

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

**TUESDAY
MARCH 9, 2021
8:00 A.M.**

PLANNING DEPARTMENT CONFERENCE ROOM

AGENDA

PRESENT:

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

I. ROLL CALL:

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

II. MINUTES FROM FEBRUARY 9, 2021 MEETING:

MOTION :

MADE BY :

SECONDED :

ROLL CALL VOTE :

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

NOTE: A transcript of the February 9, 2021 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
Joe Semione	___	___	___	___
Jane Kelley	___	___	___	___
Mike Fitzgerald	___	___	___	___
Joseph Gillis	___	___	___	___
Todd Rulison	___	___	___	___
Dave D'Amore	___	___	___	___

IV. COMMITTEE REPORTS:

A. Nominating Committee:

- No report.

B. Audit Committee:

- Monthly Bank Reconciliation Report: Joe 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.) Kent Kirch

VI. OLD BUSINESS:

A. IDA Website:

- Betsy Emery, Emery Designs, has completed the update to the IDA's website.
- The new website has the following tabs on the Home Page:

1. Incentives

2. Resources:

- Shovel Ready Sites
- Development Areas

3. About Us:

- Staff
- Board of Directors
- Meetings
- Projects
- Policies
- Documents
- What Site Selectors Say

4. Doing Business in Fulton County:

- Labor Force
- Education
- Workforce Training
- Strategic Location
- Quality of Life
- Top Employers/Local Economy
- By the Numbers
- Development Areas

5. Partners:

- Fulton County Center for Regional Growth
- Fulton Montgomery Regional Chamber of Commerce
- County Government

6. Contact

IDA DISCUSSION:

B. Nexus Renewables Solar Project:

1. Interconnection Cost:

- National Grid will be installing the electric lines from Nexus' solar projects to where the lines would interconnect into National Grid's electric system.
- National Grid recently advised Vireo what the cost would be to interconnect Nexus' solar project into National Grid's electric system.
- The cost makes Nexus' project cost prohibitive.
- A major component of the cost is running the electric lines underground.

2. Original Plan to Interconnect Solar Projects into National Grid's Electric System:

a. Route:

- The IDA Board previously approved granting Nexus a 30' wide easement from CR117 along the eastern border of the parcel Vireo occupies to the parcel Nexus will be leasing from the IDA for its solar project.
- The electric lines were to be installed along this easement to CR117, then along CR117 to the secondary access road that runs from CR107 to CR117 and then interconnect those electric lines into National Grid's electrical system.
- National Grid recently advised Nexus that this route for running Nexus' electric lines would not work because National Grid felt these lines would interfere with the new underground electric service National Grid installed at Tryon along CR117.
- As a result, Nexus had to find a new route for its electric lines.

b. Underground Lines:

- The electric lines were to be installed underground along this route.

3. Revised Plan for Interconnecting Solar Project into National Grid's Electric System:

a. Route:

- Nexus identified one (1) feasible alternative route for their electric lines.
- The route would run along the rear property line of the parcel Vireo occupies and then across IDA-owned land between the pond and wastewater pump station and then interconnect into National Grid's overhead lines that exist along the secondary access road.
- Vireo Health has been advised of this proposed alternative route and has tentatively agreed to provide a 40' wide easement along their rear property line for these electric lines.
- The easement would be with National Grid.

b. Overhead Lines:

- The electric lines would be run overhead to reduce the interconnect cost.

4. Project Size:

- National Grid has also de-rated Nexus' solar project from 8.1 MWdc to 3.0 MWdc.
- The project will remain on the same leased area but occupy a smaller footprint.
- There will still be four (4) individual solar projects. Project #1 will be smaller as shown below:

	Original	Revised
Solar LLC 1	5.85 MWdc	0.75 MWdc
Solar LLC 2	0.75 MWdc	0.75 MWdc
Solar LLC 3	0.75 MWdc	0.75 MWdc
Solar LLC 4	0.75 MWdc	0.75 MWdc
Total	8.10 MWdc	3.0 MWdc

5. Lease Agreements:

- The IDA will need to execute revised leases that will reflect the revised size of the solar project.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

ROLL CALL VOTE :

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

VII. NEW BUSINESS:

A. Review Audit of IDA's 2020 Financial Statements:

1. Key Finding:

- Based upon West & Company's review of the IDA's 2020 financial records, West & Company has issued an "unmodified opinion."
- This is the best opinion the IDA can receive.
- The IDA has consistently received unmodified opinions on its audits.
- Audit was emailed to IDA Board members on February 25, 2021.

2. Presentation by West & Company:

IDA DISCUSSION:

IDA ACTION:

MOTION: To approve the Audit as submitted by the West & Company and authorize West & Company and the Executive Director to file the Audit in PARIS and with Fulton County Treasurer, Commissioner of Department of Economic Development, NYS Comptrollers and to post it on the IDA's website.

MADE BY:

SECONDED:

ROLL CALL VOTE :

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

B. IDA's 2020 Annual Report:

- IDA's 2020 Annual Report has been prepared in accordance with the new requirements recently enacted.
- Report was e-mailed to IDA Board members on February 18, 2021.

IDA DISCUSSION:

IDA ACTION:

MOTION: To approve the 2020 Annual Report and authorize and direct the Executive Director to file the Annual Report under PARIS and with the Board of Supervisors and post the report on the IDA's website.

MADE BY:

SECONDED:

ROLL CALL VOTE :

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

C. Benjamin Moore Project:

1. Background:

- In 2020, the IDA authorized sales tax exemptions be provided to the proposed Benjamin Moore Expansion Project.
- Benjamin Moore was authorized to receive up to \$720,000 in sales tax benefits.

2. Sub-Agent:
 - Benjamin Moore requested that Plank Construction, their General Contractor, be set up as a Sub-Agent for obtaining sales tax exemptions.
 - Benjamin Moore filed all of the required documents with the IDA to have Plank Construction designated as a Sub-Agent.
3. ST-340:
 - Any company receiving sales tax benefits is required to file an ST-340 Form with the NYS Department of Taxation and Finance.
 - ST-340's must be filed by the end of February for the previous year.
 - Plank Construction filed their ST-340 with T & F. See attached.
 - ABO wants IDA's to review these forms to verify that the project met or exceeded its total project cost.

IDA DISCUSSION:

D. Century Linen Project:

1. Background:
 - IDA granted sales tax exemptions to Century Linen based upon, in part, several material terms:

1) Private Investment	:	\$6,412,060.
2) Full-Time Equivalent Jobs Retained	:	100
3) Full-Time Equivalent Jobs Created	:	32
 - PAAA requires that companies receiving IDA financial benefits must document to the IDA that these material terms were achieved.
2. Certification:
 - Century Linen has submitted a letter to the IDA certifying the following:

1) Actual Private Investment	:	\$7,029,793
2) Actual Full-Time Equivalent Jobs Retained	:	100
3) Actual Full-Time Equivalent Jobs Created	:	61
 - See attached.

IDA DISCUSSION:

E. Board Training:

1. Key Reporting Dates:

DATE	TASK
January	<ul style="list-style-type: none">• CFO sends Annual Financial Report to Auditor.• CFO sends PILOT Administrative Fee invoices to companies that have PILOT's with IDA
February Board Meeting	<ul style="list-style-type: none">• IDA Board approves ST-62 Form
February 28 th	<ul style="list-style-type: none">• Executive Director files ST-62 Form with NYS Department of Taxation and Finance
March Board Meeting	<ul style="list-style-type: none">• IDA Board receives and approves Audit• IDA Board receives and approve Annual Report• IDA Board reviews ST-340 Forms filed by Project Sponsors
March 31 st	<ul style="list-style-type: none">• ABO's deadline for filing required reports under PARIS.• Executive Director submits approved Audit to:<ul style="list-style-type: none">1) Commissioner, NYS Department of Economic Development2) NYS Comptroller3) Fulton County Board of Supervisors• Executive Director files the following reports under PARIS:<ul style="list-style-type: none">- Audit- Annual Report- Investment Report- Procurement Report
September Board Meeting	<ul style="list-style-type: none">• Executive Director presents draft Budget for next Fiscal Year to IDA Board• Executive Director submits draft Budget to Board of Supervisors
October Board Meeting	<ul style="list-style-type: none">• IDA Board adopts Budget
October 31 st	<ul style="list-style-type: none">• ABO' deadline to adopt Budget• Executive Director submits approved Budget to Board of Supervisors• Executive Director files Budget Report under PARIS
December	<ul style="list-style-type: none">• CFO sends PILOT Reports to companies and taxing jurisdictions
December	<ul style="list-style-type: none">• CFO sends invoice to Fulton County for Tryon expenses included in County's Budget.

2. Administering a Fulton County IDA Project:

A person, business, corporation or other entity seeking financial assistance from the Fulton County Industrial Development Agency (IDA) must follow a certain procedure to obtain these benefits. The following is a step-by-step description of that process:

1. A person, business, corporation or other entity contacts the Executive Director to discuss a proposed project. The Executive Director asks for a 1-2 paragraph description of the proposed project, projected private investment, number of new jobs to be created, existing jobs to be retained and a project schedule.

2. Upon receipt of that information, the Executive Director sends it to IDA Counsel to review and determine if the proposed project is eligible, under New York State's General Municipal Law, to receive financial incentives from the IDA.
3. If the project is eligible, the Executive Director advises the person, business, corporation nor other entity to have their Counsel contact IDA Counsel to determine the structure of the proposed project. The structure must be identified in the final Project Application.
4. If the project is eligible, the Executive Director advises the person, business, corporation or other entity to prepare a draft Project Application and submits it to the Executive Director. The Executive Director reviews and provides comments back. A final Project Application is then prepared and officially submitted to the IDA through the Executive Director.
5. The Executive Director distributes the Project Application to IDA Board members and IDA Counsel.
6. The Executive Director calculates the real property tax exemptions requested in Section 7 of the Project Application and sends it to IDA Counsel.
7. The Executive Director puts the Project Application onto the Agenda for the next IDA Board meeting.
8. The Executive Director establishes a Project Number based upon the coding system established by the NYS Comptroller. The structure of this coding system utilized a 9 character code to establish a unique identification code for each IDA project. The first four characters (1-4) are numbers which indicate a specific Industrial Development Agency or Authority (IDA). The Fulton County IDA's number is 1701. The next two characters (5-6) are numbers which represent the calendar year in which the IDA creates the project. The next 2 characters (7-8) represent the sequential order for projects initiated within a calendar year for an individual IDA. The last character (9) is a letter. This letter is used to identify different phases of individual projects. The first phase of all projects will be assigned the letter A. Each additional phase, if any, will be sequentially assigned the next letter of the alphabet.
9. At the first IDA Board meeting:
 - a) The Project Application is reviewed and discussed.
 - b) The financial incentives requested in the Project Application are reviewed and discussed.
 - c) The IDA Board takes an action to commence a Coordinated SEQR Review by:
 - Classifying the proposed project.
 - Proposing itself to serve as Lead Agency.
 - Authorizing the distribution of the Part I Environmental Assessment Form (EAF) to all Involved Agencies asking for their consent to having the IDA serve as Lead Agency.
 - d) If the Project Application requests financial incentives greater than \$100,000, the IDA Board:
 - Adopts a resolution scheduling the date and time to conduct a public hearing on the proposed project.
 - Schedules the public hearing to be in the municipality where the proposed project would be located.

10. Following the first IDA Board meeting:

- a) IDA Counsel sends a legal notice to the Leader Herald to publish regarding the public hearing.
- b) IDA Counsel sends letters, by certified mail, to each taxing jurisdiction, informing them of the public hearing.
- c) Executive Director sends a letter and a copy of the Part I EAF to all Involved Agencies asking for their consent to having the IDA Board serve as SEQR Lead Agency.
- d) Executive Director makes the necessary arrangements to reserve space for the public hearing in the municipality the project will be located in.

11. The Executive Director conducts the public hearing. The Executive Director prepares minutes of the public hearing and sends them to IDA Counsel.

12. At the next IDA meeting, the IDA Board:

- a) Reviews Part II of EAF.
- b) Reviews comments received from Involved Agencies.
- c) Issues Determination of Significance/Part III EAF:
 - If Positive Declaration is issued, proceed to DEIS/FEIS.
 - If Negative Declaration is issued, SEQR is completed.
- d) Adopts a Resolution:
 - 1) Designating a Project Operator/Sponsor.
 - 2) Authorizing granting of financial incentives.

13. Following the IDA Board meeting:

- a) IDA Counsel prepares a ST-60 form designating a Project Operator and files the form with the NYS Department of Taxation and Finance and with the Executive Director.
- b) If real property tax exemptions were approved by the IDA Board, IDA Counsel has a PILOT Agreement executed by both parties and files the PILOT with all affected local taxing jurisdictions.
- c) If sales tax exemptions were approved by the IDA Board, IDA Counsel prepares a Sales Tax Exemption letter and an ST-123 form and submits them to the Project Operator. These documents identify the sales tax reporting requirements the Project Operator must comply with.
- d) IDA Counsel sends all documents required to provide financial incentives to a proposed project to Executive Director to review. Executive Director submits comments back to IDA Counsel. IDA Counsel then finalizes all documents.
- e) IDA Counsel arranges for all documents to be executed by both parties. All documents are executed.
- f) IDA Counsel prepares bound package of all executed documents and submits to Executive Director.
- g) Executive Director distributes Part III EAF in accordance with SEQR Regulations.
- h) Executive Director creates binder of all documents associated with this project.
- i) IDA Counsel conducts closing and obtains:
 - IDA Administrative Fee
 - IDA Counsel Fee
- j) IDA Counsel sends those fees to Chief Financial Officer.
- k) IDA Counsel submits invoice for legal services to IDA. Chief Financial Officer (CFO) writes check to IDA Counsel.

3. Special Requirements for Projects Requesting Financial Assistance Greater than \$100,000:

- a) The IDA must adopt a resolution describing the project and the financial assistance that the agency is contemplating with respect to such project. Such assistance shall be consistent with IDA's Uniform Tax Exemption Policy unless the IDA followed the procedures for deviation from such policy.

- b) The IDA must hold a public hearing with respect to the project and the proposed financial assistance being contemplated by the IDA. Said public hearing shall be held in a city, town or village where the project proposes to locate.
- c) The IDA must give at least ten days published notice of said public hearing and shall, at the same time, provide notice of such hearing to the chief executive officer of each affected tax jurisdiction within which the project is located. The notice of hearing must state the time and place of the hearing, contain a general, functional description of the project, describe the prospective location of the project, identify the initial owner, operator or manager of the project and generally describe the financial assistance contemplated by the agency with respect to the project.

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
Joe Semione		—	—	—	—
Jane Kelley		—	—	—	—
Mike Fitzgerald		—	—	—	—
Joseph Gillis		—	—	—	—
Todd Rulison		—	—	—	—
Dave D’Amore		—	—	—	—

TIME :

MOTION : To go out of Executive Session.

MADE BY :

SECOND :

ROLL CALL VOTE	:				
		Aye	Nay	Abstain	Absent
Joe Semione		—	—	—	—
Jane Kelley		—	—	—	—
Mike Fitzgerald		—	—	—	—
Joseph Gillis		—	—	—	—
Todd Rulison		—	—	—	—
Dave D’Amore		—	—	—	—

TIME :

IX. NEXT MEETING:

Tuesday
April 13, 2021
8:00 a.m.

X. CLOSE MEETING:

MOTION :

MADE BY :

SECONDED :

ROLL CALL VOTE	:				
		Aye	Nay	Abstain	Absent
Joe Semione		—	—	—	—
Jane Kelley		—	—	—	—
Mike Fitzgerald		—	—	—	—
Joseph Gillis		—	—	—	—
Todd Rulison		—	—	—	—
Dave D’Amore		—	—	—	—

TIME :