

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY
MAY 16, 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 APRIL 11, 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:**

- Still waiting for Public Service Commission (PSC) to release solar credit rate/valve stack.

IDA DISCUSSION:

B. **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:

C. 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, Vail Mills and Tryon Development Areas
- Date : Wednesday
June 21, 2017
- Sessions : 1. 10:00 a.m. – Noon
2. 3:00 p.m. – 5:00 p.m.
- Location : Tryon Technology Park
- Target Audience : 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).
- Review draft 1-page slip sheets regarding Building 3 and Regional Business Training and Incubator Center to hand out at session.

IDA DISCUSSION:

V. NEW BUSINESS:

A. Emergency Generator at Tryon Technology Park:

1. Background:

- The IDA owns the emergency generator located adjacent to Building 60 at the Tryon Technology Park.
- The Generator, which used to provide emergency backup power to the former Tryon Campus, has not been used in six (6) years.

2. Request from Vireo Health:

- Vireo Health desires to rehabilitate and reactivate this generator to provide emergency backup power for their facility.
- If reactivated, the generator would also provide backup power for the wastewater and water pumping stations.

- Vireo Health would pay all costs associated with rehabilitating this Generator as well as its operation and maintenance.
- Vireo’s decision on whether to proceed depends on when National Grid will complete work on installing new electric service.

3. Status of National Grid’s Design of New Electric Service:

- On 4/17/17, Jim Mraz e-mailed National Grid for a Status Report on their design work. There had been no contact from National Grid since November 2016.
- On 4/20/17, National Grid responded. They advised that:

“To date, the electric work requests, one for the overhead line extension on County Route 107, another for the underground commercial development to extend the electric throughout the designated lots and an additional order to install the necessary equipment to provide 3 phase, have been designed. Included in this 3-phase work are poles, guy/anchors, conductor, reclosure and other appurtenances for a 3 phase line extension. The work requests are currently in the process of being reviewed for charges. We are close to providing an estimate for the associated costs. Once completed, I will notify you to discuss in further detail.”

4. Proposed Agreement:

- An Agreement has been drafted between Vireo Health of New York, LLC and the Fulton County Industrial Development Agency to allow Vireo Health to pursue rehabilitating the Generator.
- The Agreement identifies all of the duties and responsibilities that Vireo Health would have.
- The draft Agreement has been reviewed by Kara Lais and she has found it to be acceptable.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

B. IDA Website:

1. Background:

- At the April 11, 2017 meeting, IDA members discussed hiring a firm to prepare a new website.

2. Summary of Input Received:

- Several firms were contacted and asked for ballpark estimates for preparing a new IDA website.
- See Handout.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

C. 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.
- The Department of Labor asked IDA to execute an Affirmation Notice attesting that the IDA had 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.

2. 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 was reviewing the matter to determine if the law was intended to apply to local public authorities. The law was enacted in 1995 and had never been applied to IDA's in the past.
 - NYSEDC 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 also notified the Governor's Office and 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 recommended that IDA's NOT return the signature page at this time. NYSEDC would 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.

3. Input from Hodgson Russ:

- On April 25, 2017, the IDA received an e-mail from Hodgson Russ, the IDA's Bond Counsel, that had attached a letter Hodgson Russ recommended the IDA send back to the Department of Labor.
- Hodgson Russ advised IDA staff to consult with the agency's attorney.
- On April 25, 2017, all IDA's received an e-mail from Brian McMahan, NYSEDC. The e-mail said that the NYSEDC has discussed a flaw in the signature page language with the Director of DOL's Public Works Division. He was not aware of the oversight. He indicated that IDA's could, instead of signing and returning the signature page, send a separate letter stating you received the initial letter and agree to pay into the fund any time the IDA enters into a public works contract.
- The letter and e-mail were forwarded to Kara Lais to review.
- Kara Lais' firm recommended signing and sending in the letter drafted by Hodgson Russ.
- Joe Semione signed this letter and it was sent into the Department of Labor.

IDA DISCUSSION:

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
June 13, 2017
8:00 a.m.

VIII. CLOSE MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :
TIME :