

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY
APRIL 12, 2022
8:00 A.M.

PLANNING DEPARTMENT CONFERENCE ROOM

AGENDA

PRESENT:

- ___ JOSEPH SEMIONE, CHAIRMAN
- ___ MIKE FITZGERALD, VICE CHAIRMAN
- ___ TODD RULISON, TREASURER
- ___ JOSEPH GILLIS, SECRETARY
- ___ 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
- ___ GRANT PRESTON, FULTON COUNTY CENTER FOR REGIONAL GROWTH
- ___ JACK WILSON, LIAISON, ECONOMIC DEVELOPMENT AND ENVIRONMENT COMMITTEE

I. MINUTES FROM MARCH 8, 2022 MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :

II. BUDGET REPORT:

MOTION :
MADE BY :
SECONDED :
VOTE :

III. COMMITTEE REPORTS:

A. Nominating Committee:

- No report.

B. Audit Committee:

- Monthly Bank Reconciliation Report: Todd Rulison

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: Jack Wilson
2. FCCRG Report: (See attached.) Grant Preston

V. OLD BUSINESS:

A. Nexus Renewables Project:

- Nexus is still negotiating a construction contract.
- Nexus is seeking bids from other contractors.

B. Vireo Health Project:

1. Status of Construction:

- Construction ongoing.
- Steel frame complete.
- Roof complete.
- Started work on concrete panels on March 10, 2022.

2. PILOT/Lease:

- Vireo Health has yet to execute the Lease/PILOT Agreements for its 324,000 SF building.

C. Hoffman Carwash Project:

- Construction ongoing.

D. Winstanley Enterprises Project:

1. Tryon Technology Park Website:
 - Agreement between Winstanley and Fulton County regarding domain names has been executed.
 - Domain names have been transferred to Winstanley.

2. Boundary Survey:
 - Winstanley has submitted a boundary survey on the property they desire to purchase from the IDA.
 - A couple of errors were found in the survey. Winstanley had their surveyors correct the errors and resubmit.
 - Revised survey has been received.
 - Survey determined that the acreage to be transferred to Winstanley Enterprises is approximately 239 acres.

3. 90-Day Notice to New York State:
 - The IDA was required to send a letter to New York State advising that it was selling an asset with an appraised value over \$100,000 through a negotiated sale.
 - The letter was sent on January 12, 2022.
 - The 90-day time period ends on April 12, 2022.
 - No response has been received as of this meeting.
 - If no response is received on April 12th, the IDA can proceed with the negotiated sale of land to Winstanley Enterprises.

4. Presentation to Perth Planning Board:
 - Jim Mraz presented Winstanley's Concept Plan for Tryon to the March 21st Town of Perth Planning Board meeting.

IDA DISCUSSION:

E. Marketing Agreement with Cushman Wakefield:

- In April 2020, the IDA executed a Marketing Agreement with Cushman Wakefield to market the Tryon Technology Park.
- The term of the Agreement was April 14, 2020 – April 13, 2022.
- Given that the IDA has a Purchase and Sale Agreement with Winstanley Enterprises for all remaining lands at Tryon, it is recommended that the Marketing Agreement with Cushman Wakefield terminate and not be renewed.

IDA DISCUSSION:

F. Fulton County Sewer District No. 4: Tryon:

1. Back-up Generator at Tryon:

a. Bids:

- Bids were received and opened on Tuesday, April 5, 2022 at 2:00 p.m.
- The following bids were received:

Bidder	Base Bid	Contingency Allowance	Total Bid
Koval Contracting	\$ 73,200.00	\$ 5,000.00	\$ 78,200.00
Brunswick Electric	\$ 86,881.00	\$ 5,000.00	\$ 91,881.00
Stilsing Electric	\$ 89,917.00	\$ 5,000.00	\$ 94,917.00
Amaha Electrical	\$134,650.00	\$ 5,000.00	\$139,650.00
Harold R. Clune	\$190,000.00	\$ 5,000.00	\$195,000.00

- Environmental Design Partnership has reviewed all bids received and has submitted a letter to the IDA recommending that a contract be awarded to Koval Contracting, LLC in the amount of \$78,200. (See attached.)

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the Chairman to execute a contract with Koval Contracting, LLC in the amount of \$78,200 for the Tryon Back-up Generator Project.

MADE BY:

SECONDED:

VOTE:

b. Installation of Natural Gas Line:

- The back-up generator to be purchased runs on natural gas.
- As such, a gas line will need to be extended to where the generator will be located. The length of this extension is approximately 50’.
- National Grid has advised that they must install this gas line and it’s a fully chargeable expense.
- National Grid estimates the cost to be \$5,000 - \$10,000. It could be more.
- National Grid will perform the work and invoice the IDA directly.
- This will save the IDA from having to pay a Contractor overhead and profit markup if this cost was run through and paid by the Contractor.

IDA DISCUSSION:

2. Survey:

- At March 8, 2022 meeting, IDA Board authorized Ferguson & Foss to complete survey work on three (3) potential parcels of land at Tryon.
- The three (3) parcels included:
 - Two (2) parcels to be deeded to Fulton County Sewer District No. 4.
 - One (1) parcel to be deeded to Lott Holdings.

- Lott Holdings desires to acquire a parcel of land adjacent to the former Maintenance Building it recently purchased from the IDA.
- Lott Holdings is working with the Fulton County Soil and Water Conservation District to locate wetland boundaries and obtain input from the Army Corps of Engineers on whether they would consider swapping lands in the wetland with other lands.
- Lott Holdings is waiting for feedback from the Army Corps before it decides how much land it wants to purchase.
- As soon as Lott Holdings receives this feedback from the Corps, they will decide how many acres they will purchase.
- Once that is known, Ferguson & Foss can go out and prepare a map and description of these three (3) parcels.

3. Appraisal:

- Section 2897 of the Public Authorities Act states that an IDA cannot transfer real property without an appraisal.
- As such, an appraisal is required on the parcels proposed to be transferred to Fulton County Sewer District No. 4 and Lott Holdings.
- The IDA has received a proposal from Mark Grant, CBRE, to prepare said appraisal. The total fee would be \$3,500 and take 6 weeks to complete.
- The appraisal will identify a price/acre for the lands proposed to be deeded to Sewer District No. 4 and Lott Holdings.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the Chairman to execute an Assignment Agreement with CBRE at a cost not-to-exceed \$3,500 to prepare an appraisal of the three (3) parcels at Tryon.

MADE BY:

SECONDED:

VOTE:

4. 90-Day Notice to New York State:

- The IDA is required to send a letter to New York State whenever it proposes to:
 1. Sell real property valued at over \$100,000 by negotiated sale.
 2. Sell personal property valued at over \$15,000 by negotiated sale.
- The IDA will be selling to Sewer District No. 4 personal property valued at over \$15,000. The personal property involved includes the sewer pump station and back-up generator. This will require a letter being sent to New York State.
- The appraisal will determine if the IDA will be selling real property valued at over \$100,000.
- Once the appraisal is done, the letter will be sent.

IDA DISCUSSION:

5. Creation of Sewer District:

a. Background:

- The Board of Supervisors held the required public hearing on March 14, 2022. No one spoke at the hearing.
- Board of Supervisors must now wait 30 calendar days before acting on order to create the District.
- The 30-day period will end on April 14, 2022 which is 3 days past the Board’s April 11, 2022 meeting.
- As such, the order to approve creating the District will be acted on at the May 9, 2022 Board meeting.

b. IDA Actions Required:

- In order to transfer ownership of the Tryon sewer infrastructure to the Sewer District, the IDA Board needs to take two (2) actions:
 - 1) Authorize the Chairman to execute a Bill of Sale transferring ownership of all sewer infrastructure at Tryon to Fulton County Sewer District No. 4.
 - 2) Authorize the Chairman to execute two (2) deeds transferring ownership of the two (2) parcels of land to the Sewer District.
- These actions will be taken at a future meeting.

IDA DISCUSSION:

VI. NEW BUSINESS:

A. Lawn Mowing Quotes:

- A Request for Quotes (RFQ) was distributed to four (4) companies/individuals to mow lawn at the Tryon Technology Park in 2022.
- Quotes were received on April 5, 2022.
- Quotes based upon performing the following work:
 - Finish Mowing : 7
 - Brush Hog : 3
 - Brush Hog : 2
- Following quotes were received:

Company	7 Finish Mowing	3 Brush Hog	2 Brush Hog	Total
James Esper Landscape	\$ 2,100.00	\$ 2,250.00	\$ 1,990.00	\$ 6,340.00
Greenscapes Landscaping, Inc.	\$ 2,800.00	\$ 2,340.00	\$ 1,560.00	\$ 6,700.00
Evergreen Landscaping	\$ 4,130.00	\$ 5,700.00	\$ 6,400.00	\$16,230.00

- 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
2021	:	\$6,628	:	Evergreen

- Jim Esper was asked to provide quote to weed around entrance sign and install new mulch. Quote: \$500. It's recommended that this work also be awarded.
- This was done in 2021 with Evergreen.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the Chairman to sign an Agreement with James Esper Landscape in the amount of \$6,840.00 to provide lawn mowing services and weeding/mulching around the entrance sign at the Tryon Technology Park in 2022.

MADE BY:

SECONDED:

VOTE:

B. PARIS Reports:

- All of the following reports were successfully filed under PARIS on March 11, 2022 prior to the required filing date of March 31, 2022:
 - Annual Report
 - Certified Financial Audit
 - Investment Report
 - Procurement Report
- Distribute PARIS Report for Board members to review.

IDA DISCUSSION:

C. Board Training:

1. Corporate Site Selectors:

- Site Selection Magazine recently published the results of the annual survey it conducts of Corporate Site Selectors.
- The top five (5) most active industry sectors are:
 - 1) Distribution/Logistics
 - 2) Advanced Manufacturing
 - 3) Biomedical/Health Care
 - 4) Food Processing
 - 5) Finance/Insurance/Real Estate
- The biggest findings included:
 - 1) Distribution and logistics projects will again dominate the headlines in 2022.
 - 2) Sunbelt states maintained their status as the most favored business climates in America.
 - 3) Most corporate clients are expected to expand their facilities sometime this year.

- 4) Reshoring projects are here to stay for the foreseeable future.
 - 5) Suburban and rural communities will benefit as more employers look outside of large central cities to establish new workplace hubs.
 - 6) Remote working has become a permanent part of the new workplace landscape.
 - 7) Governmental mismanagement continues to be the main barrier to getting deals done.
- The most common deal-breaker identified by the Site Selectors was government mismanagement of projects. Some comments offered by Site Selectors include:
 - 1) “Poor or incomplete job preparation. Many communities have taken initial steps. Relatively few have thought through what business and industrial prospects must go through to make siting decisions.”
 - 2) “Lack of local cooperation.”
 - 3) “Cumbersome, slow and unclear process and procedures when dealing with state and local economic development officials.”
 - 4) “Delay of permitting.”
 - 5) “Over-regulation by government.”
 - 6) “Red tape and unresponsive government.”
 - 7) “Inability to meet the need for time to market.”

IDA DISCUSSION:

2. Property Disposition Policy:

- a. Background:
 - IDA has a Property Disposition Policy that was originally adopted by the IDA Board on September 30, 2008 and amended on March 26, 2014.
- b. Proposed Changes:
 - Section 2897 of New York State’s Public Authorities Law identifies all the requirements an IDA must adhere to when disposing of real and personal property.
 - Several amendments are being proposed to bring the Property Disposition Policy into compliance with Section 2897 of Public Authorities Law.
 - Proposed amendments were emailed to IDA Board members on April 4, 2022.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

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.**

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 :
VOTE :

TIME :

MOTION : To go out of Executive Session.

MADE BY :
SECOND :
VOTE :

TIME :

VIII. NEXT MEETING:

Tuesday
May 10, 2022
8:00 a.m.

IX. CLOSE MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :

TIME :