

# **FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**TUESDAY  
APRIL 13, 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  
\_\_\_ WARREN GREENE, LIAISON, ECONOMIC DEVELOPMENT AND ENVIRONMENT COMM.  
\_\_\_ GREG FAGAN, FULTON COUNTY CENTER FOR REGIONAL GROWTH

### **I. ROLL CALL:**

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

### **II. MINUTES FROM MARCH 9, 2021 MEETING:**

**MOTION :**

**MADE BY :**

**SECONDED :**

**ROLL CALL VOTE :**

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

**NOTE:** A transcript of the March 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: Mike Fitzgerald

#### 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: Warren Greene, Liaison
2. FCCRG Report: (See attached.) Greg Fagan

### VI. OLD BUSINESS:

#### A. Nexus Renewables Solar Project:

##### 1. Background:

- In 2020, Nexus Renewables filed a Project Application with the IDA seeking financial incentives for an 8.1 MW solar project proposed adjacent to the Tryon Technology Park.

- Subsequent to filing their Project Application, Nexus decided to amend its proposed project by dividing it into four (4) components to be developed and operated by Solar 1 LLC, Solar 2 LLC, Solar 3 LLC and Solar 4 LLC.

2. Revised Project:

a. Project Size:

- National Grid 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.
- The revised sizes of the four (4) individual solar projects are shown below:

	<b>Original</b>	<b>Revised</b>
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
<b>Total</b>	<b>8.10 MWdc</b>	<b>3.0 MWdc</b>

b. Interconnection Route:

- The revised 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.

c. Project Cost:

- Due to the changes to the project, the total project cost has been reduced from \$10.5 million to \$5.6 million.

d. Project Schedule:

- Nexus had originally planned on completing its solar project in the fall of 2021.
- However, National Grid recently advised Nexus that they would not be able to complete the interconnection until the summer of 2022.
- As a result, this solar project will not be completed until the summer of 2022 or whenever National Grid completes the interconnection.

3. Project Application:

- Due to the various changes that have been made to the project, Nexus was asked to revise and resubmit its Project Application to reflect all of these changes.
- The revised Project Application has been received.

4. Resolution:

- On August 11, 2020, the IDA Board adopted a final resolution approving the solar project, authorized granting financial incentives and authorizing the Chairman to execute closing documents.
- Due to the changes made to the project, this resolution needs to be revised and readopted.
- See revised Resolution.

IDA DISCUSSION:

IDA ACTION:

MOTION: To adopt a Resolution amending and restating in its entirety a resolution adopted August 11, 2020 taking preliminary action toward undertaking a certain project, as defined herein, appointing Nexus Renewables U.S. Inc., or an entity to be formed (the “Company”), as agent of the Agency for the purpose of constructing and equipping the project facility (as defined herein) and authorizing the execution and delivery of an Agent Agreement and closing documents by and between the Agency and the Company.

MADE BY :

SECONDED :

ROLL CALL VOTE :

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

5. Easement Agreement:

- At the March 9, 2021 meeting, IDA Board endorsed a revised plan for interconnecting the four (4) separate solar projects into National Grid’s electrical system that included:
  - a) The route for interconnecting would run along the rear property line of the parcel Vireo occupies and then cross IDA-owned land between the pond and wastewater pump station and then interconnect into National Grid’s overhead electrical lines that run along the secondary access road that runs between CR107 and CR117.
  - b) The electrical lines would be run overhead.
- An Easement Agreement between the IDA and Solar 1 LLC, Solar 2 LLC, Solar 3 LLC and Solar 4 LLC has been drafted.
- Authorization is needed for the Chairman to execute this Easement Agreement.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the Chairman to execute an Easement Agreement with Solar 1 LLC, Solar 2 LLC, Solar 3 LLC and Solar 4 LLC.

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. Leasing Lands at Tryon Technology Park:**

1. Background:

- In 2020, R & R Farms paid the IDA \$30/acre to lease approximately 40 acres.
- In 2020, R & R Farms requested to lease an additional 15 acres bringing the total to 55 acres leased.

2. 2021 Lease Agreement:

- R & R Farms desires to lease the same 55 acres of land in 2021 at the \$30/acre rate.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the Chairman to execute an Agreement with R & R Farms to lease approximately 55 acres of land at the Tryon Technology Park for the sum of \$1,650.

MADE BY:

SECONDED:

ROLL CALL VOTE :

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

### **B. Lawn Mowing Quotes:**

- A Request for Quotes (RFQ) was distributed to four (4) companies/individuals to mow lawn at the Tryon Technology Park in 2021.
- Quotes were due by April 7, 2021.
- Quotes based upon performing the following work:
  - Finish Mowing : 7
  - Brush Hog : 3
  - Alternate Brush Hog\* : 3

\* This alternative bid is to mow around the former Maintenance Building.

- Following quotes were received:

Company	7 Finish Mowing	3 Brush Hog/Flail	3 Alternate	Total without Alternate	Total with Alternate
<b>Evergreen Landscaping</b>	<b>\$ 3,976</b>	<b>\$ 2,352</b>	<b>\$ 300</b>	<b>\$ 6,328.00</b>	<b>\$ 6,628.00</b>
James Esper Landscape	\$ 3,150	\$ 3,600	\$ 900	\$ 6,750.00	\$ 7,650.00
Lawn Jockey	\$ 2,520	\$ 4,950	\$ 495	\$ 7,470.00	\$ 7,965.00
Greenscapes	\$ 4,760	\$ 4,680	\$ 750	\$ 9,440.00	\$10,190.00

- Previous Year Costs:
 

2014	:	\$5,160	:	Greenscapes
2015	:	\$8,820	:	Evergreen
2016	:	\$7,520	:	Greenscapes
2017	:	\$8,500	:	James Esper
2018	:	\$10,700	:	James Esper
2019	:	\$8,934	:	Evergreen
2020	:	\$6,480	:	Greenscapes

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the Chairman to sign an Agreement with Evergreen Landscaping in the amount of \$6,328.00 to provide lawn mowing services at the Tryon Technology Park in 2021.

MADE BY:

SECONDED:

ROLL CALL VOTE :

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

### C. Lot Sale Fees:

- Cushman Wakefield recently recommended that the lot sale fee in the Tryon Technology Park be increased from \$20,000/acre to \$27,500/acre.
- IDA Board agreed and adjusted the lot sale fee for the Tryon Technology Park.
- It is proposed to adjust the lot sale fees in the Johnstown and Crossroads Industrial Parks as follows:

	<u>Current</u>	<u>Proposed</u>
Johnstown Industrial Park	\$20,000/acre	\$25,000/acre
Crossroads Industrial Park	\$20,000/acre	\$25,000/acre
Crossroads Business Park <sup>1</sup>	\$25,000/acre	\$25,000/acre
Crossroads Business Park <sup>2</sup>	\$40,000/acre	\$40,000/acre

<sup>1</sup> For lands not bordering S. Kingsboro Avenue Extension

<sup>2</sup> For lands bordering S. Kingsboro Avenue Extension

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	—	—	—	—

**D. PARIS Reports:**

- The following reports were successfully entered into PARIS on March 15, 2021:
  1. Certified Financial Audit
  2. Investment Report
  3. Procurement Report
  4. Annual Report

IDA DISCUSSION:

**E. Fulton County Site Inventory and Assessment Project:**

1. Background:
  - a. The Mohawk Valley Economic Development District (MVEDD) and Fulton County Center for Regional Growth (FCCRG) have secured funding to undertake a Site Inventory and Assessment Project in Fulton County.
  - b. Funding is coming from a CARES Act COVID-19 Recovery and Resiliency Planning Grant and a grant from National Grid.
2. Request for Proposals:
  - a. In February 2021, MVEDD issued a Request for Proposals (RFP) to certain consultants.
  - b. The project goals stated in the RFP were to:
    - 1) Create a master list of Greenfield, vacant lots, and potential building sites available for development and redevelopment that can be marketed to site selectors to bring investors to Fulton County. The list should be a maximum of 25 Greenfield Sites, up to 10 vacant sites (urban) and up to 10 buildings.
    - 2) Diversify the options for site development, by including various types of site categories within the list.
    - 3) Assess what infrastructure is available to each site on the master list.
    - 4) Determine what needs to be done to the sites selected in order to make them shovel-ready.
    - 5) Create a map of the sites.
    - 6) Develop spec sheets for each site or a number of sites to be negotiated.
3. Proposals:
  - a. MVEDD and FCCRG received two (2) proposals from:
    - 1) Elan Planning/Landscape Architecture/Engineering, D.P.C.
    - 2) MRB Group
  - b. MVEDD and FCCRG are reviewing both proposals to determine which firm to hire.
4. Schedule:
  - a. All work on this project is supposed to be completed in August 2021.

IDA DISCUSSION:

## **F. Board Training:**

### **1. Fulton County's Economic Development Program:**

#### **a. History:**

- Prior to 1985, economic development efforts in Fulton County were decentralized. Several groups were involved:
  1. Montgomery-Fulton Economic Development Corporation
  2. Fulton County Community Development Corporation
  3. Mohawk Valley Economic Development District
  4. Fulton County Chamber of Commerce
  5. Fulton County Industrial Development Agency
- From 1983-84, the Board of Supervisors identified and evaluated various models for revising the County's economic development program. Based upon that evaluation, the Board of Supervisors determined that:
  - 1) Fulton County's economic development program should focus on marketing and be centralized.
  - 2) In 1984, Fulton County executed an Agreement with the Fulton County Community Development Corporation to market Fulton County. The Fulton County Community Development Corporation then changed its name to the Fulton County Economic Development Corporation (EDC).
- In 1988, the EDC created the Crossroads Incubator Corporation (CIC).
- Between 1988-2012, Fulton County, EDC, CIC and FCIDA worked together on economic development initiatives in Fulton County.
- In 2009, a scandal developed with the EDC and CIC that created financial hardship on those two (2) Agencies.
- In March 2012, the EDC decided to create the Fulton County Center for Regional Growth (FCCRG).
- In October of 2012, the Board of Supervisors and FCCRG jointly announced a new "Business Development Marketing Plan for Fulton County".
- The purpose of this Plan was to realign the County's economic development priorities by re-establishing "marketing" as the primary focus of Fulton County's economic development program.
- The Plan had several key components:
  - a) The FCCRG would remain as the primary economic development agency in Fulton County.
  - b) The FCCRG would dissolve the EDC and CIC.
  - c) The FCCRG's primary mission shall be marketing Fulton County. The FCCRG would no longer be involved in the management of real estate.
  - d) Starting January 1, 2013, the Board of Supervisors shall have an increased role in the governance of the FCCRG by:
    - 1) Appointing up to four (4) members of the FCCRG Board of Directors.
    - 2) Requiring the FCCRG to annually file its audited financial statements with the Chairman of the Board of Supervisors.
  - e) Fulton County executed a new and strengthened Marketing Agreement with the FCCRG that included the following requirements:
    - 1) Fulton County's contribution to the FCCRG shall be utilized for marketing Fulton County and not to fund general operations of the FCCRG.



- 2) The FCCRG shall submit an annual Marketing Plan and associated budget to the Board of Supervisors for review and approval.
  - 3) The Marketing Plan shall identify specific marketing goals and objectives.
  - 4) The Plan shall allow for the Board of Supervisors to assess the FCCRG's success in achieving goals and objectives.
  - 5) Payments to the FCCRG shall be based upon the submission of monthly vouchers that document FCCRG expenses directly related to implementing the marketing goals and objectives specified in the Marketing Agreement.
- f) Fulton County agreed to increase funding to the FCCRG.
  - g) The FCCRG shall assume responsibility for administering all loan pools previously administered by the EDC.
- The FCCRG Board of Directors agreed to all of these requirements.

b. 2021:

- Today, there are four (4) entities involved with Fulton County's Economic Development Program:

1. Fulton County:

- Provides funding to FCCRG.
- Market Fulton County.

2. FCCRG:

- Market Fulton County.
- Market shovel-ready sites.
- Community development.
- Provide financing.
- Other.

3. FCIDA:

- Provide financial incentives.
- Prepare shovel-ready sites.
- Sell land to prospective companies.

4. Fulton Montgomery Regional Chamber of Commerce:

- Business promotion.
- Tourism promotion.

2. FCIDA Mission Statement:

- The FCIDA's Mission Statement, which was approved in August 2012, reads as follows:

**“The IDA’s mission is to create and promote economic growth and prosperity for both residents and entrepreneurs in Fulton County. The IDA’s role in Fulton County’s Economic Development Program is to develop and maintain an inventory of shovel-ready sites for new and expanding businesses, offer financial incentives, as may be required, to encourage the creation of new and retention of existing jobs and expand the County’s tax base. In doing so, the IDA strives to make Fulton County a desirable place to live and do business.”**

### 3. Industrial Parks:

- The FCIDA has been involved in the development of shovel-ready sites in four (4) industrial /business parks:

1. Crossroads Industrial Park : 1987
2. Johnstown Industrial Park : 1990
3. Crossroads Business Park : 1999
4. Tryon Technology Park : 2014

- The FCIDA owns the land in each Park. How the IDA acquired the land in each Park differs:

Crossroads Industrial Park	The IDA bought the land itself for the Park. Fulton County provided the local share of the EDA Grant obtained to build the Park.
Crossroads Business Park	The IDA bought the land itself for the Park. Six (6) local agencies contributed to the local share of the EDA Grant obtained to build the Park. IDA executed an Agreement with those local agencies on how lot sale revenues would be distributed.
Johnstown Industrial Park	The City of Johnstown bought the land, deeded it over to the IDA and executed an Agreement with the IDA on how the proceeds from lot sales would be handled.
Tryon Technology Park	Empire State Development (ESD) deeded the land/buildings to the IDA. Fulton County provided the local shares for the two (2) ESD Grants obtained to develop the Park.

- When the FCIDA sells a parcel of land, the proceeds from the lot sale are distributed as follows:

Crossroads Industrial Park	:	100% of lot sale goes to FCIDA
Johnstown Industrial Park	:	7% of lot sale goes to FCIDA 93% of lot sale goes to City of Johnstown  ½ of that 93% goes directly to City ½ of that 93% goes to a City Account held by FCIDA
Crossroads Business Park	:	The proceeds of all lot sales are distributed as follows:  FCIDA 22.6% City of Gloversville 22.5% Fulton County Economic Development Corporation 22.5% Board of Water Commissioners 13.4% Community Development Agency 11.5% Promote Gloversville Development Agency 7.5%
Tryon Technology Park	:	100% of lot sale goes to IDA

- Roads:

- The roads in each Park are municipally owned.
- The IDA deeded to each municipality ownership of the land upon which the Park's roads were built on.

- Water and Sewer Infrastructure:
  - Crossroads Industrial and Crossroads Business Park: This infrastructure is owned and maintained by the City of Gloversville.
  - Johnstown Industrial Park: This infrastructure is owned and maintained by the City of Johnstown.
  - Tryon Technology Park: The water infrastructure is owned by the Gloversville Water Department. The sewer infrastructure is currently owned by the IDA but will be transferred to Fulton County Sewer District No. 4 once it is created.
- Electric and Gas Infrastructure:
  - The electrical and gas lines in all four (4) Parks are owned and maintained by National Grid.

4. IDA-Owned Properties:

LOCATION	SBL	ACRES
<b>1. Tryon Technology Park:</b>		
Tryon Technology Park	164.-5-1	200+/-
Tryon Development Area	164.-5-1	45+/-
Other	164.-5-1	250+/-
<b>2. Johnstown Industrial Park:</b>		
North Side Opportunity	185.6-1-2.1	19.75
West Side NYS Route 30A	174.18-1-19	6.42
West Side NYS Route 30A	185.6-1-1	3.78
East Side Clermont Street	174.18-1-14	1.45
<b>3. Crossroads Industrial Park:</b>		
North side of Balzano Road		6.4
<b>4. Crossroads Business Park:</b>		
E. Side S. Kingsboro Avenue, Johnstown	163.10-2-1	41.51
S. Kingsboro Avenue, Johnstown	163.10-2-2	33.30
<b>5. Other:</b>		
Triangular Piece: Glove Cities Park	163.5-3-2	0.88
East Side NYS Route 30A, Town of Johnstown	174.-2-66	0.26
East Side NYS Route 30A, Town of Johnstown	174.-2-65	1.82
<b>TOTAL:</b>		<b>608.75</b>

5. IDA Shovel-Ready Sites:

- The IDA has the following shovel-ready sites available for sale:

Tryon Technology Park:

Lot 1	:	22+/- acres
Lot 2	:	23+/- acres
Lot 3	:	16+/- acres
Lot 4	:	70+/- acres
Lot 5	:	26+/- acres
Lot 6	:	25+/- acres
Lot 7	:	18+/- acres
<b>Total</b>	:	<b>200+/- acres</b>

Johnstown Industrial Park:

Lot 20 : 19.75+/- acres

Crossroads Industrial Park:

Lot 13 : 3.3 acres

Lot 14 : 3.1 acres

Crossroads Business Park:

21 lots : 75+/- acres (Average Lot Size: 3.3+/- acres: Lots targeted for small, white collar companies.)

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
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  
May 11, 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 :