

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY
JULY 14, 2020
8:00 A.M.

PLANNING DEPARTMENT CONFERENCE ROOM

MEETING NOTES

PRESENT ON CONFERENCE CALL:

DAVE D'AMORE, CHAIRMAN
JOE SEMIONE, VICE CHAIRMAN
TODD RULISON, TREASURER
JANE KELLEY, SECRETARY
TIM MUNN, MEMBER
MIKE FITZGERALD, MEMBER
JAMES MRAZ, EXECUTIVE DIRECTOR
KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
SCOTT HENZE, PLANNING DIRECTOR
GREG FAGAN, FULTON COUNTY CENTER FOR REGIONAL GROWTH
JOHN BLACKMON, LIAISON, ECONOMIC DEVELOPMENT AND ENVIRONMENT
COMMITTEE
KEITH SANDOR, PRESIDENT, NEXUS RENEWABLES
DAVE HUCKANS, HOMETOWN MORTGAGE

I. ROLL CALL:

	Aye	Nay	Abstain	Absent
Dave D'Amore	<u>X</u>	—	—	—
Joe Semione	<u>X</u>	—	—	—
Todd Rulison	<u>X</u>	—	—	—
Jane Kelley	<u>X</u>	—	—	—
Mike Fitzgerald	<u>X</u>	—	—	—
Joseph Gillis	—	—	—	<u>X</u>
Tim Munn	<u>X</u>	—	—	—

II. MINUTES FROM JUNE 9, 2020 MEETING:

MOTION : Accept as presented.
MADE BY : Joseph Semione
SECONDED : Jane Kelley

ROLL CALL VOTE :

	Aye	Nay	Abstain	Absent
Dave D'Amore	X	—	—	—
Joe Semione	X	—	—	—
Todd Rulison	X	—	—	—
Jane Kelley	X	—	—	—
Mike Fitzgerald	X	—	—	—
Joseph Gillis	—	—	—	X
Tim Munn	X	—	—	—

NOTE: A transcript of the June 9, 2020 meeting has been prepared and posted on the IDA's website in compliance with Governor Cuomo's Executive Order suspending the Open Meetings Law.

III. BUDGET REPORT:

MOTION : Accept as presented.

MADE BY : Joseph Semione

SECONDED : Todd Rulison

ROLL CALL VOTE :

	Aye	Nay	Abstain	Absent
Dave D'Amore	X	—	—	—
Joe Semione	X	—	—	—
Todd Rulison	X	—	—	—
Jane Kelley	X	—	—	—
Mike Fitzgerald	X	—	—	—
Joseph Gillis	—	—	—	X
Tim Munn	X	—	—	—

IV. COMMITTEE REPORTS:

A. Nominating Committee:

- No report.

B. Audit Committee:

- Monthly Bank Reconciliation Reports: Mike Fitzgerald

IDA DISCUSSION: Mike Fitzgerald approved the Monthly Bank Reconciliation Reports.

C. Governance Committee:

- No report.

D. Finance Committee:

- No report.

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

1. Fulton County Report: John Blackmon, Liaison
2. FCCRG Report: Greg Fagan

IDA DISCUSSION: John Blackmon stated that the Board of Supervisors met yesterday and authorized spending \$61,870 on tourism even though the State will not be providing matching funds this year. Greg Fagan stated that Ron Peters has a couple people interested in the buildings at Tryon the IDA has listed for sale. He stated the CRG has been very active with Microenterprise grants working with local companies.

VI. OLD BUSINESS:

A. Status of Johnstown Renewables (JR) Project:

1. Action Taken at June 9, 2020 Meeting:

- At the June 9, 2020 meeting, the IDA Board adopted a resolution agreeing to:
 - Accept T & F's determinations:
 1. JR took a total of \$84,532 in sales tax exemptions.
 2. JR already paid \$29,882 to T & F.
 3. JR still owes \$54,650.
 4. Upon the receipt of \$54,650 from JR, this would complete the IDA's obligation to recapture sales tax benefits.
 - Direct JR to make a payment of \$54,650 to the IDA.
 - Authorize filing an ST-65 with T & F and send them a check for \$54,650 as the payment in full of all recaptured sales tax exemptions.

2. Update:

- On June 18, 2020, Kara Lais sent a letter to the NYS Department of Taxation and Finance transmitting:
 - 1) A \$54,650 check from JR.
 - 2) Form ST-65: IDA report of Recaptured Sales and Use Tax Benefits.
- Termination of Lease Agreement has been executed.
- Lease Agreement Termination Fee of \$3,273.90 has been received.
- Payment received for IDA's legal fees.
- Payment has been sent to Fitzgerald Morris Baker Firth.
- County Clerk recording fee payment was received from JR. Check has been made out to County Clerk.
- All executed documents and checks were sent to Kara Lais on June 26, 2020.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. Kara Lais stated that this project has now been completed and wrapped up. She stated that the lease termination has been executed and filed in the County Clerk's Office. Greg Fagan asked who owns the property? Jim Mraz stated Johnstown Renewables still owns it. He stated they have been paying their taxes on a regular basis. He stated they are currently trying to sell the property.

B. IDA Website:

1. Background:

- At its November 12, 2019 meeting, IDA Board hired Emery Designs to update IDA's website.
- Executive Director has been participating in weekly Conference Calls with Emery Designs to discuss various issues.
- At its January 14, 2020 meeting, the IDA Board agreed to consolidate the information on the Tryon Technology Park website (tryontechnologypark.com) into the IDA's website (fcida.org) but retain the domain name Tryon Technology Park.

2. Status Report:

- No update.

C. Cushman Wakefield:

1. Background:

- At its April 14, 2020 meeting, the IDA Board authorized the Chairman to execute a Listing Agreement with Cushman Wakefield to market Tryon.
- Listing Agreement has been executed.

2. Status Report:

- Cushman Wakefield has listed Tryon's shovel-ready land and the two (2) buildings onto their website as follows:
 - The land is listed at \$27,500 per acre.
 - The 15,000+/- sf Building 60/the former Maintenance Shop is listed at \$150,000.
 - The 15,000+/- sf portion of Building 3 referred to as the Midas Building is listed at \$350,000.

IDA DISCUSSION: Jim Mraz stated that the IDA has received an offer for one (1) of the buildings at Tryon that will be discussed in Executive Session.

D. Tryon Electric Project:

1. Background:

- National Grid is installing a new, primary electric service for the a Tryon Technology Park
- National Grid's work includes:
 - Installing new overhead service from CR107 to CR117
 - Installing new underground electric service along CR117 to a point just past Vireo Health.
 - Install new underground service laterals to Vireo Health, wastewater pump station, water booster station and elevated tank
 - The service laterals will terminate at transformer pads.
- The new underground service will start in front of Building 60 and run on the outside of CR 117 to a point just past Vireo Health.

- In the future, if a company comes in and locates somewhere at Tryon where the primary service is not extended to, that project will have to include extending the underground primary electric service to that site.

2. Tom's Electric:

- At its October, 2019 meeting, the IDA Board authorized hiring Tom's Electric to install new electrical services from the transformer pads at the wastewater pump station, water booster station and elevated tank into each of these facilities. The total cost was approximately \$39,600.
- Due to National Grid deciding to wait until 2020 to undertake the project, Tom's Electric's cost of purchasing materials increased.
- Total cost increase: \$985
- As a result, the revised total cost for Tom's Electric's work is now estimated to be \$40,585.
- Tom's Electric submitted an initial invoice for \$24,351. This invoice has been paid.

3. Status Report

- National Grid started work on the overhead line on April 6, 2020.
- National Grid started work on the underground service on April 20, 2020.
- All work has been completed.
- The cutover was scheduled to be completed on June 30, 2020. However, National Grid cancelled the cutover.
- The cutover is now scheduled for July 14, 2020.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He stated that the cutover is occurring right now. He stated, hopefully, by the end of the day, the cutover will be completed and the IDA will be out of the electrical business.

E. Lands on South Side of CR107:

1. Background:

- IDA Board retained Coldwell Banker Arlene M. Sitterly to market the 27+/- acre parcel of land on the south side of CR107.
- The IDA Board received four (4) formal offers to purchase the property. One of the offers was subsequently withdrawn.

2. May 12, 2020 IDA Board Meeting:

- At its May 12, 2020 meeting, the IDA Board unanimously agreed to accept the offer from Squires/McCashion.

3. June 9, 2020 IDA Board Meeting:

- On May 22, 2020, Dave Huckans/Dr. Shri Verma submitted a revised offer to the IDA. Revised offer increased purchase price from \$30,000 to \$90,000 with no contingencies.

- On June 8, 2020, Clayt Sitterly emailed the IDA advising that his clients, Squires/McCashion, had decided to not pursue its project and was therefore withdrawing its offer to purchase the 27+/- acres on the south side of CR107.
- At its June 9, 2020 meeting, the IDA Board agreed to meet with Mr. Huckans and Dr. Verma to discuss their revised proposal.

4. Update:

- On June 12, 2020, IDA representatives met with Dave Huckans, Dr. Verma and Baljit Verma to discuss their revised offer.
- Their plan for the property includes the following:
 - Create a business to manufacture and distribute probiotics.
 - Promote organic farming and use the site as a hub for selling organic farm-to-table products.
 - Relocate an existing business to the site.
- On June 15, 2020, a request was made to Dave Huckans and Dr. Verma to prepare and submit to the IDA a more detailed business plan.
- On June 15, 2020, several questions were asked of the IDA about the property. Responses were provided on June 16, 2020.
- National Grid came to the site on June 23, 2020 to mark the location of their gas mains.
- On June 24, 2020, Dave Huckans called to ask that the utility rooms to the existing buildings be opened so he and Gloversville Water Department could see where water lines entered each building. Those utility rooms were opened the same day.
- On July 7, 2020, Dave Huckans submitted a revised business plan summarizing how they intend to develop the site. See attached.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He asked Dave Huckans to review the revised Business Plan that he and Dr. Verma submitted to the IDA. Dave Huckans stated that their goal is to salvage as much as possible on the site. He stated the first two (2) buildings can be rehabilitated. He stated the façades on the front of the buildings will be modified. Dave Huckans stated that the remainder of the buildings will, in all likelihood, be torn down. The infrastructure and slabs will hopefully be reused. He stated they do not want to create new infrastructure if not needed.

Dave Huckans stated that the plan would be to get the probiotics business set up first. This would be done in conjunction with pushing for organic farming. He stated Dr. Verma is a surgeon and believes in both healthy foods and medicines. Dave D'Amore stated that the proposal indicates that up to 15 employees would be hired. He asked what the full-time equivalent of these 15 positions may be? Dave Huckans stated that there would be a seasonal component to the jobs. He stated they would be a ramping up during the growing season. Those would be part-time positions. There would be full-time positions in the laboratory of the probiotics business. Dave Huckans stated that their Business Plan anticipates up to three (3) years of losses to get set up. He stated that their farming partners are excited about getting into organic farming. He stated they have received positive responses from the farmers that they've talked with to date. Dave Huckans stated that they have dealt primarily with two (2) large farms in Fulton County and one (1) in Montgomery County. He stated they could also be working with the Amish as well in the growing of organic foods. Tim Munn asked if they have cash on hand to buy the land? The Business Plan indicates spending upwards of \$300,000 on machinery and building improvements. He asked Dave Huckans what

the status of those funds would be? Dave Huckans stated that they currently have access to approximately \$650,000 of funds for this project. They are seeking two (2) additional minority equity partners that would add to that amount.

Jim Mraz asked what types of organic crops they anticipate growing? Dave Huckans stated that there would be 14 different crops. One (1) may include CBD. Jim Mraz asked what the timeline would be for getting the probiotics business operational? Dave Huckans stated that Dr. Verma would like to be producing probiotics capsules this time next year.

Dave D'Amore asked what their vision would be in the event that the business did not take off to success? Dave Huckans stated that one (1) issue that may impact the success of the proposed business would be what the property is ultimately going to be assessed for. He stated the property is currently assessed for approximately one (1) million dollars. He spoke with the Town of Perth Assessor who indicated that this is an old assessment. He stated that if the new assessment is reasonable, they are confident that they will be able to carry these expenses. Dave Huckans stated that they are asking for the same structure that's available to property owners in the Tryon Technology Park including municipal roads. He stated he had spoken with Greg Fagan about the possibility of either Fulton County or the Town of Perth taking over ownership and maintenance of the access drive that currently runs through this parcel. Dave Huckans stated that if their business was not profitable after 3+ years, one (1) option would be to sell to a larger entity. Jim Mraz asked Kara Lais for her input on the draft Purchase Contract. Kara Lais stated that the draft contract is acceptable. She offered several comments. The draft contract has the seller being responsible for title update. The estimated cost for this would be \$500. The draft contract also calls for the seller to pay for the transfer tax. This would be approximately \$365. She stated Section 10 of the draft contract says the proposed use would be a correctional facility. She stated this should be changed to reflect what the proposed use will really be. She stated her last comment would be who would pay for the IDA's legal fees? Jim Mraz stated that, for most IDA projects, the developer pays IDA legal fees.

Jim Mraz asked if there were any further questions or comments? There were none.

IDA ACTION:

MOTION: To accept the offer of \$90,000 to sell the 27+/- acre parcel of land on the south side of CR107 to Dave Huckans/Dr. Verma and to authorize the IDA Chairman to execute a Purchase Contract for that sale.

MADE BY:

SECONDED:

ROLL CALL VOTE:

	Aye	Nay	Abstain	Absent
Dave D'Amore	<u>X</u>	---	---	---
Joe Semione	<u>X</u>	---	---	---
Todd Rulison	<u>X</u>	---	---	---
Jane Kelley	<u>X</u>	---	---	---
Mike Fitzgerald	<u>X</u>	---	---	---
Joseph Gillis	---	---	---	<u>X</u>
Tim Munn	<u>X</u>	---	---	---

VII. NEW BUSINESS:

A. Proposed Amendment to Uniform Tax Exemption Policy (UTEP):

1. Background:

- In January 2020, the IDA Board approved an amendment to its UTEP by adopting a policy to not grant real property tax exemptions to solar or wind energy system and farm-to-waste to energy system projects.
- This policy dealt solely with real property tax exemptions for solar projects.
- It did not address whether the IDA Board would offer sales tax and mortgage recording tax exemptions to solar projects.

2. Proposed Amendment to UTEP:

a. New Section 8: Commercial Solar Policy:

- 1) It shall be the policy of the IDA to offer certain incentives for commercial solar projects that provide renewable energy to residential, commercial and industrial customers.
- 2) The types of solar projects eligible to receive incentives include:
 - a) Community distributed solar/shared solar.
 - b) Off-site solar generation projects that have a wholesale Power Purchase Agreement with 1 or more users.
 - c) Solar and energy storage facilities
 - d) Projects that are 10 megawatts or less.
- 3) This policy shall offer two (2) incentives to eligible solar projects:
 - a) Sales Tax Exemptions to be offered in accordance with this UTEP.
 - b) Mortgage Recording Tax Exemption to be offered in accordance with this UTEP.
- 4) Real Property Tax Policy:
 - a) Background:
 1. New York State's Real Property Tax Law Section 487, adopted in 1977 and amended on April 12, 2019, provides a 15-year real property tax exemption for solar, wind and farm waste energy systems.
 2. These energy generating systems are classified as capital improvements to real property.
 3. Section 487 was intended to encourage the construction of these energy systems.
 4. Section 487 affords local governments the opportunity to "opt out" of this real property tax exemption.
 5. By opting out, these energy projects would be required to pay property taxes to the local governments that opt out.
 - b) Fulton County Board of Supervisors' Local Law 3 of 2019:
 1. In September 2019, the Fulton County Board of Supervisors adopted Local Law 3 of 2019 titled "Opting out of Section 487 of NYS Real Property Tax Law Exemptions for Solar Energy System, Wind Energy System and Farm Waste Energy System Projects."
 2. As a result, no real property exemption under Section 487 shall be applicable to Fulton County taxes with respect to solar or wind energy systems and farm waste energy systems.

c) IDA Policy:

1. It shall be the policy of the IDA to also not grant real property tax exemptions to solar or wind energy system and farm waste to energy system projects.
- b. Proposed Revision to Section 3(a) General Policies:
 - 1) Section 2 shall be revised to read:
 In order to receive any tax exemptions, the Agency will have the right, in its sole discretion and in accordance with applicable provisions of the New York State General Municipal Law, to determine whether a project is a qualified project. When evaluating whether a project is qualified for financial assistance, in addition to the applicable laws of New York State, the IDA will consider project factors such as:
 - a) The nature of the project (e.g. manufacturing, commercial, tourism, high tech, etc.).
 - b) The nature of the property before the project begins (e.g. vacant land, vacant building, brownfield site, blight, adaptive reuse, etc.).
 - c) The economic condition of the area at the time of application and the economic multiplying effect the project will have on the community.
 - d) The extent to which the project will create or retain permanent, private sector jobs, the number of jobs to be created/retained, and the level of wages paid.
 - e) The estimated value of tax exemptions to be provided.
 - f) The economic impact of the project and the proposed tax exemptions on affected taxing jurisdictions.
 - g) The impact of the project on existing businesses in the community.
 - h) The amount of private investment generated by the project.
 - i) The effect of the project on the environment.
 - j) The extent to which the project will require additional services including but not limited to infrastructure, roads, transportation, education, fire protection, police protection, etc.
 - k) The extent to which the project will provide a benefit (economic or otherwise) to the municipality in which the project is located.
 - l) The extent to which the project will provide additional sources of revenue for municipalities and school districts in which the project is located.
 - m) The extent to which the project enhances the quality of life of people in the community (recreation, removal of blight, brownfield redevelopment).

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. Todd Rulison asked if it was necessary to make the proposed amendment dealing with solar power? Kara Lais stated she recommended this to clarify the IDA's policy with respect to providing financial incentives to solar projects. Jim Mraz asked if there were any further questions? There were none.

IDA ACTION:

MOTION: To accept the proposed amendments to the Uniform Tax Exemption Policy.

MADE BY: Joseph Semione

SECONDED: Mike Fitzgerald

ROLL CALL VOTE :

	Aye	Nay	Abstain	Absent
Dave D'Amore	X	—	—	—
Joe Semione	X	—	—	—
Todd Rulison	X	—	—	—
Jane Kelley	X	—	—	—
Mike Fitzgerald	X	—	—	—
Joseph Gillis	—	—	—	X
Tim Munn	X	—	—	—

B. Proposed Nexus Renewables Solar Project:

1. Nexus Renewables:

- NR is a renewable energy developer that builds, owns, operates and finances renewable energy assets.
- NR is based in Canada.
- NR has been operational for approximately 1 year.
- NR has already contracted with 15 projects of which four (4) have been in New York State. Three (3) projects have been with NYS Gas and Electric and one (1) with Con Edison. All four (4) of these projects are solar PV projects.
- NR's projects in Canada are all Battery Energy Storage Systems (BESS).

2. Proposed Project:

- NR is proposing to develop a solar project on a 29+/- acre parcel adjacent to the Tryon Technology Park.
- The 29+/- acres is not part of the Tryon Technology Park.
- It was part of the 515 acres of land New York State deeded to the IDA as part of Tryon.
- This land was previously looked at by another solar company several years ago.
- NR desires to develop a 6.875 MW solar project on the site.
- Total Project Cost: \$10,500,000
- The project includes:
 - 1) The installation of +/- 980 freestanding, tracking solar tables (total +/- 23,700 modules/panels. Each row of solar tables will be approximately 5.5 ft. in height, 6.5 ft. in width, vary in length, and anchored into the ground via H piles. While the project has approximately 25.2 acres of ground disturbance, it will only result in an increase in impervious surface of approximately 0.03 acres.
 - 2) The array will have 50' setbacks from property lines and be surrounded by a 6' high chain-link fence with 3-strands of barbed wire affixed to the top for security purposes.
 - 3) For visual screening, a landscape buffer will be planted along the perimeter that abuts the New York State Department of Corrections (NYSDOC) Hale Creek Correctional Facility and the Don Brown Bus Sales site. The remaining portions of the perimeter will be screened by existing wooded vegetation.
 - 4) Other project elements include planting low-growth pollinator-friendly seed mix underneath the solar tables, both underground and overhead electrical lines, small operational and control structures, and mostly unimproved access roads.
 - 5) Nexus will participate in the NYSEERDA NY-Sun Initiative to provide clean energy to local businesses and residences.
- NR would pay for all costs associated with developing, constructing and operating the solar project.
- IDA would incur no costs.
- NR would lease land from the IDA for this project.
- IDA would generate two (2) revenues:
 - 1) Land Lease: NR would pay a flat rate per acre per year
 - 2) Solar Energy Generated: NR would pay a flat rate per kWh of solar energy generated

3. Project Application:

- NR has submitted a Project Application to the IDA requesting the following IDA benefits:
 - 1) Sales Tax Exemptions.
 - 2) Mortgage Recording Tax Exemptions.
- Total benefits requested would exceed \$100,000.
- Since NR's Project Application requests financial assistance greater than \$100,000, a public hearing must be held.
- The Application requests no real property tax exemptions from the IDA. NR has requested a PILOT from the Broadalbin-Perth Central School District.

4. Public Hearing:

- A public hearing will be held on Tuesday, July 28, 2020, at 10:00 a.m. in the Town of Johnstown Town Hall.
- See attached Resolution.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. Mike Fitzgerald asked what the dollar values of the exemptions being requested were? Jim Mraz stated it would be approximately \$840,000 in sales tax and up to \$80,000 in mortgage recording tax. Jim Mraz asked if there were any further questions? There were none.

IDA ACTION:

MOTION: To adopt the Resolution to schedule a Public Hearing related to the Nexus Renewables Project.

MADE BY: Todd Rulison

SECONDED: Jane Kelley

ROLL CALL VOTE :

	Aye	Nay	Abstain	Absent
Dave D'Amore	<u>X</u>	—	—	—
Joe Semione	<u>X</u>	—	—	—
Todd Rulison	<u>X</u>	—	—	—
Jane Kelley	<u>X</u>	—	—	—
Mike Fitzgerald	<u>X</u>	—	—	—
Joseph Gillis	—	—	—	<u>X</u>
Tim Munn	<u>X</u>	—	—	—

5. Project Structure:

- NR will lease the property at Tryon to the IDA.
- The IDA will lease the facility back to NR.

6. Project Number:

- The project has been assigned Project Number: 1701-20-01-A

7. Subdivision:

- NR desires to subdivide the 29+/- acre parcel they will be leasing into four (4) separate parcels.
- Each parcel will house a separate solar project.
- NR has retained a local surveyor to prepare descriptions of each parcel.
- NR will need to apply to the Town of Johnstown Planning Board for a subdivision approval.

8. SEQR:

- NR has submitted a Full Part I Environmental Assessment Form (EAF) to the IDA.
- The EAF identifies the following potential Involved Agencies:
 - IDA
 - Town of Johnstown Planning Board
 - Town of Johnstown Town Board
 - NYS Energy Research and Development Authority
 - NYS Department of Environmental Conservation
 - Broadalbin-Perth Central School District
 - U.S. Army Corps of Engineers
- Review EAF.
- See attached SEQR Resolution

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He reviewed the EAF that was submitted by Nexus Renewables. He said the proposed project should be classified as a Type I action since it will involve the physical alteration of more than 10 acres of land. He then reviewed the SEQR Resolution that was attached to the Agenda. He stated it is proposed for the IDA to serve as SEQR Lead Agency as it has done in the past on projects. He asked if anyone had any questions or comments on the Part I EAF or the SEQR Resolution? There were none.

IDA ACTION:

MOTION: To adopt the Resolution Classifying the proposed Nexus Renewables Solar Project adjacent to the Tryon Technology Park as a Type I Action, under the State Environmental Quality Review (SEQR), to propose that the IDA serve as 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: Dave D'Amore

SECONDED: Todd Rulison

ROLL CALL VOTE :

	Aye	Nay	Abstain	Absent
Dave D'Amore	<u>X</u>	___	___	___
Joe Semione	<u>X</u>	___	___	___
Todd Rulison	<u>X</u>	___	___	___
Jane Kelley	<u>X</u>	___	___	___
Mike Fitzgerald	<u>X</u>	___	___	___
Joseph Gillis	___	___	___	<u>X</u>
Tim Munn	<u>X</u>	___	___	___

9. Evaluation of Project Application:

a. Background:

- In response to new IDA reform legislation, the IDA Board approved, in May 2016, the utilization of a new Project Application.
- This Project Application contained a new Section 8: Project Review Criteria and Annual Monitoring.

b. Section 8:

- 1) The Agency shall review Project Applications and utilize the following specific criteria for evaluating and determining whether to provide benefits to a proposed project:
 - A. Will the project create or retain jobs?
 - B. What are the wages to be paid for the new jobs being created and the existing jobs being retained?
 - C. What is the total private sector investment?
 - D. How much local labor will be utilized during construction?
 - E. How much will property values and property tax revenues increase for local taxing jurisdictions?

- 2) The Agency shall require the Applicant to annually submit information to the Agency to allow the Agency to monitor the performance of the Applicant. The Agency shall annually monitor, at a minimum, the following information:
 - A. Number of new jobs created and retained.
 - B. Private sector investment.

c. Review of Nexus Renewables' Project Application:

- 1) Will project create or maintain jobs?
 - New Jobs : 2 part time

- 2) What are the wages to be paid for the new jobs created?

Category of Jobs to be Retained and Created	Average Annual Salary Hourly Rate for New Job Created	Average Salary or Range of Salary for Jobs Retained
Other	\$10,000	

- 3) What is total private sector investment?
 - \$10,500,000

- 4) How much local labor will be utilized during construction?
 - Projected : 25+/- construction jobs

- 5) How much will property values and property taxes increase for local taxing jurisdictions?

- It is projected that the proposed solar project will be assessed for approximately \$4,200,000. This assessment will generate significant property tax revenues for the Broadalbin-Perth School District, Fulton County and the Town of Johnstown.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He asked IDA Board members if the total project sector investment and property tax benefits of the proposed Nexus Project were valid reasons for granting financial incentives to this project? It was the unanimous consensus of all IDA members present that the amount of private sector investment and property tax revenues justified granting financial incentives to this proposed project.

10. Waiver of Legal Representation:

a. Background:

- Hodgson Russ is representing Nexus Renewables on its proposed solar project.
- Hodgson Russ has served as IDA Bond Counsel on previous projects.
- Hodgson Russ has asked the IDA Board to consider whether they are okay with them representing Nexus Renewables and still be open to representing the IDA on future projects.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. Dave D'Amore asked if same office as Bond Counsel would be representing Nexus Renewables? Jim Mraz stated, "No." He stated it their renewable energy division in New York City would be representing Nexus Renewables. Joe Scott, who has represented the IDA as Bond Counsel, is in a separate division based in Albany. Todd Rulison asked Kara if she had any concerns with Hodgson Russ serving as Nexus' Counsel? She stated, "No." After further discussion, it was the unanimous consensus of all IDA members present that they had no objections or concerns with Hodgson Russ representing Nexus Renewables on the proposed solar project.

11. Special Use Permit/Site Plan/Subdivision Approval:

- On July 7, 2020, NR submitted its Site Plan to the Town of Johnstown Planning Board in accordance with the Town's Zoning Ordinance.
- The proposed project will require the issuance of a Special Use Permit, Site Plan and subdivision approval by the Planning Board.
- The Town of Johnstown Planning Board will meet on July 14, 2020 to commence its review of the proposed solar project.

C. Proposed Fulton County Sewer District No. 4:

1. Background:

- Fulton County hired Environmental Design Partnership to prepare a Map, Plan and Report for creating a Sewer District for the Hales Mills Road Extension Area and Tryon.
- A County Water District has already been created.
- Work on the County Sewer District was put on hold pending a commitment from the State of New York to transfer ownership of the sewer line and pump stations serving the Hale Creek Correctional Facility.

- In 2019, New York State advised that they were starting work on drafting an Agreement to transfer ownership of that sewer line and pump station over to Fulton County.
- As a result, EDP was directed to start work on the Map, Plan and Report for proposed Fulton County Sewer District No. 4.
- New York State has yet to submit to Fulton County an Agreement to transfer ownership of the sewer line and pump station.
- As a result, Fulton County is going to create Fulton County Sewer District No. 4 and initially just have the lands at Tryon in the Sewer District.
- Once the State transfers ownership of the sewer line and pump station over to Sewer District No. 4, additional parcels will be incorporated into Sewer District No. 4.
- When the District is created, the IDA will transfer ownership of the sewer lines and pump station at Tryon over to Fulton County Sewer District No. 4.

2. Wastewater Pump Station:

- With the completion of the new electric service at Tryon, an electric meter will start operating at the pump station.
- Until the Sewer District is created, the monthly electric bill for operating this pump station will be sent to the IDA.
- Once the Sewer District is created, the invoices will be sent to the Sewer District.

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

VIII. 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 : Dave D'Amore

SECOND : Jane Kelley

ROLL CALL VOTE :

	Aye	Nay	Abstain	Absent
Dave D'Amore	<u>X</u>	---	---	---
Joe Semione	<u>X</u>	---	---	---
Todd Rulison	<u>X</u>	---	---	---
Jane Kelley	<u>X</u>	---	---	---
Mike Fitzgerald	<u>X</u>	---	---	---
Joseph Gillis	---	---	---	<u>X</u>
Tim Munn	<u>X</u>	---	---	---

TIME : 9:20 a.m.

MOTION : To go out of Executive Session.

MADE BY : Joseph Semione

SECOND : Dave D'Amore

ROLL CALL VOTE :

	Aye	Nay	Abstain	Absent
Dave D'Amore	<u>X</u>	---	---	---
Joe Semione	<u>X</u>	---	---	---
Todd Rulison	<u>X</u>	---	---	---
Jane Kelley	---	---	---	---
Mike Fitzgerald	<u>X</u>	---	---	---
Joseph Gillis	---	---	---	<u>X</u>
Tim Munn	<u>X</u>	---	---	---

TIME : 10:00 a.m.

IX. NEXT MEETING:

Tuesday
 August 11, 2020
 8:00 a.m.

X. CLOSE MEETING:

MOTION : To close the meeting
MADE BY : Mike Fitzgerald
SECONDED : Tim Munn
ROLL CALL VOTE :

	Aye	Nay	Abstain	Absent
Dave D'Amore	<u>X</u>	—	—	—
Joe Semione	<u>X</u>	—	—	—
Todd Rulison	<u>X</u>	—	—	—
Jane Kelley	—	—	—	—
Mike Fitzgerald	<u>X</u>	—	—	—
Joseph Gillis	—	—	—	<u>X</u>
Tim Munn	<u>X</u>	—	—	—

TIME : 10:00 a.m.

Fulton County Industrial Development Agency

Adopted July 14, 2020

Introduced by Dave D'Amore
who moved its adoption.

Seconded by Todd Rulison

RESOLUTION CLASSIFYING THE PROPOSED NEXUS RENEWABLES U.S. INC. SOLAR PROJECT ADJACENT TO THE TRYON TECHNOLOGY PARK 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, Nexus Renewables U.S. Inc. has proposed to construct and operate a solar energy project on a 29+/- acre parcel of land owned by the IDA adjacent to the Tryon Technology Park in the Town of Johnstown, and

WHEREAS, Nexus Renewables proposed facility will include:

- 1) The installation of +/- 980 freestanding, tracking solar tables (total +/- 23,700 modules/panels. Each row of solar tables will be approximately 5.5 ft. in height, 6.5 ft. in width, vary in length, and anchored into the ground via H piles. While the project has approximately 25.2 acres of ground disturbance, it will only result in an increase in impervious surface of approximately 0.03 acres.
- 2) The array will have 50' setbacks from property lines and be surrounded by a 6' high chain-link fence with 3-strands of barbed wire affixed to the top for security purposes.
- 3) For visual screening, a landscape buffer will be planted along the perimeter that abuts the New York State Department of Corrections (NYSDOC) Hale Creek Correctional Facility and the Don Brown Bus Sales site. The remaining portions of the perimeter will be screened by existing wooded vegetation.
- 4) Other project elements include planting low-growth pollinator-friendly seed mix underneath the solar tables, both underground and overhead electrical lines, small operational and control structures, and mostly unimproved access roads.
- 5) Nexus will participate in the NYSERDA NY-Sun Initiative to provide clean energy to local businesses and residences.
- 6) The subdivision of Parcel 164.-2-16.5 into five (5) separate parcels

WHEREAS, NYS SEQR Regulations states that a project involving the physical alteration of more than 10 acres of land shall be considered a Type 1 Action under SEQR, and

WHEREAS, Nexus Renewables has submitted to the IDA a Part 1 Environmental Assessment Form (EAF), and

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

- 1) Fulton County Industrial Development Agency
- 2) Town of Johnstown Town Board
- 3) Town of Johnstown Planning Board
- 4) NYS Department of Environmental Conservation

- 5) NYS Energy Research and Development Authority
- 6) U.S. Army Corps of Engineers

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

NOW, THEREFORE BE IT

RESOLVED, that the IDA Board hereby classifies the proposed Nexus Renewables' solar 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 proposed project, and be it further

RESOLVED, that the Executive Director be and is hereby authorized and directed to send copies of the Part I EAF and Site Plan to all Involved Agencies informing them of the IDA Board's desire to serve as the Lead Agency, to ask Involved Agencies to submit comments back to the IDA by 5:00 p.m. on Friday, August 7, 2020 on whether they consent to the IDA Board serving as Lead Agency and whether the Involved Agencies have any comments on whether the proposed action 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.

The Resolution was approved by the following roll call vote:

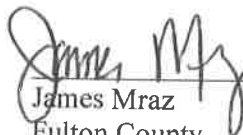
	Aye	Nay	Abstain	Absent
Dave D'Amore	<u>X</u>	—	—	—
Joe Semione	<u>X</u>	—	—	—
Todd Rulison	<u>X</u>	—	—	—
Jane Kelley	<u>X</u>	—	—	—
Mike Fitzgerald	<u>X</u>	—	—	—
Joseph Gillis	—	—	—	<u>X</u>
Tim Munn	<u>X</u>	—	—	—

State of New York:

County of Fulton:

This is to certify that I, James Mraz, Executive Director for the Fulton County Industrial Development Agency, do hereby certify that the foregoing is a true and correct copy and the whole thereof of a Resolution duly adopted by the Fulton County Industrial Development Agency, Glens Falls, New York on the 14th day of July, 2020.

In witness whereof, I have hereto set my hand and affixed the official seal of the Fulton County Industrial Development Agency on this 14th day of July, 2020.


 James Mraz
 Fulton County
 Industrial Development Agency

[SEAL]

Fulton County Industrial Development Agency

Adopted July 14, 2020

Introduced by Todd Rulison
who moved its adoption.

Seconded by Jane Kelley

**RESOLUTION ACCEPTING AN APPLICATION FOR FINANCIAL ASSISTANCE
SUBMITTED BY NEXUS RENEWABLES U.S. INC. (THE "COMPANY") RELATING
TO A CERTAIN PROJECT; AUTHORIZING A PUBLIC HEARING WITH RESPECT
TO THE PROJECT; AND DESCRIBING THE FINANCIAL ASSISTANCE BEING
CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT**

WHEREAS, NEXUS Renewables U.S. Inc., a business corporation established pursuant to the laws of the State of Delaware, having an address of 4789 Yonge Street, Suite 916, Toronto, Canada M2N 0G3 (the "Company") has requested that the Agency provide financial assistance in the form of a mortgage recording tax abatement and a sales tax abatement regarding a project (the "Project") to consist of: (i) the acquisition of a leasehold interest in approximately 29 acres of certain vacant real property located at County Highway 107 N in the Town of Johnstown, County of Fulton, New York and being a portion of tax map parcel number 164.-2-16.5 (the "Land"); (ii) the planning, design, expansion, renovation, operation and maintenance by the Company of a 6.88 MW-AC (9.25MW-DC) Photovoltaic Array, which includes the installation of 980+/- freestanding, tracking solar tables to be distributed among four (4) subdivided parcels of the Land (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and (iv) entering into a lease transaction (within the meaning of subdivision (15) of Section 854 of the Act) for each of the subdivided parcels of the Land, pursuant to which the Agency will retain an ownership interest in the Facility and lease such interest in the Facility to the Company, all pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, Chapter 862 of the Laws of 1971 of the State of New York (collectively, the "Act"), as amended; and

WHEREAS, Chapters 356 and 357 of the Laws of 1993 require that prior to granting financial assistance of more than \$100,000.00 to any project, an Agency must (i) adopt a resolution describing the project and the financial assistance contemplated by the Agency with respect thereto, and (ii) hold a public hearing in the city, town or village where the project proposes to locate upon at least ten (10) days published notice and, at the same time, provide notice of such hearing to the Chief Executive Officer of each affected taxing jurisdiction within which the project is located; and

WHEREAS, the Agency is in the process of reviewing and considering the Company's Application requesting the Agency to provide financial assistance for the proposed Project (collectively the "Financial Assistance") in the form of (i) an exemption from all State and local

sales and use taxes with respect to qualifying personal property included in and incorporated into the Facility or used in the acquisition, construction or equipping of the Facility and (ii) an exemption from mortgage recording tax, all of which shall be consistent with the uniform tax exemption policy of the Agency; and

WHEREAS, the Agency desires to (i) accept the Application; (ii) authorize the scheduling and conduct of a public hearing; and (iii) negotiate, but not enter into an Agent Agreement and Project Agreement, pursuant to which the Agency will designate the Company as its agent for the purpose of acquiring, constructing and equipping the Project and entering into a Lease Agreement, with the Company.

NOW, THEREFORE, BE IT RESOLVED:

1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's Application, the Agency hereby finds and determines that:

(a) Pursuant to the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) The Agency has the authority to take the actions contemplated herein under the Act; and

(c) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Fulton County, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(d) The Project will not result in the removal of a commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company.

2. The proposed financial assistance being contemplated by the Agency includes (i) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included within the Project or used in the acquisition, construction or equipping of the Project in the estimated amount of \$840,000.00 and (ii) an exemption on mortgage recording tax for qualifying mortgages in the estimated amount of \$80,000.00.

3. The Chairman, Vice Chairman and/or the Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to cause the issuance of public hearing notices, hold a public hearing in compliance with the Act and negotiate (but not execute or deliver) the terms of (A) the Agent Agreement and Project Agreement, whereby the Agency appoints the Company as its agent to undertake the Project, (B) a Lease Agreement and (C) related

documents; provided (i) the rental payments under the Agent Agreement and Lease Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project.

4. The Agency hereby schedules a public hearing pursuant to Article 18-A of the New York State General Municipal Law to be held by the Agency on Tuesday, the 28th day of July, 2020, at 10:00 am local time, at the Town Hall of the Town of Johnstown located at 2753 NYS Highway 29, Town of Johnstown, County of Fulton, New York, 12095, in connection with the Project. The Agency hereby authorizes the publication of a Notice of Public Hearing for the Project and in accordance with the Act and the Agency's policies and procedures.

5. This resolution shall take effect immediately.

The foregoing resolution was thereupon declared duly adopted.

Roll Call Vote:

	Aye	Nay	Abstain	Absent
Dave D'Amore	<u>X</u>	—	—	—
Joe Semione	<u>X</u>	—	—	—
Todd Rulison	<u>X</u>	—	—	—
Jane Kelley	<u>X</u>	—	—	—
Mike Fitzgerald	<u>X</u>	—	—	—
Joseph Gillis	—	—	—	<u>X</u>
Tim Munn	<u>X</u>	—	—	—

STATE OF NEW YORK)
) SS:
 COUNTY OF FULTON)

This is to certify that I, James Mraz, Executive Director for the Fulton County Industrial Development Agency, do hereby certify that the foregoing is a true and correct copy and the whole thereof of a Resolution duly adopted by the Fulton County Industrial Development Agency, Glens Falls, New York on the 14th day of July, 2020.

In witness whereof, I have hereto set my hand and affixed the official seal of the Fulton County Industrial Development Agency on this 14th day of July, 2020.



 James Mraz
 Fulton County
 Industrial Development Agency

[SEAL]