

# **FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

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

**PLANNING DEPARTMENT CONFERENCE ROOM**

## **MEETING NOTES**

PRESENT:

JOSEPH SEMIONE, CHAIRMAN  
MIKE FITZGERALD, VICE CHAIRMAN  
TODD RULISON, TREASURER (ZOOM)  
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 (ZOOM)

### **I. MINUTES FROM MARCH 8, 2022 MEETING:**

MOTION : Accept as presented.  
MADE BY : Sue Collins  
SECONDED : Dave D'Amore  
VOTE : Unanimous

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

MOTION : Accept as presented.  
MADE BY : Mike Fitzgerald  
SECONDED : Greg Truckenmiller  
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: Jack Wilson
2. FCCRG Report: (See attached.) Grant Preston

IDA DISCUSSION: Grant Preston reviewed the report that was attached to the Agenda.

### 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.

IDA DISCUSSION: Mike Fitzgerald asked if Vireo Health still plans on taking a PILOT? Jim Mraz stated, “Yes.” He stated he actually has a conference call set up today with Amy Rausch, Vireo’s Counsel, to discuss the PILOT.

**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 12<sup>th</sup>, 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 21<sup>st</sup> Town of Perth Planning Board meeting.

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

**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: Jim Mraz reviewed the information on the Agenda. He asked the IDA Board if they agreed with not renewing the Marketing Agreement with Cushman Wakefield. All IDA members present

agreed to not renew Cushman Wakefield’s agreement. Jim Mraz asked if there were any further questions. There were none.

**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:

<b>Bidder</b>	<b>Base Bid</b>	<b>Contingency Allowance</b>	<b>Total Bid</b>
<b>Koval Contracting</b>	<b>\$ 73,200.00</b>	<b>\$ 5,000.00</b>	<b>\$ 78,200.00</b>
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: Jim Mraz reviewed the information on the Agenda. He discussed how the Contingency Allowance would work. He stated if there is any balance left in that allowance at the end of the project, then the balance would be credited back to the IDA by Change Order.

Sue Collins expressed a concern with how low Koval Contracting’s bid was. Jim Mraz stated that he asked Koval Contracting to provide a letter stating that they have reviewed their bid and are comfortable with it. He stated that letter has been filed with the IDA. He also stated that the owner of the company met with Environmental Design Partnership (EDP) and stated to EDP that he was comfortable with his bid.

Joe Semione asked what happened to the option of leasing? Jim Mraz stated EDP, prior to going out to bid, contacted several potential bidders about leasing. Everyone who was contacted stated that they would not bid a lease option. Jim Mraz stated that since Mike Fitzgerald was the one who originally raised that concept, that he e-mailed Mike with the feedback received from EDP.

Joe Semione asked what the lead time was for getting the generator. Jim Mraz said Koval Contracting estimates 6 months.

Dave D’Amore stated that the Board should be prepared for a potential price escalation during this project. He has seen other projects recently where contractors came back to the owners and requested additional funds because of price escalations that occurred for materials that needed to be purchased.

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: Greg Truckenmiller  
SECONDED: Dave D'Amore  
VOTE: Unanimous

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

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 at a cost of up to \$5,000.
- 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 want 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.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He stated once Lott Holdings decides how much land it actually wants, he will be able to provide Ferguson & Foss with a sketch of that parcel for Ferguson & Foss to use as a basis for preparing a survey map and metes and bounds description.

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 transferred to Sewer District No. 4 and sold to Lott Holdings.

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

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 lands to be transferred to Sewer District No. 4 and Lott Holdings.

MADE BY: Joe Semione

SECONDED: Joe Gillis

VOTE: Unanimous

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: Jim Mraz reviewed the information on the Agenda. He stated that the appraisal should be done sometime towards the end of May. He stated that is when the 90-day letter will be sent. He stated this will result in the transaction with the Sewer District not being done for at least 90 days after the date of that letter which would bring it in around the end of August.

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: Jim Mraz reviewed the information on the Agenda. He asked if there were any questions. There were none. He stated that the actions referenced above would probably be taken at the August IDA Board meeting.

**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:

<b>Company</b>	<b>7 Finish Mowing</b>	<b>3 Brush Hog</b>	<b>2 Brush Hog</b>	<b>Total</b>
<b>James Esper Landscape</b>	<b>\$ 2,100.00</b>	<b>\$ 2,250.00</b>	<b>\$ 1,990.00</b>	<b>\$ 6,340.00</b>
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: Joe Gillis stated that he would be abstaining from any discussion regarding this Agenda item since he has a potential conflict of interest with Jim Esper.

Jim Mraz reviewed the information on the Agenda. He said Winstanley Enterprises has confirmed that they will reimburse the IDA for this cost at the end of the year. He asked if there were any questions. There were none.

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: Joe Semione

SECONDED: Todd Rulison

VOTE: 6 in favor, 0 opposed, 1 abstained (Joe Gillis)

**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.

**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.”

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: Jim Mraz reviewed the information on the Agenda. He stated that the proposed changes to the IDA’s Property Disposition Policy is being made simply to bring the Policy into conformance with the requirements of Section 2897 of the New York State’s Public Authorities Law. He asked Kara Lais if she had any comments on the proposed changes? She stated none.

IDA ACTION:

MOTION: To approve the revised Property Disposition Policy as presented.

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

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

TIME : 8:35 a.m.

MOTION : To go out of Executive Session.

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

TIME : 9:35 a.m.

**VIII. NEXT MEETING:**

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

**IX. CLOSE MEETING:**

MOTION : To close the meeting.  
 MADE BY : Sue Collins  
 SECONDED : Greg Truckenmiller  
 VOTE : Unanimous

TIME : 9:35 a.m.