

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

**TUESDAY
OCTOBER 13, 2020
8:00 A.M.**

PLANNING DEPARTMENT CONFERENCE ROOM

AGENDA

PRESENT ON CONFERENCE CALL:

- ___ DAVE D'AMORE, CHAIRMAN
- ___ JOE SEMIONE, VICE CHAIRMAN
- ___ TODD RULISON, TREASURER
- ___ JANE KELLEY, SECRETARY
- ___ TIM MUNN, MEMBER
- ___ JOE GILLIS, MEMBER
- ___ MIKE FITZGERALD, MEMBER
- ___ JAMES MRAZ, EXECUTIVE DIRECTOR
- ___ KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
- ___ SCOTT HENZE, PLANNING DIRECTOR
- ___ TIM BECKETT, FULTON COUNTY CENTER FOR REGIONAL GROWTH
- ___ JOHN BLACKMON, LIAISON, ECONOMIC DEVELOPMENT AND ENVIRONMENT COMMITTEE
- ___ MIKE ANICH, LEADER-HERALD

I. ROLL CALL:

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

II. MINUTES FROM SEPTEMBER 8, 2020 MEETING:

MOTION :
MADE BY :
SECONDED :
ROLL CALL VOTE :

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

NOTE: A transcript of the September 8, 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 :
MADE BY :
SECONDED :
ROLL CALL VOTE :

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

IV. COMMITTEE REPORTS:

A. Nominating Committee:

- No report.

B. Audit Committee:

- Monthly Bank Reconciliation Reports: Todd Rulison

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: Tim Beckett

VI. **OLD BUSINESS:**

A. **IDA Website:**

1. **Background:**
 - At its November 12, 2019 meeting, IDA Board hired Emery Designs to update IDA's website.
 - 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:**
 - In response to the COVID Pandemic, Emery Designs is working on adding narrative/graphics to the Home page emphasizing that Fulton County is a safe, healthy place to live/do business.
 - Drafted flow chart of Fulton County's Economic Development Program and summary of everyone's roles to put on website: See attached.
 - On September 25, 2020, emailed draft to Board of Supervisors, FCCRG and Fulton Montgomery Regional Chamber of Commerce for review and comments.
 - Review draft Flowchart.

IDA DISCUSSION:

B. **Cushman Wakefield:**

1. **Background:**
 - Cushman Wakefield has shown several buildings at Tryon to interested parties.
2. **Survey Invoice:**
 - Ferguson and Foss has submitted an invoice for preparing the surveys on these parcels of land in the Tryon Technology Park.
 - Total Cost : \$2,500

MOTION: To authorize a payment of \$2,500 to Ferguson and Foss for preparing three (3) surveys at Tryon.

MADE BY:

SECONDED:

ROLL CALL VOTE:

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

C. 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/Baljit 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. August 11, 2020 Meeting:

- 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.
- IDA Board agreed to ask Verma/Huckans to submit a signed Purchase Contract to the IDA by August 18, 2020.

6. September 8, 2020 Meeting:

- Executed Purchase Contract was received on August 18, 2020.
- Chairman D'Amore executed the Purchase Contract and it was returned on August 21, 2020.
- Deposit check has been received and is being held by Coldwell Banker.
- Purchase Contract included three (3) conditions:
 1. Estimated IDA legal fees that Mr. Huckans will be responsible for paying.
 2. Verification that this parcel will be included in proposed Fulton County Sewer District No. 4.
 3. Verification that the Town of Perth or Fulton County will take over ownership of access driveway.
- Item #1 has been addressed. Kara Lais sent an estimate to Paul Kolodziej, the Purchaser's attorney.
- Item #2 has been addressed. On August 18, 2020, Jim Mraz e-mailed Dave Huckans a map showing that the parcel was included in proposed Fulton County Sewer District No. 4.
- Item #3 still needs to be addressed by the Buyers prior to closing.
- Purchase Contract stipulates that the closing shall be on or before September 30, 2020.
- Purchase Contract says the attorneys for Seller and Buyer had to agree to all matters by September 1, 2020. On September 1, 2020, Kara Lais sent e-mail to Paul Kolodziej, the Buyer's Attorney, identifying several modifications to Purchase Contract.

- Purchase Contract says the Seller shall cooperate in providing any survey to the Purchaser and that the Purchaser shall pay for the cost of updating any such survey or the cost of a new survey. On September 2, 2020, Jim Mraz sent Dave Huckans a copy of the Boundary Survey Map Ferguson & Foss prepared when the IDA took title to property from New York State showing the parcel on the south side of CR107 as well as a written description.
- Dave Huckans met with David Dopp, Town of Perth Highway Superintendent, to discuss having Town take over road.
- David Dopp said owner of road must request Town take over.
- As current owner, IDA must submit request to Town of Perth.
- IDA Board authorized having Chairman send a letter to the Town of Perth asking that they take over ownership of road contingent upon Tryon Organics Enterprises confirming that they would pay to upgrade road.

7. Update:

- Dave Huckans confirmed that Tryon Organics Enterprises would pay to upgrade road to Town specifications.
- On September 10, 2020, the letter to the Town of Perth from Chairman D'Amore was sent to the Town of Perth.
- Tryon Organics Enterprises requested that the closing date in the Purchase Contract be extended to October 30, 2020.
- On October 8, 2020, the Perth Town Board met and agreed to take over the road once it was improved to Town's specifications.

8. Sewer Main Serving this Parcel of Land:

a. Background:

- Fulton County is preparing to create Fulton County Sewer District No. 4 that would include all of the land at Tryon owned by the IDA.
- The 27+/- acre parcel of land on the south side of CR107 was previously serviced by a sewer main and pump station that pumped wastewater from that parcel across CR107 to the pump station serving the Tryon Technology Park.
- The condition of that force sewer is not known.

b. Proposal:

- Environmental Design Partnership (EDP) has been retained by Fulton County to prepare the Map, Plan and Report required to create Fulton County Sewer District No. 4.
- EDP recommends that the IDA pressure test this sewer main to verify it is still in working condition.
- EDP has obtained a quote from CFI Construction to perform the work.
- Estimated Cost: Not-to-Exceed \$6,000

IDA DISCUSSION:

IDA ACTION:

MOTION: To approve amending the closing date in the Purchase Contract to October 30, 2020.

MADE BY:

SECONDED:

ROLL CALL VOTE:

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

IDA ACTION:

MOTION: To approve a Resolution authorizing the Chairman to execute a deed transferring ownership of the 27+/- acre parcel on the south side of CR107 to Tryon Organics Enterprises for the total sum of \$90,000.

MADE BY:

SECONDED:

ROLL CALL VOTE:

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

MOTION: To authorize a commission payment of 5% or \$4,500 to Coldwell Banker Prime Properties in accordance with the IDA's Agreement with Coldwell Banker Prime Properties.

MADE BY:

SECONDED:

ROLL CALL VOTE:

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

MOTION: To authorize hiring CFI to test sewer main at a cost not-to-exceed \$6,000.

MADE BY:

SECONDED:

ROLL CALL VOTE:

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

D. Proposed Nexus Renewables Solar Project:

1. Decommissioning Plan:

- Nexus Renewables still working with Town Planning Board to obtain local approvals.
- Comments on draft Decommissioning Plan were provided to Town of Johnstown Planning Board.
- Revised Decommissioning Plan has been prepared by Nexus.
- Revised Decommissioning Plan was e-mailed to all IDA Board members on October 5, 2020.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

ROLL CALL VOTE:

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

2. Site Plan:

- Site Plan was distributed to all IDA members on October 5, 2020.
- Review Site Plan.

IDA DISCUSSION:

IDA ACTION:

MOTION: To approve Nexus' Site Plan.

MADE BY:

SECONDED:

ROLL CALL VOTE:

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

3. Easement:

- IDA previously approved granting a 20' wide easement along eastern property line with Vireo.
- Berkshire Fire District requested a 20' wide access road.
- As a result, the easement needs to be wider.
- A 30' easement is required to accommodate a 20' road and to leave room to bury cables along side of road.

IDA DISCUSSION:

IDA ACTION:

MOTION: To approve granting a 30' easement to Nexus Renewables for an access road from CR117 to the parcel they will be leasing from the IDA for their solar project.

MADE BY:

SECONDED:

ROLL CALL VOTE:

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

4. Lease Agreement:

- Final comments on Lease Agreement were sent to Nexus on October 1, 2020.
- Nexus agreed to make all the changes requested.
- As a result, Lease is ready to be signed.

- At its August 13, 2020 meeting, IDA Board authorized the Chairman to execute the Lease.
5. Sales Tax Exemptions:
- Kara Lais working with Nexus attorneys on documents to provide sales tax exemptions.
 - Nexus will be using four (4) LLC's.
 - It is anticipated that the IDA Board will be asked to approve these documents at its November 2020 meeting.

IDA DISCUSSION:

VII. NEW BUSINESS:

A. Proposed 2021 IDA Budget:

1. Proposed 2021 IDA Budget:

- See attached.

2. Projects/Initiatives:

- Based upon the input provided at the September 8th meeting, the following projects/initiatives were included into the proposed 2020 Budget:
 - Building Cleanup at Tryon : \$ 75,000
 - Develop Shovel-Ready Sites : \$ 50,000
 - Website Upgrade : \$ 12,000
 - Desktop Environmental Assessments : \$ 10,000
 - Food Site Certification : \$ 7,500
 - Tryon Development Area : \$ 5,000

IDA DISCUSSION:

IDA ACTION:

MOTION: To approve the 2021 IDA and Tryon Budgets as presented and to authorize the Executive Director to file the 2021 IDA Budget onto PARIS.

MADE BY:

SECONDED:

ROLL CALL VOTE:

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

B. Former Johnstown Renewables Property:

- On October 20, 2020, at 1:00 p.m., a public auction will be conducted on the former Johnstown Renewables property.
- The property to be sold includes:
 - 5.2 acre parcel
 - Partially completed 15,250 sf building
- The Auction is being conducted by:
David Fiegel
Blackbird Asset Services, LLC
5586 Main Street, #204
Williamsville, NY 14226
(716) 632-1000 (office)
(716) 257-8996 (fax)

- This will be an onsite auction.

IDA DISCUSSION:

C. Vandalism at Tryon Technology Park:

1. Background:
 - Vandals recently damaged windows and doors in Building 3 at Tryon.
 - Windows were smashed with baseball bats.
 - Graffiti was painted on walls and floors.
 - Cabinets were destroyed.
 - The Sheriff's Department is conducting an investigation.

2. Health and Safety Concerns:
 - There were many exterior windows with broken and jagged pieces of glass creating a significant health and safety issue.
 - The same concern exists with the piles of broken glass laying all over the place.
 - In addition, the building was not secure since anyone could walk through an exterior door that had all of the glass smashed out of it.

3. Emergency Repairs:
 - The broken exterior windows and doors needed to be cleaned up and the openings secured with plywood.
 - All exterior doors needed to be secured from the inside.
 - All broken glass needed to be cleaned up.
 - Brett Remonda submitted a proposal to the IDA to perform these emergency repairs.
 - Total Fee: Not-to-exceed \$6,000
 - All repair work has been completed.
 - Total Invoice: \$5,500

4. Insurance:

- Bill Vangorder, NBT-Mang Insurance has been notified of the vandalism and costs for these emergency repairs.
- Incident Report filed with NBT Mang Insurance.
- Spoke with Stephanie Frazier, Executive Claims Associate, to provide details about vandalism and the emergency repair work performed. Stephanie advised that making the emergency repair work was the correct thing to do.
- Met with Bill VanGorder at Building 3 to review damage and repair work.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize a payment of \$5,500 to Brett Remonda for performing emergency repairs to Building 3 at Tryon Technology Park.

MADE BY:

SECONDED:

ROLL CALL VOTE:

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

D. Transformers at Tryon Technology Park:

1. Background:

- The IDA owns the following transformers that were a part of Tryon's old electric system the IDA previously owned and operated:
 - 14 pole mounted
 - 9 ground mounted
- At the June 2020 meeting, the IDA Board authorized the sale of all transformers no longer needed at Tryon.
- Chris Stankes, Planner, has been working with Northeast Transformer Services (NTS) located in Preble, NY, a company that purchases used transformers.
- NTS is willing to purchase certain transformers for the following estimated amounts:
 - Approximately \$600+/- for 8 pole mounted transformers
 - Approximately \$1,500+/- for 9 ground mounted transformers

- Before NTS would commit to buying the other six (6) pole mounted transformers, it wants to have them tested for PCB's.
- Estimated cost to have these six (6) transformers tested for PCB's is \$250+/-.
- If these transformers test negative, NTS would buy them for approximately \$225+/-.
- If these transformers test positive, NTS will not take them and the IDA will have to pay to have them disposed of.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize having the six (6) transformers tested for PCB's at an estimated cost of \$250+/-.

MADE BY:

SECONDED:

ROLL CALL VOTE:

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

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 :
 SECOND :
 ROLL CALL VOTE :

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

TIME :

MOTION : To go out of Executive Session.

MADE BY :
 SECOND :
 ROLL CALL VOTE :

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

TIME :

IX. NEXT MEETING:

Tuesday
November 10, 2020
8:00 a.m.

X. CLOSE MEETING:

MOTION : To close the meeting

MADE BY :

SECONDED :

ROLL CALL VOTE :

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

TIME :