

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY
JULY 30, 2013
8:00 A.M.

PLANNING DEPARTMENT CONFERENCE ROOM

AGENDA

PRESENT:

___ JOE GILLIS, CHAIRMAN
___ LEN HOUSE, VICE CHAIRMAN
___ WILLIAM SULLIVAN, TREASURER
___ TODD RULISON, SECRETARY
___ FRAN REED, MEMBER
___ JOSEPH SEMIONE, MEMBER
___ GEORGE BEVINGTON, MEMBER
___ JAMES MRAZ, EXECUTIVE DIRECTOR
___ KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
___ RALPH OTTUSO, LIAISON, ECONOMIC DEVELOPMENT COMMITTEE
___ LEADER HEARALD

I. MINUTES FROM JUNE 6, 2013 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:

- No report.

C. Governance Committee:

- Governance Committee has reviewed proposed changes to the Park Covenants for the Johnstown Industrial Park.
- These proposed changes will be discussed under New Business.

D. Finance Committee:

- No report.

IV. OLD BUSINESS:

A. Tryon Technology Park and Incubator Center Project:

1. Deed Transfer:

a. Environmental Site Assessment:

- Based upon the findings of the Environmental Site Assessment C.T. Male conducted at the former Tryon Campus, the IDA submitted requests for additional information and clarifications to NYSOGS/EDS on April 4, 2013.
- Responses have been received: See Handout.

b. IDA Options:

- Per the Agreement the IDA executed with NYSOGS and ESD, once it completed its Environmental Site Assessment, the IDA can either:
 - 1) Terminate the Agreement. Upon termination, the IDA would have no further obligation under the Agreement.
 - 2) Move to close on the transaction contemplated by the Agreement.

c. Next Steps for IDA:

1. If the IDA chooses to terminate the Agreement and not take Tryon:
 - a. IDA must send a letter to NYSOGS and ESD advising that it is terminating its Agreement and will not be accepting the deed to Tryon.
2. If the IDA chooses to accept Tryon:
 - a. IDA must send a letter to NYSOGS and ESD advising that it desires to accept Tryon and move to a closing.
 - b. NYSOGS, ESD and IDA would then finalize the form and content of the deed.
 - c. NYSOGS would convey Tryon to ESD.

- d. A closing would be held at which the land and buildings at Tryon would be conveyed by ESD to the IDA.
- e. It is estimated that it would take 2-3+/- months to close.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:

SECONDED:

VOTE:

2. Road Construction Project:

- Fulton County obtained a \$2.0 million grant from ESD to install new water and sewer lines and reconstruct a portion of the existing interior access road at Tryon.
- Given that title to property will not be secured for another 2-3 months, this project will now not start until 2014.

IDA DISCUSSION:

V. NEW BUSINESS:

A. Park Covenants for Johnstown Industrial Park:

1. Background:

- a. When the Johnstown Industrial Park (JIP) was constructed in 1989, the IDA adopted Park Covenants.
- b. The initial Park Covenants were adopted on May 9, 1989.
- c. The Park Covenants were amended on May 29, 1991.
- d. The Park Covenants will remain in effect through December 31, 2030.

2. Proposed Changes to the Park Covenants:

- a. Several changes are being proposed to the Park Covenants. The changes involve adding/deleting permitted uses to add clarity to the Park Covenants.
- b. See Handout.

3. Procedure for Amending Park Covenants:

- a. IDA Board must submit proposed changes to City of Johnstown Common Council for their review and approval. Approval is needed per Article V, B of the 1989 Agreement between the City of Johnstown and Fulton County Industrial Development Agency regarding the Johnstown Industrial Park.
- b. IDA must provide written notice to and an opportunity to be heard to all property owners in the Johnstown Industrial Park.

IDA DISCUSSION:

IDA ACTION:

MOTION: To forward the proposed changes to the Johnstown Common Council for their review and approval and to authorize and direct the Executive Director to forward the proposed changes to all property owners in the Johnstown Industrial Park and offer them the opportunity to comment to the IDA Board at the next IDA meeting.

MADE BY:

SECONDED:

VOTE:

B. Interest Assessment Surcharge:

- On July 18, 2011, the IDA received a Notice from the NYS Department of Labor stating:
 - Since 2009, New York State has borrowed over \$3 billion from the federal Unemployment Insurance (UI) Trust Fund.
 - New York's 2011 interest payment was **\$95 million**
 - In order to make this interest payment, New York State decided to assess a "temporary charge" on employers, called an Interest Assessment Surcharge (IAS).
 - IDA's 2011 IAS was \$21.25.
- On July 6, 2012, the IDA received another notice from the NYS Department of Labor stating:
 - New York State still owes the Federal Government approximately \$3.5 billion to the federal Unemployment Insurance Trust Fund.
 - New York's 2012 interest payment was **\$102 million in interest**
 - IDA's 2012 IAS was \$12.75.
- On July 9, 2013, the IDA received another notice from the NYS Department of Labor stating:
 - New York State still owes the Federal Government \$3.5 billion to federal Unemployment Insurance Trust Fund.
 - New York's 2013 interest payment is **\$85 million.**
 - New York State has now paid **\$282,000,000** just in interest over the past 3 years
 - IDA's 2013 IAS is \$12.75.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the payment of the IDA's 2013 IAS.

MADE BY:

SECONDED:

VOTE:

VI. OTHER BUSINESS:

A. Executive Session:

1. Background:

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 :

VII. CLOSE MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :
TIME :