

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

THURSDAY
FEBRUARY 9, 2017
5:00 P.M.
PLANNING DEPARTMENT CONFERENCE ROOM

ANNUAL MEETING

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
___ JAMES MRAZ, IDA EXECUTIVE DIRECTOR
___ KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
___ SCOTT HENZE, PLANNER
___ BILL WALDRON, LIAISON, ECONOMIC DEVELOPMENT COMMITTEE
___ MIKE ANICH, LEADER-HERALD

I. MINUTES FROM DECEMBER 13, 2016 MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :

II. BUDGET REPORT:

MOTION :
MADE BY :
SECONDED :
VOTE :

III. COMMITTEE REPORTS:

A. Nominating Committee:

1. Report of Nominating Committee: 2017 Officers

Chairman	:	Joe Semione
Vice-Chairman	:	Dave D'Amore
Treasurer	:	Bill Sullivan
Secretary	:	Joe Gillis

IDA ACTION:

MOTION : To accept the report of the Nominating Committee for 2017 IDA Officers
MADE BY :
SECONDED :
VOTE :

B. Audit Committee:

- No report.

C. Governance Committee:

- No report.

D. Finance Committee:

- No report.

IV. OLD BUSINESS:

A. Tryon Technology Park Project:

1. Electrical Outage:

- On Monday, January 2nd, an electrical problem developed in the electrical vault where the generator is located resulting in 1-phase of the 3-phase power being lost. Damage was done to the electrical switchgear resulting in power having to be shut off.
- Current Electrical was hired to make emergency repairs to the high-voltage equipment.
- Current Electrical was hired since they were already onsite performing unrelated electrical work for Vireo Health. Current Electrical was contacted and asked if they were capable and willing to perform the repairs. They said yes.
- Current Electrical retained Matco Electric out of Binghamton, NY for the high-voltage work.
- Matco Electric ended up rerouting power from the damaged switchgear to another.
- Generators had to be brought in by Current Electrical to provide power to Vireo Health from Wednesday, January 3rd, through Thursday, January 5th.

- A fuse had to be replaced on one of the electrical poles.
- Since power was shut off, the pumps at the Wastewater Pump Station did not function. As a result, Adirondack Septic was called in to pump the holding tanks out. Adirondack Septic made numerous trips to Tryon over those three (3) days to keep those tanks empty.
- The IDA has received the following invoices:

Current Electric	:	\$23,683
Adirondack Septic Tank	:	\$ 3,800
Total	:	\$27,483

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize these payments to Current Electric and Adirondack Septic for this emergency work at Tryon.

MADE BY:

SECONDED:

VOTE:

2. National Grid Easement:

- a. Background:
 - As part of National Grid’s effort to provide a new electrical service for Tryon, National Grid needs to install a couple of new poles along CR107.
 - One of these new poles will be at the intersection of CR107 and CR117.
 - The pole would be on the right side of the entrance into Tryon on property owned by the IDA.
- b. Proposed Easement:
 - National Grid has submitted a proposed easement to the IDA to execute and return.
 - Kara Lais has reviewed and found the easement to be acceptable.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the Chairman to execute the easement with National Grid.

MADE BY:

SECONDED:

VOTE:

3. Proposed Solar Array Project:

a. Background:

- In 2016, IDA hired C.T. Male to assess potential of developing a solar array at Tryon.
- C.T. Male looked at a 30+/- acre tract of land behind Vireo Health's property.

b. Final Report:

- C.T. Male has completed and submitted their final report to the IDA.

c. National Grid Review:

- As a part of their evaluation, C.T. Male needed to verify if National Grid would allow an interconnection of a solar array into the grid at Tryon.
- At the time C.T. Male was contacting them, National Grid was rolling out new procedures and requirements for how National Grid would handle requests from solar projects to connect into their grid.
- On July 5, 2016, I e-mailed IDA members and advised that National Grid was now requiring C.T. Male to submit the following information in a formal application:
 1. Letter of authorization signed by the utility customer naming the agent/contractor authorized to represent the utility customer.
 2. Completed Form K, signed by utility customer.
 3. Completed Appendix C, for non-inverter based systems or Completed Appendix B for inverted based systems, signed by utility customer or contractor named in the Authorization Letter.
 4. A three line diagram of the system identifying all major system components and all interconnections.
 5. A copy of the manufacturers catalog cut sheets for the inverter and panel/turbine.
 6. A copy of the independent third party testing laboratory Listing report for the inverter indicating compliance with UL 1741 (November 2005 revision).
 7. A copy of the manufacturers verification test procedure(s).
 8. \$750 Application Fee check.
 9. Page 1 of Application Form sent with check.
 10. Scanned copy of check in emailed application package.
- This work was not part of the IDA's Agreement with C.T. Male.
- C.T. Male was, at that time, working with a solar company called Ameresco. Ameresco offered to prepare the application to National Grid. It was agreed to have Ameresco prepare the Application
- On September 14, 2016, the application was filed with National Grid.
- On November 21, 2016, National Grid responded saying that their Preliminary Analysis showed that it may be feasible to interconnect a solar array at Tryon into their grid.
- National Grid advised that the next step was to conduct a Supplemental Analysis to determine if upgrades would be needed to substation transformers, ground over voltage protection or feeder anti-islanding protection.
- National Grid advised that their fee to conduct this Supplementary Analysis would be \$18,100.

d. Ameresco Proposal:

- Ameresco, in return, is proposing to:
 - Execute a Letter of Intent with the IDA
 - Execute a 20-year ground lease with the IDA.
 - Build a 2 megawatt solar array at Tryon.

- Execute a 20-year Power Purchase Agreement (PPA) with Fulton County whereby Ameresco would sell all solar-generated electricity to Fulton County.
 - Develop, build, operate and maintain the solar array.
 - Obtain all permits.
 - Finance the project. The project would partially be funded by NYSERDA.
 - Decommission the project at the end of the contract.
- If Fulton County is willing to execute PPA, the IDA is willing to execute a Letter of Intent and Ground Lease, Ameresco is willing to proceed with this Supplemental Analysis and pay the fee.
- e. Next Step:
- The IDA Board would, at its next meeting, consider executing a Letter of Intent and Ground Lease with Ameresco.
 - Fulton County Board of Supervisors would have to determine if they were willing to execute a 20-year Power Purchase Agreement.

IDA DISCUSSION:

4. Research Project:

- IDA was recently contacted by Graduate student in the City Planning Program at the Massachusetts Institute of Technology (MIT).
- The student is preparing her thesis on how closed State prisons across the country are being repurposed.
- She read about Tryon and is featuring Tryon in her research.
- To date, her research has found that Tryon is only closed State prison that has been repurposed into shovel-ready sites for new businesses.

5. Site Selection Magazine:

- Fulton County will be placing an “Investment Profile” about the Tryon Technology Park into Site Selection Magazine.
- Site Selection Magazine goes to 45,000 corporate executives, site selectors and real estate professionals.
- Investment Profile deliverables include:
 - The Investment Profile is published in one Site Selection issue reaching 45,000+ execs.
 - The Investment Profile is published in a Site Selection Digital Edition received by 10,000+ execs.
 - The Investment Profile is showcased in one a Site Selection Dispatch received by 67,000+ opt-ins.
 - The Investment Profile is linked on the SiteSelection.com homepage 6-8 weeks.
 - The Investment Profile is permanently archived on SiteSelection.com.
 - Fulton County will receive 25 copies of issue containing Investment Profile.
 - Fulton County will receive 250 reprints of the Investment Profile.
 - Fulton County will receive a 250x250 banner on the New York Spotlight on SS.com for 6 months.
- Site Selection Magazine has reached out to the MIT Graduate student to see if any research worthy of putting into Investment Profile.

IDA DISCUSSION:

B. 160 Enterprise Drive Property:

1. Status Report:
 - NBT Bank has completed foreclosure proceeding on this property.
 - NBT Bank purchased the property at the November 30, 2016 Foreclosure Sale.
 - As a result, the property is now owned by NBT Bank.

2. Lease and PILOT Agreement:
 - Lease and PILOT Agreements have been terminated.
 - Property will be returned to the tax rolls. NBT Bank will be responsible to pay property taxes until the property is sold.

3. Termination of Receivership:
 - a. Background:
 - William Keniry had previously been appointed by the Court as the Receiver during the Foreclosure proceeding.

 - b. Request to Termination Receivership:
 - Kara Lais received a letter dated January 18, 2017 from Mr. Keniry requesting the IDA's approval to terminate the receivership.
 - Kara Lais recommends that the IDA approve this request and authorize her to respond to Mr. Keniry's request.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize Kara Lais to execute the documents necessary to terminate the receivership for this foreclosure proceeding.

MADE BY:

SECONDED:

VOTE:

C. Johnstown Renewables Project:

1. Status Report:
 - Construction is ongoing.
 - Johnstown Renewables is hoping to complete its facility in the second quarter of 2017.

2. Lease/PILOT:
 - A Lease/PILOT have yet to be executed.

IDA DISCUSSION:

D. Perth Primary Care Clinic Project:

- At the December 13, 2016 meeting, the IDA Board authorized the Chairman and Executive Director to prepare and execute whatever documents may be needed to allow for Nathan Littauer to pay off the bonds issued for this project and purchase the project.
- Nathan Littauer Hospital is working with Joe Scott, IDA Bond Counsel, and the CIC to complete this transaction.
- Draft document will be mailed out this week by Joe Scott.

IDA DISCUSSION:

V. NEW BUSINESS:

A. 2017 Committee Appointments:

- Per the IDA's Bylaws, the Chairman shall annually appoint members to the IDA's Committees.
- The following is the Chairman's list of Committee appointments for 2017.

<u>Committee</u>	<u>2016</u> <u>Appointees</u>	<u>2017</u> <u>Appointees</u>
1. Audit	1.Todd Rulison 2.Joseph Semione 3.William Sullivan 4. David D'Amore	1.Todd Rulison 2.Joseph Semione 3.William Sullivan 4 David D'Amore
2. Governance	1.Diana Putnam 2.Joseph Gillis 3.Tim Munn	1.Diana Putnam 2.Joseph Gillis 3.Tim Munn 4.Todd Rulison
3. Finance	1.Todd Rulison 2.William Sullivan 3.Diana Putnam 4.Tim Munn	1.Todd Rulison 2.William Sullivan 3.Diana Putnam 4.Tim Munn
4. Nominating	1.Joseph Semione 2.Joseph Gillis 3.David D'Amore 4.Tim Munn	1.Joseph Semione 2.Joseph Gillis 3.David D'Amore 4.Tim Munn

B. Staff Appointments:

1. The IDA's Bylaws require that the IDA Board annually appoint:
 - Executive Director
 - Auditor

2. Appointment of Executive Director:

MOTION: To appoint Jim Mraz to serve as the IDA's Executive Director for 2017 at a salary of \$20,352/year.

MADE BY:
SECONDED:
VOTE:

3. Appointment of Auditor:

MOTION: To appoint West & Company to serve as the IDA's Auditor for 2017.

MADE BY:
SECONDED:
VOTE:

C. Legal Services Agreement:

1. Legal Services Agreement:

- It is recommended that the IDA retain the law firm of Fitzgerald, Morris, Baker, Firth, PC to serve as IDA Counsel in 2017 and provide both general legal services and legal services for Tryon.
- Total Retainer: \$8,000
- These funds are included in IDA's 2017 Budget.

MOTION: To authorize the Chairman to execute an Agreement with Fitzgerald, Morris, Baker and Firth, PC to provide legal services in 2017 at a total fee of \$8,000.

MADE BY:
SECONDED:
VOTE:

D. Chief Financial Officer:

- It is recommended that the IDA retain Carol Ellis to serve as the Chief Financial Office and to perform financial services for the IDA in 2017.
- Total Fee: \$750
- These funds are included in IDA's 2017 Budget.

MOTION: To authorize the Chairman to execute an Agreement with Carol Ellis to provide financial services to the IDA in 2017 at a total fee of \$750.

MADE BY:
SECONDED:
VOTE:

E. 2016 Performance and Measurement Report:

1. Background:

- The 2009 Public Authorities Reform Act requires public authorities to develop performance measures to help determine how well they are carrying out their mission.
- Performance measures assist the IDA Board and management to evaluate and monitor whether the IDA's authority's policies and operating practices are in accordance with its mission.

2. Review 2016 Performance and Measurement Report:

- See attached.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize and direct the Chairman to sign the 2016 Performance and Measurement Report and to direct the Executive Director to file said Report with the ABO.

MADE BY:

SECONDED:

VOTE:

F. 2016 IDA Board Performance Questionnaire:

1. Background:

- The 2009 Public Authorities Reform Act requires board members of public authorities to conduct an annual evaluation of its performance.
- Evaluation forms were e-mailed to all IDA Board members on November 28, 2016.
- Executive Director has collected the forms and tallied the results.

2. Review Summary of 2016 IDA Board Performance Questionnaire

- See Handout.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the Executive Director to submit the 2016 Summary of IDA Board Performance Questionnaire to the ABO.

MADE BY:

SECONDED:

VOTE:

G. 2016 Assessment of the Effectiveness of Internal Financial Controls System:

1. Background:

- The IDA’s Policy 11 requires the IDA Board and management to complete an annual assessment of the effectiveness of the IDA’s internal financial control system.

2. Management’s Assessment of Internal Financial Control System:

- The Executive Director and Chief Financial Officer recommend no changes to the IDA’s Internal Financial Control System.

3. Internal Financial Control System Certification:

- IDA’s Policy 11 Annual Assessment of the Effectiveness of Internal Controls requires the IDA Board to adopt a certification statement upon completion of its annual review of the IDA’s Internal Financial Control System.
- Proposed statement reads as follows:

“The IDA Board of Directors has documented and assessed the internal control structure and procedures off the Fulton County Industrial Development Agency for the year ending December 31, 2016. This assessment found the IDA’s internal controls were determined to be adequate and no deficiencies were identified. No corrective action plans are required.”

IDA DISCUSSION:

IDA ACTION:

MOTION: To adopt the Certification Statement presented above and to authorize and direct the Executive Director to submit acknowledge in PARIS that said Certification Statement was approved by the IDA Board.

MADE BY:

SECONDED:

VOTE:

H. IDA's 2016 Annual Report:

- The Draft 2016 Annual Report was e-mailed to all IDA members on January 12, 2017.
- Review Draft 2016 Annual Report.

IDA DISCUSSION:

IDA ACTION:

MOTION: To approve the IDA's 2016 Annual Report and to authorize and direct the Executive Director to file the Report under PARIS and with the Board of Supervisors.

MADE BY:

SECONDED:

VOTE:

I. 2017 Marketing Initiatives:

- Fulton County and the Fulton County Center for Regional Growth are working together on conducting two (2) major economic development marketing initiatives in 2017.

A. Commercial and Industrial Real Estate Brokers Symposium:

- Purposes : 1. To market the Tryon Technology Park
2. To market the Hales Mills Road and Vail Mills Development Areas
- Tentative Date : Wednesday
June 21, 2017
10:00 a.m. – Noon
- Location : Tryon Technology Park
- Event will be sponsored by CIREB (Commercial and Industrial Real Estate Brokers, Inc.).
- CIREB is a professional trade association representing commercial and industrial real estate businesses in New York's Capital Region and Tech Valley.
- In addition to brokers who are members of CIREB, realtors and brokers from Fulton, Montgomery and surrounding Counties will also be invited.
- Potential Speakers:
 1. Vireo Health
 2. DCG Corplan

B. Site Selectors' Advisory Forum:

- Purpose : 1. To market Fulton County to Corporate Site Selectors.
2. To market the Tryon Technology Park to Corporate Site Selectors.
3. To hear from Corporate Site Selectors on current best practices in economic development marketing.
- Tentative Date : Wednesday-Friday
September 6-8, 2017

- Event will feature several Corporate Site Selectors from the Site Selectors Guild (SSG).
- The SSG is an association of professional Site Selection Consultants who provide location strategies to corporations across the globe. There are only 44 members in the SSG.
- The SSG sponsors “Advisory Forums.” Advisory Forums are one of the most effective ways a region can market itself to Site Selectors and enhance business attraction efforts. SSG works with states, regions and communities to provide officially sanctioned Advisory Forums where attendees have the opportunity to learn from some of the nation’s leading Site Selectors.
- Summit will feature two (2) public presentations by the Site Selectors from the SSG:
 1. The Site Selectors will speak on a number of economic development related topics.
 2. The Site Selectors will speak about economic development marketing topics.
- Would the IDA Board like to be a sponsor of either or both of these events?

IDA DISCUSSION:

VI. OTHER BUSINESS:

A. Town of Johnstown Fire Tax Bill for IDA Properties on NYS Route 30A:

- IDA owns land on the east side of NYS Route 30A in the Town of Johnstown.
- Even though the IDA is tax exempt, it is not exempt from Fire Taxes.
- 2017 Fire Tax Bill:

- 174.-2-65	:	\$35.77
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B. Town of Johnstown Fire Tax Bill for Tryon Technology Park Property:

- 2017 Fire Tax Bills are:

- 164.-2-54	:	\$ 1.23
- 164.-2-16.5	:	\$ 490.00

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the payment of these three (3) Town of Johnstown Fire Tax bills.

MADE BY:

SECONDED:

VOTE:

C. 2016 PILOT Report:

1. Background:
 - Each year, the IDA monitors all PILOT Agreements it has on projects to verify that PILOT payments are being made per the PILOT Agreements.
 - Each year, the IDA sends a letter to every company it has a PILOT with asking that they fill out a PILOT Report.

- The IDA also sends a similar letter to all local taxing jurisdictions impacted by an IDA PILOT. The information from local taxing jurisdictions is used to compare against the information received from companies.
- The 2016 letters were sent out on November 28, 2016.
- Follow-up letters were sent on January 26, 2017.

2. Status Report:

- To date, the IDA has received responses from:

Companies:

CG Roxane
 CIC
 NLH
 YMCA
 Swany

Municipalities/School Districts:

Greater Johnstown School District
 Fulton County
 City of Gloversville
 City of Johnstown
 Town of Johnstown

- The IDA is waiting for a response from Fonda-Fultonville School District.

3. Summary of 2016 PILOT Payments:

- See handout.

4. As of January 1, 2017, the IDA has the following active projects:

Owner	Lessee	Address	Occupant
IDA	Swany	115 Corporate Drive, Gloversville, NY	Swany
IDA	CG Roxane	1 Old Sweet Road, Johnstown	CG Roxane
IDA	CIC	4104 State Highway 30, Perth, NY	Nathan Littauer Hospital Perth Primary Care Clinic
(Landlord) NLH Association	(Tenant) IDA	99 E. State St., Gloversville, NY	Nathan Littauer Hospital HVAC System
IDA	YMCA	213 Harrison Street, Gloversville, NY	YMCA
IDA*	Johnstown Renewables	Enterprise Drive, Johnstown, NY	Johnstown Renewables

* Although the IDA has approved the Johnstown Renewables Project, the company has yet to sign the Lease and PILOT Agreement. It is expected that the Lease/PILOT will be executed soon.

- In 2016, Nathan Littauer Hospital paid off the balance of the IDA bonds issued for the Hospital's 1999 Surgical Suite Expansion Project. As a result, that project is no longer active.

5. As of January 1, 2017, the IDA has active PILOT Agreements:

Owner	Lessee	Address	Occupant
IDA	Swany	115 Corporate Drive	Swany
IDA	CG Roxane	1 Old Sweet Road, Johnstown	CG Roxane
IDA*	Johnstown Renewables		Johnstown Renewables

* Although the IDA has approved the Johnstown Renewables Project, the company has yet to sign the Lease and PILOT Agreement. It is expected that the Lease/PILOT will be executed soon.

6. Lease Terminations in 2016:

- A. The Lease/PILOT with the CIC for property at 160 Enterprise Drive was terminated by the foreclosure on the property by NBT Bank.
- B. Nathan Littauer Hospital paid off, in 2016, the balance of the IDA bonds issued for the Hospital's 1999 Surgical Suite Expansion Project. As a result, that project is no longer active.

VII. NEXT MEETING:

Tuesday
March 14, 2017
8:00 a.m.

VIII. CLOSE MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :
TIME :