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CHAIRMAN

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## UTICA HARBOR POINT DEVELOPMENT CORPORATION

### MEETING MINUTES – DECEMBER 12, 2018

A regular meeting of the Board of Directors of the Utica Harbor Point Development Corporation (the “LDC”) was held in the Mayor’s Conference Room at Utica City Hall. Present at the meeting were members President Vin Gilroy, Brian Thomas, Michael Pezzolanella, Councilman LoMedico and Mary Brown-DePass. Also present was Mayor Palmieri, Jack Spaeth, Lisa Nagle, Paul Romano, Cat Manion, Allison Damiano-DeTraglia, Mike Donagan and Ben Weisel (National Grid), Joe Wicks (community Foundation) and Kim Way (hospital architects NBBJ); Bob Murray participated in the meeting via conference call. The meeting was called to order at 4:02 PM by Board President Vin Gilroy.

The first item on the agenda was approval of the minutes of the October 17<sup>th</sup> regular meeting. On a motion by Councilman LoMedico, seconded by Ms. Brown-DePass, all voting members of the Board unanimously approved the minutes of the October 17<sup>th</sup> regular meeting.

Under the various committee reports, Mr. Murray noted that an agreement is being worked out with the Canal Corporation whereby the sheet piling for the reconstruction of the bulkhead wall will be in by May 17<sup>th</sup> and that occupancy of the site will be necessary for two years, possibly longer. Some discussion ensued among Board members regarding the preference that finding a replacement site needs to be a priority of the Canal Corporation and that anything longer than two years is unacceptable. In the end, Mr. Thomas noted that the 2008 legislation gives the UHPDC the final say in how long the Canal Corporation can remain at the site. Ms. Nagle indicated that she would work with Mr. Murray and Mr. Romano to craft a funding/grant timeline to be shared with the Board at its January 2019 meeting.

Relative to our partners at National Grid, Mike Donegan gave a brief presentation update to the Board on NG’s relocation of the substation. He announced that NG, at the request of UHPDC’s consultant team, is evaluating the possibility of relocating to the watering ponds behind the ‘Parthenon’. Among the considerations being evaluated are: cost implications over the previous site that NG identified (which puts the substation in the middle of the proposed stadium outfield) and

impact to/from the floodway and/or the floodplain.

Under the Design & Engineering committee report, Mr. Romano noted that bids had been received and opened for the reconstruction of the bulkhead wall; a final bid tabulation was provided to each of the Board members with their agenda. Mr. Romano then proceeded to explain the bid tabulation in light of the available funding. Based on the bids received, Mr. Romano recommended that the Board award the project to Tioga Construction for its base bid of \$6,704,542.00 along with the Deduct Alternate #1 – Cold-Formed Sheet Piling of - \$120,000.00 for a total contract award of \$6,584,542. Mr. Romano then went on to explain that any award be contingent upon the contractor satisfying Empire State Development and the UHPDC on the M/WBE requirements that were included in the bid package. Following that summation, Mr. Pezzolanella made a motion that the UHPDC award the project to Tioga Construction accepting the base bid plus the first Deduct Alternate for a total contract award of \$6,584,542, contingent upon the contractor documenting compliance with the M/WBE requirements prior to receiving Notice to Proceed. The motion was seconded by Councilman LoMedico and unanimously approved by all voting Board members.

Mr. Romano went on to note that the Canal Corporation needed additional areas for access and/or parking for their employees while the current DSA-1 project and the bulkhead wall reconstruction were underway. He indicated that City staff and/or the consultant team had conversations with representatives of both Visions Hotels and Nicky Doodle's as a means of satisfying those needs. Therefore, he asked that the Board authorize the drafting of a license agreement between the UHPDC and both parties in order to secure the legal right. To that end, Mr. Pezzolanella made a motion that Mr. Murray start drafting license agreements to share with representative of both Visions Hotels and Nicky Doodle's. The motion was seconded by Ms. Brown-DePass and unanimously approved by all voting Board members.

Relative to Property Acquisition, Mr. Murray provided an update to Board members on the status of negotiations with Arctic Ice. He stated that he was fairly confident that Arctic Ice was intent on moving forward with a sale and that a purchase offer of \$575,000 would be sufficient. As such, Mr. Thomas made a motion authorizing a purchase offer of \$575,000 be extended to Arctic Ice and granting the Board President to sign any and all agreements related to said sale. The motion was seconded by Councilman LoMedico and unanimously approved by all voting Board members.

Mr. Murray also provided an update on talks with SuitKote. A purchase price of \$32,000 has been offered which has been viewed as acceptable by the Board in the past, the consultant team is ensuring that there are no long-term costs to the Board as a result of any environmental controls that may have been put into place by the current or former owners with the State Department of Environmental Conservation. Additionally, Mr. Thomas noted that appraisals had been received for

both parcels that comprised the former Nicky Doodle's property. The appraisal for the front portion of the property totaled \$725k, while the appraisal for the property in the rear totaled \$326k. Finally, President Gilroy suggested that the Board may want to consider acquiring the services of a real estate broker that was dedicated to the Board's mission. Mr. Murray commented that the Board should just make sure that it follows its Procurement Policy when securing such services. Some discussion ensued on whether the Board's policy required quotes or Request For Proposals (RFP). In the end, it was decided that issuance of Request For Proposals would comply with the Policy.

Mr. Spaeth also noted that he is preparing an RFP to secure the services of an auditor for the Board, now that the Board had assets (property and grant funding) and that those RFP's would likely be sent out during the first week in January.

There being no further business before the Board, Mr. Pezzolanella made a motion to adjourn which was seconded by Councilman LoMedico at 5:16 PM.