

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

**TUESDAY
OCTOBER 15, 2019
8:00 A.M.**

PLANNING DEPARTMENT CONFERENCE ROOM

MEETING NOTES

PRESENT:

DAVE D'AMORE, CHAIRMAN
TIM MUNN, VICE CHAIRMAN
JOSEPH SEMIONE, TREASURER
JOE GILLIS, SECRETARY
JAMES MRAZ, EXECUTIVE DIRECTOR
MIKE BRANDI, FITZGERALD, MORRIS, BAKER, FIRTH PC
SCOTT HENZE, PLANNING DIRECTOR
GEOFFREY PECK, FULTON COUNTY CENTER FOR REGIONAL GROWTH
KEN ADAMCZYK, ECONOMIC DEVELOPMENT SPECIALIST, FULTON COUNTY CENTER
FOR REGIONAL GROWTH
SHELLY YERDON, COLDWELL BANKER ARLENE M. SITTERLY
TERRI EASTERLY, COLDWELL BANKER ARLENE M. SITTERLY
CHRISTIAN KLUEG, HOWARD HANNA

I. MINUTES FROM SEPTEMBER 10, 2019 MEETING:

MOTION : Accept as presented.
MADE BY : Joseph Gillis
SECONDED : Joseph Semione
VOTE : Unanimous

II. BUDGET REPORT:

MOTION : Accept as presented.
MADE BY : Tim Munn
SECONDED : Joseph Semione
VOTE : Unanimous

III. COMMITTEE REPORTS:

A. Nominating Committee:

- No report.

B. Audit Committee:

- Monthly Bank Reconciliation Reports: Dave D'Amore

C. Governance Committee:

- No report.

D. Finance Committee:

- No report.

IV. FULTON COUNTY/FULTON COUNTY CENTER FOR REGIONAL GROWTH (FCCRG) REPORTS:

1. Fulton County Report: Marie Born, Liaison

- No report provided.

2. FCCRG Report: Ron Peters, CEO

- No report provided.

V. OLD BUSINESS:

A. IDA Property at Tryon Technology Park on South Side of CR107:

1. Background:

- The IDA owns a 26+/- acre parcel of land on south side of CR107 across from the Tryon Technology Park.
- Board expressed an interest in listing the parcel with either Howard Hanna or Coldwell Banker Arlene M. Sitterly.

2. Presentations:

- a. Coldwell Banker Arlene M. Sitterly: Terri Easterly/Shelly Yerdon
- b. Howard Hanna: Christian Klueg

IDA DISCUSSION: Shelly Yerdon and Terri Easterly distributed a handout to all IDA Board members present. Shelly Yerdon then reviewed the information in the handout. They discussed the history of Coldwell Banker Arlene M. Sitterly. Shelly Yerdon stated that Terri Easterly and she have owned the company since 2005. Coldwell Banker Arlene M. Sitterly has 20 sales agents and conducted \$35 million in sales last year. She stated that approximately 11% of their business is commercial. She stated that Coldwell Banker would be very interested in listing this parcel. Shelly Yerdon stated Coldwell Banker's terms would be a 5% commission for a period of one (1) year.

Christian Klueg distributed a handout to all IDA Board members present. He then reviewed all of the information in the handout. He stated he has not visited this site so he's not prepared to discuss what its highest and best use would be. From what he knows, he's thinking it will probably be residential. Christian Klueg stated that Howard Hanna is the #1 real estate broker in New York State based upon sales volume. He reviewed how Howard Hanna would market this property. He stated Howard Hanna is interested in listing this property on behalf of the IDA. Howard Hanna's terms would be a 6% commission with either a 6-month or 1-year term.

IDA Board members then discussed the presentations made by both Coldwell Banker and Howard Hanna. After a brief discussion, it was the unanimous consensus of all IDA Board members present to list the property with Coldwell Banker Arlene M. Sitterly. There was a brief discussion regarding talking with Coldwell Banker about what the IDA's vision is for this property. IDA Board members stated they desire to see the property used for residential. IDA Board members prefer to see higher quality housing built on the site.

IDA ACTION:

MOTION: To authorize retaining Coldwell Banker Arlene M. Sitterly for one (1) year to list for sale this 26+/- acre parcel of land on the south side of CR107 to be used as higher quality residential housing.

MADE BY: Dave D'Amore
SECONDED: Joseph Semione
VOTE: Unanimous

B. Status of Johnstown Renewables (JR) Project:

1. Background:

- Amendment to Lease Agreement was sent to JR.
- Amendment extends project completion date through December 31, 2019.

2. Status Report:

- On September 28, 2019, the Leader Herald reported that the onsite components of the JR Project would be auctioned off. The Auction will be held on October 28, 2019 from 7 – 10 a.m. at the site.
- See attached news article.

IDA DISCUSSION: Jim Mraz stated that, in accordance with the IDA's Uniform Tax Exemption Policy, Kara Lais recommends the IDA Board pursue recapturing the sales tax benefits the JR Project received from the IDA. In addition, Kara Lais recommends that the IDA execute an Escrow Agreement with JR whereby the proceeds from the auction be repaid to the IDA up to the amount of sales tax benefits JR had received.

IDA ACTION:

MOTION:

To authorize, in accordance with the IDA's Uniform Tax Exemption Policy, IDA Counsel to proceed with recapturing the sales tax benefits the JR Project received, to authorize the Chairman to execute an Escrow Agreement with Johnstown Renewables and to authorize the termination of the Lease Agreement, if necessary, with Johnstown Renewables.

MADE BY: Joseph Semione
SECONDED: Joseph Gillis
VOTE: Unanimous

C. IDA Website:

1. Background:

- At September 10, 2019 meeting, Betsy Emery presented her findings from series of meetings she conducted with IDA Board and staff.

2. Proposal from Emery Designs:

- See attached.

IDA DISCUSSION: Jim Mraz recommended that the IDA Board hold on any action regarding Emery Designs proposal contingent upon a meeting to be held this week with Emery Designs. It was the unanimous consensus of all IDA Board members to hold on taking any action regarding Emery Designs' proposal.

D. Amended Site Plan for Vireo Health of NY:

1. Original Site Plan:

- In 2015, the IDA served as the Lead Agency in the SEQR review of the original Vireo Health Project at the Tryon Technology Park.
- Back then, Vireo was known as Empire State Health Solutions (ESHS). ESHS's EAF stated that their project included,

"a 3 phase plan to build a pharmaceutical grade medical marijuana manufacturing facility. Phase 1 was refurbishing the existing 20,000 SF building. Phase 2 was the construction of a 19,152 SF greenhouse. Phase 3 would be the construction of a 58,000 SF manufacturing facility and 110,000 SF of additional greenhouse space. The total size of all phases was 208,000 SF."

- The IDA Board classified the proposed project as a Type 1 Action and conducted a Coordinated SEQR review.
- The Board issued a negative declaration.

2. Existing Conditions:

- As present, Vireo occupies the original 20,000+/- SF building on its site, as well as two (2) 20,000 SF greenhouses that they have constructed.

3. Amended Site Plan:

- Vireo has submitted both to the IDA and Town of Perth Planning Board an amended Site Plan to approve.
- The amended Site Plan proposes to add:
 - Eight (8) 20,000 SF greenhouses.
 - One (1) 30,000 SF processing center.
- The following compares original and amended site statistics:

	Original	Amended	Change
Lot Size	20.660+/-	20.660+/-	--
Building Area	202,208 SF	267,095 SF	+ 64,887 SF
Pavement Area	21,876 SF	52,749 SF	+ 30,873 SF
Gravel Access Roads Area	36,517 SF	82,775 SF	+ 46,258 SF
Green Space Area	776,670 SF	497,331 SF	-279,339 SF
Max Building Area (50%)	7.2%	29.7%	--
Parking	33+	64	+31

4. SEQR:

- Given the increase in the amount of new building space proposed to be constructed over and above what was identified in the original EAF submitted to the IDA, C.T. Male, on behalf of Vireo Health of NY, has submitted an amended Part I EAF to the IDA Board.
- It is recommended that the IDA Board reopen SEQR given this amended project information.
- See Resolution attached.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He distributed copies of the amended Site Plan to all IDA members present. He then reviewed the Part I EAF C.T. Male submitted on behalf of Vireo Health. IDA Board members then reviewed the Resolution that was attached to the IDA Agenda. Jim Mraz asked if there were any questions. There were none.

IDA ACTION:

MOTION:

To adopt a Resolution to reopen SEQR on Vireo Health's pharmaceutical project, to classify the proposed Vireo Health of New York's Project as a Type 1 Action under State Environmental Quality Review (SEQR), to propose that the IDA serve as the Lead Agency, to conduct a Coordinated SEQR Review and to seek the consent of Involved Agencies to the IDA serving as Lead Agency.

MADE BY:

Tim Munn

SECONDED:

Joseph Semione

VOTE:

Unanimous

VI. NEW BUSINESS:

A. 2020 IDA BUDGET:

1. Background:

- IDA is required to have its 2020 Budget adopted by October 31, 2019.

2. Proposed 2020 IDA and Tryon Budgets:

- See attached.

IDA DISCUSSION: Jim Mraz reviewed the proposed 2020 Budget with all IDA members present. He reviewed the municipal contribution from Fulton County decreasing from \$15,000 to \$10,000 in 2020. He stated that the proposed budget includes a \$10,000 allocation for Desktop Environmental Assessment that was discussed at the last IDA Board meeting. He also stated that the proposed budget includes dollars to work on updating the IDA's website. He asked if the Governance Committee had made any recommendations for salaries for the Executive Director and CFO. Committee members stated they had not completed that work. Jim Mraz stated that the proposed budget includes a placeholder amount. He asked the Governance Committee to make a final determination as to what the salaries would be in 2020 for both the Executive Director and CFO. He stated once the Governance Committee makes these determinations, those amounts will be included into the budget. Dave D'Amore asked if there were any further questions or comments regarding the proposed 2020 budget? There were none.

IDA ACTION:

MOTION: To adopt the 2020 IDA and Tryon Budgets as presented.

MADE BY: Joseph Gillis

SECONDED: Joseph Semione

VOTE: Unanimous

B. Tryon Electric Project:

1. Background:

- a. National Grid is preparing to start work on installing new electric service at the Tryon Technology Park.
- b. National Grid's work will include:
 - 1) Installing new overhead service from CR107 to CR117.
 - 2) Installing new underground electric service along CR107 to a point just past Vireo Health.
 - 3) Install new underground service laterals to wastewater pump station, water booster station and elevated tank.
 - 4) The service laterals will terminate at transformer pads.
- c. Fulton County is paying National Grid to perform this work.

2. Additional Work:

a. A contractor needs to be hired to:

- 1) Install new electric services from each of National Grid's transformer pad to and into the wastewater pump station, water booster station and elevated tank.
- 2) Remove 14 transformers from electric poles. This is just the removal of the transformers. The transformers would be stored in Building 3.
- 3) Disposal of the transformers will be an additional scope of work for another contractor.

3. Quotes:

- a. Three (3) contractors were asked to provide quotes for performing this work.
- b. Two (2) quotes were received.
- c. Tom's Electric was the lowest quote at \$44,600.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He asked if there were any questions. There were none.

IDA ACTION:

MOTION: To authorize hiring Tom's Electric at a cost of \$44,600 to install new electric service laterals from National Grid's transformers to the wastewater pump station, water booster station and elevated tank and to remove and store in Building 3 14 transformers located on existing poles at the Tryon Technology Park.

MADE BY: Dave D'Amore
SECONDED: Tim Munn
VOTE: Unanimous

VII. NEXT MEETING:

Tuesday
November 12, 2019
8:00 a.m.

VIII. CLOSE MEETING:

MOTION : To close the meeting.
MADE BY : Tim Munn
SECONDED : Joseph Semione
VOTE : Unanimous
TIME : 9:20 a.m.

IDA Board Member Tim Munn introduced the following Resolution and moved its adoption:

RESOLUTION REOPENING THE SEQR REVIEW ON VIREO HEALTH OF NEW YORK PROJECT'S AMENDED PROJECT, TO CLASSIFY THE AMENDED PROJECT AS A TYPE I ACTION UNDER STATE ENVIRONMENTAL QUALITY REVIEW (SEQR), TO PROPOSE THAT THE IDA SERVE AS THE LEAD AGENCY TO CONDUCT A COORDINATED SEQR REVIEW AND TO SEEK THE CONSENT OF INVOLVED AGENCIES TO THE IDA SERVING AS LEAD AGENCY

WHEREAS, in 2015, Empire State Health Solutions (ESHS) proposed to construct and operate a pharmaceutical manufacturing facility in the Tryon Technology Park, and

WHEREAS, ESHS's original Environmental Assessment Form (EAF) that was filed with the Fulton County Industrial Development Agency (IDA) described the project as a proposed pharmaceutical manufacturing facility that would involve:

- Construction of approximately 200,000+/- sf of buildings in three (3) phases.
- Site grading and tree clearing.
- Construction of access road and parking areas.
- Construction of stormwater facilities as part of a Stormwater Management Plan.
- Connecting into existing onsite water, sewer, gas, electric and communications lines.
- Construction of security system.
- Growing medical cannabis and manufacturing medicines.

WHEREAS, Section 617.4(b)(1) of NYS SEQR Regulations states that a project involving the construction of a facility more than 100,000 sf in a Town having a population of less than 150,000 shall be considered a Type 1 Action under SEQR, and

WHEREAS, the IDA designated the proposed project as a Type I Action, and

WHEREAS, ESHS submitted to the IDA Board a Part 1 EAF, and

WHEREAS, the EAF identified the Involved Agencies for this proposed action to be:

- Fulton County Industrial Development Agency
- Town of Perth Planning Board
- NYS Department of Environmental Conservation
- NYS Department of Health

WHEREAS, the following were considered Interested Agencies:

- Gloversville Water Board
- Gloversville Johnstown Joint Wastewater Treatment Plant (GJJWWTP)

WHEREAS, after conducting a Coordinated SEQR Review, the IDA Board issued a negative declaration and filed said negative declaration per SEQR requirements, and

WHEREAS, Empire State Health Solutions is now known as Vireo Health of New York, and

WHEREAS, Vireo Health has submitted an amended EAF and Site Plan to the IDA advising that the multi-phased project will now involve the construction 270,000+/- sf of new buildings, an increase from the 200,000 SF originally anticipated, and

WHEREAS, the IDA Board desires to reopen SEQR and conduct a new Coordinated SEQR review based upon the amended EAF and Site Plan, and

WHEREAS, the IDA Board desires to propose itself as the Lead Agency for the purposes of conducting a new Coordinated SEQR review of the amended project,

NOW, THEREFORE BE IT

RESOLVED, that the IDA Board hereby classifies Vireo Health of New York's amended pharmaceutical manufacturing project as a Type 1 Action, and be it further

RESOLVED, that the IDA Board hereby proposes that it serve as the Lead Agency for the purposes of conducting a Coordinated SEQR Review on the amended project, and be it further

RESOLVED, that the Executive Director be and is hereby authorized and directed to send copies of the amended Part I EAF and Site Plan to all Involved Agencies informing them of the IDA Board's desire to serve as the Lead Agency for a Coordinated SEQR Review, to ask Involved Agencies to submit comments back to the IDA by 5:00 p.m. on Friday, November 4, 2019 on whether they consent to the IDA Board serving as Lead Agency and whether the Involved Agencies have any comments on whether the amended project may create any significant impacts on the environment, and be it further

RESOLVED, that certified copies of this Resolution be distributed to all Involved Agencies.

IDA Board Member Joe Semione seconded the motion.

The Resolution was approved by the following vote:

4 Ayes

0 Nays

0 Abstentions

2 Absent