

IDA GOVERNANCE COMMITTEE 2019  
Virtual Meeting  
Meeting Minutes 3-30-20

The committee meeting was called to order at 5:06pm.

In attendance: Committee Chair Lori Pipczynski  
Tom Cruso  
Tracy Stark-James  
Dick Ehlers  
Tony Barresi

Absent:

- I. Application fee descriptions – The committee discussed clarifying the language in the Fee Schedule as well as in the application. Discussion was had as to further defining “project costs.” Counsel explained that the Agency considers the whole expense of bringing the project to fruition as the “total project costs” and that it is a term of art. Tony Barresi suggested that a project should update their proforma if there is an extended period of time from the original submission of the application to the approval. Counsel explained that the applicant re-certifies that everything is true and correct upon the closing. The committee decided to recommend the clarifications as proposed within the Fee Schedule and to separately review the application at a later date. The Fee Schedule is part of the application. Tom Cruso motioned to approve the Fee Schedule as amended. Tony Barresi seconded. The committee approved recommending the amended fee schedule to the board.
- II. The committee then reviewed the PARIS report and other annual reports and policies. The ED noted one change to job numbers from the draft that was originally forwarded to the committee.  
Tony Barresi motioned to approve the PARIS report for recommendation to the board. Tom seconded with an amendment stating: To recommend for approval by affirmative response from the board via email so that the ED may file a timely report and a formal resolution will be ratified when the board meets. The committee approved the amended motion. Tom Cruso then motioned to recommend the list of reports and policies in the same manner. The Disposition of Real Property Policy and Report, Procurement Policy and Report, Statement of Board Responsibilities, Code of Ethics, Whistleblower, Bylaws, Time and Attendance, Mission Statement and Measurement Report and the Fee Waiving Policy as amended are recommended for approval by affirmative response from the board via email until a formal resolution can be ratified during the next board meeting. Tony Barresi seconded. The motion was approved.
- III. The committee reviewed the Annual Board Evaluation. Tom Cruso noted that the Agency needs to be mindful that it is as up to date as it can be on policy and regulations. Overall the

evaluation was positive. No action was necessary, but the committee would like to discuss it during the next board meeting.

- IV. Compliance Review – The ED reviewed a Late Pilot Fee waiver request with the committee. It was noted that the Pilot payment was a few days late to the Agency due to a change in staffing at the company, but the payment to the taxing jurisdictions was not. The company has a stellar record of compliance. Tony Barresi motioned to recommend waiving the late fee to the board. Tom Cruso seconded. Motion approved to recommend waiving the late Pilot Fee to the board.

The ED explained that another company has not submitted a compliance report and requested that the agency revise the compliance report to be less burdensome. The committee will recommend calling the company in for compliance hearing.

The ED explained that another company which has graduated also did not submit a compliance report, however since the company has completed its benefit period there is no way to force a collection of information. Therefore, last year's information was carried forward in the PARIS report and the company has been taken out of the system. Since the Agency does not always hold deeds anymore, Counsel and Executive Director are working on language in the closing documents to force exit interviews for data collection.

- V. Correspondence from Assessors - Counsel explained that the Agency and the IDA companies received a letter from the Board of Assessors notifying them that the Fire District exemption currently being received through the IDA was improperly granted, noting that the Agency had no legal authority to exempt the Fire District. Therefore, the Board of Assessors will be removing the exemption prospectively. Counsel reminded the board that the Assessors approve the 412 A application on every PILOT project and has done so for forty years. He also noted that the Assessors used the term "error" within the copy because the letter was issued after taxable status date. He continued that it was his opinion that the revocation of an Agency exemption is not proper protocol and they did not follow any due process to revoke such an exemption. Additionally, changing a 40year policy makes them vulnerable under open meetings law. Counsel informed the committee that we will have to go to the administrative review in May. It was suggested that Counsel and the Executive Director draft a letter to the Town Board detailing the situation, that it is not proper and it will be an unnecessary expense to the Town if this continues. Tom Cruso motioned to have staff draft a letter to the Town Board detailing the situation and requesting a meeting. Tony Barresi seconded. The motion was approved to draft a letter and send it around to the entire board for review and comment.

- VI Counsel explained a letter received by a former Agency project's attorney requesting a refund for an overpayment for tax payments resulting from a tax certiori settlement for the tax years 2012/2013. They received a tax value reduction that would normally result in a refund from the SC Comptroller, but because he claimed the property was in a PILOT

program he is making the request from the Agency. This project's benefit period expired in 2011/12. In addition, the company has merged with another entity. Counsel explained that the property had already completed its benefit period. Apparently, the Assessors issued a regular tax bill to SCNB in 2011/12, but it was then rescinded, and a new bill was reissued to the agency with the exemptions. However, the benefit period was over so the agency billed the company the full tax and passed it through to the taxing jurisdictions for that year. Dick explained that the Agency does not have money to give the company and informed the Attorney of such. He would write a letter responding to the attorney when this crisis was over.

- VII. The ED reminded the committee that some of our expenses require two signatures on our checks. In light of the "stay at home" recommendations due to COVID 19, it was suggested that the committee consider temporary relief from that section of the Procurement Policy until the crisis subsides. Tony Barresi recommended requiring only one signature by a board member on the payroll checks only until the State of Emergency has been alleviated and to be done by affirmative response from the board vial email until a formal resolution can be ratified by resolution. Tom Cruso seconded. The motion was approved.
- VIII. The ED informed the committee that Town Hall is still closed at least until April 15<sup>th</sup> and that they had not decided whether they will be holding the regularly scheduled town board meeting on April 7<sup>th</sup>. It was decided that the Agency should not hold any public meetings whether virtual or not until the Town holds a meeting.

Lori Ann Pipczynski motioned to adjourn the meeting. Tom Cruso seconded.  
The meeting was adjourned at 6:15pm.