

# FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY  
AUGUST 9, 2016  
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  
\_\_\_ TIM MUNN, MEMBER  
\_\_\_ KARA LAIS, IDA COUNSEL  
\_\_\_ JAMES MRAZ, IDA EXECUTIVE DIRECTOR  
\_\_\_ WILLIAM WALDRON, LIAISON  
\_\_\_ RON PETERS, FULTON COUNTY CENTER FOR REGIONAL GROWTH  
\_\_\_ MIKE ANICH, LEADER-HERALD

### I. MINUTES FROM JUNE 28, 2016 MEETING:

MOTION :  
MADE BY :  
SECONDED :  
VOTE :

### II. BUDGET REPORT:

MOTION :  
MADE BY :  
SECONDED :  
VOTE :

### **III. COMMITTEE REPORTS:**

#### A. Nominating Committee:

a. No report.

#### B. Audit Committee:

b. No report.

#### C. Governance Committee:

c. No report.

#### D. Finance Committee:

d. No report.

### **IV. OTHER REPORTS:**

A. Fulton County Center for Regional Growth: Ron Peters

B. Fulton County Board of Supervisors' Economic Development Committee: Bill Waldron

### **V. OLD BUSINESS:**

#### A. Tryon Technology Park Project:

##### 1. Building Demolition:

➤ Fulton County's Demolition Team commenced work on June 20, 2016 demolishing the cluster of six (6) buildings on the right side of the entrance to Tryon.

##### 2. Tryon Banners:

➤ Fulton County ordered 2' x 6' banners to hang on light poles along CR117 entering Tryon.  
➤ Banners were installed on July 28, 2016.

##### 3. Real Estate Marketing and Brokerage Services:

###### A. Request for Proposal:

➤ At June 7, 2016 meeting, IDA authorized distributing a Request for Proposals (RFP) to commercial real estate brokers.  
➤ Two (2) proposals were received on July 27, 2016 from:

1. CBRE/Albany
2. Berkshire Hathaway

- Copies of proposals were e-mailed to IDA Board members on July 27, 2016.

B. Review Proposals:

- See Summary: Handout
- Does IDA Board desire to conduct interviews?

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

4. Regional Business Training and Incubator Center:

A. Background:

- The IDA Board previously agreed to pursue repurposing just the “F” Wing of Building 3 into the Regional Business Training and Incubator Center.
- Fulton County Board of Supervisors agreed with this proposal.
- This proposal was presented to the Northern Borders Regional Commission (NBRC).
- The NBRC has given the okay to have its grant funds repurposed.

B. Request for Proposals:

- In response to the NRBR’s approval to repurpose their grant funds, a Request for Proposals (RFP) was distributed to engineering firms.
- The RFP asked for cost proposals to prepare an engineering evaluation on developing standalone HVAC, plumbing, electrical, water and sewer systems for the “F” Wing of Building 3.
- Proposals were received on August 3, 2016.
- The following proposals were received:

<b>FIRM</b>	<b>ADDRESS</b>	<b>TOTAL FEE</b>
C.T. Male	Latham, NY	\$10,070
McFarland Johnson	Binghamton, NY	\$13,600
M/E Engineering	Schenectady, NY	\$14,800
Friedman Fisher	Albany, NY	\$23,800

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

## **B. 160 Enterprise Drive Property:**

### **1. Background:**

- IDA's lease with the CIC expired on June 30, 2016.
- NBT has commenced a Foreclosure Proceeding against the property due to the CIC being delinquent on payments due NBT from a mortgage the CIC has on the property.
- Court has appointed Bill Keniry, Esq. from the law firm of Tabner, Ryan & Keniry in Albany, NY as the receiver to oversee operation, management and control of all aspects of 160 Enterprise Drive property.
- Kara Lais has been advised that NBT still intends to complete the foreclosure process

IDA DISCUSSION:

## **C. Johnstown Renewables:**

### **1. Status Report:**

- Johnstown Renewables closed on the purchase of the 5.374+/- acre parcel from the IDA.
- The IDA received a payment from Johnstown Renewables (JR). All proceeds from the lot sale have been distributed.
- Johnstown Renewables started site work on July 19, 2016.

### **2. Financial Assistance:**

- At its March 8, 2016 meeting, the IDA Board approved granting the following financial assistance to JR:
  - a) 485-b Real Estate Tax Exemption:
    - 50% exemption on real property taxes in year 1.
    - The exemption would decrease 5%/year.
    - The exemption would expire at the end of year 10.
  - b) Sales Tax Exemption:
    - Estimated \$13 million of machinery and equipment would be purchased that would be subject to the Sales Tax Exemption.
  - c) Mortgage Recording Tax Exemption:

### **3. Lease Agreement:**

#### **a) Background:**

- In order to provide this financial assistance, the IDA must execute a Lease Agreement with JR.
- The Lease would be for 10 years.
- The structure of this Project will be a lease/leaseback.
- Johnstown Renewable's will lease the project facility to the IDA and the IDA will lease it back to Johnstown Renewables.

- This structure will be used because the IDA's interest is that of a leasehold, rather than fee ownership. There are some personal injury cases with situations during constructions where IDAs were named in lawsuits as a result of being the underlying landowner. It has become a "best practice" to now have projects structured as a lease/leaseback.
- During the term of the Lease, JR would be responsible for all aspects of O & M on the project.

4. PILOT Agreement:

a) Background:

- PILOT would be modeled after 485-b of the Real Property Tax Law.
- This is the standard PILOT granted per the IDA's Uniform Tax Exemption Policy.

5. Resolution:

- Kara Lais has prepared a resolution that would authorize the Chairman to execute the Lease, PILOT and all other documents.
- Resolution was e-mailed to IDA members on August 7, 2016

IDA DISCUSSION:

IDA ACTION:

MOTION: To adopt a Resolution authorizing the Execution and Delivery, by the Fulton County Industrial Development Agency, of a Lease Agreement and Related Documents in Connection with the Johnstown Renewables, LLC Project

MADE BY:

SECONDED:

VOTE:

V. NEW BUSINESS:

VI. OTHER BUSINESS:

VII. NEXT MEETING:

Tuesday  
September 13, 2016  
8:00 a.m.

**VIII. CLOSE MEETING:**

MOTION :  
MADE BY :  
SECONDED :  
VOTE :  
TIME :