

# FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

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

PLANNING DEPARTMENT CONFERENCE ROOM

## TRANSCRIPT

PRESENT ON CONFERENCE CALL:

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

Jim Mraz: Good morning everyone. We have Grant Preston here with us representing the CRG. John Blackmon is here representing the Board of Supervisors.

Jim Mraz: Alright. Let's get started by having a roll call vote to open the meeting.

### **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>	___	___	___

**II. MINUTES FROM NOVEMBER 10, 2020 MEETING:**

MOTION : Accept as presented  
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>	—	—	—

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.

Jim Mraz: Minutes from our November 10<sup>th</sup> meeting. Have everyone had a chance to review those? If they're okay, would someone make a motion to accept those?

Jane Kelley: (raised her hand)

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

Tim Munn: I'll second.

Jim Mraz: Tim Munn. Any comments or questions on those minutes? Hearing none, we'll take a roll call vote to approve the minutes of the November 10<sup>th</sup> meeting.

**III. BUDGET REPORT:**

MOTION : Accept as presented  
MADE BY : Mike Fitzgerald  
SECONDED : Joseph Gillis  
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: Moving onto the Budget Report which was attached to the Agenda that I e-mailed out to everybody. On the revenue side of the Budget Report, we received revenue from the sale of the transformers out at Tryon at around \$2,700. We had some investment earnings. We received the \$10,000

reimbursement from the County for the O & M work that we do out at Tryon. Those totaled \$12,840. On expenditure side was salary. There's three (3) legal bills that we will be approving later in this meeting and then there was \$12,642 expenses out at Tryon which are summarized on the second page. There was electricity charges at the wastewater treatment plant. An action that you are going to approve later in this meeting to the annual SPEDES Permit that we have with NYSDEC. Another invoice of \$500 for updating the Tryon Technology Park brochure which I will talk about again later in the meeting. And then the \$500 bill that you approved at your last meeting to have Tom's Electric go out and cut all of the electrical wires from the old poles so that we could remove the old electrical system. And then, which you approved at your last meeting and we will talk about again further, a payment of \$6,225 for the cost of video inspecting that section of sewer line out at Tryon. And the \$5,000 payment that was approved to the Fulton County Soil and Water Conservation District for the work that they performed at Tyron over the last 6 months or so. So, that is the Budget Report. Any questions on that report? Hearing none, would someone make a motion to accept that Budget Report?

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

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

Joe Gillis: I'll make it, Jim. Joe Gillis.

Jim Mraz: Thank you, Joe. Any final questions or comments? Hearing none, we'll do a roll call vote on accepting the Budget Report.

#### **IV. COMMITTEE REPORTS:**

##### **A. Nominating Committee:**

- No report.

##### **B. Audit Committee:**

- Monthly Bank Reconciliation Reports: Joseph Semione

Jim Mraz: Okay. Moving on to Committee Reports. We'll come back when Joe gets on about the Monthly Bank Reconciliations, but I'm pretty sure they are okay.

##### **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

Jim Mraz: Onto other reports. John Blackmon, County Report, anything to offer this month?

John Blackmon: Not a lot. We had our last meeting a couple of weeks ago. We passed the budget at \$92.2 million. We added \$350,000 so we didn't have to increase the tax rate, and we had to use about \$350,000. We still got about \$15 million in the Fund Balance. The Department Heads did all the work this year. It was the easiest budget we've been through since I've been there. Hardly any Capital Projects next year though.

Jim Mraz: Very good. Any questions for John? Thank you, John. Grant, anything from the CRG standpoint?

Grant Preston: Yeah, there is. I'll give you a run down. As I go through this, if there's questions, I'll do my best to answer them. So, thanks for having me. I appreciate it. So, on the Tryon Technology Park front, we have the contact mailer go out to 400 groups to try to market that site and then another constant contact mailer went out to 14 individual companies to market that for further development obviously and that sort of thing. So, waiting to see the results of that. A couple of the building projects. The construction project at 34 West Fulton Street is complete. We just had NYSERDA sponsor a Green Job Green New York Energy Audit and we are waiting on results. For the Microenterprise Grant Program, we are just waiting on a few odds and ends. Some of these businesses need to complete some of the program requirements, but after that the program will be closed out by the State. No word I guess if they are going to extend that in the near future. Some of the initiatives that we have going out is the guide for Fulton County, that magazine. I don't if anybody's had a chance to look at it, but it is complete. Final print copies have been received. It looks great. There's an excellent piece of the Tryon Technology Park and will be distributing those, look for that shortly. Under the Community Assistance Banner in Gloversville, we are working with the local Waterfront Revitalization Program. There are several projects developing on Main Street and, additionally, we are working with the City of Gloversville and a developer on a larger parcel within the City. Mohawk Valley, working capital partner MVED was approved by the EDA for over \$2 million of working capital, and the CRG has referred another four (4) business for financing, so we are busy on that front. Joint Marketing Campaign Strategy has been developed for Northville and Northampton, and it is being reviewed by the communities. Once that strategy is set, the next step is preparation of a cost analysis and job report. Development of Gloversville Merchant's Association continues to move forward. The goal there is to help existing merchants and encourage new merchants as well. And then, finally, the downtown Gloversville website, which is [downtowngloversville.org](http://downtowngloversville.org), has an updated look and some improvements are being made to that. Just a few other things I will touch on here. Under Business Marketing and Business Recruitment Initiatives, we're working with the NYS Development Authority, documents necessary to complete that approval process to allow the CRG to start lending through the VA Agricultural Program that's targeted to have that in place for the first quarter of 2021. Radio advertising has started. It goes all throughout the Capital Region. The goal there is to get the word out about opportunities in Fulton County and to find Capital Region businesses that would like to relocate. I believe that's running primarily on 95.5 and on Dilila?? and has recorded an advertisement for us, so we are excited to see what benefits that results in. NYS Capital Region's New Frontier Program is active and running. And just a couple of other things. Sorry. We're working on a potential lead for a company that's looking for a larger location. As we all know, that's kind of a scarce commodity. But, as that develops, I'm sure Ron will be reaching out and try to facilitate something there. Marketing is always ongoing of course. Developing relationships are ongoing over here. And then we are working on a lead for an out-of-State company doing their due diligence on finding Fulton County business. Unfortunately, I

don't have any more information on that. I'm just putting it out there, our annual meeting is scheduled for December 18<sup>th</sup>. It will be held at the Incubator and also on Zoom, so if anybody has an interest in joining that, you are more than welcome, I would be happy to extend the invite. And that's it.

Jim Mraz: Thank you, Grant. Any questions of Grant and his report? Very good. Thank you, Grant.

Grant Preston: You're welcome. Thank you.

## **VI. OLD BUSINESS:**

### **A. IDA Website:**

#### 1. Background:

- At its November 12, 2019 meeting, IDA Board hired Emery Designs to update IDA's website.
- At its January 14, 2020 meeting, the IDA Board agreed to consolidate the information on the Tryon Technology Park website (tryontechnologypark.com) into the IDA's website (fcida.org) but retain the domain name Tryon Technology Park.

#### 2. Status Report:

- In response to the COVID Pandemic, Emery Designs is working on adding narrative/graphics to the Home page emphasizing that Fulton County is a safe, healthy place to live/do business.
- Spoke with Amy Collins, Emery Design's consultant, about developing narrative about Fulton County being a safe, healthy place to live and do business. Sent her information to use to develop narrative.
- Just received draft narrative to review.

#### 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.

Jim Mraz: Moving onto Old Business. Our IDA website. Working, again, with Emery on that with respect to some narrative to add to the home page. Actually, I just received by e-mail this morning a draft of some language in that regards. So, we will be working with Betsy on that. Scott and I have a meeting with Betsy this Thursday to try to get all of this wrapped up as quickly as we can. So, work continues in that regard.

### **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: With Cushman Wakefield, again, continuing to show buildings at Tryon. Nothing concrete to report, but there is some interest in some of these buildings and, hopefully, that interest turns into an offer here sometime in the future.

### 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.

Jim Mraz: With respect to the lands on the south side of 107. Kara, any updates to offer with respect where we are in closing on that property?

Kara Lais: The status really hasn't changed as far as. I've gone back and forth with Paul regarding the status of title. We've again reached out to Title to see if they can track down this final policy that he's requesting to complete title. But I don't know if he's also reached out to the successor of Carol's Abstracting who prepared the title when you took title to the property. I don't think he's had any luck there because we've reached out to the same people. I've asked him on several occasions to just go ahead and proceed and order the necessary title work so that. I mean, the delays in trying to track this down are the equivalent of doing the search work that I think is trying to be avoided. But, in any event, I haven't heard back from him. I'll reach back out to him to see if he's in fact ordered that, so that we can proceed and get this wrapped up.

Jim Mraz: But, Kara, as far as you know, that is the only issue?

Kara Lais: Yes.

Jim Mraz: Okay. In the absence of being able to track down Carol's Abstract's successor and finding that title policy, what now needs to get done?

Kara Lais: Nothing. I just need the Chairman to sign the transfer documents. They're prepared. I know that there was a new survey done. You had sent me that. They had also sent me that. There is some question as to whether or not they want to use a more modern description. I haven't gotten an answer on that yet.

Jim Mraz: Okay.

Kara Lais: But that's the only other item. But everything is ready to be signed, so I can make arrangements to get everything to you for signature. So, as soon as they get this, we will be ready. But, if they have just ordered it, it's still going to be a couple of weeks because I think just in the industry everything is backed up as far as title searches go.

Jim Mraz: So you believe that Paul has ordered a new title search?

Kara Lais: I don't know that. That's what I've asked. I said, can we just move forward and order what we need because we are either going to be delayed on the search or we are just going to delay ourselves by trying to track this down which hasn't been successful. And it wasn't successful when we tried to track it down directly through Stewart when the IDA sold to Vireo Health.

Jim Mraz: Right. Okay. Hi, Joe Semione.

Joe Semione: Good morning. My blood pressure's down a little bit and my computer's working, so I'm happy.

(laughter)

Joe Semione: Can we go back to the reconciliation?

Jim Mraz: Once we finish this one item up, we will go right back. Okay?

Joe Semione: Fantastic.

Jim Mraz: So, on this item, we had the original purchase contract called for a closing date the end of October. We recently authorized extending that date through November. I'm asking for another approval again to extend the closing date through the end of December in hopes that we can get everything wrapped up this month. So, I'm asking if someone's willing to make a motion to extend the closing date to December 31, 2020?

Joe Semione: I'd make that motion.

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

Jane Kelley: (raised her hand)

Jim Mraz: Jane Kelley. Any questions? Roll call vote.

IDA ACTION:

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

MADE BY : Joseph 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: Okay. That motion's approved. Kara, would you follow-up with Paul?

Kara Lais: Yes.

Jim Mraz: And if he hasn't, to have him go ahead and get that title search going if he feels it is necessary.

Kara Lais: Yup.

Jim Mraz: Thank you. Okay. We'll go back to Reconciliation Reports. Joe Semione?

Joe Semione: Yes. I received all the documents from Carol Ellis and looked them over and everything was all in order.

Jim Mraz: Very good. Thank you, Joe.

Joe Semione: Thank you.

**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
- <u>Daily rate for vacuum truck</u>	:	\$ 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.

Jim Mraz: Moving back to Item 4, the sewer line serving the parcel on the south side of 107. At your last meeting, we talked about, you authorized having Adirondack Septic go out and video inspect that sewer main to see if there were any problems or issues with it. The previous work that CFI Construction went out and did where they pressure tested the main showed inconclusive results. So, the next step was to go out and video inspect to see what, if any, problems did exist. And so Adirondack Septic did that work just before Thanksgiving, and what they found were two (2) things. One, a large blockage that I sent you folks some pictures of that was in one of the mains, and they removed that blockage and opened up that section of main. The second thing was that they found the pipe itself to be in good shape. There were no visible cracks or leaks, which was good news, but what they also found was that there was a lot of scaling, mud and debris that exists throughout the sewer main that could impact the flow of wastewater through that pipe if and when we are ever going to put it back into use. The cost of doing that work was \$6,225. At your last meeting, we had talked about an expenditure of up to \$17,000. Well, we didn't come close to doing that. But, Adirondack is recommending that we go back and still clean out that whole section of pipe. Powerjet it and then take a vacuum hose and remove all of that debris, all of those twigs, all of that mud, all of that rock, all of that scaling, so that the pipe is back to good condition that would allow for wastewater to flow freely through that pipe. Their daily rates for powerjetting and bringing a vacuum truck out there is total of \$2,420 a day. They are guessing that it will take up to three (3) days of work to powerjet that 1,600' of sewer main and vacuum it out. That would be a total cost of \$7,260. I think the key is, their opinion is is that, once we did that, that sewer main would be in working condition and can be put into use. So, the good news is that the video inspection showed that the pipe is structurally in good shape but it needs to be cleaned out. And so the recommendation is to move forward with powerjetting and vacuuming that sewer main to get it into working condition at a cost estimated at \$7,260 which is the equivalent of three (3) full days worth of work out there. And folks one of the challenges with doing this

work is you're out in the fields. It's not like you're going down South Perry Street in Johnstown when you are working on a road. I mean you're working out in the middle of fields. Sometimes it's muddy. Sometimes vehicles have to get pulled by backhoes to get around, so it's not the easiest of working conditions. Questions? Comments?

Joe Semione: I think it would be nice to get this thing finally completed. I know you don't like spending money, but for good things, it's money well spent. But I did have a question at the last meeting about whether the County had anything like a powerjetting. I think at that meeting you had said that they would have just a vacuum truck.

Jim Mraz: Correct.

Joe Semione: And I didn't know if there was any way that we could work collaboration. I don't mean to cheap out or anything, but if we could save \$3,000 with the help of a County vacuum truck, as long as Adirondack would work alongside with them, then maybe that would save us like \$3,000. That's my only suggestion.

Jim Mraz: I can certainly ask, Joe. Okay?

Joe Gillis: Jim, along that line, doesn't both the Cities have powerjets for their sewer system?

Jim Mraz: I don't know if they have powerjets or vacuum trucks. I think that they are vacuum trucks, Joe, but again, I'm not sure.

Joe Gillis: Yup. I missed the last meeting, so I wasn't there. I apologize. Are the folks that are looking to buy this, are they willing to share any of the costs and did we market the land that there was a sewer system that was fully functional or was it as is? At the moment, I forgot how it was.

Jim Mraz: The offer, Joe, was contingent on them being able to connect in and utilize this sewer main.

Joe Gillis: Okay.

Jim Mraz: Okay?

Joe Gillis: Alright. Yup.

Jim Mraz: We have, as a result, and this is what we talked about at your last meeting, in order to realize a \$90,000 sale, we have to make sure this sewer line is in working order.

Joe Gillis: Gotha. Okay.

Todd Rulison: Jim, any comments on number 2 there, the water infiltration into the sewer main?

Jim Mraz: Yup.

Todd Rulison: It looks as though they're suggesting that it be lined?

Jim Mraz: What their comment was is that there were, at certain joints, there is water infiltrating into the pipe. It's not a major issue right now. What it is it's an issue that affects the capacity of the wastewater pump station. Okay? All sewer pipes have a certain capacity. Right now, the amount of infiltration that's going into those pipes, the pipes can handle. But, at some point in time in the future, if there was a user on there that was starting to use up a lot of the capacity of the pipe, then you may want to consider doing something to reduce the amount of infiltration inflow into those pipes. As of today, they are saying not necessary but something that may want to be considered in the future. Okay? Every sewer pipe in every community across the country has infiltration and inflow into it. It's been documented down here at the Gloversville-Johnstown Wastewater Treatment Plant that probably 30% of the flow that's coming into that plant is not sewer flow but it's infiltration and inflow through the network of pipes that run through both Cities. So, it's an issue but not one that they felt that today that you had to deal with. Okay?

Todd Rulison: Yup. Thank you.

Joe Gillis: So, Jim, one more question. So, we're going to own this sewer system forever or as soon as they take title, they are in control of the sewer system?

Jim Mraz: The way it's being set up, Joe, is that the sewer main that would run from the pump station on the south side of 107 that takes wastewater and would take it to the pump station on Tryon would be owned by Fulton County Sewer District No. 4 once it's created.

Joe Gillis: Okay.

Jim Mraz: The County is in the process now of finalizing its Map, Plan and Report that is the required document for creating that Sewer District. And, so, that sewer main would be taken over by the Sewer District. The pump station that would be on the south side of 107 would be owned by the users on that side of the street. They would not be owned by the Sewer District. Okay? So, once that Sewer District is created, Joe, which hopefully is going to be in the not too distant future, the IDA will transfer ownership of all of that sewer infrastructure at Tryon over to the Sewer District for the Sewer District to then own, operate and maintain going forward. Okay?

Joe Gillis: Okay. And is the Sewer District aware of the infiltration problems and all that going forward?

Jim Mraz: Yes.

Joe Gillis: Okay.

Jim Mraz: Yup. Again, the amount of infiltration that is occurring out there was not deemed to be excessive.

Joe Gillis: Okay.

Jim Mraz: So, coming back to the question. The recommendation is to proceed with waterjetting and vacuuming that sewer main at a cost not-to-exceed \$7,260. Is there anyone willing to make that motion?

Jane Kelley: (raises hand)

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

Jim Mraz: Todd, I'm going to put you down as a second. We have Jane as making the motion. Todd seconding that motion to proceed with a not-to-exceed number of \$7,260. Any further comments?

Joe Semione: Can we just look to see if we can get some help?

Jim Mraz: Yes. If they are capable and willing, we would do that, Joe.

Joe Semione: Okay. Thank you.

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

**IDA ACTION:**

**MOTION:** To authorize Adirondack Septic to waterjet and vacuum the sewer main at a cost not-to-exceed \$7,260 for three (3) days worth of work.

**MADE BY:** Jane Kelley  
**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: 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.
- 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

Jim Mraz: Moving on. We go from dirty sewer lines to the plugged sewer main out at Tryon. At your last meeting, you agreed to hire Pareene Contracting to replace that one plugged section of sewer main and install two (2) new valves. That work, in essence, has been completed. An issue came up. I e-mailed you folks last week about it. The new valves that were put in, they are probably 5 to 5 ½ feet underground. To activate those valves, a wrench needs to be put into the ground and turned to be able to open and close those valves. That wrench fits inside of a steep pipe that fits over the top of the valve. Well, the existing valve boxes as they are called, the intent was to reuse those on the new valves, but they didn't fit. They were too small. So, the Contractor needed to go purchase two (2) new ones so they would fit over the new valves. When we wrote this Agenda item, we weren't sure of what that cost was going to be. The actual cost is somewhere around \$450 for the two (2) of them. Okay? So, what I am asking for is a motion to approve a Change Order with Pareene, and I'm waiting for the final and exact number. It's around \$450 to purchase and install these two (2) new valve boxes. Would someone be willing to make that motion?

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

Jim Mraz: Thank you, Mike.

Joe Semione: I second it.

Jim Mraz: Second Joe Semione. Any questions?

Mike Fitzgerald: Do you want the ability to go to \$500 if it comes in a little higher?

Jim Mraz: Is that understood? Is everybody comfortable with that? And, again, the motion says approximately, so within \$30/\$40. I'm waiting for that final invoice to come in. With that understanding, let's take a roll call vote.

IDA ACTION:

MOTION: To approve a Change Order of approximately \$450 with Pareene Contracting to purchase and install two (2) new riser boxes.

MADE BY: Mike Fitzgerald

SECONDED: Joseph 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. 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.

Jim Mraz: Okay. Moving on. The Nexus Renewables Solar Project. The leases have been executed. Just waiting now. Nexus is waiting for National Grid's approval of their interconnection. That is expected in mid-January. Once that interconnection agreement is approved, the Power Purchase Agreements between the IDA and these four (4) Solar LLC's can be finalized and executed. So construction would then commence and, according to them, construction, which hopefully is going to start in February or March, is projected to take about six (6) months to complete. So, we're continuing to move this project along. Kara, from the sales tax standpoint, where do we stand with that?

Kara Lais: We are working on the documents. I reached out to their attorney. I asked them if we are targeting year end if we could get that on the calendar. So, as soon as I hear back from them, I will let you know. I'm sure everybody is doing this holiday/year end thing right now. It's in the works.

Jim Mraz: Alrighty. Any questions on Nexus?

**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 7, 2020.

Jim Mraz: Moving on. The Benjamin Moore Expansion Project. The documents that are shown on the Agenda. There is only 16 that had to be executed to make this happen. Closing was completed. Actually, it was completed yesterday, Kara?

Kara Lais: Yes. We got all of the signatures. We received a wire late yesterday. They've sent us everything that is required. So, I'm getting those checks out to you today. It just came late yesterday, and we're putting together the transcript of the package, so they are mailing their original signature pages. So, as soon as I get that, I'll get the memos filed and then I will get a complete transcript over to your office.

Jim Mraz: Benjamin Moore has started construction on its project, and they are going full bore on proceeding with that expansion project, which is great to see.

#### **H. Transformers at Tryon Technology Park:**

##### **1. Status Report:**

- All transformers have been removed.
- Net revenue to IDA: \$2,768

Jim Mraz: Moving on. As I reported in the Budget Report, we did complete the process of having all of those transformers from the old electric system removed. Again, the net revenue to the IDA was \$2,768. Again, I'd like to thank Chris Stankes from the Planning Department who oversaw that whole process and was out there with the contractor getting those transformers removed and hauled away. So, again, this was a double edge benefit to the IDA. One, it generated a revenue for us. And, secondly, it avoided us the cost of having to dispose of these ourselves. I think that was a good thing that we did. Any questions on that?

Joe Semione: We had talked about Chris helping out with that. Is there anything else we need to talk about?

Jim Mraz: At the moment, Joe, no.

Joe Semione: Okay.

Jim Mraz: Okay?

Joe Semione: Very good. Thank you.

## **I. Vandalism at Tryon Technology Park:**

### **1. Background:**

- Vandals 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.

Jim Mraz: With respect to the recent vandalism at Tryon, I've been hounding all involved for a decision on whether they are going to reimburse the IDA \$5,500 that was spent to do those emergency repairs. I finally last week got an email back from the adjuster verifying that he has recommended to NYMIR that they reimburse the IDA for those costs. We haven't seen a check yet but that confirmation from the adjuster is certainly a step in the right direction. So, hopefully, we are going to be receiving a reimbursement for that expense that was incurred. Any questions?

Mike Fitzgerald: Anything more on the investigation?

Jim Mraz: I haven't heard a word.

Joe Gillis: Jim, that claim is just for the emergency repairs? What about. Is there another claim to indemnify us. Tim would know the word better than I would.

Jim Mraz: Yes. This is just to reimburse the IDA for the emergency repairs because that's the only cost that we've incurred to date. The next step, Joe, would be does the IDA Board want to proceed with making permanent repairs to the damage that was done which would include replacing a whole number of windows and double doors, entry. So, to do that, first is, what's that cost going to be? And we would have to put that project out as a for public bid because of the dollar value. This is not going to be cheap. This is going to be a fairly expensive undertaking. Secondly, would NYMIR reimburse the IDA for those



costs? So, in a previous meeting, we discussed this and kind of said let's first see if NYMIR reimburses the IDA for the emergency repairs. Because if they don't reimburse us for the emergency repairs, they are probably not going to reimburse us for permanent repairs. And then the decision is does the IDA Board want to make these repairs, want to incur the cost and get reimbursed to make permanent repairs to a building that you may or may not ever be able to sell? Okay? Or do you just sell the building, if you do find a buyer, would you be better to just sell the building and discount its value because you have a series of broken doors and windows.

Joe Gillis: Um huh.

Jim Mraz: All we said let's reserve discussion on that part on making permanent repairs to a later date. So, it's a question that is out there. Alright? And we'll get to that probably early next year once we get confirmation from NYMIR of what they are doing with the emergency repairs.

Tim Munn: Jim, if I may, just chime in on that real quick. I think certainly that the vandalism, without a doubt, obviously as you mentioned should be covered. So, I would expect that they should pay that rather quickly and get that settled. As far as improvements to the building, I think depending on how that insurance was written, which I think those buildings are written on a depreciated scale, it's probably going to be a tough argument to get reimbursed for improvements to that building. In other words, the doors and windows and things that were there were probably not in very good condition to begin with. So, it's worth a try, but I would say it would be a tough sell to get them to pick up the total cost anyway of improving that property.

Joe Gillis: Tim, could it be as simple as let's just say there's \$50,000 worth of damage and NYMIR wants to settle and say here's \$10,000. Could it be as simple as that?

Tim Munn: Well, again, I think it might be, but the typical principle of indemnification to get you back to where you were prior. So, if they look at it from a replacement cost standpoint, then you could make an argument, but if they are going to factor in depreciation, I doubt they are going to pay for full-scale improvements to that property. But, again, it's worth making an argument, and you might get an adjustor to make that recommendation to the company. In my experience, that generally doesn't happen, on a building that's written on a depreciated scale like that.

Joe Gillis: Okay.

Jim Mraz: That's what we need to ascertain from NYMIR, Joe. Alright? And so, taking your assessment there, let's just say it's \$100,000 of cost to make all those repairs, NYMIR is going to reimburse us 20%, \$20,000, the question becomes does the IDA Board want to take \$80,000 out of its pocket and make those repairs. That's the discussion that we will have to have once we know all the information.

Joe Gillis: Gotcha.

Jim Mraz: Okay.

Joe Gillis: Okay, yup, thanks.

Jim Mraz: And last thing, just to add, in your Budget Report, mentioned about a \$500 expense to update the Tryon brochure. Back in February of this year, we talked about updating that brochure, because it had some outdated stuff in there. And the Board approved spending \$3,500 to go ahead and update that brochure. And there were two (2) parts of updating that. One was to retain Room One Design who put the brochure together and all the narrative and the graphics in there to have them update the brochure the way we wanted to. The second part was the printing cost to go and reprint a stockpile of these brochures, so the \$500 bill that we approved was the cost to update the brochure itself. And we received that, but we haven't sent it to the printer yet to go to print. We've been holding off on that because one, for example, we have an Option with Vireo. Okay? If Vireo moves forward with that Option, the plan that's in the revised brochure of who owns what properties out at Tryon would become outdated already. So, we are just going to wait a little while before we send the brochure out to printing until some of these unknowns on lots and some of these buildings get clarified. So, I just wanted to mention that. But we do have the ability to send that revised brochure individually to anybody who we are trying to market Tryon to.

## **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.

Jim Mraz: Moving on to New Business. As you all know, we received, unfortunately, a letter of resignation to the Board from Tim effective December 31, 2020 and so would ask for a motion to accept with regrets Tim's letter of resignation.

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

Jim Mraz: Dave. Thank you. Would the entire Board like to second that motion?

(everyone says "yes")

Joe Semione: Tim, you've been a wonderful help and we will miss you.

Tim Munn: Thanks, Joe. I appreciate it. And, again, it's been a pleasure serving with everyone on the Board and I wish everybody well.

Joe Semione: I wish you well with all your adventures, too. You're doing well.

Tim Munn: Thank you.

Dave D'Amore: You're going to miss these Tuesday meetings, Tim.

Tim Munn: Yes I am.

(laughter)

Joe Semione: Two (2) hours of excitement once a month. How can you do wrong?

Jim Mraz: Very good. Can we do a roll call vote? Kara, can Tim vote on accepting his own letter of resignation?

Kara Lais: He could.

(laughter)

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

IDA ACTION:

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

MADE BY: Dave D'Amore

SECONDED: Entire Board

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 and, Tim, from my perspective, again, it's been a pleasure and best of luck with your business and we'll stay in touch.

Tim Munn: Thanks, Jim. It's been a pleasure again, and I certainly wouldn't rule out serving at some capacity down the road. Quite honestly I'm just at a point with my business life right now where things are a little more than I can handle with some of my outside activities. So, I just had to make the decision, which is the best for me at this moment. Thank you very much.

Jim Mraz: Understood.

**B. NYSEDC Membership Renewal:**

- NYSEDC Membership Renewal Fee: \$850

Jim Mraz: Next item is our annual membership with the NYS Economic Development Council. The annual renewal fee is \$850. That's something that we've been a member of for a number of years now. Would someone be willing to make a motion to continue that membership and pay that fee.

Joe Semione: I'll make that motion.

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

Jane Kelley: (raises hand)

Jim Mraz: Jane Kelley. Do a roll call vote to approve.

IDA ACTION:

MOTION: To approve a payment of \$850 for the annual membership to the NYSEDC.

MADE BY: Joseph 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>	---	---	---

**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) Proposed Sale of Building 60 : \$ 135.00

**Total : \$9,666.00**

Jim Mraz: Next, we have several invoices from Fitzgerald Morris Baker Firth for legal services provided in 2020. The first in for general legal services that the firm provides to the IDA. The second is for services that they provided as part of the now defunct 1776 Hemp Project. And, the third was for the proposed sale of Building 60 that did not go forward. Those three (3) invoices total \$9,666. And I recommend approval of those. Would someone be willing to make that motion.

Joe Semione: I have a quick question.

Jim Mraz: Yup.

Joe Semione: The two (2) failed projects. Obviously, Kara has done, her firm has done work on them. In our contracts, our dealings with them, is there any way of putting, if they don't complete the transaction that they can help with our legal costs. I mean I just feel a couple of times we've been stung a couple of times with \$3,000 worth of expenses. And we were dragged out with the Hemp Project for a long, long time and now we get a final bill from them, it's kind of tough to take sometimes.

Kara Lais: If the company applies for benefits, the application includes language that says that, from the time of application through the closing, they are required to pay any legal fees even if their application gets denied. In cases of these contracts, it's a little bit different because I suppose if you wanted to you could create some sort of additional application to commence discussions for a particular property and then have that language reference the requirement to pay any of your expenses that come forward. With these lot

sales though you are generally getting push back as far as even covering in some cases. But, I do know that, in some instances, there's people say "okay if you even want to start negotiations on this, you are going to have to agree to cover our legal expenses from the beginning." That's really a policy decision for you to have something like that.

Jim Mraz: So, Joe, with the 1776 Hemp Project, it never got to a point where they filed a Project Application. Alright?

Joe Semione: I know.

Jim Mraz: Which is the document that says, from this point forward, you cover all IDA expenses.

Joe Semione: Right.

Jim Mraz: Most companies believe that those early discussions, the back and forths, that the economic development entity shouldn't be charging them to have those types of introductory/initial discussions. But, as Kara said, there are some economic development organizations that will require companies to pay for those early upfront expenses. That's not something that the IDA has done in years past. It's something that you can certainly consider doing moving forward, but it would require us to adopt a policy to that extent that we would then use that policy to charge companies upfront or tell them that they would be responsible for paying certain expenses that the IDA may incur. As of right now, we don't have that in effect. Now, I can certainly send that invoice to 1776 Hemp and say "would you be willing to pay us, reimburse us?" I don't have a problem doing that. I can't say that we are going to get a check, but I don't have a problem sending it to them.

Joe Semione: Well, I think it doesn't kind of hurt to do that, but I think, moving forward, I don't know how we arrived at the \$2,362.50, but I think maybe, in 2021, we can talk more about having a policy saying if we incur say, like you said, as a gentleman's agreement, yes, we will accept some of the fees in the beginning because that's our introductory to them. We don't want to say just, hey, just by chance, even if you just talk to us, you are liable for legal fees, but I think maybe a \$1,000 out of our pocket, they either start signing something or they will say that they are going to have to take on some of the responsibility of legal expenses.

Jim Mraz: Okay. Let's have those discussions sometime next year, Joe. Fair enough?

Joe Semione: Fair enough. Yup.

Jim Mraz: Okay.

Joe Semione: So, I approve paying Kara. I always love paying Kara.

Jim Mraz: We have that motion. Is there a second to that motion?

Joe Gillis: I'll make the second.

Jim Mraz: Joe Gillis. Let's do a roll call vote to approve the payment of \$9,666.

IDA ACTION:

MOTION: To approve payments of \$9,666 for the three (3) invoices received for legal services from Fitzgerald Morris Baker Firth in 2020.

MADE BY: Joe Semione

SECONDED: Joe Gillis

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.

**D. SPEDES Permit for Tryon:**

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

IDA ACTION:

MOTION: To authorize the issuance of a payment to NYSDEC for the annual SPEDES Permit for Tryon.

MADE BY: Mike Fitzgerald

SECONDED: Jane Kelley

ROLL CALL VOTE:

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

Jim Mraz: Next item. The annual SPEDES Discharge Permit for Tryon. We received our annual invoice from NYSDEC for this, and the fee is still \$110 and it's for us having the right to be able to discharge stormwater from Tryon. We have to do this under a permit from DEC at an annual fee of \$110. Would someone be willing to make a motion to authorize paying that bill?

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

Jim Mraz: Thank you, Mike.

Jane Kelley: I'll second.

Jim Mraz: Jane Kelley with a second. Let's do a roll call vote. Motion approved.

**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?

Jim Mraz: Two (2) quick items before we ask for an Executive Session. A couple of years ago, input was received through the annual Performance Questionnaire that's sent out to Board members about a desire to have some Board training conducted. We started doing that at regular meetings. Recently have gotten away from that because agendas have gotten busy. And, so, the question back to the Board is do you feel there's a need to go back and restart and do some more Board training and, if so, is there any particular subject matter that you would like to have addressed. So, two (2) part question. Do you think there's a need for training and, if so, are there particular topics you'd like to be taught about? To hear about?

Dave D'Amore: Jim, I've always thought it was a good idea to have some sort of Board, for lack of a better term, training, incorporated into our monthly meetings because it is difficult for us to pull ourselves out into a specialized retreat and I think it helps maintain continuity with our past and our current set of practices that we need to follow. And we haven't had a lot of turnover with our Board makeup over the last couple of years, but I'm thinking there are some things probably that are worth hitting annually. Maybe things like reminders about our responsibilities for ABO reporting. Or occasionally giving us a little bit of history on the IDA and, again, some of that can be maybe delivered on an as needed basis, when it seems reasonable and appropriate to provide a reminder. And then maybe more so thinking about best practices of IDA's. I'm always interested in trying to ensure that, at least the groups that I participate in, are pursuing best practices in whatever their endeavor is and to the extent that we can be in conformance with those best practices that other IDA's are following and maybe even exceed them. Maybe helps us improve our marketability to other regions, to businesses and companies who may want to move here. So, that would be my suggestion.

Jim Mraz: Thank you, Dave. Anyone else?

Joe Semione: I'm in agreement that if we can get our meetings a little shorter, if we could have 15 minutes from time to time. I mean we know in advance what the Agenda is going to look like. If we go into Executive, that can take longer, of course, so that's an unknown. But I think next year if we can just add in some bits and pieces like Dave said especially if we will have a new member most likely to replace Tim it might be helpful for that person to learn a little bit about the background and how we started and go from there.

Jim Mraz: Okay.

Joe Semione: And try to fit it in sometime.

Jim Mraz: Personally, I think it's good that we have ongoing training. It's good for both new folks, as well as myself, because as I try to prepare subjects to present to the Board, it also helps me in staying fresh and understanding what best practices are and things of that nature, ABO requirements, it helps me keep refreshed on those, too. So, let's, we will start and reincorporate that the best that we can and we will try to make that a part of subsequent meetings next year.

**F. 2021 Goals:**

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

Jim Mraz: And the last thing just to put it out there, at your annual meeting next month, there will be a discussion about what goals you'd like to set for the Agency in 2021. So, put your goal thinking caps on. Not going to talk about it today, but a heads up to think about what you individually would like to see the IDA establish goals for itself for 2021. And, again, that will be a topic that we will talk about at the Annual Meeting.

**VIII. OTHER BUSINESS:**

**A. Executive Session:**

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

Jim Mraz: With that, I would like to request an 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. Would someone be willing to make that motion?

Joe Semione: I'd like to make that motion.

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

Mike Fitzgerald: I'll second it.

Jim Mraz: Mike Fitzgerald. Roll call vote. We are going into Executive Session at 9:03 a.m.

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 : Joe Semione  
SECOND : Mike Fitzgerald  
ROLL CALL VOTE :

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

TIME : 9:03 a.m.

MOTION : To go out of Executive Session.

MADE BY : Dave D'Amore  
SECOND : Joe Gillis  
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 : 10:07 a.m.

Jim Mraz: We are going out of Executive Session at 10:07 a.m. We have a roll call vote to go out of Executive.

**B. Damaged Tire:**

- Chris Stankes, Planner, has been performing work at Tryon overseeing IDA projects.
- Last week, while at Tryon working on the sewer projects, he drove over a former fence post that resulted in a tire on his truck being destroyed.
- The estimated cost to replace the tire is approximately \$250.

Jim Mraz: Okay. We have item for discussion. Seeking a motion to reimburse Chris Stankes the cost of repairing or replacing a tire that was damaged while performing services for the IDA at Tryon at a cost of approximately \$250.

Todd Rulison: I'll make that motion.

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

Joe Semione: I second it.

Jim Mraz: Joe Semione. Any discussion? Roll call vote.

MOTION: To reimburse Chris Stankes approximately \$250 for the cost of replacing the tire damaged on his truck while working on behalf of the IDA at Tryon.

MADE BY: Todd Rulison

SECONDED: Joe Semione

ROLL CALL VOTE :

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

Jim Mraz: Motion is carried.

**C. Proposed Fulton County Sewer District No. 4:**

- Fulton County is pursuing the creation of Fulton County Sewer District No. 4.
- Fulton County Sewer District No. 4 will include all of the IDA-owned lands at Tryon.
- Once created, all of the sewer infrastructure the IDA currently owns, operates and maintains at Tryon will be deeded over to the Sewer District.
- One of the challenges with the proposed new Sewer District is that it will not have a Capital Reserve Fund at the outset to draw upon in the event that costs have to be incurred to fix or repair a problem with the sewer system. Since there is only one current user at Tryon, it will take time for funds to accumulate into a Capital Reserve Fund that would be able to be used to pay for repairs.

- An option for creating such a reserve would be for the IDA to provide funds that could be used by the Sewer District to pay for repair costs until such time as a Reserve Fund can be generated.

Jim Mraz: Second motion dealing with the proposed creation of Fulton County Sewer District No. 4 which would include taking over ownership of all of the sewer infrastructure that the IDA currently owns at the Tryon Technology Park and deeding that over to the Sewer District for them to operate and maintain, and the motion would be to authorize the Chairman to enter into an Agreement with Fulton County Sewer District No. 4 to reimburse up to \$15,000 any capital expense that the Sewer District may incur while operating the sewer infrastructure at Tryon.

Mike Fitzgerald: Shall we put a time period in that, Jim? Up to ten (10) years?

Joe Semione: Yeah if we can see when they are going to build up their own funds.

Jim Mraz: Up to ten (10) years or whenever the fund totals \$15,000.

Mike Fitzgerald: Okay.

Jim Mraz: Okay?

Mike Fitzgerald: Yup.

Joe Gillis: I'll make the motion.

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

Todd Rulison: I'll second it, Jim.

Jim Mraz: Todd Rulison. Any further discussion? Roll call vote to approve.

**IDA ACTION:**

**MOTION:** To authorize the Chairman to enter into an Agreement with Fulton County Sewer District No. 4 to reimburse the Sewer District up to \$15,000 of costs for work performed on the sewer infrastructure for a period of no more than 10 years or until such time as the District's Reserve Fund totals \$15,000.

**MADE BY:** Joseph Gillis

**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

X

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**IX. NEXT MEETING:**

Annual Meeting  
Tuesday  
January 12, 2021  
8:00 a.m.

Jim Mraz: Our Annual Meeting will be held on January 12<sup>th</sup>. The time has been changed to 8 a.m. at which time we will act on a new slate of officers for 2021 and, with that, would someone be willing to make a motion to close the meeting.

Dave D'Amore: I'll move.

Joe Semione: I'll second.

Tim Munn: I'll second the motion.

Jim Mraz: Alright.

Tim Munn: Merry Christmas to everybody.

Dave D'Amore: Merry Christmas to you, Tim. Thanks for your service.

Tim Munn: Thank you.

Jim Mraz: Okay. Everybody approve the closing of the meeting?

Joe Semione: Yes.

Jim Mraz: All ayes?

Jim Mraz: Thank you. I'll do that as a roll call vote. The Meeting is adjourned at 10:13 a.m. Merry Christmas to all. Appreciate your time. Be in touch.

Dave D'Amore: Have a good one.

**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 : 10:13 a.m.