FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY JULY 14, 2020 8:00 A.M. PLANNING DEPARTMENT CONFERENCE ROOM

AGENDA

PRESENT ON CONFERENCE	E CALL:				
DAVE D'AMORE, CHAIRJOE SEMIONE, VICE CHATODD RULISON, TREASTJANE KELLEY, SECRETATIM MUNN, MEMBERJOE GILLIS, MEMBERMIKE FITZGERALD, MEMJAMES MRAZ, EXECUTIKARA LAIS, FITZGERALSCOTT HENZE, PLANNIMGREG FAGAN, FULTON OKEN ADAMCZYK, ECON	AIRMAN URER ARY MBER VE DIRECTO D, MORRIS, NG DIRECTO COUNTY CEN IOMIC DEVE	BAKER, FIRT OR INTER FOR R NTER FOR RE	EGIONAL GROW EGIONAL GROW	ГΗ	UNTY CENTER
FOR REGIONAL GROWJOHN BLACKMON, L COMMITTEEKEITH SANDOR, PRESIDDAVE HUCKANS, HOMEMIKE ANICH, LEADER-H	IAISON, EO ENT, NEXUS ETOWN MOR	S RENEWABI		AND	ENVIRONMENT
I. ROLL CALL:					
	Aye	Nay	Abstain		Absent
Dave D'Amore Joe Semione					
Todd Rulison					
Jane Kelley					
Mike Fitzgerald					
Joseph Gillis					
Tim Munn					

II. **MINUTES FROM JUNE 9, 2020 MEETING: MOTION** MADE BY **SECONDED** ROLL CALL VOTE: Nay Abstain Absent Aye Dave D'Amore Joe Semione Todd Rulison Jane Kelley Mike Fitzgerald Joseph Gillis Tim Munn NOTE: A transcript of the June 9, 2020 meeting has been prepared and posted on the IDA's website in compliance with Governor Cuomo's Executive Order suspending the Open Meetings Law. III. **BUDGET REPORT: MOTION** MADE BY SECONDED: ROLL CALL VOTE: Abstain Aye Nay **Absent** Dave D'Amore Joe Semione Todd Rulison Jane Kelley Mike Fitzgerald Joseph Gillis Tim Munn IV. **COMMITTEE REPORTS:** A. Nominating Committee: No report. B. Audit Committee: Monthly Bank Reconciliation Reports: Mike Fitzgerald C. Governance Committee: No report.

D. <u>Finance Committee:</u>No report.

V. <u>FULTON COUNTY/FULTON COUNTY CENTER FOR REGIONAL GROWTH (FCCRG)</u> REPORTS:

1. Fulton County Report: John Blackmon, Liaison

2. FCCRG Report: Greg Fagan

VI. <u>OLD BUSINESS:</u>

A. Status of Johnstown Renewables (JR) Project:

1. Action Taken at June 9, 2020 Meeting:

- At the June 9, 2020 meeting, the IDA Board adopted a resolution agreeing to:
 - Accept T & F's determinations:
 - 1. JR took a total of \$84,532 in sales tax exemptions.
 - 2. JR already paid \$29,882 to T & F.
 - 3. JR still owes \$54,650.
 - 4. Upon the receipt of \$54,650 from JR, this would complete the IDA's obligation to recapture sales tax benefits.
 - Direct JR to make a payment of \$54,650 to the IDA.
 - Authorize filing an ST-65 with T & F and send them a check for \$54,650 as the payment in full of all recaptured sales tax exemptions.

2. Update:

- ➤ On June 18, 2020, Kara Lais sent a letter to the NYS Department of Taxation and Finance transmitting:
 - 1) A \$54,650 check from JR.
 - 2) Form ST-65: IDA report of Recaptured Sales and Use Tax Benefits.
- > Termination of Lease Agreement has been executed.
- ➤ Lease Agreement Termination Fee of \$3,273.90 has been received.
- > Payment received for IDA's legal fees.
- > Payment has been sent to Fitzgerald Morris Baker Firth.
- ➤ County Clerk recording fee payment was received from JR. Check has been made out to County Clerk.
- ➤ All executed documents and checks were sent to Kara Lais on June 26, 2020.

IDA DISCUSSION:

B. IDA Website:

1. Background:

- At its November 12, 2019 meeting, IDA Board hired Emery Designs to update IDA's website.
- Executive Director has been participating in weekly Conference Calls with Emery Designs to discuss various issues.

➤ At its January 14, 2020 meeting, the IDA Board agreed to consolidate the information on the Tryon Technology Park website (tryontechnologypark.com) into the IDA's website (fcida.org) but retain the domain name Tryon Technology Park.

2. Status Report:

No update.

IDA DISCUSSION:

C. Cushman Wakefield:

1. Background:

- At its April 14, 2020 meeting, the IDA Board authorized the Chairman to execute a Listing Agreement with Cushman Wakefield to market Tryon.
- Listing Agreement has been executed.

2. Status Report:

- Cushman Wakefield has listed Tryon's shovel-ready land and the two (2) buildings onto their website as follows:
 - The land is listed at \$27,500 per acre.
 - The 15,000+/- sf Building 60/the former Maintenance Shop is listed at \$150,000.
 - The 15,000+/- sf portion of Building 3 referred to as the Midas Building is listed at \$350,000.

IDA DISCUSSION:

D. Tryon Electric Project:

1. Background:

- National Grid is installing a new, primary electric service for the a Tryon Technology Park
- National Grid's work includes:
 - Installing new overhead service from CR107 to CR117
 - Installing new underground electric service along CR117 to a point just past Vireo Health.
 - Install new underground service laterals to Vireo Health, wastewater pump station, water booster station and elevated tank
 - The service laterals will terminate at transformer pads.
- ➤ The new underground service will start in front of Building 60 and run on the outside of CR 117 to a point just past Vireo Health.

➤ In the future, if a company comes in and locates somewhere at Tryon where the primary service is not extended to, that project will have to include extending the underground primary electric service to that site.

2. Tom's Electric:

- At its October, 2019 meeting, the IDA Board authorized hiring Tom's Electric to install new electrical services from the transformer pads at the wastewater pump station, water booster station and elevated tank into each of these facilities. The total cost was approximately \$39,600.
- ➤ Due to National Grid deciding to wait until 2020 to undertake the project, Tom's Electric's cost of purchasing materials increased.
- > Total cost increase: \$985
- As a result, the revised total cost for Tom's Electric's work is now estimated to be \$40.585.
- Tom's Electric submitted an initial invoice for \$24,351. This invoice has been paid.

3. Status Report

- ➤ National Grid started work on the overhead line on April 6, 2020.
- National Grid started work on the underground service on April 20, 2020.
- ➤ All work has been completed.
- ➤ The cutover was scheduled to be completed on June 30, 2020. However, National Grid cancelled the cutover.
- ➤ The cutover is now scheduled for July 14, 2020.

IDA DISCUSSION:

E. Lands of South Side of CR107:

1. <u>Background:</u>

- IDA Board retained Coldwell Banker Arlene M. Sitterly to market the 27+/- acre parcel of land on the south side of CR107.
- The IDA Board received four (4) formal offers to purchase the property. One of the offers was subsequently withdrawn.

2. May 12, 2020 IDA Board Meeting:

• At its May 12, 2020 meeting, the IDA Board unanimously agreed to accept the offer from Squires/McCashion.

3. June 9, 2020 IDA Board Meeting:

• On May 22, 2020, Dave Huckans/Dr. Shri Verma submitted a revised offer to the IDA. Revised offer increased purchase price from \$30,000 to \$90,000 with no contingencies.

- On June 8, 2020, Clayt Sitterly emailed the IDA advising that his clients, Squires/McCashion, had decided to not pursue its project and was therefore withdrawing its offer to purchase the 27+/- acres on the south side of CR107.
- At its June 9, 2020 meeting, the IDA Board agreed to meet with Mr. Huckans and Dr. Verma to discuss their revised proposal.

4. <u>Update:</u>

- On June 12, 2020, IDA representatives met with Dave Huckans, Dr. Verma and Baljit Verma to discuss their revised offer.
- Their plan for the property includes the following:
 - > Create a business to manufacture and distribute probiotics.
 - > Promote organic farming and use the site as a hub for selling organic farm-to-table products.
 - > Relocate an existing business to the site.
- On June 15, 2020, a request was made to Dave Huckans and Dr. Verma to prepare and submit to the IDA a more detailed business plan.
- On June 15, 2020, several questions were asked of the IDA about the property. Responses were provided on June 16, 2020.
- National Grid came to the site on June 23, 2020 to mark the location of their gas mains.
- On June 24, 2020, Dave Huckans called to ask that the utility rooms to the existing buildings be opened so he and Gloversville Water Department could see where water lines entered each building. Those utility rooms were opened the same day.
- On July 7, 2020, Dave Huckans submitted a revised business plan summarizing how they intend to develop the site. See attached.

IDA DISCUSSION:				
IDA ACTION:				
MOTION:				
MADE BY: SECONDED: ROLL CALL VOTE:	Aye	Nay	Abstain	Absent
Dave D'Amore Joe Semione Todd Rulison Jane Kelley Mike Fitzgerald Joseph Gillis Tim Munn				

VII. <u>NEW BUSINESS:</u>

A. Proposed Amendment to Uniform Tax Exemption Policy (UTEP):

1. Background:

- ➤ In January 2020, the IDA Board approved an amendment to its UTEP by adopting a policy to not grant real property tax exemptions to solar or wind energy system and farm-to-waste to energy system projects.
- This policy dealt solely with real property tax exemptions for solar projects.
- ➤ It did not address whether the IDA Board would offer sales tax and mortgage recording tax exemptions to solar projects.

2. Proposed Amendment to UTEP:

a. New Section 8: Commercial Solar Policy:

- 1) It shall be the policy of the IDA to offer certain incentives for commercial solar projects that provide renewable energy to residential, commercial and industrial customers.
- 2) The types of solar projects eligible to receive incentives include:
 - a) Community distributed solar/shared solar.
 - b) Off-site solar generation projects that have a wholesale Power Purchase Agreement with 1 or more users.
 - c) Solar and energy storage facilities
 - d) Projects that are 10 megawatts or less.
- 3) This policy shall offer two (2) incentives to eligible solar projects:
 - a) Sales Tax Exemptions to be offered in accordance with this UTEP.
 - b) Mortgage Recording Tax Exemption to be offered in accordance with this UTEP.

4) Real Property Tax Policy:

a) Background:

- 1. New York State's Real Property Tax Law Section 487, adopted in 1977 and amended on April 12, 2019, provides a 15-year real property tax exemption for solar, wind and farm waste energy systems.
- 2. These energy generating systems are classified as capital improvements to real property.
- 3. Section 487 was intended to encourage the construction of these energy systems.
- 4. Section 487 affords local governments the opportunity to "opt out" of this real property tax exemption.
- 5. By opting out, these energy projects would be required to pay property taxes to the local governments that opt out.

b) Fulton County Board of Supervisors' Local Law 3 of 2019:

- In September 2019, the Fulton County Board of Supervisors adopted Local Law 3 of 2019 titled "Opting out of Section 487 of NYS Real Property Tax Law Exemptions for Solar Energy System, Wind Energy System and Farm Waste Energy System Projects."
- As a result, no real property exemption under Section 487 shall be applicable to Fulton County taxes with respect to solar or wind energy systems and farm waste energy systems.

c) IDA Policy:

1. It shall be the policy of the IDA to also not grant real property tax exemptions to solar or wind energy system and farm waste to energy system projects.

b. Proposed Revision to Section 3(a) General Policies:

- 1) Section 2 shall be revised to read:
 - In order to receive any tax exemptions, the Agency will have the right, in its sole discretion and in accordance with applicable provisions of the New York State General Municipal Law, to determine whether a project is a qualified project. When evaluating whether a project is qualified for financial assistance, in addition to the applicable laws of New York State, the IDA will consider project factors such as:
 - a) The nature of the project (e.g. manufacturing, commercial, tourism, high tech, etc.).
 - b) The nature of the property before the project begins (e.g. vacant land, vacant building, brownfield site, blight, adaptive reuse, etc.).
 - c) The economic condition of the area at the time of application and the economic multiplying effect the project will have on the community.
 - d) 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.
 - e) The estimated value of tax exemptions to be provided.
 - f) The economic impact of the project and the proposed tax exemptions on affected taxing jurisdictions.
 - g) The impact of the project on existing businesses in the community.
 - h) The amount of private investment generated by the project.
 - i) The effect of the project on the environment.
 - j) The extent to which the project will require additional services including but not limited to infrastructure, roads, transportation, education, fire protection, police protection, etc.
 - k) The extent to which the project will provide a benefit (economic or otherwise) to the municipality in which the project is located.
 - 1) The extent to which the project will provide additional sources of revenue for municipalities and school districts in which the project is located.
 - m) The extent to which the project enhances the quality of life of people in the community (recreation, removal of blight, brownfield redevelopment).

IDA DISCUSSION:				
IDA ACTION:				
MOTION:				
MADE BY: SECONDED: ROLL CALL VOTE :	Ave	Nov	Abstain	Abcont
Davis DJ America	Aye	Nay	Abstain	Absent
Dave D'Amore Joe Semione				
Todd Rulison				
Jane Kelley				
Mike Fitzgerald				
Joseph Gillis				
Tim Munn			_	_

B. Proposed Nexus Renewables Solar Project:

1. Nexus Renewables:

- NR is a renewable energy developer that builds, owns, operates and finances renewable energy assets.
- NR is based in Canada.
- NR has been operational for approximately 1 year.
- NR has already contracted with 15 projects of which four (4) have been in New York State. Three (3) projects have been with NYS Gas and Electric and one (1) with Con Edison. All four (4) of these projects are solar PV projects.
- NR's projects in Canada are all Battery Energy Storage Systems (BESS).

2. Proposed Project:

- NR is proposing to develop a solar project on a 29+/- acre parcel adjacent to the Tryon Technology Park.
- The 29+/- acres is not part of the Tryon Technology Park.
- It was part of the 515 acres of land New York State deeded to the IDA as part of Tryon.
- This land was previously looked at by another solar company several years ago.
- NR desires to develop a 6.875 MW solar project on the site.
- Total Project Cost: \$10,500,000
- The project includes:
 - 1) The installation of +/- 980 freestanding, tracking solar tables (total +/- 23,700 modules/panels. Each row of solar tables will be approximately 5.5 ft. in height, 6.5 ft. in width, vary in length, and anchored into the ground via H piles. While the project has approximately 25.2 acres of ground disturbance, it will only result in an increase in impervious surface of approximately 0.03 acres.
 - 2) The array will have 50' setbacks from property lines and be surrounded by a 6' high chain-link fence with 3-strands of barbed wire affixed to the top for security purposes.
 - 3) For visual screening, a landscape buffer will be planted along the perimeter that abuts the New York State Department of Corrections (NYSDOC) Hale Creek Correctional Facility and the Don Brown Bus Sales site. The remaining portions of the perimeter will be screened by existing wooded vegetation.
 - 4) Other project elements include planting low-growth pollinator-friendly seed mix underneath the solar tables, both underground and overhead electrical lines, small operational and control structures, and mostly unimproved access roads.
 - 5) Nexus will participate in the NYSERDA NY-Sun Initiative to provide clean energy to local businesses and residences.
- NR would pay for all costs associated with developing, constructing and operating the solar project.
- IDA would incur no costs.
- NR would lease land from the IDA for this project.
- IDA would generate two (2) revenues:
 - 1) Land Lease: NR would pay a flat rate per acre per year
 - 2) Solar Energy Generated: NR would pay a flat rate per kWh of solar energy generated

3. Project Application:

- NR has submitted a Project Application to the IDA requesting the following IDA benefits:
 - 1) Sales Tax Exemptions.
 - 2) Mortgage Recording Tax Exemptions.
- Total benefits requested would exceed \$100,000.
- Since NR's Project Application requests financial assistance greater than \$100,000, a public hearing must be held.
- The Application requests no real property tax exemptions from the IDA. NR has requested a PILOT from the Broadalbin-Perth Central School District.

4. Public Hearing:

- A public hearing will be held on Tuesday, July 28, 2020, at 10:00 a.m. in the Town of Johnstown Town Hall.
- See attached Resolution.

IDA ACTION	:				
MOTION:	To adopt the R Project.	esolution to sche	dule a Public I	Hearing related to the	Nexus Renewables
MADE BY:					
SECONDED:					
ROLL CALL	VOTE :				
		Aye	Nay	Abstain	Absent
Dave D'Amore					
Joe Semione					
Todd Rulison					
Jane Kelley	-1 <i>d</i>				
Mike Fitzger Joseph Gilli					
Tim Munn	5				
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5. Project Structure:

- NR will lease the property at Tryon to the IDA.
- The IDA will lease the facility back to NR.

6. Project Number:

• The project has been assigned Project Number: 1701-20-01-A

7. Subdivision:

- NR desires to subdivide the 29+/- acre parcel they will be leasing into four (4) separate parcels.
- Each parcel will house a separate solar project.
- NR has retained a local surveyor to prepare descriptions of each parcel.
- NR will need to apply to the Town of Johnstown Planning Board for a subdivision approval.

IDA DISCUSSION:

8. SEQR:

- NR has submitted a Full Part I Environmental Assessment Form (EAF) to the IDA.
- The EAF identifies the following potential Involved Agencies:
 - IDA
 - Town of Johnstown Planning Board
 - Town of Johnstown Town Board
 - NYS Energy Research and Development Authority
 - NYS Department of Environmental Conservation
 - Broadalbin-Perth Central School District
 - U.S. Army Corps of Engineers
- Review EAF.

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MADE BY:

MOTION: To propose

To propose that the IDA serve as the Lead Agency in a Coordinated SEQR Review on the proposed Nexus Renewables Project, to authorize distributing the EAF to all Involved Agencies and to ask all Involved Agencies to respond to whether they support having the IDA serve as SEQR Lead Agency.

SECONDED:				
ROLL CALL VOTE:				
	Aye	Nay	Abstain	Absent
Dave D'Amore				
Joe Semione				
Todd Rulison				
Jane Kelley				
Mike Fitzgerald				
Joseph Gillis				
Tim Munn				

9. Evaluation of Project Application:

a. Background:

- ➤ In response to new IDA reform legislation, the IDA Board approved, in May 2016, the utilization of a new Project Application.
- ➤ This Project Application contained a new Section 8: Project Review Criteria and Annual Monitoring.

b. Section 8:

- The Agency shall review Project Applications and utilize the following specific criteria for evaluating and determining whether to provide benefits to a proposed project:
 - A. Will the project create or retain jobs?
 - B. What are the wages to be paid for the new jobs being created and the existing jobs being retained?
 - C. What is the total private sector investment?
 - D. How much local labor will be utilized during construction?
 - E. How much will property values and property tax revenues increase for local taxing jurisdictions?
- 2) The Agency shall require the Applicant to annually submit information to the Agency to allow the Agency to monitor the performance of the Applicant. The Agency shall annually monitor, at a minimum, the following information:
 - A. Number of new jobs created and retained.
 - B. Private sector investment.
- c. Review of Nexus Renewables' Project Application:
 - 1) Will project create or maintain jobs?

- New Jobs : 2 part time

2) What are the wages to be paid for the new jobs created?

Category of Jobs to be Retained and Created	Average Annual Salary Hourly Rate for New Job Created	Average Salary or Range of Salary for Jobs Retained		
Other	\$10,000		l	

- 3) What is total private sector investment?
 - \$10,500,000
- 4) How much local labor will be utilized during construction?
 - Projected : 25+/- construction jobs

- 5) How much will property values and property taxes increase for local taxing jurisdictions?
 - It is projected that the proposed solar project will be assessed for approximately \$4,200,000. This assessment will generate significant property tax revenues for the Broadalbin-Perth School District, Fulton County and the Town of Johnstown.

IDA DISCUSSION:

10. Waiver of Legal Representation:

a. Background:

- ➤ Hodgson Russ is representing Nexus Renewables on its proposed solar project.
- ➤ Hodgson Russ has served as IDA Bond Counsel on previous projects.
- ➤ Hodgson Russ has asked the IDA Board to consider whether they are okay with them representing Nexus Renewables and still be open to representing the IDA on future projects.

IDA DISCUSSION:

11. Special Use Permit/Site Plan Approval:

- On July 7, 2020, NR submitted its Site Plan to the Town of Johnstown Planning Board in accordance with the Town's Zoning Ordinance.
- The proposed project will require the issuance of a Special Use Permit and Site Plan approval by the Planning Board.
- The Town of Johnstown Planning Board will meet on July 14, 2020 to commence its review of the proposed solar project.

C. Proposed Fulton County Sewer District No. 4:

1. Background:

- ➤ Fulton County hired Environmental Design Partnership to prepare a Map, Plan and Report for creating a Sewer District for the Hales Mills Road Extension Area and Tryon.
- ➤ A County Water District has already been created.
- ➤ Work on the County Sewer District was put on hold pending a commitment from the State of New York to transfer ownership of the sewer line and pump stations serving the Hale Creek Correctional Facility.
- ➤ In 2019, New York State advised that they were starting work on drafting an Agreement to transfer ownership of that sewer line and pump station over to Fulton County.

- As a result, EDP was directed to start work on the Map, Plan and Report for proposed Fulton County Sewer District No. 4.
- New York State has yet to submit to Fulton County an Agreement to transfer ownership of the sewer line and pump station.
- As a result, Fulton County is going to create Fulton County Sewer District No. 4 and initially just have the lands at Tryon in the Sewer District.
- ➤ Once the State transfers ownership of the sewer line and pump station over to Sewer District No. 4, additional parcels will be incorporated into Sewer District No. 4.
- ➤ When the District is created, the IDA will transfer ownership of the sewer lines and pump station at Tryon over to Fulton County Sewer District No. 4.

2. Wastewater Pump Station:

- ➤ With the completion of the new electric service at Tryon, an electric meter will start operating at the pump station.
- ➤ Until the Sewer District is created, the monthly electric bill for operating this pump station will be sent to the IDA.
- ➤ Once the Sewer District is created, the invoices will be sent to the Sewer District.

IDA DISCUSSION:

VIII. OTHER BUSINESS:

A. <u>Executive Session:</u>

- 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;

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 **SECOND** ROLL CALL VOTE: Aye Nay Abstain Absent Dave D'Amore Joe Semione Todd Rulison Jane Kelley Mike Fitzgerald Joseph Gillis Tim Munn TIME **MOTION** To go out of Executive Session. MADE BY **SECOND** ROLL CALL VOTE: Nay Abstain Absent Aye Dave D'Amore Joe Semione Todd Rulison Jane Kelley Mike Fitzgerald Joseph Gillis Tim Munn TIME :

value thereof.

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

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IX.

NEXT MEETING:

August 11, 2020

Tuesday

8:00 a.m.

X. <u>CLOSE MEETING:</u>

MOTION :	To close the meeting			
MADE BY:				
SECONDED:				
ROLL CALL VOT	E :			
	Aye	Nay	Abstain	Absent
Dave D'Amore				
Joe Semione				
Todd Rulison				
Jane Kelley Mike Fitzgerald				
Joseph Gillis				
Tim Munn				
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TIME :				