

Wayne County Industrial Development Agency
Minutes-Regular Board Meeting
7/272012

The regular board meeting of the Wayne County Industrial Development Agency was called to order by Chairman David Spickerman at 9:30 a.m. on Friday, July 27th, 2012. The meeting was held in the first floor conference room at 16 William Street, Lyons. Present: Ms. Heald and Messrs. Milliman, Havrilla and Spickerman. Also present: Ken Miller, Palmyra Town Supervisor; Steve Groat, Galen Town Supervisor; John Morell, Esq.; and M.Churchill, D.Richards, J.VanDusen, M.Leisenring.

On motion of Mr. Havrilla, seconded by Ms. Heald and carried the minutes of 6/22/2012 were approved.

Since Mr. Hoffman was not yet present at the meeting, it was decided to adjourn at 9:32 a.m. to the special meeting of the Wayne Industrial Sustainability Dev. Corp. The regular WCIDA meeting resumed at 9:35 a.m.

Next Mr. Richards gave an update on the consolidated funding applications and various letters of support written for potential projects.

RESOLUTION A: Lyons Logistics, LLC/H.P. Neun Project

RESOLUTION OF THE WAYNE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY"): (i) AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED LEASEBACK AGREEMENT AND PAYMENT-IN-LIEU-OF-TAX AGREEMENT IN CONNECTION WITH AN EXISTING PROJECT (AS MORE PARTICULARLY DESCRIBED HEREIN) UNDERTAKEN BY AND FOR THE BENEFIT OF LYONS LOGISTICS, LLC (THE "COMPANY") AS AGENT OF THE AGENCY; ii) AUTHORIZING THE PROVISION OF ADDITIONAL FINANCIAL ASSISTANCE TO THE COMPANY IN THE AMOUNT OF \$25,000.00 TO BE USED TOWARDS COST OF A NEW WASTE TREATMENT DISCHARGE SYSTEM IN FURTHERANCE OF THE PROJECT; AND (iii) AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 916 of the Laws of 1969 of the State of New York, (hereinafter collectively called the "Act"), the WAYNE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (hereinafter called the "Agency") was created with the authority and power to promote, develop, encourage and assist in acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, civic, research, and recreational facilities as authorized by the Act, and in connection therewith to

issue its revenue bonds, and/or enter into straight lease transactions and provide other forms of financial assistance; and

WHEREAS, the Agency previously undertook a certain project (the "Project") for the benefit of LYONS LOGISTICS, LLC (the "Company") involving the acquisition, construction and equipping of an approximately 19.75 acre parcel of land located at 100 Dunn Road in the Village and Town of Lyons, Wayne County, New York (the "Land", being more particularly described as TMID No. 071.111-0018-355.133) and the existing improvements thereon consisting of an approximately 131,610 square-foot vacant manufacturing facility (the "Existing Improvements"), (ii) the renovation, rehabilitation, upgrading and retro-fitting of the Existing Improvements for use by the Company for manufacturing space (the "Improvements"), and (iii) the acquisition of and installation in and around the Existing Improvements of certain machinery and related equipment and other items of tangible personal property (the "Equipment" and, collectively with the Land, the Existing Improvements, and the Improvements, the "Facility"), the Agency's interest in such Facility being set forth within and governed by a certain Company Lease Agreement (the "Original Lease Agreement"), a certain Leaseback Agreement (the "Original Lease Agreement") and a certain Payment-in-lieu-of-Taxes Agreement (the "Original PILOT Agreement"), each dated as of October 10, 2011, along with related documents (collectively, the Original Company Lease, the Original Lease Agreement and the Original PILOT Agreement, along with related documents collectively referred to herein as the "Original Facility Documents"); and

WHEREAS, the Company requested further financial assistance in connection with the unexpected cost of a new water treatment discharge system in furtherance of the Project (the "2012 Waste Treatment Costs"); and

WHEREAS, the Company and the Agency desire to amend and restate the Original PILOT Agreement to clarify the period of tax abatement benefits in connection with the Village Taxes and to amend the term of the Original Leaseback Agreement to correspond with the period of benefits in connection with the Village Taxes; and

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

Section 1. The Agency hereby authorizes the provision of up to \$25,000.00 of additional financial assistance to the Company to be used for the 2012 Waste Treatment Costs in furtherance of the Project.

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Resolution E/ OB- Whereas, the WCIDA has received a PILOT application from Bob Murphy regarding the expansion of the former Terry Bicycle facility in Macedon for the use of a new company, Dau, which involves significant investment and net new jobs to New York and Wayne County; be it

Resolved that the 30 day notice for public hearing be placed for a hearing to take place in the Town of Macedon.

Moved: Mr. Milliman Second: Mr. Havrilla
Ayes: Ms. Heald and Messrs. Milliman, Havrilla, Hoffman and Spickerman
Nays: None

Resolution F/OB –Whereas, the WCIDA has received a request for assistance to retain a company within the county with a net new jobs to New York State of 21, and,

Whereas, the WCIDA board members have read the proposal and agree to the terms; be it hereby

Resolved to authorize a loan to grant and consideration of revolving loan funds, along with facilitation of connectivity to other possible resources.

Moved: Ms. Heald Second: Mr. Havrilla
Ayes: Ms. Heald and Messrs. Havrilla, Hoffman, Spickerman and Milliman
Nays: None

Mr. VanDusen updated the board on recent B, R&E visits and potential projects. It was noted that this would be his last board meeting as he will be returning to college. The Board thanked him for his contributions to the Agency.

Ms. Churchill gave a brief update on the railroad.

There being no further business, the meeting adjourned at 12:43 p.m.

Respectfully submitted,

Marie Leisenring
Secretary