

# FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY  
OCTOBER 13, 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  
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

### 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> | ___ | ___     | ___    |

- The Leader-Herald was admitted into the meeting at 8:05 a.m. and departed at 8:07 a.m.
- Betsy Emery was admitted into the meeting at 8:29 a.m. and departed when the meeting went into Executive Session.
- Jane Kelley departed the meeting at 8:45 a.m.
- Joe Semione departed the meeting at 9:45 a.m.

**II. MINUTES FROM SEPTEMBER 8, 2020 MEETING:**

MOTION : Accept as presented.  
MADE BY : Joe Semione  
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> | —   | —       | —      |

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 : Accept as presented.  
MADE BY : Mike Fitzgerald  
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> | —   | —       | —      |

**IV. COMMITTEE REPORTS:**

A. Nominating Committee:

- No report.

B. Audit Committee:

- Monthly Bank Reconciliation Reports: Todd Rulison

IDA DISCUSSION: Todd Rulison 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: Tim Beckett

IDA DISCUSSION: John Blackmon stated that the Board of Supervisors' monthly meeting is today. He stated the College received 65 applications for position of President. Three (3) persons will be interviewed. John Blackmon stated that Fulton County is about ready to transfer ownership of the infrastructure in Fulton County Sewer District No. 2 over to the Village of Broadalbin.

Tim Beckett reviewed the Center for Regional Growth's monthly report that was attached to the Agenda. At the end of his presentation, he asked if there were any questions. There were none.

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: Jim Mraz reviewed the information on the Agenda. He referenced the draft flowchart of Fulton County's Economic Development Program that was attached to the Agenda. He stated this draft flowchart has been sent to the Board of Supervisors, FCCRG and Fulton Montgomery Regional Chamber of Commerce for their review and comment. He asked if there were any comments from IDA Board members on the draft flowchart. Dave D'Amore stated that he is reasonably satisfied with the narrative. He stated that he hopes both the CRG and Chamber of Commerce provide comments on their narratives. He stated he is interested in the graphics that Betsy Emery has offered to provide. He stated

that he hopes that these graphics can visually represent the relationships that exist between the entities in Fulton County's Economic Development Program.

**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: 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> | —   | —       | —      |

**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: Jim Mraz reviewed the information on the Agenda. He stated that, given that the Town of Perth has approved taking over the road on that 27-acre parcel once it is upgraded to the Town's specifications that action satisfies the final condition in the Purchase Offer Tryon Organics Enterprises made to the IDA. He stated that the Town Highway Superintendent provided Dave Huckans with a copy of the Town's specifications for Town roads.

Jim Mraz reviewed the information regarding the sewer main servicing this parcel of land on the south side of CR107. He stated that EDP recommends that the sewer line be tested to ensure that it's in working order. A question was asked on what would happen if it is found that the sewer main is broken. Jim Mraz stated that the IDA would have two (2) options:

1. Repair the line.
2. Do not repair the sewer line and abandon it.

There was a brief discussion on the potential impacts of not repairing the line and abandoning it. It could result in the proposed sale to Tryon Organics Enterprises being impacted.

IDA ACTION:

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

MADE BY: Jane Kelley

SECONDED: Tim Munn

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   | —   | —       | —      |

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: Joe 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   | --- | ---     | ---    |

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: Todd Rulison  
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   | --- | ---     | ---    |

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

MADE BY: Jane Kelley  
SECONDED: Joe Semione  
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   | --- | ---     | ---    |



**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: Jim Mraz reviewed the information on the Agenda. He stated that the revised Decommissioning Plan addressed the comments submitted to Nexus. He asked if there were any questions or comments about the revised Plan. There were none.

IDA ACTION:

MOTION: To approve Nexus' Decommissioning Plan.

MADE BY: Dave D'Amore

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     | <u>X</u> | —   | —       | —      |
| Mike Fitzgerald | <u>X</u> | —   | —       | —      |
| Joseph Gillis   | <u>X</u> | —   | —       | —      |
| Tim Munn        | <u>X</u> | —   | —       | —      |

**2. Site Plan:**

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

IDA DISCUSSION: Jim Mraz stated that the revised Site Plan has been submitted to the IDA. Dave D'Amore stated that it appears landscaping was added to the eastern border. Jim Mraz stated that was requested by the Johnstown Planning Board to visually screen the properties in the Tryon Technology Park from the solar field. Jim Mraz asked if there were any further questions? There were none.

IDA ACTION:

MOTION: To approve Nexus' Site Plan.

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> | --- | ---     | ---    |

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

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: 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> | --- | ---     | ---    |

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: Jim Mraz stated that Nexus has addressed all of the comments that have been submitted to date regarding the draft lease. He stated that the Lease is close to being ready for execution. Kara Lais stated that she is working with Nexus' attorneys on developing the documents that will be needed to provide Sales Tax Exemptions. Nexus is using four (4) separate LLC's, so there will be documents that the IDA will sign with each of these LLC's regarding Sales Tax Exemptions. She stated these documents should be ready to be authorized for approval at the November IDA meeting.

6. PILOT Agreements:

a. Broadalbin-Perth Central School District:

- PILOT and Voluntary Contribution Agreements have been approved and executed.

b. Town of Johnstown:

- PILOT and Voluntary Contribution Agreements have been sent to the Town of Johnstown.

IDA DISCUSSION: Jim Mraz stated that the PILOT and Voluntary Contribution Agreements between Nexus and the Broadalbin-Perth Central School District have been executed. Similar documents have been provided to the Town of Johnstown. The Town Board should be approving these documents in the near future.

**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 8<sup>th</sup> 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: Jim Mraz reviewed the proposed 2021 IDA and Tryon Budgets. He reviewed the projects/initiatives that are identified in the Agenda that were included into the proposed budget as a follow-up to the discussion that took place at the September 8<sup>th</sup> meeting. He asked if there were any

questions. Mike Fitzgerald asked what the other non-operating revenues represent? Jim Mraz stated that is the contribution that needs to be made from the IDA's Capital Reserve Fund to balance the budget. Jim Mraz asked if there were any further questions? There were none.

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: 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> | ___ | ___     | ___    |

**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: Jim Mraz reviewed the information on the Agenda. Joe Semione asked if the IDA should be interested in bidding on this site as a potential shovel-ready site? Joe Gillis asked how much? Joe Semione stated that he really doesn't know. He said it depends on the asking price. Todd Rulison asked if the IDA purchased this property, would it take it off the tax rolls. Jim Mraz stated, "Yes." Joe Gillis asked what the IDA would use the property for if it purchased it? Jim Mraz stated that the IDA would have two (2) options:

1. Try to resell the property as is.
2. Invest dollars into finishing the building and then try to sell the finished building and property.

After a brief discussion, it was agreed to have Jim Mraz see if he could identify if there was a minimum bid for the property and for Jim Mraz to email all IDA Board members that information.

### **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: Jim Mraz reviewed the information on the Agenda. He stated, based upon the last feedback he received from Bill VanGorder, hopefully NYMIR will reimburse the IDA some or all of this \$5,500 emergency repair bill. Tim Munn asked if the Sheriff's Department knows who committed this crime? Jim Mraz stated the Sheriff Department has names of several people that they are interviewing. Joe Semione suggested that consideration be given for the IDA to install security cameras around the site.

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: Joe Semione

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     | ___      | ___ | ___     | <u>X</u> |
| Mike Fitzgerald | <u>X</u> | ___ | ___     | ___      |
| Joseph Gillis   | <u>X</u> | ___ | ___     | ___      |
| Tim Munn        | <u>X</u> | ___ | ___     | ___      |

**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: Jim Mraz reviewed the information on the Agenda. He stated that the cost for the test should be approximately \$150. He's asking for authorization for additional dollars because of shipping costs and the cost to purchase glass bottles to put the samples in as well as packaging materials. He stated he hopes the total cost will be less than what the sale price would be if it's found to not have PCB's in them. Jim Mraz asked if there were any further questions? There were none.

IDA ACTION:

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

MADE BY: Todd Rulison

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> | --- | ---     | ---      |

**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 : 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> | —   | —       | —        |

TIME : 9:02 a.m.

MOTION : To go out of Executive Session.

MADE BY : Dave D'Amore  
 SECOND : 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> | —   | —       | —        |

TIME : 9:48 a.m.

**IX. PROPOSED OPTION AGREEMENT WITH VIREO HEALTH:**

**A. Background:**

- Vireo Health has requested the IDA Board to grant an option to them for property adjacent to their existing facility in the Tryon Technology Park.
- Vireo is anticipating the potential development of a new project on this property that they wish to option.

**B. Proposed Option:**

- Vireo Health is requesting that the IDA approve optioning approximately 96 acres of land adjacent to their existing facility. The Option would include Lots #1 and #2 in the Tryon Technology Park which total approximately 45 acres.



- The Option would also include an additional 51 acres of land adjacent to the Tryon Technology Park that the IDA owns.
- The Option would run from October 13, 2020 to June 30, 2021. The Option Price would be \$2,500.

IDA ACTION:

MOTION: To authorize the Chairman to execute a Purchase Option Agreement with Vireo Health for approximately 96 acres of land in the Tryon Technology Park with said Option commencing on October 13, 2020 and terminating on June 30, 2021 at an option price of \$2,500.

MADE BY: Joe Gillis

SECOND: 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> | ___ | ___     | ___      |

**X. PROPOSED BENJAMIN MOORE EXPANSION PROJECT:**

A. Background:

- Benjamin Moore Company currently operates a latex paint manufacturing facility on the north side of Union Avenue Extension in the City of Johnstown.
- Benjamin Moore currently employs approximately 130 workers.
- In 2018, Benjamin Moore submitted a Project Application for a major expansion project at its Johnstown facility. However, that project did not move forward.

B. Proposed Expansion Project:

- Benjamin Moore is again proposing a major expansion of its Johnstown facility.
- Benjamin Moore is proposing to construct an approximately 120,000 sq. ft. addition to its existing facility.
- The total project cost would be approximately \$18+/- million.

C. Project Application:

- Benjamin Moore has filed a Project Application with the IDA requesting financial incentives.
- The Application Fee has been received.

D. Project Structure:

- The IDA will enter into a Lease and Leaseback arrangement with Benjamin Moore. This structure will provide an interest in the project that will allow the IDA to provide financial incentives to the proposed addition.

E. Project Number:

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

F. SEQR:

- The proposed project should be classified as a Type I Action. Benjamin Moore has filed a Part 1 Environmental Assessment Form (EAF) with the IDA.
- The EAF identifies the following potential Involved Agencies:
  1. Fulton County Industrial Development Agency
  2. City of Johnstown
  3. NYSDEC
  4. Empire State Development

G. IDA Benefits Requested:

- Benjamin Moore's Project Application requests two (2) IDA benefits:
  1. Payment in Lieu of Tax Agreement (PILOT)
  2. Sales Tax Exemptions
- Since Benjamin Moore's Project Application requests IDA benefits that will be greater than \$100,000, a public hearing must be held.

H. Public Hearing:

- The Public Hearing must be held in the City of Johnstown.
- The Public Hearing will be held on Tuesday, October 27, 2020, 10:00 a.m., Office of the Fulton County Industrial Development Agency.

I. Resolution:

- Kara Lais has drafted a Resolution to schedule a Public Hearing relating to the proposed Benjamin Moore Expansion Project.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He stated that this would be a major investment by Benjamin Moore into its existing facility here in the Johnstown Industrial Park. Jim Mraz stated that Benjamin Moore is seeking both a PILOT and Sales Tax Exemptions from the IDA. He stated the PILOT would be modeled after 485-b of the Real Property Tax Law which would provide a 50% exemption in year 1 with said exemption declining 5% a year over the next 10 years.

Jim Mraz then reviewed the Resolution to schedule a Public Hearing. He asked IDA Board members if there were any questions? There were none.

IDA ACTION:

MOTION: To classify the proposed project as Type I Action, to propose that the IDA serve as Lead Agency and to authorize the distribution of the Environmental Assessment Form to all Involved Agencies asking that they consent to the IDA serving as SEQR Lead Agency for this proposed expansion project.

MADE BY: Tim Munn
SECOND: Dave D'Amore
ROLL CALL VOTE :

Table with 5 columns: Name, Aye, Nay, Abstain, Absent. Rows include Dave D'Amore, Joe Semione, Todd Rulison, Jane Kelley, Mike Fitzgerald, Joseph Gillis, and Tim Munn.

MOTION: To approve a Resolution to schedule a Public Hearing relating to the Benjamin Moore Company's Expansion Project.

MADE BY: Todd Rulison
SECOND: Mike Fitzgerald
ROLL CALL VOTE :

Table with 5 columns: Name, Aye, Nay, Abstain, Absent. Rows include Dave D'Amore, Joe Semione, Todd Rulison, Jane Kelley, Mike Fitzgerald, Joseph Gillis, and Tim Munn.

XI. NEXT MEETING:

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

XII. CLOSE MEETING:

MOTION : To close the meeting
MADE BY : Dave D'Amore
SECONDED : Tim Munn

ROLL CALL VOTE :

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

TIME : 9:58 a.m.

**FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

*Adopted October 13, 2020*

*Introduced by Todd Rulison  
who moved its adoption.*

*Seconded by Mike Fitzgerald*

**RESOLUTION TO SCHEDULE A PUBLIC HEARING RELATING TO THE  
BENJAMIN MOORE & CO. EXPANSION PROJECT**

WHEREAS, Benjamin Moore & Co., a New Jersey corporation, authorized to do business in the State of New York, for itself and/or on behalf of an entity formed or to be formed (the "Company"), has submitted an application (the "Application") to the Agency, a copy of which is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") for the benefit of the Company consisting of: (i) the acquisition of an interest in a certain parcel or parcels of real property located at 161 Union Avenue, City of Johnstown, County of Fulton, State of New York (the "Land") and referred to as tax map parcel number 174.14-1-8; (ii) the construction of an 120,000+/- square foot addition to the existing facility for manufacturing space and equipment storage (collectively referred to as (the "Facility"); and (iii) the acquisition and installation therein of certain furnishing and fixtures (the "Equipment" and together with the Land and the Facility, collectively (the "Project Facility") to be used in connection with the contemplated uses; and (iv) the lease of the Project Facility back to the Company, and (E) the providing of financial assistance to the Company for qualifying portions of the project in the form of sales and use tax exemptions, a mortgage recording tax exemption, if requested, and a partial real property tax abatement consistent with the policies of the Agency, all pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York and Section 895-c of the General Municipal Law (collectively, the "Act"); 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 IDA must (a) adopt a resolution describing the project and the financial assistance contemplated by the IDA with respect thereto, and (b) 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, which may include: a sales and use tax abatement during the construction of the Facility, a mortgage recording tax exemption and a partial real property tax abatement, all of which shall be consistent with the uniform tax exemption policy of the Agency.

**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 maintaining and 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 \$1,660,000.0 and (ii) a partial real property tax abatement through a PILOT Agreement estimated to be approximately \$190,000, pursuant to which the Company would make payments in lieu of real property taxes to the Affected Tax Jurisdictions.

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 whereby the Company leases the Project to the Agency, (C) a related Leaseback Agreement conveying the Project back to the Company, (D) a PILOT Agreement, whereby the Company agrees to make certain payments-in-lieu-of real property taxes and (E) related documents; provided (i) the rental payments under the Agent Agreement and Leaseback 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 October 27, 2020, at 10:00 am local time, at the Fulton County IDA Offices located at 1 East Montgomery Street, City of Johnstown, New York 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.

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

This is to certify that I, James Mraz, Executive Director of 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, Johnstown, New York on the 13th day of October, 2020.

In witness whereof, I have hereto set my hand and affixed the official seal of the Fulton County Industrial Development Agency on this 13<sup>th</sup> day of October, 2020.

  
\_\_\_\_\_  
James Mraz  
Fulton County  
Industrial Development Agency

[SEAL]

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   | —   | —       | —      |