

# **FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**TUESDAY  
AUGUST 10, 2021  
8:00 A.M.**

**PLANNING DEPARTMENT CONFERENCE ROOM**

## **MEETING NOTES**

PRESENT:

JOSEPH SEMIONE, CHAIRMAN  
JANE KELLEY, VICE CHAIRMAN  
MIKE FITZGERALD, TREASURER  
JOSEPH GILLIS, SECRETARY  
TODD RULISON, MEMBER  
JAMES MRAZ, EXECUTIVE DIRECTOR  
KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC (VIA ZOOM)  
SCOTT HENZE, PLANNING DIRECTOR  
WARREN GREENE, LIAISON, ECONOMIC DEVELOPMENT AND ENVIRONMENT COMM.  
GEOFF PECK, FULTON COUNTY CENTER FOR REGIONAL GROWTH (VIA ZOOM)

### **I. MINUTES FROM JULY 13, 2021 MEETING:**

MOTION : Accept as presented.  
MADE BY : Jane Kelley  
SECONDED : Todd Rulison  
VOTE : Unanimous

### **II. BUDGET REPORT:**

MOTION : Accept as presented.  
MADE BY : Joe Semione  
SECONDED : Mike Fitzgerald  
VOTE : Unanimous

### **III. COMMITTEE REPORTS:**

#### A. Nominating Committee:

- No report.

#### B. Audit Committee:

- Monthly Bank Reconciliation Report: Todd Rulison

IDA DISCUSSION: Todd Rulison approved the Monthly Bank Reconciliation Reports.

#### C. Governance Committee:

- No report.

#### D. Finance Committee:

- No report.

### **IV. FULTON COUNTY/FULTON COUNTY CENTER FOR REGIONAL GROWTH (FCCRG) REPORTS:**

1. Fulton County Report: Warren Greene, Liaison
2. FCCRG Report: (See attached.) Geoff Peck

IDA DISCUSSION: Warren Greene reviewed a Strategic Plan Fulton County has prepared called "Destination: Fulton County." He stated this Strategic Plan identifies how the County plans to spend the \$10,369,022 it received in American Rescue Plan funds. He stated there are very strict criteria in how these dollars must be spent and they must be spent within five (5) years. He stated the County has already received half of the funds. The balance should be received in 2022. Warren Greene reviewed the three (3) projects proposed to be funded by the American Rescue Plan dollars. The first is the extension of a sewer main up NYS Route 30A/30 Corridor to the Village of Mayfield. The estimated cost of this project is approximately \$8.65 million. He stated the goal is to eventually have the sewer line go all the way up to the Village of Northville. This sewer project will allow the existing wastewater treatment plants serving the Village of Mayfield and the Sacandaga Park to connect into the sewer and send its sewer to the Gloversville-Johnstown Joint Wastewater Treatment Plant (GJJWWTP). The other two (2) projects involve developing tourist destination facilities. The first would be the Field of Dreams Project which involves creating a baseball stadium at the Gloversville Little League facility. The second would be the development of the Great Sacandaga Lake History Museum. He stated the intent of these two (2) projects would be to get people to come and stay overnight here in Fulton County.

Joe Gillis asked if the County would be charging entities that connect into the sewer system? Scott Henze stated the hookup costs will be determined when the Map, Plan and Report is prepared. Scott Henze stated that this project also involves the consolidation of services by getting the Village of Mayfield and the Sacandaga Park to connect into the GJJWWTP. Scott Henze stated that the sewer line project going to the Village of Northville has been submitted to the Environmental Facilities Corporation and is on their list of potential projects to be funded. He stated that the infrastructure legislation currently being debated in Congress, he anticipates receiving significant dollars to invest into infrastructure. By having this sewer

project on the Environmental Facilities Corporation's list of potential projects, it will hopefully position the County to receive monies from this legislation for further extending this sewer line.

Geoff Peck reviewed the CRG's monthly report that was attached to the Agenda. He stated that Upstate Coffee is ready to start operating in the CRG's building. He stated they have an impressive business plan and have a clear path to growth. He stated the CRG is working on an agricultural project. He stated the CRG can now make loans for agricultural projects which is good. Geoff Peck stated that the CRG currently is processing 25 applications for a Microenterprise Grant.

Joe Semione asked when the CRG anticipates the site assessment project to be completed? Geoff Peck estimated one (1) to two (2) months.

**V. OLD BUSINESS:**

**A. Nexus Renewables Solar Project:**

1. Status Report:

- Kara Lais working with Nexus's attorney on closing documents for providing sales tax exemptions.

IDA DISCUSSION: Kara Lais stated that the two (2) attorneys that have been working with Nexus on this project have left the firm. She stated she has spoken with the attorney that has taken over and is waiting for information from that attorney.

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

1. Status Report:

- a. Elan Planning/Landscape Architecture/Engineering D.P.C. is working with MVEDD/FCCRG to prepare assessment of potential sites.

**C. Proposed Sale of Former Maintenance Building:**

1. Status Report:

- At the July 13, 2021 meeting, the IDA Board approved extending from July 15<sup>th</sup> to September 15<sup>th</sup> the deadline for Lott Holdings to complete its due diligence on buying this building.
- Lott Holdings is still waiting for National Grid (NG) to provide a quote for NG to run a new electric service to the new transformer Lott Holdings must purchase and install.
- Lott Holdings needs to receive that quote before it can commit to purchase the building.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He asked if there were any questions. There were none.

**D. Easement with Gloversville Board of Water Commissioners:**

1. Status Report:
  - Easement has been executed.

**E. Vireo Health's Proposed Expansion Project:**

1. Status Report:
  - License Agreement with Vireo and Cordos Construction has been executed.
  - Insurance Certificate from all contractors, engineers and consultants onsite have been filed with the IDA.
  - Demolition work started on July 7, 2021.
  - Town of Perth Planning Board conducted public hearing on proposed Site Plan on July 19, 2021.
  - Following Public Hearing, Planning Board approved Vireo's Site Plan.
  - Site work to begin week of August 9, 2021.

2. Amended Resolution:
  - At the July 13, 2021 meeting, a Resolution was adopted giving final approval to the Vireo Expansion Project.
  - Paragraph D in that Resolution needs to be amended as shown below:

1. Original:

(D) The Agency hereby approves of the execution of an Agent Agreement authorizing exemptions from the sales and use taxes for purchases and rentals related to the undertaking of the project in an amount not to exceed Two Million Two Hundred Fifty-One Thousand Five Hundred Twenty Dollars (\$2,251,520.00), based on eligible project costs of Twenty Two Million One Hundred Forty Four Thousand Dollars (\$22,144,000.00), which exemption will expire on July 31, 2022.

2. Amended:

(D) The Agency hereby approves of the execution of an Agent Agreement authorizing exemptions from the sales and use taxes for purchases and rentals related to the undertaking of the project in an amount not to exceed One Million Seven Hundred Seventy One Thousand Five Hundred Twenty Dollars (\$1,771,520.00), based on eligible project costs of Twenty Two Million One Hundred Forty Four Thousand Dollars (\$22,144,000.00), which exemption will expire on July 31, 2022.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He then reviewed the revised Paragraph D language that was referenced in the Agenda. He asked if there were any questions. There were none.

IDA ACTION:

MOTION: To approve the amended Resolution as shown above.

MADE BY: Jane Kelley  
SECONDED: Joe Semione  
VOTE: Unanimous

**F. Proposed Hoffman Carwash Project:**

1. Proposed Project:

- Hoffman’s purchased, at auction, the former Travers Diner property located at 342 South Kingsboro Avenue, Gloversville, NY.
- SBL: 149.18-6-1
- The property is 3.2 acres in size and has municipal water and sewer available.
- Hoffman is proposing to:
  - 1) Subdivide the parcel into two (2) parcels.
  - 2) Parcel 1 would include the former Travers Diner building and parking.
  - 3) Parcel 2 would be where Hoffman’s would construct and operate a new, state-of-the-art carwash.
- The proposed project would include the construction of a 6,400 sf building consisting of masonry, standing seam metal siding and architectural shingles.
- The project will be an upscale state of the art carwash facility with innovative equipment and design. It will include a 160’ conveyORIZED tunnel, automated blowers with 2 million BTU heated drying.
- The project will include a leading edge, complete sophisticated water reclamation system, computer controlled systems and high-pressure nozzles and pumps which will minimize the amount of “fresh” water needed to provide quality exterior wash.
- The facility will have three (3) point of sale tellers creating trouble free and timely transactions.

2. Project Application:

- HDC2 Realty Gloversville, LLC has submitted a Project Application to the IDA.
- The Application Fee has been submitted.
- The Project Application requests the following IDA benefits:
  - 1) Real Property Tax Exemption
  - 2) Sales Tax Exemption
  - 3) Mortgage Recording Tax Exemption
- The estimated value of the requested exemptions are as follows:

1) Real Property Tax Exemptions	:	\$121,910
2) Sales Tax Exemptions	:	\$296,000
3) Mortgage Recording Tax Exemption	:	\$ 60,000
- Since the estimated total benefits requested exceed \$100,000, a public hearing must be held.
- A Public Hearing was held on July 27, 2021 at 10:00 a.m. at the FCCRG office.
- There was one (1) speaker at the Public Hearing who spoke in favor of the proposed project.

3. Project Structure:

- HDC2 Company, LLC will lease the property to the IDA.
- The IDA will lease the property back to HDC2 Company, LLC.

4. Retail Project:

- The Project Application classifies this project as a Retail Project.
- Section 862 of General Municipal Law (GML) places certain restrictions on how IDA's can provide financial assistance to "retail" projects.
- Financial assistance may be provided to a retail project if the project meets one or both of the following criteria:
  - 1) The project is located in a highly distressed area.
  - 2) The predominant purpose of the project would be to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the city, town, or village within which the proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services; or
- The Project Application indicates that:
  - 1) The project will be located in a highly distressed area.
  - 2) The project would make available goods or services which would not, but for the project, be reasonably accessible to the residents of the City of Gloversville and/or Fulton County.
- The IDA Board must make two (2) findings in order to provide the requested financial incentives:
  - 1) The proposed project meets one (1) or both of the criteria listed above and therefore qualifies for financial incentives.
  - 2) The proposed project will increase overall employment in the area.
- At the July 13<sup>th</sup> meeting, Marty Andrews, Hoffman's Director of Development, identified the following services that this project would make available that are not currently available in the area:
  - 1) The equipment to be used here is different than equipment used in current facilities.
  - 2) It uses a touchless washing system that is not used elsewhere.
  - 3) The heating system at the end to dry the cars is different.
  - 4) Hoffman's offers free vacuum service which other facilities do not.
  - 5) The water reclamation system used to reclaim some processed water is unique.
- The proposed project will create new full and part-time jobs.

5. Resolution:

- Kara Lais has drafted a Resolution that:
  - 1) Makes the findings required by Section 862 of GML.
  - 2) Approves granting the requested financial benefits for the proposed Hoffman Carwash Project.
- See attached.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He reviewed the two (2) criteria that are used to determine whether an area is a highly distressed area. The first deals with the area's poverty rate. He stated that Gloversville's poverty rate qualifies it to be classified as highly distressed area. He stated the second is the unemployment rate. He stated the unemployment rate needs to be greater than the State's rate in order to be considered highly distressed. He stated that, historically, the City of Gloversville/Fulton County's unemployment rate has been higher than the State's rate. He stated, however, because of the COVID Pandemic, the City's/County's rate is actually now slightly above the State's unemployment rate. As such, as of today, the unemployment rate does not classify as a distressed area. He stated that the IDA Board must therefore be comfortable stating that the proposed projects meets the one (1) criteria which says that the predominant purpose of the project would be to make available goods or services which will not for the project be reasonably accessible to the residents of the City, Town or Village within which the proposed project would be located because of the lack of reasonably accessible retail trade facilities offering such goods or services. All IDA Board members present stated they were comfortable stating that the project meets that criteria. Jim Mraz stated that the IDA must make two (2) findings as stated in the Agenda. He stated the Resolution Kara has drafted incorporates those findings into it.

Kara Lais stated that the Resolution is a standard one that the IDA typically acts on to approve financial incentives for a project. She stated this project will also require the Chairman of the Fulton County Board of Supervisors to issue a letter stating that he endorses the findings of the IDA. Jim Mraz stated that he anticipates the IDA receiving this letter from the Chairman.

Mike Fitzgerald asked if the financial incentives are going to be made available just to the parcel of land upon which the carwash is being constructed and not the former Traver's Diner parcel. Jim Mraz stated, "Yes." Joe Gillis asked if the project would still proceed if the IDA did not approve the financial incentives? Joe Semione stated, "Yes." He stated that these financial incentives are available to the company. He stated these financial incentives will help make the project successful. Mike Fitzgerald stated that the incentives will help create two (2) parcels, both of which will be generating property tax revenues and benefits for the residents of the City of Gloversville. Joe Gillis stated that he is not in favor of granting real property tax exemptions for this proposed project.

Jim Mraz asked if there were any other questions? There were none.

**IDA ACTION:**

**MOTION:** Resolution approving a certain project, as defined herein, appointing HDC2 Company LLC or its permitted assign, agent of the Agency for the purpose of construction and equipping the Project Facility and authorizing the execution and delivery of closing documents.

**MADE BY:** Joe Semione

**SECONDED:** Jane Kelley

**VOTE:** 4 in favor, 1 opposed (Joe Gillis)

**G. Waterline Project at Tryon Technology Park:**

1. Background:

- At the July 13, 2021 meeting, the IDA Board authorized an expenditure of up to \$85,000 to replace a section of the waterline running from CR117 to the Elevated Tank at Tryon.
- The IDA Board also agreed to ask the Gloversville Water Department for a contribution towards the cost of replacing this waterline.

2. Gloversville Water Department:

- The Gloversville Water Department has agreed to contribute 25%, or \$21,250, towards the cost of replacing this waterline.
- This amount would be spread out over five (5) annual payments of \$4,250.

3. Revised Cost Estimate:

- Cordos Construction recently advised that their site contractor has revised its estimate to complete this work.
- Revised Estimate: \$100,000+/-

**IDA DISCUSSION:** Jim Mraz reviewed the information on the Agenda. He asked the Board if they would be willing to increase the total expenditure for this waterline from \$85,000 to \$100,000. IDA Board members asked if the Gloversville Water Board could be asked to increase its contribution based upon the increased amount. Jim Mraz stated that he would ask the Gloversville Water Board to do so. Mike Fitzgerald suggested that the Water Board be charged interest if they are going to extend the payments out

over five (5) years. Jim Mraz stated that he would propose that also to the Water Board for their consideration.

IDA ACTION:

MOTION: To approve increasing the total cost of this waterline project from \$85,000 to \$100,000.

MADE BY: Joe Gillis  
SECONDED: Jane Kelley  
VOTE: Unanimous

## VI. NEW BUSINESS:

### A. Board Training:

#### 1. Tryon Technology Park:

##### a. Background:

- In 2014, Empire State Development deeded to the IDA the former Tryon Youth Detention Facility.
- The following items were deeded to the IDA:
  - 515+/- acres of land
  - 50+/- buildings
  - Water and sewer infrastructure
  - Wastewater pump station
  - Ground-mounted 200,000 gallon water tank
  - Electrical system

##### b. Creation of Tryon Technology Park:

- An assessment of the 515 acres of land acquired determined that approximately 220 acres were developable into shovel-ready sites for new businesses.

##### c. Work Completed to Date:

###### 1. IDA:

- Timber Harvest
- 2 auctions to sell off items left by New York State
- Deeded land for CR117 to Fulton County
- Developed logo

###### 2. Fulton County:

- Reconstructed internal access road which became CR117
- Constructed new water/sewer lines
- Constructed new water booster station
- Constructed new elevated water tank
- Completed Building Demolition Project
- Installed entry sign and banners
- Deeded waterlines, booster station and tank to City of Gloversville Water Department
- Conducted a Targeted Industry Analysis
- Prepared Marketing Brochure

##### d. Building Demolition:



- When FCIDA took title to Tryon, the lands identified as shovel ready had 22 existing buildings located there.
  - One (1) existing building was sold to Vireo Health.
  - Four (4) existing buildings were demolished as part of building the new access road.
  - Eight (8) existing buildings were demolished in 2017 by Fulton County.
  - At present, nine (9) existing buildings remain:
    - 3 large dormitories
    - 2 small dormitories
    - 3 small storage/office/laundry buildings
    - 1 gymnasium
  - These nine (9) buildings all lie on Lots 1 and 2 and are being demolished by Vireo Health.
  - The only original buildings remaining at Tryon include:
    - Building 3/Midas Building : 75,000 sf
    - Administrative Building : 6,000 sf
- e. Gas and Electric Service:
- In 2020, National Grid completed the installation of a new underground 13.2 kv primary electric service.
  - This new electric service only services a portion of the Park.
  - This new electric service is owned and maintained by National Grid.
  - National Grid owns and maintains the natural gas service at Tryon.
  - National Grid has a 6” gas service with 99 psi which is a high pressure gas main.
- f. Tryon Development Area:
- Fulton County’s Development Strategy identified three (3) Primary Development Areas (PDA).
  - Each PDA is envisioned to be a vibrant, walkable neighborhood in a picturesque environment.
  - The Tryon Development Area is located on a 35+/- acre tract of land at the north end of Tryon.
  - The Development Strategy included the following recommendations regarding the Tryon PDA:
    - 1) Fulton County should prepare a one-page “sell sheet” that focuses specifically on the market demand for executive-level housing. The sheet should include information on growth in households with incomes over \$100,000 and the lack of executive level housing in the County. This sheet should be used as part of the developer recruitment effort.
    - 2) Fulton County should market the residential plan in conjunction with the Technology Park as “Tryon Technology Park and Village.” The vision for an upscale residential village adjacent to the Technology Park can help support tenant recruitment efforts for the Park. This, in turn, will help induce demand for housing in the village as new businesses move into the Park.
    - 3) Fulton County should market the Tryon Development Area to neighborhood-serving retail like a coffee house, bar or restaurant. Potential uses should be carefully designed to be contemporary and fresh to complement the housing that should be targeted to professionals and executives. In the near term, it may be more feasible to recruit a small café or similar business to locate on the Tryon Campus. As housing is built, new retail development may become feasible in the “village” area.
    - 4) Fulton County should consider partnering with a developer on a “Phase I” project. The type of housing envisioned in Tryon Village represents a largely unproven market, which may deter developers. The County should be prepared to engage in a partnership to entice a developer, such as putting in a small portion of the new road. The purpose of this will be to demonstrate a market for the types of homes included in the vision, which will attract

additional private investment. Alternatively, it may demonstrate a need to shift the vision for Tryon Village, such as towards more workforce-level housing.

g. Land Sold/Leased to Date:

1. Land Sold:

- 20+/- acres and one (1) 15,000 sf existing building were sold to Vireo Health in 2015.
- 43+/- acres of shovel-ready land and ten (10) building were sold to Vireo Health in 2021.
- 49+/- acres of excess land were sold to Vireo in 2021.
- 27+/- acres on south side of CR107 were sold to Tryon Enterprises, LLC.
- 6.2+/- acres and one (1) 15,000 sf existing building is under contract to be sold to Lott Holdings.

Total Sold: 145.2 acres

2. Land Leased:

- 30+/- acres leased to Nexus Renewables for a solar project.

Total Leased: 30 acres

3. Summary:

- In total, approximately 175 acres of land have been put to use to date.

h. What's Left:

1. Land:

- Shovel-ready Land : 157 acres
- Tryon Development Area : 35 acres
- Other Land : 148 acres

2. Buildings:

- Building 3 : 75,000 sf
- Administration Building : 6,000 sf

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda.

**VII. 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.**

(Todd Rulison left the meeting at 8:50 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 : Jane Kelley  
 SECOND : Joe Semione  
 VOTE : Unanimous

TIME : 8:50 a.m.

MOTION : To go out of Executive Session.

MADE BY : Mike Fitzgerald  
 SECOND : Joe Semione  
 VOTE : Unanimous

TIME : 9:41 a.m.

**VIII. LOT 20 JOHNSTOWN INDUSTRIAL PARK:**

**A. Background:**

- The IDA owns a 20+/- acre parcel in the Johnstown Industrial Park.
- It is the last parcel available in the Park.

**B. Proposed Studies:**

- To help in marketing this site, it is proposed that the IDA conduct two (2) studies:
  - 1) Phase I Environmental Site Assessment (ESA).
  - 2) Geotechnical Report.
- The IDA received proposals from firms top perform these studies.
- Based upon the proposals received, it is proposed to hire the following:
  - 1) Phase I ESA: Hanson Van Vleet, PLLC, Clifton Park, NY  
Total Fee: \$2,000+/-
  - 2) Geotechnical Report: C.T. Male, Johnstown, NY  
Total Fee: \$7,000+/-

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He said these background studies will provide important information about this parcel that will be helpful to any company interested in pursuing a project. He asked if there were any questions. There were none.

IDA ACTION:

MOTION: To approve hiring Hanson Van Vleet at a cost of approximately \$2,000 to prepare a Phase I Environmental Site Assessment and C.T. Male to prepare a Geotechnical Investigation at a cost of approximately \$7,000+/- on the 20+/- acre parcel the IDA owns in the Johnstown Industrial Park.

MADE BY: Joe Semione  
SECONDED: Joe Gillis  
VOTE: Unanimous

**IX. NEXT MEETING:**

Tuesday  
September 14, 2021  
8:00 a.m.

**X. CLOSE MEETING:**

MOTION : To close the meeting.  
MADE BY : Jane Kelley  
SECONDED : Mike Fitzgerald  
VOTE : Unanimous  
  
TIME : 9:43 a.m.