

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

**TUESDAY
NOVEMBER 12, 2019
8:00 A.M.**

PLANNING DEPARTMENT CONFERENCE ROOM

MEETING NOTES

PRESENT:

DAVE D'AMORE, CHAIRMAN
TIM MUNN, VICE CHAIRMAN
JOSEPH SEMIONE, TREASURER
TODD RULISON, MEMBER
JANE KELLEY, MEMBER
JAMES MRAZ, EXECUTIVE DIRECTOR (VIA PHONE)
KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
SCOTT HENZE, PLANNING DIRECTOR

I. MINUTES FROM OCTOBER 15, 2019 MEETING:

MOTION : Accept as presented.
MADE BY : Joseph Semione
SECONDED : Tim Munn
VOTE : Unanimous (Jane Kelly and Todd Rulison abstained)

II. BUDGET REPORT:

MOTION : Accept as presented.
MADE BY : Todd Rulison
SECONDED : Jane Kelley
VOTE : Unanimous

III. COMMITTEE REPORTS:

A. Nominating Committee:

- No report.

B. Audit Committee:

- Monthly Bank Reconciliation Reports: Todd Rulison

DISCUSSION: Todd Rulison advised that he found the Monthly Bank Reconciliation Reports acceptable.

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.

2. FCCRG Report: Ron Peters, CEO

- No report.

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.
- At its October 15, 2019 meeting, the IDA Board decided to list for sale the parcel with Coldwell Banker Arlene M. Sitterly.

2. Status Report:

- Agreement with Coldwell Banker to list property has been executed.

IDA DISCUSSION: Dave D'Amore stated that, at the last IDA Board meeting, the Board decided to list for sale the 26+/- acre parcel of land on the south side of CR107 with Coldwell Banker Arlene M. Sitterly. He stated that the listing agreement with Coldwell Banker has been signed and the property has been listed. There has been some interest already in the property.

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.
- At the October 15, 2019 meeting, IDA Board authorized the Chairman to execute an Escrow Agreement with JR.

2. Status Report:

- Between October 22-29, 2019, an auction was conducted by Heritage Global Partners of the JR Project equipment.
- The Escrow Agreement stipulated that proceeds from the Auction would be used to repay sales tax benefits earned by JR.
- Escrow Agreement has been finalized.

IDA DISCUSSION: Kara Lais stated that the auction is still being conducted. She stated she just received today the executed Escrow Agreement. She will circulate that around for IDA signature.

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: Dave D'Amore reviewed Emery Designs' proposal that was attached to the Agenda. The proposal was broken into two (2) different work components. The first component was to update the IDA website. This work will be broken down into two (2) phases as explained in Emery Designs' proposal. The second component would be to have Emery Designs, commencing in 2020, provide routine updates to the IDA website on a monthly basis. Dave D'Amore stated that Emery Designs' proposal for the first component, which includes Phase 1 and 2, would cost a total not-to-exceed \$10,000. The second component of monthly updating the website in 2020 would cost \$450/month for a total not to exceed fee of \$5,400 for the year. Jim Mraz recommended that, if the IDA Board wants to proceed with this work, it should authorize it in two (2) separate motions. The first would be to authorize the Chairman to execute an agreement with Emery Designs to perform Phase 1 and 2 work as outlined in her proposal. The second motion would be to authorize the Chairman to execute an agreement with Emery Designs to provide ongoing monthly services for updating the IDA's website in 2020.

Scott Henze stated that Emery Designs is performing the same type of work for the Fulton County Center for Regional Growth (FCCRG). He stated there's been some discussions about developing a common Landing Page for the IDA, FCCRG, Fulton Montgomery Regional Chamber of Commerce and Fulton County's websites. Dave D'Amore recommended that Emery Designs be authorized to perform all of the work contained in their proposal.

IDA ACTION:

MOTION: To authorize the Chairman to execute an Agreement with Emery Designs to complete all work identified in Phases 1 and 2 per Emery Designs' proposal at a cost not-to-exceed \$10,000.

MADE BY: Dave D'Amore

SECONDED: Joseph Semione

VOTE: Unanimous

MOTION: To authorize the Chairman to execute an Agreement with Emery Designs to provide ongoing website support services at a cost of \$450/month and a total not-to-exceed \$5,400 for 2020 per Emery Design's proposal

MADE BY: Joseph Semione

SECONDED: Jane Kelley

VOTE: Unanimous

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, submitted an amended Part I EAF to the IDA Board.
 - At its October 15, 2019 meeting, the IDA Board reopened SEQR given this amended project information.
 - The IDA Board adopted a resolution proposing that it serve as the SEQR Lead Agency and distributed the amended EAF and Site Plan to all Involved Agencies asking for their consent to the IDA serving as Lead Agency.
5. Responses from Involved Agencies:
 - Letters were sent to three (3) Involved Agencies:
 - A. Town of Perth Planning Board
 - B. NYS Department of Health (NYSDOH)
 - C. NYS Department of Environmental Conservation (NYSDEC)
 - Review responses received.
6. EAF: Identification of Potential Project Impact:
 - As Lead Agency, the IDA Board must complete an EAF: Part II.
 - Part II helps to inventory all potential resources that could be impacted by the proposed project.
 - See Handout.
7. EAF Part III: Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance:
 - As Lead Agency, the IDA Board must complete an EAF: Part III for every question in Part II where the impact was identified as potentially large or where there is a need to explain why a particular element of the proposed action will not or may result in a significant adverse environmental impact.
 - Based on its analysis in EAF: Part III, the IDA, as Lead Agency, must decide whether to require a Draft Environmental Impact Statement (DEIS) to further assess the proposed action or whether available information is sufficient to conclude that the proposed action will not have a significant adverse environmental impact.
 - Review EAF: Part III.

8. Determination of Significance:

- Based upon the information contained in the EAF Parts I and II, public comments, input from Involved Agencies and the IDA Board's knowledge and review, the IDA Board, as Lead Agency, must make a Determination of Significance.
- The IDA Board could issue one (1) of two (2) declarations:

A. Positive Declaration:

- This would mean the IDA Board determined that the proposed action may create significant environmental impacts and that a DEIS should be prepared.
- This would mean the SEQR Review would continue.

B. Negative Declaration:

- This would mean the IDA Board determined that the proposed action will not create any significant environmental impacts and that a DEIS does not have to be prepared.
- This would mean the SEQR Review would end.

9. Resolution:

- Review attached Resolution.

IDA DISCUSSION: Dave D'Amore reviewed the information in the Agenda. Dave D'Amore stated that letters were sent to all Involved Agencies asking for their consent to having the IDA serve as Lead Agency. Jim Mraz stated that one (1) response was received and that was from the Town of Perth Planning Board who agreed to have the IDA serve as Lead Agency. The IDA Board reviewed the EAF Part II document that was attached to the Agenda. There were no questions or comments regarding how the Part II was prepared. The IDA Board then reviewed the Part III of the EAF. IDA Board members had no questions or comments regarding how Part III was completed.

Dave D'Amore then reviewed the options for the IDA Board for issuing a determination of significance. He reviewed what a Positive and Negative Declarations would consist of.

Dave D'Amore reviewed the Resolution that was attached to the Agenda. He asked if there were any questions or comments. There were none.

IDA ACTION:

MOTION: To adopt a Resolution to declare the IDA as the Lead Agency, to issue a Negative Declaration and to authorize the filing of the Negative Declaration in accordance with SEQR Regulations.

MADE BY: Joseph Semione
SECONDED: Tim Munn
VOTE: Unanimous

D. Tryon Electric Project:

1. Status Report:

- Fulton County has executed all Agreements with National Grid and submitted all required payments.
- A meeting was held with National Grid on October 30, 2019 to discuss details of project and scheduling of work.

IDA DISCUSSION: Scott Henze advised that both he and Chris Stankes from the Planning Department attended what was supposed to be a Final Design Meeting on October 30th with National Grid. Several National Grid representatives were present. He stated there are two (2) components to this electric project. The first is installing a new overhead primary electric line from CR107 to CR117. The second is running a new underground primary service cable along a portion of CR117. Scott Henze stated that the designer for both the above and underground systems attended the meeting, along with a representative from National Grid's underground group out of Albany. He stated National Grid's overhead line representative could not attend. At the meeting, National Grid's underground representative suggested alternate routes for the underground cable to National Grid's designer. As a result, National Grid is reconsidering the routing for this new underground line. Scott Henze stated that National Grid has been urged to complete this project in 2019. He stated that National Grid advised him last week that they believed the overhead component will get done. He stated he's still waiting to hear back from National Grid regarding the underground work. He stated Fulton County will be digging the trenches for the underground using Soil and Water Conservation District's backhoe. The Highway Department will be bringing in sand that will be used in the trench bases.

VI. NEW BUSINESS:

VII. 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 : Todd Rulison
 SECOND : Jane Kelley
 VOTE : Unanimous
 TIME : 9:15 a.m.

MOTION : To go out of Executive Session.

MADE BY : Todd Rulison
 SECOND : Joseph Semione
 VOTE : 9:40 a.m.
 TIME : Unanimous

B. 1776 Hemp:

MOTION: To authorize the Chairman to execute an Addendum of Purchase Option Agreement with 1776 Hemp to extend the purchase option agreement through February 2020 and to authorize the Chairman to execute closing documents with 1776 Hemp.

MADE BY: Joseph Semione
 SECONDED: Todd Rulison
 VOTE: Unanimous

C. Purchase and Sales Agreement:

1. Background:

- On November 14, 2018, IDA Board authorized the Chairman to execute a Letter of Intent with Pure Development of Indianapolis, IN for a site at the Tryon Technology Park.
- On March 19, 2019, the IDA Board authorized the Chairman to execute a Purchase and Sale Agreement with Pure Development for a 108+/- acre tract of land at the Tryon Technology Park.
- Pure Development desires to execute a revised Purchase and Sale Agreement for a 135+/- acre tract of land at the Tryon Technology Park.

IDA ACTION:

MOTION: To authorize the Chairman to execute a revised Purchase and Sale Agreement with Pure Development for a 135+/- acre parcel at the Tryon Technology Park.

MADE BY: Joseph Semione
SECONDED: Jane Kelley
VOTE: Unanimous

VIII. NEXT MEETING:

Tuesday
December 10, 2019
8:00 a.m.

IX. CLOSE MEETING:

MOTION : To close the meeting.
MADE BY : Todd Rulison
SECONDED : Jane Kelley
VOTE : Unanimous
TIME : 10:42 a.m.

IDA Board Member Joseph Semione introduced the following Resolution and moved its adoption:

**RESOLUTION DESIGNATING THE IDA TO SERVE AS THE LEAD AGENCY ON
VIREO HEALTH'S AMENDED PHARMACEUTICAL PROJECT,
TO ISSUE A NEGATIVE DECLARATION AND
TO AUTHORIZE FILING THE NEGATIVE DECLARATION PER
SEQR REGULATIONS**

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 has, at its October 15, 2019 meeting, adopted a Resolution to reopen SEQR and conduct a new Coordinated SEQR review based upon the amended EAF and Site Plan, and

WHEREAS, the IDA Board proposed itself as the Lead Agency for the purposes of conducting a new Coordinated SEQR review of the amended pharmaceutical project, and

WHEREAS, the IDA Board classified Vireo Health of New York's amended pharmaceutical manufacturing project as a Type 1 Action, and

WHEREAS, copies of the amended Part I EAF and Site Plan were sent 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

WHEREAS, no comments were received from Involved Agencies objecting to the IDA serving as Lead Agency or on whether the amended project would create any environmental impacts, and

WHEREAS, the IDA Board has reviewed Parts II and III of the EAF and determined that the amended project would not create any moderate or large environmental impacts,

NOW, THEREFORE BE IT

RESOLVED, that the IDA Board hereby declares itself the SEQR Lead Agency for the purpose of issuing a determination of significance on the amended Vireo Health Pharmaceutical Project, and be it further

RESOLVED, that based upon its review of Parts I, II and III of the EAF and Site Plan, the IDA Board determined that the amended project will not create any moderate or large environmental impacts, and be it further

RESOLVED, that the Executive Director is hereby authorized and directed to file this Negative Declaration per SEQR Regulations.

IDA Board Member Tim Munn seconded the motion.

The Resolution was approved by the following vote:

5 Ayes
 Nays
 Abstentions
2 Absent