



MINUTES

December 20, 2022

### **Herkimer County Industrial Development Agency Board of Directors Annual Meeting**

#### STAFF

JOHN J. PISECK, JR.  
Chief Executive Officer

STACEY J. HOLLERAN  
Chief Financial Officer

VICTORIA L. ADAMS  
Administration & Grant  
Coordinator

ERIN E. SPINA  
Marketing & Communications  
Specialist

#### BOARD OF DIRECTORS

VINCENT J. BONO  
Chairman

CORY ALBRECHT  
Vice Chairman

JOHN SCARANO  
Secretary

MICHAEL WERENCZAK  
Treasurer

ANN GAWORECKI  
Director

TIM DAY  
Director

ALANA BASLOE  
Director

#### COUNSEL

ANTHONY G. HALLAK, Esq.  
Felt Evans, LLP

The Herkimer County Industrial Development Agency held a regular meeting of the Board of Directors on Tuesday, December 20, 2022 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](http://www.zoom.com) or by dialing (929) 205-6099 and entering meeting ID: 886 8128 8098 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 8:00 AM.

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

**Members Absent:** Michael Werenczak

**Staff Present:** John Piseck, Stacey Holleran, Victoria Adams, Erin Spina

**Also Present in Person:** Herkimer County Legislators: Pete Manno, Mark Gaworecki, Greg Malta, John Stephens; Anthony Hallak; Assemblyman Robert Smullen

**Also Present Virtually:** Kathy Haake, Susan King, Thomas Fucillo, Garth Curtis, Andrea Hart

**Mission Statement:** Mr. Piseck read the Agency's Mission Statement

#### **Minutes:**

***November 29, 2022 Regular Board Meeting:*** The minutes of the November 29, 2022 regular meeting were offered for review. **Ann Gaworecki moved, seconded by Cory Albrecht, to approve the minutes as presented. The motion carried with 6 ayes and 0 nays.**

***December 13, 2022 Bloom Utica, LLC Public Hearing:*** The minutes of the December 13, 2022 Bloom Utica, LLC Public Hearing were offered for review. **Ann Gaworecki moved, seconded by Tim Day, to approve the minutes as presented. The motion carried with 6 ayes and 0 nays.**

**420 E. German Street, Box 1 Suite 101A, Herkimer, NY 13350 315-866-3000**

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***December 13, 2022 EDF Warrior Solar Public Hearing:*** The minutes of the December 13, 2022 EDF Renewables Warrior Solar Public Hearing were offered for review. **Ann Gaworecki moved, seconded by Cory Albrecht 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: November 2022 Financial Report, Balance Sheet, Check Register, RLF/Lease Balance with payment status, and SBP Mortgage. Mr. Piseck stated that all outstanding loans are being paid accordingly; Mr. Piseck thanked the Herkimer County Legislature for passing their budget to maintain their relationship with the Agency. **John Scarano moved, seconded by Tim Day to approve all financial reports as presented. The motion carried with 6 ayes and 0 nays.**

**Higby Gold – Assignment of Lease-Leaseback:** Higby Gold, Inc. has entered into a transaction for the sale of their project facility to Local Gas ADK, LLC. Local Gas ADK, LLC will assume any and all responsibilities under the project documents. Local Gas ADK, LLC is not entitled to receive any further financial assistance except for those rights remaining pursuant to a Payment In Lieu of Tax Agreement dated May 1, 2019. After discussion, **Cory Albrecht made the following motion:**

**RESOLUTION AUTHORIZING THE AGENCY TO  
CONSENT TO THE ASSIGNMENT OF A LEASE-  
LEASEBACK TRANSACTION FROM THE COMPANY  
TO LOCAL GAS ADK, LLC FOR REAL PROPERTY  
SITUATE IN TOWN OF FRANKFORT, COUNTY OF  
HERKIMER KNOWN AS 1 COUNTRY MILE.**

**Seconded by John Scarano, the motion carried with 5 ayes 0 nays, and 1 abstention (Gaworecki). The official resolution is attached to the original minutes. Resolution:122022-01.**

Susan King, Thomas Fucillo, and Garth Curtis exited the meeting at 8:16 AM.

**Annual Election of Officers, Committees, Claims Auditors:**

**Tim Day moved, seconded by Cory Albrecht to retain the following officers for 2023:**

*Resolution: 122022-02*

- Vincent J. Bono as Chairman
- Cory Albrecht as Vice-Chairman
- John Scarano as Secretary
- Michael Werenczak as Treasurer

**Alana Basloe moved, seconded by Ann Gaworecki to retain Stacey Holleran as Assistant Secretary/Treasurer Resolution: 122022-03**

**Ann Gaworecki moved, seconded by Tim Day to retain the following committees for 2023:**

*Resolution: 122022-04*

- **Revolving Loan Committee – Gaworecki, Scarano, Albrecht**
- **Audit and Governance Committee – Board as a whole**
- **Finance Committee – Board as a whole**
- **Marketing Committee – Scarano, Werenczak, Day**
- **Claims Auditor(s) – Scarano, Gaworecki, Bono**

**Small Business Loan/Grant Funds:**

***CDBG CARES Update:*** Victoria Adams provided an update on the status of the Herkimer County CARES grant. She stated that she is continuing to work with business owners on their potential applications by screening inquiries to determine program eligibility.

***Seward 2/2/2 Update:*** Victoria Adams provided an update on the Small Business Seward Revolving Loan Fund. She stated that all loans are being paid accordingly. She stated that a business owner inquired about the remaining funds and may be submitting an application for any remaining funds.

**EDF Renewables – Warrior Solar Partners, LLC – Authorizing Resolution:** The proposed Authorizing Resolution was presented to board members prior to the meeting. After discussion, **Ann Gaworecki made the following motion:**

**RESOLUTION AUTHORIZING THE AGENCY TO EXECUTE ALL RELEVANT CLOSING DOCUMENTS WITH RESPECT TO THE ACQUISITION OF AN INTEREST IN THE REAL PROPERTY SITUATE IN THE TOWN OF FRANKFORT, COUNTY OF HERKIMER AND STATE OF NEW YORK AND THE PERSONAL PROPERTY TO BE ACQUIRED AND LOCATED THEREAT (the “Facility”) THROUGH A SUBLEASE AGREEMENT, SUBLEASING SAID FACILITY BACK TO THE COMPANY; GRANTING SALES AND MORTGAGE TAX EXEMPTIONS; TO ADDRESS ENVIRONMENTAL ISSUES AND TO PROVIDE FOR INDEMNIFICATION OF THE AGENCY ON SUCH ISSUES RELATING TO THE PROJECT THROUGH THE EXECUTION OF AN ENVIRONMENTAL COMPLIANCE AND INDEMNIFICATION AGREEMENT WITH THE COMPANY (the “ECIA”); TO ENTER INTO A PAYMENT IN LIEU OF TAX AGREEMENT; AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE PROJECT.**

**Seconded by Cory Albrecht, the motion carried with 6 ayes and 0 nays. *Resolution: 122022-05***

The official resolution is attached to the original minutes.

Kathy Haake, and Andrea Hart exited the meeting at 8:22 AM.

**Marketing Update:** Erin Spina presented a slideshow to the board on recent marketing efforts which included a new landing page on the Agency website to collect inventory information for the Harvest Facility, speaker and sponsorship flyers for the 2023 Brownfields Developer Summit, and marketing goals for 2023.

**Duofold - Site Reuse Plan:** Prior to the meeting, board members were provided a site reuse plan packet for the Duofold site which was provided to the Agency and Village of Ilion through an EPA Technical Assistance grant. During the meeting, portions of the packet was shown to board members and attendees.

**Camoin Associates – Impact Study (Ratify):** The Agency received a proposal from Camoin Associates to conduct an economic and fiscal impact study of the harvest facility project. **Ann Gaworecki moved, seconded by Tim Day to authorize the Agency to enter into an agreement with Camoin Associates to conduct an economic and fiscal impact study of the harvest facility project as outlined in proposal dated December 1, 2022 at a cost not to exceed \$8,000. The motion carried with 6 ayes and 0 nays.**  
*Resolution: 122022-06*

**Brownfield Developers Summit Sponsorship:** The 2023 Brownfields Developer Summit will be held at Herkimer College on April 25-26, 2023. As a primary partner, the Agency will sponsor the dining network event at the Miners' Table restaurant the evening of April 26. **Ann Gaworecki moved, seconded by Alana Basloe to authorize the Agency to host the dining network event for the Brownfields Developer Summit at the Miners' Table restaurant at a cost not to exceed \$2,500. The motion carried with 6 ayes and 0 nays.** *Resolution: 122022-07*

**Pine Grove Road School – Reuse & Planning:** The Agency received a proposal from Weston & Sampson for preliminary reuse planning services for the former East Herkimer Elementary School located at 160 Pine Grove Road, Herkimer. Weston and Sampson will evaluate site conditions and develop ideas for reuse scenarios. **John Scarano moved, seconded by Tim Day to authorize the Agency to enter into an agreement with Weston & Sampson to provide reuse planning services for the former East Herkimer Elementary School located at 160 Pine Grove Road, Herkimer, as outlined in their proposal dated November 29, 2022, at a cost not to exceed \$35,640. The motion carried with 6 ayes and 0 nays.**  
*Resolution: 122022-08*

**Schuyler Business Park:**

**Delta Engineers - Fire Storage Water Tank:** The Agency received a proposal from Delta Engineers to provide professional engineering and land surveying services for the fire storage water tank at Schuyler Business Park. **Tim Day moved, seconded by Ann Gaworecki to authorize the Agency to enter into an agreement with Delta Engineers to provide professional engineering and land surveying services for the fire storage water tank at Schuyler Business Park as outlined in their proposal dated December 2, 2022, at a cost not to exceed \$38,000. The motion carried with 6 ayes and 0 nays.**  
*Resolution: 122022-09*

**Delta Engineers - Change Order Request:** The Agency received a proposal from Delta Engineers to continue to provide extended construction observation and administration of roadways B & C within Schuyler Business Park. **Alana Basloe moved, seconded by Tim Day to authorize the Agency to extend construction observation and administration of roadways B & C within Schuyler Business Park through spring 2023 as outlined in their proposal dated December 16, 2022, a cost not to exceed \$5,500. The motion carried with 6 ayes and 0 nays. Resolution: 122022-10**

**Village of Dolgeville – Barton & Loguidice Water Study:** The Agency received a proposal from Barton & Loguidice to provide professional engineering services focused on the improvements to the City of Little Falls' water system in order to support development of the Manheim Business Park. **Tim Day moved, seconded by John Scarano to authorize the Agency to enter into an agreement with Barton & Loguidice to provide professional engineering services focused on the improvements to the City of Little Falls' water system as outlined in their proposal dated December 9, 2022, at a cost not to exceed \$49,400. The authorization is contingent upon the results of a team meeting outlining the necessary upgrades, which will be determined at the discretion of the Board Chairman and Chief Executive Officer. The motion carried with 6 ayes and 0 nays. Resolution: 122022-11**

**Schuyler Warehouse Development – Lease/Leaseback Termination:** The Agency received a request to terminate the lease-leaseback agreement to the Schuyler Warehouse Development facility located at 138 Kenneth Dodge Drive, Town of Schuyler prior to the expiration of the lease. The company fulfilled the requirements set forth in its application for financial assistance to the Agency and is not entitled to receive any further financial assistance including a Payment In Lieu of Tax Agreement. Mr. Piseck stated that the facility will still be leased to Pepsi. After discussion, **Cory Albrecht made the following motion:**

**RESOLUTION AUTHORIZING THE AGENCY TO TERMINATE A LEASE-LEASEBACK TRANSACTION WITH THE COMPANY FOR REAL PROPERTY SITUATE IN TOWN OF SCHUYLER, COUNTY OF HERKIMER KNOWN AS 138 KENNETH DODGE DRIVE.**

**Seconded by Ann Gaworecki, the motion carried with 6 ayes and 0 nays. Resolution: 122022-12.** The official resolution is attached to the original minutes.

**Masonic Building, Herkimer – Hazmat Survey:** The Agency received a proposal from HRP Associates to perform a Hazmat Renovation Survey at the Masonic Building in Herkimer. **Ann Gaworecki moved, seconded by John Scarano to authorize the Agency to enter into an agreement with HRP Associates to conduct a Hazmat Renovation Survey on the Masonic Building in Herkimer as outlined in their proposal dated December 7, 2022, at a cost not to exceed \$7,860. The motion carried with 6 ayes and 0 nays. Resolution: 122022-13**

**Project Jefferson – Land Sale:** Mr. Piseck stated that this item is for the remaining 15 acres at Schuyler Business Park. All information has not been received as of yet and the item was tabled.

**Charlestown Mall Site –** Board members were provided a recent EPA report outlining site cleanup activities and current status of the Charlestown Mall site. Mr. Piseck recommended the Agency look into taking over the site for redevelopment.

Mr. Bono welcomed comments from elected officials.



**Assemblyman Smullen:** Assemblyman Smullen spoke on the legislative session underway in Albany, thanked the Agency for their continued efforts to develop brownfield sites, and commended the Agency on brining in the harvest facility to fill a gap in the supply chain.

**Legislator Peter Manno:** Thanked the Agency.

**Project Updates/Other Business:**

***Eastern Mohawk Valley Water Transmission Line:*** A team meeting is scheduled.

***2023 Meeting Dates:*** A list of dates was provided as a handout to board members.

***Board Evaluations 2022:*** Board members were provided an evaluation form for 2022 and asked to return it upon completion.

***Mohawk Valley EDGE:*** Mr. Piseck will sit on the Executive Committee for Mohawk Valley EDGE beginning 2023.

***SunEast:*** Mr. Piseck stated that the company was recently acquired by another firm. He expects all four projects to close in the coming months as well as an additional project that is being discussed.

***ELG Utica Alloys:*** The company is purchasing additional land and will sell their existing facility.

***Wilcor Sales Tax Abatement Overage:*** Mr. Hallak stated that he expects to resolve the issue at the January board of directors meeting.

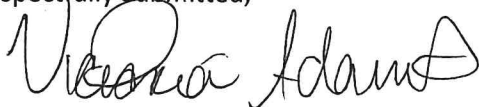
**John Scarano moved, seconded by Ann Gaworecki to enter into executive session at 9:28 AM to discuss matters of negotiation and developments of a potential project. The motion carried with 6 ayes and 0 nays.** All board members, John Piseck, Stacey Holleran, Victoria Adams, Erin Spina, and Anthony Hallak were invited to stay.

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**Alana Basloe moved, seconded by John Scarano to end executive session at 10:10 AM. The motion carried with 6 ayes and 0 nays.**

**Being no other business, Alana Basloe moved, seconded by John Scarano to adjourn at 10:11 AM. The motion carried with 6 ayes and 0 nays.**

Respectfully Submitted,



Victoria Adams  
Administration & Grant Coordinator