

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

**TUESDAY
JANUARY 10, 2023
4:00 P.M.**

PLANNING DEPARTMENT CONFERENCE ROOM

ANNUAL MEETING

AGENDA

PRESENT:

- ___ JOSEPH SEMIONE, CHAIRMAN
- ___ MIKE FITZGERALD, VICE CHAIRMAN
- ___ JOSEPH GILLIS, SECRETARY
- ___ 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
- ___ JACK WILSON, LIAISON, ECONOMIC DEVELOPMENT AND ENVIRONMENT COMM.
- ___ JON STEAD, ADMINISTRATIVE OFFICER
- ___ KENT KIRCH, FULTON COUNTY CENTER FOR REGIONAL GROWTH
- ___ ADAM WINSTANLEY, WINSTANLEY ENTERPRISES

I. MINUTES FROM DECEMBER 13, 2022 MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :

II. BUDGET REPORT:

MOTION :
MADE BY :
SECONDED :
VOTE :

III. COMMITTEE REPORTS:

A. Nominating Committee:

1. Report of Nominating Committee: 2023 Officers

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

IDA DISCUSSION:

IDA ACTION:

MOTION : To accept the report of the Nominating Committee for 2023 IDA Officers
MADE BY :
SECONDED :
VOTE :

B. Audit Committee:

- Monthly Bank Reconciliation Report: Mike Fitzgerald

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, Liaison
2. FCCRG Report: (See attached.) Kent Kirch

V. OLD BUSINESS:

A. Nexus Renewables:

- Nexus is reapplying for utility connection to secure needed incentives.

IDA DISCUSSION:

B. Winstanley Enterprises Project:

1. Purchase and Sale Agreement (PSA):

- The PSA the IDA executed with Winstanley Enterprises (WE) states that WE must complete its due diligence by December 31, 2022.
- On December 20, 2022, Adam Winstanley advised the IDA that, for several reasons, he has decided to not purchase the 242+/- acres at Tryon at this time.
- Adam Winstanley asked to have the Due Diligence Deadline extended.
- On December 21, 2022, Jim Mraz emailed all IDA members advising of Adam's decision and asking if they would be okay with executing a 2nd Amendment to the PSA to extend the Due Diligence period to February 28, 2023.
- All six (6) of the IDA members who responded said "yes" to executing the 2nd Amendment.
- The 2nd Amendment was executed on December 22, 2022.
- The IDA Board needs to retroactively approve executing the 2nd Amendment.

IDA DISCUSSION:

IDA ACTION:

MOTION: To retroactively authorize the Vice-Chairman to execute the 2nd Amendment to the PSA to extend the Due Diligence Deadline from December 31, 2022 to February 28, 2023.

MADE BY:

SECONDED:

VOTE:

2. Presentation by Adam Winstanley:

3. Option Agreement:

- WE is offering to execute an Option Agreement with the IDA for the 242 acres at Tryon.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

C. Back-up Generator Project:

- Backup generator has been delivered.
- Koval set the generator on December 28th.
- Koval pulled wires during week of 1/2/23.
- Processed \$30,000 progress payment to Koval.
- Once complete, Koval will provide training to County Facilities’ staff.
- Koval will be providing a 2-year Maintenance Agreement to the County.

VI. NEW BUSINESS:

A. 2023 Committee Appointments:

- Per the IDA’s Bylaws, the Chairman shall annually appoint members to the IDA’s Committees.
- The following are the Chairman’s Committee appointments for 2023.

<u>Committee</u>	<u>2022 Appointees</u>	<u>2023 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.Todd Rulison 2.Joseph Semione 3. Dr. Greg Truckenmiller	1. Todd Rulison 2. Joseph Semione 3. Dr. Greg Truckenmiller
3. Finance	1.Joe Gillis 2.Mike Fitzgerald 3.Sue Collins	1. Joe Gillis 2. Mike Fitzgerald 3. Sue Collins
4. Nominating	1.Joseph Semione 2.Dave D’Amore 3.Sue Collins 4.Dr. Greg Truckenmiller	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 2023 at a salary of \$24,242/year.

MADE BY:
SECONDED:
VOTE:

VOTE:

3. Appointment of Chief Financial Officer

MOTION: To appoint Carol Ellis as the Chief Financial Officer for 2023 at a salary of \$5,250.

MADE BY:

SECONDED:

VOTE:

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 2023 Budget.

MOTION: To appoint West & Company to serve as the IDA's Auditor for 2023 and to authorize the Chairman to execute an Agreement with West & Company to audit the IDA's 2022 financial statements at a fee of \$8,750 and to provide 2023 payroll services for \$500.

MADE BY:

SECONDED:

VOTE:

C. Legal Services:

- It is recommended that the IDA retain Fitzgerald, Morris, Baker, Firth, PC to serve as IDA Counsel in 2023.
- Budgeted: \$9,000

MOTION: To authorize the Chairman to execute an Agreement with Fitzgerald, Morris, Baker and Firth, PC to provide legal services in 2023.

MADE BY:

SECONDED:

VOTE:

D. Depositories of IDA Funds:

- Per the IDA's Investment Policy, it is recommended that NBT Bank, Citizens Bank, 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 2023.

MADE BY:

SECONDED:

VOTE:

E. 2022 Financial Report:

- Chief Financial Officer has finalized the IDA’s 2022 Financial Report.
- The Financial Report has been sent to West & Company to audit.

IDA DISCUSSION:

F. 2022 IDA Board Performance Questionnaire:

1. Background:

- The 2009 Public Authorities Reform Act requires IDA board members to annually evaluate its performance.
- Evaluation forms were completed by all IDA Board members at the November 8, 2022 meeting.
- Executive Director has collected the forms and tallied the results.
- See attached results.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the Executive Director to post the 2022 Summary of IDA Board Performance Questionnaire on the IDA’s website.

MADE BY :
SECONDED :
VOTE :

G. 2022 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 2022 Performance and Measurement Report:

- See attached.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the Chairman to sign the 2022 Performance and Measurement Report and to authorize the Executive Director to post this report on the IDA's website.

MADE BY:
SECONDED:
VOTE:

H. 2022 Assessment of the Effectiveness of the IDA's Internal Financial Control System:

1. Background:
 - The IDA's Policy 11 requires the IDA Board and management to complete an Annual Assessment of the Effectiveness of the IDA's Internal Financial Control System.

2. Management's Assessment of Internal Financial Control System:
 - At its December 13th meeting, the IDA Board approved management's recommendation to amend the System by adding to the description of the IDA's Internal Financial Control System:
 - A. The IDA Board shall determine whether to invest funds into Treasury Bills.
 - B. The CFO shall invest funds into Treasury Bills as directed by the IDA Board.
 - C. The CFO shall provide monthly reports to the IDA Board regarding the status of all investments in Treasury Bills.

3. Internal Financial Control System Certification Statement:
 - IDA's Policy 11 Annual Assessment of the Effectiveness of Internal Controls requires the IDA Board to adopt a certification statement upon completion of its annual review of the IDA's Internal Financial Control System.

 - Proposed 2022 Certification Statement reads as follows:

“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, 2022. It was determined that the internal controls should be revised to include referencing Treasury Bills.”

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:
SECONDED:
VOTE:

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 2023 Budget for this membership.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

J. 2022 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, 2022.
 - Follow-up letters were sent out on December 21, 2022.
2. PILOT Reports were sent to the following:
 - a. Companies:
 - Vireo Health (sales tax only)
 - YMCA
 - CG Roxane
 - Benjamin Moore
 - Hoffman Carwash
 - 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
Hoffman Carwash
CG Roxane

b. Municipalities/School Districts:

Fulton County
Town of Johnstown
Greater Johnstown School District

4. As of January 1, 2023, the IDA has the following active projects:

Company	Address
CG Roxane	1 Old Sweet Road, Johnstown, NY
YMCA	213 Harrison Street, Gloversville, NY
Benjamin Moore	N. Side Union Avenue Extension, Johnstown, NY
Vireo Health	CR117, Johnstown, NY
Hoffmans Carwash	342 S. Kingsboro Ave. Ext, Gloversville, NY

5. As of January 1, 2023, the IDA has the following active PILOT Agreements:

Company	Address	Date PILOT Expires
CG Roxane	1 Old Sweet Road, Johnstown	11/2023
Benjamin Moore	155 Union Avenue Extension, Johnstown	2032
Hoffmans Carwash	237 S. Kingsboro Avenue Extension, Gloversville, NY	12/2032

NOTE: IDA Board has approved granting a PILOT to Vireo Health of NY but the PILOT Agreement won't be executed until 2023.

K. 2023 Goals:

1. 2022 Goals:

Goal	Status
a) Complete the sale of 242+/- acres of land at the Tryon Technology Park to Winstanley Enterprises.	Executed Option Agreement
b) Identify potential sites for development and/or redevelopment and conduct desktop assessments on them.	Potential sites identified. Waiting for direction from the County.
c) Continue Board training.	Ongoing
d) Work with National Grid to expedite any hurdles for potential projects.	Sue appointed to IDA Board
e) Conduct a Summit with all economic development agencies.	Monthly meetings being conducted
f) Help Fulton County complete the creation of Fulton County Sewer District No. 4 that would include the Tryon Technology Park.	Completed

IDA DISCUSSION:

2. Review Strategies Contained in 2016 and 2022 Labor Market Analysis Reports:
 - See attached.
3. 2023 Goals:
 - a)
 - b)
 - c)

IDA DISCUSSION:

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:

- 2023 Fire Tax Bill:

-	174.-2-65	:	\$	41.90
-	174.-2-66	:	\$	41.33

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

- 2023 Fire Tax Bills are:

-	164.-2-54	:	\$	1.44
-	164.-2-16.5	:	\$	574.00

IDA DISCUSSION:

IDA ACTION:

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

MADE BY:

SECONDED:

VOTE:

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 :
SECOND :
VOTE :

TIME :

MOTION : To go out of Executive Session.

MADE BY :
SECOND :
VOTE :

TIME :

VIII. NEXT MEETING:

Tuesday
February 14, 2023
8:00 a.m.

IX. CLOSE MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :

TIME :

Fulton County Center for Regional Growth

January 2023

Business Marketing / Business Leads / Business Inquires

1. NYS Empire State Development announced a funding program called Fast NY Grant Program. Attached are the program guidelines.
2. CRG and DRI/DDS coordinator, in conjunction with the City of Gloversville, are now meeting with the approved DRI project applicants to evaluate financial needs and package project funding.
3. CRG is working with the City of Johnstown to establish a Johnstown Loan Fund.
4. CRG has rescheduled the Legislative Meet & Greet for January 13th. Hopefully the weather will cooperate this time.
5. Received an RFP for a potential project but it was not a fit for our location.
6. CRG's 6-County Job Development Authority Loan Committee approved a new agricultural loan that is contingent upon NYS approval.
7. Assisting a start-up business with site selection and business planning.
8. NYS approved an additional \$500,000 for the Microenterprise CARES Act Grant Program.
9. The last Dolgeville BOA Committee meeting went well. Agenda attached.

Program Guidelines
New York State

**Focused Attraction of Shovel-
Ready Tracts New York
(FAST NY) Grant Program**



State of New York
Kathy Hochul, Governor
Empire State Development

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I. Overview

On February 28, 2022, Governor Kathy Hochul announced that the Fiscal Year 2023 New York State Budget would make available up to \$200 million for Empire State Development (“ESD”) to fund the new Focused Attraction of Shovel-Ready Tracts New York (FAST NY) Grant Program (the “Program”). Under the Program, ESD will provide grants for pre-development activities and infrastructure investments develop sites that will attract high-tech manufacturing, particularly semiconductor manufacturing, warehousing, distribution and logistics businesses to the state to jumpstart New York's shovel-readiness and increase the state's attractiveness to large employers. The Program further provides ESD the ability to award a “FAST NY Site” certification for sites that meet high standards of shovel readiness to support their marketing to industry.

II. Definitions

- MUNICIPALITY shall mean a municipal subdivision that is a county, city, town, or village in New York State.
- MUNICIPALLY DESIGNATED NON-PROFIT ECONOMIC DEVELOPMENT ORGANIZATIONS shall mean New York State-based nonprofit industrial development agencies and authorities and economic development corporations designated to act on the behalf of the municipality in which the site is located.
- SHOVEL-READY SITE shall mean a land area in New York State that has been prepared for future construction.

III. Eligibility Criteria

Eligible Applicants:

- Municipalities
- Municipally designated non-profit economic development organizations

Site Condition Eligibility:

- Sites must be at least 40 acres in size to be eligible for grant consideration. Exceptions may be made for smaller sites demonstrating compelling site assets or public benefits, including but not limited to: proximity to intermodal transportation assets, such as transportation terminals; population centers; the possibility for brownfield redevelopment.
- Applicant must either
 - have ownership or control of the site, or
 - provide written consent from the ownership entity and, if different, the entity that has legal control of the site, to the application for FAST NY funding and, if awarded, agreeing to use FAST NY funds as outlined in the application.

IV. Awards

Track A - FAST NY Shovel-Ready Certification

- This no-cost designation by ESD for site marketing purposes establishes that the applicant has worked proactively with New York State (the “State”) to address all major permitting issues prior to a business expressing interest in the location.

Track B - FAST NY Pre-Development Grants

- Working capital grants of up to \$500,000 per site will be awarded to fund the cost of necessary pre-development site planning and reviews for future shovel ready sites.
- Grants will fund necessary costs to assist grantees in completing pre-development activities, such as those required for FAST NY Shovel-Ready Certification.

Track C - FAST NY Infrastructure Improvements

- Capital grants will be awarded to improve the shovel-readiness of existing, mature sites by funding infrastructure improvements such as water, sewer, transportation, electricity, gas and other capital-eligible site improvement costs.
- Competitive grant awards will be available to sites that have substantially met the requirements of FAST NY Shovel-Ready certification.

V. Eligible Use of Grant Funds

- Eligible industries include:
 - high-tech manufacturing, including but not limited to renewable energy, life sciences, agribusiness, optics, transportation equipment, materials processing, and industrial machinery manufacturing.
 - sites for warehousing, distribution, and logistics.
- Priority may be given to semiconductor manufacturing projects.

Track B – FAST NY Pre-Development Grants: Grantees will be permitted to use funds for the following:

- professional services or consulting fees for engineering, environmental assessment, surveying, and planning directly related to development of the site.
- professional services incurred for site layout, plotting, and design work.
- conducting archeological and historic surveys, assessments, and studies.
- performing soil sampling; test borings, compaction tests, etc.
- professional services for the cost of engineering and design related to installation or upgrades to public infrastructure including water, sewer, electric, and gas service, highway access, interior roads, and other improvements.
- other activities approved by ESD as necessary to achieve FAST NY Shovel-Ready Certification.

Track C – FAST NY Capital Infrastructure Improvements: Grantees will be permitted to use funds for the following:

- investments in water infrastructure, sewer infrastructure, roads, electricity (including power lines and electrical substations), natural gas lines, specialized telecommunications infrastructure, and other site infrastructure.
- capital-eligible site preparation and development expenses.

VI. Documentation Requirements for Applicants

This section outlines the documentation necessary to be considered for an award, broken down by Award Track. Please note that additional documents may be requested in order to complete ESD's evaluation of applications.

Track A – FAST NY Certification

ESD will award FAST NY Certification to those applicants that satisfy the production requirement of the following documents, as applicable:

- State Historic Preservation Office (SHPO) sign-off on survey and plan
- Site plan and subdivision approval by local municipality
- Phase I Environmental Site Assessment (ESA) and/or Phase II ESA report
- Federal Emergency Management Agency (FEMA) mapping
- Park rules, regulations and covenants document (created by developer)
- U.S. Fish and Wildlife Service (USFWS) sign-off of survey and report
- Environmental Assessment Form (EAF) or Final Environmental Impact Statement (FEIS) or Negative Declaration
- Site plan and boundary survey map
- Soil survey map
- Signoff by oversight body if needed for special district (e.g., Adirondack Park Agency, agricultural district, etc.)
- Department of Environmental Conservation (DEC) signoff of preliminary plan
- Department of Transportation (DOT) approval of study
- Wetland avoidance and minimization plan - pre-application meeting with Army Corps of Engineers and DEC
- Wetland avoidance and minimization plan - preliminary plan approved
- Other necessary project approvals specific to site

Track B – FAST NY Pre-Development Grants

The following documents are required to be considered for a FAST NY Pre-Development grant:

- Letter of Intent with an executive summary of the applicant, proposed property, proposed outcome, proposed funding request, and how the funding will be used to develop a FAST NY-certified Shovel-Ready Site.
- Letter of support from the chief executive and/or legislative resolution of the local municipality that maintains land use control over the proposed project site.
- Detailed plan to market the FAST NY site for the intended industries.
- Documentation of site ownership or control or written consent from the ownership entity consenting to the application for FAST NY funding.
- Other materials as may be required under a FAST NY program application.

Track C – FAST NY Capital Infrastructure Improvements

The following documents are required to be considered for a FAST NY Capital Infrastructure Improvements grant:

- Letter of support from the chief executive and/or legislative resolution of the local municipality that maintains land use control over the proposed project site.
- Documentation of site ownership or control or written consent from the ownership entity consenting to the application for FAST NY funding.
- Documented research and/or market study showing the specific industry that will be targeted and the specific infrastructure needs. Applicant must demonstrate that the requested infrastructure will serve to help attract the specified economic development.
- Detailed cost estimates for capital upgrades.

- Documentation of engagement with water and sewer districts, transportation departments, and local utility providers for needed infrastructure. A detailed and documented plan for how infrastructure upgrade(s) will be accomplished is required, including a willingness of the necessary parties.
- Other materials as may be required under a FAST NY program application.

VII. Additional Award Criteria to be Considered by ESD

In addition to meeting documentation requirements outlined in Section VI of the Program Guidelines, ESD will consider the following criteria when evaluating applications.

Track B (FAST NY Pre-Development Grants) and Track C (FAST NY Capital Infrastructure Improvements)

- Demonstration of industry interest.
- Demonstration of financial viability.
- Alignment with Regional Economic Development Council’s regional economic development strategy.
- Regional distribution of awards.
- Leveraged investment, such as private and local investment.
- Tenant commitments, including but not limited to signed letters of interest and/or contributions.
- For Track B only, commitment to substantially complete all requirements of FAST NY Certification by the completion of the Pre-Development Grant shall be required.
- For Track C only, substantial completion of all requirements of FAST NY Certification prior to being awarded a Capital Infrastructure Improvement grant shall be required.

VIII. Additional Information

- Up to \$200 million will be made available for capital grant funding, of which up to 10% may be allocated for working capital grants.
- Awards will be allocated on a rolling basis until funding is exhausted.
- Projects will initially be reviewed for eligibility, may be subject to site visit, and will ultimately be selected for advancement or denial based on an internal project review committee.
- ESD may consider regional or geographic parity in allocating awards.
- In the case of Capital Infrastructure Improvement grants, as part of its grantmaking, ESD may require restrictions on the future use of awarded sites consistent with the purposes of their FAST NY grant terms.

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

2022 Performance and Measurement Report

I. **FISCAL YEAR:** January 1, 2022 – December 31, 2022

II. **ENABLING LEGISLATION:**

Industrial Development Agencies (“IDAs”) are formed under Article 18-A of New York State General Municipal Law, as public benefit corporations. IDAs were created to actively promote, encourage, attract and develop job and recreational opportunities and economically-sound commerce and industry in cities, towns, villages and counties throughout New York State. IDAs are empowered to provide financial assistance to private entities through tax incentives in order to promote the economic welfare, prosperity and recreational opportunities for residents of a municipality.

III. **MISSION STATEMENT:**

“The IDA’s mission is to create and promote economic growth and prosperity for both residents and entrepreneurs in Fulton County. The IDA’s role in Fulton County’s Economic Development Program is to develop and maintain an inventory of shovel-ready sites for new and expanding businesses, offer financial incentives, as may be required, to encourage the creation of new and retention of existing jobs and expand the County’s tax base. In doing so, the IDA strives to make Fulton County a desirable place to live and do business.”

This revised Mission Statement was adopted on August 23, 2012. The Authority Budget Office (ABO) notified the IDA in 2012 that its original Mission Statement was not acceptable. As a result, the IDA Board adopted this revised Mission Statement which was accepted by the ABO.

IV. **IDA STAKEHOLDERS:**

Fulton County Board of Supervisors

V. **IDA BENEFICIARIES:**

Fulton County residents and all local taxing jurisdictions

VI. **IDA CUSTOMERS:**

Existing businesses in Fulton County and new businesses desiring to locate into Fulton County.

VII. 2022 PERFORMANCE MEASURES:

- Comply with the Public Authorities Accountability Act.
- Assist businesses in creating and retaining jobs by providing financial assistance.
- Identify additional sites for business development.

VIII. GOVERNANCE CERTIFICATION:

1. Have IDA Board members acknowledged that they have read and understood the IDA's Mission Statement?

Yes

2. Who has the power to appoint the management of the IDA?

Board of Directors

3. If the IDA Board appoints management, is there a policy the IDA Board follows when appointing management?

No

4. Briefly describe the role of the Board and management in the implementation of the Mission Statement.

The IDA Board provides strategic input, guidance and oversight of the IDA's mission, adopts policies, adopts a budget, appoints an Executive Director, Chief Financial Officer, Counsel and Auditor. The Board provides direct oversight of its Executive Director and Chief Financial Officer.

The Executive Director has the responsibility for the day-to-day operations of the IDA, collaborates with the IDA Board in strategic planning and implements policies and programs established to achieve the IDA's mission.

5. Has the IDA Board acknowledged that they have read and understood the responses to each of these questions?

Yes

I hereby certify that the IDA Board met on January 10, 2023 and approved this Report:

Mike Fitzgerald, Chairman

Date

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

2022 Assessment of the Effectiveness of Internal Financial Controls

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' 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.

8. **TREASURY BILLS:**

A. The IDA Board shall determine whether to invest funds into Treasury Bills.

B. The CFO shall invest funds into Treasury Bills as directed by the IDA Board.

C. The CFO shall provide monthly reports to the IDA Board regarding the status of all investments in Treasury Bills.

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 2022 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, 2022. The IDA Board determined that internal controls should be modified to include Treasury Bills.”

Approved by IDA Board of Directors on March 9, 2011.
Approved by IDA Board of Directors on March 23, 2012.
Approved by IDA Board of Directors on January 31, 2013.
Approved by IDA Board of Directors on January 14, 2014.
Approved by IDA Board of Directors on February 5, 2015.
Approved by IDA Board of Directors on January 6, 2016.
Approved by IDA Board of Directors on February 9, 2017.
Approved by IDA Board of Directors on January 9, 2018.
Approved by IDA Board of Directors on January 16, 2019.
Approved by IDA Board of Directors on January 14, 2020.
Approved by IDA Board of Directors on January 12, 2021.
Approved by IDA Board of Directors on January 11, 2022.
Approved by IDA Board of Directors on January 10, 2023.

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Policy No. 10-05

2022 IDA Board Performance Questionnaire

Criteria	Agree	Somewhat Agree	Somewhat Disagree	Disagree
Board members understand the mission and purpose of the IDA.	7			
The policies, practices and decisions of the IDA are consistent with this mission.	7			
Board members comprehend their role and fiduciary responsibilities and hold themselves and each other to these responsibilities.	6	1		
The Board has adopted policies, by-laws, and practices for the effective governance, management and operation of the IDA and reviews these annually.	7			
The Board sets goals to accomplish its mission.	5	1		
Board decisions are arrived at through independent judgment and deliberation, free of political influence, pressure or self-interest.	7			
Board members communicate effectively with the Executive Director and are well informed of all important issues.	7			
Board members are knowledgeable of IDA programs, financial statements, reporting requirements, and other transactions.	7			
The Board meets to review and approve all documents and reports prior to public release and is confident that the information being presented is accurate and complete.	7			
The Board knows the statutory obligations of the IDA and if the IDA is in compliance with state law.	7			
Board and Committee meetings facilitate open, deliberate and thorough discussions and the active participation of members.	7			
Board members have sufficient opportunity to research, discuss, question and prepare before decisions are made and votes taken.	7			
Board members feel empowered to delay votes, defer agenda items or table actions if they feel additional information or discussion is required.	7			
The Board exercises appropriate oversight of Executive Director and CFO, including setting performance expectations and reviewing performance annually.	6	1		
The Board has identified the areas of most risk to the IDA and works with management to implement risk mitigation strategies before problems occur.	7			
Board members demonstrate leadership and vision and work respectfully with each other.	6	1		

REVIEW OF STRATEGIES RECOMMENDED IN 2016 AND 2022 LABOR MARKET ANALYSIS REPORTS

STRATEGY GROUPS	2016	2022
<p>1. Strength – Opportunity Strategies</p>	<ul style="list-style-type: none"> Market the Region as low-cost alternative to either Albany or Utica markets, citing time to markets and labor draw. Target specific industries that are prevalent in both lateral markets but are not currently present in the Fulton-Montgomery Co. Region. Foster population growth and diversity with focus on marketing to “Millennials”, urbanites, or other transplants seeking a less expensive and recreation-oriented location to raise families. Develop a specialized “Grey Collar” labor force with unique skills geared to agri-science, advanced manufacturing, food development, R & D, and energy. Encourage “Smart growth” initiatives that promote compact, transit-oriented, walkable, bicycle-friendly land use, including neighborhood schools, complete streets, and mixed-use development with a range of housing choices. Promote solar farm use for large undeveloped sites as well as forest biomass from Adirondack Park. 	<ul style="list-style-type: none"> Market the Region as alternative to either Albany or Utica markets, citing time to markets and labor draw. Target specific industries that are prevalent in both lateral markets but are not currently present in the Fulton Co. Reg. LMA that can take advantage of available knowledge workers. Foster population growth and diversity with focus on marketing to “Gen-Xers”, urbanites, or other transplants seeking an outdoor recreation-oriented location to raise families.
<p>2. Weakness – Opportunity Strategies</p>	<ul style="list-style-type: none"> Development of an I-90 connector road into Fulton County is a priority. Investigate possibility of freight rail service to the Region, possibly as an intermodal facility. Investigate commuter bus routes expansion to allow for rush hour mass transit commutes to Albany and Utica, with north-south routing throughout the Fulton-Montgomery County Region. Investigate seasonal water taxi service along the Mohawk River in Montgomery County, with coordinated jitney or van service to work centers throughout the Region. New job training and educational focus should be on locally viable employment targets, capable of retaining the largest labor force possible, including tele-commuting industries that can overcome lack of worker motivation. Develop “soft” personal skills at the high school level to insure that work entrants are more properly prepared to enter the job market. 	<ul style="list-style-type: none"> Investigate commuter bus routes expansion to allow for rush hour mass transit commutes to Albany and Utica, with north-south routing throughout the Fulton Co. Reg. LMA County Region. Promote local entrepreneurial activity in new product development with training matches by local institutions to provide job-ready applicants in manufacturing industries. Develop affordable housing options close to work centers to attract new labor to the region. Provide innovative programs to help lessen the burden of restrictive governmental regulations to allow for business growth.
<p>3. Strength – Threat Strategies</p>	<ul style="list-style-type: none"> Dedicated efforts should be coordinated with academia to attract and graduate more “knowledge workers” to the area and, if necessary, to incentivize company retention that employ larger numbers of these workers. Sustainability of new company attraction will depend on continued monitoring of and adjustments to operational costs by local building owners, suppliers, and vendors to 	<ul style="list-style-type: none"> Dedicated efforts should be coordinated with academia to attract and graduate more “knowledge workers” to the area and, if necessary, to incentivize company retention that employ larger numbers of these workers. Sustainability of new company attraction will depend on continued monitoring of and adjustments to operational costs by local building owners, suppliers, and vendors to improve the Fulton Co. Region’s affordability.

	<p>maintain the Fulton-Montgomery Co. Region's affordability.</p> <ul style="list-style-type: none"> Respond to local employer's supply chain comments by proactively recruiting new vendors to the area to support local sourcing of materials and services. Meeting or exceeding the market offerings of other competitive areas, especially in the area of incentives will be of crucial importance. Judicious implementation of the Start Up-NY should be considered as other areas will also be competing for this program. PILOT or other property tax incentives for new investment should be considered. Leveraging of assets such as Tryon as a "technology park" aimed at attracting high tech. companies to the Region is a key strategy, but awareness of other regional attempts such as the Saratoga Technology + Energy Park (STEP) with its narrow focus have not been successful undertakings. 	<ul style="list-style-type: none"> Meeting or exceeding the market offerings of other competitive areas, especially in the area of incentives will be of crucial importance. Judicious implementation of available NY State incentives should be considered as other areas will also be competing for these programs. PILOT or other property tax incentives for new investment should be considered to reduce operating costs. Take advantage of training opportunities to raise level of entry-level worker readiness for new employers.
<p>4. Weakness – Threats Strategies</p>	<ul style="list-style-type: none"> Proactive marketing efforts should be instilled that will indicate the "Tri-Cities" (Amsterdam, Johnstown, and Gloversville) and the Fulton-Montgomery Co. Region's specific location advantages as distinct and unique from other areas of New York State and the Northeast for use in business attraction. As a gateway location to the Adirondack Park, the Region's many recreational and quality of life amenities are important elements in the marketing strategy. Organizations such as the Adirondacks Gateway Council (AGC) in Glens Falls already market business and recreational potential together under one umbrella – follow this lead for the Fulton-Montgomery Co. Region. Promotion of "Grey Collar" technical workers that can provide technology support in a number of industries to the lateral markets of Albany and Utica from a centrally located base will enliven the local job market. Announcements of new project development studies for cultural and recreational amenities, as well as healthcare facilities can be beneficial in combating image of complacency with current image perception by outsiders. Proactive efforts to attract higher earning workers to the Region by improving the housing stock among other investments will be necessary to counteract the "Blue Collar" perception of the area, especially among retailers. 	<ul style="list-style-type: none"> Proactive marketing efforts to market the Fulton Co. Region's specific location advantages as distinct and unique from other areas of New York State and the Northeast for use in business attraction. As a gateway location to the Adirondack Park, the Region's many recreational and quality of life amenities are important elements in the marketing strategy. Follow "best practices" by other economic development organizations that market business and recreational potential together under one umbrella – follow this lead for the Fulton Co. Region. Promotion of the availability of technical workers that can provide technology support in several industries to the lateral markets of Albany and Utica from a centrally located base will enliven the local job market. Encourage new project development studies for cultural and recreational amenities, as well as healthcare facilities can be beneficial in combating image of complacency with current image perception by outsiders. Proactive efforts to attract higher earning workers to the Region by improving the housing stock among other investments will be necessary to counteract the "Blue Collar" perception of the area. Rising crime rates in parts of Albany and Schenectady are detrimental to attracting new families to the area. Promotion of successful instances of community policing and other interdictions designed to mitigate crime perception is vital. Concentrated outreach to local employers to raise awareness of training opportunities available from public academic institutions.