

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

**TUESDAY
JANUARY 11, 2022
4:00 P.M.**

PLANNING DEPARTMENT CONFERENCE ROOM

ANNUAL MEETING

MEETING NOTES

PRESENT:

JOSEPH SEMIONE, CHAIRMAN
MIKE FITZGERALD, VICE CHAIRMAN
TODD RULISON, TREASURER
DAVID D'AMORE, MEMBER
SUE COLLINS, MEMBER
DR. GREG TRUCKENMILLER, MEMBER
JAMES MRAZ, EXECUTIVE DIRECTOR
KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
SCOTT HENZE, PLANNING DIRECTOR
WARREN GREENE, LIAISON, ECONOMIC DEVELOPMENT AND ENVIRONMENT COMM.
TRAVIS MITCHELL, FULTON COUNTY CENTER FOR REGIONAL GROWTH (VIA ZOOM)
JACK WILSON, TOWN OF JOHNSTOWN
CHRISTINE VANVALKENBURGH, TOWN OF JOHNSTOWN

WELCOME NEW IDA BOARD MEMBERS:

Sue Collins
Dr. Greg Truckenmiller

I. MINUTES FROM NOVEMBER 9, 2021 MEETING:

MOTION : Accept as presented.
MADE BY : Dave D'Amore
SECONDED : Joe Semione
VOTE : Unanimous

II. BUDGET REPORT:

MOTION : Accept as presented.
MADE BY : Mike Fitzgerald
SECONDED : Todd Rulison
VOTE : Unanimous

III. COMMITTEE REPORTS:

A. Nominating Committee:

1. Report of Nominating Committee: 2022 Officers

Chairman	:	Joe Semione
Vice-Chairman	:	Mike Fitzgerald
Treasurer	:	Todd Rulison
Secretary	:	Joe Gillis

IDA ACTION:

MOTION : To accept the report of the Nominating Committee for 2022 IDA Officers
MADE BY : Dave D'Amore
SECONDED : Greg Truckenmiller
VOTE : Unanimous

B. Audit Committee:

- Monthly Bank Reconciliation Report: Mike Fitzgerald

IDA DISCUSSION: Mike Fitzgerald 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.) Travis Mitchell

IDA DISCUSSION: Warren Greene stated that likely this is his last meeting he'll be attending as the Liaison to the Economic Development Committee. He is anticipating being appointed as a member of the Board of Directors to the Fulton County Center for Regional Growth.

Travis Mitchell reviewed the CRG's monthly report that was attached to the Agenda. He stated that the site assessment report being prepared by Elan should be ready in 30-45 days. Joe Semione asked if the CRG will be making presentations to organizations like the IDA regarding the findings of that report. Travis Mitchell stated, "Yes."

V. OLD BUSINESS:

A. Nexus Renewables Projects:

- NYSERDA has approved the financial incentives for the solar project.
- Unfortunately, it took so long to obtain these incentives, National Grid's approval of the interconnection to their electrical grid expired. Nexus had paid National Grid 25% of the \$1 million interconnect fee in mid 2021. The balance was due in mid-December. At the time the balance was due, Nexus hadn't received approval from NYSERDA of the financial incentives. As a result, Nexus did not pay National Grid the balance of the interconnect fee. They didn't because if they did and the incentives were not approved, the project would not have moved forward. If that occurred, Nexus would have forfeited the interconnect fee. Since that fee wasn't paid by the deadline, National Grid's approval of the interconnect expired. Shortly after, NYSERDA approved the financial incentives, so Nexus reapplied to National Grid for the interconnection. Hopefully, National Grid will reapprove the interconnection within 60 business days.
- Nexus still hasn't executed a contract with Borea to construct the solar project. He said there are 2 issues. First, Borea keeps increasing its price on several items. Nexus is trying to negotiate to reduce these cost increases. The 2nd issue is with tariffs. At present, there is an 18% tariff on regular, 1-sided solar panels. There is no tariff on bi-facial panels. Nexus wants to purchase the bi-facial panels. There is uncertainty with these tariffs because the Biden Administration has announced it will provide an update on these tariffs on 1/17/22. Borea won't lock in on a price for the panels until it hears on 1/17/22 whether the tariffs will change.

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

B. Vireo Health Project:

- Construction ongoing.

C. Winstanley Enterprises Project:

1. Appraisal:

- An Appraisal of the 236+/- acres of land proposed to be sold to Winstanley has been completed.
- The appraisal valued the 236+/- acres at \$5,900,000.
- The Purchase and Sale Agreement identified a sale price of \$5,800,000.

2. 90-Day Notice:

- New York State requires the IDA to send the State a notice of all negotiated sales of assets greater than \$100,000.
- This Notice must be filed at least 90 days prior to the sale.
- No closing on a land sale can occur until 90 days after the date of the letter.
- See attached letter.

3. Resolution:

- Attached Resolution acknowledging the findings of the Appraisal and the issuance of a finding that it is in the best interest of the IDA to accept the purchase price which is just below the appraised value.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He reviewed the Resolution that was attached to the Agenda. Kara Lais stated that this Resolution addresses the fact that the appraised value of the property to be sold came in approximately \$100,000 higher than the negotiated sale price for the property. She stated that the Resolution states that the IDA is accepting an amount less than the appraised value because it is in the economic best interests of the Town of Perth and Fulton County to sell this land to Winstanley Enterprises.

IDA ACTION:

MOTION: To adopt a Resolution of the Fulton County Industrial Development Agency approving and authorizing the negotiated sale of real property pursuant to Section 2893 of the Public Authorities Law.

MADE BY: Todd Rulison

SECONDED: Joe Semione

VOTE: Unanimous

D. Former Maintenance Building:

1. Status Report:

- On December 14, 2021, National Grid provided Lott Holdings with the quote to provide a new electric service to the former Maintenance Building at Tryon that Lott Holdings desires to purchase from the IDA.
- National Grid has advised Lott Holdings that there may not be any power available on their electrical line at Tryon for this former Maintenance Building.

2. Due Diligence Extension:

- At the November 2021 meeting, IDA Board agreed to extend until January 15, 2022 the deadline for Lott Holdings to complete its due diligence on buying this building.
- It is recommended that this date be extended to March 31, 2022.

IDA DISCUSSION: Jim Mraz stated that he spoke with Randy Lott today who advised that National Grid had contacted him saying that there is enough electrical capacity at Tryon to service this building. Kara Lais stated she will prepare the closing documents and send them out for signature.

IDA ACTION:

MOTION: To approve extending to March 31, 2022 the deadline for Lott Holdings to complete its due diligence on purchasing the former Maintenance Building.

MADE BY: Joe Semione

SECONDED: Dave D'Amore

VOTE: Unanimous

VI. NEW BUSINESS:

A. 2022 Committee Appointments:

- Per the IDA's Bylaws, the Chairman shall annually appoint members to the IDA's Committees.
- The following is the Chairman's Committee appointments for 2022.

<u>Committee</u>	<u>2021</u> <u>Appointees</u>	<u>2022</u> <u>Appointees</u>
1. Audit	1.Todd Rulison 2.Joseph Semione 3.David D'Amore 4.Mike Fitzgerald	1. Todd Rulison 2. Joseph Semione 3. David D'Amore 4. Mike Fitzgerald
2. Governance	1.Jane Kelley 2.Joseph Gillis 3.Todd Rulison	1. Todd Rulison 2. Joe Gillis 3. Dr. Greg Truckenmiller
3. Finance	1.Todd Rulison 2.Jane Kelley 3.Mike Fitzgerald	1.Joe Gillis 2.Mike Fitzgerald 3.Sue Collins
4. Nominating	1.Joseph Semione 2.Joseph Gillis 3.David D'Amore 4.Jane Kelley	1. Joseph Semione 2. Dave D'Amore 3. Sue Collins 4. Dr. Greg Truckenmiller

B. Staff Appointments:

1. The IDA's Bylaws require that the IDA Board annually appoint:

- Executive Director
- Chief Financial Officer
- Auditor

2. Appointment of Executive Director:

MOTION: To appoint Jim Mraz to serve as the IDA's Executive Director for 2022 at a salary of \$23,088/year.

MADE BY: Joe Semione

SECONDED: Mike Fitzgerald

VOTE: Unanimous

3. Appointment of Chief Financial Officer

MOTION: To appoint Carol Ellis as the Chief Financial Officer for 2022 at a salary of \$5,000.

MADE BY: Dave D'Amore

SECONDED: Todd Rulison

VOTE: Unanimous

4. Appointment of Auditor:

- It is recommended that the IDA retain West & Company as the IDA's Auditor.
- Total Fee: \$9,250
- These funds are included in the 2022 Budget.

MOTION: To appoint West & Company to serve as the IDA's Auditor for 2022 and to authorize the Chairman to execute an Agreement with West & Company to audit the IDA's 2021 financial statements at a fee of \$8,750 and to provide 2022 payroll services for \$500.

MADE BY: Greg Truckenmiller
SECONDED: Sue Collins
VOTE: Unanimous

C. Legal Services:

- It is recommended that the IDA retain Fitzgerald, Morris, Baker, Firth, PC to serve as IDA Counsel in 2022.
- Budgeted: \$8,000

MOTION: To authorize the Chairman to execute an Agreement with Fitzgerald, Morris, Baker and Firth, PC to provide legal services in 2022.

MADE BY: Dave D'Amore
SECONDED: Joe Semione
VOTE: Unanimous

D. Depositories of IDA Funds:

- Per the IDA's Investment Policy, it is recommended that NBT Bank, Citizens Banks, Community Bank and Key Bank all be designated as eligible depositories of IDA funds.

IDA ACTION:

MOTION: To designate NBT Bank, Citizens Bank, Community Bank and Key Bank as eligible depositories of IDA funds for 2022.

MADE BY: Sue Collins
SECONDED: Todd Rulison
VOTE: Unanimous

E. 2021 Financial Report:

- Chief Financial Officer has completed the IDA's 2021 Financial Report.
- This Report has been sent to West & Company to audit.

F. 2021 IDA Board Performance Questionnaire:

1. Background:
 - The 2009 Public Authorities Reform Act requires IDA board members to annually evaluate its performance.
 - Evaluation forms were handed out to all IDA Board members at their November 9, 2021 meeting.
 - Executive Director has collected the forms and tallied the results.
2. Review Summary of 2021 IDA Board Performance Questionnaire
 - See attached.

IDA ACTION:

MOTION: To authorize the Executive Director to post the 2021 Summary of IDA Board Performance Questionnaire on the IDA's website.

MADE BY : Dave D'Amore
SECONDED : Mike Fitzgerald
VOTE : Unanimous

G. 2021 Performance and Measurement Report:

1. Background:
 - The 2009 Public Authorities Reform Act requires public authorities to develop performance measures to help determine how well they are carrying out their mission.
 - Performance measures assist the IDA Board and management to evaluate and monitor whether the IDA's authority's policies and operating practices are in accordance with its mission.
2. Review 2021 Performance and Measurement Report:
 - See attached.

IDA ACTION:

MOTION: To authorize the Chairman to sign the 2021 Performance and Measurement Report and to authorize the Executive Director to post this report on the IDA's website.

MADE BY: Greg Truckenmiller
SECONDED: Sue Collins
VOTE: Unanimous

H. 2021 Assessment of the Effectiveness of the IDA's Internal Financial Control System:

I. Background:

1. Section 2800(1)(a)(9) and Section 2800(2)(a)(8) of Public Authorities Law require all public authorities to complete an annual assessment of the effectiveness of their internal control structures and procedures.

II. Intent:

1. The intent of the Fulton County Industrial Development Agency's (IDA) system of internal control shall be to:
 - a) Promote effective and efficient operations so as to help the IDA carry out its mission.
 - b) Provide reasonable assurance that the IDA's assets are safeguarded against inappropriate or unauthorized use.
 - c) Promote the accuracy and reliability of accounting data and financial reporting to ensure transactions are executed in accordance with the IDA's Board's authorization and recorded properly in accounting records.
 - d) Encourage adherence to the IDA Board's policies and procedures for conducting programs and operations.
 - e) Ensure compliance with applicable laws and regulations.
2. This system of internal control includes performing an annual assessment to identify potential weaknesses in policies or procedures and to implement corrective actions.
3. This assessment shall identify significant weaknesses in controls, recognize emerging or inherent risks, and to enable early detection of existing or potential problems. If an internal control system is working effectively, the IDA Board will have a reasonable indication of the reliability of its operating practices and the accuracy of the information it is using to measure its activities and performance. Any deficiencies identified as a result of the assessment shall be addressed by the IDA Board.

III. Internal Financial Control System:

1. Summary:

- A. The Fulton County Industrial Development Agency utilizes an internal control system to preserve the assets of the organization.
- B. System procedures shall be reviewed annually by the independent auditors who will make recommendations to the Board of Directors for suggested changes.
- C. In addition, during the year, changes may be recommended by IDA's management. However, such changes shall not be implemented until reviewed by independent auditors and approved by the IDA Board.

2. Cash Receipts:

- A. The Chief Financial Officer shall open the daily mail and make copies of the checks received and file same.
- B. The Chief Financial Officer shall prepare and make a bank deposit as needed.

- C. Upon completion of the deposit, the Chief Financial Officer shall enter the deposit in the appropriate Agency's records.
 - D. All bank accounts shall be reconciled monthly.
3. Cash Disbursements:
- A. All purchases shall be made according to the IDA's Procurement Policy. The IDA's Procurement Policy shall be reviewed annually by the IDA Board.
 - B. All invoices received shall be reviewed by the Chief Financial Officer and verified for accuracy and completeness. The Chief Financial Officer shall then forward them to the Executive Director for review for completeness and accuracy.
 - C. All invoices received that do not have prior authorization by the IDA Board shall be submitted to the IDA Board at their next regularly-scheduled meeting to get authorization to pay.
 - D. All invoices received that IDA Board authorization has been given and once reviewed and approved by both the Chief Financial Officer and Executive Director, the Chief Financial Officer shall transfer the necessary funds and prepare a check for payment.
 - E. All IDA checks shall have two (2) signatures. One shall be by the Chief Financial Officer. The second shall be by an authorized member of the IDA Board. In the absence of the Chief Financial Officer, the second signature can be by another member of the Audit Committee. The Executive Director shall not be an authorized signer.
 - F. An authorized signer may not sign his/her check for reimbursement of approved travel, unless signed by a second IDA Board member.
4. Budget Reports:
- A. Budget Reports shall be prepared regularly by the Chief Financial Officer in a format approved by the Board of Directors.
 - B. Budget Reports includes the following information:
 - List of all IDA Accounts
 - Current Year Budgeted Amount for each Account
 - Year to Date Expenditures for each Account
 - Balance in each Account
 - Current Balances for all Investments
 - C. All Budget Reports shall be reviewed by the Executive Director prior to presentation to the IDA Board.
 - D. All investment of IDA funds shall be in accordance with investment policies. Investment activities shall be reported to the Board monthly. All investment decisions must have the Executive Director's approval after review for compliance with current investment policies.
5. Quarterly Tax Returns:
- A. Quarterly Federal and State Tax Returns shall be signed by the IDA Treasurer or any member of the Audit Committee.

6. Bank Statement:

- A. The Chief Financial Officer shall provide at each IDA Board of Directors' meeting a copy of the latest Bank Statement to verify the funds actually in the IDA's bank account. (Added January 9, 2018.)

7. Monthly Bank Account Reconciliation Forms:

- A. The Chief Financial Officer shall provide, at each IDA Board of Directors' meeting, Monthly Bank Account Reconciliation Forms for each IDA bank account that a member of the Audit Committee will review and, if found acceptable, sign.

IV. IDA's Internal Controls Assessment Plan:

1. Define the IDA's Primary Functions:

- a. Annually review the mission of the IDA and verify that its primary operating responsibilities, operations and functions that will help fulfill its mission.
- b. Annually evaluate the IDA's written mission statement to ensure that it clearly defines the IDA's purpose.
- c. Define IDA's objectives and ensure they are understood by IDA staff.
- d. Review policies, procedures and guidelines to ensure that they guide IDA staff in the operations of the IDA and provide methods and procedures to assess the effectiveness of those functions.

2. Determine Risks:

- a. Assess the internal and external risk exposure and associated vulnerability of each function of the IDA and assign a corresponding risk level (i.e. high, medium, or low).
- b. If a risk is identified, the IDA Board shall determine how to best handle it by evaluating its significance, likelihood, and cause.
- c. Based on the assigned risk levels, the IDA Board shall determine how frequently to review the controls in place for each function.

3. Review Existing Internal Control Systems in Place:

- a. The IDA Board and staff shall annually review and be aware of the policies and practices in place to ensure that the IDA is effective and to address the risks that are relevant to the operation.

4. Assess the Extent to Which the Internal Control System is Effective:

- a. The assessment of internal controls should be a structured and monitored process to identify and report any weaknesses of the internal control structure to the IDA Board.
- b. This process should determine if the existing control structure and procedures are adequate, to then mitigate risk, minimize ineffectiveness and deter opportunities that could lead to the abuse of assets.
- c. The assessment should provide the IDA Board with information as to whether the IDA's policies and operating practices were understood and executed properly, and whether they are adequate to protect the organization from waste, abuse, misconduct, or inefficiency.

- d. This assessment shall be completed through a combination of inquiry and observation, a review of documents and records and by replicating transactions to test the sufficiency of the control system.
5. Take Corrective Action:
- a. When a weakness is identified, a corrective action plan should be developed, adopted by the IDA Board and then monitored by the IDA Board to ensure that the vulnerability is addressed.

V. Internal Control Certification:

1. Section 2800(2)(a)(8) of the Public Authorities Law:
- a. To satisfy the requirement of Section 2800(2)(a)(8) of Public Authorities Law, the IDA shall incorporate, either within its annual report or as a separate document, a statement explaining that the authority has conducted a formal, documented process to assess the effectiveness of their internal control structure and procedures, and indicating whether or not the internal controls are adequate.
 - b. This statement should eventually be posted to the IDA's website.
 - c. The IDA shall retain documentation to support the assessment of its internal controls.
 - d. If the IDA finds any deficiencies with the internal controls over its functions or operations, additional documentation should be maintained to demonstrate that the IDA has adopted corrective action plans to address these weaknesses.
 - e. This documentation should be made available upon request to the IDA's independent auditor or to ABO compliance review staff.
2. Public Authorities Reporting Information System (PARIS):
- a. As part of the PARIS Annual Report tab, the IDA will be required to indicate whether or not they have prepared this assessment and to provide the URL link to the statement, if available.

VI. IDA Board's 2021 Assessment of the Effectiveness of the Internal Financial Control System:

“The IDA Board has documented and assessed the internal control structure and procedures of the Fulton County Industrial Development Agency for the year ending December 31, 2021. The internal controls were determined to be adequate and no deficiencies were identified. No corrective actions were deemed required.”

IDA DISCUSSION: Mike Fitzgerald commented that he's seeing increasing amount of fraud in the banking industry. He recommended that the CFO check accounts on a weekly basis to make sure there are no attempts being made to try and fraud the IDA's accounts. He stated there are entities out there attempting to make copies of entity's checks and then try to write checks using agency's accounts. Jim Mraz stated that he would advise Carol Ellis of this.

MOTION: To adopt the Certification Statement presented above, to authorize the Executive Director to acknowledge in PARIS that said Certification Statement was approved by the IDA Board and to authorize the Executive Director to post this certification on the IDA's website.

MADE BY: Joe Semione
SECONDED: Todd Rulison
VOTE: Unanimous

I. Fulton County Center for Regional Growth Membership:

- In 2016, the IDA became a Gold Member of the FCCRG.
- IDA has received a renewal invoice from the FCCRG to continue the membership for another year.
- Invoice Amount: \$1,000
- \$1,000 is included in the 2022 Budget for this membership.

IDA ACTION:

MOTION: To authorize a payment of \$1,000 to FCCRG to renew the Gold Membership.

MADE BY: Dave D'Amore
SECONDED: Mike Fitzgerald
VOTE: Unanimous

J. 2021 PILOT Report:

1. Background:
 - Each year, the IDA monitors all PILOT Agreements it has on projects to verify that PILOT payments are being made per the PILOT Agreements.
 - Each year, the IDA sends a letter to every company it has a PILOT with asking that they fill out a PILOT Report.
 - The IDA also sends a similar letter to all local taxing jurisdictions impacted by an IDA PILOT. The information from local taxing jurisdictions is used to compare against the information received from companies.
 - Initial letters were sent out on November 22, 2021.
 - Follow-up letters were sent out on December 30, 2021.
2. PILOT Reports were sent to the following:
 - a. Companies:
Vireo Health
YMCA
CG Roxane
Benjamin Moore
 - b. Municipality/School Districts:
City of Johnstown
Town of Perth

Broadalbin-Perth Central School District
Greater Johnstown School District
Town of Johnstown
Fonda-Fultonville School District
Fulton County

3. Status Report:

- To date, the IDA has received responses from:

a. Companies:

Benjamin Moore
CG Roxane

b. Municipalities/School Districts:

Town of Johnstown
City of Johnstown
Greater Johnstown School District
Town of Perth

4. Summary of 2021 PILOT Payments:

- All required PILOT payments were made in 2021 to local taxing jurisdictions.
- See attached PILOT Report.

5. As of January 1, 2022, the IDA has the following active projects:

Company	Address
CG Roxane	1 Old Sweet Road, Johnstown, NY
YMCA	213 Harrison Street, Gloversville, NY
Nexus Renewables	881 CR107, Johnstown, NY
Benjamin Moore	N. Side Union Avenue Extension, Johnstown, NY
Vireo Health	CR117, Johnstown, NY
Hoffmans Carwash	237 S. Kingsboro Avenue Ext., Gloversville, NY

6. As of January 1, 2022, the IDA has the following active PILOT Agreements:

Company	Address
CG Roxane	1 Old Sweet Road, Johnstown, NY
Benjamin Moore	N. Side Union Avenue Extension, Johnstown, NY
Vireo Health	CR117, Johnstown, NY
Hoffmans Carwash	237 S. Kingsboro Avenue Ext., Gloversville, NY

K. 2022 Goals:

1. 2021 Goals:

- a) Identify potential sites for redevelopment and conduct desktop assessments on them.
- b) Contact National Grid to see if there's ways to expedite any hurdles for potential projects.
- c) Conduct a Summit with the IDA's economic development partners.
- d) Develop new revenue streams for the IDA.
- e) Conduct Board Training.

2. 2022 Goals:

- a) Complete the sale of 236+/- acres of land at the Tryon Technology Park to Winstanley Enterprises.
- b) Identify potential sites for development and/or redevelopment and conduct desktop assessments on them.
- c) Continue Board training.
- d) Others?

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He asked IDA Board members if there were any additional goals they would like to establish for 2022. Three (3) additional goals were added:

1. Work with National Grid to find ways to expedite any hurdles for potential projects.
2. Conduct a summit with all economic development agencies in the County.
3. Help Fulton County complete the creation of Fulton County Sewer District No. 4 that would include the Tryon Technology Park.

L. Project Application:

1. Background:

- At a recent meeting, IDA Board was advised of a new State law that will require any economic development project with a total project cost of over \$5.0 million and the project received public subsidies that exceeds 30% of the total project cost, the project would be required to pay prevailing wages.
- This new law takes effect on January 1, 2022.

2. Revised Project Application:

- The IDA's Project Application has been revised to acknowledge this new law and provide a space to verify if a proposed project must pay prevailing wages.
- See attached pages 12-14.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. There was a brief discussion regarding how this new law will apply to economic development projects. Jim Mraz stated that this is brand new and there will be a learning curve in figuring out how to determine whether proposed projects will be required to comply with this new requirement or not.

IDA ACTION:

MOTION: To approve the revised Project Application as presented.

MADE BY: Mike Fitzgerald

SECONDED: Sue Collins

VOTE: Unanimous

M. Uniform Tax Exemption Policy:

1. Background:

- a. The New York Industrial Development Agency Reform Act of 1993 created a new General Municipal Law Section 874(4) that required Industrial Development Agencies to establish a Uniform Tax Exemption Policy (“UTEP”). A UTEP provides guidelines for providing real property, mortgage recording, and sales and use tax exemptions.
- b. The Fulton County Industrial Development Agency (IDA) adopted its UTEP in February, 1994. The UTEP has been revised six (6) times since with the most recent revision being approved on July 14, 2020.
- c. The IDA’s current UTEP states that it shall make available to eligible companies a PILOT modeled after Section 485-b of New York State’s Real Property Tax Law as shown below:

Tax Fiscal Year	Percentage of Exemption
1	50%
2	45%
3	40%
4	35%
5	30%
6	25%
7	20%
8	15%
9	10%
10	5%
11 and thereafter	0%

2. Review of Other County Industrial Development Agencies’ UTEP’s:

- a. The IDA Board occasionally compares its existing UTEP against other IDA’s to see how its compares with what other IDA’s are offering.
- b. The UTEP’s of twenty-seven (27) other IDA’s were recently reviewed.
- c. Of the 27 IDA’s reviewed:
 - 1) Five (5) offer the same 485-b PILOT.
 - 2) Thirteen (13) offer PILOT’s different than 485-b. All of these PILOT’s offer real property tax exemptions greater than 485-b.
 - 3) Nine (9) IDA’s offer PILOT’s based upon general guidelines.

IDA DISCUSSION: Jim Mraz stated that the IDA Board, on occasion, reviews its UTEP against other IDA UTEP’s. He reviewed the information on the Agenda. After a brief discussion, it was the unanimous consensus of all IDA members present that the PILOT model contained in the UTEP is satisfactory and no changes are needed.

N. Administrative Fee:

1. Background:

- a. The IDA currently charges an Administration Fee of 0.75% of a Project’s total cost.
- b. The IDA Board occasionally compares its Administrative Fee against what other IDA’s are charging.

2. Survey:

- a. A survey of 27 other IDA's was recently conducted to compare Administrative Fees charged by other IDA's.
- b. The survey found:
 - 1) Six (6) charge 0.75%.
 - 2) Sixteen (16) charge a higher fee.
 - 3) Five (5) charge based on a scaled fee.

Of those sixteen (16) IDA's charging a higher fee:

- 1) Fourteen (14) charge 1%.
- 2) One (1) charges 1.25%.
- 3) One (1) charges 2% on the 1st \$10 million and then 0.5% on anything over that amount.

Of the five (5) that charge based on a scaled fee:

- 1) < \$1.0 million : 0.5%
\$1-5 million : 0.75%
- 2) \$0-10 million : 2%
\$10-\$20 million : 0.5%
>\$20 million : 0.25%
- 3) \$0-1 million : \$5,000
\$1-10 million : 0.5%
>\$10 million : 0.25%
- 4) \$0-10 million : 0.75%
\$10-20 million : 0.50%
\$20-100 million : 0.25%
\$100-200 million : 0.125%
\$200+ million : 0.10%
- 5) \$0-10 million : 0.75%
\$10-20 million : 0.50%
\$20-30 million : 0.25%
>\$30 million : 0.125%

Of the IDA's neighboring Fulton County:

- 1) Montgomery County charges 0.75%.
- 2) Saratoga County charges 0.75% on the 1st \$10 million, 0.5% for \$1-20 million, 0.25% for \$20-100 million, 0.125% for \$100-200 million and 0.1% for \$200+ million.
- 3) Herkimer County charges 1%.
- 4) Schenectady County charges 1%.

IDA DISCUSSION: Jim Mraz stated that the IDA Board, on occasion, reviews its Administrative Fee against what other IDA's are charging. After a brief discussion, it was the unanimous consensus of all IDA members presents that the IDA's current Administrative Fee is acceptable and no changes are necessary.

VII. OTHER BUSINESS:

A. Fire Tax Bills:

- IDA owns vacant land on the east side of NYS Route 30A and in the Tryon Technology Park in the Town of Johnstown.
- Even though the IDA is tax exempt, it is not exempt from Fire Taxes.

B. Town of Johnstown Fire Tax Bill for Properties on NYS Route 30A:

- 2022 Fire Tax Bill:
 - 174.-2-65 : \$ 41.03
 - 174.-2-66 : \$ 40.46

C. Town of Johnstown Fire Tax Bill for Tryon Technology Park Properties:

- 2022 Fire Tax Bills are:
 - 164.-2-54 : \$ 1.41
 - 164.-2-16.5 : \$562.00

IDA ACTION:

MOTION: To authorize the payment of these four (4) Town of Johnstown Fire Tax bills.

MADE BY: Joe Semione

SECONDED: Greg Truckenmiller

VOTE: Unanimous

D. 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 : Dave D'Amore
SECOND : Joe Semione
VOTE : Unanimous

TIME : 5:04 p.m.

MOTION : To go out of Executive Session.

MADE BY : Joe Semione
SECOND : Greg Truckenmiller
VOTE : Unanimous

TIME : 6:12 p.m.

E. Pump Station at Tryon Technology Park:

1. Background:

- The sewer pump station at the Tryon Technology Park currently operates without a backup generator.
- At present, there is little risk associated with operating the pump station without a generator given the minimum amounts of flow coming into the pump station.
- However, with Vireo's new building coming online this summer, the amount of flow that will be going into the pump station will increase significantly.
- Once that occurs, there will be an increased risk associated with operating the pump station without a backup generator in the event there is a power failure.
- The IDA currently owns the pump station. The pump station is operated and maintained by Fulton County.
- It is recommended that the IDA purchase and install a backup generator for this pump station.
- Once completed, the generator would be turned over with the pump station to the new Fulton County Sewer District No. 4.

2. Proposals:

- The IDA received the following two (2) proposals from engineering firms to prepare plans and specifications for bid the purchase and installation of a new gas-fired generator at the Tryon Wastewater Pump Station:

- | | | |
|-------------------------------------|---|----------|
| 1) Environmental Design Partnership | : | \$16,000 |
| 2) C.T. Male Associates | : | \$19,800 |

(NOTE: Dave D'Amore stated he has a conflict of interest with this Agenda item and recused himself.)

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. There was a brief discussion regarding the two (2) engineering proposals that had been received. Mike Fitzgerald suggested that consideration be given to leasing the generator so that the IDA does not have to front the entire cost upfront. Jim Mraz stated that he would discuss that with whatever engineering firm the IDA Board decided to go with.

IDA ACTION:

MOTION: To authorize the IDA Chairman to execute the proposal from Environmental Design Partnership for a cost of approximately \$16,000 to prepare plans and specifications for a backup generator to service the Tryon Technology Park Sewer Pump Station.

MADE BY: Greg Truckenmiller
SECONDED: Sue Collins
VOTE: 4 in favor, 1 opposed

VIII. NEXT MEETING:

Tuesday
February 8, 2022
8:00 a.m.

IX. CLOSE MEETING:

MOTION : To close the meeting.
MADE BY : Joe Semione
SECONDED : Todd Rulison
VOTE : Unanimous

TIME : 6:13 p.m.