

# 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  
\_\_\_ 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.
  - See Handout.

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 :