

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

**TUESDAY
NOVEMBER 10, 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
MIKE FITZGERALD, MEMBER
JAMES MRAZ, EXECUTIVE DIRECTOR
KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
SCOTT HENZE, PLANNING DIRECTOR
GEOFF PECK, 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>	___	___	___

(Tom Casey entered the waiting room at 9:43 a.m. and left at 9:50 a.m.)

Jim Mraz: Alright. Good morning, everyone. We'll get started. Let's have a roll call vote to open the meeting.

Jim Mraz: And we also have Geoff Peck here representing the CRG and John Blackmon, representing Fulton County.

Jim Mraz: Let's go to our minutes from the October 13th meeting. Everyone has received a copy of them. Are there any requested changes or edits to those? If none, would someone make a motion to approve the minutes from the October 13 meeting.

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

Jim Mraz: Joe Semione. Is there a second?

Jane Kelley: Second.

Jim Mraz: Jane Kelley. Any further discussion? Roll call vote to approve the minutes.

II. MINUTES FROM OCTOBER 13, 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 October 13, 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:

Jim Mraz: Okay. Let's go to the Budget Report which was attached to your Agenda. For the month, on the revenue side, there was a revenue of \$2,500 with Vireo Health, the \$1,000 application fee from Benjamin Moore, and interest earnings of \$75.32. On the expenditure side, there were salary and federal taxes. And then down under Other Expenditures for the Tryon Technology Park. The number there is incorrect. It should read \$9,852.22, not \$9,292. So, at the bottom, Total Expenditures should read \$13,180.21. If you flip the page to the Tryon Budget Report, we incurred the final bill for mowing. We have on the Agenda today, a payment of \$3,167.22 for our property and liability insurance out at Tryon, and we will talk more about that later in the Agenda. Again, later in the Agenda, I will talk about the testing that was done on those transformers where we authorized last month an expenditure of up to \$250 to test for PCB's. The actual bill came in at \$150 and that payment has been authorized. And then, again, at your last meeting, you authorized pressure testing of that sewer main up to \$6,000, and it came in at \$5,975 and, again, we will talk further about that in the Agenda. There is one other... Again, I'm going to ask for approval of this later in the Agenda, but yesterday, we received in the first invoice from National Grid for the cost of running that pump at the Wastewater Pump Station. As you recall, as part of the

installation of the new electric system at Tryon, a new meter was installed at that pump station. That meter is now in the name of the IDA until such time as the Fulton County Sewer District No. 4 is created and that they would take over ownership and operation of that pump station and that meter. But the first invoice came out to be about \$170 for a period of September 2 through October 1. So, it looks like, on an annualized basis, the cost to operating that pump station, from an electrical standpoint, would be maybe \$2,100. But we're going to need authorization later in the meeting. I'm going to add this to the Agenda to authorize the paying of this particular bill. What was interesting of the \$168 bill, \$16 was the cost of supplying of the energy and \$152 was the delivery costs. So, I just always like to look at those numbers that the majority of the cost is the delivery fees not necessarily the energy itself that we are consuming. So, any questions on the Budget Report?

Joe Semione: On the mowing at Tryon. So \$5,840 is what they had bid on?

Jim Mraz: That's correct, plus the \$560.

Joe Semione: Right plus the \$560. Okay. Then, one more quick question. I know investments the rate of return is quite low right now, but have we been checking to see.

Jim Mraz: Yes we have, .01%.

Joe Semione: Okay.

Jim Mraz: Is the current CD. We check every couple of months, Joe.

Joe Semione: Okay. I just wanted to double check. I figure we were in a good predicament. Okay. Thank you.

Jim Mraz: Would someone make a motion to accept the Budget Report.

Joe Semione: I'll make that motion.

Jim Mraz: Joe Semione. Jane Kelley with a second. Any further discussion?

Todd Rulison: I'll make that motion.

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>	—	—	—

IV. COMMITTEE REPORTS:

A. Nominating Committee:

- No report.

B. Audit Committee:

- Monthly Bank Reconciliation Reports: Mike Fitzgerald

Jim Mraz: Committee Reports. Monthly Bank Reconciliation. Mike, it was your job this month. How'd they look?

Mike Fitzgerald. They looked fine. There were no issues.

Jim Mraz: Thank you, Mike.

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: (See attached.) Geoff Peck

Jim Mraz: Moving on to other reports. Fulton County Report - John Blackmon, anything to report from the County's perspective?

John Blackmon: Well, the Supervisors' Board meeting that was supposed to be yesterday has been postponed until next Monday because I'm sure most of you have heard some of us have been quarantined for 14 days I happen to be one of them. I can't leave the house until Friday morning. There were 66 Resolutions on the thing. Almost all of them had to do with extensions of contracts and things like that. We are going to apparently give a couple more housing sites to the City of Gloversville in their Green Space Program. Other than that... There's a couple more retailers going out of business in Johnstown. The Restaurant Supply is going out, but Dave's Photo Shop is going out. The reason that is significant is because the owner of the Mall is going to reconstruct part of the Mall. They are going to do like what a lot of other malls around the country are doing and they are going to bring the front of where people are out right out to the front so you can go directly into the store. And, we are also going to remove a number of people from different Committees because they did not file their financial disclosure statements. The County has taken a harder stance on that the last couple of years. And, I don't know how many of you heard about the 20 megawatt solar project in the Town of Perth that is underway. It hasn't started physically yet, but it's in the works. What's significant about that is, is that that big of a project, 20 megawatts and above, the projects technically don't have to pay any attention to County or Town rules if they choose to do so. Other than that, that's all I have.

Jim Mraz: Any questions for John? Thanks, John. Geoff, CRG Report?

Geoff Peck: Not a lot to report. As you know, the CRG continues to work on the project in the Industrial Park, and we're also working on the CRG Magazine, which is going to come out soon. You'll all be invited, if you haven't already been invited, to attend a grand opening or showcase for the CRG Magazine. More work continues in Downtown Gloversville, although that's been stifled for a couple of weeks here. And continuing to work on marketing for the County through the websites and answering requests as they come in through the State and other sources.

Jim Mraz: Very good. Thank you, Geoff. Any questions of Geoff?

Joe Semione: A quick thing about the marketing of the Tryon. I always ask that. I see that you are sending out the monthly reminders. Do we know what is... I haven't seen them, maybe I haven't seen it in email form or whatever, but can we get a copy of what is being sent out to them?

Geoff Peck: You sure can.

Joe Semione: I think there was 400 at one time and then there's another 1,400 going out separately or something else I think is stated in your report. I'm just curious to see what is being sent out to them and any responses from them. I know it's just a monthly blast I guess that you are sending out.

Geoff Peck: It's a monthly blast and Ken is measuring the click throughs and the likes and all the things that go along with that. There have been no direct calls or leads from that.

Joe Semione: Thank you, Geoff. I appreciate you being here today. See you tomorrow.

Geoff Peck: See you tomorrow.

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.

- On September 25, 2020, emailed draft to Board of Supervisors, FCCRG and Fulton Montgomery Regional Chamber of Commerce for review and comments.
- To date, no comments have been received.

Jim Mraz: Okay. Moving onto Old Business, IDA Website. Continuing to work with Betsy on that. With respect to that Economic Development Program Flowchart that we drafted that was sent out that we talked about at your last meeting, to date, no comments have been received. Still working with Betsy on the graphic component of that flowchart. We have another conference call scheduled with her this Thursday and we'll see what updates she has in terms of getting some draft graphics for that flowchart. So, an ongoing project.

B. Cushman Wakefield:

- Cushman Wakefield has listed Tryon's shovel-ready land and the two (2) buildings onto their website as follows:
 - The land is listed at \$27,500 per acre.
 - The 15,000+/- sf Building 60/the former Maintenance Shop is listed at \$150,000.
 - The 15,000+/- sf portion of Building 3 referred to as the Midas Building is listed at \$350,000.
- Cushman Wakefield has shown these buildings to several interested parties.
- Interested parties having difficulties getting information from National Grid on potential electric and gas connection costs.

Jim Mraz: Next, Cushman Wakefield, in terms of the Tryon, the shovel-ready land and the two (2) buildings out there. They have those listed. They've shown the buildings to several interested parties. Those interested parties are having ongoing difficulties with getting information from National Grid on what the potential costs would be for electrical and gas hookups to those buildings. But there's continuing showing. Just last week that they again showed those two (2) buildings and, hopefully, we continue to see that and get a potential purchase offer on one of those shortly.

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. October 13, 2020 Meeting:

- 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.
- IDA Board approved a Resolution authorizing the sale of the 27+/- acre parcel to Tryon Organics Enterprises.
- IDA Board approved testing of sewer main servicing this parcel.
- IDA Board approved extending closing date to November 30, 2020.

8. Update:

- On October 14, 2020, emailed to Dave Huckans the certified Resolution authorizing the sale of the 27+/- acre parcel to Tryon Organics Enterprises.
- On October 26, 2020, emailed Dave Huckans asking if Tryon Organics Enterprises was going to now close on the property given that the Town of Perth Town Board had agreed to take over ownership and maintenance of the road once it was upgraded to the Town's specifications.
- Ferguson & Foss completed a new survey of the parcel.

Jim Mraz: For the lands on the south side of 107 that we are in the process of trying to sell to Tryon Organics Enterprises. After your last meeting, at which time you authorized that sale, I e-mailed Dave Huckans a copy of the Resolution that authorized that sale. We received from Ferguson & Foss a new survey of the parcel that came in last week, and so we're moving towards trying to get a closing on this transaction. So, hopefully, that will happen and we're certainly moving in that direction. Kara, anything to add from your end on this?

Kara Lais: No, I don't think so. What we are really waiting on right now is the title. We sent over to them what we have. They are in the process of preparing a title report. We have documents ready to go so as soon they give us title and if there is anything else that they need us to sign, I'll coordinate with Jim and recommend to get everything signed. But that's where we are, the title is the hold up if you will.

Jim Mraz: Okay. And, Dave, once we get all those documents ready, we'll coordinate with you for getting those things executed. Okay?

D. Sewer Line Serving Parcel on South Side of CR107:

1. Background:

- At the October 13, 2020 meeting, the IDA Board authorized an expenditure of up to \$6,000 to test the sewer main servicing the 27-acre parcel on the south side of CR107.
- CFI Construction was retained to perform this work.

2. Findings:

- CFI spent two (2) full days at the site.
- It took 1½ days to locate where the sewer main and manholes were actually located.
- Several manholes were buried and not visible.
- CFI had to bring in a trackhoe to scrape soil to locate these manholes.
- The location of the sewer main has now been verified.
- The test on the force main portion of the sewer main was inconclusive.
- The test on the gravity main portion of the sewer main would not hold pressure indicating a break somewhere in the main. The extent or location of the break is not known.
- Total Cost: \$5,975

3. Next Step:

a. Video Camera:

- There is approximately 1,300 linear feet of gravity sewer main.

- There are two (2) sections of gravity sewer main that run through woods.
- One section is approximately 440'+/- long. The other is 240'+/-.
- These two (2) sections have the potential to have roots growing into/through the sewer pipe which may be the reason why this sewer line did not hold air pressure.
- An option to verify if this is the case is to run a camera through the sewer pipe to verify if the pipe has roots or is broken and to determine where the problem exists.
- Adirondack Septic has submitted a scope of work:
 - Powerjet
 - US Jetting 4018 – 4000 PSI/18GPM
 - Potentially needed to mitigate root intrusion or debris accumulation in sanitary sewer to assist video inspection process
 - Video Inspection
 - Cues C550c camera crawler system
 - Pan/tilt/zoom camera body
 - Observation logging
 - Structure and pipeline inspection
 - Inspection report furnished upon completion
- Adirondack Septic's quote to perform this work:
 - Powerjet : \$1,510/day
 - Video Inspection : \$1,960/day
 - **Total** : **\$3,470/day**
- Adirondack estimates it can complete 300-500'/day.
- Three (3) options:
 - 1) Do nothing.
 - 2) Power Jet/Video Inspect all 1,300' of gravity sewer main.
 - 3) Power Jet/Video Inspect the two (2) sections that run through the woods: 680'

Jim Mraz: Part in parcel with that is the next item on the Agenda and that is the sewer line that services that parcel. At your last meeting, you authorized an expenditure to test that sewer main. I sent you all an e-mail last week summarizing the findings of that and, again, it's also here in your Agenda. Given the amount that was authorized, it equated to about two (2) full days worth of work with CFI's team and their equipment to be onsite. Unfortunately, they spent almost a day and a half just trying to locate the sewer main and the manholes that they had to get into to be able to test. Some of these manholes were buried under a foot of dirt, and it wasn't like you just go along and scrape the heel of your foot to find these manholes. They actually had to bring a piece of equipment in and stand on one manhole, see where the pipe was headed, and then just scrape along and finally finding where all these manholes were. The good news is we now know exactly where that sewer main is. The testing that was done, unfortunately, didn't produce positive results on either the force main portion of the sewer main, as well as the gravity portion of the sewer line. So, because it's inconclusive, I think additional work needs to be done. And the next step would be to have a camera put down into that sewer line and run through there to see if there's any crack in a line, a break in a line that could be caused by either a root or a rock that somehow has caused damage to that sewer line. I have been working with Adirondack Septic who does this work. They are the

one (1) firm locally that does this work. And, also, their familiarity with the sewer system out there, it would be positive. So, what they do is, and they gave us quotes to do one (1) of two (2) things. If you could just do the video inspection, where they actually put the camera in the pipe, the camera crawls along, images are taken on a constant basis, and if they see a crack, a break someplace in the line, the camera stops, they record the distance that they've gone, so we have a record of where in that line that problem was found, so that if you have to go back and dig that line up, you will know exactly where it is and not have to be moving all around and fishing for where that break or crack is. So, the video inspection is about \$2,000 a day to be out there. The unknown is they also would like to typically to go in first and power jet a section of sewer main, flush it out before they put the camera in. But that doesn't always have to happen, so that work is priced at \$1,500 a day, so that almost doubles the cost if you have to do both. So, to be doing both, you are talking \$3,500 a day to do both of these things. Now, they estimate that they can do 300-500 feet of testing and power jetting each day. Well, the total length of that gravity sewer line is 1,300 feet. So, it could take 4-5 days to do that entire length of sewer line. To have it power jetted and videotaped/video recorded. And, so at 4-5 days, that could be \$13-\$16/\$17,000 to do all of that. Now, if they can do it all with just doing the video inspection, it's going to be almost half of that. Unfortunately, I can't give you, because I know you want to know exactly what this is going to cost. All I can tell you and what you are going to have to make a decision on is based on the worst case scenario. I think if you are going to do this, I think you are going to have to authorize a maximum expenditure and you will have to work within that number. And, unfortunately, this is going to add onto the \$6,000 that you've already spent, you could spend another \$15,000 here, and you still haven't fixed any problems. So, this could end up costing you between \$20,000, \$30,000, \$35,000. The reality is, unfortunately, is that you are going to have to do this if you want to achieve the \$90,000 sale of this land. Alright? Because without confirming this, there's probably not going to be a sale. If we can confirm all this and make sure this sewer line is operational, there will be a sale. So, questions/comments?

Joe Semione: I have comments. Just like with any transactions of property, sales, you know, there's inspections, what do you when trying to sell a house, you have house inspections. And there may be some things that need to be addressed. A lot of times is instead of actually fixing them, you offer an allotment towards repairing these things. I know when Kelly and I bought our house, there was a problem with the well, they gave us a \$5,000 allotment to drilling the well, and I think, unfortunately, there are so many unknowns in this case. I mean, like I said, we spent \$6,000 or just under \$6,000. We could spend up to another \$15,000 and, as you said, we haven't fixed anything. And then we still have to fix it. So, like you said, we could be into the \$30,000 range and, you know, we got it for sale for \$90,000. If we had an offer for \$60,000 way back yonder, we probably wouldn't have taken it. You know, it's way low. We've had that. So, I think, did we ever offer a compromise?

Jim Mraz: Okay. I'm sorry, Joe. You froze.. Everybody froze for like 10 seconds.

Joe Semione: Okay. So, I just think we have so many unknowns and, like you said, it could be up to \$25,000 - \$30,000. Could we ever go back to the principle person interested, Tryon Organics, and say, you know, we are only going to spend so much, we've already put \$6,000 into it, we know there's an issue, but. What if it's \$35,000/\$40,000. I mean, like I said, we don't even know what the fix is going to be. We're in trouble. To sell that whole site for \$50,000 or \$60,000 to make net. I mean I think we're sticking our neck out too far. With other people, we never had to prove that sewer line was going to work. We had to even stress that. The smart thing they should do is just put in their own septic systems. Plain and simple for a couple thousand dollars. So, I just think having to prepare this thing is going to be a nightmare for us financially.

Jim Mraz: Well, you're right, Joe. That's the unknown. I mean, if we do this work, we could find that it's as simple as there's one (1) crack in one (1) section of sewer main that will be a minimal cost to have to fix. You know, that it wasn't holding air pressure because there was one (1) break caused by a rock that came through that it's going to cost us \$2,000 to fix. You know, conversely, there could be five (5) or six (6) issues here that could cost \$20,000 to fix. And, you're right, that's one of the unknowns that we have right now. And that's what this next level of work, this video camera, will give us answers to. But, unfortunately, you might have to spend \$10,000 - \$15,000 to get those answers.

Joe Semione: I think it's too much. I mean, we're going to have \$20,000 into it, and what if 10 places need to be repaired. What if you have to repair 500' of piping. I just think it's too much. And, as you said, it may cost the deal, but maybe there's something that we can talk to Dave Huckans and his partner and we can only allow, give them an allotment. If they want it, that might be the first step because just say the Board members are concerned about what the total cost may be. That may put them up in arms and saying we don't want to get stuck with \$30,000 of expense either. But they do have options. They don't need to have an operational line. They could have had septic systems in those buildings. They could revert to that.

Jim Mraz: But their offer to purchase was based upon that sewer line being operational.

Joe Semione: Well, we can't provide that right now. I mean what if it's \$40,000? We don't have... To spend \$20,000 or even \$7,000 more for a 2-day thing. We've got \$13,000 into it and we don't even know if that would even show anything, those two (2) days, the best scenario.

Jim Mraz: Right. Just to be argumentative and counterpoint, if you spend \$40,000, you're still going to net \$50,000.

Joe Semione: Well, what if there's other people out there?

Jim Mraz: With the sale. Okay? And, but right now, we've spent \$6,000, and if we stop now, you're going to get nothing. It's still going to be a net cost to us.

Joe Semione: But will every person looking at that property need an operational sewer line? The first two (2) people did.

Jim Mraz: Don't know. You're right. Don't know. It's just the current purchase offer that you signed a contract with says that that will be an operational sewer line.

Mike Fitzgerald: Jim, do we know the age of that sewer line?

Jim Mraz: Yeah, it's probably about 40 years old, Mike.

Mike Fitzgerald. Okay. So, there's probably going to be multiple issues would be my guess. Just based on the age and in there you said there was a section that has trees growing over it.

Jim Mraz: It's in a wooded area, Mike. Okay. It's in a wooded area, and what we are saying is that there are two (2) issues that can cause breaches in a sewer line - rocks and roots. And so, those two (2) sections that go through the woods have the greatest potential to have root damage occurring. Not saying there is.

Mike Fitzgerald: Okay.

Jim Mraz: Okay? Because there is no guarantees that there is a root damage. But it's just those two (2) sections have the highest risk because they just happen to be going through areas where there are trees in the vicinity of the sewer line.

Mike Fitzgerald: And then my other question, if it does become Sewer District No. 4 for the County, wouldn't any potential buyer want to become part of the Sewer District? Wouldn't they have to hook into that sewer system and not be available the option of having a septic system, their own septic system?

Jim Mraz: Well, correct, they would have to hook in if it's in the District. And I think that's the issue right now is if this Sewer District is going to be created, hopefully, within a couple of months, and if this sewer line is going to be operational, it will be included in the District. And this parcel will be included in the District. If we are not going to fix this thing and make it operational, then that parcel probably would not be put into the District. And so, if that parcel was not going to be in the District, then it wouldn't have to hook into that sewer line if somebody was going to develop it in the future. Again, the current purchase contract that you signed, says that this parcel needs to be in the District and that sewer line needs to function. Now, if this offer to purchase expires and we don't close, that obligation to be in the District and to have this sewer line operational would no longer exist. But it exists with this particular purchase contract that you have.

Dave D'Amore: Jim, to Joe's point about the property's value to other potential buyers, has there been any further inquiries from other parties?

Jim Mraz: There has been some inquiries, but once that purchase contract was signed, the property was not shown again to anybody. There were, from my understanding, there were inquiries made but the property wasn't shown because it was already under contract.

Dave D'Amore: If I recall, the very first interested party, we never got to a position of a signed agreement with them but they were also interested in tapping into that sewer system, were they not?

Jim Mraz: Yes.

Dave D'Amore: I mean its proximity seems likely that anybody who has interest in that property is going to want to tap into that. From my thinking, I think it behooves us to clarify what's going on it that pipe and determine if it's a small problem or a big problem. And I think you're right, Jim, I do think, ultimately, we're looking at a net revenue rather than a net expense if we go through with this. It may not be the full gross value that we were shooting for, but it's still on the positive side of the ledger and I do think it's more than likely probable that any interested party is going to want to have access to that sewer line, and I think there will continue to be pressure on us to make sure that it is functional. That's just a gut check on my part.

Tim Munn: Jim, we have a signed contract. There's no chance then that if the IDA goes through this exercise and determines the issue and repairs it, they can't back out at this point, correct?

Jim Mraz: Kara, I'll let you answer that one.

Kara Lais: I mean. I always say that there's always a chance. Until we close, there's always a chance. Right now, I don't think there's any issue with title. That would be the only contingency that's outstanding as far as we know. Title has been clear when Vireo purchased it under the same chain of title, so there was no issue there. So, I'm confident the title will come back without an issue or something that we can't resolve. But that's not to say that they just change their mind and, I mean, it's possible. You would have... But whether or not you want to go after them. I've seen some strange things this year in real estate work alone. Yeah. I mean I can't give you a 100% certainty that they can't back out. I don't think they have a valid basis to back out though.

Jim Mraz: Any other questions or comments?

Dave D'Amore: Well, I think, at this point, somebody needs to get a motion on the table to kind of figure out what direction we want to go in. Would you agree?

Jim Mraz: I would agree, and so the motion. I think there's one (1) of two (2) options that you can pursue. One would be to move to stop all work and spend no more money or move to authorize an expenditure of up to a certain amount and to have the video inspection work performed.

Joe Semione: Can we go back to the perspective buyer with an allotment? It could be a third option, say we'll give you \$10,000 towards it.

Jim Mraz: No, because they don't own that sewer line. We can't allow someone else who doesn't own the sewer line. We shouldn't allow someone who doesn't own the sewer line to work on our sewer line. I don't think that's appropriate, Joe. I think if there's work to be done that the IDA who owns the sewer line should do the work.

Joe Semione: Okay.

Jim Mraz: To make sure that the work is controlled and done the way we would want it done.

Joe Semione: Then I think the second option then would be just to do the 2-day expenditure, try to do that at this point in the two (2) areas that you stated in the email that might be the most likely where trouble could be and take it from there. So, I would say let's authorize another \$7,000 to have them search the two (2) most likely areas. Obviously, if it comes back that it's not there, then we will have to spend more, but that's my suggestion then.

Jim Mraz: Is that a formal motion, Joe?

Joe Semione: Yes.

Mike Fitzgerald: I would suggest that we go farther than that. I think the potential of finding problems beyond that, I think we would want to know the problem. And to Dave's point earlier, even if this deal

falls through, one, as an IDA Member, I would like to see this be part of any district or Sewer District that was set up. And, two, I think if this deal falls through, future potential buyers are going to want the same thing. They are going to want the ability to hook into that Sewer District. So I think it would be advantageous for us to spend the money to get it done.

Joe Semione: So, do you want to do the whole line inspection or just start with two (2) days and see what they say? To see what they find.

Dave D'Amore: I think what we are talking about though is... I tend to agree with Mike. I think we should be ready and prepared to investigate the entire line, but I think we can modulate that process a little bit by breaking down the task and to focusing on the high risk areas first. But, ultimately, we could determine that those high risk areas are problems and yet there might still be other problems in the line. And, if we are going to do this, I do tend to think that we are all in, but I do think maybe it's reasonable and prudent to break that work down into chunks, so that if we get to the \$7,000/\$7,500 expenditure mark, maybe Jim can notify us of results at that particular point and just keep us in the loop of any changing conditions.

Joe Semione: I've got one more comment. Does the County have any equipment that can powerjet stuff. I see like the City of Gloversville, when they have issues with their lines, they bring this big machine and they....

Jim Mraz: And that's a big vacuum cleaner, Joe. This is a different process.

Joe Semione: Okay.

Jim Mraz: This is an actual video camera that's basically on wheels and it crawls through the pipe.

Joe Semione: I understand that part.

Jim Mraz: And the same with the powerjetting. The powerjet is like a power washer, as opposed to a vacuum.

Joe Semione: Okay. I gotcha ya.

Jim Mraz: Those big trucks are. Okay?

Joe Semione: Okay.

Jim Mraz: So, the suggestion is to authorize doing the entire line, but start with these first two (2) sections that go through the woods and see what we find. And then share that information with the Board and then make a second decision, do you want to then proceed with the balance of the sewer lines. Is that kind of what I'm hearing Dave and Mike suggesting?

Dave D'Amore: That's basically what I'm suggesting.

Mike Fitzgerald: I would concur with that.

Jim Mraz: Okay. So, anticipating having to be out there five (5) days, a worst case scenario. Alright? I'm going to say then that the total cost for five (5) days would be upwards of \$17,000, looking at the math, \$3,470 times five (5) is about \$17,000. However, half way through there, we're going to stop. I'll let everybody know what we found going through those two (2) sections in the woods, and I'll email you as soon as we can and then I am going to need quick responses on whether you're going to say "that's enough, stop, or continue on." Fair enough. Is that kind of where we are?

Dave D'Amore: Jim, just out of curiosity, just one follow-up question to that in terms of process. If they investigate those two (2) suspect sections first and let's say they find something suspicious in one of those portions of lines, are they able to pressure test either a portion of that line independently to kind of rule out that the rest of the line might be damaged somewhere or is it all just kind of based on the location?

Jim Mraz: If you can kind of visualize, it starts on the south side of 107, and it comes up to 107, runs parallel with 107 and then where that first driveway that goes into the south that's blocked off, we got the barricades across, that's where it cuts across 107 and goes up into the fields right there, but then runs parallel along 107 to where that secondary access road that goes into Tryon where the telephone company's little building is right there, there's a manhole there. And then, from that point, there's about six (6) more manholes that go along that route to where it eventually connects back into the main sewer trunk line that feeds the Tryon Technology Park. And so they can only pressure test from manhole to manhole. You can't pressure test the entire length. It's manhole to manhole. What they do is they'll go on one end, cap it. Alright? Go to the other end, pump air into it, pump enough air into there to pressurize it and then it just stays there and they see how long it holds the air pressure, but they have to do it section by section. They can't do the entire length because of the breaks in the pipe with the manholes. Okay?

Dave D'Amore: Okay. Doesn't change my thinking on it. So, I think we need to proceed as I've suggested.

Jim Mraz: Let me see if I have this potential motion crafted. To authorize an expenditure of up to \$17,000, but to do the two (2) sections first that run through the woods and see what those results are, contact IDA Board members with the results and a decision would be made then on whether to continuing or to stop work. Does that generally frame what I'm hearing as the motion?

Dave D'Amore: Yes.

Mike Fitzgerald: Yes.

Jim Mraz: Would someone like to make that motion?

Dave D'Amore: I'll move.

Mike Fitzgerald: I'll second.

Jim Mraz: Any further questions or comments?

Joe Semione: You'll let us know when the work is going to start, right?

Jim Mraz: Yes I will, Joe. Let's do a roll call vote.

IDA ACTION:

MOTION: To authorize an expenditure of up to \$17,000 to video inspect/power jet the gravity sewer section of this sewer line but to initially focus on the two (2) sections of gravity main that run through the woods.

MADE BY: Dave D’Amore
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: Very good.

E. Plugged Sewer Line at Tryon:

1. Background:

- In June 2020, a plugged sewer was discovered at Tryon.
- Adirondack Septic was hired and rerouted sewer flow around the plugged line.
- This work was completed.
- However, the plugged main needs to be repaired.

2. Request for Quotes (RFQ):

- An RFQ was prepared to replace the plugged sewer main.
- The RFQ was sent to seven (7) local contractors.
- Four (4) quotes were received:

Contractor	Base Bid ¹	Alt. Bid 1 ²	Alt. Bid 2 ³
Pareene Contracting, Inc.	\$ 3,020.00	\$ 4,346.00	\$ 5,523.52
Stephen Miller General Contractors	\$10,500.00	\$11,000.00	\$11,500.00
Jablonski Excavating, Inc. ⁴	\$14,000.00	\$21,000.00	\$ 8,000.00
CFI Construction, Inc.	\$15,000.00	\$16,000.00	\$10,000.00

¹Base Bid : Cut out and replace plugged section of sewer main.

²Alt. Bid 1 : Replace entire section of sewer main between 2 manholes.

³Alt. Bid 2 : Rehabilitate two (2) sewer plug valves.

⁴Alt. Bid 3 : Jablonski Excavating provided an additional quote if need to replace valves @ \$4,000/valve.

Jim Mraz: Okay. Next item. Speaking of more sewers, the plugged sewer line at Tryon. Got a call back in June, a plugged sewer was discovered. Adirondack Septic was hired and they rerouted the sewer flow around that plugged line. That work was completed. However, that plugged main is still there and needs

to be repaired. We sent out an RFQ to get pricing to replace that plugged section of sewer main. It was sent to seven (7) local contractors and four (4) quotes were received. Those quotes I e-mailed everybody yesterday. The low quote was from Pareene Contracting out of Amsterdam, and we asked for a Base Bid what we called and two (2) Alternate Bids. The Base Bid was to excavate, expose that pipe, find where that plugged section was, cut it out and replace it with the same type of pipe that was taken out. That low bid was \$3,020. The Alternate Bid we asked for was to expose the entire section of sewer main between the two (2) manholes there and replace the entire section and that was \$4,346. The difference between the two (2) as I explained in my email yesterday, just cutting out the section where it's plugged is certainly the least expensive. But it creates a risk that you now have this section of pipe that has the potential to move over time. Whereas, if you go from manhole to manhole, that one continuous section of pipe won't move. So, there is just some degree of risk that a potential problem with that section, just replace a section, if it moves, it could impact the flow in that section of line. The second Alternate Bid was to replace the two (2) valves that are in the sewer line, upgradient of where we are replacing this section of line. Those valves had to be turned and moved to reroute that line, and it was incredibly difficult because those valves hadn't been used in years, and so we had the second price was to take and replace those two (2) valves and that price was, from the low bidder, was \$5,523.52. So, the question to you folks is, do you wish to advance with this work. If so, do you want to take the Base Bid or Alternate Bid 1 and do you want to pursue Alternate Bid 2 at this time?

Dave D'Amore: My first question, Jim, is.. You know, there seems to be a pretty broad differential between the low bid across the spectrum and the two (2) other bids. It wasn't even close. So, what level of confidence do you have that the numbers of the low bidder are truly representative of the work that needs to be done?

Jim Mraz: The company came recommended by Adirondack Septic. So, with that and our experience with them, I respect their opinion. They do a lot of this work, sewer repair work. I've talked with the owner. He's comfortable with his number. I just think you are dealing with a small contractor whose his overhead is a lot less than some of these larger contractors.

Dave D'Amore: Understand. Where are they located?

Jim Mraz: Route 67 in Amsterdam.

Dave D'Amore: I haven't heard of them before.

Jim Mraz: Likewise.

Dave D'amore: Okay.

Mike Fitzgerald: Dave, I had the same concern. It just seemed like maybe they missed something in the bid. Whether it be materials or hours. Just because they were basically 30% than the next low bid.

Dave D'Amore: And I have seen similar bids results on occasion from time to time on my own projects. If Jim has been in touch with the owner, and they have reviewed their bid and they are comfortable with it and they have come recommended from another vendor that we use, I think my concerns are waylaid considerably by that. I'd have deeper concerns if it was panic on the part of the bidding contractor or if we

didn't have a recommendation to back up their inclusion in the bid pool, so I'm more comfortable with the scenario as it is right now.

Jim Mraz: My recommendation is, if we are going to do this, we do Alternate Bid 1 and replace the entire section of pipe. I just think that's the higher quality job to do especially for a price differential of \$1,300. I just think it would be better to replace that entire section so there is no risk in the future of pipe movement and causing a different type of problem. I think the bigger question is do you want to proceed with the replacement of those two (2) valves at another \$5,500?

Dave D'Amore: Given the deep discount that we are getting from the low bidder, I would do both. That's my sense.

Jim Mraz: Okay.

Mike Fitzgerald: And based on your e-mail, Jim, I mean, when I read it, my belief was those valves barely worked when they tried to open them now. If we replace that and have to go back in two (2) or three (3), they may not work at all. It might be economical and efficient to do all of the work now.

Jim Mraz: But I think as Dave indicated, given the pricing that you have, I don't know if you are going to do any better. So, would someone then like to motion in terms of what bids to award to Pareene Contracting?

Todd Rulison: I would make that motion, Jim, to take Alternate Bid #1 and also replace the valves. We need to get this behind us.

Jim Mraz: Award Alternate Bids #1 and #2. Okay. That's a motion from Todd. Is there a second to that motion?

Joe Semione: I'd second that. Joe Semione.

Jim Mraz: Joe Semione. Any further questions?

Mike Fitzgerald: Just a comment, Jim. I mean, we're running into these issues and, when you own a property, you imagine the unknowns, you don't know. Should we look in the future to take maybe a percentage of sales so that some type of maintenance reserve account that's available in the future if we run into similar problems or other problems that are unexpected?

Jim Mraz: Yes, Mike, and that is what will be happening with the creation of this County Sewer District.

Mike Fitzgerald: Okay.

Jim Mraz: Once this Sewer District is created, all of this infrastructure will be deeded over by the IDA to the Sewer District. Okay?

Mike Fitzgerald: Okay.

Jim Mraz: And the Sewer District will then take on the responsibility of operating and maintaining all of this infrastructure.

Mike Fitzgerald: Okay.

Jim Mraz: As part of the Sewer District, they will create a sewer rate that they will charge all users in the District. And that sewer rate will include dollars to put into a reserve fund to do future repair and maintenance as things like this come up. So, that concept will be done, but it's going to be done by Fulton County Sewer District No. 4 not by the IDA itself, because once we transfer ownership of this infrastructure, the IDA will no longer have any operation and maintenance responsibilities.

Mike Fitzgerald: Okay.

Jim Mraz: Fair enough?

Mike Fitzgerald: Fair enough.

Jim Mraz: Alright. We have that motion to award Alternate Bids #1 and #2. Let's do a roll call vote.

IDA ACTION:

MOTION: To award Alternate Bids 1 and 2 to Pareene Contracting, Inc. at a total cost of \$9,869.52.

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>	---	---	---

F. Proposed Nexus Renewables Solar Project:

1. Lease Agreement:

- An issue was raised whether there should be one (1) Lease Agreement with Nexus Renewables or four (4) separate Leases with the four (4) LLC's that will be operating the four (4) solar projects on the property the IDA is leasing to the four (4) LLC's.
- The Attorneys decided that it would be best if the IDA executed a Lease with each of the four (4) LLC's.

Jim Mraz: Okay. Moving onto our proposed Nexus Renewables Project. One change has occurred with respect to the Lease Agreement. Previously, you had authorized having the Chairman sign a single Lease

Agreement with Nexus Renewables. Subsequent to our last meeting, dialogue commenced between Kara and I and then Kara and their attorneys about whether we should be doing that or there should be individual Lease Agreements executed between the IDA and the four (4) LLC's that will be created to operate each of the four (4) separate solar projects that will comprise the entire solar project that's out there and it was agreed that that would be the better approach. So, what I am asking for now is a motion to authorize the Chairman to execute leases with these four (4) LLC's instead of just the one (1) lease that we were going to execute with Nexus Renewables. Each lease with each LLC will be identical, the exact same language in all four (4) leases. Kara, anything to add there?

Kara Lais: No. I don't have anything to add about the leases. They actually sent me signed copies yesterday, and they wanted me to forward those on and I can, but they indicated in their message that they plan to have them recorded in the Clerk's Office, which that's fine also, but there's no notary on them. So, I messaged them back yesterday afternoon and said if they could resend them with a notary. So, as soon as I get those, I will circulate those for signature.

Jim Mraz: I had Dave sign those. So, I've got the four (4) signature pages already signed by Dave.

Kara Lais: Okay.

Jim Mraz: Can I just email you those pages?

Kara Lais: You can, but not if they want them notarized if they are going to have them recorded.

Jim Mraz: Okay, so I have to get those notarized.

Kara Lais: I don't know. I'm waiting for them to respond because she said that they can't have an e signature but that they can have a wet signature to file with the County. And I said, well, if you are going to file with the County, you need to have them notarized. So, I'm waiting to hear back from her so I'll send you whatever if they send me today.

Jim Mraz: Okay, Dave, may need to have you redo those.

Dave D'Amore: Yeah, not a problem. Is anybody in your office a notary?

Jim Mraz: Downstairs here, Richelle.

Dave D'Amore: I mean I can get a notary at other places, too, but I just...

Jim Mraz: No, we would coordinate that with you. I would have you stop by, and have Richelle meet you downstairs, and she'll notarize them as you sign them.

Dave D'Amore: Okay.

Jim Mraz: Okay, can I have a motion from someone to authorize the Chairman to execute these four (4) leases?

Jim Mraz: Jane Kelley. Is there a second to that motion?

Tim Munn: I'll second.

Jim Mraz: Tim Munn. Thank you, Tim. Any further questions? Let's take a roll call vote on this motion.

IDA ACTION:

MOTION: To authorize the Chairman to execute leases with the four (4) LLC's that will own and operate the four (4) solar projects.

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: That motion was passed.

2. Sales Tax Exemptions:

- The sales tax exemptions shall be available from November 10, 2020 to July 31, 2022.
- The four (4) LLC's that will be operating the four (4) separate solar projects will each be required to file an ST-340 Form with the NYS Department of Taxation and Finance by the end of February 2021 and 2020 documenting the amount of sales tax exemptions each LLC actually claimed.

Jim Mraz: The Sales Tax Exemption benefit is being worked on. Kara, where do we stand with those documents?

Kara Lais: Um. I'm working on them, and they want to close by the end of the year on that. So, they are working on insurance right now, providing us with that information. We need the documents they have regarding LLC's and Resolutions, so I am coordinating with their attorney on that so we can close that.

Jim Mraz: Okay. Very good.

G. Proposed Benjamin Moore Expansion Project:

1. 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 133 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.
2. 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 \$17,750,000+/- million.
 3. Project Application:
 - Benjamin Moore has filed a Project Application with the IDA requesting financial incentives.
 - The Application Fee has been received.
 4. 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.
 5. Project Number:
 - The project has been assigned the following Project Number: 1701-20-01-A
 6. Site Plan:
 - The City Planning Board is reviewing Benjamin Moore's Site Plan.
 - A Public Hearing on the Site Plan was held on November 3, 2020.
 - No one attended.
 - The Planning Board is scheduled to meet on November 10, 2020 at 4:00 p.m. to approve the Site Plan.
 7. SEQR:
 - A. Background:
 - On October 6, 2020, the City of Johnstown Planning Board initiated its own SEQR review.
 - The Part I EAF filed with the Planning Board did not include the IDA and ESD as potential Involved Agencies.
 - As a result, the Planning Board did not include the IDA and ESD in its SEQR review.
 - The IDA, therefore, had to conduct its own SEQR review.
 - NYSDEC recommended that the City Planning Board consent to the IDA serving as Lead Agency since the IDA's Coordinated Review included all Involved Agencies.
 - At its November 7, 2020 meeting, the Planning Board terminated its SEQR review and consented to the IDA serving as SEQR Lead Agency.

B. Lead Agency:

- Benjamin Moore (BM) submitted a Full Part I Environmental Assessment Form (EAF) to the IDA.
- The EAF identified the following potential Involved Agencies:
 - IDA
 - City of Johnstown Planning Board
 - NYS Department of Environmental Conservation
 - Empire State Development
- At its October 13, 2020 meeting, the IDA Board classified the proposed project as a Type I action, proposed that it serve as the Lead Agency for a coordinated SEQR review and authorized the distribution of the EAF to all Involved Agencies asking for their consent to their consent to the IDA serving as Lead Agency
- Involved Agencies were given until 5:00 PM, Friday, November 6, 2020 to respond
- Responses were received from the following Involved Agencies consenting to the IDA serving as Lead Agency:
 - Benjamin Moore
 - City of Johnstown Planning Board
 - NYSDEC

Jim Mraz: Moving on to the Benjamin Moore Expansion Project, which was introduced at our last meeting. Going down to the bottom of page 10, with respect to SEQR, back on October 6th, the City of Johnstown Planning Board initiated its own SEQR Review. The Part I EAF that was filed with the Planning Board at that time did not identify the IDA or Empire State Development as potential Involved Agencies. As a result, the Planning Board did not include the IDA or Empire State in its SEQR Review. The following week when this Board met, and you have a project application in front of you, you were required to conduct a SEQR Review yourself, so you initiated your own SEQR Review and coordinated with all of the four (4) Involved Agencies that were identified. Subsequent to doing that, DEC intervened and asked that consideration be given to either the City or the IDA being the only Lead Agency. After several phone calls with DEC's Regional Permit Administrator and Regional Attorney, it was agreed that the City of Johnstown Planning Board would withdraw and terminate its SEQR Review and consent to the IDA being the SEQR Lead Agency. At its meeting last week, the Planning Board terminated its SEQR Review and approved the motion to have the IDA serve as SEQR Lead Agency. So, today, you are hopefully going to go through this SEQR process and conclude it and then the City Planning Board, which was scheduled last week to approve the Site Plan for that project, postponed taking that action until this afternoon in hopes that, because they have to wait until taking any action on that Site Plan until a SEQR Review is done. So, hopefully, the SEQR Review is completed this morning and then this afternoon the Planning Board can meet and take its action to approve the Site Plan. So, the IDA Board, at your meeting last month, proposed that it serve as the SEQR Lead Agency. We sent that Resolution around to all of the four (4) Involved Agencies, and Benjamin Moore, the City of Johnstown Planning Board and DEC have all responded saying they concur with the IDA Board serving as the SEQR Lead Agency. So, with that, I'm recommending that we adopt a motion that formally now designates the IDA to serve as the Lead Agency in this Coordinated SEQR Review on the proposed Benjamin Moore Expansion Project. Would someone be willing to make that motion?

Joe Semione: Jim, I have a conflict of interest with Benjamin Moore as they are a customer of mine. So, I will not have comments or I will have to abstain from voting.

Jim Mraz: Thank you, Joe.

Joe Semione: Yup.

Jim Mraz: Would someone else be willing to make that motion to designate the IDA as SEQR Lead Agency?

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

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

Todd Rulison: I'll second it, Jim.

Jim Mraz: Todd Rulison. Any questions or discussion? Hearing none, let's do a roll call vote.

IDA ACTION:

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

MADE BY: Mike Fitzgerald

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 passed.

C. Part 2 EAF

- The IDA has completed a Part 2 EAF.
- See Attached
- Review Part 2 EAF

Jim Mraz: The next step in the SEQR review process is to review the Part 2 EAF form that was attached to the package that I emailed to you last week with the draft Agenda. And, you have that in front of you, I'd like to go through that. Starting on page 1, the first question was will the project have any impacts on land? And the response there was "yes" but the answers to all of those potential impacts was that there would be no or small impacts that could possibly occur. Under Item 2, Impact on Geologic Features, the response was "no" there will be no impacts. The same thing on Impacts on Surface Water. The project will not impact any surface water. Although there are wetlands on the site, the project as laid out on the Site Plan that was also attached to you Agenda shows that the project will not impact any of those wetlands. So, that is why the answer to that question was "no". Impact on Groundwater, again, the

answer was “no.” Impact on Flooding, the answer was “no.” Impacts on Air, the answer was “yes” and in all of those potential impacts, again no or only small impacts were identified as potentially occurring. Impacts on Plants and Animals, again, “yes”, but again all of the impacts that were listed there were identified as no or small impacts. Impacts on Agricultural Resources, the answer was “no”. Aesthetic Resources and Historic and Archeological Resources were “no” and part of the reason the answer to Impact on Historic and Archeological Resources was “no” was that Benjamin Moore and its engineers, The Chazen Companies, had already received a letter, again, that was attached to your package from the NYS Office of Parks, Recreation and Historic Preservation saying that it is the opinion of their office that no properties, including archeological and/or historic resources, listed in or eligible for NYS and National Registers of Historic Places will be impacted by this proposed project. So, that letter was the basis of the answer being no to that particular question. Impact on Open Space and Recreation was “no.” Critical Environmental Areas was “no.” There were impacts on Transportation “yes” but that those impacts would all be no or small. Impacts on Energy, “yes.” There will be more energy used with that expansion, but again all of those impacts no or small. The same for noise, odor and light. And then, lastly, Impacts on Human Health were “no.” Consistency with Community Plans. And, lastly, the Consistency with Community Character were all listed as “no.” So, the Part II EAF basically said “yes, there will be some impacts that this project will create but no more than small impacts across the board on these. So, any questions on that Part II form and its contents?

D. Determination of Significance

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

Jim Mraz: Okay, with that, the last step in this process is now the IDA Board has to make what’s called a determination of significance. This is based upon the information that was contained in the Part I EAF that we looked at last month and it’s also inclusive of the information we just reviewed in the Part II EAF. And there are two (2) determinations that you can make. One is a positive determination, which means that you’ve identified that this project can and has the potential to create one (1) or more significant environmental impacts and, therefore, you want to have a Draft Environmental Impact Statement (DEIS) prepared and the SEQR process continues. The other is to declare a negative declaration, which means you’ve looked at this whole project and the project, as proposed, will not create any significant environmental impacts and, therefore, you are saying the project can proceed and the SEQR process is concluded. Does everybody understand what those two (2) options are? So, someone has to make a motion to either issue a positive determination or a negative determination.

Todd Rulison: I’ll make the motion to issue a negative declaration.

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

Dave D'Amore: I'll second. I will.

Jim Mraz: Who made that? Dave? Okay. Any further questions or comments? Hearing none, let's do a roll call vote on issuing a negative declaration for the proposed Benjamin Moore Expansion Project.

IDA ACTION:

MOTION: To issue a Negative Declaration on the proposed Benjamin Moore Expansion Project and to authorize the filing of said Negative Declaration in accordance with the SEQR Regulations.

MADE BY: Todd Rulison
SECONDED: Dave D'Amore
ROLL CALL VOTE :

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

Jim Mraz: Motion has passed.

8. IDA Benefits Requested:

- Benjamin Moore's Project Application requests two (2) IDA financial benefits:
 1. Real Property Tax Exemption
 2. Sales Tax Exemptions
- The estimated values of each benefit are:
 - Real Property Tax Exemption : \$190,000+/-
 - Sales Tax Exemption : \$720,000+/-
- The Real Property Tax Exemption would only apply to the increase in the building's assessed valuation created by this expansion.
- The Sales Tax Exemptions will be available to Benjamin Moore from November 10, 2020 to June 30, 2023.

9. Public Hearing:

- Since Benjamin Moore's Project Application requested IDA benefits greater than \$100,000, a public hearing must be held.
- A Public Hearing was held on Tuesday, October 27, 2020, 10:00 a.m., in the Office of the Fulton County Industrial Development Agency.
- No one spoke at the Public Hearing.

10. Evaluation of Project Application:

a. Background:

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

b. Section 8:

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

c. Review of Benjamin Moore’s Project Application:

- 1) Will project create or maintain jobs?
 - New Jobs : 10
 - Maintain Jobs : 133
- 2) What are the wages to be paid for the new jobs created?

Category of Jobs to be Retained and Created	Average Annual Salary Hourly Rate for New Job Created	Average Salary or Range of Salary for Jobs Retained
Production	\$46,000	\$ 46,000

- 3) What is total private sector investment?
 - \$17,750,000+/-
- 4) How much local labor will be utilized during construction?
 - Total : 60 construction jobs
 - Fulton County : 20 construction jobs
- 5) How much will property values and property taxes increase for local taxing jurisdictions?
 - Existing building is assessed for \$2,899,000. Once the expansion is completed, the building’s assessed valuation will increase. Exact amount of increase will be determined by the City of Johnstown Assessor once addition is completed. The increased assessed valuation will increase property tax revenues for local taxing jurisdictions.

11. Resolution:

- Kara Lais has drafted a Resolution to approve granting the requested financial benefits for the proposed Benjamin Moore Expansion Project.
- See attached.

Jim Mraz: Okay. Now onto the Benjamin Moore's application that they submitted to the IDA Board requesting certain financial incentives for their proposed project. They've asked for two (2): a Real Property Tax Exemption and Sales Tax Exemptions. The estimated values of those two (2), on the Real Property is a minimum of \$190,000 and on the Sales Tax Exemption side, it's about \$720,000. The Real Property Tax Exemption would only apply to the increase in the building's assessed valuation that's going to be created by this expansion. Their exemption would not apply to their existing building. Their existing building is assessed right now at a certain value. When they complete that expansion, the Assessor will increase that value by a certain amount, and it's only that increased amount of the assessed valuation that this tax exemption would apply to. The Sales Tax Exemption, Kara, have those dates been established yet of when what the termination date for the Sales Tax Exemption will be?

Kara Lais: June 30, 2023 is what they told me.

Jim Mraz: Thank you. Since this application requested benefits greater than \$100,000, a public hearing had to be held. That public hearing was held back on October 27th, here in the offices of IDA and no one spoke at that public hearing. The next step is the evaluation of the project application. Again, going back to as part of the IDA Reform Legislation that the State adopted a few years ago, the IDA Board approved the utilization of a new Project Application, and it contained a new Section 8, which was Project Review Criteria and Annual Monitoring, and so it says that the Agency shall review project applications and use the following specific criteria for evaluating and determining whether to provide benefits to the proposed project. And so the five (5) criteria are listed there, and so as we go down below, the question is "Will the project create or maintain jobs?" The answer is "yes." There are new jobs and a minimum of 10 and upwards or more will be created, but they will also be maintaining the 133 jobs that are currently there. What are the wages to be paid for the new jobs that are to be created? The Project Application says the production jobs would be an annual salary of about \$46,000 a year. What is the total private sector investment? It's significant. The Application identifies the total investment at \$17,750,000. How much local labor will be utilized during construction? The Application says there will probably be a total of 60 construction jobs, of which they estimate 20 will be from Fulton County. And, lastly, how much will property values and property taxes increase for local taxing jurisdictions? And the existing building is assessed for about \$2.9 million. As I said, once that addition is completed, the City of Johnstown Assessor will come in and reassess that building and establish a new assessment for it based upon the addition. We don't know what that number is today. All we know is that it will be a higher number than what currently exists and that higher assessed valuation will result in increased property tax revenues for all local taxing jurisdictions. So, we can't calculation how much that will be. We just know that there will be more revenue. So, the next issue here is adopting a Resolution to approve granting the requested financial benefits. But you can only approve it if you determine that the five (5) criteria that we just reviewed justify granting these financial benefits. So, the project is going to create tax base, it's going to create jobs, it's going to save jobs, it's going to result in a significant private investment, it's going to create some construction jobs. So, there's certainly a number of justifications for granting these financial benefits. The Resolution that Kara has drafted is attached to your Agenda. It is the standard Resolution that the IDA has acted on in previous projects when it has approved financial benefits. Kara, anything to add or explain regarding the Resolution?

Kara Lais: No, I don't think so. It's pretty straight forward. It sets out all the terms and benefits that Jim just went over. They would like to close as soon as possible, so I am working on those documents today actually and coordinating with their counsel on getting the same documentation we need and swapping

documents. So, Dave, I'll need to coordinate and I don't know if you want me to do it through Jim or Dave directly signing documents as well for these projects.

Jim Mraz: Will these documents need notaries?

Kara Lais: Some of them yes. And some of them I'll need originals for to file. So, but it's not.. the copies are fine for now.

Jim Mraz: Okay. Coordinate that, particularly, the documents that need notaries, Kara, run those through me.

Kara Lais: Okay.

Jim Mraz: Because I'll have to coordinate getting Dave's schedule and the notary downstairs, her schedules, to make sure that Dave comes in when she's available to do that.

Kara Lais: Okay.

Jim Mraz: So, let me do that coordination. Other signatures that just need Dave's, he can just sign. You can send them directly to him, just copy me so I know what's going on. Okay?

Kara Lais: Yup.

Jim Mraz: So, any other questions? Hearing none, would someone make the motion as listed in the Agenda to adopt this Resolution? Jane Kelley makes that motion. Is there a second to that motion?

Mike Fitzgerald: Second it, Jim.

Jim Mraz: Mike Fitzgerald. Any further discussion or questions? Let's do a roll call vote on this Resolution to approve granting financial incentives to the Benjamin Moore Project.

IDA ACTION:

MOTION: To adopt a Resolution approving a certain project, appointing Benjamin Moore Company as the Agent of the IDA for the purpose of constructing and equipping the Project Facility and authorizing the execution and delivery of closing documents.

MADE BY: Jane Kelley

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 approved.

H. Transformers at Tryon Technology Park:

1. Background:

- The IDA owns the following transformers that were a part of the 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 Peeble, NY, a company that purchases used transformers.
- NTS was willing to purchase 17 of these 23 transformers.
- Before NTS would commit to buying the other six (6) pole mounted transformers, it wanted to have them tested for PCB's.
- At the October 13, 2020 meeting, the IDA Board approved having these six (6) transformers tested for PCB's at a cost to not exceed \$250.
- The samples were taken and mailed to the lab on October 20, 2020.
- The tests showed no PCB's.
- Total cost for testing was \$150.
- NTS has picked up all 22 transformers. Once they verify the KVA of all transformers, a payment will be issued.

Jim Mraz: Alright, next item under Old Business was these transformers at the Tryon Technology Park. The long and short of it, we did the testing, they all came back negative for PCB's, so the company has already been out to the site. They ended up getting only 22 of the 23 transformers. They didn't have room for the last one. They have taken those all back to their office, they will calculate/verify what the size of them all were and then they will issue a payment to the IDA estimating that payment could be somewhere between \$2,000 and \$2,500 for those transformers. So, that was good and that helped get rid of a liability that we had out there with that. Any questions on that? Just wanted to report to you that we've completed that process.

I. Vandalism at Tryon Technology Park:

1. Background:

- Valdals recently damaged windows and doors in Building 3 at Tryon. Many exterior windows with broken and jagged pieces of glass creating a significant health and safety issue.
- Graffiti was painted on walls and floors.
- The Sheriff's Department is conducting an investigation.

2. Insurance:

- Bill Vangorder, NBT-Mang Insurance has been notified of the vandalism and costs for 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.
- On October 7, 2020, met with Bill VanGorder at Building 3 to review damage and repair work.
- On October 8, 2020, spoke with Will Schroeder, Claims Examiner, regarding Incident Report.
- On October 9, 2020, emailed copies of proposal, invoice and check to Will Schroeder.
- On October 22, 2020, met with Robert Marks, Marks Adjustments, Inc., to inspect damage and take photos.

Jim Mraz: Next, the unfortunate vandalism, again, just to let you know that I've been doing a number of things with the insurance companies to process our claim and spoke with the claims examiner, met with the adjuster, sent them all of the information in hopes that we are going to be reimbursed for some or all that \$5,500 expense that was incurred to perform that emergency work out there at Tryon. Any questions on that.

Joe Semione: Jim, just one question about the vandalism. Do we have to provide an estimate for replacing all these doors and windows or getting an estimate for that and then we can determine what we want to do with that claim? We talked about it.

Jim Mraz: That's a Board decision of whether you want to proceed with performing all of the repairs and actually replacing all the damaged windows and doors or whether you want to leave it as is and if you are able to sell, you would sell the building in its current condition. The cost to replace these is going to be significant. Okay? And we are talking significant dollars here given the number of windows. As I said before, you just can't go in there and replace the glazing. You're going to have to replace the whole window unit and all the door units. And, so, Joe, I'm a little hesitant to suggest doing that now in the absence of a potential buyer.

Joe Semione: Okay.

Jim Mraz: Because similar to the sewer project, you could spend \$2,000 doing repairs out here and never sell the building.

Joe Semione: Right. But it would be covered down the road if we need to.....

Jim Mraz: I'm not sure. I think so, but I'm not sure. Because, again, we still haven't gotten a check yet on these emergency repairs.

Joe Semione: Right.

Jim Mraz: And so I'm hoping that's the indication that it is going to be covered, but until we get that check to verify that it was covered, I can't say for sure.

Joe Semione: Okay. Fair enough.

Jim Mraz: I think we need to verify that we are going to get reimbursed on the emergency repairs and then we can decide what we want to do moving forward with making permanent repairs.

Joe Semione: Sounds like a plan. Thank you.

Mike Fitzgerald: Will there be an opportunity, Jim, this might be premature if they do find someone and convict them that part of the sentencing would be restitution for repairs?

Jim Mraz: That would certainly be nice.

Joe Semione: Insurance companies would go after them.

Jim Mraz: Sure. And so that's another reason, Mike, I think to sit back and let the process take its course.

Mike Fitzgerald: Agreed.

Jim Mraz: Okay?

VII. NEW BUSINESS:

A. Old Electrical System at Tryon Technology Park:

1. Background:

- Now that National Grid has installed its new primary electric service, old electrical lines and poles need to be removed.
- Soil and Water Conservation District has agreed to use its trackhoe to remove the poles.
- Need to hire someone to cut all of the wires attached to poles.

2. Proposal:

- Tom's Electric submitted a quote to cut all wires from the old poles.
- Quote: \$500

3. Acknowledge Soil and Water Conservation District:

- John Persch and the Soil and Water Conservation District have provided critical services and assistance with the installation of a new electric service at Tryon.
- They provided their track backhoe that was used to excavate and backfill ditches where underground cable was installed.
- They have also provided their backhoe and an operator to remove the old electrical poles and perform other work at Tryon.

Jim Mraz: Okay, under New Business. As part of the work on our old electric system that's no longer functioning at Tryon, we had to go and remove all of the overhead poles and overhead wires that were attached to these poles. Part of that process, we had to find someone who could go up and cut the wires

off of these poles. We got a quote from Tom’s Electric who did all of the installation out there. He agreed to do that for \$500. That work has actually been done. And all the wires have been cut. All those poles have been removed. Visually, right now, Tryon looks different. Particularly, over by Building 60 where all of that overhead wire came in from CR107. All of that overhead stuff, the old system is gone, but I’m asking for authorizing to pay Tom’s Electric the \$500 for the work that he spent a day out there, up in a bucket truck, cutting all those wires so that we could take the poles down.

Joe Semione: I’ll make that motion.

Jim Mraz: Thank you, Joe.

Todd Rulison: I’ll second it.

Jim Mraz: Any further discussion or comments. Let’s take a roll call vote authorizing a payment of \$500 to Tom’s Electric.

IDA ACTION:

MOTION: To authorize a payment of \$500 to Tom’s Electric for cutting wires from the old poles at the Tryon Technology Park.

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 other thing that I wanted to bring to the Board’s attention is the acknowledgement of the significant amount of work the Fulton County Soil and Water Conservation District and John Persch, in particular, have done at Tryon as part of this new electric service and the work that was done to move some of the old electric service. They have provided their track backhoe which was an integral piece of equipment that was used to dig a lot of the trenching that was done as part of the new electric service. They have also been out there the past number of days pulling out all of these electric poles that were part of the old electric service. They are taking down many of the old light poles that are in areas of the Tryon that we are trying to sell, the properties where these poles are just in the way. They are also out there taking down backstops. They are taking down basketball hoops. They are picking up junk. They are doing this and that. And, they’ve done it all, not asking for any dollars from the IDA, and I think that’s been a great gesture on the part of the Fulton County Soil and Water Conservation District. However, I would like to toss out for consideration that the IDA provide reimbursement to the District for their equipment rental, the fuel that they are burning, the hydraulic fluids that they are using in their tractor, and things of that nature as a gesture back to the District of saying thank you for the amount and level of work that they have performed since July. Their trackhoe has basically been stationed and been working at

Tryon since that time. And, so, I just wanted to toss out whether that is something the Board would be willing to give consideration to in terms of making a... We haven't received an invoice. We haven't been billed. I think anything that the IDA Board would be willing to pay the Conservation District, they would appreciate. But I just think it is something that we should at least discuss given the extensive amount of work that they performed.

Dave D'Amore: Jim, do you have.... Go ahead, Joe.

Joe Semione: Like I said, you haven't received any invoice but if we had to do this ourselves or sub it out to anyone else, it would be in the thousands I would imagine.

Jim Mraz: It would be thousands and thousands of dollars.

Joe Semione: So, I would think that even an offering of \$5,000 is.... We would save ourselves a ton of money in that aspect, but is that too much to offer? I don't think it is.

Jim Mraz: Joe, I think any amount would be appreciative.

Joe Semione: I think they have a low budget. I think \$5,000 is a good consideration.

Dave D'Amore: I would endorse that suggestion as well.

Mike Fitzgerald: Do they excavate sewer lines?

(laughter)

Joe Semione: I would love to see that.

Jim Mraz: They had offered that. Okay, at one time, but... So, yes, way back when they had offered to do that, but that just didn't work out at the time. So, Joe, would you like to make that in the form of a motion?

Joe Semione: Yes. I would like to authorize a payment of \$5,000 to them and a nice letter thanking them for all their services.

Dave D'Amore: I'll second that.

Jim Mraz: Dave D'Amore as a second. Any further discussion? We'll do a roll call vote.

MOTION: To authorize a payment of \$5,000 to the Fulton County Soil and Water Conservation District and extend a thanks to them for the work they provided with the installation of the new electric service at the Tryon Technology Park.

MADE BY: Joe Semione

SECONDED: Dave D'Amore

ROLL CALL VOTE :

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

Jim Mraz: Thank you.

B. Tryon Insurance:

1. Background:

- Earlier this year, the IDA Board recommended certain changes to the Board of Supervisors' insurance coverages at Tryon.
- The Board of Supervisors submitted these recommended changes to NYMIR.

2. Revised Invoice:

- As a result of these changes, the cost of property insurance has decreased.
- The following compares the current invoice to previous invoices:

Insurance	Revised	Previous	Change
Property	\$ 1,528.34	\$ 3,528.34	(\$2,000.00)
General Liability	\$ 877.07	\$ 887.72	(\$ 10.65)
Excess	\$ 761.81	\$ 716.60	\$ 45.21
Total	\$ 3,167.22	\$5,132.66	(\$1,965.44)

- The changes resulted in a \$2,000 reduction for six (6) months for property insurance or \$4,000 for the year.

Jim Mraz: Next to the last item is our Tryon insurance. We received an invoice in for \$3,167.22, which is a reduction from \$5,132.66. The main reduction was on the property coverage given the changes that you recommended to the Board of Supervisors that resulted in our semiannual invoice dropping \$2,000 or \$4,000 for the entire year. So, those changes certainly is going to result in some savings, which is good, but right now I would need authorization to issue the payment of \$3,167.22 to NBT Insurance Agency for the semiannual Tryon Insurance invoice.

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

Tim Munn: He beat me.

Jim Mraz: Seconded by Tim Munn. Any questions? We'll do a roll call vote.

IDA ACTION:

MOTION: To authorize a payment of \$3,167.22 to NBT Insurance Agency for Tryon insurance.

MADE BY:

SECONDED:

ROLL CALL VOTE :

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

C. National Grid Invoice:

1. Background:

- As part of the new electric service at Tryon, an electric meter has been installed at the wastewater pump station.
- This electric meter is in the name of the IDA.
- The IDA has received the first monthly bill from National Grid for this pump station.
- Total Invoice Amount: \$168.35

Jim Mraz: The last item added to the Agenda is asking for a motion to pay the National Grid bill for the pump at the sanitary pump station at Tryon. The amount due is \$168.35.

Joe Semione: I'll make that motion to pay it.

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

Jane Kelley: I'll second, Jane Kelley.

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

IDA ACTION:

MOTION: To authorize the payment of \$168.35 to National Grid.

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>	—	—	—

Jim Mraz: Motion was passed. That is all I have for Open Session. Would like to request going into a brief Executive Session. Would someone be willing to make that motion?

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

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

Joe Semione: I'll second.

Jim Mraz: Joe Semione. Roll call vote.

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 : Joe Semione

ROLL CALL VOTE :

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

TIME : 9:40 a.m.

MOTION : To go out of Executive Session.

MADE BY : Jane Kelley

SECOND : Joe Semione

ROLL CALL VOTE :

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

TIME : 10:05 a.m.

B. North Eastern Water Jet:

- North Eastern Water Jet has acquired the former Falk Industries building in the Crossroads Industrial Park.
- There currently exists a vacant parcel of land immediately adjacent on the western side of the parcel purchased by North Eastern Water Jet.
- North Eastern Water Jet has asked if the IDA would be willing to sell them approximately 3 acres of land for a future expansion project.

- Land in the Crossroads Industrial Park currently sells for \$20,000/acre.

Jim Mraz: Okay. We've received a request from North Eastern Water Jet to purchase an approximately 3-acre parcel of land immediately adjacent to their property in the Crossroads Industrial Park and that land is valued at \$20,000 per acre. Would someone be willing to make a motion to authorize the sale of that parcel of land to North Eastern Water Jet at that price of \$20,000 an acre?

Joe Semione: I'll make that motion.

Jim Mraz: Joe Semione. Would someone second that motion? Jane Kelley. Any further discussion or comments? Let's do a quick roll call vote.

MOTION : To authorize the sale of approximately 3 acres of land in the Crossroads Industrial Park to North Eastern Water Jet at a price of \$20,000/acre.

MADE BY : Joe Semione

SECOND : Jane Kelley

ROLL CALL VOTE :

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

Jim Mraz: Motion has passed. Next meeting will be Tuesday, December 8th. Is there any other business anyone would like to bring up at this meeting? Hearing none, would someone make the motion to close the meeting.

Dave D'Amore: I'll make.

Jim Mraz: Is there a second to that motion?

Tim Munn: I'll second.

Jim Mraz: Tim Munn. Roll call vote.

IX. NEXT MEETING:

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

X. 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>	—	—	—
Joe Semione	<u>X</u>	—	—	—
Todd Rulison	<u>X</u>	—	—	—
Jane Kelley	<u>X</u>	—	—	—
Mike Fitzgerald	<u>X</u>	—	—	—
Joseph Gillis	—	—	—	<u>X</u>
Tim Munn	<u>X</u>	—	—	—

TIME : 10:08 a.m.

Jim Mraz: Meeting is closed. We are finished.