

# **FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**THURSDAY  
APRIL 23, 2015  
8:00 A.M.**

**PLANNING DEPARTMENT CONFERENCE ROOM**

## **MEETING NOTES**

PRESENT:

TODD RULISON, CHAIRMAN  
JOSEPH SEMIONE, VICE CHAIRMAN  
WILLIAM SULLIVAN, TREASURER  
JOE GILLIS, SECRETARY  
DIANA PUTNAM, MEMBER  
DAVE D'AMORE, MEMBER  
JAMES MRAZ, IDA EXECUTIVE DIRECTOR  
RON PETERS, PRESIDENT, FULTON COUNTY CRG  
BILL WALDRON, LIAISON, ECONOMIC DEVELOPMENT COMMITTEE  
JON STEAD, ADMINISTRATIVE OFFICER  
MIKE NEWELL, EMPIRE STATE HEALTH SOLUTIONS

### **I. MINUTES FROM MARCH 26, 2015 MEETING:**

MOTION : Accept as presented.  
MADE BY : Joseph Gillis  
SECONDED : Joseph Semione  
VOTE : Unanimous

### **II. BUDGET REPORT:**

MOTION : Accept as presented.  
MADE BY : Joseph Gillis  
SECONDED : Diana Putnam  
VOTE : Unanimous

**III. COMMITTEE REPORTS:**

A. Nominating Committee:

- No report.

B. Audit Committee:

- No Report.

C. Governance Committee:

- No report.

D. Finance Committee:

- No report.

**IV. OLD BUSINESS:**

**A. Tryon Technology Park and Incubator Center Project:**

1. Roof Leaks in Building 3:

a. Roof leaks developed in Building 3 over the past winter:

- 1) Cafeteria
- 2) Hallway
- 3) Gym (2)
- 4) Auditorium

- All leaks are around roof drains. It appears that each roof drain needs to be replaced as well as piping beneath drains.
- The leaks will cause damage to the building if not repaired soon.

b. IDA's Procurement Policy:

- Section 3 of the IDA's Procurement Policy states the following method of procurement shall be used when required by this Policy in order to achieve the highest quality and savings:

Estimated Amount of Purchase  
\$1,000 - \$1,999  
\$2,000 and above

Method Required  
3 verbal or written quotations  
3 written/fax quotations

- Section 4 of the IDA’s Procurement Policy titled: “Circumstances where Solicitation of Alternative Proposals and Quotations are not in the Best Interest of the Agency,” states that pursuant to Section 104-b(2)(f) of the General Municipal Law, this policy may contain circumstances when, or types of procurement for which, in the sole discretion of the members of the Agency, the solicitation of quotations will not be in the best interest of the Agency. In the following circumstances, it may not be in the best interest of the Agency to solicit quotations or document the basis for not accepting the lowest bid:

(B) Emergency Purchases pursuant to Section 103(4) of the General Municipal Law:  
Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the public. This section does not preclude alternate quotations if time permits.

c. Quote:

- Correll Roofing/Adirondack Mechanical inspected the leaks and submitted a quote to replace/repair the roof drains/pipes.
- Total Quote: \$

d. It is recommended that the IDA authorize this work as an emergency repair per Section 4 of the IDA’s Procurement Policy.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He reviewed a drawing of Building 3 and identified the roof drains where leaks currently exist. He stated that, due to the recent rains, some of these leaks are resulting in water entering into Building 3. He stated that Building 3 is the one building that the IDA Board desires to keep at Tryon. As such, he recommended that the IDA Board have these leaks repaired.

Todd Rulison recommended that the IDA Board proceed with having the repair work done. It was the consensus of all IDA members present that this work should be performed.

Jim Mraz reviewed a quote he received from Correll Roofing. The quote includes replacing all of the roof drains with new roof drains and sealing those drains to the roof. There is also going to be new piping installed below the roof drains. He stated the quote is for approximately \$6,700. He stated this is just an estimate. He stated this number could vary if additional problems were uncovered as they were making these repairs. There could also be a reduction in the expense if an existing roof drain was found to be in good condition and didn’t need to be replaced. He stated the quote would call for giving back a credit of \$300 for any new roof drain not installed.

Jim Mraz asked if there were any other questions. There were none.

IDA ACTION:

MOTION: To authorize an emergency repair at Building 3 at Tryon in accordance with the IDA’s Procurement Policy and to authorize Correll Roofing to complete these emergency repairs at an estimated cost of approximately \$6,700.

MADE BY: Todd Rulison  
SECONDED: Joseph Semione  
VOTE: Unanimous

2. Lawn Mowing:

- a. Quotes due on April 29, 2015.

V. NEW BUSINESS:

A. Comptroller's Audit:

1. In December 2013, the IDA was notified by the NYS Comptroller's Office that they would be auditing financial records of the IDA.
2. In 2014, Auditors from the NYS Comptroller's Office spent three (3) months reviewing all financial records of the IDA.
3. An Exit Conference was held on June 6, 2014. At that Exit Conference, Auditors reviewed their findings from their review of the IDA's financial records. The IDA was advised that the Audit Report would be ready in 2-3 months.
4. On April 16, 2015, the Comptroller's Office released its draft Audit Report. Given that it found little to comment on regarding the IDA's financial records, the draft Audit Report focused on only one (1) issue: PILOT's
5. The draft Audit Report examined internal controls over project monitoring from January 1, 2012 to April 30, 2014.
6. Proposed Audit Response/Corrective Action Plan to be submitted to Comptroller's Office.
  - See Handout.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He stated that he and Todd Rulison met with Rachel Schwendinger and Scott Massino from the NYS Comptroller's Office last week. He stated the meeting went very well. Todd Rulison stated he thought the meeting was very positive. Jim Mraz stated that, as part of the Audit, the Comptroller's Office reviewed all of the IDA's financial records. They ended up focusing their Audit Report solely on PILOT's. He stated that indicated that the Comptroller's Office was pleased the IDA's overall financial records and recordkeeping system.

Joe Gillis asked if there were any issues raised regarding PILOT's. Jim Mraz stated one (1) issue raised was that, based upon the Comptroller's review of those PILOT's that were in effect during their Audit, most of the IDA PILOT's did not have a Recapture provision. Jim Mraz explained that this was because all of those PILOT's were approved during an era when Recapture provisions hadn't even begun to be discussed. He stated the Recapture provisions are a more recent phenomenon. He explained to the Comptroller's Office that the IDA, in 2012, modified its Uniform Tax Exemption Policy (UTEP) by including a Recapture provision. He further explained to them that the IDA's most recent PILOT with CG Roxane included a Recapture provision. Jim Mraz stated that the auditors acknowledged the existence of the Recapture provision in the most recent PILOT and the revised UTEP and expressed their pleasure that the IDA Board had done so.

Jim Mraz reviewed the draft Response and Corrective Action Plan that he prepared to send to the Comptroller's Office. He stated the IDA Board is required to issue such a Response. He stated that this draft Response was reviewed with the auditors during the meeting last week. He stated the auditors found the proposed responses to be acceptable. Jim Mraz stated that the IDA's response would be attached to and included in the final Audit Report that would be issued by the Comptroller's Office. Jim Mraz asked IDA Board members if they had any questions regarding the form and content of the draft Response. There were none.

**IDA ACTION:**

**MOTION:** To authorize the Chairman to execute and submit the Audit Response/Corrective Action Plan to the NYS Comptroller's Office.

**MADE BY:** Joseph Semione

**SECONDED:** Joseph Gillis

**VOTE:** Unanimous

**B. Letter of Resignation:**

- George Bevington has submitted his Letter of Resignation effective April 30, 2015.

**IDA DISCUSSION:** Jim Mraz advised IDA Board members that, given George Bevington's resignation, there is a need to find a new member for the IDA Board. He encouraged all IDA Board members to identify perspective members for discussion at a future IDA Board meeting.

**IDA ACTION:**

**MOTION:** To accept with regrets the resignation of George Bevington.

**MADE BY:** Bill Sullivan

**SECONDED:** Joseph Semione

**VOTE:** Unanimous

**C. 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 : Joseph Gillis  
 SECOND : Todd Rulison  
 VOTE : Unanimous  
 TIME : 8:25 a.m.

MOTION : To go out of Executive Session.  
 MADE BY : Joseph Semione  
 SECOND : Todd Rulison  
 VOTE : Unanimous  
 TIME : 9:20 a.m.

**D. Letter of Intent:**

MOTION: To authorize the Chairman to execute a Letter of Intent with Empire State Health Solutions regarding the potential sale of a 20+/- acre lot in the Tryon Technology Park and Incubator Center.

MADE BY: Joseph Gillis  
 SECONDED: Joseph Semione  
 VOTE: Unanimous

MOTION: To authorize hiring Ferguson & Foss Surveyors of Johnstown, NY at a cost not to exceed \$2,500 to prepare a property and topographic survey of a 20+/- acre parcel in the Tryon Technology Park and Incubator Center.

MADE BY: Joseph Semione  
 SECONDED: Todd Rulison  
 VOTE: Unanimous

MOTION: To authorize an expenditure of approximately \$16,700 to have electrical work done on an existing building on a 20+/- acre parcel in the Tryon Technology Park and Incubator Center to restore electrical service to the building and to provide a 3-phase 200 amp, 480 volt service, to provide a new transformer and electrical panel.

MADE BY: Todd Rulison  
SECONDED: Bill Sullivan  
VOTE: Unanimous

**E. Regional Business Park Project:**

MOTION: To authorize the IDA Attorney to prepare at a cost not to exceed \$1,000 petitions for annexation to submit to the property owners that the IDA has options on with respect to the Regional Business Park Project.

MADE BY: Joseph Semione  
SECONDED: Bill Sullivan  
VOTE: Unanimous

**VI. CLOSE MEETING:**

MOTION : To close the meeting.  
MADE BY : Joseph Semione  
SECONDED : Joseph Gillis  
VOTE : Unanimous  
TIME : 9:40 a.m.