

**Chemung County Industrial Development Agency**  
**Minutes of the Meeting**  
**June 8, 2023**

A meeting of the Chemung County Industrial Development Agency convened on Thursday, June 8, 2023 at 9:00 AM in the 5<sup>th</sup> floor conference room of the Hazlett Building, 203 Lake Street, Elmira, New York.

Members present were Dawn Burlew, Michael Cantando, Martin Chalk, Michael Collins, Chad Keenan, Mark Margeson and Liane O'Brien.

Also present were Joseph Roman, Executive Director of the Agency; Russell Gaenzle (Webex) and Stephen Maier, Counsel to the Agency; Jill Koski, Michelle VanDeBogart and Benjamin Fleischman, Staff to the Agency; Mary Rocchi, Recording Secretary; Drew Mitchell, City Center Apartments; Timothy Gourley, Trek Engineering (Webex); Ernest Hartman and Nicholas Ahearn, IBEW; members of the community and media.

Mr. Margeson called the meeting to order at 9:00 AM.

**Public Comment:** The Agency has a Public Comment Policy of 72 hours advance notice of a meeting if a member of the public would like to make a comment. The IDA agreed to waive the policy for this meeting. Mr. Margeson asked that the comments be limited to three minutes for those wishing to speak.

Gregg Radford is a former employee of First Arena. He and a bunch of others that have money out there are looking for paths moving forward and taking legal action against Mr. Donner as well as over \$400 for season tickets that will not be used. He asked if the IDA could do something and sell the building to someone else. He noted that this is the third time that this has happened. There is nothing here in town that draws any activity to anything downtown. There is no other building available. He hopes for something definitive and does not want to have someone do this again. He does not want to have a rinse and repeat. He knows it's an old building, and that the operational perspective was done in the cheapest way.

Lewis White was the recreation rink and facilities manager. He left the rink on December 10<sup>th</sup>, as he saw the writing on the wall with Mr. Donner not paying bills to contractors, as well as a list of all the people who did buy season tickets, as well as other people, including Mr. White's daughter who worked in the office. He was worried how it would pan out. With the public he is asking for transparency, whether or not there is going to be a management team, or rumors of a pro team coming back this fall. There is a lot of people here that enjoy hockey. Mr. White commented that he is not here to complain, he is here to help with anything that he can help with. If we need something in writing form season ticket holders, or if there is anything he can do to help.

Kathy Johnston was wondering if there is any communication between hockey teams and the arena, looking for an answer on whether or not there is anything going on. She asked about the travel plaza going on in Big Flats. There was a house that was torn down because it was in the view of airlines coming into the airport, not sure if the current owner knows. She has questions.

Timothy Von Bevern is here on behalf of First Arena. He has been a fan since the Jackals. It is frustrating on a yearly basis. The arena is the only draw to downtown Elmira. There are not that many people there. Hockey fans are frustrated as to whether there is going to be a team on a year to year basis, a lot of money and a lot of issues, as a county resident and a fan of hockey, we need the right person and would like to see the right person succeed in the arena. His son was able to connect with the players. The youth hockey in the area is wondering whether or not they are going to play in Elmira or are they then going to Ithaca and other places, as well as other parents that it is unfair for your kids to play hockey. There is a lot of money and a lot of frustration. He is a community member that would like to see it succeed. Would do anything to see it succeed.

Mr. Margeson thanked the public for their comment and replied that there are many moving parts on the arena and the Chemung County IDA would provide additional information soon.

**Minutes:** On Motion No. 6/2023-38 by Mr. Collins, seconded by Mr. Chalk and unanimously carried, the minutes of the May 11, 2023 meeting were approved.

**Financial Report:** Ms. VanDeBogart presented the financials through May. We received a CVS payment of \$426,136. We received \$66,666 from the County. Total income was \$473,878.58 and total expenses were \$59,570.71. Under other professional fees, half of the MRB Group study is being paid for by the IDA, while STEG is paying for half as well. Net income is \$414,307.87. We have \$3,391,584.99 cash on hand. There has been no activity for the arena account and stands as the previous month. On Motion No. 6/2023-39 by Mr. Keenan, seconded by Ms. Burlew and unanimously carried, the financial report was approved.

**Executive Directors Report:** STEG's quarterly meeting is June 20<sup>th</sup>. The Operations and Oversight Committee is postponed for a few weeks. This committee will review STEG's initiatives to see if they are reaching their economic development goals. Hale Roofing did some work on the STEG/Chamber building roof. A full replacement of the roof will cost approximately \$450,000. We are having Hale patch and repair for now. Brookside Park on Cedar Street gained an adjacent property. The property is less than an acre. There has been interest by Dollar Stores for that property. We are working with Michael Manzari on a lease agreement for 17 Aviation Drive.

Ms. Koski reported that we are working on WENY spotlights for the IDA and running commercials and sponsorships. She is working on Consolidated Funding Applications through New York State. STEG/CCIDA offers technical assistance to a company if needed. New York Main Street is a very competitive source of funding. We are considering what project to target for this round of funding. Staff continues to work on Business Spotlights, social media, newsletters. She is working with the new owner of the Star Gazette building. The developer has several ideas for that building within the next year. Public hearings were held for Breesport One and Breesport Four. There was no public comment on either project.

**City Center Apartments:** On Motion No. 6/2023-40 by Ms. Burlew, seconded by Mr. Chalk and unanimously carried, a RESOLUTION OF THE CHEMUNG COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MAY 16, 2023, WITH RESPECT TO THE CITY CENTER APARTMENTS LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A

SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, AND EQUIPPING OF THE FACILITY, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH THE TAX AGREEMENT (DEFINED HEREIN) AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF THE STATE OF NEW YORK, AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT was approved.

**CP Breesport One LLC:** Ms. O'Brien asked what happens if the current operator sells the solar field to an unrelated party, would they have to come back to the IDA for approval. Mr. Maier replied that the new company would have to come back to the IDA for approval. If the town does not have a decommissioning agreement in place, the Chemung County IDA will require one from the company prior to final approval. The CCIDA will bond the project to cover the costs of decommissioning the project when needed. On Motion No. 6/2023-41 by Ms. Burlew, seconded by Mr. Chalk and unanimously carried, AN AMENDMENT TO THE PROPOSED RESOLUTION TO REQUIRE THE COMPANY, PRIOR TO CLOSING, TO PROVIDE PROOF THAT A DECOMMISSIONING BOND IS IN EFFECT TO TAKE INFRASTRUCTURE DOWN AND RESTORE THE PROPERTY TO ITS ORIGINAL STATE was approved.

On Motion No. 6/2023-42 by Mr. Cantando, seconded by Mr. Collins and unanimously carried, a RESOLUTION OF THE CHEMUNG COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON JUNE 1, 2023, WITH RESPECT TO THE CP BRESSESPORT ONE LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, AND EQUIPPING OF THE FACILITY, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH THE TAX AGREEMENT (DEFINED HEREIN) AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF THE STATE OF NEW YORK, AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

**CP Breesport Four LLC:** The Chemung County IDA has not received the resolution from the Town of Horseheads for this project yet.

**3 Sisters Solar Farm LLC:** Mr. Timothy Gourley, President of Trek Engineering, discussed the four solar projects proposed for the Town of Chemung. There are six parcels, approximately 136 acres of abandoned farm land that four systems would be installed on. The company will develop on 132 acres. The panels will cover 70 acres and 100 acres of fence will be placed around the solar field. There are 46,000 panels that will turn to face the sun for better efficiency and to collect more energy. The company is working with the Town of Chemung on various approvals. A decommissioning bond will be secured through the town. The Preliminary SEQRA will be reviewed on June 14<sup>th</sup>. A special use permit will be required. The company is finalizing agreement with NYSEG so they can move forward in the future. They would like to start construction later in the year. They will use local labor/workforce and services in the construction phase, but will only require two employees to maintain the fields once complete.

They have cleared hurdles with Fish and Wildlife, State Historic Preservation Office, Department of Environmental Conservation. The PILOT agreement is an outstanding item. Mr. Gourley discussed the non-refundable application fee and the Agency fee of 1% of the total project cost. The cost is approximately \$10 million per field. The company is asking for a reduction of the 1% state standard fee to .25%. Ms. O'Brien asked if increased fire protection would be needed. Mr. Gourley commented that the solar panels are made of glass and silica which is not flammable. The panels are US certified and meet building code. If the equipment catches on fire, Emergency Response Services will be contacted to stop the spread of fire. Technical support is within one hour away if Emergency Response is necessary. They can offer guidance of containment of the site. The four projects have one holding company. The projects are located north of Vulcraft on Rotary Road and West Drybrook. With some upgrades to their system, NYSEG will have the capacity for these projects. They will use as many American made products as possible but some of them will have to be shipped from overseas. Mr. Roman thanked Mr. Gourley for taking the time to speak to the IDA board.

**Old Business:** There was no old business.

**New Business:** There was no new business.

On Motion No. 6/2023-43 by Ms. Burlew, seconded by Mr. Chalk and unanimously carried, Executive Session convened at 9:44 AM to discuss financial matters.

On Motion No. 6/2023-44 by Ms. O'Brien, seconded by Mr. Collins and unanimously carried, Executive Session dismissed at 10:43 AM.

**3 Sisters Solar Farm LLC:** On Motion No. 6/2023-45 by Ms. O'Brien, seconded by Mr. Collins and unanimously carried RESOLUTION OF THE CHEMUNG COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING AN APPLICATION WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW, THE "PROJECT"), (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT, AND (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT was approved.

**3 Sisters Solar Farm 2 LLC:** On Motion No. 6/2023-46 by Ms. O'Brien, seconded by Mr. Collins and unanimously carried, a RESOLUTION OF THE CHEMUNG COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING AN APPLICATION WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW, THE "PROJECT"), (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT, AND (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT was approved.

**3 Sisters Solar Farm 3 LLC:** On Motion No. 6/2023-47 by Ms. O'Brien, seconded by Mr. Collins and unanimously carried, a RESOLUTION OF THE CHEMUNG COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING AN APPLICATION WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW, THE "PROJECT"), (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT, AND (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT was approved.

**3 Sisters Solar Farm 4 LLC:** On Motion No. 6/2023-48 by Ms. O'Brien, seconded by Mr. Collins and unanimously carried, a RESOLUTION OF THE CHEMUNG COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING AN APPLICATION WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW, THE "PROJECT"), (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT, AND (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT was approved.

**First Arena:** On Motion No 6/2023-49 by Mr. Chalk, seconded by Mr. Collins and unanimously carried, THE CHEMUNG COUNTY INDUSTRIAL DEVELOPMENT AGENCY STAFF AND LEGAL COUNSEL WILL NEGOTIATE A LEASE OR OTHER STRUCTURED AGREEMENT WITH PARTIES INTERESTED IN LEASING FIRST ARENA was approved.

**Adjournment:** On Motion NO. 6/2023-50 by Ms. Burlew, seconded by Mr. Collins and unanimously carried, the meeting adjourned at 10:46 AM.

Respectfully submitted,

Mary Rocchi  
Recording Secretary