

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

**TUESDAY
OCTOBER 8, 2024
8:00 A.M.**

PLANNING DEPARTMENT CONFERENCE ROOM

MEETING NOTES

PRESENT:

MIKE FITZGERALD, CHAIRMAN
SUE COLLINS, VICE CHAIRMAN
DR. GREG TRUCKENMILLER, TREASURER
JOSEPH SEMIONE, MEMBER
DAVID D'AMORE, MEMBER
JAMES MRAZ, EXECUTIVE DIRECTOR
KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
SCOTT HENZE, PLANNING DIRECTOR
TOM ROEHL, LIASON ECONOMIC DEVELOPMENT & ENVIRONMENT COMMITTEE
DENIS WILSON, FULTON COUNTY CENTER FOR REGIONAL GROWTH

I. MINUTES FROM SEPTEMBER 10, 2024 MEETING

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

II. BUDGET REPORT:

MOTION : Accept as presented
MADE BY : Joe Semione
SECONDED : Sue Collins
VOTE : Unanimous

III. COMMITTEE REPORTS:

A. Nominating Committee:

- No report.

B. Audit Committee:

- Monthly Bank Reconciliation Report: Joe Semione

IDA DISCUSSION: Joe Semione noted that the monthly date reconciliation report was in order.

C. Governance Committee:

- No report.

D. Finance Committee:

- No report.

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

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

2. Fulton County Report:

Tom Roehl stated that the Board of Supervisors is expected to adopt a Resolution next month advertising for bids for Phase I of the Discovery Center Project. He also advised that work on the Route 30 sewer line may very well completed in 2024.

V. OLD BUSINESS:

A. Nexus Renewables:

1. Special Use Permit (SUP):

- In 2020, Nexus received a Special Use Permit (SUP) from the Town of Johnstown Planning Board for their Solar Project next to Tryon.
- This SUP was good for 1 year.
- Nexus never requested that the Planning Board extend the expiration date of the SUP.
- Nexus recently submitted a request to the Planning Board to extend the expiration date of the SUP.
- Since it has been 3 years since the SUP expired, the Town of Johnstown decided to require Nexus to submit a new application for a SUP.
- This application will be impacted by the current moratorium the Town Board enacted on all solar projects. This moratorium is scheduled to expire on August 26, 2024. The Town Board could extend the moratorium.

- The Town will not accept applications for any SUP's until after the moratorium expires.
- The Town Board has extended the Moratorium for 6 months.

B. Crossroads Park Housing:

1. Status:
 - Howard Hannah has shown the parcel to several parties.
 - Howard Hannah continues to distribute marketing materials on the site to housing developers in the Region.
 - Howard Hannah suggests reducing the asking price of the 26+/- acres the IDA has up for sale.
2. Wetlands Investigation:
 - At the August meeting, the Board authorized the Environmental Design Partnership (EDP) to conduct a wetlands investigation on the 26+/- acre parcel.
 - Five (5) separate wetlands cumulatively totaling 5.01 acres were identified.
 - These acres are under the jurisdiction of the US Army Corp of Engineers.
 - No NYSDEC regulated wetlands were identified.
 - EDP will now seek an approved Jurisdictional Determination (AJD) from the US Army Corp of Engineers and NYSDEC.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He stated that Howard Hannah is suggesting reducing the asking price of 26 acres in the Crossroads Park from \$595,000 to \$575,000. When this price reduction occurs, the listing goes back out to the agents that have looked at it and updated advertising will be conducted by Howard Hannah. He asked if there were any questions. There was none.

Jim Mraz reviewed the final wetlands map that was prepared by the Environmental Design Partnership (EDP). He showed all the data points that EDP used to define the boundaries of each wetland. He stated the next step in the process is for EDP to send the final wetland delineation report to the Army Corp of Engineers and NYS DEC to request jurisdictional determinations. Both agencies will come to the site and review the boundaries as proposed by EDP and determine if any changes need to be made. If changes are made, EDP will resurvey the boundaries to establish the final wetlands delineation map.

IDA ACTION: To reduce the asking price for the 26 +/- acres in the Crossroads Park from \$595,000 to \$575,000.

MOTION: Joe Semione
 MADE BY: Joe Semione
 SECONDED: Mike Fitzgerald
 VOTE: Unanimous

C. Development Strategy

- Board of Supervisors hired the MRB Group to prepare the new Development Strategy.
- The Development Strategy will have 3 main components:
 1. Economic Development
 2. Housing

3. Tourism
 - MRB Group working to identify 5 projects in 3 main component area.
 - The County's Committee met recently to review the proposed projects.
 - MRB is scheduled to present the final Development Strategy to Board of Supervisors in November 2024.

VI. NEW BUSINESS:

A. Proposed 2025 IDA Budget:

- IDA Board must adopt and file in PARIS a 2025 Budget by November 1, 2024.
- IDA Board reviewed draft 2025 budget at its last meeting.
- Several suggestions were made that have been incorporated into revised budget
- See revised budget attached.

IDA DISCUSSION: Jim Mraz reviewed the final budget that includes to the changes that were suggested by the IDA Board at the last meeting. The first change was to add a line item of \$14,000 for a Website Research Project. The second was to add a line item for county projects and incorporate \$25,000 in that line item. These funds would be used in the event the County undertook a project or incentive in 2025 that the IDA wanted to contribute dollars to.

Jim Mraz stated that he will be retiring as the IDA Executive Director at the end of 2024. He asked the Board if they wanted to allocate dollars into the 2025 budget for him to provide consulting services. He reviewed some of the potential work tasks that he might provide. No services would be provided unless requested by Scott Henze who will become the new Executive Director in 2025. After a brief discussion, it was agreed to include a \$5,000 line item into the budget for consulting services.

Jim Mraz asked if there were any further comments on the budget, there were none.

IDA ACTION:

MOTION: To approve the 2025 budget as modified.

MADE BY: Joe Semione

SECONDED: Greg Truckenmiller

VOTE: Unanimous

B. Group Meetings:

1. Background:

- Representatives from the FCCRG, FMRCC, Visitor's Bureau, FMS Workforce Solutions, and IDA been meeting to discuss ways the entities could work together more efficiently. Two potential initiatives have been discussed:
 - a. **Shared Toolbox:**
 - A Shared Toolbox is a compilation of all service and programs currently offered and provided by:
 - a. FCCRG
 - b. FMRCC
 - c. FMS workforce Solutions
 - d. IDA
 - e. County Planning
 - f. Fulton County Visitor Bureau

- The Shared Toolbox will organize into three component areas.
 - 1) Economic Development
 - 2) Workforce
 - 3) Tourism
- The goal is for someone looking for information about either of these three (3) categories would click on one of those categories which would lead to a drop down showing approximately 12 services/programs. If that user then clicked on any of those 12 services/programs, it would show:
 - 1) Take the user to one of the entities websites where additional information would be available.
 - 2) The name, title, organization and contact information of the person who could be contacted for more information.

b. Website Research Project

1. Work Task

- Perform customer Development interviews
- Audit existing websites
- Define Target Audience
- Prepare plan to drive traffic and what users are searching for

2. Proposal

- The Group asked Emery Design for a cost proposal to perform the work tasks shown above for the Website Research Project.
- The four (4) partner agencies were asked to consider making a contribution toward the cost of this Project

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He stated that the Fulton Montgomery Regional Chamber of Commerce and FM Workforce Solutions indicated that they do not have funds to help pay for the Website Research Project. Jim Mraz stated that Scott Henze discussed the project with the Economic Development and Environmental Committee at the Board of Supervisors meeting last week. He stated the Committee was receptive to having the Visitor's Bureau provide some funding towards this project. He stated that the Committee however did not discuss an amount pending the review of a revised proposal from Emery Designs to conduct this research project. He stated that the revised proposal was not available when Scott went to the committee. He stated the revised proposal has now been received from Emery Design.

Jim Mraz stated that the Fulton County Center for Regional Growth has indicated that they may provide some funding towards this project. He stated, however, the FCCRG wanted to see the revised proposal from Emery Design, which they now have and also wanted to see the new Development Strategy to see if there was anything in there that would indicate that there may not be a need to conduct this website research project. As a result, Jim Mraz suggested that the IDA Board hold off on acting on Emery Design's proposal.

Mike Fitzgerald stated that a key issue regarding this website research project remains unresolved. He stated who would be responsible for maintaining and hosting a new website has yet to be determined. Sue Collins added that hearing the responses from some of the partners, she also has a concern on this matter. Jim Mraz added that this issue should be resolved before spending on any money on a website research project. He suggested that Sue Collins touch base with Kent Kirch and try and schedule another meeting of the group to resolve this issue.

C. Potential New Substation:

1. Background:

- There have been some initial discussions with National Grid (NG) regarding the potential for bringing additional power to Tryon.
- Tryon is currently fed by an electrical circuit coming from NG's Stoner Trail Substation.
- NG has advised that there is no available power from that substation for new industrial customers.
- NG is responsible, by Tariff for providing power to any customer who needs up to 2.5 MW of power.
- If a company wants to move to Tryon and needs less than 2.5 MW of power, NG will need to find a way to bring that power to Tryon.
- All projects in the three (3) industrial/business parks, except Fage, use less than 2.5 MW of power.

2. Potential New Substation:

- One option for bringing additional power to Tryon would be to build a new electrical substation along CR 107 when NG's 115 KV Transmission Main that crosses CR 107 about 1 mile east of Tryon.
- Two (2) options exist:
 - Construct a distribution level substation that could provide up to two new express feeder circuits into Tryon each providing 12MW+/- that could be split once in the Park and could serve the 4 sites Winstanley has identified on its Site Plan for Tryon. One feed could serve 2 parcels at 6MW each or a variation that would total 12MW. NG would not combine 12+12 to one parcel.
 - Construct a transmission level substation that could support up to 20 MW but would only service 1 site and 1 customer. The other 3 sites on Winstanley's Site Plan would be serviced by up to 2.5 MW of power that National Grid would provide.
- National Grid has advised that an Interconnect Study would need to be prepared regarding developing a new substation. National Grid has advised that the IDA needs to decide whether it wants to pursue having a distribution or transmission level substation developed.
- Whichever option the IDA prefers, the Interconnect Study would then evaluate the feasibility of that option

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He stated National Grid would like the IDA Board to decide whether to pursue a distribution or transmission level new substation. He stated National Grid needs that direction in order for them to conduct an Interconnect Study. He reviewed the information on the Agenda regarding the two options. He stated he had reviewed these two options with Winstanley Enterprises. Adam Winstanley recommended the IDA pursue a distribution level substation. After a brief discussion, it was the unanimous consensus of all IDA members present to pursue the development of a distribution level substation at Tryon.

Joe Semione asked what the cost of this interconnect study may be. Sue Collins estimated the cost of conducting the Interconnect Study would be around \$50,000. Joe Semione recommended that the IDA budget that was just adopted be amended to add a line item for the Interconnect Study at a cost of \$50,000.

IDA ACTION:

MOTION: To endorse the development of a distribution level substation at Tryon and to amend the 2025 budget to add the line item for conducting an Interconnect Study at an estimated cost at \$50,000.

MADE BY: Dave D'Amore

SECONDED: Greg Truckenmiller

VOTE: Unanimous

D. EPA Cleanup Grant

1. Background:

- EPA has announced that applications will now be accepted on November 14, 2024 for an EPA Cleanup Grant.
- It is proposed that the IDA apply for an EPA Cleanup Grant to tear down the 2 remaining buildings at Tryon.
- Met with HRP Associated to discuss preparing a grant application.
- A part of the application package is preparing an alternative Brownfield Cleanup Analysis (ABCA). HRP will prepare this ABCA for the IDA.

2. Public Meeting:

- IDA must hold a public meeting to discuss the draft application and consider public comments prior to the submittal of the application. A regularly scheduled community meeting where multiple topics are discussed is sufficient to meet this requirement provided there is an opportunity to discuss the draft application. The public meeting may be held in person, virtually and/or by teleconference, must be accessible to persons with limited English proficiency and persons with disabilities, and must be held prior to the submittal of this application. From the meeting, the IDA must produce:
 - The comments or a summary of the public comments received.
 - The applicant's response to those comments.
 - Meeting notes or a summary of the public meeting(s), and
 - Meeting sign in sheet/participant list.
- IDA must publish a community notification ad for the public meeting in the local newspaper or an equivalent means customarily used to communicate to the target community (ies) (e.g. notifying the target community via website, listserv, social media, radio, or television broadcast, etc) no later than 14 calendar days before the application is submitted to EPA. The community notification as (or equivalent) must clearly state:
 - That a copy of the grant application, including the draft ABCA(s) is available for public review and comment.
 - How to comment on the draft application
 - Where the draft application is located (e.g. town hall, library, website) and
 - The date, time, and location of the public meeting(s)

- All target communities, including community members with limited English proficiency and community members with disabilities, must receive the notification and be provided an opportunity to comment on the application.
- Proposed date for public meeting:

Tuesday
October 15, 2024
10:00 am
Planning Department Conference Room

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He stated that he receive an email from HRP associates stating that the EPA determined that the IDA was not an eligible applicant for an EPA Cleanup Grant. He stated he is working with Kara to develop a response to the EPA in an effort to try to change their mind regarding the IDA's eligibility. He stated if the IDA successful in changing EPA's opinion on the IDA's eligibility, the IDA would then have to conduct this public meeting that was referenced in the Agenda. He stated that he would still like the IDA Board to authorize conducting this public hearing.

IDA ACTION:

MOTION: To schedule a Public Meeting on the EPA Cleanup Grant Application and ABCA for Tuesday October 15, 2024 @ 10:00 AM in the Planning Department Conference Room.

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

E. Everyone Chips In Workshop

1. Background

- At the direction of Chairman Fitzgerald, a Workshop was held on September 26, 2024 at FMCC to discuss how Fulton and Montgomery Counties can benefit from the billions of dollars being invested in New York State in the semiconductor field.
- Representatives from Empire State Development, NYS Economic Development Council, NYS Association of Training Employment Professionals, NYS Department of Labor, FMS Workforce Solutions, FMCC, Global Foundries, Career & Technical Education at HFM BOCES and others all participated in the workshop.

2. Investments in Semiconductor sector in New York

a. General

- One in four USA made chips are being made within 350 miles of upstate New York.
- These are currently 156 semiconductor supply chain companies operating in New York State.
- Over \$112 billion has been invested in New York State since 2022.

b. Micron Project in Clay, NY

- Will invest over \$100+ billion over the next 20 Years.
- Project will include construction of four (4) 600,000 sf clear rooms.
- Will create 9,000 new jobs at Micron Plant.

c. Wolf speed Project in Utica, NY

- Invested over \$1 billion in this new Fab.
- Is the world's 1st and largest and only 200 mm silicon carbide Fab to support the electric vehicle market.

- Project will create 600 new high-tech jobs.
- d. Global Foundries Expansion, Malta, NY
 - Will be investing over \$12 billion
 - Will manufacture chips for automotive industry
 - Will create 1,500 new manufacturing jobs.
- e. New York Creates Campus, Albany, NY
 - New York Creates owns and operates the Nation's largest and most advanced R & D facility-The Albany Nanotech Complex.
 - The campus has 200+ partners, 150,000 sf of space, 2,750 scientists, Engineers and staff and has 50,000 sf of new clean room space under construction.

3. **Fulton & Montgomery County's Role**

- Several speakers commented that the region is probably not going to land a Fab.
- However, with the investments being made along the I-90 corridor and in Malta, this region may be positioned to attract logistic and supply chain companies servicing these Fabs.
- To do so, need to learn about what the facility needs are for these logistic and supply chain companies and what skills will they require of their workers.

F. **Tryon Banners:**

- In 2016, Fulton County purchased and installed banners for the Tryon Technology Park.
- These banners have faded and need to be replaced.
- A quote has been obtained from Adirondack Sign Company in Saratoga to manufacture 10 new banners.
- Adirondack Sign manufactured the signs purchased in 2016.
- Total quote: \$1,200.
- County Facilities staff will install the new banners.

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

MOTION: To authorize the purchase of 10 new banners for the Tryon Technology Park from Adirondack Sign Company at a cost of \$1,200.

MADE BY: Dave D'Amore

SECONDED: Joe Semione

VOTE: Unanimous

VII. **OTHER BUSINESS:**

A. **Board Training: Proposed Changes to NYDEC'S Wetlands Regulations**

1. **Background**

- New York State began identifying and regulating wetlands in, 1975, when the State Legislative adapted the New York State Freshwater Wetlands Act.

- Under that law, the State regulated wetlands 12.4 acres or more in size and wetlands of unusual local importance.
- In New York, there are three entities that regulate wetlands:
 - NYS DEC
 - Army Corp of Engineers
 - Adirondack Park Agency
- Each entity defines wetlands differently and have different regulations.

2. Proposed Changes to NYS Wetlands Regulations

- NYS is proposing several important changes to how it will regulate wetlands. These changes include:
 - Beginning January 1, 2025, existing mapping depicting Department of Environmental Conservation (DEC) regulated freshwater wetlands will become informational only and will no longer limit DEC regulation to wetlands depicted on those maps. Wetlands meeting applicable criteria, as outlined below in “Classification Procedures” will be regulated by NYSDEC and subject to permitting, regardless of whether they are illustrated on the wetland mapping. To determine if state regulated freshwater wetlands or their regulated adjacent areas are on a parcel, DEC will rely primarily on aerial imagery and remote data.
 - Also, beginning January 1, 2025, smaller wetlands of “unusual importance” will be regulated. The regulations describe wetlands of unusual importance based on 11 newly established statutory criteria. Notably, wetlands less than 12.5 acres that would be protected include:
 - Urban wetlands
 - Wetlands located in watersheds that have experienced significant flooding in the past or are expected to experience significant flooding in the future from severe storm events:
 - Wetlands containing habitat for an essential behavior or endangered or threatened species as well as species of special concern and species of greatest conservation need:
 - All Class I wetlands:
 - Vernal pools known to be productive for amphibian breeding (based on the number of salamander and / or frog egg masses) ; and
 - Wetlands that are determined to be significant importance to protecting the state’s water quality as determined by NYSDEC.

The draft regulations also expand NYSDEC’s jurisdiction over wetlands buffers, referred to as “adjacent areas.” Since the Act was passed in 1975, NYSDEC has regulated activities that occur within 100-foot area adjacent to the wetland boundary. The draft regulations expand the adjacent area to 300 feet for nutrient poor wetlands and 800 feet for vernal pools known to be productive for amphibian breeding. These wetlands and their expanded adjacent areas are future defined in the regulations.
 - Beginning in 2028, wetlands 7.4 acres or larger will be regulated, which is down from the current threshold of 12.4 acres. The smaller wetlands of “unusual importance” will still be regulated if they meet one of the newly listed criteria.
 - Extending Adjacent Areas. The adjacent area of Nutrient Poor Wetlands documented by the department shall be extended to 300 feet to protect and preserve the wetland.
 - Treatment of Two or More Areas as a Single Wetland. Two or more areas identified by the department as freshwater wetlands pursuant if they are hydrologically connected, either on the surface or sub surface, and no more than 50 meters (approximately 164.04 feet) apart.
 - Procedure for Jurisdictional Determinations (JD)
 - Any person may submit to the Department of Environmental Conservation a request for a determination as to whether a given parcel of land includes freshwater wetlands or freshwater wetlands adjacent areas subject to state regulation. Such request may also inquire as to whether a permit is required for a proposed activity, provided the person has submitted a verified wetland delineation and site-specific development plans to DEC.

2. The Department shall provide a definite answer in writing within 90 days of such request. However, it may extend such period until a determination can be made due to weather or ground condition preventing the department from making a jurisdictional determination.
3. Jurisdictional determinations, which are appealable, are valid for a period of five years from the date it is issued.

3. Questions & Answers on Proposed Changes

- See attached

3. 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 : Mike Fitzgerald
 SECOND : Dave D'Amore
 VOTE : Unanimous
 TIME : 8:49 AM

MOTION : To go out of Executive Session.

MADE BY : Joe Semione
SECOND : Mike Fitzgerald
VOTE : Unanimous
TIME : 9:17 AM

B. NEXT MEETING:

Tuesday
November 12, 2024
8:00 a.m.

C. CLOSE MEETING:

MOTION : To close the meeting
MADE BY : Sue Collins
SECONDED : Joe Semione
VOTE : Unanimous
TIME : 9:17 AM