

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY
DECEMBER 8, 2020
8:00 A.M.

PLANNING DEPARTMENT CONFERENCE ROOM

AGENDA

PRESENT ON CONFERENCE CALL:

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

I. ROLL CALL:

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

II. MINUTES FROM NOVEMBER 10, 2020 MEETING:

MOTION :
MADE BY :
SECONDED :
ROLL CALL VOTE :

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

NOTE: A transcript of the November 10, 2020 meeting has been prepared and posted on the IDA's website in compliance with Governor Cuomo's Executive Order suspending the Open Meetings Law.

III. BUDGET REPORT:

MOTION :
MADE BY :
SECONDED :
ROLL CALL VOTE :

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

IV. COMMITTEE REPORTS:

A. Nominating Committee:

- No report.

B. Audit Committee:

- Monthly Bank Reconciliation Reports: Joseph Semione

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.) Grant Preston

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.
 - Spoke with Amy Collins about developing narrative about Fulton County being a safe, healthy place to live and do business. Sent her information to use to develop narrative.
3. **Economic Development Flowchart:**
 - 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.
 - Still working with Emery Designs on graphics for Flowchart.

IDA DISCUSSION:

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.

C. Lands on South Side of CR107:

1. Update:

- IDA Board previously agreed to extend the original closing date to November 30, 2020.
- The closing will not occur by November 30, 2020.
- It is recommended that the closing date be extended to December 31, 2020.

IDA DISCUSSION:

IDA ACTION:

MOTION : To extend the closing date to December 31, 2020.

MADE BY :

SECONDED :

ROLL CALL VOTE :

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

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

1. Video Inspection:

a. Background:

- At November 10, 2020 meeting, IDA Board authorized having Adirondack Septic video inspect the gravity sewer line.

b. Status Report:

- On November 20, 2020, Adirondack Septic video inspected first section of sewer main going through woods. It's the section that runs parallel to CR107. They found this section to be free of any blockages/breaks.
- After completing work on that first section, Adirondack Septic then moved to the second section of pipe that runs through the woods. They found one section of pipe full of water indicating a plugged line.

- On November 23, 2020, Adirondack Septic found the blockage. Roots had entered the sewer main at the connection of the manhole and outgoing sewer line. The blockage was removed and the sewer line was jetted 20-30 feet in both directions to remove any additional roots/debris that was in that section of sewer main.
- On November 24, 2020, Adirondack Septic video inspected the entire gravity sewer main from CR107 to where this sewer main empties into the sewer truck main at Tryon. Two (2) issues were identified:
 - 1) Scaling, mud and debris exists throughout the sewer main that could impact the flow of wastewater through the main. Adirondack recommends that these be removed by water jetting/vacuuming the main.
 - 2) Water infiltration into sewer main. Infiltration uses up capacity of sewer main. To reduce amount of infiltration, existing sewer main would have to be lined.
- Adirondack Septic estimates three (3) days to water jet and vacuum entire length of sewer line.
- Adirondack's rates for water jetting and vacuuming are as follows:
 - Daily rate for power jetting : \$1,440/day
 - Daily rate for vacuum truck : \$ 980/day
 - Total Daily Rate : \$2,420/day
 - Total Cost for three (3) days : \$7,260
- Adirondack Septic advised that, if this sewer main is jetted and vacuumed, it would be ready to put into service.

c. Next Steps:

- Does the Board want to proceed with power jetting and vacuuming the sewer main?

d. Cost for Video Inspection:

- The total cost for video inspecting the sewer main was \$6,225.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

ROLL CALL VOTE :

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

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.
- At its November 10, 2020 meeting, IDA Board authorized the Chairman to execute an Agreement with Pareene Contracting to:
 1. Replace entire section of sewer main between two (2) manholes.
 2. Replace two (2) sewer plug valves.

2. Status Report:

- Pareene Contracting started work on November 30, 2020. Work on replacing the plugged sewer main was completed on December 2, 2020.
- Work on replacing the two (2) valves will be completed during the week of December 7, 2020.

3. Change Order:

- Each valve has a riser box that runs from the top of the valve to the surface of the ground.
- These riser boxes create the space to insert a wrench through to activate the valve that is 5' underground.
- The existing riser boxes are too small for the new valves.
- As a result, two (2) new riser boxes needed to be purchased and installed onto the two (2) new valves.
- Total Cost: Not-to-Exceed \$800

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

ROLL CALL VOTE :

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

F. Proposed Nexus Renewables Solar Project:

1. Status Report:

- The four (4) Lease Agreements have been executed.
- Nexus is now waiting for National Grid’s approval of the interconnection. This is expected in mid-January.
- Once the Interconnection Agreement is approved, the Power Purchase Agreements between the IDA and the four (4) Solar LLC’s can be finalized and executed.
- Construction would then commence.
- Construction is expected to take six (6) months to complete.

IDA DISCUSSION:

G. Proposed Benjamin Moore Expansion Project:

1. Status Report:

- The following documents have been finalized and executed:
 - 1) Memorandum of Underlying Lease Agreement
 - 2) Lease to Agency
 - 3) Lease Agreement
 - 4) Memorandum of Lease
 - 5) Environmental Compliance and Indemnification Agreement
 - 6) Agent Agreement
 - 7) Project Agreement
 - 8) PILOT
 - 9) Sales Tax Exemption Letter
 - 10) General Certificate of Benjamin Moore
 - 11) General Certificate of Agency
 - 12) Agency Counsel Opinion
 - 13) Company Counsel Opinion
 - 14) TP-584 Form
 - 15) ST-60: Project Operator
 - 16) ST-123: Project Operator Exempt Purchase Certificate
- Closing was completed on December 4, 2020.

IDA DISCUSSION:

H. Transformers at Tryon Technology Park:

1. Status Report:

- All transformers have been removed.
- Net revenue to IDA: \$2,700

IDA DISCUSSION:

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.
- On December 1, 2020, emailed Bill VanGorder for a status report on claim.
- On December 2, 2020, Robert Marks emailed back and advised that he recommended to NYMIR that they reimburse the IDA’s cost for making the emergency repairs.

IDA DISCUSSION:

VII. NEW BUSINESS:

A. Letter of Resignation:

- Tim Munn has submitted a Letter of Resignation to the IDA Board. The resignation will be effective December 31, 2020.

IDA DISCUSSION:

IDA ACTION:

MOTION: To accept, with regrets, Tim Munn’s Letter of Resignation.

MADE BY:

SECONDED:

ROLL CALL VOTE:

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

B. NYSEDC Membership Renewal:

- NYSEDC Membership Renewal Fee: \$850

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

ROLL CALL VOTE:

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

C. Invoices from Fitzgerald Morris Baker Firth:

- IDA has received three (3) invoices for Legal Services in 2020:

1) General Legal Services	:	\$7,168.50
2) 1776 Hemp Project	:	\$2,362.50
3) <u>Proposed Sale of Building 60</u>	:	<u>\$ 135.00</u>
Total	:	\$9,666.00

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

ROLL CALL VOTE:

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

D. SPEDES Permit for Tryon:

- Annual SPEDES Permit for Tryon must be renewed.
- Annual Fee: \$110

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

ROLL CALL VOTE:

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

E. Board Training:

- Previous Performance Questionnaire identified a desire for Board training.
- Conducted Board training for awhile as part of monthly meetings.
- Have gotten away from it due to busy Agendas.
- Is there a desire to restart Board training? If so, any particular topics?

IDA DISCUSSION:

F. 2021 Goals:

- At Annual Meeting, there will be a discussion of 2021 Goals.

IDA DISCUSSION:

VIII. OTHER BUSINESS:

A. Executive Session:

1. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:
 - i. matters which will imperil the public safety if disclosed;
 - ii. any matter which may disclose the identity of a law enforcement agent or informer;
 - iii. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
 - iv. discussions regarding proposed, pending or current litigation;
 - v. collective negotiations pursuant to article fourteen of the civil service law;
 - vi. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
 - vii. the preparation, grading or administration of examinations;
 - viii. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.**

MOTION: To go into Executive Session to discuss the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

MADE BY :

SECOND :

ROLL CALL VOTE :

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

TIME :

MOTION : To go out of Executive Session.

MADE BY :

SECOND :

ROLL CALL VOTE :

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

TIME :

IX. NEXT MEETING:

Annual Meeting
Tuesday
January 12, 2021
5:00 p.m.

X. CLOSE MEETING:

MOTION : To close the meeting

MADE BY :

SECONDED :

ROLL CALL VOTE :

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

TIME :