

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY
APRIL 12, 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
___ RON PETERS, FULTON COUNTY CENTER FOR REGIONAL GROWTH
___ MIKE ANICH, LEADER-HERALD

I. MINUTES FROM MARCH 8, 2016 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. 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. Vireo Health Lot Sale:

- Closing occurred on March 28, 2016.
- IDA has received an invoice from Fitzgerald Morris Baker Firth for all legal work performed with this transaction.
- Total Invoice \$3,500

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize a payment in the amount of \$3,500 to Fitzgerald Morris Bake Firth.

MADE BY:

SECONDED:

VOTE:

2. Wastewater Collection System and Pump Station:

a. Partially Blocked Sewer Main:

- A section of gravity sewer main from the last sewer manhole to the pump station is partially blocked.
- This section needs to be cleaned.

b. Infiltration into Gravity Sewer Main:

- A significant amount of groundwater is infiltrating into sewer main.
- C.T. Male has recommended plugging four (4) sewer lines no longer in use to reduce water infiltrating into those sewer mains and into the pump station.

c. Turbulence in Sewer Pump Station's Wet Well:

- New pumps and controls were installed in Pump Station.
- Pumps are set to turn on when fluid levels in wet wells get to a certain height and shut off when the level gets down to a certain level.
- When pumps are started, turbulence develops in wet well. There should be no turbulence.
- Wastewater is being pumped out but at a slower rate than it should be.
- This turbulence indicates air is in the sewer force main that the pumps are pumping the wastewater into.
- Two (2) air release valves exist in the sewer force main between Tryon and the Hale Creek Correctional Facility. These valves are intended to release air from the sewer force main.
- These valves haven't been used in five (5) years. It is believed these valves are not operating correctly or at all thereby causing air to remain in the force main. Air trapped in a force main can cause the turbulence in the wet well when the pumps come on.
- These air release valves must either be activated/repared or replaced.
- Someone needs to open these two (2) manholes, inspect the valves and either get them working or replace them.

d. Cost Estimate:

1. Quote to clean clogged sewer main: \$1,800+/-
2. Quote for plugging sewer mains and getting air out of sewer main:
 - \$2,300/day
 - Estimated 2-3 days
3. If a new air release valve is needed, estimated cost: \$1,500

e. Emergency Purchase:

- In accordance with Section 4(B) of the IDA's Procurement Policy, it is recommended that the work described in a-c above be deemed emergency purchases.
- It is proposed that Adirondack Septic from Amsterdam, NY be hired to perform this emergency work.
- Adirondack Septic worked previously at Tryon repairing and maintaining Tryon's sewer system.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the emergency purchase of services from Adirondack Septic to have a sewer main cleaned, to have four (4) sewer mains plugged and to repair/replace two (2) air release valves.

MADE BY:
SECONDED:
VOTE:

3. Electrical System at Tryon:

a. Background:

- Existing electrical system at Tryon was owned and maintained by New York State. As part of the transfer of Tryon to the IDA, the IDA now owns the electrical system.
- The long-term plan is to have National Grid install new electrical service into Tryon along CR117 that they would own and maintain.
- Until this new service is installed, the electrical system must be operated, maintained and repair, as needed, by the IDA.

b. Design Fee for New Electrical System:

- On January 26, 2016, a meeting was held with National Grid to discuss having a new electrical service installed around CR117. At that meeting:
 - 1) It was agreed that the 13.2 Kv distribution service currently feeding Tryon would be adequate for the Park.
 - 2) National Grid said they would proceed with designing the new electrical service within the Park. This will involve installing an underground electrical line around the exterior of CR117.
- On April 5, 2016, National Grid e-mailed Jim Mraz and advised that they are requiring a fee of \$10,000 to design the new underground electrical line around CR117.
- Jim Mraz e-mailed National Grid and asked for an explanation on why the IDA must now pay National Grid to “design” the electrical line they will be installing around CR117. National Grid’s response was:

“Our Engineers and Planners have to spend time and resources to develop your design. We typically require a design fee for a project of this size and since it has been determined to be 100% reimbursable. The design fee is used to protect the ratepayers. In the event a customer decides not to proceed forward with a project after a design has been created, the design fee will cover the cost of our services that have already been rendered, rather than have those costs get socialized across the ratepayers. The dollar amount is based on past design cost estimates. If you move forward with the project, the design fee will be deducted from the total cost of the project. If you decide not to move forward, the design fee will be reconciled to actual charges and you will be reimbursed if there is any remaining balance of the design fee.”

“Our Electric Planner will design a job to extend electric to serve the needs of your new Tryon Technology Park. The design will be done in our GIS system based upon the loads you provided. The design may include underground cable, transformers, switchgear, any conduit requirements and/or pull box requirements and will be presented to you when completed. You will be presented with the design fee charges and

our Right-of-Way Department will contact you separately with the easement and easement sketch. If there are requirements for customer installed conduit and/or concrete encased conduit and pull boxes, (installed by said customer) you will be advised of same when the drawing is complete.”

- National Grid also submitted PSC No. 220 Electricity Electric Tariff 6 of 146 as the basis for National Grid charging for their design work. (See attached.)

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

4. Tank Registrations:

a. Background:

- When title to Tryon was transferred to the IDA, several fuel tanks came with the property.
- These tanks had been registered with NYSDEC.
- That registration expired in January, 2014.

b. Meeting with NYSDEC:

- On March 16, 2016, Jim Mraz met with Ben Hankins, Environmental Engineer, NYSDEC, to inspect the registered tanks.
- Mr. Hankins wanted to inspect the six (6) tanks that were registered with NYSDEC as being at Tryon.
- Based upon that inspection and information Jim Mraz provided to NYSDEC the following determinations were made by NYSDEC:
 - 1) Tanks 60A (2,000 gallons) and 60B (4,000 gallons) were sold at the 4/2014 Auction and no longer exist onsite. As a result, they were removed from NYSDEC’s list of registered tanks.
 - 2) Tank 069 (300+/- gallons), which was supposed to be a part of the emergency generator, could not be found. As a result, it was removed from NYSDEC’s list of registered tanks.
 - 3) Tank 60E (275 gallons) was a waste oil tank in Bay 3 of Building 60. It was no longer there. As a result, it was removed from NYSDEC’s list of registered tanks.
 - 4) Tanks 60C (1,000 gallons) and 60D (50 gallons), which are tanks integral to the emergency generator, were found. There were properly labeled. These tanks will remain on NYSDEC’s list of tanks.
- Given that only two (2) tanks remain and their size is under the minimum tank size that requires they be registered, NYSDEC determined that the IDA would not be required to register those two (2) remaining tanks with NYSDEC.

c. Re-Register Tanks:

- Given what tanks remain based upon NYSDEC's March 16, 2016 inspection, these tanks do not need to be registered.
- However, since the previous registration of the tanks expired on January 1, 2014, NYSDEC has decided the IDA needs to re-register the tanks that no longer exist for the time period of January 2014 – April 2016.
- Total Registration Fee: \$500

IDA ACTION:

MOTION: To authorize a \$500 payment to NYSDEC to re-register two (2) tanks at Tryon.

MADE BY:

SECONDED:

VOTE:

IDA DISCUSSION:

5. Building Demolition:

- Fulton County's Demolition Team commenced work on demolishing the cluster of six (6) buildings on the right side of the entrance to Tryon.
- Demolition work began on March 21, 2016.
- It is projected that this work will be completed in June, 2016.

B. Johnstown Renewables Project:

1. Status Report:

IDA DISCUSSION:

C. Fulton County Capital Resources Corporation (FCCRC):

1. Status Report:

- Presented IDA's recommendation on March 30, 2016 to the Economic Development and Environment (ED & E) Committee. ED & E Committee unanimously approved creating the FCCRC.
- Finance Committee met on March 31, 2016 and also recommended approval.
- Board of Supervisors met on April 11, 2016.

IDA DISCUSSION:

D. IDA Reform Legislation:

1. Background:

- IDA Reform Legislation passed the legislature on June 19, 2015.
- It was signed into law in December 2015.
- The legislation becomes effective 180 days after being signed by the Governor.
- At the February 9, 2016 meeting, IDA members agreed to have Jim Mraz obtain cost proposals to assist the IDA in preparing the new policies and procedures.

2. Proposals:

- Hodgson Russ :
- Fitzgerald, Morris, Baker, Firth :

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

V. NEW BUSINESS:

A. Nathan Littauer Bond Issuance:

- In 1999, the IDA issued \$10,895,000 in bonds to help finance Nathan Littauer Hospital's Surgical Suite Project.
- On March 24, 2016, the IDA received a written notification from Nathan Littauer Hospital they will, on April 25, 2016, prepay the remaining three (3) years owed on the bonds.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

VI. 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 :

VII. NEXT MEETING:

Tuesday
May 10, 2016
8:00 a.m.

VIII. CLOSE MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :
TIME :