

NCIDA/NCDC/NADC GOVERNANCE
COMMITTEE MEETING MINUTES

DATE: Wednesday, September 14, 2016
MEETING TIME: 8:15 a.m.
MEETING PLACE: Niagara County Industrial Development Agency

Committee Members:

Jerry I. Wolfgang, Chairperson, Present
Joan G. Aul, Member, Present
William L. Ross, Member, Present

Other Board Member Present:

Stephen F. Brady
Mark Onesi
Michael McNally
Willie C. Dunn

NCIDA Staff Members:

Samuel M. Ferraro, Executive Director
Michael S. Dudley, Finance Manager
Barbara A. Gill, Recording Secretary
Mark J. Gabriele, Agency Counsel

1.0 Call Meeting to Order

The meeting was called to order by Chairperson Wolfgang at 8:15 a.m.

2.0 Roll Call

Ms. Gill called the roll; a quorum was established.

3.0 Approval of Meeting Minutes of August 10, 2016

Mr. Wolfgang stated that he reviewed the minutes of August 10, 2016, and he asked for a motion for approval.

Mr. Dunn motioned to approve the meeting minutes; Ms. Aul seconded the motion. Motion passed.

4.0 New Business

4.1 Green Energy Policy – M. Gabriele

Mr. Gabriele stated that the NYS Real Property Tax Law Section 487 provides a 15 year real property exemption for solar, wind energy, and farm waste energy systems constructed in New York State. As currently effective, the law is a local option exemption, meaning that local governments are permitted to decide whether or not to allow it.

4.0 New Business Continued

4.1 Green Energy Policy Continued

The exemption was mandatory prior to a 1990 reenactment in which the local option clause was added. As it stands, the exemption is valid unless a government opts out of the exemption.

Mr. Gabriele stated that the local taxing jurisdictions can require project owners to enter into a PILOT agreement with each appropriate jurisdiction and their respective industrial development agency. Section 487 would require both the local IDA and the taxing jurisdictions to work together to provide the PILOT. However, the opt-out provision added to Section 487 allows the taxing jurisdictions not to provide a PILOT to the applicable company if that jurisdiction believes that the project is not beneficial to the community at large.

Mr. Gabriele stated that there appears to be a loophole in the process. Even though the State Law allows the jurisdictions not to provide the PILOT by opting out, that company can bypass Section 487 and go directly to an IDA without the consent of the tax jurisdiction. By going directly to the IDA, the company can bypass the wishes of the community and overcome the opt out option provided by Section 487 itself.

A copy of the Policy is attached to, and become a part of, these minutes.

Mr. Ross motioned to recommend approval of the Green Energy Policy to the Board Members at the Regular Board Meeting; Ms. Aul seconded the motion. Motion passed.

4.2 IDA Application Update - M. Gabriele

Mr. Gabriele stated that he, along with Agency staff, has streamlined the application, made it more user friendly, unnecessary sections and duplications were deleted, and the application was kept aligned with New York State Statutes.

Ms. Aul motioned to recommend the adoption of the updated application to the Board Members during the Regular Board Meeting; Mr. Ross seconded the motion. Motion passed.

5.0 Unfinished Business

Mr. McNally questioned employment issues and how they are addressed if the number of jobs falls short of the predetermined amount stated in the application. Mr. Gabriele stated that there is a claw-back provision where a PILOT can be either terminated, or the amount or length of time could be adjusted on a case by case basis.

6.0 Any Other Matters the Committee Wished to Discuss

There were no other matters for discussion at this time.

7.0 Adjournment

Mr. Wolfgang asked for a motion to adjourn

Ms. Aul motioned to adjourn the Governance Committee Meeting; Mr. Ross seconded the motion. The meeting adjourned at 8:20 a.m.

Respectfully submitted:



Barbara A. Gill, Administrator Coordinator