

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

**TUESDAY
JANUARY 14, 2020
5:00 P.M.**

PLANNING DEPARTMENT CONFERENCE ROOM

ANNUAL MEETING

MEETING NOTES

PRESENT:

DAVE D'AMORE, CHAIRMAN
TIM MUNN, VICE CHAIRMAN
JOSEPH SEMIONE, TREASURER
JOE GILLIS, SECRETARY
TODD RULISON, MEMBER
JANE KELLEY, MEMBER
MIKE FITZGERALD, MEMBER
JAMES MRAZ, EXECUTIVE DIRECTOR
KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
SCOTT HENZE, PLANNING DIRECTOR
MARIE BORN, LIAISON, ECONOMIC DEVELOPMENT AND ENVIRONMENT COMMITTEE

WELCOME NEW BOARD MEMBER:

Mike Fitzgerald has been appointed by the Board of Supervisors as a new member of the IDA Board of Directors.

I. MINUTES FROM DECEMBER 10, 2019 MEETING:

MOTION : Accept as presented.
MADE BY : Joseph Semione
SECONDED : Jane Kelley
VOTE : Unanimous

II. BUDGET REPORT:

MOTION : Accept as presented.
MADE BY : Jane Kelley
SECONDED : Todd Rulison
VOTE : Unanimous

III. COMMITTEE REPORTS:

A. Nominating Committee:

1. Report of Nominating Committee: 2020 Officers

Chairman	:	Dave D'Amore
Vice-Chairman	:	Joe Semione
Treasurer	:	Todd Rulison
Secretary	:	Jane Kelley

IDA ACTION:

MOTION : To accept the report of the Nominating Committee for 2020 IDA Officers
MADE BY : Joseph Gillis
SECONDED : Tim Munn
VOTE : Unanimous

B. Audit Committee:

- Monthly Bank Reconciliation Report: Dave D'Amore

DISCUSSION: Dave D'Amore stated that he approved the Monthly Bank Reconciliation Reports.

C. Governance Committee:

- No report.

D. Finance Committee:

- No report.

E. ED & E Committee:

DISCUSSION: Marie Born stated that she had no report. She advised the IDA Board that she will not be the Board of Supervisors' Liaison to the IDA in 2020.

IV. OLD BUSINESS:

A. Proposed Amendment to Uniform Tax Exemption Policy (UTEP):

1. Background:

- At the December 10, 2019 meeting, IDA Board directed the Executive Director to draft an amendment to the UTEP to state that the IDA Board would not be granting real property tax exemptions to solar energy and related projects.

2. Review Proposed Amendment:

- The following new Paragraph K to Section 4 of the UTEP is proposed to be added:

k. Section 487 of New York’s Real Property Tax Law:

1. Background:

- a. New York State’s Real Property Tax Law Section 487, adopted in 1977, provides a 15-year real property tax exemption for solar, wind and farm waste energy systems.
- b. These energy generating systems are classified as capital improvements to real property.
- c. Section 487 was intended to encourage the construction of these energy systems.
- d. Section 487 affords local governments the opportunity to “opt out” of this real property tax exemption.
- e. By opting out, these energy projects would be required to pay property taxes to the local governments that opt out.

2. Fulton County Board of Supervisors’ Local Law 3 of 2019:

- a. In September 2019, the Fulton County Board of Supervisors adopted Local Law 3 of 2019 titled “Opting out of Section 487 of NYS Real Property Tax Law Exemptions for Solar Energy System, Wind Energy System and Farm Waste Energy System Projects.”
- b. As a result, no real property exemption under Section 487 shall be applicable to Fulton County taxes with respect to solar or wind energy systems and farm waste energy systems.

3. IDA Policy:

- a. It shall be the policy of the IDA to also not grant real property tax exemptions to solar or wind energy system and farm waste to energy system projects.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. Dave D’Amore stated that, by adopting this policy, it will close a loophole whereby solar projects could still obtain a PILOT through the IDA even though the County does not want to have a PILOT issued. Joe Gillis asked if School Districts can also opt out? Jim Mraz stated, “Yes, but they need to take a similar action on their own to what Fulton County did.” Dave D’Amore asked if there were any further questions. There were none.

IDA ACTION:

MOTION: To approve amending the IDA’s UTEP by adding a new Paragraph K to Section 4 as shown above.

MADE BY: Joseph Gillis
SECONDED: Joseph Semione
VOTE: Unanimous

B. IDA Website:

1. Background:

- IDA Board recently authorized Emery Designs to update the IDA's website.

2. Site Selectors:

- Betsy Emery has contacted several corporate Site Selectors from the Site Selectors Guild to obtain their feedback on what they look for/desire to see on economic development agencies' websites.
- Some of the feedback received included:
 - Site Selectors use a variety of data sources to collect information on an area/region/community.
 - Economic development agencies' website must be data rich:
 - List of major employers in region: how many, what industries, unionized, etc.
 - Wages and benefits
 - Detailed information on workforce: skills, age, occupations, education, etc.
 - Workforce training
 - Identify all workforce training programs available to train workers: FMCC, HFM-BOCES, P-TECH
 - Local colleges and universities
 - Testimonials are important from employers and employees.
 - Building and site information must be up to date.
 - Don't need/want videos but will look at them or have clients look at them.
 - 1 page on targeted industries with unique and compelling information in 100 words or less.
 - Contact information.
 - Must be able to print or download information.

3. Tryon Website:

a. Background:

- Fulton County recently hired DCG Corplan to conduct a Targeted Industry Analysis (TIA) for the Tryon Technology Park (TTP).
- As part of that effort, a TTP website was created.
- The website domain name is: www.tryontechnologypark.com
- The IDA pays Hosting4Less \$144.40/year to keep this domain name.
- The website is housed on the County's server.
- The website was developed using Dreamweaver software.
- Review website.

b. Proposal:

- In lieu of maintaining this separate TTP website, an option would be to incorporate all of the information on this website onto the IDA's website under a link for the TTP.
- The TTP domain name would be retained. If someone was searching for the Tryon Technology Park, that person would be directed to the IDA's website.
- All of the information currently on the Tryon website would be transferred to the IDA's website.

IDA DISCUSSION: Dave D'Amore reviewed the information on the Agenda regarding the feedback Betsy Emery has received from Site Selectors that she has spoken with. Jim Mraz reviewed the information on the Agenda regarding the Tryon website. Dave D'Amore asked what the downside would

be of not combining the Tryon website into the IDA’s website. Scott Henze stated that the IDA would need to contract with a firm to keep the Tryon website updated. This has not been done previously. The website had been maintained by DCG Corplan, but that service ended when its contract with Fulton County ended.

Scott Henze also advised that the Tryon website was developed before the IDA even had its own website.

Jim Mraz stated that the primary benefit would be ease of use for those seeking information on either Tryon or the IDA by having all of those inquiries directed to the IDA’s website. All that information would be available at one location and not require interested parties having to go to different websites to collect the information that they need.

Dave D’Amore asked if there were any further questions. There were none.

There was a request made to have a monthly report provided to the IDA Board on the amount of activity taking place on the IDA’s website. Jim Mraz stated that he would contact Betsy Emery and ask for a monthly report to be provided.

IDA ACTION:

MOTION: To approve incorporating all information on the Tryon Technology Park website into the IDA’s website and to maintain ownership of the Tryon Technology Park domain name.

MADE BY: Jane Kelley

SECONDED: Tim Munn

VOTE: Unanimous

V. NEW BUSINESS:

A. 2020 Committee Appointments:

- Per the IDA’s Bylaws, the Chairman shall annually appoint members to the IDA’s Committees.
- The following is the Chairman’s Committee appointments for 2020.

<u>Committee</u>	<u>2019 Appointees</u>	<u>2020 Appointees</u>
1. Audit	1.Todd Rulison 2.Joseph Semione 3.George Doherty 4. David D’Amore	1.Todd Rulison 2.Joseph Semione 3.David D’Amore 4. Mike Fitzgerald
2. Governance	1.Jane Kelley 2.Joseph Gillis 3.Tim Munn 4. Todd Rulison	1.Jane Kelley 2.Joseph Gillis 3.Tim Munn 4. Todd Rulison
3. Finance	1.Todd Rulison 2.George Doherty 3.Jane Kelley 4.Tim Munn	1.Todd Rulison 2. Jane Kelley 3. Tim Munn

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| 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 |
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B. Staff Appointments:

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

2. Appointment of Executive Director:

MOTION: To appoint Jim Mraz to serve as the IDA's Executive Director for 2020 at a salary of \$21,444.51/year.

MADE BY: Dave D'Amore
 SECONDED: Todd Rulison
 VOTE: Unanimous

3. Appointment of Chief Financial Officer

MOTION: To appoint Carol Ellis as the Chief Financial Officer for 2020 at a salary of \$3,000.

MADE BY: Dave D'Amore
 SECONDED: Joseph Semione
 VOTE: Unanimous

4. Appointment of Auditor:

- Funds to hire West & Company are in the 2020 Budget.
- Proposed 2020 fee is the same as 2019.

MOTION: To appoint West & Company to serve as the IDA's Auditor for 2020 and to authorize the Chairman to execute an Agreement with West & Company to audit the IDA's 2019 financial statements at a fee of \$8,750 and to provide 2020 payroll services for \$500.

MADE BY: Dave D'Amore
 SECONDED: Jane Kelley
 VOTE: Unanimous

C. 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 2020 to provide legal services.
- Total Fee: \$8,000
- These funds are included in IDA's 2020 Budget.

MOTION: To authorize the Chairman to execute an Agreement with Fitzgerald, Morris, Baker and Firth, PC to provide legal services in 2020 at a total fee of \$8,000.

MADE BY: Dave D'Amore

SECONDED: Tim Munn

VOTE: Unanimous

D. Depositories of IDA Funds:

- Per the IDA's Investment Policy, it is proposed that NBT Bank, Citizens Banks, Berkshire Bank and Key Bank be designated as eligible depositories of IDA funds.

MOTION: To designate NBT Bank, Citizens Bank, Berkshire Bank and Key Bank as eligible depositories of IDA funds for 2020.

MADE BY: Joseph Semione

SECONDED: Todd Rulison

VOTE: Unanimous

E. 2019 Financial Report:

- Chief Financial Officer has completed the IDA's 2019 Financial Report.
- This Report will be sent to West & Company to audit.
- Review Report.

IDA DISCUSSION: Jim Mraz reviewed the report Carol Ellis, CFO, has prepared. He stated this is the report that forms the basis of the Audit West & Company will prepare. He referenced the size and magnitude of this report and acknowledged the significant effort the CFO puts forward to put this Financial Report together each year.

F. 2019 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 18, 2019.
- Executive Director has collected the forms and tallied the results.

2. Review Summary of 2019 IDA Board Performance Questionnaire

- See attached.

IDA ACTION:

MOTION: To authorize the Executive Director to post the 2019 Summary of IDA Board Performance Questionnaire on the IDA’s website.

MADE BY: Mike Fitzgerald

SECONDED: Jane Kelley

VOTE: Unanimous

G. 2019 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 2019 Performance and Measurement Report:
 - See attached.

IDA ACTION:

MOTION: To authorize the Chairman to sign the 2019 Performance and Measurement Report and to authorize the Executive Director to post this report on the IDA’s website.

MADE BY: Tim Munn

SECONDED: Todd Rulison

VOTE: Unanimous

H. 2019 Assessment of the Effectiveness of the IDA’s Internal Financial Control 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 one (1) change to the IDA’s Internal Financial Control System.
 - The change would add language to the policy to reflect the change the IDA Board made based upon last year’s Audit.

- Add a new Section 7 under III. Internal Financial Control System that reads:

7. **MONTHLY BANK ACCOUNT RECONCILIATION FORMS:**

- A. **The Chief Financial Officer shall provide, at each IDA Board of Directors’ meeting, Monthly Bank Account Reconciliation Forms for each IDA bank account that a member of the Audit Committee will review and, if found acceptable, sign.**

3. Internal Financial Control System Certification Statement:

- 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.
- The Board amended its Internal Financial Control System to address recommendations submitted by management.
- Proposed statement reads as follows:

“The IDA Board has amended the internal controls per the recommendation of management. The IDA Board of Directors has documented and assessed the internal control structure and procedures of the Fulton County Industrial Development Agency for the year ending December 31, 2019. The amended internal controls were determined to be adequate and no deficiencies were identified. No additional corrective actions were deemed required.”

MOTION: To adopt the Certification Statement presented above, to authorize the Executive Director to acknowledge in PARIS that said Certification Statement was approved by the IDA Board and to authorize the Executive Director to post this certification on the IDA’s website.

MADE BY: Todd Rulison
 SECONDED: Joseph Semione
 VOTE: Unanimous

I. 2020 Agreement with Fulton County:

- Fulton County appropriated \$10,000 in the Planning Department’s 2020 budget to help the IDA cover costs associated with operating the Tryon Technology Park.
- Typical costs the IDA seeks reimbursement from Fulton County are insurance and mowing.

IDA ACTION:

MOTION: To authorize the Chairman to execute an Agreement with Fulton County regarding IDA costs at Tryon.

MADE BY: Jane Kelley
 SECONDED: Joseph Gillis
 VOTE: Unanimous

J. IDA's 2019 Annual Report:

- A Draft 2019 Annual Report was e-mailed to all IDA members on December 10, 2019.
- Kara Lais provided new requirements for what Annual Reports must include.
- See attached.
- Executive Director is working on revising Report to include all of these required items.
- Annual Report will now be presented for approval in March after Audit is completed and approved by IDA Board.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He stated that the State is now requiring Annual Reports to have attached to it many of the documents that are also posted online under PARIS. One of the attachments is the Audit. He stated since the IDA Board does not receive and approve the Audit until March, the Annual Report will now have to be approved at the March meeting after the Audit is approved.

K. Fulton County Center for Regional Growth Membership:

- In 2016, the IDA became a Gold Member of the FCCRG.
- IDA has received a renewal invoice from the FCCRG to continue the membership for another year.
- Invoice Amount: \$1,000
- \$1,000 is included in the 2020 Budget for this membership.

IDA ACTION:

MOTION: To approve the payment in the amount of \$1,000 for a 2020 Gold Membership with the FCCRG.

MADE BY: Joseph Semione

SECONDED: Tim Munn

VOTE: Unanimous

L. 2019 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.
- Initial letters were sent out on November 8, 2019.
- Follow-up letters were sent on December 9, 2019.

2. Status Report:

- To date, the IDA has received responses from:

Companies:

YMCA
CG Roxane
Johnstown Renewables

Municipalities/School Districts:

Fulton County
Town of Johnstown
Fonda-Fultonville School District
City of Johnstown
Greater Johnstown School District

3. Summary of 2019 PILOT Payments:

- All required PILOT payments were made in 2019 to local taxing jurisdictions.
- See attached PILOT Report.

4. As of January 1, 2020, the IDA has the following active projects:

Owner	Lessee	Address	Occupant
IDA	CG Roxane	1 Old Sweet Road, Johnstown	CG Roxane
IDA	YMCA	213 Harrison Street, Gloversville, NY	YMCA
IDA	Johnstown Renewables	Enterprise Drive, Johnstown, NY	Johnstown Renewables
IDA	Century Linen	125 Balzano Drive, Johnstown, NY	Century Linen

5. As of January 1, 2020, the IDA has the following active PILOT Agreements:

Owner	Lessee	Address	Occupant
IDA	CG Roxane	1 Old Sweet Road, Johnstown	CG Roxane
IDA	Johnstown Renewables	Enterprise Drive, Johnstown, NY	Johnstown Renewables

IDA DISCUSSION: Dave D'Amore reviewed the information on the Agenda. Jim Mraz added that the IDA currently has four (4) active projects. Only two (2) of those projects have PILOT's. The other two (2) projects do not. He stated the YMCA doesn't have a PILOT because it is already a tax-exempt entity. He added that the Century Linen Project only received a sales tax exemption from the IDA and not a PILOT.

M. Marketing of Tryon Technology Park (TTP):

1. Background:

- The FCCRG has asked what the IDA Board wants the CRG to market at the TTP in 2020.
- IDA Board members were emailed a draft 2020 Marketing Strategy for the TTP to review.
- Draft Strategy has been revised since it was emailed.
- Review revised draft Strategy.

IDA DISCUSSION: Jim Mraz stated that both Ron Peters and Kent Kirsh from the CRG recently asked the IDA Board for direction on how the Board wanted the CRG to market the Tryon Technology Park in 2020. In response to that request, Dave D'Amore, Jim Mraz and Scott Henze met to draft a Marketing Strategy to present to the IDA Board. Jim Mraz stated he also reviewed the draft Strategy with Jon Stead. Jim Mraz reviewed the draft Strategy that has been put together in response to the CRG's request. Dave D'Amore asked if there were any questions or comments on the draft. Todd Rulison stated that he would like to have Item #3 removed. There was a brief discussion regarding that proposal. After that discussion, it was agreed to remove Item #3 and substitute Item #2 in its place. Joe Gillis asked how will the IDA Board know what it being done by the CRG with respect to marketing the Tryon Technology Park? Joe Semione stated that the CRG provides monthly reports to Fulton County's Economic Development Committee regarding all the work it's performing. He stated he would like the CRG to have a representative attend IDA meetings every month and provide a similar report regarding their efforts to market the Tryon Technology Park. Dave D'Amore asked if there were any further comments? There were none.

IDA ACTION:

MOTION: To approve the 2020 Marketing Strategy for the Tryon Technology Park as revised and to have it sent to the FCCRG.

MADE BY: Jane Kelley

SECONDED: Mike Fitzgerald

VOTE: Unanimous

2. TTP Site Plan:

- Original Site Plan for the TTP needs to be updated to show:
 - New wetlands.
 - Reconfigured lot lines given existence of wetlands.
 - Reconstructed CR158/107 intersection.
 - Vireo Health property.
 - Show Tryon Development Area.
 - Other.
- C.T. Male prepared original Site Plan.
- C.T. Male has submitted a proposal to update Site Plan.
- Total Fee: \$980

IDA DISCUSSION: Dave D'Amore stated that he was recusing himself from any discussion or action regarding this item because of a conflict of interest.

Jim Mraz reviewed the information on the Agenda. He stated that C.T. Male prepared the original Site Plan for Tryon in 2014. There have been a number of changes and new information that has become available that should be shown on a revised Site Plan. He stated that if the IDA is going to ask the CRG to market Tryon, the IDA needs to provide the CRG with an accurate Site Plan for Tryon. He stated he met recently with C.T. Male and reviewed all of the changes that need to be made. C.T. Male has come back with a proposal to make all those changes at a total fee of \$980. Jim Mraz asked if there were any questions? He stated once this revised Site Plan was prepared, it would be sent to the FCCRG along with the Marketing Strategy the IDA Board just approved. There were none.

IDA ACTION:

MOTION: To authorize C.T. Male at a cost of \$980 to prepare a revised Site Plan for the Tryon Technology Park.

MADE BY: Joseph Semione

SECONDED: Tim Munn

VOTE: 6 in favor, 0 opposed, 1 abstained (Dave D'Amore)

VI. OTHER BUSINESS:

A. Fire Tax Bills:

- IDA owns vacant land on the east side of NYS Route 30A and in the Tryon Technology Park in the Town of Johnstown.
- Even though the IDA is tax exempt, it is not exempt from Fire Taxes.

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

- 2020 Fire Tax Bill:
 - 174.-2-65 : \$ 36.35
 - 174.-2-66 : \$ 35.86

C. Town of Johnstown Fire Tax Bill for Tryon Technology Park Properties:

- 2020 Fire Tax Bills are:
 - 164.-2-54 : \$ 1.25
 - 164.-2-16.5 : \$498.00

IDA ACTION:

MOTION: To authorize the payment of these four (4) Town of Johnstown Fire Tax bills.

MADE BY: Joseph Semione

SECONDED: Mike Fitzgerald

VOTE: Unanimous

D. 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 : Dave D'Amore
 SECOND : Joseph Semione
 VOTE : Unanimous
 TIME : 6:10 p.m.

MOTION : To go out of Executive Session.

MADE BY : Todd Rulison
 SECOND : Jane Kelley
 VOTE : Unanimous
 TIME : 6:38 p.m.

VII. NEXT MEETING:

Tuesday
 February 11, 2020
 8:00 a.m.

VIII. CLOSE MEETING:

MOTION : To close the meeting.
 MADE BY : Joseph Semione
 SECONDED : Tim Munn
 VOTE : Unanimous
 TIME : 6:38 p.m.