

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY
MAY 10, 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 (ZOOM)
SUE COLLINS, MEMBER
DR. GREG TRUCKENMILLER, MEMBER
JAMES MRAZ, EXECUTIVE DIRECTOR
KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
SCOTT HENZE, PLANNING DIRECTOR
TIM BECKETT, FULTON COUNTY CENTER FOR REGIONAL GROWTH
JACK WILSON, LIAISON, ECONOMIC DEVELOPMENT AND ENVIRONMENT COMMITTEE
ADAM WINSTANLEY, WINSTANLEY ENTERPRISES (ZOOM)

I. MINUTES FROM APRIL 12, 2022 MEETING:

MOTION : Accept as presented.
MADE BY : Sue Collins
SECONDED : Greg Truckenmiller
VOTE : Unanimous

II. BUDGET REPORT:

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

III. COMMITTEE REPORTS:

A. Nominating Committee:

- No report.

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: Jack Wilson
2. FCCRG Report: (See attached.) Tim Beckett

IDA DISCUSSION: Tim Beckett reviewed the CRG's monthly report as attached to the Agenda. Joe Semione asked if the sale of the property to the Kearney Group helped the CRG? Tim Beckett stated yes in that it allowed money to be put back into the loan fund.

V. OLD BUSINESS:

A. Fulton County Site Inventory Report:

1. Background:
 - The Mohawk Valley Economic Development District (MVEDD) and the FCCRG, in 2021, retained Elan Planning/Landscaping/Architecture/Engineering to prepare a study on potential tracts of land in Fulton County that could be prepared as shovel-ready sites.
 - The Study would also identify potential buildings for redevelopment.
2. Status Report:
 - Final Report should be ready soon.

B. Nexus Renewables Project:

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

C. Vireo Health Project:

1. Status of Construction:

- Construction ongoing.
- Steel frame complete.
- Roof complete.
- Work on concrete panels ongoing.

2. PILOT/Lease:

- Working with Vireo Health to complete the Lease/PILOT Agreements for its 324,000 SF building.

D. Hoffman Carwash Project:

- Construction ongoing.

E. Winstanley Enterprises Project:

1. 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 ended on April 12, 2022.
- No response was received.
- As such, the IDA can proceed with the negotiated sale of land to Winstanley Enterprises.

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

1. Back-up Generator Project:

- Contract with Koval Electrical has been executed. Bonds and insurances have been submitted.
- Notice of Contract Award sent to NYS Department of Labor.
- EDP has contacted Koval and requested their submittal on generator so that can get approved and Koval can order the generator.

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 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.
3. Appraisal:
- CBRE working on appraisal.
 - Appraisal should be completed by the end of May.
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 transferring 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 transferring real property valued at over \$100,000.
 - Once the appraisal is done, the letter will be sent.
5. Creation of Sewer District:
- On May 9, 2022, the Board of Supervisors adopted an order formally creating the District.
 - 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 regarding Old Business items. He asked if there were any questions. There were none.

VI. NEW BUSINESS:

A. FCCRG Event:

- FCCRG is conducting its annual fundraising gala on June 9, 2022.
- Tickets are \$75.

- Does IDA Board want to pay for tickets for any IDA Board member who desires to attend this event?

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. Joe Semione stated that he will be attending the meeting. Greg Truckenmiller, Mike Fitzgerald and Sue Collins also indicated that they would be attending the fundraising gala. There was a brief discussion regarding having the IDA Board pay for tickets for IDA Board members. There was a consensus that the IDA Board should pay for IDA Board members to attend but not guests.

IDA ACTION:

MOTION: To authorize the payment of \$75 to the CRG for IDA members to attend their fundraising gala but not pay for guests of IDA members.

MADE BY: Joe Semione

SECONDED: Joe Gillis

VOTE: Unanimous

B. Conference Table:

1. Background:

- The IDA uses the Planning Department's Conference Room to conduct monthly and other meetings.
- The Planning Department has recently had the chairs in the Conference Room reupholstered.
- It is suggested that the IDA Board consider purchasing a new conference table for the room.

2. Options:

- Purchase a conference table from a catalog.
- Have a table constructed.

3. Proposal:

- Rustic Slabs, located on NYS Route 29 in Fulton County, has submitted a quote to construct a new conference table.
- The table would include the following:
 - 14' x 4' x 2"
 - 30" to top of table
 - 28" clear from floor to bottom of table. This height will allow the existing chairs to slide under the table. The chairs cannot slide under the existing conference room table
 - 3-4 pieces of wood would be needed. All pieces glued and biscuit joints.
 - Square ends
 - Natural finish: epoxy
 - 3 "T" legs 18" wide
 - 1" opening in table top for cables
 - Hangar/cable tray under table
- Total quote to construct and install: \$2,800 : Cherry
\$3,450 : Black Walnut

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He stated that Dave Horton, the owner of Rustic Slabs, offered two (2) different species of wood to have the table made from. One was Cherry and one was Black Walnut. He asked IDA Board members if they had a preference. Most IDA members stated that the Black Walnut looked better than the Cherry. Jim Mraz stated that if the prices were the same, it would appear that all IDA Board members would select the Black Walnut. After a brief discussion, it was the consensus of all IDA members present to have the table manufactured from Black Walnut.

Jim Mraz added that the 14' table will need to be lifted from the outside and brought into the conference room through a window opening. Fulton County Facilities staff will perform this work.

IDA ACTION:

MOTION: To authorize Rustic Slabs to build a conference table from Black Walnut as specified in the Agenda at a cost not-to-exceed \$3,450.

MADE BY: Dave D'Amore

SECONDED: Todd Rulison

VOTE: Unanimous

C. Board Training:

1. Types of Projects IDA's are Authorized to Participate in:

a. Background:

1. IDA's are authorized under Section 852 of New York State's General Municipal Law (GML).
2. Section 858 of GML states the purpose of IDA's shall be to: "Promote, develop, encourage and assist in the acquiring, construction, reconstructing, improving, maintaining, equipping and furnishing:
 - a) Industrial
 - b) Manufacturing
 - c) Warehousing
 - d) Commercial
 - e) Research and recreation facilities
 - f) Industrial pollution control facilities
 - g) Educational or cultural facilities
 - h) Railroad facilities
 - i) Horse racing facilities
 - j) Automobile racing facilities
 - k) Continuing care retirement communities
 - l) Retail: Retail component of total project cost can't exceed 33%

b. Fulton County IDA:

1. Historically, the Fulton County IDA has been involved primarily with manufacturing and distribution type projects.

c. Examples of Projects other IDA's in New York State are Involved With:

1. See Handout.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. There was a brief discussion regarding whether the IDA should market itself as an entity that can get involved with multiple types of projects. It was the consensus of all present to have the IDA's website add information to it about the various types of projects the IDA can get involved with. In addition, an article should be placed on the IDA's Google business page explaining the different types of projects the IDA can be involved with.

D. Continued Use of Videoconferencing:

- Chapter 56 of the laws of 2022 relating to the New York State Budget for 2022-2023 State fiscal year included an Amendment to the Open Meetings Law (OML) to make permanent (until July 1, 2024) the expanded use of videoconferencing by public bodies to conduct meetings, under extraordinary circumstances, regardless of a declaration of emergency.
- Fulton County Industrial Development Agency (IDA) has successfully utilized videoconferencing during the COVID pandemic and would like the ability to continue to utilize videoconferencing.
- Chapter 56 of the laws of 2022 requires that public bodies like the IDA must adopt a resolution to allow IDA members to participate in IDA meetings by remote videoconferencing.
- See attached draft Resolution.
- If the IDA Board desires to consider this Resolution, it first must conduct a Public Hearing.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He reviewed the draft resolution that was attached to the Agenda. After a brief discussion, it was the consensus of all IDA members present to proceed with the process of adopting this draft resolution.

IDA ACTION:

MOTION: To authorize scheduling a public hearing on the draft resolution to be held at the June 14th IDA Board meeting at 8:00 a.m.

MADE BY: Greg Truckenmiller

SECONDED: Sue Collins

VOTE: Unanimous

(NOTE: Mike Fitzgerald left the meeting at 8:40 a.m.)

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 Gillis
SECOND : Greg Truckenmiller
VOTE : Unanimous

TIME : 8:40 a.m.

MOTION : To go out of Executive Session.

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

TIME : 9:30 a.m.

VIII. NEXT MEETING:

Tuesday
June 14, 2022
8:00 a.m.

IX. CLOSE MEETING:

MOTION : To close the meeting.

MADE BY : Joe Gillis

SECONDED : Dave D'Amore

VOTE : Unanimous

TIME : 9:31 a.m.