

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

**TUESDAY
MARCH 12, 2024
8:00 A.M.**

PLANNING DEPARTMENT CONFERENCE ROOM

MEETING NOTES

PRESENT:

MIKE FITZGERALD, CHAIRMAN
JOSEPH GILLIS, SECRETARY
JOSEPH SEMIONE, MEMBER
DAVID D'AMORE, MEMBER
DR. GREG TRUCKENMILLER, MEMBER
DAN ROUNDS, MEMBER (zoom)
JAMES MRAZ, EXECUTIVE DIRECTOR
KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC (zoom)
SCOTT HENZE, PLANNING DIRECTOR
TOM ROEHL, LIASON ECONOMIC DEVELOPMENT & ENVIRONMENT COMMITTEE
TERRI EASTERLY, FCCRG (zoom)
JEFF PERSH, TOWN OF JOHNSTOWN CODE ENFORCER
AMY PEDRICK, WEST & COMPANY
MIKE ROSSI, WEST & COMPANY

I. MINUTES FROM FEBRUARY 13, 2024 MEETING:

MOTION : Accept as presented
MADE BY : Dave D'Amore
SECONDED : Joe Semione
VOTE : Unanimous

II. BUDGET REPORT:

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

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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 Report. Dave D'Amore also suggested that Carol look to consolidate this report.

C. Governance Committee:

- No report.

D. Finance Committee:

- No report.

IV. FULTON COUNTY/FULTON COUNTY CENTER FOR REGIONAL GROWTH (FCCRG) REPORTS:

1. FCCRG Report: (See attached.) Terri Easterly

IDA DISCUSSION: Terri Easterly reviewed the FCCRG report that was attached to the agenda.

2. County Report:

IDA DISCUSSION: Tom Roehl stated that the Board of Supervisors yesterday hired MRB Group to prepare the new Development Strategy.

V. OLD BUSINESS:

A. Nexus Renewables:

1. Easement:

- Nexus has obtained required easement from Innovative Industrial Properties (IIP).

IDA DISCUSSION: Jim Mraz reviewed the information on the agenda. He stated that the acquisition of the Easement should clear the way for Nexus to proceed with the project at Tryon.

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B. Winstanley Enterprises Project:

- IDA received the annual option payment from Winstanley Enterprises.
- Sent Winstanley information on NY Loves Nano website:www.nylovesnano.com
- Suggested including this information on the Tryon website.

C. Back-up Generator Project: Emergency Repairs

- At February 13, 2024 meeting, IDA Board authorized emergency repair work to be performed at the Tryon Wastewater Pump Station.
- The emergency work to replace the check and gate valves was completed by Adirondack Septic on February 29, 2024.
- The emergency work to program the float to ring at the 911 center was completed by General Control Systems on February 21, 2024.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He then referenced an email he sent to Board members regarding the additional work Adirondack Septic performed when they were replacing gate and check valves. The additional work involved pumping out debris that entered the wet well when they were working on the valves. The additional cost was \$1,020 to pump out the wet well tank. Jim Mraz emailed Board members asking if they would be willing to pay for this additional cost. He stated he received some responses to his email but did not receive majority opinion on whether or not to pay for this cost. He stated as such he wanted to bring this matter up today to reach a consensus on how to proceed.

Jim Mraz then advised the Board that they had previously authorized General Control Systems to connect the floats in the tank to the County’s 911 system. General Control System had provided an estimate of \$1,500 to complete this work. Jim Mraz stated that he received the final invoice from General Control Systems which was for \$591.16. As such, this work cost approximately \$900 less than anticipated.

There was a brief discussion regarding whether to pay the cost of pumping out the bottom of the tank. After a brief discussion, there was consensus to pay the bill and to have Jim Mraz send the Sewer District a letter confirming that the IDA had completed the commitment it made to pay for the first \$15,000 worth of expenses to operate and maintain the pump station.

MOTION: To authorize a payment to Adirondack Septic \$1,020 to pump out the wet well at the Tryon Pump Station and to authorize and direct the Executive Director to send a letter to Mark Yost advising that the IDA had met its commitment to pay for the 1st \$15,000 of expenses at the Tryon Pump Station.

MADE BY: Dave A’more

SECONDED: Joe Semione

VOTE: Unanimous

D. T-Bills:

1. Current T-Bills:

T-Bill #	Expiration Date
1	5/2/2024
2	4/30/2024
3	5/16/2024
4 & 5	8/8/2024

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E. CROSSROADS BUSINESS PARK:

- At the February 13, 2024 meeting, the IDA Board authorized the Chairman to execute a Listing Agreement with Howard Hannah and authorized CBRE to prepare an appraisal on a 25+/- acre parcel in the Crossroads Business Park.
- Listing Agreement has been executed.
- Howard Hannah is working on marketing materials and sign.
- CBRE is finalizing the appraisal.
- Contacted Mayor DeSantis to request having City remove barricades on Kathy's Way and to run street sweeper along Kathy's way.

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

VI. NEW BUSINESS:

A. Review Audit of IDA's 2023 Financial Statements:

1. Key Finding:
 - West and Company has completed its audit of the IDA 2023 financial statements.
 - Based upon West & Company's review West & Company has issued an "unmodified opinion."
 - This is the best opinion the IDA can receive.
 - The IDA has consistently received unmodified opinions on its audits.
 - Draft Audit was emailed to IDA Board members on February 26, 2024.
2. Review Audit: West & Company: Amy Pedrick
 - See Handout

IDA DISCUSSION: Jim Mraz introduced Amy Pedrick who presented the West & Company audit of the IDA's 2023 financial statement. Amy Pedrick stated Mike Rossi completed his five year rotation as the lead Auditor. She said she will now be the lead Auditor. Amy stated that the West & Company has issued an unmodified opinion which is the highest and best opinion it can offer.

There was a discussion regarding the audit identifying the option payment received from Winstanley Enterprises as being a liability instead of a revenue. After a brief discussion it was agreed that this figure should be listed as a revenue. Amy said she would revise the audit accordingly. Amy Pedrick reviewed the balance of the report. She stated that the footnotes at the end of the report are for the most part unchanged from previously years. She stated that page 25 represents Winstanley opinion on its review of the financial controls utilized by IDA. She stated they did not find any issues. Amy asked if there were any further questions there were none.

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IDA ACTION:

MOTION: To approve the 2023 Audit as submitted by the West & Company and authorize West & Company and the Executive Director to file the Audit in PARIS and with Fulton County Treasurer, Commissioner of Department of Economic Development, NYS Comptroller and to post it on the IDA's website.

MADE BY: Dave D'amore

SECONDED: Greg Truckenmiller

VOTE: Unanimous

B. IDA's 2023 Annual Report:

- IDA's 2023 Annual Report has been prepared in accordance with the ABO's requirements.
- Report was emailed to IDA Board members on February 26, 2024.

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

IDA ACTION:

MOTION: To approve the 2023 Annual Report and authorize and direct the Executive Director to file the Annual Report under PARIS and with the Board of Supervisors and post the report on the IDA's website

MADE BY: Greg Truckenmiller

SECONDED: Joe Semione

VOTE: Unanimous

C. Development Strategy

- Fulton County hired the MRB Group to prepare a new Development Strategy.
- The IDA Board previously agreed to contribute \$25,000 toward the cost of preparing this strategy.
- It is recommended that the IDA execute an Agreement with Fulton County to provide these funds to the County.

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 execute an Agreement with Fulton County regarding the IDA's \$25,000 contribution towards the cost of preparing a new Development Strategy.

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MADE BY: Mike Fitzgerald
SECONDED: Dave D'Amore
VOTE: Unanimous

VII. OTHER BUSINESS:

A. Mohawk Valley Brownfields Developer Summit:

- April 23-24, 2024
- 9:00 am-4:00pm
- Herkimer College

B. Board Training: Administering and IDA Project:

The following is the step-by-step procedure the IDA utilizes when a person, business, corporation or other entity seeks financial incentives:

1. A person, business, corporation or other entity (APPLICANT) contacts the Executive Director (Ex.Di.) to discuss a proposed project. The APPLICANT submits to the Ex.Di. a 2-3 paragraph project description including the projected private investment, number of new jobs to be created, number of existing jobs to be retained, a project schedule and if for a housing a project a description of the potential impact the housing project could have on the local economy.
2. Ex.Di. sends the project description to IDA Counsel to review and determine if the proposed project is eligible, under New York State's General Municipal Law, to receive IDA financial incentives.
3. If eligible, the Ex.Di. advises the APPLICANT to have their Counsel contact IDA Counsel to determine a project structure.
4. Ex.Di. advises APPLICANT to prepare a draft Project Application and submits it to the ExDi to review and provide comments. A final Project Application is then prepared and officially submitted to the Ex.Di.
5. Ex.Di. then:
 - a) Distributes the Project Application to IDA Board members and IDA Counsel.
 - b) Calculates the real property tax exemptions requested in Section 7 of the Project Application and sends it to IDA Counsel.
 - c) Puts the Project Application onto the Agenda for the next IDA Board meeting.
 - d) Establishes a Project Number based upon the coding system established by the NYS Comptroller.
6. At the first IDA Board meeting:
 - a) The Project Application is reviewed and discussed.
 - b) The financial incentives requested are reviewed and discussed.
 - c) The Board reviews the application and the financial incentives requested and makes a determination on whether the proposed project qualifies to receive financial incentives.

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- d) The IDA Board takes an action to commence a Coordinated SEQR Review by:
 - Classifying the proposed project.
 - Proposing itself to serve as Lead Agency.
 - Authorizing the distribution of the Part I Environmental Assessment Form (EAF) to all Involved Agencies asking for their consent to having the IDA serve as Lead Agency.
 - e) If the Project Application requests financial incentives greater than \$100,000, the IDA Board:
 - Adopts a resolution scheduling the date and time to conduct a public hearing on the proposed project.
 - Schedules the public hearing to be in the municipality where the proposed project would be located.
7. Following the first IDA Board meeting:
- a) IDA Counsel sends a legal notice to the Leader Herald to publish regarding the public hearing.
 - b) IDA Counsel sends letters, by certified mail, to each taxing jurisdiction, informing them of the public hearing.
 - c) Ex.Di. sends a letter and a copy of the Part I EAF to all Involved Agencies asking for their consent to having the IDA Board serve as SEQR Lead Agency.
8. Ex.Di. conducts the public hearing, prepares minutes and sends them to IDA Counsel.
9. At the next IDA meeting, the IDA Board:
- a) Reviews Part II of EAF.
 - b) Reviews comments from Involved Agencies.
 - c) Issues Determination of Significance/Part III EAF:
 - If Positive Declaration is issued, proceed to DEIS/FEIS.
 - If Negative Declaration is issued, SEQR is completed.
 - d) Adopts a Resolution:
 - 1) Designating a Project Operator/Sponsor.
 - 2) Authorizing granting of financial incentives.
10. Following the IDA Board meeting:
- a) IDA Counsel prepares a ST-60 form designating a Project Operator and files the form with the NYS Department of Taxation and Finance and with the Ex.Di.
 - b) If real property tax exemptions were approved, IDA Counsel has a PILOT Agreement executed by both parties and files the PILOT with all affected local taxing jurisdictions.
 - c) If sales tax exemptions were approved by the IDA Board, IDA Counsel prepares a Sales Tax Exemption letter and an ST-123 form and submits them to the Project Operator. These documents identify the sales tax reporting requirements the Project Operator must comply with.
 - d) IDA Counsel arranges for all documents to be executed by both parties. All documents are executed.
 - e) Ex.Di. distributes Part III EAF in accordance with SEQR Regulations.
 - f) IDA Counsel conducts closing and obtains:
 - IDA Administrative Fee
 - IDA Counsel Fee

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:

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- 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 : Joe Semione
 VOTE : unanimous

TIME : 8:51 am

MOTION : To go out of Executive Session.

MADE BY : Joe Semione
 SECOND : Mike Fitzgerald
 VOTE : unanimous

TIME : 9:39 am

VIII. NEXT MEETING:

Tuesday
 April 9, 2024
 8:00 a.m.

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IX. CLOSE MEETING:

MOTION : To close the meeting
MADE BY : Greg Truckermiller
SECONDED : Dan Rounds
VOTE : Unanimous
TIME : 9:39 am

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Fulton County Center for Regional Growth

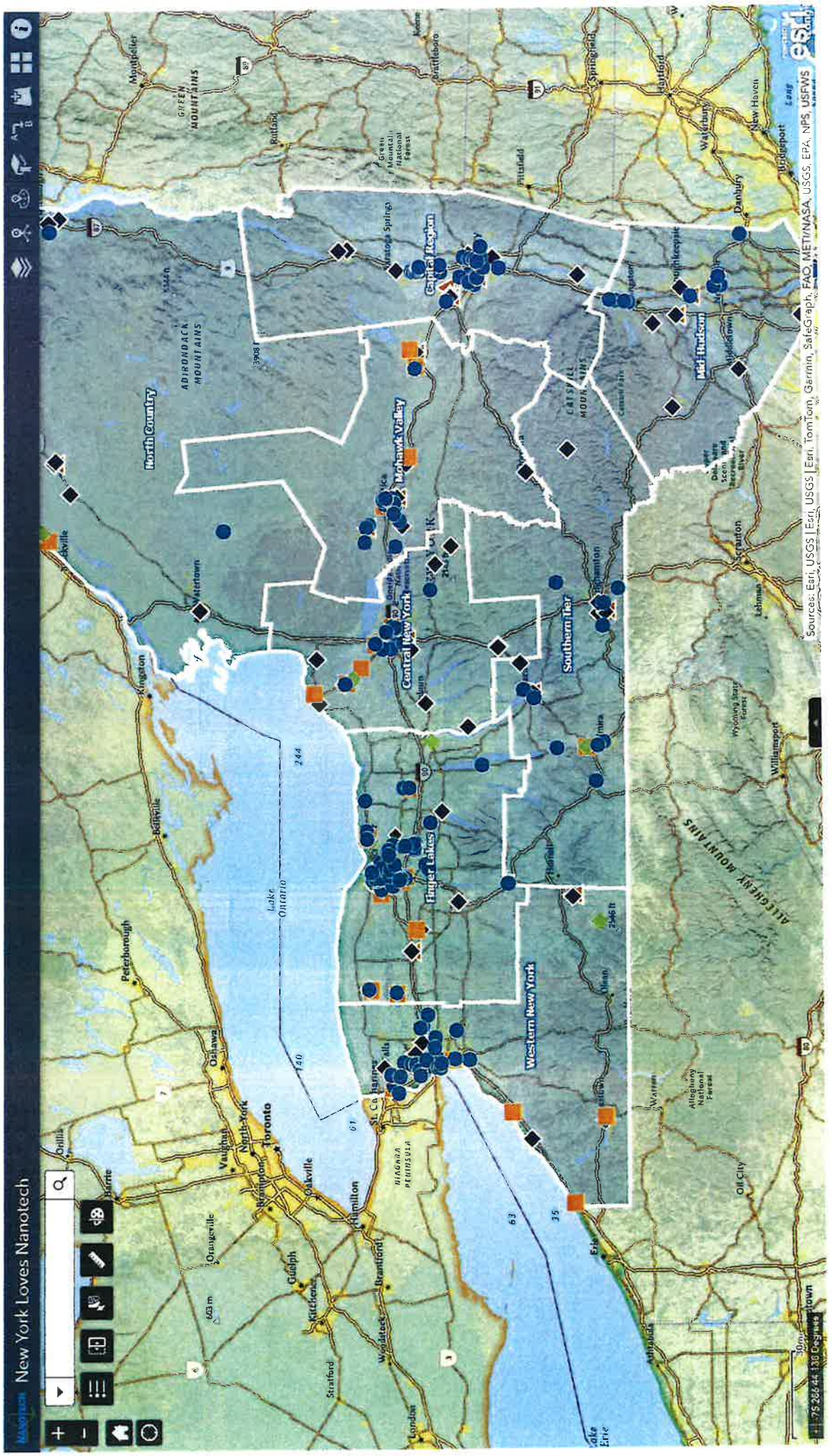
March 2024

Business Marketing / Business Leads / Business Inquires

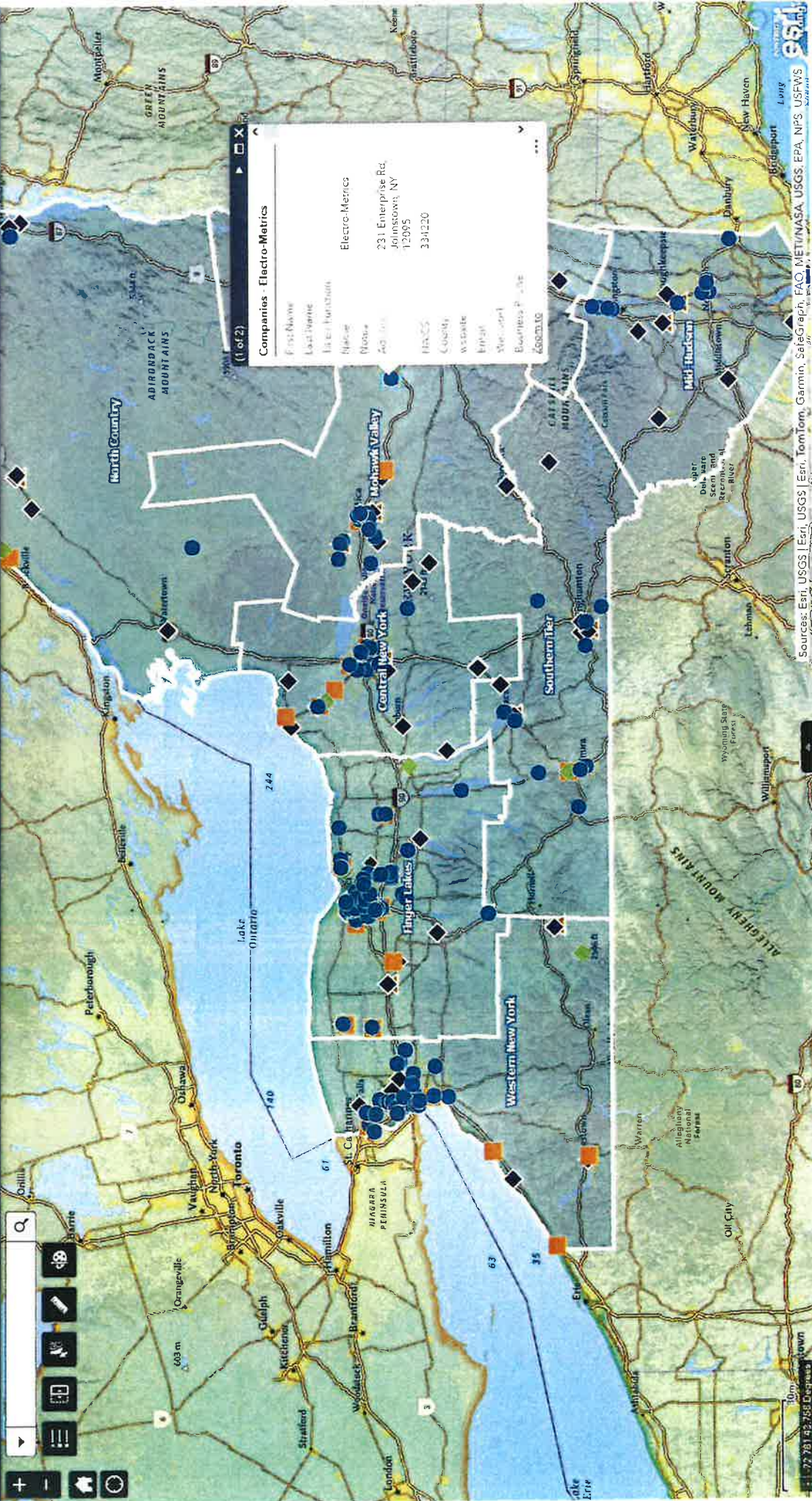
1. **CRG's Countywide EPA Brownfield Assessment Program:**
Will be assessing the availability of grant money to remove the drums at the Fashion Tanning Site.

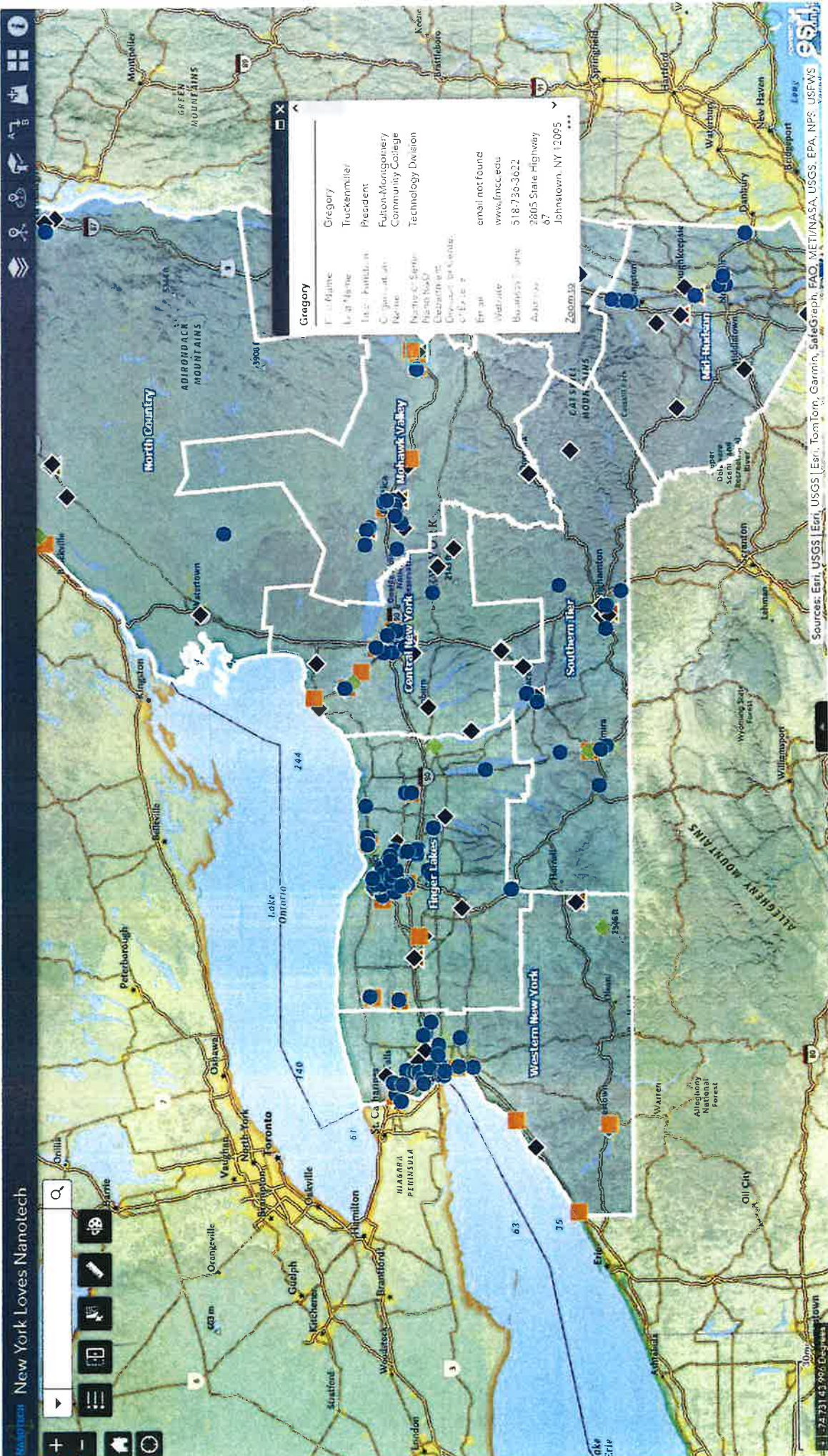
The final Redevelopment Plan for Fashion Tanning should be ready within the next 30 days.
2. CRG was awarded a Fast NY Grant for engineering at the Proposed Johnstown Commerce Park Site.
3. CRG completed the audit process. Based upon West & Company's review of CRG's 2023 financial records, West & Company has issued an "unmodified opinion." This is the best opinion CRG can receive.
4. The Gloversville Downtown Development Specialist continues to meet with DRI project awardees and is currently working on the capital stacking process for each project.
5. The Gloversville DDS continues to work with downtown-related activities including the Local Waterfront Revitalization Program and the City's Brownfield Opportunity Area (BOA).
6. Microenterprise Grant for \$300,000 continues to move through the submission process.
7. The grant award announcement for our \$500,000 Brownfield Assessment Grant application should take place in April.
8. We are currently looking for additional Brownfield Sites.
9. New York State ESD came out with their Restore NY Program and is now accepting applications.
10. Northern Border Regional Commission's Pre-applications are due March 15th.
11. CRG was invited to and attended a Workforce Development Presentation sponsored by CSARCH. The speaker was Denise Zieske, Assistant Vice Chancellor of Workforce Development at the State University of New York. This event provided high end networking opportunities.
12. CRG was invited to and attended a market presentation by CBRE. This event enabled high end networking.

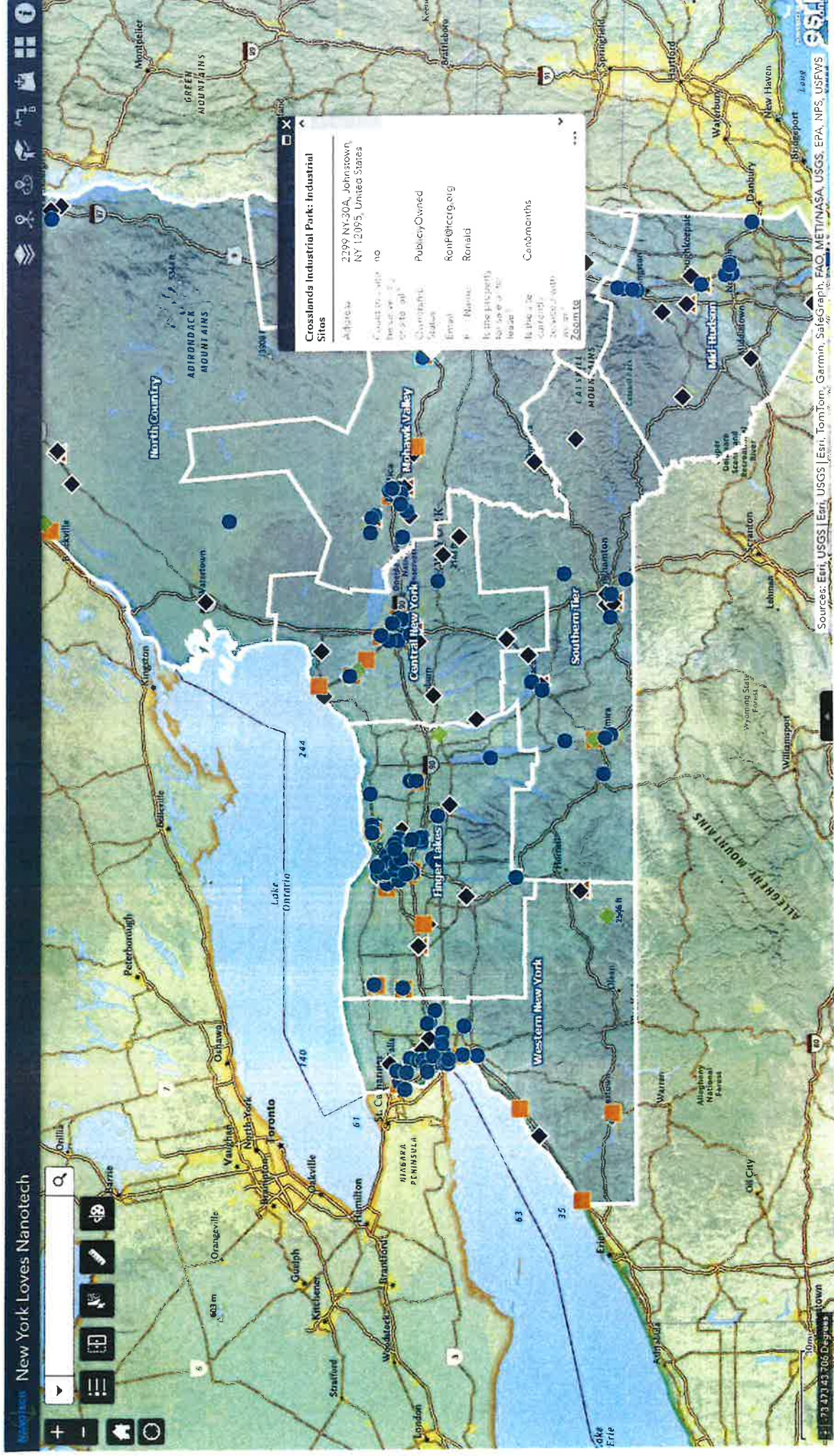
13. The Consul General of Canada in New York invited CRG to attend a networking reception. We met with the Consul General and discussed what Fulton County has to offer Canadian companies in need of a New York presence or companies looking to expand. This event enabled high end networking.
14. Our efforts paid off with New York Loves NANO. CRG was able to get four locations/assets on the New York Statewide Advanced Manufacturing Map. The four are SUNY-FMCC, Electro-Metrics, Tryon Technology Park and the Proposed Johnstown Commerce Park. Their website is in the process of being updated to incorporate the latest information. <https://www.nylovesnano.com>
15. We met with New York State and requested money from the state to reinvigorate our loan pools.
16. New York State Economic Development Council recently held their 2024 Economic Development Conference. There was a great session on IDA Housing Best Practices. It is suggested the IDA get actively involved with the New York State Economic Development Council.



Map navigation controls including zoom in (+), zoom out (-), home, and search icons.







Sources: Esri, USGS | Esri, USGS | Esri, TomTom, Garmin, SafeGraph, FAO, METI/NASA, USGS, EPA, NPS, USFWS

