

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY
APRIL 18, 2023
8:00 A.M.

PLANNING DEPARTMENT CONFERENCE ROOM

MEETING NOTES

PRESENT:

MIKE FITZGERALD, CHAIRMAN
SUE COLLINS, VICE CHAIRMAN
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
TIM BECKETT, FULTON COUNTY CENTER FOR REGIONAL GROWTH

I. MINUTES FROM MARCH 14, 2023 MEETING:

MOTION : Accept as presented.
MADE BY : Dr. Greg Truckenmiller
SECONDED : Dave D'Amore
VOTE : Unanimous

II. BUDGET REPORT:

MOTION : Accept as presented.
MADE BY : Mike Fitzgerald
SECONDED : Sue Collins
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:
2. FCCRG Report: (See attached.) Tim Beckett

IDA DISCUSSION: Tim Beckett reviewed the FCCRG Report that was attached to the Agenda. Upon completion of his report, Joe Semione asked what the interest rates are for the loans that the CRG is issuing? Tim Beckett stated they are typically what the NBT thirty (30) year mortgage rate is plus 1%. He stated that the CRG loans are typically shorter terms in the 1 to 3 year range.

Tim Beckett stated that the FCCRG Board just completed a retreat at which time they established certain goals for their organization.

V. OLD BUSINESS:

A. Nexus Renewables:

1. Request to Extend Option Period:

a. Background:

- At June 14, 2022 meeting, IDA Board agreed to extend Option Term in Lease Agreement to December 31, 2022.
- At September 6, 2022 meeting, IDA Board agreed to extend Option Term in Lease Agreement to June 25, 2023.

b. Request to Extend Option Period:

- Nexus has requested that the Option Period be extended to December 31, 2023.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. Joe Semione asked if the IDA has ever been approached by other solar companies regarding the parcel Nexus Renewables is interested in? Jim Mraz stated, "No." Joe Semione asked if Nexus Renewables does not move forward with their project, could the IDA offer this parcel to other solar companies? Jim Mraz said, "Yes." Todd Rulison asked what the downside would be for not granting this extension. Jim Mraz stated it would result in a loss of annual lease revenues that the IDA is expecting from this project.

IDA ACTION:

MOTION: To authorize the Chairman to execute the Amendment to the Amended and Restated Solar and Energy Storage Lease Agreement with Nexus Renewables to extend the Option Period through December 31, 2023.

MADE BY: Joe Semione
SECONDED: Todd Rulison
VOTE: Unanimous

B. Winstanley Enterprises Project:

1. Power at Tryon:

- Tryon is currently served by a 13.2 kv distribution level electric line.
- Projects requiring 2.5+/- megawatts of power, National Grid (NG) is required to provide power for those sized projects.
- However, in order to attract larger power using projects to Tryon, a 115 kv transmission line would need to be extended to Tryon.

2. Initial Steps:

- On March 29th, Jim Mraz participated in a MS Teams meeting with Winstanley Enterprises (WE) to discuss how to move forward with contacting NG. WE was advised to call NG's 800 number to establish a work request to bring more power to Tryon.
- WE agreed to call NG's 800 number to initiate a work request.
- WE called the 800 number. NG advised that they required an E911 address for the property before they could issue a work request number.
- Scott Henze contacted the Sheriff's Department to get an E911 address. The Sheriff's Department is responsible for issuing new E911 addresses.
- An E911 address was provided to WE. WE then contacted NG. NG provided WE with a work request number.
- Efforts are now being made to identify those people from NG and WE who should be participating in the discussion of what options are available to bring more power to Tryon.

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

C. Back-up Generator Project:

1. Background:

- Koval was at the site on March 7, 2023 to train County Facilities staff. Upon opening the cabinet to the generator, Koval discovered rust and corrosion in numerous locations on the generator.
- Koval summarized that salt spray from the truck that transported the generator to the site got up underneath the generator's enclosure and caused the rust and corrosion.
- Given this finding, the training was cancelled.
- Koval contacted its supplier who contacted Generac to discuss what to do.

2. Status Report:

- Generac's supplier offered the following to address this issue:
 - Clean entire engine, alternator section and repaint.
 - Take apart, inspect, clean and lubricate all wiring connections to ensure proper connections.
 - Replace any misc. item that is rusted (clamps, fittings, etc.).
 - Add a 5-year warranty to the unit once Start-up is performed.
 - Guarantees the unit to be 100% functional once repairs are completed.
- At the last meeting, IDA Board did not accept this offer. It was agreed to request that the damaged unit be replaced. Immediately after the meeting, I emailed Koval and advised that the IDA Board did not accept that initial offer and instead wanted the following:
 - Supply and install a new generator.
 - Clean and put into use the damaged generator and allow it to be used until the new generator is supplied and installed.
 - Maintain the damaged generator until the new one is installed.
- Several days later, Koval provided the following response:
 - Stark, the supplier, will supply a new unit to replace the existing.
 - EPS, Stark's service company, will perform start-up services on the new unit once Koval has the wiring and gas connected.
 - The new generator will carry the same 2-year warranty the original unit had.
- Stark was supplying another project with 2 generators of the same size as the one they shipped to Tryon. A change was made with that other project resulting in the project no longer needing these 2 generators. Stark agreed to ship one of those 2 new generators to Tryon to replace the damaged generator.
- Koval provided a submittal on this new generator. This submittal was sent to Environmental Design Partnership to review to ensure it's the same make/model as the damaged generator. Travis Mitchell responded by saying it's the same generator except for 2 differences:
 1. The new generator has a better sound enclosure. The damaged generator has a Class I enclosure and the new one has a Class III. The Class III enclosure is quieter.
 2. The new generator has a Battery Heater Pad. The damaged generator did not.
- Travis Mitchell advised that both of these features are more expensive items.
- Koval is waiting for the new generator to be delivered.

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

VI. NEW BUSINESS:

A. 2022 ST-340 Forms:

1. Background:

- Any company receiving sales tax benefits is required to file an ST-340 Form with the NYS Department of Taxation and Finance.
- ST-340's must be filed by the end of February for the previous year.
- ABO wants IDA's to review these forms to verify that the project met or exceeded its total project cost.

2. Vireo Health Project:

- In 2021, the IDA authorized sales tax exemptions be provided to the proposed Vireo Health Project.
- Total Project Cost : \$55,000,000
- Total Costs Subject to Sales Tax : \$22,144,000
- Total Sales Tax Exemptions Approved : \$ 2,251,520
- Total Sales Tax Exemptions Claimed in 2021 : \$ 1,086,510
- Total Sales Tax Exemptions Claimed in 2022 : \$ 1,010,843
- Total Sales Tax Exemptions Available : \$ 154,167
- Original Deadline for Using Exemptions : July 31, 2022
- Revised Deadline for Using Exemptions : May 31, 2023

Note: On August 9, 2022, IDA Board authorized increasing the total sales tax exemptions from \$2,251,520 to \$3,284,535 contingent upon Vireo signing a standard Lease or Agent and Equipment Lease. To date, Vireo has not signed either, so the total sales tax exemptions available to Vireo remains at \$2,251,520.

3. Hoffman Carwash Project:

- In 2021, the IDA authorized sales tax exemptions be provided to the proposed Hoffman Carwash Project.
- Total Project Cost : \$ 6,600,000
- Total Costs Subject to Sales Tax : \$ 3,700,000
- Total Sales Tax Exemptions Approved : \$ 296,000
- Total Sales Tax Exemptions Claimed in 2021 : \$ 47,392.99
- Total Sales Tax Exemptions Claimed in 2022 : \$ 148,356.87
- Total Sales Tax Exemptions Unused : \$ 100,250.14
- Deadline for using Sales Tax Exemptions : August 31, 2022

4. Benjamin Moore Project:

- In 2020, 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
- In 2022, total costs subject to sales tax : \$10,400,000
- In 2023, total costs subject to sales tax : \$13,400,000
- Total Sales Tax Exemptions Approved : \$ 720,000
- In 2022, the total Sales Tax Exemptions Approved was increased to \$832,000.
- In 2023, the total sales tax exemptions was increased to \$1,072,000.
- Total Sales Tax Exemptions Claimed in 2020 : \$ 980.00
- Total Sales Tax Exemptions Claimed in 2021 : \$ 637,280
- Total Sales Tax Exemptions Claimed in 2022 : \$ 359,289.45
- Total Sales Tax Exemptions still Available : \$ 74,450.55
- Deadline for using Sales Tax Exemptions : June 30, 2023

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda regarding the three (3) projects it receives sales tax exemptions in 2022. He stated that Vireo Health and Benjamin Moore still have time in 2023 to take additional exemptions. He stated the Hoffman’s project is complete and no further sales tax exemptions will be taken.

Jim Mraz stated that he sent the information shown in the Agenda to both Vireo Health and Benjamin Moore and asked that they verify that the information is correct. Benjamin Moore responded by saying the information is correct. He stated he has not received a response from Vireo Health. He stated that he has made Vireo Health aware of the fact that their ability to take sales tax exemptions is set to expire at the end of May.

B. Lawn Mowing Quotes:

- A Request for Quotes (RFQ) was distributed to four (4) companies/individuals to mow lawn at the Tryon Technology Park in 2023.
- Quotes were received on April 6, 2023
- Quotes based upon performing the following work:
 - Finish Mowing : 9
 - Brush Hog : 3
 - Brush Hog : 2
- The number of finish mowings was increased from 7 to 9.
- Following quotes were received:

Company	9 Finish Mowing	3 Brush Hog	2 Brush Hog	Landscaping Sign	Total
James Esper Landscape	\$ 2,700	\$ 2,250	\$ 1,990	\$ 500	\$ 7,440
Greenscapes Landscaping	\$ 3,600	\$ 2,250	\$ 1,500	\$ 300	\$ 7,650
Evergreen Landscaping	\$ 2,500	\$ 2,980	\$ 3,200	\$ 374	\$ 9,054

- 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
2022	:	\$6,340	:	James Esper

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 sign an Agreement with James Esper Landscaping in the amount of \$7,440 to provide lawn mowing services and weeding/mulching around the entrance sign at the Tryon Technology Park in 2023.

MADE BY: Sue Collins
 SECONDED: Dave D’Amore
 VOTE: Unanimous

C. PARIS Reports:

- All of the following reports were successfully filed under PARIS prior to the required filing date of March 31, 2023:
 - Annual Report
 - Certified Financial Audit
 - Investment Report
 - Procurement Report

- Distribute PARIS Report for Board members to review.

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

VII. OTHER BUSINESS:

A. Board Training:

1. NYSEDC's Spring IDA Academy:
 - Dave, Greg and Scott attended the Conference.

IDA DISCUSSION: Dave D'Amore stated this was the first such session that he has attended and stated that he would be attending again in the future. He encouraged other IDA members to also attend future meetings of this type. Greg Truckenmiller stated that the key topics discussed were housing, energy and best practices. He stated that there is a clear push for green energy projects. He stated IDA's were encouraged at this session to get involved with clean energy projects. He stated an emphasis was made that IDA's can support green energy projects even though they may not create a lot of jobs. The same was said for housing. A number of comments were made that IDA's shouldn't worry about job creation with respect to housing because new housing projects create other types of economic benefits. There was a discussion of how IDA's need to have flexibility in their Uniform Tax Exemption Policies.

Dave D'Amore talked about how IDA's are looking to move beyond being just industrial and more into community development. There was a discussion about Mission Statements of how IDA's should review their Mission Statements and narrow them so they are only six (6) words long. Dave D'Amore referenced how Broome County has gotten rid of its 485-b model PILOT and is looking to evaluate projects on a case-by-case basis. He stated there were comments made at the session about how housing projects will require 30-year PILOTS. Kara Lais stated that the NYS statutes creating IDA's does not specifically authorize IDA's to be involved in housing projects. She stated there is a case law in place that does allow IDA's to pursue housing projects. She stated that IDA's per case law can be involved with both market rate and affordable type housing.

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 : Dave D'Amore
 SECOND : Mike Fitzgerald
 VOTE : Unanimous

TIME : 8:51 a.m.

MOTION : To go out of Executive Session.

MADE BY : Joe Semione
 SECOND : Sue Collins
 VOTE : Unanimous

TIME : 10:02 a.m.

VIII. NEXT MEETING:

Tuesday
 May 9, 2023
 8:00 a.m.

IX. CLOSE MEETING:

MOTION : To close the meeting.
MADE BY : Sue Collins
SECONDED : Mike Fitzgerald
VOTE : Unanimous

TIME : 10:02 a.m.

Fulton County Center for Regional Growth

April 2023

Business Marketing / Business Leads / Business Inquires

1. CRG is in the initial stages of putting together a Fulton County Small Business Meeting where we can address financing, marketing, and workforce development needs for Fulton County businesses. The tentative location is the Holiday Inn with a TBA date in June.
2. CRG's Countywide EPA Brownfield Program has a tentative date of April 11, 2023, for conducting a public outreach meeting.
3. CRG is working with NYS HCR to receive an additional \$250,000 of CARES Act Grant money.
4. The second annual six-county Brownfields Developer Summit is taking place on April 25 – 26. Good news, Lt. Governor Delgado will be giving a welcome address and the keynote speaker will be Bruce Rasher from RACER Trust. Registration is open on the MVEDD website, and a program brochure is attached.
5. CRG continues to work with the City of Gloversville on the BOA (Brownfield Opportunity Area), Gloversville DRI, and the "Crescent Area" of the city.
6. The first loan under the newly established City of Johnstown Loan Fund was closed.
7. A small micro-loan was closed through the Countywide Loan Fund.
8. We have two additional loans approved through the Gloversville Loan Fund that are in closing mode.



Department of Taxation and Finance

Annual Report of Sales and Use Tax Exemptions Claimed by Agent/Project Operator of Industrial Development Agency/Authority (IDA)

ST-340

(1/18)

For period ending December 31, 2022 (enter year)

Project information

Name of IDA agent/project operator Vireo Health of New York, LLC		Employer identification number (EIN) 47-3476556	
Street address 207 S. 9th Street		Telephone number (612) 999-1606	
City Minneapolis		State MN	ZIP code 55402
Name of IDA Fulton County Industrial Development Agency	Name of project Vireo Health Project		IDA project number 1701-21-01
Street address of project site County Highway 107 / 234 CR 117			
City Perth		State NY	ZIP code 02010
Date project began 07/26/2021		Completion date of project 09/01/2023 Actual <input type="checkbox"/> Expected <input checked="" type="checkbox"/>	
Total sales and use tax exemptions (actual tax savings; not total purchases)			\$ 1,010,843

Representative information (not required)

Authorized representative, if any	Title
Street address	Telephone number ()
City	State ZIP code

Certification

I certify that the above statements are true, complete, and correct, and that no material information has been omitted. I make these statements with the knowledge that willfully providing false or fraudulent information with this document may constitute a felony or other crime under New York State Law, punishable by a substantial fine and possible jail sentence. I also understand that the Tax Department is authorized to investigate the validity of any information entered on this document.

Print name of officer, employee, or authorized representative Andrew Rausch	Title of person signing Vice President & Associate General Counsel	
Signature 	Date 02/28/2023	

If you do not annually file a complete report, we may remove your authority to act as an IDA agent/project operator.

Mail completed report to:
NYS TAX DEPARTMENT
IDA UNIT
W A HARRIMAN CAMPUS
ALBANY NY 12227-0866

If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.



Department of Taxation and Finance

Annual Report of Sales and Use Tax Exemptions Claimed by Agent/Project Operator of Industrial Development Agency/Authority (IDA)

ST-340

(1/18)

For period ending December 31, 22 (enter year)

Project information

Name of IDA agent/project operator <u>HDC2 Realty Gloversville LLC</u>		Employer identification number (EIN) <u>84-3108308</u>	
Street address <u>16 Kairnes St.</u>		Telephone number <u>(518) 862-1658</u>	
City <u>Albany</u>	State <u>NY</u>	ZIP code <u>12208</u>	
Name of IDA <u>Fulton County Industrial Development Agency</u>	Name of project <u>Hoffman Carwash project</u>	IDA project number <u>1701-2102</u>	
Street address of project site <u>342 South Kingsboro Ave.</u>			
City <u>Gloversville</u>	State <u>NY</u>	ZIP code <u>12078</u>	
Date project began <u>9/13/21</u>	Completion date of project <u>8/31/22</u>	Actual <input checked="" type="checkbox"/>	Expected <input type="checkbox"/>
Total sales and use tax exemptions (actual tax savings; not total purchases)		\$ <u>148,356.87</u>	

Representative information (not required)

Authorized representative, if any	Title
Street address	Telephone number ()
City	State ZIP code

Certification

I certify that the above statements are true, complete, and correct, and that no material information has been omitted. I make these statements with the knowledge that willfully providing false or fraudulent information with this document may constitute a felony or other crime under New York State Law, punishable by a substantial fine and possible jail sentence. I also understand that the Tax Department is authorized to investigate the validity of any information entered on this document.

Print name of officer, employee, or authorized representative <u>Thomas Hoffman Jr.</u>	Title of person signing <u>CFO</u>
Signature <u>Thomas Hoffman Jr.</u>	Date <u>3/15/23</u>

If you do not annually file a complete report, we may remove your authority to act as an IDA agent/project operator.

Mail completed report to:
NYS TAX DEPARTMENT
IDA UNIT
W A HARRIMAN CAMPUS
ALBANY NY 12227-0866

If not using U.S. Mail, see Publication 55, Designated Private Delivery Services.



Department of Taxation and Finance

Annual Report of Sales and Use Tax Exemptions Claimed by Agent/Project Operator of Industrial Development Agency/Authority (IDA)

ST-340

(1/18)

For period ending December 31, 2022 (enter year)

Project information

Name of IDA agent/project operator Plank, LLC		Employer identification number (EIN) 03-0401328	
Street address 376 Broadway		Telephone number (518) 344-5400	
City Schenectady		State NY	ZIP code 12305
Name of IDA Fulton County Industrial Development Agency	Name of project Benjamin Moore & Company		IDA project number 1701-20-01
Street address of project site 161 Union Avenue			
City Johnstown		State NY	ZIP code 12095
Date project began 111620	Completion date of project 063023		Actual <input type="checkbox"/> Expected <input checked="" type="checkbox"/>
Total sales and use tax exemptions (actual tax savings; not total purchases)			\$ 359,289.45

Representative information (not required)

Authorized representative, if any	Title
Street address	Telephone number ()
City	State ZIP code

Certification

I certify that the above statements are true, complete, and correct, and that no material information has been omitted. I make these statements with the knowledge that willfully providing false or fraudulent information with this document may constitute a felony or other crime under New York State Law, punishable by a substantial fine and possible jail sentence. I also understand that the Tax Department is authorized to investigate the validity of any information entered on this document.

Print name of officer, employee, or authorized representative Dick Schlansker.	Title of person signing VP Business Development
Signature 	Date 03-20-2023

If you do not annually file a complete report, we may remove your authority to act as an IDA agent/project operator.

Mail completed report to:
NYS TAX DEPARTMENT
IDA UNIT
W A HARRIMAN CAMPUS
ALBANY NY 12227-0866

If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.