

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY
NOVEMBER 12, 2019
8:00 A.M.

PLANNING DEPARTMENT CONFERENCE ROOM

AGENDA

PRESENT:

___ DAVE D'AMORE, CHAIRMAN
___ TIM MUNN, VICE CHAIRMAN
___ JOSEPH SEMIONE, TREASURER
___ JOE GILLIS, SECRETARY
___ TODD RULISON, MEMBER
___ JANE KELLEY, MEMBER
___ JAMES MRAZ, EXECUTIVE DIRECTOR
___ KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
___ SCOTT HENZE, PLANNING DIRECTOR
___ MARIE BORN, LIAISON, ECONOMIC DEVELOPMENT AND ENVIRONMENT COMMITTEE
___ RON PETERS, FULTON COUNTY CENTER FOR REGIONAL GROWTH
___ KEN ADAMCZYK, ECONOMIC DEVELOPMENT SPECIALIST, FULTON COUNTY CENTER
FOR REGIONAL GROWTH
___ MIKE ANICH, LEADER-HERALD

I. MINUTES FROM OCTOBER 15, 2019 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:

- Monthly Bank Reconciliation Reports: Todd Rulison

C. Governance Committee:

- No report.

D. Finance Committee:

- No report.

IV. FULTON COUNTY/FULTON COUNTY CENTER FOR REGIONAL GROWTH (FCCRG) REPORTS:

1. Fulton County Report: Marie Born, Liaison
2. FCCRG Report: Ron Peters, CEO

V. OLD BUSINESS:

A. IDA Property at Tryon Technology Park on South Side of CR107:

1. Background:

- The IDA owns a 26+/- acre parcel of land on south side of CR107 across from the Tryon Technology Park.
- At its October 15, 2019 meeting, the IDA Board decided to list for sale the parcel with Coldwell Banker Arlene M. Sitterly.

2. Status Report:

- Agreement with Coldwell Banker to list property has been executed.

B. Status of Johnstown Renewables (JR) Project:

1. Background:

- Amendment to Lease Agreement was sent to JR.
- Amendment extends project completion date through December 31, 2019.
- At the October 15, 2019 meeting, IDA Board authorized the Chairman to execute an Escrow Agreement with JR.

2. Status Report:

- Between October 22-29, 2019, an auction was conducted by Heritage Global Partners of the JR Project equipment.

- The Escrow Agreement stipulated that proceeds from the Auction would be used to repay sales tax benefits earned by JR.
- Escrow Agreement has been finalized and being executed.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

C. IDA Website:

1. Background:
 - At September 10, 2019 meeting, Betsy Emery presented her findings from series of meetings she conducted with IDA Board and staff.
2. Proposal from Emery Designs:
 - See attached.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

D. Amended Site Plan for Vireo Health of NY:

1. Original Site Plan:
 - In 2015, the IDA served as the Lead Agency in the SEQR review of the original Vireo Health Project at the Tryon Technology Park.
 - Back then, Vireo was known as Empire State Health Solutions (ESHS). ESHS's EAF stated that their project included,

“a 3 phase plan to build a pharmaceutical grade medical marijuana manufacturing facility. Phase 1 was refurbishing the existing 20,000 SF building. Phase 2 was the construction of a 19,152 SF greenhouse. Phase 3 would be the construction of a 58,000 SF manufacturing facility and 110,000 SF of additional greenhouse space. The total size of all phases was 208,000 SF.”

- The IDA Board classified the proposed project as a Type 1 Action and conducted a Coordinated SEQR review.
 - The Board issued a negative declaration.
2. Existing Conditions:
- As present, Vireo occupies the original 20,000+/- SF building on its site, as well as two (2) 20,000 SF greenhouses that they have constructed.
3. Amended Site Plan:
- Vireo has submitted both to the IDA and Town of Perth Planning Board an amended Site Plan to approve.
 - The amended Site Plan proposes to add:
 - Eight (8) 20,000 SF greenhouses.
 - One (1) 30,000 SF processing center.
 - The following compares original and amended site statistics:

| | Original | Amended | Change |
|--------------------------|-----------------|----------------|---------------|
| Lot Size | 20.660+/- | 20.660+/- | -- |
| Building Area | 202,208 SF | 267,095 SF | + 64,887 SF |
| Pavement Area | 21,876 SF | 52,749 SF | + 30,873 SF |
| Gravel Access Roads Area | 36,517 SF | 82,775 SF | + 46,258 SF |
| Green Space Area | 776,670 SF | 497,331 SF | -279,339 SF |
| Max Building Area (50%) | 7.2% | 29.7% | -- |
| Parking | 33+ | 64 | +31 |

4. SEQR:
- Given the increase in the amount of new building space proposed to be constructed over and above what was identified in the original EAF submitted to the IDA, C.T. Male, on behalf of Vireo Health of NY, submitted an amended Part I EAF to the IDA Board.
 - At its October 15, 2019 meeting, the IDA Board reopened SEQR given this amended project information.
 - The IDA Board adopted a resolution proposing that it serve as the SEQR Lead Agency and distributed the amended EAF and Site Plan to all Involved Agencies asking for their consent to the IDA serving as Lead Agency.
5. Responses from Involved Agencies:
- Letters were sent to three (3) Involved Agencies:
 - A. Town of Perth Planning Board
 - B. NYS Department of Health (NYSDOH)
 - C. NYS Department of Environmental Conservation (NYSDEC)
 - Review responses received.
6. EAF: Identification of Potential Project Impact:
- As Lead Agency, the IDA Board must complete an EAF: Part II.
 - Part II helps to inventory all potential resources that could be impacted by the proposed project.

- See Handout.
7. EAF 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.
8. 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:
 - A. 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.
 - B. 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.
9. Resolution:
- Review attached Resolution.

IDA DISCUSSION:

IDA ACTION:

MOTION: To adopt a Resolution to declare the IDA as the Lead Agency, to issue a Negative Declaration and to authorize the filing of the Negative Declaration in accordance with SEQR Regulations.

MADE BY:
 SECONDED:
 VOTE:

D. Tryon Electric Project:

1. Status Report:

- Fulton County has executed all Agreements with National Grid and submitted all required payments.
- A meeting was held with National Grid on October 30, 2019 to discuss details of project and scheduling of work.

IDA DISCUSSION:

VI. NEW BUSINESS:

VII. OTHER BUSINESS:

A. 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 :

VIII. NEXT MEETING:

Tuesday
December 10, 2019
8:00 a.m.

IX. CLOSE MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :
TIME :