 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 (the "State"); 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 provide assistance in the construction and equipping of one or more "Projects" (as defined in the Act); and

WHEREAS, the Company has presented an application (the "Application") to the Agency, a copy of which was presented at this meeting and copies of which are on file at the office of the Agency, requesting that the Agency consider undertaking; (i) to provide assistance through sales tax incentives for the constructing, equipping, and financing of the above described project Facility and real property tax relief in the form of a Payment in Lieu of Tax Agreement (the "Assistance"), (ii) to acquire, construct, equip, and finance the Facility or to cause the Facility to be constructed, equipped, and financed; and (iii) to lease (with an obligation to purchase) or sell the Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, the Facility will consist of the acquisition, construction, and equipping of a recreation and tourism facility located in the Town of Webb, Herkimer County, State of New York, known as 3183 State Route 28, Old Forge, New York 13420. The Project has an estimated cost of Thirty Eight Million Five Hundred Thousand and 00/100 Dollars (\$38,500,000.00) (the "Project Costs"); and

WHEREAS, the Agency has given due consideration to the Application and to representations by the Company; and

WHEREAS, the Project should receive Financial Assistance in the form of exemptions from sales tax, mortgage tax and real property tax abatement based on the description of public benefits to occur as a result of the Project as described in a cost benefit analysis performed by the Agency and failure by the Company to meet the expected public benefits will result in a recapture event; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto the Department of Environmental Conservation of the State Department of Environmental Conservation of the State (collectively "SEQR"), the Agency constitutes a State Agency; and

WHEREAS, the Agency has considered its environmental assessment form and related forms (the questionnaire submitted by the Company) the requisite criterion to determine whether the proposed action or the Project will have a significant effect on the environment; and

WHEREAS, if required by the Act, a public hearing will be duly noticed and had with respect to the Facility and the Assistance.

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

1. Based upon the application and other representations made by the Company to the Agency and the Agency's due deliberation, the Agency hereby makes the following findings and determinations:

A. The Facility constitutes a "Project" within the meaning of the Act.

B. The Assistance will induce the Company to locate the Facility in the County, thereby maintaining and increasing employment opportunities within the State of New York and otherwise furthering the proposes of the Agency as set forth in the Act.

C. Except as is permitted by law, the Facility will not result in the removal of a commercial, industrial or manufacturing plant or facility of the Company or any other proposed occupant of the Facility from one area of the State to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Facility located in the State.

2. The form and substance of the proposed agreement in substantially the draft form presented to this meeting between the Agency and the Company setting forth the undertakings of the Agency and the Company with respect to providing of the Assistance (the "Agreement") are hereby approved. The Chairman, Vice Chairman and Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Agreement in substantially the form presented to this meeting, with such changes in terms and form as the Chairman, Vice Chairman or the Chief Executive Officer shall approve. The execution thereof by the Chairman, Vice Chairman or Chief Executive Officer shall constitute conclusive evidence of such approval.

3. Subject to the conducting of a public hearing, if required, pursuant to Sections 859-a and 862 of the Act and subject to the conditions set forth in the Agreement, the Company is hereby authorized to proceed with the acquisition, construction, equipping, and financing of the Facility and to advance such funds as may be necessary to accomplish such purposes.

4. Subject to the conducting of a public hearing, if required, pursuant to Sections 859-a and 862 of the Act and subject to the conditions set forth in the Agreement, the Company in accordance with the Agreement and where applicable its tenant or tenants, are appointed the true and lawful agents of the Agency (i) to acquire, construct, equip, and finance the Facility, (ii) to

make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency, and in general to do all things which may be requisite or proper for completing the Facility, all with the same powers and the same validity as the Agency could do if acting in its own behalf.

5. This Project shall not proceed until it has conformed with all requirements of SEQR, conditions (if any) imposed by the Town of Webb, this Agency has adopted the Negative Declaration of the Town of Webb or County of Herkimer as Lead Agency in the SEQR process and the Company has provided sufficient proof of its ability to finance the Project.

A copy of this resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours and notices of this negative declaration shall be filed, posted and published as shall be necessary to conform with the requirements of SEQR.

6. This Resolution shall take effect immediately.

STATE OF NEW YORK)
) ss.:
COUNTY OF HERKIMER)

I, the undersigned Assistant Secretary of the Herkimer County Industrial Development Agency, do hereby certify that I have compared the foregoing extract of the minutes of the Herkimer County Industrial Development Agency (the "Agency") held on April 30, 2024 with the original thereof of file in my office, and that the same is a true and correct copy of the original and of the whole of the original insofar as the same relates to the subject matters therein referred to.

I, FURTHER CERTIFY that (i) all members of the Agency had due notice of the meeting, (ii) the meeting was in all respects duly held, (iii) pursuant to Section 99 of the Public Officers Law (Open Meetings Law), the meeting was open to the general public, and public notice of the time and place of the meeting was duly given to the public and news media in accordance with Section 99 and (iv) there was a quorum of the members of the Agency present throughout the meeting.

I, FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed and rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 30th day of April, 2024.

**HERKIMER COUNTY INDUSTRIAL
DEVELOPMENT AGENCY**

By: 
Victoria Adams, Assistant Secretary