

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY
JULY 14, 2015
8:00 A.M.

PLANNING DEPARTMENT CONFERENCE ROOM

AGENDA

PRESENT:

___ TODD RULISON, CHAIRMAN
___ JOSEPH SEMIONE, VICE CHAIRMAN
___ WILLIAM SULLIVAN, TREASURER
___ JOE GILLIS, SECRETARY
___ DIANA PUTNAM, MEMBER
___ DAVE D'AMORE, MEMBER
___ JAMES MRAZ, IDA EXECUTIVE DIRECTOR
___ KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
___ RON PETERS, PRESIDENT, FULTON COUNTY CRG
___ BILL WALDRON, LIAISON, ECONOMIC DEVELOPMENT COMMITTEE
___ MIKE ANICH, LEADER-HERALD

I. MINUTES FROM JUNE 25, 2015 MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :

II. BUDGET REPORT:

MOTION :
MADE BY :
SECONDED :
VOTE :

III. COMMITTEE REPORTS:

A. Nominating Committee:

- No Report.

B. Audit Committee:

- No Report.

C. Governance Committee:

- No Report.

D. Finance Committee:

- No Report.

IV. OLD BUSINESS:

A. Tryon Technology Park and Incubator Center Project:

1. SEQR:

a. Proposed Action:

1. The proposed action is the development of a pharmaceutical manufacturing business on Lot 1 at the Tryon Technology Park and Incubator Center.
2. The proposed project will include:
 - Construction and operation of approximately 208,000+/- sq. ft. pharmaceutical manufacturing facility.
 - Renovation of existing 15,000+/- sq. ft. building.
 - Construction of new internal access roads, parking, lighting and stormwater collection system.
 - Construction of new water and sewer lines.
 - Installation of gas and electric and communications and fiber optics.
 - Construction of building and site security systems.

b. Resolution Adopted at June 9, 2015 Meeting:

1. At June 9, 2015 meeting, the IDA Board adopted a SEQR resolution that:
 - a. Classified the proposed action as a Type I Action.
 - b. Proposed that the IDA Board serve as Lead Agency.
 - c. Authorized the distribution of the Site Plan and Part I Environmental Assessment Form (EAF) to all Involved Agencies asking for:
 - 1) Their consent to the IDA serving as Lead Agency.
 - 2) Their comments on whether the proposed action may create any environmental impacts.

c. Input Received from Involved Agencies:

1. On June 9, 2015, letters were sent to the following Involved Agencies asking for their input and comments by Monday, July 13, 2015:
 - NYSDEC
 - NYSDOH
 - Town of Perth Planning Board
2. Letters were received from the following Involved Agencies:
 - NYSDEC
 - NYSDOH
 - Town of Perth Planning Board
3. All Involved Agencies who submitted letters consented to the IDA serving as the SEQR Lead Agency.

IDA DISCUSSION:

IDA ACTION:

MOTION: To designate the IDA as SEQR Lead Agency for the purpose of making a Determination of Significance.

MADE BY:

SECONDED:

VOTE:

d. Review Revised Site Plan:

IDA DISCUSSION:

e. Review Responses to Questions Sent to ESHS:

- a. The following questions/comments have been sent to ESHS to respond to:
 1. What will the exterior of the existing building look like once completed? Will windows and exterior doors be replaced? Will the building be sided or just painted? Will the existing roof be refinished? What landscaping will be provided around the building and fencing? Please provide Elevation Drawings for the existing and proposed new buildings and an overall Landscaping Plan for the entire Site.
 2. A Stormwater Management Plan prepared by a New York State Licensed Professional Engineer and prepared in accordance with NYS's Department of Environmental Conservation's Stormwater Regulations must be prepared and submitted to the IDA before it can conclude SEQR.

3. The metes and bounds description of the property to be acquired from the IDA must be transferred from Ferguson & Foss' survey drawing onto the Site Plan.
- b. With respect to the SEQR review the IDA is conducting, several questions were sent to ESHS:
1. The EAF indicates that there will be two (2) shifts working at the manufacturing facility. Is this correct? How many people will be working at the facility during each shift?
 2. What type of vehicles will be used to transport medicines from the manufacturing facility at Tryon to the dispensaries? How many vehicle trips a day are projected? Will any 48' or 53' tractor trailers be utilized by ESHS?
 3. What specific pesticides and herbicides will be utilized in the growing areas? Specify how they will be contained?
 4. Where does ESHS anticipate installing solar panels on the site? Would they be ground-mounted or mounted on top of a building?
 5. How will the new buildings be connected to onsite utilities including water, wastewater, gas, electric and communications?
 6. What is the projected average daily water usage from the municipal water system and projected average daily wastewater discharge into the municipal wastewater system?
 7. What exterior building and freestanding signage is proposed to be installed? Provide illustrations of all proposed signage.
- c. Review ESHS' written responses: See attached.

IDA DISCUSSION:

- f. Environmental Assessment Form (EAF) Part II:
- As Lead Agency, the IDA must complete an EAF: Part II.
 - Part II helps to inventory all potential resources that could be impacted by the proposed project.
 - See Handout.

IDA DISCUSSION:

- g. Environmental Assessment Form Part III: Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance:
- As Lead Agency, the IDA Board must complete an EAF: Part III for every question in Part II where the impact was identified as potentially large or where there is a need to explain why a particular element of the proposed action will not or may result in a significant adverse environmental impact.
 - Based on its analysis in EAF: Part III, the IDA, as Lead Agency, must decide whether to require a Draft Environmental Impact Statement (DEIS) to further assess the proposed action or whether available information is sufficient to conclude that the proposed action will not have a significant adverse environmental impact.
 - Review EAF: Part III.

IDA DISCUSSION:

h. Determination of Significance:

- Based upon the information contained in the EAF Parts I and II, public comments, input from Involved Agencies and the IDA Board's knowledge and review, the IDA Board, as Lead Agency, must make a Determination of Significance.
- The IDA Board could issue one (1) of two (2) declarations:

1. Positive Declaration:

- This would mean the IDA Board determined that the proposed action may create significant environmental impacts and that a DEIS should be prepared.
- This would mean the SEQR Review would continue.

2. Negative Declaration:

- This would mean the IDA Board determined that the proposed action will not create any significant environmental impacts and that a DEIS does not have to be prepared.
- This would mean the SEQR Review would end.

IDA DISCUSSION:

IDA ACTION:

MOTION: To issue a Negative Declaration on Empire State Health Solutions' proposed pharmaceutical manufacturing facility on Lot 1 in the Tryon Technology Park and Incubator Center and to authorize and direct the Executive Director to distribute the Negative Declaration to the Chief Elected Officials in the Towns of Johnstown and Perth, all Involved Agencies and the Environmental Notice Bulletin.

MADE BY:

SECONDED:

VOTE:

V. **NEW BUSINESS:**

A. **Request for Early Lease Termination for Euphrates:**

1. Background:

- The IDA owns the property on Enterprise Drive in the Johnstown Industrial Park currently occupied by Euphrates Cheese.
- The IDA executed a Lease Agreement with the Crossroads Incubator Corporation (CIC) on December 1, 1997. The lease included the land and building.

- The CIC constructed the building for Euphrates. Euphrates executed a Sublease Agreement with the CIC dated December 1, 1999.
 - In 2005, Euphrates bought out the balance of its sublease with the CIC and got the CIC to assign the CIC's lease with the IDA over to Euphrates. As such, the IDA currently leases the property directly to Euphrates. This lease is set to expire on January 31, 2018.
 - There is also a PILOT. The PILOT was dated March 1, 1988. It afforded tax exemptions for a number of years. However, those exemptions have expired.
2. Request for Early Lease Termination:
- On July 7, 2015, the IDA received a letter dated June 30, 2015 from Nikki Nicolletta Famiano, Finance Manager, at Euphrates requesting an early lease termination per Section 11.1 of its Lease Agreement with the IDA.
 - Section 11.1 calls for a payment of \$1,000 per year of occupancy. As of December 1, 2015, the total due would be 16,000.

IDA DISCUSSION:

B. Executive Session:

1. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:
- i. matters which will imperil the public safety if disclosed;
 - ii. any matter which may disclose the identity of a law enforcement agent or informer;
 - iii. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
 - iv. discussions regarding proposed, pending or current litigation;
 - v. collective negotiations pursuant to article fourteen of the civil service law;
 - vi. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
 - vii. the preparation, grading or administration of examinations;
 - viii. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.**

MOTION: To go into Executive Session to discuss, “**the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.**”

MADE BY :
SECOND :
VOTE :
TIME :

MOTION : To go out of Executive Session.
MADE BY :
SECOND :
VOTE :
TIME :

VI. OTHER BUSINESS:

1. Next Meeting:

Tuesday
August 11, 2015
8:00 a.m.

VII. CLOSE MEETING:

MOTION : To close the meeting.
MADE BY :
SECONDED :
VOTE :
TIME :