

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

**TUESDAY
FEBRUARY 14, 2023
8:00 A.M.**

PLANNING DEPARTMENT CONFERENCE ROOM

AGENDA

PRESENT:

- ___ MIKE FITZGERALD, CHAIRMAN
- ___ SUE COLLINS, VICE CHAIRMAN
- ___ JOSEPH GILLIS, SECRETARY
- ___ TODD RULISON, TREASURER
- ___ JOSEPH SEMIONE, MEMBER
- ___ DAVID D'AMORE, MEMBER
- ___ DR. GREG TRUCKENMILLER, MEMBER
- ___ JAMES MRAZ, EXECUTIVE DIRECTOR
- ___ KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
- ___ SCOTT HENZE, PLANNING DIRECTOR
- ___ DENIS WILSON, FULTON COUNTY CENTER FOR REGIONAL GROWTH

I. MINUTES FROM JANUARY 10, 2023 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: Dave D'Amore

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:
2. FCCRG Report: (See attached.) Denis Wilson

V. OLD BUSINESS:

A. Nexus Renewables:

- Nothing new to report.

B. Winstanley Enterprises Project:

1. Option Agreement:
 - Option Agreement has been executed.
2. Invoice from Fitzgerald, Morris, Baker, Firth (FMBF):
 - IDA received the following invoice from FMBF:
 - Winstanley Enterprises Acquisitions LLC Purchase: \$6,420.00
 - IDA has received \$7,500 from Winstanley to cover legal expenses.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

C. Back-up Generator Project:

- Backup generator has been installed.
- National Grid has been contacted to turn on gas to generator.
- Once gas is turned on, Koval can start generator and provide training to County Facilities' staff.
- Koval will be providing a 2-year Maintenance Agreement to the County.

D. Benjamin Moore Project:

1. Background:

- In 2021, the IDA authorized sales tax exemptions be provided to the proposed Benjamin Moore Project:

Total Project Cost	:	\$17,750,000
Total Costs Subject to Sales Tax	:	\$ 9,000,000
Total Sales Tax Exemptions Approved	:	\$ 720,000

2. Requests to Increase Total Sales Tax Exemptions:

- In 2022, the IDA approved a request from Benjamin Moore to increase the total sales tax exemptions for their Expansion Project.
- In 2023, Benjamin Moore has submitted a second request to increase the total sales tax exemptions for their Expansion Project:

		<u>Original</u>	<u>2022 Revision</u>	<u>Proposed 2023 Revision</u>
Total Costs Subject to Sales Tax	:	\$9,000,000	\$10,400,000	\$13,400,000
Total Sales Tax Exemptions	:	\$ 720,000	\$ 832,000	\$ 1,072,000

- The reason cited by Benjamin Moore for making this request is inflation continues to drive up the cost of materials.

3. Public Hearing:

- General Municipal Law requires a public hearing when benefits exceeding \$100,000 are proposed to be provided.
- This request would authorize an additional \$240,000 in sales tax exemptions.
- A public hearing on this request for additional sales tax exemptions will be scheduled for:

**Monday
February 27, 2023
10:00 a.m.
Conference Room**

➤ See attached Resolution.

IDA DISCUSSION:

IDA ACTION:

MOTION: To adopt a resolution authorizing a public hearing with respect to the Benjamin Moore & Co. Project in connection with an increase of the authorized sales tax exemption.

MADE BY:

SECONDED:

VOTE:

VI. NEW BUSINESS:

A. 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:
 - Fulton County
 - City of Johnstown
 - Town of Johnstown
 - Greater Johnstown School District
 - Fonda-Fultonville School District
 - Gloversville School District

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
Gloversville School District
- Two (2) issues were identified with PILOT payments. The local taxing jurisdictions were notified and are taking actions to address the issues.

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 has yet to be executed.

IDA DISCUSSION:

B. 2023 Goals:

1. Proposed 2023 Goals:
 - a) Identify and develop shovel-ready sites.
 - b) Work with the City of Gloversville to find alternate uses for the Crossroads Business Park.
 - c) Support the FCCRG and Fulton County's efforts at Brownfield's remediation.
 - d) Seek grant funding to perform asbestos abatement and demolition work at buildings at Tryon.
 - e) Hold a joint meeting between the FCCRG and IDA Boards.
 - f) Continue Board training.

2. Review Strategies Contained in 2016 and 2022 Labor Market Analysis Reports:

- See attached.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

C. Treasury Bills:

- Funds invested into Treasury Bills on Tuesday, August 16, 2022.
- Funds were invested in 3-month, 6-month, 9-month and 12-month T-Bills.
- Interest rates were:

3-month	:	2.37%	matures:	11/17/22
6-month	:	2.89%	matures:	2/16/23
9-month	:	2.91%	matures:	5/18/23
12-month	:	3.18%	matures:	8/10/23
- The first 3-month T-Bill was reinvested for 12 months at an interest rate of 4.540% and is set to expire on November 2, 2023.
- The second 6-month T-Bill is set to expire on February 16, 2023.
- Current interest rates as of February 8, 2023 are:

3-month	:	4.36%
6-month	:	4.67%
9-month	:	4.62%
12-month	:	4.72%
- The plan was to reinvest the second T-Bill for another 12 months.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

D. ST-62:

1. ABO requires IDA’s to annually file an ST-62 Form titled “IDA Annual Compliance report State Sales Tax Recapture.”
2. The ST-62 asks if an IDA:
 - Granted any new sales tax exemption in the previous calendar year.
 - Amended any sales tax exemptions in the previous calendar year.
 - Moved to recapture sales tax benefits given to a company in the previous calendar year.
3. In 2022, the IDA:
 - Amended the amount of sales tax exemptions for the Benjamin Moore Expansion Project.
 - Did not move to recapture any sales tax benefits.
 - Did not approve any new sales tax exemptions.
4. IDA Chairman needs to be authorized to sign and submit this ST-62 for the fiscal year ending December 31, 2022.
5. ST-62 must be filed by March 31, 2023.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the Chairman to sign and submit an ST-62 Form for fiscal year ending December 31, 2022.

MADE BY:

SECONDED:

VOTE:

VII. OTHER BUSINESS:

A. Board Training:

1. Key Reporting Dates for 2023:

DATE	TASK
January	<ul style="list-style-type: none">• CFO sends Annual Financial Report to Auditor.• CFO sends PILOT Administrative Fee invoices to companies that have PILOT’s with IDA
February Board Meeting	<ul style="list-style-type: none">• IDA Board approves ST-62 Form
February 28 th	<ul style="list-style-type: none">• Executive Director files ST-62 Form with NYS Department of Taxation and Finance
March Board Meeting	<ul style="list-style-type: none">• IDA Board receives Annual Audit from Auditor• IDA Board receives and approve Annual Report• IDA Board reviews ST-340 Forms files by Project Sponsors

March 31 st	<ul style="list-style-type: none"> • Executive Director submits approved Audit to: <ol style="list-style-type: none"> 1) Commissioner, NYSDEC 2) NYS Comptroller 3) Fulton County Board of Supervisors • ABO's deadline for filing required reports under PARIS. • Executive Director files the following reports under PARIS: <ul style="list-style-type: none"> - Audit - Annual Report - Investment Report - Procurement Report
September Board Meeting	<ul style="list-style-type: none"> • Executive Director presents draft Budget for next Fiscal Year to IDA Board • Executive Director sends draft Budget to Board of Supervisors
October Board Meeting	<ul style="list-style-type: none"> • IDA Board adopts Budget
November 1 st	<ul style="list-style-type: none"> • ABO' deadline to adopt Budget • Executive Director files Budget Report under PARIS
December	<ul style="list-style-type: none"> • CFO sends PILOT Reports to companies and taxing jurisdictions
December	<ul style="list-style-type: none"> • CFO sends invoice to Fulton County for Tryon expenses included in County's Budget.

2. Three (3) new laws were signed by Governor Hochul that will impact IDA's:

a. Chapter 766 of the Laws of 2022 – Effective January 1, 2023 – Sending Initial Resolutions and Deviation Notices to Affected Taxing Jurisdictions:

This new law requires IDA's to send copies of the following resolutions by certified mail, return receipt requested, to the chief executive officers of each affected taxing jurisdiction ("ATJ"):

- a. Initial resolutions describing proposed IDA projects.
- b. Resolutions describing any proposed deviation from an IDA's Uniform Tax Exemption Policy, or UTEP.

This new law requires IDA's to send its "Inducement Resolution" by certified mail, return receipt requested to:

- a. The chief executive officers of each ATJ.
- b. Where a school district is involved, the certified mailing should be sent to both the School Board and School Superintendent. Likewise, any Deviation Notices must now be sent in the same fashion.

b. Chapter 708 of the Laws of 2022 – Effective February 14, 2023 – Sending Notices for PILOT Agreement Expirations and Terminations:

This new law will require IDA's to send notices of expiration for all PILOT Agreements at least two (2) years prior to the contract end date, or immediately if a PILOT Agreement is otherwise terminated for any reason.

This new law requires IDA's to send notices of expiration for PILOT Agreements to ATJ's at least two years prior to the contact expiration date, and immediately if terminated sooner. This notice mechanism will help IDA's and ATJ's better manage the process for transitioning exempt parcels from Roll Section 8 (exempt)

to Roll Section 1 (taxable) when PILOT Agreement expire or are terminated. The expiration and termination notices will allow IDA's and ATJ's to work cooperatively to both anticipate and budget for PILOT expirations, and to also work with local assessors to confirm the process and timing for issuance of regular tax bills.

c. Chapter 799 of the Laws of 2022 – Effective December 28, 2022 – Notice of Assessment Challenges:

This new law requires any person or entity making payments under a PILOT Agreement to provide written notification to any agency (IDA) and/or any ATJ's receiving PILOT payments at least 45 days before filing for a change of assessment.

B. 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
March 14, 2023
8:00 a.m.

IX. CLOSE MEETING:

MOTION :

MADE BY :

SECONDED :

VOTE :

TIME :