

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY
JUNE 11, 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
___ MICHAEL BRANDI, 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 MAY 14, 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:

- Monthly Bank Reconciliation Reports.

C. Governance Committee:

- No report.

D. Finance Committee:

- No report.

IV. OLD BUSINESS:

A. Status of Johnstown Renewables (JR) Project:

- At the May 14, 2019 meeting, the IDA Board approved an Amendment to the IDA's Lease Agreement with Johnstown Renewables to extend the project completion date through December 31, 2019.

V. NEW BUSINESS:

A. Proposed Acquisition of Property along Hales Mills Road Extension:

1. Background:

- a. Fulton County's Development Strategy includes the creation of a Primary Development Area called the Hales Mills Development Area.
- b. The Concept Plan for this Development Area is consistent with the Comprehensive Plan of the Town of Johnstown.
- c. The Hales Mills Development Area consists of four (4) parcels of land that are owned by two (2) property owners.
- d. Fulton County desires parcel 163.-1-26.12 to be developed into housing, commercial and retail uses identified on the Hales Mills Development Area Concept Plan and the Town of Johnstown desires parcel 163.-1-19.2 to potentially develop into a recreational facility also as identified on the Hales Mills Development Area Concept Plan.
- e. The Hales Mills Development Area Project will address the public need of creating new housing, providing public recreational facilities and generating new property and sales tax revenues to stabilize property tax rates for Fulton County residents.

2. Negotiations:
 - a. In June, 2018, Mr. Bowe put these two (2) parcels up for sale.
 - b. Fulton County and the Fulton County Industrial Development Agency (IDA) have both attempted to negotiate the purchase of the parcels owned by Mr. Bowe. However, these negotiations have not resulted in the purchase of the parcels.
 - c. Independent certified appraisals have determined that Mr. Bowe's asking price exceeds substantially the appraised value of the land.
 - d. The IDA learned last week that Mr. Bowe passed away on May 27, 2019.

3. Eminent Domain:
 - a. Fulton County Board of Supervisors' Resolution #166 dated May 13, 2019 authorized and directed the IDA to initiate an Eminent Domain Procedure Law (EDPL) action to acquire the two (2) parcels owned by Mr. Bowe.
 - b. At its May 14, 2019 meeting, in response to the Board of Supervisors' request, the IDA Board adopted a Resolution to schedule an EDPL Public Hearing.
 - c. The IDA Board agreed to continue negotiations with Mr. Bowe to acquire the two (2) parcels. The IDA Board stated it preferred to acquire these parcels by negotiations and would use EDPL only as a last resort.

4. EDPL Public Hearing:
 - EDPL Public Hearing was held on Tuesday, June 4, 2019, at 4:00 p.m. in Town of Johnstown Town Hall.
 - A total of 75 people were in attendance and 37 people spoke.
 - In addition, written comments were received.
 - A Summary Report of all written and verbal comments received has been prepared.

5. Summary Report on Public Input Received:

A. EDPL Public Hearing:

1. **RESIDENCE OF SPEAKERS:**

A. Town of Johnstown	:	20
B. Montgomery County	:	7
C. Town of Mayfield	:	5
D. City of Johnstown	:	2
E. Other	:	2
F. <u>Town of Perth</u>	:	<u>1</u>
Total	:	37

2. **SUMMARY OF KEY COMMENTS OFFERED:**

- Eminent Domain should not be used to acquire private property or agricultural land.
- The property owner should be paid what he is asking for his property.
- Fulton County should do more to promote agriculture.
- There is no need for a new Town Park. There are enough parks and trails in Fulton County already.

- There is no need for new housing in Fulton County.
- Nothing said at the Public Hearing will change anything. The decision to use Eminent Domain has already been made.
- It's okay to use Eminent Domain for building roads, or traffic safety.
- Preservation of farmland is important.
- Even though the Bowe property has not been farmed for many years, the soils there are classified as prime farmland.
- Fulton County's beauty is its greatest asset. Building the Hales Mills Development Area (HMDA) would ruin that beauty.
- Fulton County doesn't need another industrial park. When their tax breaks are done, all the companies leave.
- Mr. Bowe was a distinguished veteran who fought in two (2) wars.
- Residential development creates conflicts for farmers.
- Not enough information has been put out on the Hales Mills Development Area (HMDA).
- Fulton County and the Town of Johnstown shouldn't be building housing.
- Using Eminent Domain is like going to a store to buy something and telling the store you're only going to pay them ½ of what they have the item priced for.
- This taking of land is taking it from the people who built the United States.
- Farmers are hard working people.
- Eminent Domain actions can be challenged and won in court.
- Look at alternatives to HMDA.

3. INCORRECT COMMENTS:

Comment : Land is stolen when taken by Eminent Domain.
 Response : Landowners are paid the fair market value for their property as determined by independent appraisers.

Comment : IDA's are only involved with industrial projects.
 Response : IDA can be involved in a variety of projects including industrial, manufacturing, warehousing, distribution, retail, commercial, housing, civic facilities and others.

Comment : Fulton County is seeking to use Eminent Domain to acquire land in the Town of Mohawk in Montgomery County.
 Response : Fulton County has not discussed or considered using Eminent Domain to acquire any land in Montgomery County.

- Comment : Fulton County has offered the property owners in the Town of Mohawk 3 times the price per acre they offered Mr. Bowe.
- Response : Fulton County has not discussed, considered or made any written or verbal offers to any property owner in the Town of Mohawk to purchase any land.
- Comment : Fulton County already has a developer for this project.
- Response : No developer has been selected. No developer has, to date, expressed an interest/willingness to invest into building out the Hales Mills Development Area.
- Comment : The Town of Johnstown or Fulton County should not be getting into the business of building new housing.
- Response : The Town or County is not going to be building new housing. The Hales Mills Development Area Project is a private sector project. The new housing, commercial and retail spaces shown in the Hales Mills Development Area would be built and financed by a private developer. The private investment into the proposed Hales Mills Development Area would create new tax base that would help both the Town of Johnstown and Fulton County stabilize Town and County tax rates.
- Comment : There are enough industrial parks in Fulton County. We don't need another one on Hales Mills Road.
- Response : The Park proposed for the west side of Hales Mills Road Extension would be a Town Park that would include recreational facilities. The Town Park would preserve green space. It would not be an industrial park.
- Comment : Fulton County went from promoting the area to building housing.
- Response : Fulton County is not going to build the new housing shown in the Hales Mills Development Area. The new housing would be built and financed by private developers. The Hales Mills Development Area Project is a private sector project. The private investment into the proposed Hales Mills Development Area would create new tax base that would help both the Town of Johnstown and Fulton County stabilize Town and County tax rates.

B. Written Comments:

1. A total of 30 written comments were received:
 - a. 25 were new comments from persons who did not speak at the Public Hearing.
 - b. 5 were the comments made by speakers at the Public Hearing.

IDA DISCUSSION:

B. National Grid Easement:

- National Grid has requested a 20' wide easement along the former second access route into Tryon.
- This easement will be used to locate National Grid's new overhead electric lines they will be running from CR107 to CR117.
- Kara Lais has reviewed the easement and found it to be acceptable.

DISCUSSION:

MOTION: To authorize Chairman to execute this easement with National Grid.

MADE BY:

SECONDED:

VOTE:

C. Request for Information:

1. Background:
 - On May 20, 2019, the IDA received a letter dated May 17, 2019 from the NYS Senate's Investigations and Government Operations Committee.
 - The 10-page letter requested voluminous information from the IDA.
 - The letter advises that, under the Authority of Legislation Law 62-A, the Committee has the authority to issue a subpoena.
2. Draft Response:
 - A Draft Response to the Information and Document request has been prepared.
 - The Draft Response was e-mailed to IDA members on June 3, 2019.

IDA DISCUSSION:

IDA ACTION:

MOTION: To approve the Draft Response and authorize the Executive Director to submit the response to the NYS Senate's Committee on Investigations and Government Operations.

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
July 9, 2019
8:00 a.m.

VIII. CLOSE MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :
TIME :