

# FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

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

PLANNING DEPARTMENT CONFERENCE ROOM

## MEETING NOTES

PRESENT:

MIKE FITZGERALD, CHAIRMAN  
SUE COLLINS, VICE CHAIRMAN  
DR. GREG TRUCKENMILLER, TREASURER  
JOSEPH GILLIS, SECRETARY  
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  
DR. LESLIE FORD, FULTON COUNTY CENTER FOR REGIONAL GROWTH (ZOOM)

### I. MINUTES FROM MAY 14, 2024 MEETING

MOTION : Accepted as presented  
MADE BY : Greg Truckenmiller  
SECONDED : Mike Fitzgerald  
VOTE : Unanimous

### II. BUDGET REPORT:

MOTION : Accepted as presented  
MADE BY : Dave D'Amore  
SECONDED : Sue Collins  
VOTE : Unanimous

### III. COMMITTEE REPORTS:

#### A. Nominating Committee:

- No report.

#### B. Audit Committee:

- **Monthly Bank Reconciliation Report:** Dave D'Amore  
Dave D'Amore stated that he approved the monthly bank reconciliation. Dave D'Amore stated that he had a question regarding a comment on the report that Carol Ellis had made regarding a shadow account. He spoke with Carol who gave him an explanation as to what that meant. Mike Fitzgerald stated that this account is called an Insured Cash Sweep (ICS) account. An ICS is a banking service that protects large deposits with FDIC insurance. ICS accounts break down deposits into smaller amounts, each less than \$250,000, and place them into FDIC insured accounts at different banks within the ICS network. This provides greater FDIC protection than a regular savings account, even if a participating bank fails.

#### 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.)  
Dr. Leslie Ford reviewed the information in the FCCRG that was attached, She asked if there were any questions, there were none.
2. Fulton County Report: no report

### 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 retroactively authorize the Chairman to execute the Amendment.

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

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

MADE BY : Greg Truckenmiller

SECOND : Joe Semione

VOTE : Unanimous

**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: Jim Mraz reviewed the information on the agenda. He stated that he expects Nexus to request another extension of their option deadline given that Nexus must now apply for a new SUP from the Town Planning Board. Jim Mraz stated that the Town Board may extend the deadline for the moratorium beyond the current August 26th deadline.

**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:

Term	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: Jim Mraz reviewed the information on the agenda. After a brief discussion, it was the consensus of all present to renew these T-bills for a period of 6 months. Jim Mraz stated that they will not be renewed until August 8<sup>th</sup> just prior to the August Board meeting. He stated at that time, if the rates change significantly, does the Board want to be notified. It was agreed that if the rates change more than a quarter of a point, the Board would be notified and the Board could then decide whether to change the term for renewing the two T-Bills.

IDA ACTION:

MOTION : Authorize the renewal of T-bills 4 & 5 for six (6) months.  
MADE BY : Joe Gillis  
SECOND : Mike Fitzgerald  
VOTE : Unanimous

**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.

## **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 28<sup>th</sup> 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: Jim Mraz reviewed the information on the agenda. He stated that there were approximately 30 attendees at the workshop. He stated the attendees were very engaged and provided a lot of valuable input and identified a number of different types of projects. He stated the Sterling Committee is working with the MGB Group to develop a list of five projects to for each of the three main components. Once these 5 projects are finalized, the MRB Group will then identify who would implement each the project, how it will be done, when it will happen, prepare a cost estimate and identify any grants that may be available to fund that project. He stated other projects will be identified in the final Development Strategy.

Tom Roehl commented that he found the discussion interesting and agreed that there was a lot of good input provided. Sue Collins also commented that the attendees were very engaged and there was a lot of good discussion on potential projects.

## **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: Jim Mraz reviewed the information on the agenda. He stated that Ron Peters and HRP, the CRG's environmental consultants, toured the building to see what condition it was in. He asked IDA Board members if they would be interested pursuing a grant to remove the asbestos. All present said yes. Jim Mraz stated the details of the grant should be release in the fall. He stated once those details are released, he would come back to the board to discuss this matter further.

## **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 Department
  - f. Fulton County Visitor Bureau
- See draft Toolbox

IDA DISCUSSION: Jim Mraz reviewed the information on the agenda. He distributed a copy of the draft Toolbox that had been prepared to date. He stated that the draft is compiled based upon Agencies. He stated that at their last board meeting, the group agreed to reorganize the draft Toolbox by three (3) categories: economic development, workforce and tourism. He stated that he would keep the IDA Board informed on the development of this Toolbox.

## **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 formed 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: Jim Mraz reviewed the information on the agenda. He asked if there were questions there were none.

### **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 : Joe Semione  
 SECOND : Joe Gillis  
 VOTE : Unanimous  
 TIME : 8:44 AM

MOTION : To go out of Executive Session.

MADE BY : Mike Fitzgerald  
 SECOND : Joe Semione  
 VOTE : Unanimous  
 TIME : 9:14 AM

**B. NEXT MEETING:**

Tuesday  
 August 13, 2024  
 8:00 AM

**C. CLOSE MEETING:**

MOTION : To close the meeting  
 MADE BY : Sue Collins  
 SECONDED : Joe Semione  
 VOTE : Unanimous  
 TIME : 9:14 AM