

ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
MINUTES OF MEETING
May 12, 2010

CALL TO ORDER: Chairman Brian Staples called to order a meeting of the St. Lawrence County Industrial Development Agency at 8:02 AM at McCarthy's Restaurant, Canton.

ROLL CALL:

Blevins	Present	Hall	Present
LaBaff	Present	McMahon	Present
Staples	Present	Weekes	Present

Others: IDA Staff Ray Fountain, Patrick Kelly, Rich Williams, Brian Norton, Kimberly Gilbert & Natalie Sweatland; Agency Counsel William R. Small, Esq.; and Edmund J. Russell, III, Esq., of Underberg & Kessler.

MINUTES: LaBaff/Weekes move to accept the minutes of the April 27, 2010 meeting.

PUBLIC NOTICE: Public notifications sent May 4, 2010 to, at a minimum: St. Lawrence County's newspapers designated for the publication of local laws and other matters required by law to be published; additional local media sources and websites.

PUBLIC COMMENT: None

FINANCIAL REPORT: None

COMMITTEE REPORT: None

STAFF REPORT: Mr. Fountain reports on the following:

- Adirondack Rail Project – We have received an indemnification agreement as requested at an earlier meeting. The agreement holds harmless IDA members, staff, officers from any claims, etc relating to the performance of Bernard C. Melewski, Esq.
- Changing World Technology – A letter that the company sent to Newton Falls Fine Paper stated that without the rail line, the company would have a most difficult time providing savings for the mill's renewable fuel use.
- New York Power Authority has forwarded a herbicide application notice to the IDA for IDA-owned property in Depeyster.
- Legal firms are requesting IDAs to designate bond counsel. It has been the IDA's past practice to provide a list of 3 recommended firms for companies to use as bond counsel. Mr. Small noted that the IDA has the right to set up a list. This practice has worked well in the past and he understands the IDA's argument to keep the designation of bond counsel open as it gives the company a choice. The IDA knows which firms they are comfortable with, but it also allows other firms to be utilized. After further discussion, it was the consensus of the IDA Board to continue with its past practice. They also understand that staff occasionally will need to engage counsel to assist in transactions. Staff, in concurrence with the IDA attorney, will make this decision.
- Comptroller's Annual Performance Report – Copies of the report were distributed. Mrs. Sweatland will also send electronic copies. The SLCIDA did well.
- Minority Women-Owned Business Enterprises – Correspondence from the NYS Assembly was distributed. This will be an issue for the Governance Committee to address. This is not a big issue in this area. Many businesses are reluctant to register.
- County-IDA Agreement – The resolution/agreement was tabled and is due for re-consideration at the June 7 Board of Legislators' meeting. The tabled resolution will be reviewed to address some concerns of the County Attorney. It is unclear which committee will be "overseeing" the process.

Mr. Blevins notes that he does not want to meet with any other committee, other than the one (Brothers, Peck, Morrill, et al) that they had been dealing with.

- Curran Renewable – Mr. Curran has asked the IDA for assistance in finding a temporary storage facility for pellets. The IDA will be leasing space to Mr. Curran on a month-to-month basis as approved by the CEO. In response to a concern from Chairman Staples, Mr. Williams will ensure that Mr. Curran provides the appropriate insurance.

OLD BUSINESS:

- Mayors Automotive Coalition – tabled from a previous meeting. The Village of Massena is now listed as a member. Mr. Clark had asked that the IDA pay for half of the fee. Mr. McMahon mentioned it to Mr. Pease, but Mr. Pease had little comment.
- Notice of Claim – Mr. Small reports that two notices had been received – one from H. Charles Livingston, Jr. and one from Penet Empire, LLC. Previous attempts to file were not legally sufficient. The IDA needs to act – either reject or accept for formal action. Mr. Small recommends the Board reject the claim. The insurance carrier should also be notified to ensure we are covered. Mr. Fountain notes that the insurance company has already been notified, but we need to provide them with a copy of the notice. The IDA has been ordered to stay off the property. The insurance company has all the information we can provide, but they have done no investigating of their own. We will have the right under discovery to obtain all information. Hall/Weekes & Blevins motion to reject the claim. Unanimous. Mr. Williams notes that repairs will be underway by the end of May.

NEW BUSINESS:

- Appointment of Nominating Committee and Announcement of Annual Meeting Date – The Chairman appoints Mr. LaBaff, Mr. Blevins and Mr. Weekes to a nominating committee for the purpose of seeking nominations for the following for the upcoming year: Chairman, Vice-Chairman, Secretary; appointment of CEO, CFO, Agency Counsel and Staff to the IDA. The Chairman also requested that Mrs. Sweatland determine a meeting date for the Annual Meeting and advise the membership.
- Resolution: Supporting the SLC IDALDC as it Pertains to a Funding Agreement with NYPA and the RVRDA. LaBaff/McMahon. Mr. McMahon provided a brief synopsis of the meetings of the Town and Village of Waddington, noting that the Village passed the resolution and the Town had issues/questions regarding interest. The original fund had 6% attached to it. Effective with SPEC's creation, NYPA put the funds in trust without interest. Mr. McMahon has proposed to NYPA's Paul Finnegan that even though the funds are in trust, that Mr. Finnegan would give what the municipalities would get (using NYCLASS), which would be lower than the 6% but higher than zero. Unanimous.

EXECUTIVE SESSION: None

ADJOURNMENT: Blevins/Hall motion to adjourn at 8:40 AM. Adjourned by unanimous consent.

/s/
(Mr.) Lynn Blevins, Secretary