

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

**TUESDAY
MARCH 11, 2025
8:00 A.M.**

PLANNING DEPARTMENT CONFERENCE ROOM MEETING MINUTES

IDA PRESENT:

**SUE COLLINS, CHAIRMAN
MIKE FITZGERALD, TREASURER
JOE GILLIS, SECRETARY
JOSEPH SEMIONE, MEMBER
DAVID D'AMORE, MEMBER
DAN ROUNDS, MEMBER
KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC (VIA ZOOM)
SCOTT HENZE, EXECUTIVE DIRECTOR**

OTHERS PRESENT:

**TOM ROEHL, LIASON ECONOMIC DEVELOPMENT & ENVIRONMENT COMMITTEE
TERRI EASTERLY, FCCRG (VIA ZOOM)
ASHLEY CAPOBIANCO, FMRCC
JEFF PERSCH, TOWN OF JOHNSTOWN CODE ENFORCEMENT OFFICER**

IDA'S MISSION:

The IDA's mission is to create and promote economic growth and prosperity for both residents and entrepreneurs in Fulton County. The IDA's role in Fulton County's Economic Development Program is to develop and maintain an inventory of shovel-ready sites for new and expanding businesses, offer financial incentives, as may be required, to encourage the creation of new and retention of existing jobs and expand the County's tax base. In doing so, the IDA strives to make Fulton County a desirable place to live and do business.

I. MINUTES FROM FEBRUARY 11, 2025 MEETING:

** Meeting minutes were emailed to all members on February 19, 2025.*

MOTION: To accept the February 19, 2025 meeting minutes as presented.
MADE BY: Mike Fitzgerald
SECONDED: Dave D'Amore
DISCUSSION: None
VOTE: Unanimous

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II. BUDGET REPORT:

MOTION: To accept as presented

MADE BY: Dan Rounds

SECONDED: Joe Semione

DISCUSSION: Scott Henze reviewed the Budget Report as presented as an attachment to the agenda. Joe Semione as questioned whether or not the NYMIR insurance payment for Tryon was a six (6) month payment. Scott Henze stated that it was. Mr. Henze stated that the IDA budgeted \$5,000 for the year to provide coverage to Tryon and that the line item may need to be adjusted due to the increase in cost of the insurance coverage.

VOTE: Unanimous

III. COMMITTEE REPORTS:

A. Nominating Committee:

- No report.

B. Audit Committee:

- Monthly Bank Reconciliation Report: Sue Collins

IDA DISCUSSION: Sue Collins stated that she reviewed the monthly Bank Reconciliation Report and all was in order.

C. Governance Committee:

- No report.

D. Finance Committee:

- No report.

IV. FULTON COUNTY/FCCRG/FMRCC REPORTS:

1. County Report: Tom Roehl stated that the Economic Development and Environment Committee discussed the Johnstown Commerce project that is being undertaken by the CRG. He stated that the County is out to bid on an Inflow and Infiltration Reduction project within the City of Gloversville as part of the greater Rout 30 sewer project. He stated that the Baard of Supervisors will hold a Public Hearing on the adoption of the County's Agricultural and Farmland Protection Plan stating that the

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County has 205 farms covering approximately 23,000 acres. Joe Semione questioned whether or not the number of farms has decreased over the years. Mr. Roehl stated that they have.

2. FCCRG Report: (See attached.) Terri Easterly reviewed the CRG's monthly report attached to the agenda. The IDA Board had no further questions on the report.
3. FMRCC Report: Ashley Capobianco introduced herself as a Chamber Board member and that she is employed by Townsend Leather within their Human Resources division. Ashley stated that on Friday March 14 is hosting a Chamber 101 webinar series dealing with how to maximize your chamber membership for local chamber member businesses and others. She stated that on March 28 the chamber is costing a speed networking event to be held at HFM BOCES. She stated that on April 3 the Chamber will hold a Business Expo and Chamber Award presentation that will be held at the Johnstown Moose Club referencing that there are opportunities for tabling and display if the IDA is interested in participating. The IDA Board had no further questions on the report.

V. OLD BUSINESS:

A. Nexus Renewables :

- Nexus continues to wait until the Town of Johnstown Moratorium on Solar and Battery Storage Energy Facilities expires so it can file an application for a new Special Use Permit.
- The Town of Johnstown held their last committee meeting on the new Solar and Battery Storage regulations on February 6, 2025 and have forwarded the draft to their counsel for a legal review.
- The Town of Johnstown issued a second 6-month extension to their moratorium that will not end on August 26, 2025.
- Executive Director participated in a virtual meeting with Nexus on February 19, 2025 to provide a status report.

IDA DISCUSSION: Scott Henze reviewed the background as identified within the agenda. Scott Henze asked Jeff Persch, Town of Johnstown Code Enforcement Officer if he had any further information to provide. Jeff Persch stated that he does not expect that the draft is complete and it has been sent to the attorney to "polish" the document. He stated that he does not expect that the entire length of the moratorium would be needed specific to solar however he does expect that it will be for the battery storage component. Scott Henze questioned whether or not the law was a single law that included both solar and battery storage or whether they were separate. He stated he did not know if a moratorium could be lifted for a portion of one law etc. Jeff Persch stated that he did not know the answer to that question but would look into it.

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B. T-Bills:

- Current T-Bills:

T-BILL #	TERM	RATE %	EXPIRATION DATE
1	12 month	4.15%	11/28/25
2	12 month	5.09%	4/17/25
3	12 month	5.01%	5/15/25
4	6 month	4.11%	8/14/25

IDA DISCUSSION: Scott Henze stated that the IDA will discuss T-Bill #2 next month.

C. Website Research Project

- Emery Designs contract has been executed.
- Executive Director attended a kickoff Zoom meeting with Betsy Emory on March 5, 2025 to discuss the execution of the project and to establish milestone dates.
- Emery Designs commenced the audit of IDA, CRG, FMRCC & FMSWS websites on Monday March 10, 2025.
- Expected to complete the audit of websites by May 31, 2025.
- Emery Designs and Executive Director commencing the development of a questionnaire for the Customer Development Interviews (CDI) along with a list of ten (10) potential interviewees per category (Economic Development, Workforce, Housing and Tourism).

IDA DISCUSSION: Scott Henze reviewed the background information as identified within the agenda.

VI. NEW BUSINESS:

A. Review Audit of IDA's 2024 Financial Statements:

1. Key Finding:
 - West and Company has completed its audit of the IDA 2024 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 March 3, 2025.

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2. Review Audit: West & Company: Amy Pedrick

- See Handout

IDA DISCUSSION: Scott Henze introduced Amy Pedrick of the West & Company stated that this is Amy's second year of a five-year rotation as the IDA's lead auditor. Amy Pedrick stated that she is familiar with the IDA's reporting and has been working in PARIS as well. She stated that the Audit went very well and that there are no Management comments. Amy Pedrick stated that the IDA has been given a clean unmodified opinion which is the highest opinion that can be given to an IDA. She stated that this has been standard for the Fulton County IDA. Amy Pedrick stated that the Management, Discussion and Analysis (MDA) document information was provided by Mr. Mraz prior to his retirement. She stated that in the future the Authorities Budget Office (ABO) will be changing their requirements to require IDA's to provide further information in their reporting however this has always been done in Fulton County so the Fulton County IDA should see no real change in the way that the reporting has been done.

Dave D'Amore questioned why the account was been left open identified as being due to the City of Johnstown. Scott Henze stated that that account remains since there is one (1) parcel that the IDA owns that is still available for sale in the Johnstown Industrial Park. He stated that the account would be used to transfer the Cities portion of the sale via that account. He stated that the dollars that remain in the account were the interest dollars that were deposited after the IDA sent the balance to the City per the Cities request.

IDA ACTION:

MOTION: To approve the 2024 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: Sue Collins

SECONDED: Mike Fitzgerald

DISCUSSION: No further discussion.

VOTE: Unanimous

B. IDA's 2024 Annual Report:

- IDA's 2024 Annual Report has been prepared in accordance with the ABO's requirements.
- Report was emailed to IDA Board members on March 3, 2025.

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IDA DISCUSSION: Scott Henze stated that the 2024 IDA Annual Report is included within the actual Audit that was reviewed by Amy Pedrick. He stated that however the IDA needs to submit said report under PARIS.

IDA ACTION:

MOTION: To approve the 2024 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: Joe Gillis

SECONDED: Joe Semione

DISCUSSION: No further discussion.

VOTE: Unanimous

C. ST-62:

1. IDA's are to annually, required to 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 2024, the IDA:
 - Did not amend any project sales tax exemptions.
 - 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, 2024.
5. ST-62 must be filed by March 31, 2025.
6. See attached.

IDA DISCUSSION: Scott Henze reviewed the background information as identified within the agenda. Scott Henze stated that attached to the ST-62 form identifies the process that the IDA uses to recapture any sales tax incentives provided if needed.

IDA ACTION:

MOTION: To authorize the Chairman to sign and submit an ST-62 Form for fiscal year ending December 31, 2024.

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MADE BY: Joe Gillis
SECONDED: Dave D'Amore
DISCUSSION: No further discussion.
VOTE: Unanimous

VII. OTHER BUSINESS:

A. Board Training:

1. IDA Policy 14 – Uniform Tax Exemption Policy

- During the IDA's Annual Meeting held on January 14, 2025, the Board asked that the Executive Director review the IDA's Policies (older) and recommend any changes.
- During that time, notice was given via NYS Assembly Bill 2025-A1098 to an amendment to General Municipal Law (GML) Section 874 – Tax Exemptions.
- The amendment is specific to Section 874(4)(a) that states that the agency (IDA) shall establish a uniform tax exemption policy that shall provide guidelines for the claiming of real property, mortgage recording and sales tax exemptions and that such guidelines shall include, but not limited to: period of exemption; percentage of exemption; types of projects for which exemptions can be claimed; procedures for payments in lieu of taxes and instances in which real property appraisals are to be performed as part of an application for tax exemption; in addition, agencies shall in adopting such policy consider such issues as:
 1. The extent to which a project will create or retain permanent, private sector jobs
 2. The estimated value of any tax exemptions to be provided
 3. Whether affected tax jurisdictions shall be reimbursed by the project occupant if a project does not fulfill the purposes for which an exemption was provided
 4. The impact of a proposed project on existing and proposed businesses and economic development projects in the vicinity
 5. The amount of private sector investment generated or likely to be generated by the proposed project
 6. The demonstrated public support for the proposed project
 7. The likelihood of accomplishing the proposed project in a timely fashion
 8. The effect of the proposed project on the environment

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9. The extent to which the project will utilize, the fullest extent practicable and economically feasible, resource conservation, energy efficiency, green technologies, and alternative and renewable energy measures
 10. The extent to which the project will provide onsite child [daycare facilities] CARE SERVICES or OTHERWISE FACILITATE NEW CHILD CARE SERVICES
 11. The extent to which the proposed project will require the provision of additional services, including, but not limited to additional educational, transportation, police, emergency medical or fire services; and the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts
1. During the February 11, 2025 meeting, the IDA compared the language within Section 874(4)(a) with the language specific to the IDA's current UTEP.
 2. Based upon that review, the IDA agreed to add a general statement to the IDA's UTEP referencing GML's Section 874 plus fine-tuning the remaining language accordingly.
 3. *See below:

GML SECTION 874	IDA CURRENT	IDA PROPOSED
	The nature of the project (e.g. manufacturing, commercial, tourism, high tech, etc.).	The nature of the project
	The nature of the property before the project begins (e.g. vacant land, vacant building, brownfield site, blight, adaptive reuse, etc.).	The nature of the property before the project begins
	The economic condition of the area at the time of application and the economic multiplying effect the project will have on the community.	The economic condition of the area at the time of application and the economic impact the project will have on the community.
The extent to which a project will create or retain permanent, private sector jobs.	The extent to which the project will create or retain permanent, private sector jobs, the number of jobs to be created/retained, and the level of wages paid.	The number of jobs to be created/retained, and the level of wages paid.
The estimated value of any tax exemptions to be provided.	The estimated value of tax exemptions to be provided.	
	The economic impact of the project and the proposed tax exemptions on affected taxing jurisdictions.	The economic impact of the project and the proposed tax exemptions on affected taxing jurisdictions.

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The impact of a proposed project on existing and proposed businesses and economic development projects in the vicinity.	The impact of the project on existing businesses in the community.	
The amount of private sector investment generated or likely to be generated by the proposed project.	The amount of private investment generated by the project.	
GML SECTION 874	IDA CURRENT	IDA PROPOSED
The effect of the proposed project on the environment.	The effect of the project on the environment.	
The extent to which the proposed project will require the provision of additional services, including, but not limited to additional educational, transportation, police, emergency medical or fire services.	The extent to which the project will require additional services including but not limited to infrastructure, roads, transportation, education, fire protection, police protection, etc.	
	The extent to which the project will provide a benefit (economic or otherwise) to the municipality in which the project is located.	The extent to which the project will provide a benefit (economic or otherwise) to the municipality in which the project is located.
The extent to which the proposed project will provide additional sources of revenue for municipalities and school districts.	The extent to which the project will provide additional sources of revenue for municipalities and school districts in which the project is located.	
	The extent to which the project enhances the quality of life of people in the community (recreation, removal of blight, brownfield redevelopment).	The extent to which the project enhances the quality of life of people in the community (recreation, removal of blight, brownfield redevelopment, housing).
Whether affected tax jurisdictions shall be reimbursed by the project occupant if a project does not fulfill the purposes for which an exemption was provided.		
The demonstrated public support for the proposed project.		
The likelihood of accomplishing the proposed project in a timely fashion.		
The extent to which the project will utilize, the fullest extent practicable and economically feasible, resource conservation, energy efficiency,		

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green technologies, and alternative and renewable energy measures.		
The extent to which the project will provide onsite child care services or otherwise facilitate new child care services.		

IDA DISCUSSION: Scott Henze reviewed the background information as identified within the agenda. Scott Henze stated that he would like to discuss each with the entire board. Scott Henze stated that the IDA can had additional considerations within the UTEP however they need to include what the minimum requirements are within Section 874 of General Municipal Law. The Board reviewed each item above and made various amendments. The IDA discussed whether or not to add more specific examples or to leave statements generic. Dan Rounds questioned whether or not adding examples provides any additional value to the statement. Sue Collins questioned why the IDA would include the same specific language in the UTEP if the language is already specific to GML Section 874. Dave D'Amore questioned how an applicant would know what is included within Section 874. Kara Lais stated that she does not feel that it is necessary to re-list all of the language that is within Section 874. She stated that if there was a modification made to Section 874 the IDA would need to update its UTEP accordingly every time. Kara Lais stated that the IDA could include a link to Section 874 within the IDA's UTEP and on the IDA's website as it pertains to the UTEP. Kara Lais stated that other IDA's will list out additional items within their UTEP that that IDA would like to provide as part of a project's incentives. Scott Henze stated that then the IDA's UTEP could state that the IDA will consider all items included within Section 874 of GML plus the following additional items etc. The IDA Board agreed. Kara Lais referenced a Warren-Washington IDA legal challenge by a project applicant due to the fact that said IDA did not update their UTEP to reference the items within 874 etc.

IDA ACTION:

MOTION: To direct the Executive Director to amend the Fulton County Industrial Development Agency's UTEP to add a general statement that the IDA will consider all items identified within NYS General Municipal Law Section 874 plus the additional items identified above and to add a link to GML Section 874 within the IDA's application form and website.

MADE BY: Dave D'Amore

SECONDED: Dan Rounds

DISCUSSION: No further discussion.

VOTE: Unanimous

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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.**

IDA ACTION:

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

SECONDED: Joe Semione

DISCUSSION: None

VOTE : Unanimous

TIME : 9:00a.m.

MOTION:

To go out of Executive Session.

MADE BY: Dan Rounds

SECONDED: Joe Semione

DISCUSSION: None

VOTE: Unanimous

TIME: 9:55a.m.

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VIII. NEXT MEETING:

Tuesday
April 8, 2025
8:00 a.m.

IX. CLOSE MEETING:

MOTION: To close the meeting at 9:55a.m.
MADE BY: Sue Collins
SECONDED: Mike Fitzgerald
DISCUSSION: None
VOTE: Unanimous

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