

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY
OCTOBER 13, 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
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.

Jim Mraz: Start with a roll call vote to open the meeting. And who else do we have present with us here?
John Blackmon is here?

John Blackmon: Yes.

Jim Mraz: And Tim Beckett? Are you here? And Kara's here. Okay.

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.

Jim Mraz: Moving onto the minutes from the September 8th meeting. Would someone make a motion to approve those?

Joe Semione: I'll make that motion, please.

Jim Mraz: Is there a second to that motion?

Jane Kelley: I'll second. Jane Kelley.

Jim Mraz: Jane Kelley.

Jim Mraz: Are there any requested changes or edits to the minutes? Hearing none. Let's do a roll call vote to approve the minutes to the September 8th meeting.

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>	—	—	—

Jim Mraz: Okay. Next, we'll go to Budget Report, which is attached to your Agenda. On the revenue side, we had investment earnings, which didn't come in until after I sent that draft out. Those investment earnings for the month were \$74.81. On the expenditure side, we had salaries and insurances. And, under Tryon Technology Park, there were payments made as shown on the Tryon Budget Report totaling \$29,794. The majority of that was the final payment to Tom's Electric for the work that he did in installing the new electric service to Tryon. There was also a payment of \$560 for ongoing mowing work. And payments made that you will approve later in this meeting for the emergency repairs that was done as a result of the vandalism that occurred at Tryon, and the \$2,500 payment made for conducting some surveys at Tryon. So, total expenditures for the month were \$31,161.66 compared to revenues of \$74.81. Any questions on the Budget Report for this past month? If there are none, would someone make a motion to accept that report?

Mike Fitzgerald: I'll make the motion, Jim.

Jim Mraz: Mike Fitzgerald with Jane Kelley. Are there any questions or comments? Hearing none, let's do a roll call vote.

IV. COMMITTEE REPORTS:

A. Nominating Committee:

- No report.

B. Audit Committee:

- Monthly Bank Reconciliation Reports: Todd Rulison

Jim Mraz: Okay. Under Committee Reports, the Monthly Bank Reconciliations were done by Todd. Todd still appears to be frozen. Apparently, he doesn't have enough heat in his place either, Jane, so he's cold this morning. So, once Todd thaws out, we'll ask for his report.

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

Jim Mraz: Moving onto Other Reports. John Blackmon from the Board of Supervisors? Anything to report today?

John Blackmon: Our Supervisors' meeting is 1 o'clock this afternoon because of the holiday yesterday. I don't know if all of you know that we had 65 people apply for the FM presidency, and Greg Truckenmiller was one (1) of three (3) that we will be interviewing I think in the next month. So, he did make the short list. We are moving along with the cell tower at the Solid Waste Department. And we are transferring the Sewer District No. 2 in Vails Mills to the Village of Broadalbin and a couple of demolition houses in Gloversville, one's going to the City and one is here now. That's it.

Jim Mraz: Any questions of John?

John Blackmon: I don't know, I'm sure all of you know, a couple of small businesses going out. The Hallmark Store there in the City of Johnstown. Greg Thomas, after 38 years, I think he's closed. Also, it's pretty certain that the movie theater in the Johnstown mall is closed permanently.

Jim Mraz: Very good. Tim Beckett. Can you hear us? We can't hear you. There that's better. Good morning, Tim.

Tim Beckett: Good morning. Thanks for having me. I know as I said in the notes earlier. Just a recap and the biggest thing for you I think is the Tryon Technology Park. We continue to push out constant contact and then flyers. I think the newer one, if you haven't seen it, it should be ready fairly shortly. I'll try and get that over to you. So, that's going pretty well. You'll see also down later, I'll skip around in their bullet points, but the big Business Recruitment and Business Marketing. Ron is working with a few companies looking to move into the area. There is an 8-10 person shop. They are looking for smaller space, 12-15 person facility as well that is trying to help relocate. And then a couple of larger businesses are looking at locations. He does put the Tryon Park in front of all of them. The smaller ones weren't a fit at all. I think the larger ones are looking for something bigger or are already pre-built. The way I understand it. And then jumping back up to the top, the CRG Building Projects, we're hoping to finish up our building here fairly soon. We'll get that open and get some people rented and moved in down there. We did our quarterly business tours to Frank's Gun Tackle and The Great Sacandaga Brewing. I made it over to the Great Sacandaga Brewing, so I recommend stopping in there for a beer if you have some time. They did a heck of job rebuilding that building. They've got a nice little business going. Community assistance is probably the biggest thing with the pandemic. A lot of people looking for funding. There's not a ton of funding available. Trying to keep lines of credit and things open for a lot of these smaller people, but also just working through some of these issues. And then we are working on some of the.. Well, there won't be a DRI, but the LWRP and some of the Gloversville/Johnstown Initiatives. Just trying to get some of the Downtown Main Street Projects up and going. Along with that, you'll see on the last bullet point, the Johnstown/Gloversville Town Hall just to get some of the developers, building owners all together with some public officials so they know who to contact and work through issues/concerns or try to get people working together. It's tough, especially right now, with everybody, and can't have meetings.

We're just trying to keep that conversation going amongst everybody. And Ron is still working on a workforce program with AIM out at NBBC. We've had great response from the businesses in the area about working with AIM on some of their professional development. A lot of their onsite trainings that they will do and consulting with businesses. I know he signed up at least half dozen and he's got another half dozen more that are willing and interested in doing this to increase the workforce and efficiency in the area. That's kind of what's going on this month. It's kind of crazy. Any questions?

Jim Mraz: Thanks, Tim.

Tim Beckett: Thank you.

Jim Mraz: Welcome back, Todd. He's frozen again.

Todd Rulison: Yes, I must be having...

Jim Mraz: Todd, did you have a chance to do the Monthly Bank Reconciliations?

Todd Rulison: I did and all appeared to be in order.

Jim Mraz: Very good. Thank you.

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.

Jim Mraz: Moving on to Old Business, under our IDA website. Continuing to work on that. One of the items that has been sent around for everybody to take a look at is a draft flowchart, for lack of a better term, of Fulton County's Economic Development Program. I e-mailed that out to everybody and the intent would be to have this posted on all four (4) economic development entities' websites to give someone

who's not familiar with Fulton County and who starts seeing all these names (CRG, IDA, Chamber and so forth) to have a very brief description of what role each entity plays in Fulton County's Economic Development Program. I don't know if anyone's had a chance to look at it for and comment. If you have any comments, I would love to hear them. We are waiting to hear back from the CRG, the Chamber and the Board of Supervisors with any comments they may have on the narrative descriptions of each of those entities. So, it's a work in progress and, hopefully, we can have something put together here and eventually agreed to and put onto everybody's website. Again, to give people an understanding of how things work here in Fulton County. Any thoughts or comments?

Dave D'Amore: Jim, I just wanted to mention, I did have a chance to go through it. I was reasonably satisfied with the narrative descriptions. I do think it's imperative the CRG and the Chamber chime in on their part of those descriptions. Of greater interest for me is to see the graphic piece that Betsy comes up with to go along with those narratives.

Jim Mraz: You didn't like our beautiful display here.

Dave D'Amore: It seemed a little rudimentary to me, Jim. Sorry.

(laughter)

Jim Mraz: There was a lot of innovative thought put into that, Dave.

Dave D'Amore: I'm a firm believer that sometimes a picture says a lot more than a lot of words. And, to the extent we can craft something that visually represents the relationship between the organizations and the County, I think that would behoove us to get that accomplished. So, I'm very much looking forward to seeing Betsy's work on that.

Jim Mraz: Likewise.

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

Jim Mraz: Okay. Moving onto Cushman Wakefield. Requesting a motion to authorize a payment of \$2,500 to Ferguson and Foss for preparing three (3) property surveys at Tryon. Would someone be willing to make that motion please?

Joe Semione: I'll make that motion. Joe Semione.

Jim Mraz: Joe Semione. Is there a second to that motion?

Mike Fitzgerald: I'll second, Jim.

Jim Mraz: Mike Fitzgerald. Thank you, Mike. Any questions or comments? Alright. Let's do a roll call vote. Motion was approved.

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 November 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

Jim Mraz: Moving onto the lands on the south side of 107. If you recall, at your last meeting, we discussed the fact that the Town of Perth asked to have the IDA submit a request to the Town to have that road on that property taken over by the Town of Perth. They were asking because we are the owners of the property at present, and the Board authorized having the Chairman sending that letter contingent upon Tryon Organics Enterprises confirming that they would pay to upgrade the road. Subsequent to our meeting, I made that contact with Mr. Huckans and advised him of what the Board had agreed to. Mr. Huckans confirmed by e-mail that Tryon Organics would pay to upgrade the road to Town specifications and, as a result, the letter to the Town of Perth from Chairman D'Amore was mailed out. Last week, the Town of Perth Town Board met and did agree officially to take over that road once it was brought up to Town specifications. At that meeting, Highway Superintendent Dopp provided Mr. Huckans with the Town's specifications so that there was clarity relative to what work would need to be done in order for the Town to take over the road. So, according to Mr. Huckans, that clears the final condition that was in their offer to purchase the property and so what we are going to go through here in a minute would be to take the actions to authorize the sale of this parcel of land to Tryon Organics Enterprises. Okay? But, first thing is. The offer to purchase was also contingent upon this property being included into the proposed Sewer District that the County is in the process of creating out at Tryon. That Sewer District would be utilizing the sewer line that runs from this property across the street to the existing pump station that services the Tryon Technology Park. This sewer line hasn't been used for many years. The Environmental Design Partnership (EDP) was hired by the County to prepare the documents necessary to create that Sewer District. EDP has recommended that that sewer line be tested to ensure that it is in working condition. Okay. Don't want to sell this property and then find out that the sewer line is not working, it is broken some place, and we would have to go through some costly repairs to fix it. So, what is recommended is that the IDA hire a contractor to locate and pressure test these lines. CFI Construction, which literally their offices are a stone's throw from the Tryon Technology Park and who does this work quite a bit, was contacted, gave us a quote of not-to-exceed \$6,000 to locate and pressure test the two (2) sections of sewer line that exist out there. One part of it is a force main where wastewater is pumped from the south side of 107, across the street. The second part is a gravity sewer line from there to the Tryon Technology Park's pump station. So, they would test those two (2) sections of line to make sure there are no breaks in that line and ensure that it is working. Their quote is not-to-exceed \$6,000 to complete that work, and I do think it is necessary for us to do this. Again, because it is a contingency for having this property developed in accordance with what Tryon Organics Enterprises is trying to do. So, those are the things that we are going to be looking to do.

So, to move onto the actions that we are going to be asking you folks to take here today. The first is to approve amending the closing date in the purchase contract that we had with Tryon Organics to the end of November. In talking with Dave Huckans yesterday, it was agreed that we should push it out to the end of November. Kara, have you received anything?

Kara Lais: I haven't heard anything at all.

Jim Mraz: Those have been my conversation with Mr. Huckans. I have asked him or his attorney to formally relay that to Kara. If that occurs, we still need to approve amending the closing date in that contract. So, the first action I'll be asking you to take is to pass a motion to approve amending the closing date in the purchase contract to November 30, 2020. Is someone willing to make that motion?

Jane Kelley: I'll make the motion, Jim.

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

Tim Munn: I'll second the motion. Tim Munn.

Jim Mraz: Thank you, Tim. Any further questions?

Dave D'Amore: Yeah, Jim. In the Agenda, just to make sure I didn't blackout somewhere. The Agenda says October 30th and you are saying November 30th.

Jim Mraz: Correct. Subsequent to sending this out, I had a conversation with Dave Huckans and we agreed, because we are already October whatever it is, just to give the attorneys more time to be able to complete this.

Dave D'Amore: Okay.

Jim Mraz: Okay? Roll call vote.

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	<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 is approved.

Jim Mraz: The second action would be 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. I emailed everybody last week a copy of the Resolution that we are acting on that Kara had prepared. So, does anyone have any questions? Would someone then be willing to make a motion to approve this Resolution?

Joe Semione: I'll make that motion. Joe Semione.

Jim Mraz: Joe Semione. Is there a second to that?

Todd Rulison: I'll second it, Jim.

Jim Mraz: Todd Rulison. Let's do a roll call vote.

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	<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: The third motion would be to authorize a commission payment of 5% or \$4,500 to Coldwell Banker Prime Properties in accordance with the IDA's Agreement with that company. Would someone be willing to make that motion?

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

Jim Mraz: Todd Rulison. Would someone make a second?

Mike Fitzgerald: I'll second, Jim.

Jim Mraz: Mike Fitzgerald. Any further questions? Let's do a roll call vote.

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	<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 is approved.

Jim Mraz: The final motion would be to authorize hiring CFI to test the sewer main at Tryon at a cost not-to-exceed \$6,000. Would someone be willing to make that motion?

Joe Semione: I have a question first.

Jim Mraz: Sure thing, Joe.

Joe Semione: We're having them test these two (2) lines. What happens if there are issues involved? Are we responsible to fix them or can that stop the deal?

Jim Mraz: It could which is why we need to get this thing done. As I outlined in my email to you about this, one (1) of two (2) things could happen. Right?

Joe Semione: Yup.

Jim Mraz: If we find the leak, it's a matter then of can we find it and fix it at a reasonable cost or is it, it's going to be too expensive to try and find it. Do we have to go out there to dig up 200 feet of main just to find where the leak is?

Joe Semione: Right.

Jim Mraz: The hope is it's in good shape. I mean, the State of New York, when they built that place out there, everything was done top notch. So, the hope is is that sewer main is still in good shape. But I think we owe it to all parties involved to verify that that sewer line is in working condition.

Joe Semione: Fair enough.

Jim Mraz: Okay. Would someone be willing to make that motion?

Jane Kelley: I'll make the motion, Jim.

Jim Mraz: Thank you, Jane. Is there a second?

Joe Semione: I second.

Jim Mraz: Joe Semione. Any further questions? Let's do a roll call vote.

IDA ACTION:

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	<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 was approved.

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.

Jim Mraz: Moving on to the proposed Nexus Renewables Project. Their Decommissioning Plan. We talked about this at the last meeting. The Town of Johnstown and myself had a series of comments regarding their Plan that were sent to them. We received back a revised Decommissioning Plan that addressed all of those comments, and the big thing was putting in there that that the IDA and the Town of Johnstown were both parties to that Plan. So, those changes have all been made. I sent that out to everybody last week. I'm sure you have all read it in fine detail. And so asking today if there's no further questions or comments on it, that we will actually approve the Decommissioning Plan. The Town of Johnstown Planning Board will be meeting tonight and is prepared to take a similar action. If there are no questions, would someone be willing to make a motion to approve the Decommissioning Plan?

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

Jim Mraz: Is there a second to that motion?

Tim Munn: I'll second the motion. Tim Munn.

Jim Mraz: Thank you, Tim. Any further comments or questions? Having none, let's do a roll call vote to approve the Decommissioning Plan.

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.

Jim Mraz: Moving on. The next item is Nexus’ Site Plan that they have submitted that I’ve also sent around for you to review. And, again, because they’re going to be, this Site Plan impacts and is on lands that the IDA owns, I think it would be appropriate for the IDA Board to approve the Site Plan. The key item on here as I’ve been discussing with Nexus is verification that all of their electric lines along CR117 and along the access road that will go from CR117 to their site will all be underground. Okay? That is the key thing and so that is going to be on the Plan. The Site Plan in itself within the area that they are going to be leasing, it’s basically, a whole series of panels and access driveways for them to get around the site. And so, again, the Town Planning Board is set tonight to approve it and we’re recommending that the IDA Board take a similar action here this morning. Any questions?

Dave D’Amore: Yeah, Jim, looking at the Plan, I’m noticing they’ve added a bunch of landscaping along the southern edge of the property. Is there a need for buffering?

Jim Mraz: That was at the request of the Town Planning Board, Dave, to buffer the adjoining properties. Particularly, for Vireo Health and the next one that will abut the lands that they will be occupying. I thought that was a good gesture on the part of the Planning Board to try and visually screen their equipment and panels to the best of their ability from companies who might be in the Park. Okay?

Dave D’Amore: Okay.

Jim Mraz: Okay. Would someone be willing to make a motion to approve Nexus’ Site Plan?

Joe Semione: I’ll make that motion.

Jim Mraz: Joe Semione. Is there a second to that motion?

Mike Fitzgerald: I’ll second it, Jim.

Jim Mraz: Thank you, Mike. Any further discussion? Let's do a roll call vote. Who can I start with this time?

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.

Jim Mraz: Last item for approval here. We had previously granted approval to Nexus for a 20' wide easement that would go from CR117 back to their property, and it would be along the eastern property line with Vireo. Once that easement was approved, they went to the Berkshire Fire District to verify how big of a road that they wanted. The Berkshire Fire District requested the road itself be 20' wide so they could get their equipment in and out in case of a fire. Well, that left no room on the sides of the road to put in their underground conduits and cables. So, Nexus has come back and asked to have that easement width modified from 20' to 30' and that seems to be reasonable. So, asking for the Board to approve granting a 30' versus a 20' wide easement for that access road and their underground cables.

Todd Rulison: I'll make that motion, Jim

Jim Mraz: Thank you, Todd.

Jane Kelley: I'll second, Jim.

Jim Mraz: Thank you, Jane. Any questions? Roll call vote.

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.

Jim Mraz: Just updates. The Lease Agreement with Nexus is I think in final form. We had a series of final comments that went out to them back on October 1st. All of those requested changes have been made and Kara, I know, is taking one final look at it herself. Once we all agree that the language is set, we will have the Chairman execute that document and have that taken care of. So, the other work with respect to the Sales Tax Exemptions that the IDA Board approved, Kara is working with Nexus’ attorneys on the documents that need to be executed to have those Sales Tax Exemptions provided. Nexus is going to be using four (4) LLC’s. There are actually going to be four (4) individual solar projects on the property that they are leasing. There will be three (3) smaller ones. Solar LLC #4 will be the largest, and we’re anticipating. Kara, is that still scheduled at our next meeting, we would be asking them to approve these documents?

Kara Lais: Yes, that’s the plan. So, they’re working on getting those LLC’s formed and then we’re going to connect on getting all the documentation together. So, I’m working on the draft documents right now. Once they approve one (1) set, then we’ll just repeat them for the others.

Jim Mraz: Gotcha. Okay.

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.

Jim Mraz: And I added on the Agenda. Nexus is also executing PILOT Agreements with both the Broadalbin-Perth School District and the Town of Johnstown. They're executing both what are called PILOTs and Voluntary Contribution Agreements. The Voluntary Contribution Agreements are done to deal, for the School Districts, to deal with impacts that these PILOT payments could have on their tax cap. And because of that tax cap, what they do now is they actually calculate what the total amount of PILOT payments would be made under a PILOT Agreement over the 15-year term of a PILOT Agreement. What they then do is agree to, whatever that total is, they make a 50% of that is paid upfront as a cash contribution to the School District, and the School District does that because that cash contribution doesn't impact their tax cap, whereas the PILOT payments do. I don't know the details of which, but that's what Nexus agreed to do with the Broadalbin-Perth School District, and those documents have all been executed, so they are done with the Town of Perth, and I am working with the Town of Johnstown to get their documents executed also. So, I just wanted to make sure that those were all done and Nexus honored their commitments to execute PILOT Agreements with both of those entities. Alright. Any questions on the Nexus Project?

Mike Fitzgerald: Jim, a quick question. Since they are developing four (4) separate LLC's, does that mean we have to have four (4) separate Lease Agreements or can we incorporate it into one (1)? Because I'm just thinking about the percentage of the power generation that we get and if it's going to be four (4) individuals or if we're going to consolidate them into one reporting?

Jim Mraz: Kara, the intent is to have one (1) Lease Agreement? Correct?

Kara Lais: At present, the plan is to have the one (1) Lease Agreement. Nexus will then sublease to these LLC's as to their respective parts. Then we're going to have our Lease/Leaseback, so it's a lot of leases back and forth, so that we can maintain the jurisdiction and control over the site in order to allow for the Sales Tax Exemption. So, for reporting purposes, technically, they will have to report four (4) different reports, the LLC's will have to because each LLC will receive its own sales tax authority and so they will have to report back to the IDA separately on that authorization.

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 2021 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

Jim Mraz: Moving onto New Business. Attached to your Agenda is the proposed 2021 IDA Budget, and if you could all take a look at that. On your Agenda, based upon the discussion and input provided at your meeting last month, the following projects and initiatives were included into the proposed 2021, not 2020, Budget: Building Cleanup at Tryon, we put it in at \$75,000, Develop Shovel-Ready Sites at \$50,000, Website Upgrading at \$12,000, Desktop Environmental Assessments at \$10,000, Food Site Certification at \$7,500, and the Tryon Development Area at \$5,000. Those were all plugged in at various locations within the Budget and, as was discussed at your meeting last month, all of these projects and initiatives would only move forward if the revenues from some of the transactions that are pending out there came forward and provided us with the revenues that would be needed to fund these projects. So, but they are all in there and with those inclusions, the total proposed budget for 2021 is \$235,160, which is down from this year's budget of \$277,810. Everything else that we discussed at the last meeting has stayed constant. And, I did receive input from the Governance Committee relative to salaries for both the Executive Director and CFO and those were plugged into the budget accordingly. Any questions on the proposed budget?

Mike Fitzgerald: Jim, on the proposed budget, Other Non-operating Revenues, that's just \$227.

Jim Mraz: Yup, Mike, what we do is we start at the bottom, which is total expenditures, so we come up with \$235,160. Then we go up top on the revenue side and we talk about some of our other operating revenues, our best guess we got \$1,600. Okay? Then non-operating revenues, we plug in what we guess is investment earnings, municipal subsidies and we subtract those revenues from the total expenditures and the difference and the balance is \$227,360, that's what is identified to be coming out of our Capital Reserve.

Mike Fitzgerald: Okay.

Jim Mraz: That's the balance each year that we take and allocate out of our Reserve Fund to fund the budget.

Mike Fitzgerald: Okay.

Jim Mraz: Okay?

Mike Fitzgerald: So, we haven't projected any potential sales in there?

Jim Mraz: Correct. Until those sales occur. We're trying to be on the conservative side there.

Mike Fitzgerald: That's fine, just wanted it clarified.

Jim Mraz: Any other questions? Very good. Would someone be willing to make a motion to approve the 2021 IDA Budget as presented and to authorize the Executive Director to file that budget onto PARIS?

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

Todd Rulison: I'll make that motion.

Jim Mraz: I'm sorry.

Dave D'Amore: I offered to make the motion, Jim. This is Dave.

Jim Mraz: Dave. Is there a second?

Todd Rulison: I'll second it.

Jim Mraz: Todd. Any other questions? Let's do a roll call vote.

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>	—	—	—

Jim Mraz: Motion is approved.

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.

Jim Mraz: Item B, the Former Johnstown Renewables Property, just wanted to make you all aware that, on October 20th, there will be a public auction conducted on that property. To be sold at that Auction would be the 5.2 acre parcel of land and the partially completed 15,250 sf building that sits on that property and the Auction is being conducted by Blackbird Asset Services out of Williamsville, New York. That is the same firm that conducted the auction of the assets that were on the property before. And this will be an onsite auction. We have notified certain companies in the Johnstown Industrial Park who might have an interest in that property. I've also notified Ron Peters so that he could pass the word on to any businesses that he knows is looking for property, so there's no action to take, just an FYI of what's going on here. So, it will be interesting to see what happens on October 20th at this auction.

Joe Semione: Would we ever want to bid on it?

Jim Mraz: Would the IDA?

Joe Semione: Yes. We're looking for sites. I don't know what they are asking or starting at but...

Jim Mraz: I have not seen an asking price yet, but I haven't checked in a week or so, Joe, on their website, to see if they have established a minimum price.

Joe Semione: An offer looking for different sites out there.

Dave D'Amore: How much you looking to put in for it, Joe?

Joe Semione: Oh. I have no idea. It could go for \$10,000. Who the heck knows. I don't know. You've seen auctions where a building goes for a dollar or it could be \$100,000. I guess it's just a thought. It's obviously a viable parcel, they bought it, never completed it. So, if you can maybe find out what range they might be looking at, Jim, that would be great.

Jim Mraz: Okay. I will check to see if they have a minimum bid.

Joe Semione: And this doesn't affect any of the sales tax recapture that we did way back then?

Jim Mraz: No, that's all completed. We've recaptured everything and the Lease and PILOT have been terminated. So, we are officially free of this property, but if we want to buy it, we would be back into owning it. So, let me check on that and I will e-mail everybody with what I find.

Joe Semione: Thank you.

Jim Mraz: Okay?

Todd Rulison: If we were to purchase it, though, that would in effect take it off the tax rolls? Would it not?

Jim Mraz: Correct.

Joe Semione: But right now they are just paying for land anyways. Nothing was on the building.

Jim Mraz: Correct. The City of Johnstown has not added an assessed valuation for the partially-completed building.

Joe Semione: Right.

Jim Mraz: But the value of the land. Whatever that payment is, which is not a lot, that would no longer be paid. Let me check and I will. One way or another, if there is no number available, I'll let you know. If there is no number available, I'll communicate that to the Board also.

Joe Semione: Thank you, Jim.

Jim Mraz: Okay.

Joe Gillis: Hi, Jim. This is Joe Gillis. I just have a thought on that. If it was available, what would we be willing to pay for it and what would be our future endeavors for it, to take it over, use it as an Incubator Building. Is that what Joe Semione's idea is?

Jim Mraz: I'm not sure, Joe. The building is not finished, so what we would probably have to be looking to do is one of two things. Market it ourselves, as is, and see if there is a potential buyer out there who would buy the building and finish it themselves, or look to finish the building, put money into finishing the building somehow, and then look to market it that way. If you're going to buy, those would be your two (2) options.

Joe Gillis: Gotcha.

Jim Mraz: I just don't know right now what the cost would be, what type of cost we're looking at to finish the building. Okay? I don't know how much of the exterior, is the roof done? I don't know about interior wise? Is all the electrical work in? Is all of the HVAC system, plumbing? Is all of that done? I don't know the extent of that. I don't know what type of additional investment beyond the purchase price there would be to finish that building and then what would you be able to get for it?

Joe Gillis: Um huh. Well, I was just looking at the revenue stream coming into the IDA is what my thought process was. I don't know if that's what Joe's thought process was?

Joe Semione: I mean, there's potential, if no one's bidding on it or you get it for next to nothing, I think, you have 5 acres out there, that could be quite valuable, as we don't have a lot of space out there. If you can find out some information, Jim, that would be great. Just a random thought.

Jim Mraz: Okay.

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.

Jim Mraz: Okay. Next item, the vandalism at the Tryon Technology Park. As I've communicated to you via email, vandals recently damaged windows and doors in Building 3. Windows were smashed with baseball bats, graffiti was painted on wall and floors and cabinets were smashed and destroyed. It's really a shame what happened. The Sheriff's Department is conducting an investigation. It is ongoing. People of interest have been identified and they are meeting and interviewing those individuals as we speak. But because of that damage, there was jagged glass left in doors and windows that was a serious health and safety threat. In addition, there were piles of broken glass located all over the place on the outside of the building and the fact that these doors had glass smashed from them, obviously, anybody could still try and walk into the building and that's where the concern was is that they would cut themselves on this glass. So, we needed to proceed with some emergency repairs. All the exterior doors also needed to be secured and the broken exterior windows and doors needed to be cleaned up and the opening secured with plywood. And we received a proposal from Brett Remonda to perform all of these emergency repairs. His proposal was to not exceed \$6,000 to have that work done. That work has been completed, and the total final cost was \$5,500. I have notified NBT Mang Insurance Company, who represents NYMIR, who is the entity that Fulton County has its insurance policy with for these buildings. I filed an incident report with NBT Mang, have spoken with them, provided details about the vandalism, the emergency repair work, met with Bill VanGorder to review the damage and repair work. I spoke with a representative from NYMIR directly. I sent him the proposal, the invoice and our check, and it appears, based upon my last conversation with NYMIR, that they will be reimbursing the IDA for some or all of this cost, so that's the latest that I have. I don't have a confirmation verifying that, but verbally that's what I was advised. So, regardless of that, we have to authorize a payment of \$5,500 to Brett Remoda for performing these emergency repairs to Building 3 at the Tryon Technology Park. Would someone be willing to make that motion.

Joe Semione: I'll make that motion.

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

Tim Munn: I'll second the motion. Tim.

Jim Mraz: Tim. Any questions or comments?

Tim Munn: Do they know who may have done this, Jim?

Jim Mraz: They have a number of people identified, Tim, that they are interviewing as we speak.

Joe Semione: Would we ever consider cameras like at the entrances of the Park just to sort of get ideas of what vehicles are going in, what timeframe?

Jim Mraz: We could certainly consider that, Joe.

Joe Semione: Not so much building, but may be just a couple things that might help us in future things. I know a lot of people still go in and out for obviously tenants and stuff, but we could cross off certain ones saying that don't belong at 3 o'clock in the morning. You know?

Jim Mraz: We could certainly take a look at that.

Joe Semione: Thanks. Or the County may have some ideas on how to do that, too.

Jim Mraz: Any further discussion? We'll do a roll call vote on authorizing this payment of \$5,500.

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>	—	—	—

Jim Mraz: Motion is passed.

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.

Jim Mraz: Last item for our open session today. As part of the old electric system that we used to own and operate out there, there are 14 pole-mounted and 9 ground-mounted transformers that exist. Back in June, I talked to you about them, and you authorized the sale of all those transformers that are no longer needed at Tryon. Chris Stankes, the Planner in the Planning Department, has been working on this and has been speaking with a company called Northeast Transformer Services (NTS) in Preble, NY who purchases used transformers. NTS is willing to purchase certain transformers as shown on the Agenda. They will pay us approximately \$600 for eight (8) of the 14 pole-mounted transformers and \$1,500 is approximate for the nine (9) ground-mounted transformers. But before they would commit to buying the other six (6) pole-mounted transformers, it wants to have them tested for PCB's. Apparently, they are of an age when PCB's were used in transformers. All of the other ones were of an age where PCB's were no longer used, so they were okay with those. But they want to have these tested. They put us in touch with a laboratory that does this work. It will cost us about \$250 ballpark to have these six (6) transformers tested. If they test negative, NTS will buy them for about \$225. If they test positive, they won't take them, but then we are going to figure out how we are going to dispose of them and that's something that we're looking at right now. So, recommending that authorization be given to have these six (6) transformers tested at an estimated cost of about \$250. It would be great if they test negative, and that way we can get rid of all of these transformers, and we are going to make a few dollars in doing so.

Joe Semione: So, the \$250 is not for each one?

Jim Mraz: Total. And we're hoping it's going to be under that, Joe, but just trying to give us a little cushion because we are not sure what the shipping costs are going to be. We know what the costs are for the actual lab tests, but shipping costs and do we have to buy glass containers to put this stuff in and stuff. So there's.... It shouldn't exceed \$250.

Joe Semione: Great! That's reasonable.

Dave D'Amore: Hey, Jim, you know, assuming the testing does cost \$250 bucks on the nose, they are willing to pay \$225, you know, it's a loss of \$50 bucks for us. Not that that's a huge deal breaker, but is there any chance that they would be willing to just match the cost of testing should they be willing to take them off our hands?

Jim Mraz: No. (laughter)

Dave D'Amore: Okay.

Jim Mraz: I think the actual test from the laboratory. I think it was around \$20. Okay, so six (6) of those is \$120. We asked for \$250 to cover... We're not sure how they have to be shipped. The container it has to be shipped in. Is there anything special with terms with the type of glass? Do they allow plastic? Whatever the case may be. So, I'm hoping when all is said and done, our costs are going to be under \$225, so we will be able to either break even or make a few dollars on this. I wanted to have authorization up to \$250 just to make sure we had enough to pay for these costs.

Dave D'Amore: Okay.

Joe Semione: We're just hoping to get them out of there.

Jim Mraz: That's correct. So, would someone to make a motion for that testing up to approximately \$250.

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

Jim Mraz: Todd Rulison. I think Joe Semione was also offering. We will put him down as a second. Any further discussion or questions? Let's do a roll call vote.

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>	___	___	___

Jim Mraz: Motion is passed.

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: Okay. That’s all I have for open session. I would like to request an Executive Session to discuss the proposed acquisition, sale or lease of real property. Would someone be willing to make that motion?

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

Jim Mraz: Dave D’Amore. See you, Tim.

Tim Munn: No, I’m sorry I hit a wrong button.

Dave D’Amore: He meant Tim Beckett.

Tim Munn: Oh, okay.

Jim Mraz: Yeah, Tim Beckett just left the meeting. Is there a second to that motion?

Mike Fitzgerald: I’ll second, Jim.

Jim Mraz: Thank you, Mike. Let’s do a roll call vote. It is 9:02 a.m. and we are going into Executive.

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.

Jim Mraz: We are adding two (2) items to the Agenda. First would be to authorize granting an option on approximately 96 acres of land to Vireo Health in the Tryon Technology Park with the option being from today’s date through June 30th of 2021 at an option price of \$2,500. Would someone be willing to make that as a motion?

Jim Mraz: Is there a second to that motion?

Todd Rulison: Second.

Jim Mraz: Todd Rulison. Alright, we’re going to do a roll call vote.

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.

Jim Mraz: Second item adding to the Agenda is a proposed Benjamin Moore Expansion Project. Benjamin Moore, as you recall two (2) years ago, came to the IDA seeking financial incentives for a proposed expansion project. Unfortunately, that did not happen at that time. They have submitted a Project Application again to the IDA for a project at their site here in Johnstown. They are proposing to construct approximately 120,000 sq. ft. addition to their existing facility in the Johnstown Industrial Park. They are looking at a total investment of upwards of \$75 million, of which about \$17 or \$18 million would be the construction of a building and about \$54 million worth of equipment that would be going in that application. We received a Project Application. The Project Number would be 1701-20-01-A. We will need to initiate a SEQR review and looking for this to be a Type I action under SEQR and so the benefits financial incentives that Benjamin Moore is requesting are both Sales Tax and Property Tax Exemptions. Since the requested benefits will exceed \$100,000, a Public Hearing will be required and the proposal is to have a Public Hearing scheduled in 2 weeks. It would be here on October 27th, 2020 at 10:00 a.m. in the offices of the Fulton County Industrial Development Agency. And Kara has prepared the initial Resolution to schedule that Public Hearing, which I will ask you to vote on here in a second, and we also need to initiate the SEQR process and I'm proposing that we do this because the City of Johnstown Planning Board started their own SEQR review last week. We have not been included in a coordinated review because we received no notification, so I'm going to request that we do our own coordinated SEQR review to make sure that it's done. So, any questions so far on this proposed project? With that, I'd like someone to make... I'm asking for a motion to classify the proposed project as a Type I Action under SEQR, propose that the IDA serve as SEQR Lead Agency and to authorize the distribution of the EAF to all Involved Agencies. Would someone be willing to make that motion?

Tim Munn: I'll make that motion. Tim.

Dave D'Amore: I'll second.

Jim Mraz: I'll do a roll call vote.

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 :

	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: And the second motion would be to approve a Resolution to schedule a Public Hearing relating to the Benjamin Moore and Company Expansion Project. Again, this would be scheduling the Public Hearing to be held on October 27th, at 10 a.m., here in the IDA's office. Would someone be willing to make that motion to approve this Resolution?

Todd Rulison: I'll make that motion.

Jim Mraz: Todd Rulison. Is there a second to that motion?

Mike Fitzgerald: I'll second, Jim.

Jim Mraz: Thank you, Mike. Roll call vote. That completes all the work on the adding on to the Agenda.

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 :

	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>	—	—	—

XI. NEXT MEETING:

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

XII. CLOSE MEETING:

Jim Mraz: Looking now for a motion to close the meeting. Someone has to step in because Joe Semione is not here.

Dave D'Amore: I'll make the motion.

Jim Mraz: Dave. Second to that motion?

Tim Munn: I'll second.

Jim Mraz: Thank you, Tim. Roll call vote to end the meeting. Thank you, folks. That is all for today's meeting. Our next meeting will be on Tuesday, November 10th. I'm sure I will be communicating with everybody on some of the follow-up to this meeting. Thank you for your time. Enjoy the rest of your day.

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>	—	—	—
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 : 9:58 a.m.