

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY
JULY 9, 2024
8:00 A.M.

PLANNING DEPARTMENT CONFERENCE ROOM

AGENDA

PRESENT:

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

I. MINUTES FROM MAY 14, 2024 MEETING

MOTION :
MADE BY :
SECONDED :
VOTE :

II. BUDGET REPORT:

MOTION :
MADE BY :
SECONDED :
VOTE :

III. COMMITTEE REPORTS:

A. Nominating Committee:

- No report.

B. Audit Committee:

- Monthly Bank Reconciliation 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: Dr. Leslie Ford (See attached.)
2. Fulton County Report: Tom Roehl

V. OLD BUSINESS:

A. Nexus Renewables:

1. Option:

- Nexus's Option under its Lease Agreement with the IDA was to expire on June 30, 2024
- On June 5, 2024, Nexus emailed the IDA requesting that this Option be extended to September 30, 2024.
- On June 5, 2024, Jim Mraz emailed all IDA Board members asking if they were Ok with granting the extension. Six (6) IDA members responded saying they approved this request for a extension.
- Since the June IDA meeting was canceled, no formal action was taken in June.
- An Amendment has been executed extending the Option deadline to September 30, 2024.
- The IDA Board is being asked to retroactivity authorize the Chairman to execute the Amendment.

IDA DISCUSSION:

MOTION: To retroactivity authorize the Chairman to execute an Amendment to the Lease Agreement extending the Option deadline to September 30, 2024.

MADE BY :
SECOND :
VOTE :

B. 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.

IDA DISCUSSION:

C. Winstanley Enterprises:

- No report.

D. T-Bills:

1. Current T-Bills:

T-Bill #	Expiration Date
1	11/29/2024
2	4/17/2025
3	5/15/2025
4 & 5	8/8/2024

2. T-Bills 4 & 5:

- These two (2) T Bills are set to expire on 8/8/2024.
- Current T Bill Rates are as follows:

Tenor	Yield to Maturity	Maturity Date
3 Mo	5.11%	10/3/2024
6 Mo	5.136%	1/2/2025
9 Mo	4.968%	4/17/2025
12 Mo	4.944%	6/12/2025

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY :

SECOND :

VOTE

E. Crossroads Park Housing:

- Howard Hannah has shown the parcel to several parties.
- Howard Hannah has developed a marketing package. The package is being mailed to housing developers in the Region.
- A printed ad has been submitted to Lake & Homes Magazine Capital Region which has an online presence in the Utica Region. This Ad will be in the July Issue.

IDA DISCUSSION:

E. 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
- A Stakeholder Workshop was held on June 28th at FMCC.
- At the workshop, a variety of projects were identified to include into the Development Strategy. Some examples include the following:

Economic Development:

1. Develop new electrical substation on 115KV transmission main that crosses CR 107 to bring more power to Tryon.
2. Complete Brownfield Remediation Projects at Harrison Street and former Fashion Tanning Sites.

Housing:

1. Secure a site for housing and promote it.
2. Review density requirements in local Zoning Codes.

Tourism:

1. Develop indoor sport/events center.
2. Develop public access onto Great Sacandaga Lake.

IDA DISCUSSION:

VI. NEW BUSINESS:

A. Administrative Office Building (Building 64) at Tryon:

- Building 64 remains at Tryon.
- County Demolition Team was asked if they could demolish the building.
- The Demolition Team Staff inspected the building and found floor tiles that appeared to contain asbestos.
- Floor tiles were tested and found to contain asbestos.
- Demolition team said they could demolish the building if the asbestos floor tiles were removed.
- To remove these tiles, an Engineer would have to be hired to prepare plan specifications to put the proposed project out to bid.
- FCCRG has advised that the Environmental Protection Agency will soon be coming out with a Brownfields Clean-up Grant Program that could provide funds to pay for removing the asbestos floor tiles.

IDA DISCUSSION:

B. Shared Tool Box:

1. Background:

- Representatives from the FCCRG, FMRCC, Fulton County and IDA been meeting to discuss ways the three (3) entities could work together more efficiently.
- Three (3) potential ideas have been identified
 - a. Shared Toolbox
 - b. Single Point of Contact
 - c. Merged office location

Of these three (3), the shared toolbox was identified as the one initiative to pursue.

2. 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

- See draft Toolbox

IDA DISCUSSION:

VII. OTHER BUSINESS:

A. Board Training: Section 224-a of Labor Law:

- This new law went into effect on January 1, 2022.
- This law applies to construction projects that meet 2 thresholds:
 1. Total construction costs exceeds \$5,000,000
 2. Public funds comprise of least thirty percent (30%) of the total construction cost.
- If a project meets these two (2) thresholds, the project will be subject to paying prevailing wages.
- Public funds include the following:
 - Payment of money that is not subject to repayment.
 - Below market rate fees, rents, interest rates, other loan costs, or insurance costs.
 - Loans that have contingent repayment obligation or that have credits against repayment.
 - Savings from reduced taxes by reason of tax credits, tax abatements, tax exemptions, or tax increment financing (TIF financing).
 - Savings from PILOT agreements.
 - Other savings from reduced, waived or forgiven costs that would have been at a higher cost but for the involvement of a public entity.
- Certain types of projects are exempt from this law:
 - Certified historic rehabilitation projects.
 - Restore NY projects.
 - Downtown Revitalization Initiative projects.
 - Renewable energy projects with a capacity of 5 MW or less.
 - Construction work on one or two family dwellings where the property is the owner's primary residence, or construction work performed on property where the owner of the property owns no more than four dwelling units.
 - Not-For-Profit corporations organized under Section 102 of the NY Not-For-Profit Law that (1) have gross annual revenue and support of less than \$5million and (2) that is not firmed exclusively for the purpose of holding title to property.
 - Specific exclusions for certain affordable housing, supportive housing and subsidized housing projects.
 - Certain manufactured home parks.
 - Projects that are subject to a collective bargaining agreement, project labor agreement or similar agreements with a bona fide building and construction trade labor organization.
- This law applies to :
 - The State
 - Local development corporations
 - Industrial development agencies
 - Municipal corporations
 - Any state or local authority under Public Authorities Law

- IDA's Project Application was modified to address this new requirement (see attached)

IDA DISCUSSION:

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 :
 SECOND :
 VOTE :
 TIME :

MOTION : To go out of Executive Session.

MADE BY :
SECOND :
VOTE :
TIME :

B. NEXT MEETING:

Tuesday
August 13, 2024
8:00 a.m.

C. CLOSE MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :
TIME :

Fulton County Center for Regional Growth

July 2024

Business Marketing / Business Leads / Business Inquires

1. CRG administers the following loan funds:
 - a. City of Gloversville Loan Fund
 - b. City of Johnstown Loan Fund
 - c. Countywide Loan Fund
 - d. 6-County NYS Job Development Authority Agriculture Loan Fund

The Gloversville Loan Fund Committee recently approved a loan to Ricmar Design and Print, LLC.

CRG now administers 42 loans in its combined loan pool portfolio.

2. CRG has successfully administered the following Microenterprise Grants (MEG):
 - a. 2013 - \$200,000 Microenterprise Grant
 - b. 2015 - \$200,000 Microenterprise Grant
 - c. 2018 - \$200,000 Microenterprise Grant
 - d. 2021 - \$300,000 Microenterprise Grant
 - e. 2021 - \$500,000 Cares Act
 - f. 2021 - \$500,000 Cares Act Amendment 1
 - g. 2021 - \$500,000 Cares Act Amendment 2
 - h. 2021 - \$250,000 Cares Act Amendment 3
 - i. 2022 - \$300,000 Microenterprise Grant

2024 - \$300,000 MEG was approved and currently, approximately 27 applications are being processed.

Grant Progress this year:

- a. \$500,000 EPA Grant Approved
- b. \$300,000 Microenterprise Grant Approved
- c. \$250,000 National Grid Grant for The City of Gloversville Approved
- d. \$67,300 ESD Fast Track Grant Johnstown Commerce Park Approved
- e. A Workforce Grant has been submitted through the NYS CFA Process.
- f. Looking at several DEC/EPA potential grants.

3. We received EPA's request for documents required to initiate the actual grant award process.
4. CRG is planning to hold a Brownfield Task Force Committee meeting by next month.
5. The Gloversville Downtown Development Specialist continues to meet with DRI project awardees and is currently working on the capital stacking process for each project.

The DDS is currently working on 16 projects. 4 Public Projects, 6 Private Projects and 6 Grip Projects.

6. The Gloversville DDS continues to work with downtown-related activities including the Local Waterfront Revitalization Program and the city's Brownfield Opportunity Area (BOA)
7. CRG attended the New York State Economic Development Council's Annual Meeting. There were great presentations pertaining to Economic Development Organizations, Industrial Development Organizations, housing development, tourism and funding programs. The event provides excellent networking opportunities.

CRG's President & CEO was elected to serve another 2 years on the NYSEDC's Board of Directors.

The New York State Economic Development Council is the state's principal organization representing economic development professionals. NYSEDC has more than 900 members including the leadership of Industrial Development Agencies and Local Development.

8. CRG attended the Cyber Event at FMCC held at SUNY Fulton-Montgomery Community College (FMCC). The Cyber Range was built in collaboration with IBM and Amazon Web Services (AWS). We will start marketing this program in our marketing materials.
9. CRG recently conducted a tour for members of the New York Association of Training and Employment Professionals (NYATEP), and they met with Fulton Montgomery Regional Chamber of Commerce and FMS Workforce Solution and SUNY-FMCC.
10. Upon request, CRG made a presentation as part of an Economic Development Panel at the FMS Workforce Development Board's Annual Dinner.
11. Mohawk Valley Regional Economic Development Council recently held their second public meeting at SUNY-FMCC. CRG was asked to give a presentation.

- 8. Manufacturing Equipment: \$ _____
- 9. Non-Manufacturing Equipment (furniture, fixtures, etc.): \$ _____
- 10. Soft Costs: (professional services etc.): \$ _____
- 11. Other, Specify: _____ \$ _____
- TOTAL ESTIMATED PROJECT COST:** \$ _____ Insert this # in Question 21(A)

Have any of the above project costs been paid or incurred as of the date of this Application?

Yes No

If Yes, describe what costs and amount: _____

17. Project Materials to be Purchased:

Total Estimated Cost for Materials: \$ _____
 Estimated % to be purchased in Fulton County: _____%

18. Sources of Funding:

1. Private:

- a. Bank Financing: \$ _____
 - b. Equity (excluding equity that is attributed to grants/tax credits) \$ _____
 - c. Tax Exempt Bond Issuance (if applicable) \$ _____
 - d. Taxable Bond Issuance (if applicable) \$ _____
 - e. Other: _____ \$ _____
-
- Total Private Funds:** \$ _____

2. Public:

- a. Payment of money that is not subject to repayment \$ _____
- b. Below market rate fees, rents, interest rates, other loan costs, or insurance costs \$ _____
- c. Loans that have contingent repayment obligation or that have credits against repayment \$ _____
- d. Savings from reduced taxes by reason of tax credits, tax abatements, or tax increment financing (TIF financing) \$ _____
- e. Other savings from reduced, waived or forgiven costs that would have been at a higher cost but for the involvement of a public entity \$ _____

Total Public Funds: \$ _____ (Insert this # in Question 21(B)(1))

Total Investment: \$ _____

[NOTE: In Section 7, Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon Sources of Funds for Project Costs as depicted above.]

19. **Project refinancing: estimated amount**
(for refinancing of existing debt only)

\$ _____

20. **Agency Benefits Being Requested:**

a. **Uniform Tax Exemption Policy:**

- Benefits are provided to projects in accordance with the Agency's Uniform Tax Exemption Policy (UTEP), a copy of which is attached as Appendix A.

b. **Real Property Tax Exemptions:**

1. Is the Project requesting real property tax exemptions under a PILOT per the Agency's UTEP?

Yes No

2. Is the Project requesting a real property tax exemption benefit other than the Agency's model established in the UTEP?

Yes No

If yes, please describe: _____

3. **Agency PILOT Benefit:** Agency staff will estimate the amount of PILOT Benefit based on estimated Project Costs as contained herein, anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit year and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in Section VII of the Application.

c. **Sales and Use Tax Exemptions:**

1. Identify the total costs for goods and services that would be subject to New York State and local Sales and Use Tax and estimate the New York State and local Sales and Use Tax benefit:

Total Cost of Goods and Services
subject to sales and uses taxes: \$ _____
Sales Tax x 8%
Total Sales and Use Tax Exemptions: \$ _____

[Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents shall include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency shall utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.]

d. **Mortgage Recording Tax Exemption Benefit:**

1. Estimate the mortgage recording tax benefit:

Total Mortgage Amount (include sum total of construction/
permanent/bridge financing): \$ _____
Mortgage Recording Tax in Fulton County x 1%
Total Mortgage Recording Tax Exemption \$ _____

e. **Summary of Agency Benefits:**

- | | | | |
|-------------------------------------|---|----------|------------------------------------|
| 1. Real Property Tax Exemption | : | \$ _____ | |
| 2. Sales and Use Tax Exemption | : | \$ _____ | |
| 3. Mortgage Recording Tax Exemption | : | \$ _____ | |
| Total Agency Benefits | : | \$ _____ | Insert this # in Question 21(B)(2) |

21. Prevailing Wage Requirement:

Section 224-a of New York State's Labor Law applies to construction projects with total construction costs over \$5 million with public funds providing at least thirty percent (30%) of the total construction costs. If subject to this section, the project is subject to prevailing wages rules under Sections 220 and 220-b of the Labor Law:

- A. Total Project Cost \$ _____
- B. Total Public Subsidies \$ _____
- | | | |
|--------------------|---|----------|
| 1. Public Funds | : | \$ _____ |
| 2. Agency Benefits | : | \$ _____ |
- C. % of Total Project Cost coming from Public Subsidies _____ %

22. Employment Plan (Specific to the proposed project location):

	Current # of jobs at proposed project location or to be relocated at project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon TWO Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon TWO Years after Project Completion*
Full time (FTE)				
Part Time (PTE)				
Total **				

* For purposes of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column. The Labor Market Area includes the Fulton and Montgomery Counties as well as areas within a 45-minute drive of Fulton County.

** By statute, Agency staff must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the TWO Year time period following Project completion. Agency staff converts PTE jobs into FTE jobs by dividing the number of PTE jobs by two (2).