

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY
MARCH 19, 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
___ GEORGE DOHERTY, MEMBER
___ JANE KELLEY, MEMBER
___ JAMES MRAZ, EXECUTIVE DIRECTOR
___ KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
___ SCOTT HENZE, PLANNING DIRECTOR
___ RON PETERS, FULTON COUNTY CENTER FOR REGIONAL GROWTH
___ MARIE BORN, LIAISON, ECONOMIC DEVELOPMENT AND ENVIRONMENT COMMITTEE
___ MIKE ANICH, LEADER-HERALD

I. MINUTES FROM FEBRUARY 12, 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:

- No report.

C. Governance Committee:

- No report.

D. Finance Committee:

- No report.

IV. OLD BUSINESS:

A. Century Linen Project:

1. Background:

- At the February 12, 2019 meeting, IDA Board adopted a Resolution approving sales tax exemptions for the proposed Century Linen Project.
- The Project Application identified the project as an \$8.25 million project.
- However, Century Linen had already committed to spend \$1.9+/- million on machinery and equipment that would not be eligible for sales tax exemptions.
- As a result, the total project cost was revised to \$6.4+/- million.

2. Revised Project Cost:

- After the February 12, 2019 meeting, Century Linen advised the IDA that the \$8.25 million figure in the Project Application was incorrect. That was the total project cost for the original project proposed for Union Avenue in the City of Johnstown.
- The current proposed project has a total project cost of \$6.25 million.
- Given that \$1.9+/- million has already been committed to purchasing machinery and equipment that will not obtain sales tax exemptions from the IDA, the revised total project cost is now \$4.35+/- million.
- IDA members were sent an e-mail on February 15, 2019 advising of this revised project cost and asked if they would be willing to accept these revised numbers.
- All IDA members who responded agreed to accept these revised figures.

3. Revised Project Application:

- Century Linen has submitted a new Project Application that incorporates the revised project cost of \$4.35 million.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

4. Invoice:

- Fitzgerald Morris Baker Firth has submitted its invoice for legal work provided for the Century Linen Project.
- Total Invoice: \$4,712.22

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize paying this invoice.

MADE BY:

SECONDED:

VOTE:

B. 2019 Goals:

1. Background:

- At the last meeting, the Board discussed establishing some goals for 2019.

2. 2019 Goal:

a. Market Tryon Development Area:

- 1) Conduct desktop environmental assessment and prepare basemap.
- 2) Prepare Sell Sheet.

3. Other Potential Goals:

a. Identify Sites for Potential Development:

- Obtain site control
- Conduct desktop environmental assessment and prepare basemap
- Develop and implement marketing strategy.

b. Market Lands on South Side of CR107 at Tryon Technology Park.

V. NEW BUSINESS:

A. Review Draft Audit of IDA's 2018 Financial Statements:

1. Key Finding:

- Based upon West & Company's review of the IDA's 2018 financial records, West & Company has issued an "unmodified opinion."
- This is the best opinion the IDA can receive.
- The IDA has consistently received unmodified opinions on its audits.

2. Presentation by West & Company:

A. Monthly reconciliation of Bank Statements:

- West & Company recommends that two (2) persons review and approve monthly bank statements.
- It is recommended that the Audit Committee members be authorized to approve monthly bank statements.
- Audit Committee Members: Dave D'Amore, Todd Rulison, Joe Semione and George Doherty

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize and direct the CFO and Audit Committee members to review and approve monthly bank statements.

MADE BY:

SECONDED:

VOTE:

IDA ACTION:

MOTION: To approve the Audit as submitted by the West & Company and authorize West & Company and the Executive Director to file the Audit in PARIS and Fulton County Treasurer.

MADE BY:

SECONDED:

VOTE:

3. 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 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.

MADE BY :
 SECOND :
 VOTE :
 TIME :

MOTION : To go out of Executive Session.

MADE BY :
 SECOND :
 VOTE :
 TIME :

B. Potential Investment of IDA Funds:

1. Background:
 - At present, the IDA has its reserve funds in an NBT money market account earning minimal interest.
2. Certificate of Deposits (CD's):
 - NBT is currently offering 6 and 12 month CD's:
 - 6 months : 2.0%
 - 12 months : 2.15%

- It is recommended that authorization be given for the CFO to transfer funds from the NBT's money market fund to CD's.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the CFO to transfer \$_____ to a 6-month CD and \$_____ to a 12-month CD.

MADE BY:

SECONDED:

VOTE:

C. Board Training:

1. Background:

- The annual evaluations IDA Board members completed last fall indicated a desire to conduct more training and updates for members.
- As a result, it is proposed that time be allocated at each IDA meeting to provide training.

2. Governing Legislation:

a) Background:

- There are three (3) laws that govern how IDA's operate:
 - Sections 850-888 of NYS General Municipal Law
 - Public Authorities Accountability Act of 2005 (PAAA)
 - Public Authorities Reform Act of 2009 (PARA)

b) General Municipal Law:

- IDA's are created under Article 18-A of NYS's General Municipal Law (GML).
- Section 852 of GML states that it is the policy of New York State:
 1. "To promote the economic welfare, recreation opportunities and prosperity of its inhabitants and to actively promote, attract, encourage and develop recreation, economically sound commerce and industry and economically sound projects through governmental action for the purpose of preventing unemployment and economic deterioration by the creation of industrial development agencies which are hereby declared to be governmental agencies and instrumentalities."
 2. "To protect and promote the health of the inhabitants of this state by the conservation, protection and improvement of the natural and cultural or historic resources and environment and to control land, sewer, water, air, noise or general environmental pollution derived from the operation of industrial, manufacturing, warehousing, commercial, recreation, horse racing facilities, railroad facilities, automobile racing facilities and research facilities and to grant such industrial development agencies the rights and powers provided by this article with respect to industrial pollution control facilities."
 3. "To protect and promote the health of the inhabitants of this state and to increase trade through promoting the development of facilities to provide recreation for the citizens of the state and to attract tourists from other states."

- Section 856 of GML states:
 1. An IDA shall be a corporate governmental agency, constituting a public benefit corporation.
 2. An IDA shall consist of not less than three (3) nor more than seven (7) members who shall be appointed by the governing body of each municipality and who shall serve at the pleasure of the appointing authority.
 3. A member shall continue to hold office until his successor is appointed and has qualified.
 4. Members shall receive no compensation for their services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of their duties.
 5. A majority of the members of an agency shall constitute a quorum.

- Section 858 of GML authorize IDA's:
 1. To promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research and recreation facilities including industrial pollution control facilities, educational or cultural facilities, railroad facilities, horse racing facilities, automobile racing facilities and continuing care retirement communities;
 2. To sue and be sued;
 3. To have a seal and alter the same at pleasure;
 4. To acquire, hold and dispose of personal property for its corporate purposes;
 5. To acquire by purchase, grant, lease, gift, pursuant to the provisions of the Eminent Domain Procedure Law, or otherwise and to use, real property, rights or easements therein necessary for its corporate purposes in compliance with the local zoning and planning regulations and to sell, convey, mortgage, lease, pledge, exchange or otherwise dispose of any such property in such manner as the agency shall determine;
 6. To make bylaws for the management and regulation of its affairs;
 7. With the consent of the municipality, to use agents, employees and facilities of the municipality, paying the municipality its agreed proportion of the compensation or costs;
 8. To appoint officers, agents and employees, to prescribe their qualifications, to fix their compensation and to pay the same out of funds of the agency;
 9. To appoint an attorney, who may be the counsel of the municipality, and to fix the attorney's compensation for services which shall be payable to the attorney, and to retain and employ private consultants for professional and technical assistance and advice;
 10. To make contracts and leases;
 11. To acquire, construct, reconstruct, lease, improve, maintain, equip or furnish one or more projects;
 12. To accept gifts, grants, loans, or contributions from, and enter into contracts or other transactions with, the United States, the state or any agency of either of them, any municipality, any public or private corporation or any other legal entity, and to use any such gifts, grants, loans or contributions for any of its corporate purposes;
 13. To borrow money and to issue bonds;
 14. To grant options to renew any lease with respect to any project or projects and to grant options to buy any project at such price as the agency may deem desirable;
 15. To designate the depositories of its money;
 16. To enter into agreements requiring payments in lieu of taxes. Such agreements shall be in writing and in addition to other terms shall contain: the amount due annually to each affected tax jurisdiction (or a formula by which the amount due annually to each affected tax jurisdiction (or a formula by which the amount due can be calculated), the name and address of the person, office or agency to which payment shall be delivered, the date on which payment shall be made, and the date on which payment shall be considered delinquent if not paid. Unless otherwise agreed by the affected tax jurisdictions, any such agreement shall provide that payments in lieu of taxes shall be allocated among affected tax jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each affected tax jurisdiction had the project not been tax exempt due to the status of the agency involved in the project. A copy of any such agreement shall be delivered to each affected tax jurisdiction within fifteen days of signing the agreement. In the absence of any such written agreement, payments in lieu of taxes made by an agency shall be allocated in the same proportions as they had been prior to January first, nineteen

hundred ninety-three for so long as the agency's activities render a project non-taxable by affected tax jurisdictions;

17. To establish and reestablish its fiscal year; and
18. To do all things necessary or convenient to carry out its purposes and exercise the powers expressly given in this title.

c) Public Authorities Accountability Act of 2005 (PAAA) and Public Authorities Reform Act of 2009 (PARA):

➤ The primary purposes of PAAA and PARA were:

1. To create an independent Authority Budget Office (ABO) to:
 - a. Promulgate rules and regulations.
 - b. Receive and act upon complaints.
 - c. Initiate formal investigations in response to complaints or non-compliance.
 - d. Issue subpoenas pertaining to investigations.
 - e. Publicly warn and censure authorities for non-compliance.
 - f. Report suspected criminal activity to the attorney general.
 - g. Compel any non-compliant authority to submit an explanation.
 - h. Commence special proceedings in Supreme Court seeking an order for the production of documents or information.
 - i. Develop with the Attorney General a written acknowledgement for board members.
 - j. Assess the ability of individual authorities to implement PARA 2009 and set a date for which changes must be implemented by.
 - k. Recommend to appointing authority the suspension or dismissal of officers or directors.

2. To provide greater efficiency, openness and accountability for New York's public authorities which includes IDA's.

3. To establish comprehensive reporting, auditing, governance and property disposition requirements including:

a. Board Responsibilities:

- (1) Appoint a Chief Executive Officer (CEO) and Chief Financial Officer (CFO).
- (2) Execute direct oversight of CEO and CFO.
- (3) Create, review and monitor financial and management controls and operational decisions.
- (4) Adopt a code of ethics applicable to each officer, director and employee that, at a minimum, includes the standards established in Section 74 of the Public Officers Law.
- (5) Establish policies regarding the payment of salary, compensation and reimbursements to, and establish rules for the time and attendance of management.
- (6) Establish written policies and procedures on personnel including policies protecting employees from retaliation for disclosing information concerning acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by an employee or board member of the authority, investments, travel, the acquisition of real property and the disposition of real and personal property and the procurement of goods and services.
- (7) Adopt a defense and indemnification policy and disclose such plan to any and all prospective board members.
- (8) Conduct an annual evaluation of the Board's performance.

b. Board Training:

- New IDA Board members must participate in State-approved training regarding their legal, fiduciary, financial and ethical responsibilities as directors of the authority within one year of appointment to the board.
- New Board members must complete this training within one (1) year of their appointment to the Board.

- IDA Board members must participate in continuing training as may be required to remain informed of best practices, and regulatory and statutory changes relating to effective oversight of management and financial activities of authorities.
- See attached record of FCIDA Board member training.

c. Extension of Credit:

- An IDA Board is prohibited from extending or maintaining credit, arranging for the extension of credit, or renewing an extension of credit, in the form of a personal loan to or for any officer, board member or employee of the IDA.

d. Committees:

1. Audit Committee:

- An Audit Committee must be established and comprised of at least three independent members who shall constitute a majority on the Committee.
- Members of the Audit Committee should be familiar with corporate financial and accounting practices. The Audit Committee must recommend to the board the hiring of a CPA firm, establish compensation to be paid to the CPA firm and provide direct oversight of the performance of the independent annual audit performed by the CPA firm.

2. Governance Committee:

- A Governance Committee must be established and be comprised of at least three independent members who shall constitute a majority on the Committee.
- The Governance Committee must keep the board informed of current best governance practices, review corporate governance trends, update the authority's governance principles, and advise appointing authorities of the skills and experiences required of potential board members. In addition, PARA requires that the committee examine ethical and conflicts of interest issues; perform board self-evaluations; and recommend by-laws which include rules and procedures for conduct of board business.

3. Finance Committee:

- If the IDA issues debt, it must establish a Finance Committee. The Finance Committee must have at least three independent members who shall constitute a majority on the committee.
- The Committee shall review proposals for the issuance of debt by the authority and its subsidiaries and make recommendations.

e. Independence:

- PARA stated that a "majority" of Board members appointed on or after January 13, 2006 must be "independent". An "independent" member is one who:
 1. Is not, and in the past two years has not been, employed by the public authority or an affiliate in an executive capacity.
 2. Is not, and in the past two years has not been, employed by an entity that received remuneration valued at more than \$16,000 for goods and services provided to the public authority or received any other form of financial assistance valued at more than \$15,000 from the public authority.
 3. Is not a relative of an executive officer or employee in an executive position of the public authority or an affiliate.
 4. Is not, and in the past two years has not been, a lobbyist registered under a State or local law and paid by a client to influence the management decisions, contract awards, rate determinations or any other similar actions of the public authority or an affiliate. The new Audit Committee would be required to make recommendations to the board concerning the engagement of a certified

independent accounting firm, compensation to be paid for same, and to provide direct oversight of the engagement.

- PARA changed PARA as follows: Board members, including the chairperson, may serve as the chief executive officer, executive director, chief financial officer, comptroller, or hold any other equivalent position while also serving as a member of the board. However, no chair who is also the chief executive officer shall participate in determining the level of compensation or reimbursement, or time and attendance rules for the position of chief executive officer.
- f. Financial Disclosure:
 - Board members, officers, and employees must file annual financial disclosure statements with the County Board of Ethics pursuant to Article 18 pursuant to the Act.
 - FCIDA Board members file their financial disclosure forms with the Fulton County Attorney.
- g. IDA Statement:
 - PARA requires that all new IDA Board members, at the time of appointment, must sign an Acknowledgement of Fiduciary Duties and Responsibilities statement that acknowledges that they understand their fiduciary responsibilities.

IDA DISCUSSION:

D. Review New ABO Regulations for IDA's:

1. Background:
 - The ABO recently adopted new regulations that all IDA's must comply with.
2. Summary of New Regulations:
 - 1) Standard Application Form:
 - a. Each IDA shall adopt a Standard Application Form (SAF).
 - b. The SAF shall be publicly available on IDA websites.
 - c. The SAF shall include:
 - Name/address of Applicant
 - Description of proposed project, location and purpose
 - Amount and type of financial assistance being requested including an itemized estimated value of each type of tax exemption.
 - A statement that there is a likelihood that the project would not be undertaken but for the financial assistance provided by the IDA or, if the project could be undertaken without financial assistance provided by the IDA, a statement indicating why the project should be undertaken by the IDA.
 - An itemized estimate of capital costs of the project, including real property, equipment and building construction or reconstruction, financed from private sector sources, an estimate of the percentage of project costs financed from public sector sources, and an estimate of both

the total amount to be invested by the applicant and the amount to be borrowed to finance the project.

- The projected number of full-time equivalent jobs that would be retained and created if the request for financial assistance is granted (and if part-time jobs are part of the financial assistance a proportion of a full-time equivalent job is to be calculated), the projected monthly timeframe for the creation of new jobs per year, the estimated salary and fringe benefit averages or ranges for categories of the jobs that would be retained or created if the request for financial assistance is granted, and an estimate of the number of residents of the economic development region or the labor market area as defined by the IDA, in which the project is located that would fill such jobs. The labor market area defined by the IDA for this purpose may include no more than six contiguous counties in the state, including the county in which the project is to be located.
- A statement, signed by an individual authorized to bind the project applicant, expressing that the provisions of subdivision one of section eight hundred sixty-two of this chapter will not be violated if financial assistance is provided for the proposed project; i.e., for interstate moves, "The completion of this entire project will not result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state."
- A statement signed by an individual authorized to bind the project applicant that the owner, occupant or operator receiving financial assistance is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- A statement signed an individual authorized to bind the project applicant, acknowledging that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of agency or authority involvement in the project as well as may lead to other possible enforcement actions.

2) IDA's shall develop and adopt by Resolution, which shall be made publicly available and posted on its website, the uniform criteria for the evaluation and selection for each category of projects for which financial assistance will be provided. The Criteria shall include, but not limited to require that, for each project, the following must occur prior to the approval of financial assistance:

- a. An assessment by the IDA of all material information included in connection with the application for financial assistance, as necessary to afford a reasonable basis for the decision by the IDA.
- b. A written cost-benefit analysis by the IDA that identifies the extent to which a project will create or retain permanent, private sector jobs; the estimated value of any tax exemptions to be provided; the amount of private sector investment generated or likely to be generated by the proposed project; the likelihood of accomplishing the proposed project in a timely fashion; and the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts; and any other public benefits that may occur as a result of the project.
- c. A statement by an individual authorized to bind the project applicant, as of the date of the completed and submitted application, is in substantial compliance with all the requirements of Chapter 563 of the Law of 2015 and subdivision one of section eight hundred sixty-two of the general municipal law.
- d. If the project involves the removal or abandonment of a facility or plant within the state, notification by the IDA to the chief executive officer or officers of the municipality or municipalities in which the facility or plant was located.

- 3) IDA's shall conspicuously post on their website:
 - a. The IDA's completed Uniform Project Agreement and all attachments, appendixes and any other relevant records that sets forth terms and conditions under which financial assistance shall be provided.
 - b. The completed Project Application submitted by the project applicant.

- 4) Uniform Project Agreements shall, at a minimum:
 - a. Describe the project and the financial assistance, including the amount and type, to be provided, and the IDA purpose to be achieved.
 - b. Require each project owner, occupant or operator receiving financial benefits to provide annually a certified statement and supporting documentation:
 - (i) Enumerating the full-time equivalent jobs retained and the full-time equivalent jobs created as a result of the financial assistance, by category, including full-time equivalent independent contractors or employees of independent contractors that work at the project location, and
 - (ii) Indicating that the salary and fringe benefit averages or ranges for categories of jobs retained and jobs created that was provided in the application is still accurate and if it is not still accurate, providing a revised list of salary and fringe benefit averages or ranges for categories of jobs retained and jobs created, and an explanation for why it is not still accurate.
 - c. Indicate the dates when payments in lieu of taxes are to be made and provide an estimate of the amounts for each affected tax jurisdiction of any payments in lieu of taxes that are included as part of the transaction, or formula or formulas by which those amounts may be calculated. In lieu of providing such information, a copy of an executed payment in lieu of tax agreement that contains the same information may be attached to the uniform project agreement.
 - d. Provide for the suspension or discontinuance of financial assistance, or for the modification of any payment in lieu of tax agreement to require increased payments, in accordance with policies developed by the IDA pursuant to general municipal law section eight hundred seventy-four.
 - e. Provide for the return of all or a part of the financial assistance provided for the project, including all or part of the amount of any tax exemptions, which shall be redistributed to the appropriate affected tax jurisdiction, as provided for in policies developed by the agency or authority pursuant to general municipal law section eight hundred seventy-four, unless agreed to otherwise in writing by any local taxing jurisdiction or jurisdictions; and
 - f. Provide that the owner, occupant or operator receiving financial assistance shall certify, under penalty of perjury, that it is in substantial compliance with all local, state and federal tax, worker protection and environmental laws, rules and regulations.

- 5) IDA's shall establish and make conspicuously available on their websites:
- a. IDA policies for the suspension or discontinuance of financial assistance, or for the modification of any payment in lieu of tax agreement to require increased payments under circumstances as specified in the policy, which may include but shall not be limited to events of material violation of the terms and conditions of a project agreement made pursuant to section eight hundred seventy-four of the general municipal law;
 - b. IDA policies for the return of all or a part of the financial assistance provided for the project, including all or part of the amount of any tax exemptions or payments in lieu of taxes, as specified in the policy, which may include but shall not be limited to material shortfalls in job creation and retention projections or material violations of the terms and conditions of project agreements. All such returned amounts of tax exemptions shall be redistributed to the appropriate affected tax jurisdiction, unless agreed to otherwise by any local taxing jurisdiction.
 - c. Annual assessments of the progress of each project for which bonds or notes remain outstanding or straight-lease transactions have not terminated, or which continue to receive financial assistance or are otherwise active, toward achieving the investment, job retention or creation, or other objectives of the project indicated in the project application. Such assessments shall be provided to board members and shall be made available to the public on the authority website.

3. IDA Actions Needed:

- A. Put Project Applications and Project Agreements onto IDA website.
- B. Put Uniform Criteria for reviewing Project Applications onto IDA website.
- C. Prepare annual assessments of each project for which bonds remain outstanding and put those assessments on IDA website.

IDA DISCUSSION:

E. NYS Economic Development Council:

1. Background:

- There are a number of bills the Legislature is reviewing that could impact IDA's in New York State.

2. Summary of Proposed Bills:

Bill No. S1947:

- Expands the definition of "public works" to require that all projects receiving IDA benefits to pay prevailing wages.

Bill No. S00088:

- Requires each industrial development agency to live stream and post video recordings of all open meetings and public hearings; requires each industrial development agency to post such recordings for a period of not less than five years.
- IDA's shall, to the extent practicable, stream all open meetings and public hearings on its website in real-time.

Bill No. A00587:

- Requires members of an industrial development agency be appointed in a manner which will ensure that women comprise approximately fifty percent (50%) of the membership.

Bill No. S1923:

- Enacts the corporate accountability for tax expenditures act; standardizes applications for state development assistance for empire zone assistance and industrial development agency assistance; requires submission of certain development assistance agreements to the department of taxation and finance; requires recipients of certain development assistance to submit progress reports which include certain information and disclosures; makes certain recapture provisions; and defines relevant terms.

Bill No. S2637:

- Makes various provisions to reform local development corporations and industrial development agencies: conflicts of interest, standard tax exemption policies, municipal input, more information to be made public, economic impact statements, public hearings, and payment of prevailing wages.

Bill No. S2769:

- Requires IDA's to deliver a copy of the resolution adopted pursuant to approve exemptions by certified mail, return receipt requested, to the chief executive officer of each affected local taxing jurisdiction. When the affected local taxing jurisdiction is a school district, the agency shall deliver a copy of such resolution by certified mail, return receipt requested, to the school board and district superintendent of each affected school district.

Bill No. A3449:

- Increases the minimum number of members of an industrial development agencies' board of directors from three to four; provides that the board must include representatives of labor, business, local government and local school boards.

Bill No. A3351:

- Authorizes industrial development agencies to provide technical and financial assistance to qualified residential facilities.

Bill No. A2737:

- Requires that prior to the approval of any application for a payment in lieu of taxes agreement by an industrial development agency, the agency shall notify certain school boards and consult with certain district superintendents.

3. Request from NYS Economic Development Council:

- The IDA received a request from the NYS Economic Development Council for funding to allow the EDC to hire a consultant to manage its advocacy with the NYS Legislature during the current session.
- Amount Requested: \$500

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize a \$500 payment to the NYS Economic Development Council.

MADE BY:
SECONDED:
VOTE:

MOTION: To authorize the Chairman to send a letter in opposition to proposed Bill S1947.

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:
 - ix. matters which will imperil the public safety if disclosed;
 - x. any matter which may disclose the identity of a law enforcement agent or informer;
 - xi. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
 - xii. discussions regarding proposed, pending or current litigation;
 - xiii. collective negotiations pursuant to article fourteen of the civil service law;
 - xiv. 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;
 - xv. the preparation, grading or administration of examinations;
 - xvi. 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
April 9, 2019
8:00 a.m.

VIII. CLOSE MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :
TIME :