

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY
OCTOBER 10, 2023
8:00 A.M.

PLANNING DEPARTMENT CONFERENCE ROOM

MEETING NOTES

PRESENT:

MIKE FITZGERALD, CHAIRMAN
SUE COLLINS, VICE CHAIRMAN
TODD RULISON, TREASURER (ZOOM)
DAVID D'AMORE, MEMBER
DR. GREG TRUCKENMILLER, MEMBER
JAMES MRAZ, EXECUTIVE DIRECTOR
KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
SCOTT HENZE, PLANNING DIRECTOR
GEOFF PECK, FULTON COUNTY CENTER FOR REGIONAL GROWTH (ZOOM)

I. MINUTES FROM SEPTEMBER 12, 2023 MEETING:

MOTION : Accept as presented.
MADE BY : Mike Fitzgerald
SECONDED : Dave D'Amore
VOTE : Unanimous

II. BUDGET REPORT:

MOTION : Accept as presented.
MADE BY : Greg Truckenmiller
SECONDED : Mike Fitzgerald
VOTE : Unanimous

III. COMMITTEE REPORTS:

A. Nominating Committee:

- No report.

B. Audit Committee:

- Monthly Bank Reconciliation Report: Dave D'Amore

IDA DISCUSSION: Dave D'Amore 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.) Geoff Peck

IDA DISCUSSION: Geoff Peck reviewed the CRG's monthly report that was attached to the Agenda. Todd Rulison asked if the CRG writes its grant applications internally or whether it hires a consultant? Geoff Peck stated that the CRG uses Nick Zabawsky, the City of Gloversville's grant writer. The CRG has Mr. Zabawsky under a retainer.

V. OLD BUSINESS:

A. Nexus Renewables:

- Nexus still expecting to receive National Grid's approval of the interconnect in 3rd quarter of 2023.
- Once interconnect approval is received, Nexus will obtain quotes to construct solar project.

B. Winstanley Enterprises Project:

- No report.

C. Back-up Generator Project:

- Punchlist was prepared and submitted to Koval.
- Once punchlist is complete, final payment will be processed.
- At August meeting, the Board authorized installing an Uninterrupted Power Supply (UPS) on the sewer pump and changing some programming on the pumps to allow them to automatically restart when the generator shuts off.
- UPS has been received by General Control Systems.

IDA DISCUSSION: Jim Mraz stated that General Control Systems is scheduled to be onsite on Wednesday, October 11, 2023, to install the UPS and reprogram the pumps.

D. Vireo Health Project:

1. Sales Tax Exemptions:

- a) On July 13, 2021, the IDA Board approved granting up to \$2,251,520 in sales tax exemptions.
- b) On August 9, 2022, the IDA Board authorized increasing the total sales tax exemptions available from \$2,251,520 to \$3,284,534 contingent upon Vireo signing either a standard Lease or an Agent and Equipment Lease.
- c) On May 9, 2023, the IDA Board authorized extending from May 31, 2023 to October 31, 2023 the deadline for using sales tax exemptions. This approval was granted contingent upon Vireo signing an Agent and Equipment Lease and paying the balance of the Administrative Fee owed the IDA.
- d) Vireo has requested that this deadline be extended to March 31, 2024.

IDA DISCUSSION: Jim Mraz stated that the IDA has received a request from Vireo Health to extend the deadline for when sales tax exemptions can be utilized from October 31, 2023 to March 31, 2024. He stated that Vireo has still not completed its project at Tryon and is requesting this extension so that it could utilize sales tax exemption benefits through March of next year. He stated this extension would be contingent upon Vireo signing an Agent and Equipment Lease and paying the balance of the IDA's Administrative Fee. He asked if there were any questions? There were none.

IDA ACTION:

MOTION: To approve extending Vireo's deadline for taking sales tax exemptions until March 31, 2024 contingent upon Vireo signing an Agent and Equipment Lease and paying the balance of the Administrative Fee owed the IDA.

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

VII. NEW BUSINESS:

A. Proposed 2024 IDA Budget:

- IDA Board must adopt a 2024 Budget by November 1, 2023.
- IDA Board reviewed draft IDA and Tryon Budgets at September meeting.
- IDA Board recommended consolidating Tryon Budget into IDA Budget and adding line item for sponsorships.
- See attached consolidated 2024 budget.

IDA DISCUSSION: Jim Mraz reviewed the proposed 2024 budget that was attached to the Agenda. He stated that this revised budget addressed the two (2) comments made at the last meeting. The first was to consolidate the Tryon budget into the IDA budget. The second was to add a line item for sponsorships. He stated that those two (2) changes have been made. Jim Mraz then recommended adjusting two (2) revenues in the proposed 2024 budget. He stated the proposed budget currently shows \$15,000 for investment earnings. He recommended that be changed to \$9,000. He then recommended that the other non-operating revenues be increased from \$117,000 to \$123,000. Everything else would stay the same. He asked if there were any further suggestions or changes to the proposed budget. There were none.

IDA ACTION:

MOTION: To adopt the 2024 IDA budget as amended.

MADE BY: Greg Truckenmiller

SECONDED: Sue Collins

VOTE: Unanimous

B. CG Roxane Project:

1. Background:

- In 2013, the IDA executed a Lease and PILOT with CG Roxane.
- The PILOT is set to expire on November 7, 2023.

2. Actions Needed:

- The IDA Board needs to:
 - a. Terminate the Lease.
 - b. Authorize the Chairman to execute a deed to transfer title to the property back to CG Roxane.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He then reviewed the resolution that was attached to the Agenda. He stated the resolution would terminate the lease between the IDA and CG Roxane and authorize the Chairman to execute a deed to transfer title to the property back to CG Roxane. He asked Kara if there was any further comments that she would have? Kara stated there were none. Jim Mraz asked if there were any questions? There were none.

IDA ACTION:

MOTION: To adopt a resolution approving the termination of the Lease Agreement and Agreement for Payments in Lieu of Taxes by and between the Agency and CG Roxane, LLC and authorizing the transfer of the project facility back to CG Roxane, LLC.

MADE BY: Dave D'Amore

SECONDED: Sue Collins

VOTE: Unanimous

C. NYS Economic Development Council (NYSEDC):

- NYSEDC's Fall IDA Academy will be held on:

Thursday
November 9, 2023
9:00 a.m. – 4:30 p.m.
3 Willows Event Center
Lyon Falls, New York

IDA DISCUSSION: Jim Mraz reminded all present that if someone wants to attend the Fall IDA Academy to advise either Carol Ellis or himself so that they can get registered to attend the event.

VIII. OTHER BUSINESS:

A. Board Training:

1. Uniform Tax Exemption Policy (UTEP):

- Draft Revised UTEP was distributed to all local taxing jurisdictions on September 13, 2023.
- Local taxing jurisdictions were asked to submit comments back to IDA by Wednesday, October 4, 2023.
- The following comments were received:
 1. Scott Horton, Supervisor, Town of Caroga: No comment but appreciated being given the opportunity
 2. Amy Praught, Mayor had 2 questions that were answered.

IDA DISCUSSION: Jim Mraz stated that he sent the revised UTEP to all local taxing jurisdictions, School Superintendents and presidents of School Boards for their review and comment. He reviewed the comments that were received. He asked if there were any questions? There were none.

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 : Sue Collins
SECOND : Mike Fitzgerald
VOTE : Unanimous

TIME : 8:20 a.m.

MOTION : To go out of Executive Session.

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

TIME : 9:40 a.m.

IX. NEXT MEETING:

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

X. CLOSE MEETING:

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

TIME : 9:40 a.m.

Fulton County Center for Regional Growth

October 2023

Business Marketing / Business Leads / Business Inquires

1. CRG's Countywide EPA Assessment Program:

Phase 2 for Skip's Garage is complete. Waiting for the test results.

Phase 2 for Fashion Tanning is underway. On September 20, CRG conducted a site tour with the Environmental Consultant, Brownfield Task Force Members, and County ED&E Committee Members.

CRG has drawn down over 70% of the original EPA Grant, which allows us to apply for another EPA Grant. Plans are underway to apply again.

Work continues with the Village of Broadalbin town officials on the Korkay Property.

Still waiting for the EPA regarding the solicitation for Technical Assistance Grants to be used for planning work to create conceptual site plans for advancing the redevelopment of Phase 2 properties.

2. Microenterprise Grants: CRG plans to champion another grant application to NYS for \$300,000 Microenterprise Grant, looking to have the initial approval request to the County ED&E Committee in November.
3. Waiting for our signed Grant Agreement from HUD to put us in a drawdown position to allow purchase of the Johnstown Commerce Park.
4. Working with a Fulton County business to get them in the supply chain for advanced manufacturing. CRG continues to advance Fulton County Businesses looking to get into the advanced manufacturing supply chain and to be included as an Industrial Asset for that market.
5. CRG is in the process of soliciting businesses that fit and are interested in participating in the SBA HUB Zone Program.

6. The Mohawk Valley Brownfields Developer Summit is now officially scheduled for April 23 and 24, 2024 at Herkimer College. As you may know, Mohawk Valley has 8 IDAs out of which only 2 were sponsors last year. Because of their sponsorship, they were included in all event marketing materials for both pre- and day of the event. We would like to thank the IDA for last month indicating they want to be included in marketing materials as a sponsor. When the sponsorship program is finalized, a copy will be forwarded to the Fulton County IDA for their sponsorship participation.
7. CRG closed two loans through the Gloversville Loan Fund, Nibbles & Bites for \$14,000 and Parkhurst Foundation for \$125,000.
8. An application CRG received through the Six-County JDA Agriculture Loan Fund was approved for funding by CRG's JDA Loan Fund Committee. A loan was approved for \$100,000 for Riehl Lumber Products LLC. Waiting for the state release of funds.
9. CRG attended the recent Center for Economic Growth's Annual Dinner.
10. CRG's Gloversville Downtown Development Specialist continues to work with DRI project awardees. Currently working with eight private DRI projects supporting them through their steps. Several have gone before the local planning board and are completing environmental reviews.

GRIP Grant program, established through the DRI, has nine provisional awardees. The State will give final approval to them after detailed scope of work and environmental reviews are complete. A GRIP Project Developer meeting was held on September 11, 2023.

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY
ADOPTED 2024 BUDGET

	2023 BUDGET	ADOPTED 2024 BUDGET
REVENUE & FINANCIAL SOURCES:		
Operating Revenues		
Charges for services		
Rental & financing income		
Other operating revenues	\$ 800.00	\$ 102,000.00
- Administration Fee (CG Roxane/Benjamin Moore)	\$ 800.00	\$ 800.00
- Land Lease	\$ -	\$ 1,200.00
- Winstanley Option	\$ -	\$ 100,000.00
Nonoperating Revenues		
Investment earnings	\$ 15,000.00	\$ 9,000.00
State subsidies/grants		
Federal subsidies/grants		
Municipal subsidies/grants	\$ -	\$ -
- Fulton County		
Public authority subsidies		
Other nonoperating revenues:	\$ 187,820.00	\$ 138,220.00
- Transfer	\$ 182,820.00	\$ 123,220.00
- Winstanley Reimbursement for Mowing	\$ -	\$ 10,000.00
- Gloversville Water Board: Year 3	\$ 5,000.00	\$ 5,000.00
Total Revenue & Financial Sources	\$ 203,620.00	\$ 249,220.00
EXPENDITURES:		
Operating Expenditures		
Salaries and wages: Executive Director and CFO	\$ 34,000.00	\$ 36,000.00
Other employee benefits		
Professional services contracts	\$ 138,500.00	\$ 139,000.00
-West & Company	\$ 9,500.00	\$ 10,000.00
-Legal	\$ 9,000.00	\$ 9,000.00
-Shovel-ready Sites: Engineering/Realtor	\$ 120,000.00	\$ 120,000.00
Supplies and materials		
Other operating expenditures	\$ 18,820.00	\$ 58,770.00
-Meetings (2)	\$ 1,500.00	\$ 1,500.00
-NYSEDC Membership	\$ 900.00	\$ 900.00
-Town of Johnstown Fire Taxes: NYS Rt. 30A properties.	\$ 100.00	\$ 50.00
-FCCRG Gold Membership	\$ 1,000.00	\$ 1,000.00
-IDA website	\$ 15,000.00	\$ 15,000.00
-Miscellaneous	\$ 250.00	\$ 250.00
-Quicken	\$ 70.00	\$ 70.00
-Sponsorships	\$ -	\$ 5,000.00
-Update County Development Strategy	\$ -	\$ 25,000.00
-Crossroads Business Park	\$ -	\$ 10,000.00
Nonoperating Expenditures	\$ -	\$ -
Payment of principal on debt		
Interest and other financing charges		
Grants and donations		
Other nonoperating expenditures: Tryon	\$ 12,300.00	\$ 15,450.00
- Mowing/Sign	\$ 10,000.00	\$ 10,000.00
- Town of Johnstown Fire Tax	\$ 600.00	\$ 600.00
- Town of Perth Fire Tax	\$ -	\$ -
- NYMIR	\$ 1,000.00	\$ 4,200.00
- SPDES Permit	\$ 200.00	\$ 150.00
- Miscellaneous	\$ 500.00	\$ 500.00
Total Expenditures	\$ 203,620.00	\$ 249,220.00
Capital Contributions	\$ -	\$ -
Excess (deficiency) of revenues and capital contributions over expenditures	\$ -	\$ -

Fulton County Industrial Development Agency

Adopted October 10, 2023

Introduced by Dave D'Amore
who moved its adoption.

Seconded by Sue Collins

**RESOLUTION APPROVING OF THE TERMINATION OF THE LEASE AGREEMENT
AND AGREEMENT FOR PAYMENTS IN LIEU OF TAXES BY AND BETWEEN THE
AGENCY AND CG ROXANE, LLC AND AUTHORIZING THE TRANSFER OF THE
PROJECT FACILITY BACK TO CG ROXANE LLC**

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Section 895-c of the General Municipal Law of the State of New York (collectively, the "Act"), the Fulton County Industrial Development Agency (the "Agency") was created and granted the authority to enter into agreements for the purpose of acquiring, constructing and equipping certain commercial facilities; and

WHEREAS, CG Roxane, LLC (the "Company") is a California limited liability company (the "Company") and authorized to do business in the State of New York; and

WHEREAS, on November 7, 2012, the Company deeded to the Agency the real property and any improvements located at 1 Old Sweet Road in the Town of Johnstown, County of Fulton, State of New York and being known as tax map parcel numbers 146.-1-31 and 146.-1-5.22 (the "Project Facility"); and

WHEREAS, said deed was recorded in the Fulton County Clerk's Office on November 20, 2012 as Instrument Number 2012-16814; and

WHEREAS, on November 7, 2012, the Agency leased the Project Facility to the Company to undertake the Project pursuant to the terms and conditions of the Lease Agreement, a memorandum of the lease agreement was recorded in the Fulton County Clerk's Office on November 20, 2012 as Instrument Number 2012-16815; and

WHEREAS, on November 7, 2012, the Agency and Company entered into an Agreement For Payments in Lieu of Taxes (the "PILOT") concerning the Project Facility; and

WHEREAS, pursuant to their terms, the Lease Agreement and PILOT have terminated and in accordance with terms of the Lease Agreement, the Agency shall convey all of its rights, title and interest in the land and the facility, as defined therein, to the Company; and

WHEREAS, the Company is not currently in default of any of the terms and provisions of the Lease Agreement or the PILOT.

NOW, THEREFORE, BE IT RESOLVED

1. That the Agency does hereby agree to the termination of said Lease Agreement dated November 7, 2012 by and between the Agency and the Company and further agrees to terminate of record the Memorandum of Lease Agreement.
2. That the Agency does hereby agree to sell, transfer and convey the Project Facility to the Company by duly executed deed and in accordance with the terms of the Lease Agreement.
3. That the Agency does hereby agree to the termination of the PILOT and agrees to notified the taxing jurisdictions of said termination as required by law.
4. That the Agency does hereby authorize the Chair of the Agency, or in the absence of the Chair, the Chief Executive Officer, upon advice and consent of Agency Counsel, to execute and deliver, on behalf of the Agency, the deed to transfer the real property, the termination of the Lease Agreement, the termination of the PILOT, NYS Forms TP-584, and any other documents necessary to consummate the transaction.
5. That the Company shall be responsible for any expenses relating to this transaction, including legal fees and County Clerk recording fees.
6. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote by roll call and was thereupon declared duly adopted.

5 Yes
0 No
0 Abstain
2 Absent

STATE OF NEW YORK)

) SS:

COUNTY OF FULTON)

This is to certify that I, James Mraz, Records Management Officer for the Fulton County Industrial Development Agency, do hereby certify that the foregoing is a true and correct copy and the whole thereof of a Resolution duly adopted by the Fulton County Industrial Development Agency, Johnstown, New York on the 10th day of October, 2023.

In witness whereof, I have hereto set my hand and affixed the official seal of the Fulton County Industrial Development Agency on this 10th day of October, 2023.



James Mraz
Fulton County
Industrial Development Agency

[SEAL]