

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY
APRIL 11, 2017
8:00 A.M.

PLANNING DEPARTMENT CONFERENCE ROOM

AGENDA

PRESENT:

- ___ JOSEPH SEMIONE, CHAIRMAN
- ___ DAVE D'AMORE, VICE CHAIRMAN
- ___ WILLIAM SULLIVAN, TREASURER
- ___ JOE GILLIS, SECRETARY
- ___ DIANA PUTNAM, MEMBER
- ___ TODD RULISON, MEMBER
- ___ TIM MUNN, MEMBER
- ___ JAMES MRAZ, EXECUTIVE DIRECTOR
- ___ KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
- ___ SCOTT HENZE, PLANNER
- ___ BILL WALDRON, LIAISON, ECONOMIC DEVELOPMENT COMMITTEE
- ___ RON PETERS, FCCRG
- ___ MIKE ANICH, LEADER-HERALD

I. MINUTES FROM MARCH 14, 2017 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.

E. Other Reports:

- Economic Development Committee : Bill Waldron
- Fulton County Center for Regional Growth : Ron Peters

IV. OLD BUSINESS:

A. Proposed Solar Array Project:

1. Background:

- At its February 9, 2017 meeting, IDA members reviewed Ameresco's proposal which requested:
 - 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 on a 13-acre parcel behind Vireo Health.
 - 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.
- National Grid advised that a Supplemental Analysis must now be conducted to verify if the solar array could connect into National Grid's electrical distribution system. The fee to file for this analysis is \$18,000+/-.
- Board of Supervisors passed Resolution #37 dated February 13, 2017 endorsing the concept of purchasing solar power and entering into a Power Purchase Agreement with Ameresco.
- The next step was to collect information on the total electrical consumption in all County Buildings and send that information to Ameresco to determine if Fulton

County uses enough electricity to be able to purchase the 2 megawatts of power Ameresco proposes to generate.

- On February 28 2017, Jim Mraz sent that information to Ameresco with a request to review the information to determine if the County utilizes enough electricity to purchase all of the power the proposed 2 megawatts would generate.
- Based on the data sent to Ameresco, Fulton County currently uses about 1 MG of electricity. As a result, a new smaller solar array, roughly half the size of the previously proposed, is now being proposed.
- The “solar credit rate” has not yet been finalized by the Public Service Commission (PSC). It is estimated to be somewhere in the area of \$.1200/kwh.
- According to Ameresco, the PSC released program regulations recently, however, they did not include specific values for 2 key components of the overall solar credit rate (they call it the “Value Stack”). The PSC claimed the utilities did not provide enough data to them. The Commission gave the utilities until May 1, 2017 to provide this data so the Commission may rule shortly thereafter on the Value Stack.

IDA DISCUSSION:

B. 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:

- The Lease/PILOT has been executed.
- The IDA’s Administrative Fee has been received.

IDA DISCUSSION:

C. 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 documents have been distributed. Kara Lais has reviewed the draft documents and found them acceptable.
- Closing to be held soon.

IDA DISCUSSION:

D. 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.

1. 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
- Date : Wednesday
June 21, 2017
1. 10:00 a.m. – Noon
2. 3:00 p.m. – 5:00 p.m.
- Location : Tryon Technology Park
- 1st Session : For Brokers that are CIREB Members
2nd Session : For Local Brokers

2. 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.
- Date : Thursday-Friday
September 7-8, 2017
- Event will feature several Corporate Site Selectors from the Site Selectors Guild (SSG).
- Working on a 1-page slip sheet regarding Building 3 and Regional Business Training and Incubator Center to hand out at session.

IDA DISCUSSION:

E. Tryon Technology Park:

1. Tryon Development Area:

a. Background:

- At the March 14, 2017 meeting, IDA members reviewed the proposed Tryon Development Area.
- The Tryon Development Area would include:
 - 60+/- acres
 - Northern part of Tryon property
 - Housing: single-family, apartments, townhomes
 - Some mixed use
 - Executive Housing: large lots
 - Water:
 - Connect into line running from tank to CR117.

- Sewer:
 - Extend up from CR117

b. Appraisal:

- IDA Board asked Jim Mraz to obtain quotes to prepare appraisal on the 60 acres of land that would comprise the Tryon Development Area.

c. Quotes:

- Three (3) local appraisers were asked to submit quotes.
- Two (2) quotes were received:
 1. Whittaker Appraisal Group : \$500
 2. Clayton Sitterly : No charge (Market Evaluation. Not a formal appraisal.)

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

2. Lawn Mowing Quotes:

- A Request for Quotes (RFQ) was distributed to nine (9) companies/individuals to cut grass at Tryon.
- This year's asked for additional mowing. The additional mowing would be just prior to the June 21, 2017 CIREB marketing event to be held at Tryon.
- Quotes were due on April 5, 2017.
- Two (2) quotes were received:

Company/Individual	Brush Hog/Flail Mower (2)	Finish Mowing (7)	Brush Hog/Flail Mower (1)	Total
James Esper Landscape	\$ 3,500	\$ 3,500	\$ 1,500	\$ 8,500
Greenscapes	\$ 4,320	\$ 4,480	\$ 1,260	\$10,060

- Previous Year Costs:

2014: \$5,160 Greenscapes
 2015: \$8,820 Evergreen
 2016: \$7,520 Greenscapes

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the Chairman to execute a contract with James Esper Landscape in the amount of \$8,500 to perform lawn mowing work at Tryon for 2017.

MADE BY:

SECONDED:

VOTE:

V. **NEW BUSINESS:**

A. **Review Request from Air National Guard:**

- New York Air National Guard desires to use Tryon for training on April 21, 2017.
- Air National Guard, like NYS Police, are self insured. Letter has been submitted documenting such.
- See attached.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

B. **Building 3:**

1. **CIREB Symposium:**

- At the June 21, 2017 Symposium, commercial and industrial real estate brokers will be attending the event.
- It may be an opportunity to advertise/market the availability of Building 3.

2. **Marketing Pamphlet:**

- The IDA Board approved having a 1-page pamphlet prepared on Building 3 that could be distributed at this Symposium.

3. **Appraisal:**

- If the IDA wants to try and sell this building, it should have an appraiser to determine the building's current Fair Market Value.
- Quote received from Sterling Appraisal: \$4,500

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

C. IDA Website:

1. Background:

- IDA's website is currently a link on the County's website.
- The County's IT Department handles adding and deleting material from the IDA's website.

2. ABO:

- ABO administers and enforces a policy requiring the IDA to post and maintain various documents onto the IDA's website.

3. Status:

- At present, numerous IDA documents have not been posted onto the IDA's website.

4. Options:

- Stay with Fulton County.
- Hire someone to construct and manage a website for the IDA.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

D. Public Work Enforcement Fund:

1. Background:

- On March 31, 2017, the IDA received a letter, dated March 27, 2017, from the NYS Department of Labor regarding a program known as the Public Work Enforcement Fund.
- As a public benefit corporation engaged in certain construction or reconstruction, maintenance or repair contracts, the IDA is responsible to contribute to the Public Work Enforcement Fund (PWEF). This Law requires a public benefit corporation that enters into a public work contract to pay one tenth (0.1) of one percent (0.01) of the total cost of the contract to this Fund.

Example: \$100,000 contract x .001 = \$100

- For contracts which are not approved or administered by the Office of the State Comptroller, monthly reports and payments for deposit into the Public Work Enforcement Fund must be sent to: Department of Labor, Administrative Finance Bureau – PWEF Unit, Building 12, Room 464, State Office Campus, Albany, NY 12240 within 30 days of the end of each month or on a payment schedule mutually agreed upon with DOL.
- Reports should contain the following information:
 - Name and billing address of State agency or public benefit corporation;
 - State agency or public benefit corporation contact and phone number;
 - Name and address of contractor receiving the award;
 - Contract number and effective dates;
 - Contract amount and PWEF assessment charge (if contract amount has been amended, reflect increase or decrease to original contract and the adjustment in the PWEF charge); and
 - Brief description of the work to be performed under each contract.

2. Affirmation Notice:

- The Department of Labor is requiring the IDA execute an Affirmation Notice attesting that the IDA has reviewed the supplied information and the IDA’s responsibility concerning the Public Work Enforcement Fund.
- If a signed Affirmation Notice is not received within 30 days of the date of this letter, the IDA will be referred to the Office of the State Comptroller for further action.

3. Letter from NYS Economic Development Council (NYSEDC):

- On April 6, 2017, the IDA received a letter from the NYSEDC regarding this Affirmation Notice from the Department of Labor.
- The letter advised that:
 - NYSEDC is reviewing the matter to determine if the law was intended to apply to local public authorities. The law was enacted in 1995, and to my knowledge has never been applied to IDA’s in the past. If any IDA has received notice of this requirement in prior years, please contact me.
 - NYSEDC has contacted senior staff at DOL to determine if IDA’s have ever been notified of this requirements in past, or if any IDA’s have ever paid.
 - NYSEDC has also notified the Governor’s Office of our concern. And, we have notified senior legislative staff about the issue.
 - In light of this outreach, and because agencies have 30 days to return the signature page to DOL, NYSEDC is recommending that IDA’s NOT return the signature page at this time. NYSEDC will continue to seek answers and solutions to this matter over the next few weeks, and will provide further guidance to IDA’s before the 30-day window closes.

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 9, 2017
8:00 a.m.

VIII. CLOSE MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :
TIME :