

**FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**TUESDAY  
AUGUST 11, 2020  
8:00 A.M.**

**PLANNING DEPARTMENT CONFERENCE ROOM**

**TRANSCRIPT**

PRESENT ON CONFERENCE CALL:

- DAVE D'AMORE, CHAIRMAN
- JOE SEMIONE, VICE CHAIRMAN
- TODD RULISON, TREASURER
- JOE GILLIS, MEMBER
- MIKE FITZGERALD, MEMBER
- JAMES MRAZ, EXECUTIVE DIRECTOR
- KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
- SCOTT HENZE, PLANNING DIRECTOR
- KENT KIRCH, FULTON COUNTY CENTER FOR REGIONAL GROWTH
- JOHN BLACKMON, LIAISON, ECONOMIC DEVELOPMENT AND ENVIRONMENT COMMITTEE
- KEITH SANDOR, PRESIDENT, NEXUS RENEWABLES
- MICK MULLINS, MULLINS REALTY
- JEFF D'AMORE, CUSHMAN WAKEFIELD
- MIKE SAMPONE, CUSHMAN WAKEFIELD

Jim Mraz: Jane Kelley and Tim Munn will not be here today. So, we have the five (5) IDA Board members, Kara is on board, Kent Kirch from the Center for Regional Growth is here and Keith Sandor is here from Nexus Renewables.

Alrighty, let's get started if we could. We'll do a roll call to see who's present.

**I. ROLL CALL:**

	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

**II. MINUTES FROM JULY 14, 2020 MEETING:**

MOTION : Accept as presented.  
MADE BY : Joe Semione  
SECONDED : 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	___	___	___	<u>X</u>
Mike Fitzgerald	<u>X</u>	___	___	___
Joseph Gillis	<u>X</u>	___	___	___
Tim Munn	___	___	___	<u>X</u>

NOTE: A transcript of the July 14, 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.

Jim Mraz: The minutes from the July 14<sup>th</sup> meeting were prepared and sent out to everyone. Has everyone had a chance to review those?

Everyone: "Yes."

Jim Mraz: Any concerns or comments? Would someone then make a motion to accept?

Joe Semione: I'll make a motion.

Jim Mraz: Joe Semione. Is there a second?

Dave D'Amore: Dave.

Jim Mraz: Dave D'Amore. Any further discussion? Take a roll call vote.

**III. BUDGET REPORT:**

MOTION : Accept as presented.  
MADE BY : Todd Rulison  
SECONDED : Mike Fitzgerald  
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>

Jim Mraz: Okay. Budget Report was distributed to you with the Agenda. On the revenue side of the budget, we received a reimbursement from Vireo in the amount of \$10,601 and some investment earnings as shown on that report. On the expenditure side, we had salaries and taxes. Under the Tryon Technology Park, we had the payment from Vireo to balance off the revenue that was on the expenditure side in the same amount, and we had an interim payment on the mowing contract that we have to cut grass at Tryon and then there was another payment as part of your contract with Emery Designs for ongoing work with updating the IDA website. So, that was it for the month. Does anyone have any questions or comments on the Budget Report?

Joe Semione: I've got a quick question about the mowing. I drove by Tryon. The left side where the sign is looks great. Are they supposed to be mowing the right side of the entranceway?

Jim Mraz: Yes.

Joe Semione: That did not look very good unfortunately.

Jim Mraz: That has been communicated to Glen and hopefully that will be addressed.

Joe Semione: Okay. Thank you.

Jim Mraz: Understood. If there are no other comments or questions, would someone make a motion to accept the Budget Report?

Todd Rulison: I'll make a motion.

Jim Mraz: Todd Rulison. Second?

Mike Fitzgerald: Mike Fitzgerald.

Jim Mraz: Thank you, Mike. Take a roll call vote on accepting the Budget Report. Very good.

#### **IV. COMMITTEE REPORTS:**

##### **A. Nominating Committee:**

- No report.

##### **B. Audit Committee:**

- Monthly Bank Reconciliation Reports: Joseph Semione

Jim Mraz: Moving on to Committee Reports. Audit Committee, Monthly Bank Reconciliation Reports. Joe Semione, did you have a chance to review?

Joe Semione: Yes, I did. I reviewed the 20 pages that were sent over to me by Carol and everything looks in order.

Jim Mraz: Very good. Thank you.

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: Kent Kirch

Jim Mraz: Okay. Moving onto Other Reports. Kent, do you have anything to offer regarding the Center for Regional Growth.

Kent Kirch: Sorry, Jim. I had to unmute. Just a couple of comments. Can you hear me okay?

Jim Mraz: Yes we can.

Kent Kirch: Okay. Everybody has a report I assume, so you can read the report for more detail. I think you probably heard this at the last meeting, but we spent a lot more time than usual supporting local businesses given the Pandemic and all the complications businesses are facing with that. Did a lot of work over the last couple of months working with the PTP Program to help people get that grant money. So, most of all I'm going to mention here - it's all been in the category of supporting local businesses, but as you can read in the report, there's still a fair amount of new business development activity. Most of which I don't know a lot of the details with that and probably couldn't share it even if I did. So, just a couple of things I want to highlight. First of all, on the Microenterprise Grant Program, had another really good season with that. Used up all of the \$200,000 that we were allocated by the State and are going out to the businesses, the 8 businesses listed here. These are grants, so it's money that's not required to be repaid, as long as they generate the jobs they committed to. And each one of these, they range usually from \$20,000 to \$25,000 a piece. The maximum anybody can get is \$35,000. Skipping down to community assistance, we had a pretty big event yesterday up in Northville. We had the official grand opening for the new local Five and Dine Restaurant up there that was a pretty big project. A lot of both grant and loan money involved there. So we had the grand opening yesterday. We had Jim Tedisco, Bob Smullen and Elaine Stefanik there to help commemorate that grand opening, so it was a pretty big milestone with that project. So, we're happy to have that happen. And then Ron has been working on getting a new source of working capital for businesses, so he's got a new bank lined up to, a couple of new banks lined up to help provide more funding resources for local businesses. So, that's something - we were concerned about it just because some of the loan funds are getting a little bit lower. They've been highly utilized, and we want another source of funding. Then skipping back to the second page, Business Marketing and Business Recruitment. I'm not sure if you heard about this last month. You probably did, but we are putting together a nice- I would call a pretty high end magazine to help promote Fulton County, and so we've been pulling that together. We've got a lot of businesses who have taken out ads in that publication, and I believe the objective is to have that published sometime towards the end of September. So, we'll be sending that out quite broadly to a lot of different places to reach, Site Selectors, and get more attention for

Fulton County. And then, finally, in the business events, just if you weren't aware of them. In July, we had a couple of significant events where we had the CRG AIM Workforce Program. AIM is Advanced Institute for Manufacturing, and they have kind of a partnership going with Mohawk Community College to provide training and apprenticeships for students and then, ultimately, they end up being employees for those businesses. So, that was pretty well attended and a pretty successful event and we've got several businesses who expressed interest in doing more with that, so we are following up on that. And then we had a Business Symposium for the Gloversville downtown businesses, on July 22<sup>nd</sup>. Had a really good turnout for that. Topics included, main topic was sources of financial assistance for businesses and how the CRG can help them obtain that support. We had Mayor DeSantis there speaking and a number of other speakers and that, too, seemed pretty well received as well. So, those were some of the highlights for the month, but happy to answer any questions if there are any.

Jim Mraz: Thanks, Kent. Anyone have any questions of Kent?

Joe Semione: Just wondering if they've heard any possible leads about the Tryon Technology Park.

Kent Kirch. I don't know the specifics of that inquiry, but I just know from the report, as well, that there was an inquiry, but I don't know the status of it or the source of it. I can follow-up with Ron and see if I can get more information. I'll do that.

Joe Semione: Sure. That would be fantastic. Thank you.

Jim Mraz: Thanks, Kent.

Jim Mraz: John Blackmon is not with us today. So, no report coming from the County.

## **VI. OLD BUSINESS:**

### **A. 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](http://tryontechnologypark.com)) into the IDA's website ([fcida.org](http://fcida.org)) but retain the domain name Tryon Technology Park.

#### **2. Status Report:**

- New pictures added to Home page.
- Added information on Workforce Training Programs available in Fulton County.
- Added info about each top employer in the County.
- Updated info about "Strategic Location."

Jim Mraz: Moving on to Old Business. Real quick, IDA website. Continue working on updating and improving our site. Pictures have been taken and added to the Home page. Added information on workforce training programs available in Fulton County, something that Site Selectors identified as an important piece of information for them to be able to see when they're looking at an economic development agency's website. Added information about each of the Top Employers in the County. Again, information that Site Selectors asked be available on our website. And updated information about us being a strategic location, which is one of the selling points that we put out there with respect to why move to Fulton County. So, continuing work on that. Hopefully, this will be wrapped up in a couple of months. Any questions or comments on that item?

**B. Cushman Wakefield:**

**A. 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.

**B. 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.
- Cushman Wakefield has advised that there is a party interested in several existing buildings.

**C. Appraisal:**

- In order to sell one of the buildings, appraisals should be prepared to establish market value for these buildings.
- The IDA has received a proposal from Mark Grant, MAI from CBRE, Inc.
- The proposal calls for preparing Restricted Use Reports which will establish market values for each building. These reports will use primarily the sales approach to value the buildings.
- The proposal includes preparing Restricted Use Reports for three (3) existing buildings at Tryon.
- Total Cost: \$4,500

Jim Mraz: Moving onto Cushman Wakefield. As we talked at the last meeting, they have a party interested in several of the existing buildings that we will discuss further in Executive Session and, on the top of page 4 of your Agenda, in order to sell one of these buildings, we need to have an appraisal done to establish market values. We received a proposal from Mark Grant, MAI from CBRE. His proposal calls for preparing Restricted Use Reports, which is another name for an appraisal. The report will primarily utilize the sales approach for determining value. The proposal includes preparing these reports for these three (3) buildings that the party is interested in. And the total cost is \$1,500 per building, or for a total cost of \$4,500. So, seeking authorization from the Chairman to sign an engagement letter with CBRE to

prepare these appraisals for these three (3) buildings at Tryon for a total cost of \$4,500. Any questions?  
Discussion?

Todd Rulison: Jim, I just have a comment. I believe I saw on our website this morning that it's listing land at \$20,000 per acre.

Jim Mraz: That's one of the things Betsy has to update. Correct.

Todd Rulison: Okay. Thank you.

Joe Semione: I would like to make a motion to authorize the Chairman to.

Jim Mraz: Thank you, Joe. Is there a second to that motion?

Mike Fitzgerald: I'll second.

Jim Mraz: Mike Fitzgerald. Any further discussion or comments? All in favor of the motion, we'll do a roll call vote.

IDA ACTION:

MOTION: To authorize the Chairman to execute an Engagement Letter with CBRE to prepare Restricted Use Reports for three (3) buildings at Tryon at a cost of \$4,500.

MADE BY: Joe Semione

SECONDED: Mike Fitzgerald

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>

Jim Mraz: Motion has been carried.

**C. Tryon Electric Project:**

- All of National Grid's work has been completed.
- The cutover was completed on July 14, 2020.
- There still needs to be work done with removing transformers, poles and wires from the old electric system.
- Waiting for final invoice from Tom's Electric.

Jim Mraz: Okay. Moving on the Agenda to just a quick update on the Tryon Electric Project. All of National Grid's work has been completed. We still have work remaining to remove the old electric system and the poles, and the wires and some transformers. That is work that is being scheduled as we speak, but the system has been cutover and we are out of the electric operating business after four (4) years of doing so. So, thanks to the County for following through with that commitment. Thanks to Scott and his staff and the Planning Department for overseeing and managing that project. And now we're just going to waiting, as we talked about at our last meeting for those invoices to start coming in for the electric at the sewer pump station and we'll see when those start coming in.

Joe Gillis: Jim, this is Joe, do we have any idea how much that's going to cost a month for the electricity.

Jim Mraz: No, we do not. As we talked at the last meeting, we have no basis or track record for what that's going to be. So, we will incur that cost until such time as the County completes the creation of Fulton County Sewer District No. 4 and, once that happens, the IDA will deed over the sewerline, pump stations to the Sewer District and the Sewer District will begin paying that invoice at that time.

Joe Gillis: Okay.

**D. 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. July 14, 2020 Meeting:

- 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. Revised plan was submitted and reviewed at July 14, 2020 meeting.
- At July 14, 2020 meeting, IDA Board authorized its Chairman to execute a Purchase Contract for the sale of these 27+/- acres to Huckans/Verma.

5. Update:

- Purchase Contract has yet to be signed by Verma/Huckans.
- Responded to series of questions submitted by Dave Huckans.
- Conducted conference call on August 3, 2020 with Dave Huckans and Paul Kolodziej, his attorney.
- Mr. Huckans is seeking additional information on three (3) items:
  1. Estimated IDA legal fees that Mr. Huckans will be responsible for paying.
  2. Verification that the Town of Perth or Fulton County will take over ownership of access driveway.
  3. Verification that this parcel will be included in proposed Fulton County Sewer District No. 4.
- Mr. Huckans advised that these issues need to be addressed in order for them to execute the Purchase Contract.

Jim Mraz: At your last meeting, you authorized entering into a Purchase Contract with Dr. Verma and Dave Huckans to sell that 27-acre parcel of land. That Purchase Contract has yet to be signed by those two (2) gentlemen. They have identified some additional information that they are seeking before executing that contract. I had a conference call last week with both Dave Huckans and Paul Kolodziej, his attorney, and we will discuss this a little further in Executive Session. Any questions or comments on that limited amount of information.

Joe Gillis: Yeah, Jim, this is Joe. My only comment is I see Paul Kolodziej has resurfaced with us.

Jim Mraz: Yes. Paul is representing Dave Huckans, and we had a great conversation last week on that conference call.

Joe Gillis: Okay.

Jim Mraz: Okay.

## **E. 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 NYSERDA 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.

4. Public Hearing:

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

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. Project Benefits:

A. Revenue to the IDA:

- NR and the IDA will execute Lease and Revenue Sharing Agreements.
- The Lease will lease the 29+/- acres to NR.
- In return, NR will make an annual lease payment to the IDA.
- See attached Exhibit C.
- The Revenue Sharing Agreement will result in NR paying the IDA \$1 per MWh of solar power generated.
- See attached Exhibit A.
- The total estimated revenue the IDA will receive is approximately \$50,000 per year.

B. Property Taxes:

- NR's Project Application did not request any real property tax exemptions from the IDA.
- The Broadalbin-Perth Central School District has requested that NR enter into a PILOT with the School District.
- The Town of Johnstown has also requested a PILOT.
- Both the School District and Town have not opted out of 487.
- The Town of Johnstown Assessor has provided NR with a preliminary estimate of what NR's project would be assessed for. Based on that estimate, NR would pay approximately \$55,000 in year 1 to Fulton County in County taxes.

8. SEQR:

A. Lead Agency

- 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
- At its July 14, 2020 meeting, the IDA Board classified the proposed solar project as a Type I action, proposed that it serve as the Lead Agency for a coordinated SEQR review and authorized the distribution of the EAF to all Involved Agencies asking for their consent to their consent to the IDA serving as Lead Agency.
- Involved Agencies were given until 5:00 PM, Friday, August 7, 2020 to respond
- Responses were received from:
  - Town of Johnstown Planning Board: Supports IDA serving as Lead Agency
  - NYSDEC: Supports IDA serving as Lead Agency

Jim Mraz: Alrighty. Moving onto the proposed Nexus Renewables Solar Project. I think we all have an understanding of the background of the project, and we have received an application from Nexus requesting two (2) IDA benefits. One sales tax exemptions and two (2) Mortgage Recording Tax Exemptions. Those two (2) exemptions, the total benefits exceed the \$100,000 threshold. As a result, we were required to have a public hearing. That public hearing was held on Tuesday, July, 28<sup>th</sup>, at 10 a.m., Town of Johnstown Town Hall. There was only one speaker and that was Supervisor Jack Wilson, who made a comment in support of the project. The notes from that public hearing were attached to your Agenda for review and those have been sent to Kara to be a part of the record for this project. The structure of this project. The IDA will continue to own the property and we will lease it to Nexus Renewables. There are going to be four (4) separate parcels of land and Kara, will those be under one Master Lease or will there be individual leases for the four (4) individual parcels?

Kara Lais: I've discussed that with their Counsel and they are trying to decide which. I think it will be four (4) separate leases. The same terms will be in all leases.

Jim Mraz: Okay. In terms of the project benefits that we've discussed, Nexus and the IDA will execute both Lease and Revenue Sharing Agreements. In return, Nexus Renewables will be making annual lease payments to the IDA. The amounts were listed in Exhibit C which is attached to your Agenda. The annual lease payment will start out at \$39,000 per year and, commencing in year 11, we begin to increase annually by a fixed percentage. There also will be a Revenue Sharing Agreement where Nexus Renewables will be paying the IDA dollar per MWh of solar energy that was generated. In year 1, that would estimate to be about \$12,000 and that amount would decline slightly every year because the amount of solar generated each year by this project will decline due to the aging of the solar equipment. The project will also generate property tax revenues for local taxing jurisdictions. The Broadalbin-Perth School District and the Town of Johnstown are both seeking PILOT's with Nexus Renewables that will generate property tax revenues for those two (2) entities, and Fulton County, because they opted out of 487, will be receiving County tax payments. These payments are estimated in year 1 to be approximately \$55,000. So, this project will be generating revenues for both the IDA and local taxing jurisdictions, and as Keith is going to explain in a few minutes, there is a third benefit that is going to be benefits resulting from them generating credits that will try to be allocated back to local governments, School Districts and

businesses here in this County to help them subsidize their electricity bills. So, those are the three (3) benefits of this particular project and I think it's important that everybody understand those benefits for this particular project.

So, for today, we have several actions that we need to take. The first deals with SEQR (State Environmental Quality Review). At your last meeting, you took an action to classify this project as a Type I Action under SEQR and you proposed yourself to serve as the Lead Agency and authorized sending out a letter to all Involved Agencies asking for them to consent to the IDA serving as Lead Agency. We sent those letters out to all Involved Agencies and asked everybody to respond by last Friday. We received written responses from both the Town of Johnstown Planning Board and NYSDEC, both consenting to having the IDA serve as Lead Agency. So, in the absence of anyone opposing, my recommendation is to act on a motion to designate the IDA to serve as the Lead Agency and to conduct a Coordinated SEQR Review on the proposed Nexus Renewables' Project. So, that's the proposed motion. Is there any questions or discussion before we accept or move on that?

Joe Gillis: Yeah, Jim, this is Joe Gillis. What kind of PILOT's are the School District and the Town of Johnstown getting?

Jim Mraz: The School District, to my understanding, and Keith, correct me if I'm wrong, has a formula. It's a formula-based PILOT, Joe, where they seek a certain dollar amount per MWh of solar generation. Keith, is it \$6,000 or \$8,000?

Keith Sandor: Yeah. So, it is actually a combination of an education contribution, an upfront contribution to the School Board, and then also 50% of it is going through an upfront contribution and then 50% is really going to be a recurring payment to the School Board. It is close to \$6,000. I believe it's actually closer to \$5,000, and so half of that is going to be through a recurring payment and then the other half is really an upfront payment.

Jim Mraz: Joe, those are between Nexus and the School District and Town of Johnstown. We have not really been directly involved with that.

Joe Gillis: Okay. I understand. Yup.

Jim Mraz: Any other questions?

Joe Gillis: And...

Jim Mraz: Oh, I'm sorry. Keep talking.

Joe Gillis: And the same for the Town of Johnstown?

Jim Mraz: Yes, now I know, Keith, the Town has sent you a letter asking for a PILOT? Has there been any further discussions with the Town?

Keith Sandor: We have not advanced the discussions as of yet, but we are definitely open to advancing those discussions. We just haven't gotten to that point yet with the Town.

Jim Mraz: Okay.

Joe Gillis: And one other question about the Fire District taxes. How does that work?

Jim Mraz: Those have to be paid. Those are not part of any... Fire District taxes are not part of any PILOT.

Joe Gillis: Okay.

Jim Mraz: Okay?

Joe Gillis: Alright. Yup.

Jim Mraz: Any other questions? Would someone then be willing to make the motion to designate the IDA to serve as the Lead Agency?

Joe Gillis: I'll make the motion.

Jim Mraz: Joe Gillis. Is there a second?

Joe Semione: Joe Semione second.

Jim Mraz: Joe Semione second. Any other questions? Comments? Okay. We'll take a roll call vote.

IDA ACTION:

MOTION: To designate the IDA to serve as the Lead Agency in a Coordinated SEQR Review on the proposed Nexus Renewables Project.

MADE BY: Joe Gillis

SECONDED: Joe Semione

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> ___

B. Part II EAF

- The IDA has completed a Part II EAF.
- See Attached
- Review Part II EAF

### C. Determination of Significance

- Based upon its review of the Part I and II EAF and all project information, the IDA Board now needs to issue a Determination of Significance under SEQR.
- Two options exist:
  1. Positive Determination: If the IDA Board determines that the proposed project may create 1 or more significant environmental impacts, it must issue a Positive Declaration which means a Draft Environmental Impact Statement (DEIS) must be prepared
  2. Negative Declaration: If the IDA Board determines that the proposed project will not create any significant environmental impacts, it must issue a Negative Declaration which means a Draft Environmental Impact Statement (DEIS) does not have to be prepared and the SEQR process has been completed

Jim Mraz: Okay. Moving on. The next thing is we completed a Part II of the Environmental Assessment Form. This is a required step in the process in SEQR and the purpose of completing this form is to determine whether or not the proposed project may create one (1) or more significant environmental impacts. That Part II form is attached to your Agenda. It's a 10-page form, and I can go through each one, but I think it's safe to say that the proposed project, for example, in item #1, would it have any impacts on the land? The answer was yes, but all of the potential impacts were considered to be small or no impacts. There would be impacts on surface water. There are some wetlands on the site as Keith's engineering firm has identified, but the impacts on those are going to be small to minimal and, obviously, they are going to attempt to avoid any impacts on wetlands. There is also going to be some potential impacts on plants and animals. Again, all of those potential impacts were classified as being small to minor. Also, potential impacts on aesthetic resources. The form says "yes" but, again, those would be considered to be small to minor. And, lastly, there was going to be some proposed impacts on energy, obviously, because this is going to be generating some energy. And, again, all of those impacts were considered to be small. And, those were all of the items that were identified as having potential impacts that this project could have. All of these were identified as having small to no impacts on the environment, which leads us to the second question/item to act on here today is, as the Lead Agency, you have to issue what's called the determination of significance. And based upon all of the information that was in both the Part I and the Part II that we just reviewed, you have two (2) options to consider. One is to issue what's called a positive determination. A positive determination means that, based upon your review of all this information in the Part I and Part II Forms, you feel that this project may create one (1) or more significant environmental impacts. As a result, you are going to declare a positive declaration and require the preparation of a Draft Environmental Impact Statement (DEIS). The second option is to issue a negative declaration. A negative declaration means that you reviewed all the information in Part I and Part II and have determined that the project will not create any significant environmental impacts and, therefore, you are going to issue a negative declaration meaning a DEIS does not have to be prepared and the SEQR review is therefore complete. Does everybody understand what those two (2) options are? A Positive Declaration means continue the SEQR process and prepare a DEIS. A negative declaration means no major impacts and, therefore, we can conclude the SEQR process.

Joe Semione: This is Joe Semione. I think based on what you sent us and just reviewed, the project may have some effect to some things, but they are minor so I think we should go ahead and give a negative declaration.

Jim Mraz: Any other comments?

Dave D'Amore: Jim, just looking at the EAF form. We checked "yes" on the aesthetic impacts.

Jim Mraz: But didn't check any of the boxes.

Dave D'Amore: Yeah, so I just wanted to make sure that got done.

Jim Mraz: We'll do that. Okay. No other questions or comments. Would someone like to make a motion to issue a negative declaration as recommended by Mr. Semione?

Dave D'Amore: Dave D'Amore.

Joe Semione: Second please.

Jim Mraz: Second by Joe Semione. Any further discussions or comments? Let's take a roll call vote.

IDA ACTION:

MOTION: To issue a negative declaration on the proposed Nexus Renewables Solar Project and to authorize the filing of that negative declaration in accordance with SEQR Regulations.

MADE BY: Dave D'Amore

SECONDED: Joe Semione

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. Application for Sales and Mortgage Recording Tax Exemptions

- NR has applied to the IDA for sales and mortgage recording tax benefits.
- NR has advised that without these benefits, their proposed project would not be financially viable.
- The estimated benefits to be provided total approximately \$880,000 of which \$800,000 would be sales tax exemptions.
- See attached resolution to authorize granting these financial incentives.

Jim Mraz: Alright, next, Nexus has applied, as they said, for Sales and Mortgage Recording Tax benefits and Kara has prepared a Resolution that is attached to your Agenda. This Resolution would authorize approving those financial benefits and authorize the Chairman to execute the documents that would be necessary that are typically associated with these types of projects. So, Kara, anything to add regarding the Resolution?



Kara Lais: I don't think so, the only item we added a couple items after the proposed draft went around. So, we included a completion date of July 31<sup>st</sup>, 2022 and then we added, in Section 1, some additional reasons for the approval that included tax revenues to the local municipalities, the revenues to the IDA for ongoing expenses and new projects. Other than that, it's straight forward just like all your other approval resolutions.

Jim Mraz: Okay. Anyone have any questions or comments on the proposed action here? Hearing none, would someone make a motion to adopt the Resolution as presented?

Mike Fitzgerald: I'll make that motion.

Jim Mraz: Mike Fitzgerald.

Joe Gillis: And I'll second it.

Jim Mraz: Joe Gillis. Thank you, Joe. Any further discussion or comments? Let's take a roll call vote on the Resolution to take action here on the Nexus Renewables' Project.

**IDA ACTION:**

**MOTION:** To adopt a resolution taking preliminary action toward undertaking a certain project, as defined herein, appointing Nexus Renewables U.S. Inc., or an entity to be formed (the "Company"), as agent of the Agency for the purpose of constructing and equipping the project facility (as defined herein) and authorizing the execution and delivery of an agent agreement and closing documents by and between the Agency and the Company.

**MADE BY:** Mike Fitzgerald

**SECONDED:** Joe Gillis

**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>

Jim Mraz: Motion has been carried.

**10. Lease and Revenue Sharing Agreements:**

**A. Lease Agreement**

- The lease would be for 25 years with NR having the option to extend the lease for three (3) additional five (5) year terms
- As a result, the total length of the lease could go to 40 years.

- There would be three (3) terms of the Lease:
    1. Option Term: Up to 1 year: \$1,000 fee to IDA: NR completes due diligence.
    2. Development Term: Commences when NR exercises option: \$1,000 fee to IDA: NR constructs solar project.
    3. Commercial Operation Date: The date NR begins generating solar energy. This is when lease would commence.
  - First lease payment due on Commercial Operational Date.
- B. Revenue Sharing Agreement
1. Runs co-terminus with Lease Agreement.
  2. Revenue Sharing Agreement stipulates that NR would pay IDA \$1 per MWh of solar energy generated.
- C. Status of both Agreements
- NR has submitted draft Lease and Revenue Sharing Agreements to the IDA.
  - Kara Lais and Jim Mraz have reviewed and commented on the draft documents.
  - Both draft Agreements were e-mailed to IDA Board members to review.
  - Once both Agreements have been approved by Kara Lais and Jim Mraz, the Chairman could then sign the Agreements.

Jim Mraz: Next item on the Agenda is the Lease and Revenue Sharing Agreements. The Lease Agreement would be for 25 years with Nexus having the option to extend the Lease for three (3) additional five (5) year terms. As a result, the total length of the Lease could go to 40 years. There will be three (3) kind of terms of this Lease. The first is the Option Term, which is up to a year. I think Keith will advise that they're hoping it to be much shorter than that. But, for that Option Term, they will pay the IDA a \$1,000 fee, and that's going to be the timeframe within which Nexus Renewables will complete its due diligence on their proposed project. If they proceed, they will execute that Option and we move into the Development Term. That is the time period in which Nexus will construct their facility. And, again, during that time period, Nexus will pay the IDA a \$1,000 for that term. And, again, that term will hopefully be less than a year because I think Nexus wants to be operational by this time next year or the fall of next year. And then the third term is the Commercial Operation Date. That's the date when Nexus would actually begin generating solar energy and selling it to National Grid and that date will be the starting date of the Lease. Okay. So, and again, per Nexus Renewables, their goal is to be operational in about a year, the Lease would start at that date and then run either the 25 or 40 years from that date. Okay. And the first Lease payment, that first annual payment, would come on the date of that Commercial Operational Date and then it would become payable every year after that on that same date.

The Revenue Sharing Agreement would run co-terminus with the Lease Agreement. It would be paying the IDA an annual fee for amount of energy generated. Unlike the Lease payment that would be payable at the beginning of each year, the revenue payment would come at the end of each year. So, they operate for a year, determine how much energy they generated at the end of year 1, and then we would receive that annual payment at that time. Keith, is that a correct assessment?

Keith Sandor: Yeah. That's absolutely correct.

Jim Mraz: Okay. So, both Agreements we have received in draft. We're continuing to work on miscellaneous language with those. But I think, for today, what we're asking for is a motion by the Board to authorize the Chairman to execute both the Lease and Revenue Sharing Agreements once the final language has been signed off by both Kara and myself. So, whenever that occurs, we would like to be able to sign those, as well as the documents associated with granting of the financial benefits. So, any questions on these?

Joe Gillis: Yeah, Jim, I have a question. Is the Development Term that we have? Do we have a set amount of that? So, what I am asking is if they start the project, and then they can't get the funding, and then the language is for five (5) years with no development, we only get a \$1,000 or do we have a time period that the development ends?

Jim Mraz: Keith, can you answer that?

Keith Sandor: Yeah. I believe in the latest draft, there is a set period that we've put in for the Development Term. I can't recall if it, it might be one (1) year plus an option for an extra year. But that is correct, there is a certain window for the Development Term.

Joe Gillis: Okay. That was my only concern.

Jim Mraz: Thank you, Joe. Any other questions?

Joe Gillis: Well, one other question. Just like President Reagan used to say. To verify. How do we know how much electricity is generated? I mean do we get a report, so at the end of the year, we will be able to match numbers?

Keith Sandor: Yes. So, our project will have a revenue grade meter installed on it. In addition, to providing you with the annual month-to-month payment, we will provide you with the corresponding meters data.

Joe Gillis: Got it. Yup. Sounds good.

Jim Mraz: Thanks, Joe. Anything else? Alright. Would someone make a motion to authorize the Chairman to execute these documents?

Joe Gillis: I'll make the motion.

Joe Semione: I'll make the motion.

Jim Mraz: Okay. We'll go Joe Gillis and Joe Semione as the motion and second. We'll take a roll call vote.

IDA ACTION:

MOTION: To authorize the Chairman to execute Lease and Revenue Sharing Agreements with NR subject to the approval of both Agreements by Kara Lais and Jim Mraz.

MADE BY: Joe Gillis

SECONDED: Joe Semione

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>

(Dave D'Amore: Mike stepped away for a minute.)

Jim Mraz: Motion is carried.

11. Easement:

A. Background:

- The 29+/- acre parcel NR desires to lease from the IDA is landlocked and does not have direct access onto a public road.

B. Proposed Easement:

- It is proposed to grant NR a 20' easement from CR117 paralleling the eastern boundary of Vireo Health's property back to this 29+/- acre parcel.
- See attached map.
- NR is also pursuing other options for gaining access to this 29+/- acre parcel. If another option is selected, no easement from CR117 would be needed.

Jim Mraz: Last item regarding this issue is an easement. As we've discussed, the 29-acre parcel that Nexus is looking to lease from the IDA is actually landlocked. It does not have direct access onto a public road. What is proposed is to grant Nexus a 20' wide easement that would be on IDA land and run parallel to the eastern boundary of the Vireo Health property. Nexus is also looking at other options for getting access to that property, which they may or may not choose to utilize. If they choose to utilize another option, then we would not execute this easement. But if all our other options fail, they would then come back and look to utilize this 20' easement as their access point to their property. So, asking today to approve granting an easement with the understanding that we're not right now 100% sure they are going to use it. If they don't, then this would just go away. Okay. Does everyone understand the issue at hand? Very good. Any questions?

Todd Rulison: Jim, does the easement have any impact on Vireo Health at all in their operations?

Jim Mraz: No. On their current operations? No. You know, they had, some time ago, Todd, as we talk, expressed a potential interest in that adjoining lot. That adjoining lot is still available. You know. And, but we have not heard anything from them in some time about that potential interest.

Joe Gillis: And, Jim, this easement is for the wires to be connected to the solar panels? Is that what this is for or is this for the road?

Jim Mraz: Both.

Joe Gillis: Okay. Are the wires going to be aboveground or underground?

Jim Mraz: Everything within the Tryon Technology Park will be underground.

Joe Gillis: Okay.

Jim Mraz: That's been stipulated to and agreed to by Nexus.

Joe Gillis: Okay.

Jim Mraz: Okay. Would someone make a motion then to approve granting this 20' easement from CR117 along the eastern boundary of Vireo Health's property to the 29+/- acre parcel Nexus will be leasing from the IDA.

Todd Rulison: I'll make the motion, Jim.

Joe Gillis: I'll make a motion.

Jim Mraz: Todd makes the motion. Joe Gillis makes the second. Let's do a roll call vote.

IDA ACTION:

MOTION: To approve granting a 20' easement from CR117 along the eastern boundary of Vireo Health's property to the 29+/- acre parcel NR will be leasing from the IDA.

MADE BY: Todd Rulison

SECONDED: Joe Gillis

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> ___

Jim Mraz: Very good. Motion has been approved.

12. Community Solar:

- Nexus' project is considered a Community Solar Project.
- Nexus will receive certain credits that it can make available to local entities to help reduce monthly electric bills.
- Presentation: Keith Sandor, President, Nexus Renewables

Jim Mraz: Okay. The last item..

Joe Semione: Yeah. I see that John Blackmon has joined us.

Jim Mraz: John Blackmon has. John, do you have a, let's go back, do you have a report to offer from the County?

John Blackmon: I'm sorry that I'm late. I tuned in about 15 minutes after the hour. We had our first in-person session yesterday. It was like walking into 3<sup>rd</sup> grade with all the desks lined up in rows. We had 23 resolutions, only two (2) of which might be of interest to you. One we passed a resolution for urging the enactment and implementation of the Johnstown Hall State Historic Site Master Plan. If the State went into that and they start on that project in the next year or two, it could bring in a lot of tourists over the coming years. The other one was the FMCC 2020-21 Budget was presented and passed. They are decreasing the budget by 6.7%. The total budget... They didn't ask for any more money from the County. They are not sure how many less students they will have this next year, but they are taking that into consideration. The Budget for FMCC is \$16.8 million and, again, no increase for Fulton County. So, that's it.

Jim Mraz: Okay. Any questions for John. Very good. The last item for discussion here today is the one other benefit for the Nexus Renewables Project and that is being a Community Solar Project. I asked Keith to give IDA Board members a brief discussion about what this all means and so, Keith, would you give us a brief discussion on how this project is going to potentially impact the local businesses and governments here.

Keith Sandor: Sure. Thanks, Jim. I have prepared a few slides. I'm not sure if I can share my screen. I hope I can. Can everybody see that?

Everyone: "Yes."

Keith Sandor: Yeah. Okay. Perfect. So, as Jim had mentioned, our project is designated as a Community Solar Project. Just a quick recap on what Jim had really highlighted. It's a 6.9 megawatt project that we are proposing in the Town of Johnstown adjacent to the Tryon Technology Park. The parcel of land, just as a recap, it's otherwise unsuitable for commercial development. Our project will be upgrading to the local distribution infrastructure as part of the project cost that we're bearing. And then, more importantly, really what I wanted to highlight and, as Jim had mentioned, is that it generates three (3) sources of revenues. The first revenue being through a lease. That lease is, the way those revenues are communicated to the Fulton IDA is through six (6) payments plus a variable payment, which is a dollar per MWh. And then, separately, the project generates annual tax revenues and so, those tax revenues through Fulton County and then also through the Town of Johnstown, those are through traditional means. With the local School District, we have... we're in the late stages of executing a PILOT Agreement with

them. As I mentioned, which will result in an upfront payment of about \$180,000 plus a recurring payment that's about \$25,000 towards the School District. And then, lastly, this is the part I wanted to highlight, is that it generates \$130,000 in annual cost savings for local community members. And it's through NYSEERDA's Community Solar Program, which is what I'm going to touch on over the next few slides. I didn't prepare a lot of slides, so it won't be that long. But, you know, from a high level, the way the NYSEERDA Community Solar Program works is our project generates electricity and 100% of that electricity is exported to National Grid. In return, National Grid provides us with community credits. We take those credits and we assign those to subscribers. And that's generally, from a high level, how the program works. We assign those credits to subscribers and really those credits, on a dollar per dollar basis, can be applied against your bill. Generally, when we assign those to our subscribers, we assign them at a discount to par value and what that means is that the subscribers effectively realize a cost savings through that. Generally, when we are able to assign those credits to subscribers, we can assign them really to anybody that is serviced by National Grid that is located within the same operating zone, which is really most of upstate New York. And, at a minimum, the project must have 10 subscribers and the only other criteria that we are subject to is that no more than 40% of our generation can be allocated to what deems to be large-use consumers. That is any consumer that has 25 KWh or greater. So, the real key item is that we are allocating these credits to subscribers, and it results in a cost savings of about \$130,000 per year. So, when we break down the amount of credits that we're getting, it's about \$1.3 million per year. So, up to \$500,000 of that can be allocated towards large-use consumers. This would be large manufacturing facilities, even if you have a, I think I mentioned, a wastewater treatment plant, those are generally high-use energy consumers that we can allocate these credits towards. Separately, there's about \$800,000 that we would need to allocate to small-use consumers. Because we're not obligated to supplying customers in a small area, we do have that option of allocating to anybody within Upstate New York. The preference would be to keep those benefits within Fulton County. And what we're really proposing is really to work with Fulton County to identify a list of subscribers that may be able to take advantage of the cost-savings opportunity. It is generally around a 10% cost reduction in their bill. Generally, the agreement that we would need to enter into is a long-term agreement where the business would commit to subscribing to these credits just to match our contract terms with National Grid. Does anybody have any questions on that?

Dave D'Amore: Yeah, Keith, this is Dave D'Amore.

Keith Sandor: Yeah.

Dave D'Amore: Can you give us an understanding on how these subscribers, both large and small, would be selected. You know, you're asking for the IDA to provide a list, but is there like a public announcement, like almost a public bidding. I can imagine there would be a number of businesses that would be interested in such a benefit. Or is it just, you know, do we presume to give you a list of who we think would benefit and go from there? I'm just trying to understand how proactive and public all of this should be. I would imagine that would be the preference but I don't know.

Keith Sandor: Yeah, I think to keep it open, an announcement would be the most preferable way. We have a specialist who deals with these types of subscriptions. But anything we can do locally I think is probably preferable and it's probably a question I'd probably throw back at yourselves. Is the preference to have an announcement or do you have any businesses in mind that you think that might have an interest in this? One of the key areas for us, at least, is to make sure that 40% that is tied to the large-use businesses is secured before we start marketing to the smaller businesses.

Dave D'Amore: I don't know that we've got an answer because we haven't really discussed it, so I would be interested in hearing what my fellow Board members think about this. The other related question is, you know, are there restrictions on certain classifications of businesses? So, for instance, a School District is a business entity, but does that qualify for these types of benefits? And would a municipality qualify for these types of benefits?

Keith Sandor: Yeah. So my understanding is that, as long as you have a separate utility account number in its petition, the real classification is on if it's a large use or small use.

Dave D'Amore: Okay. Thank you.

Jim Mraz: The goal today was simply to introduce this concept to the IDA Board, not to come to final decisions. Because, again, Keith, correct me if I'm wrong, decisions on who the subscribers would be don't need to be resolved for awhile yet because you won't know the exact amount of, the amount of credits you will be receiving until after the first year of operation?

Keith Sandor: That's correct. And, normally, it's a few months in advance of getting commercial operations enrolled that we will start this. So, yeah.

Jim Mraz: So, if we're going to look to start, let's just say, pick a date of September 1, 2021, it would mean that we're not needing to have these entities identified until sometime in mid-2022.

Keith Sandor: Ideally, we would like to have some subscription agreements at least secured in advance of getting commercial operations. So, really, starting that legwork, I'd say, early 2021, I think that would be kind of our preference.

Jim Mraz: Okay.

Joe Semione: I have a quick question. So, it sounds to me that these credits need to be secured by other companies. My question... Say you can't store those credits up for future companies. My thought is that if say we have the Technology Park and the CRG or us, land a company or be working with a company, and say, "Hay, by the way, you can possibly get credits", it might be a nice incentive for them. Can they be held for future use or do they all have to be spoken for?

Keith Sandor: Yeah. There is a small window that it could but it is nothing beyond a year, so it would have to be used accordingly.

Joe Semione: Okay. It would be nice if we could.

Jim Mraz: Joe, I think it's a great point, but we could start is say, starting today, we could start marketing out there that, if you come here by, set up operation by September 1 of next year, you have this benefit available.

Joe Semione: Yeah. That would be good.



Jim Mraz: Alright. Any other questions of Keith? Great. Keith, appreciate your time this morning. We will continue discussions about this as we move forward and look forward to getting these subscription agreements eventually put together and see these benefits allocated to folks here in the community. So, thanks and we will stay in touch.

Keith Sandor: Thanks, a lot, Jim. Thanks everyone.

Dave D'Amore: Thanks, Keith.

13. Special Use Permit/Subdivision Approval:

- On July 7, 2020, NR submitted its application for a Special Use and Subdivision approval to the Town of Johnstown Planning Board.
- NR desires to subdivide the 29+/- acre parcel into four (4) separate tax parcels.
- The Town of Johnstown Planning Board met on July 14, 2020 to commence its review of the proposed solar project.
- The Planning Board will meet again on August 11, 2020 to continue its review of the proposed project

**VII. NEW BUSINESS:**

**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.**

Jim Mraz: Alrighty, folks. Back to the Agenda. We have no other business or new business to conduct. So, at this time, I would like to ask for a motion to go into Executive Session to discuss the proposed acquisition, sale or lease of real property as expressed on the Agenda.

Dave D'Amore: I'll make that motion, Jim.

Jim Mraz: Dave D'Amore. Is there a second to that motion?

Joe Semione: Joe Semione.

Jim Mraz: Joe Semione. All in favor. I can't do that, sorry. Roll call vote. Alright we are in Executive Session.

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 : Joe Semione

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 : 8:40 a.m.

MOTION : To go out of Executive Session.

MADE BY : Dave D'Amore

SECOND : Joe Gillis

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 : 10:15 a.m.

Jim Mraz: Motion to go out of Executive.

Dave D'Amore: I'll move.

Jim Mraz: Dave D'Amore. Is there a second to that?

Joe Gillis: Joe Gillis.

Jim Mraz: Joe Gillis. Roll call vote.

**IX. CUSHMAN WAKEFIELD:**

A. 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.

B. 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.
- Cushman Wakefield has advised that there is a party interested in several existing buildings.

C. Appraisal:

- In order to sell one of the buildings, appraisals should be prepared to establish market value for these buildings.
- The IDA has received a proposal from Mark Grant, MAI from CBRE, Inc.
- The proposal calls for preparing Restricted Use Reports which will establish market values for each building. These reports will use primarily the sales approach to value the buildings.

- The proposal includes preparing Restricted Use Reports for four (4) existing buildings at Tryon.
- Total Cost: \$6,000

Jim Mraz: We're in open session. We need a motion to modify the motion to retain CBRE to conduct four (4) separate appraisals at a total cost of \$6,000 versus \$4,500 as previously discussed.

Joe Semione: I'll make that motion.

Jim Mraz: Joe Semione. Second to that?

Todd Rulison: Second.

Jim Mraz: Todd Rulison second. Any further discussion?

Mike Fitzgerald: Jim, do you want to give some cushion on the price in case?

Jim Mraz: No. That's the number.

Mike Fitzgerald: Okay.

Jim Mraz: Roll call vote.

IDA ACTION:

MOTION: To authorize the Chairman to execute an Engagement Letter with CBRE to prepare Restricted Use Reports for four (4) buildings at Tryon at a cost of \$6,000.

MADE BY: Joe Semione

SECONDED: Mike Fitzgerald

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>

**X. NEXT MEETING:**

Tuesday  
September 8, 2020  
8:00 a.m.

**XI. CLOSE MEETING:**

MOTION : To close the meeting

MADE BY : Dave D'Amore

SECONDED : Joe Semione

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 : 10:20 a.m.

Jim Mraz: Motion to close the meeting.

Dave D'Amore: I'll move.

Jim Mraz: Dave D'Amore. Seconded by?

Joe Semione: I'll second.

Jim Mraz: Roll call vote. Alright, the meeting is closed at 10:20 a.m.