

SARATOGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY MEETING

**Saratoga County Office Building
50 West High Street, Ballston Spa, NY 12020
April 16, 2024 – 8:30 a.m.**

PRESENT: Members: Chairman Sutton, Phil Klein, Tom Lewis; Mike Mooney; Erinn Kolligian; Kevin Tollisen; and Yvonne Manso.

STAFF & GUESTS: Scott Duffy, CEO; Jeff Many, CFO; Kimberly Lambert, Administrator; James Carminucci, Counsel to the Agency; Greg Connors, SEDC; Patricia Beattie, SEDC; Steve Bulger, County Administrator; and Lori Eddy.

ABSENT: None.

Vice Chairman Klein called the meeting to order at 8:30 a.m.

Approval of Meeting Minutes: February 13, 2024:

Chairman Sutton stated the first order of business is the approval of the meeting minutes of February 13, 2024. Chairman Sutton asked if there were any changes to the meeting minutes. Mr. Klein made a motion to approve the minutes of February 13, 2024. The motion was seconded by Ms. Manso. As there was no further discussion, all were in favor and the minutes were approved.

Chairman's Report:

Chairman Sutton stated the next order of business is the Chairman's Report. Chairman Sutton stated in his absence he would like to thank Mr. Duffy, Mr. Carminucci and Mr. Many and the whole staff keeping him up to date on what was happening with the IDA for the past month and a half. Thank you very much. Not a lot was going on that we needed to meet in the month of March, but he does thank everybody for keeping him abreast of what was going on.

Chairman Sutton stated the next thing is he needs a motion to transfer monies to the County Administrator. As you know, in an effort through the phone, to transfer \$10,000.00 of our money to the County Administrator for a personnel matter, which we won't go into detail.

Chairman Sutton then asked for a motion to put it on record that we approved a \$10,000.00 allocation to the County Administrator for a personnel matter. Mr. Lewis made a motion to approve the transfer in the amount of \$10,000.00 to the County Administrator as presented and discussed. The motion was seconded by Ms. Kolligian. Chairman Sutton asked if there was any further discussion. There was no further discussion.

RESOLUTION #1573

RESOLVED, THAT the Saratoga County IDA does approve the allocation to the County Administrator for a personnel matter as presented and discussed. All were in favor and the motion was unanimously approved.

CEO Report:

Chairman Sutton stated the next order of business is the CEO Report. Mr. Duffy stated the only thing outside of the point you just brought up is the sponsorship for the SEDC Spring Drive. He will not be here and Mr. Carminucci will not be here. Ms. Manso, Mr. Klein, Ms. Lambert and Ms. Kolligian have all signed up. At least we will have four for that event. As far as PARIS Reporting is concerned, we still have two or three outstanding people who owe us information but now that tax season is over, Mr. Many and he will get involved in PARIS and try to get that taken care of. That is all he has to report.

CFO Report:

Chairman Sutton asked Mr. Many to discuss the CFO Report. Mr. Many reported he can just report that our annual audited financial statements were issued without any problems or issues and we have a clean bill of health from a financial perspective. With respect to the March 31st financial report, we will catch that up but he has been busy with tax returns being filed. Positive Pay is going well. When they have a problem, they send him a notice and he approves it or, he hasn't disapproved any of them because he knows what we have approved, but if their system says there is something to be looked at, he goes in and looks at it and signs off and it is issued. Today, it was ironic, but the SEDC check was there for him to approve. Chairman Sutton asked if there were any questions of Mr. Many regarding the CFO Report. There were no further questions.

Administrator Report:

Chairman Sutton asked Ms. Lambert to discuss the next agenda item for Administrator Report. Ms. Lambert stated as Mr. Duffy had alluded to, just getting all of the year-end surveys updated and in to the PARIS Report, there are three that are outstanding that we are still looking to get from different companies. We are hounding them for that as well as some of the ST-340's which is the sales tax exemptions and how much they have spent this year. We also gather that information. They have already submitted to the State, but we put it together in one report that we send as well. On the sheet handout is the PILOT distributions for each company that we can see as a reference. They have all come in and the distribution checks have gone out to the municipalities. That is all set. Ms. Lambert thanked Mr. Many for working on that during tax season. Our closeouts and reconveyances, we have had a few of those, it was a little bit of a flurry at the end of February. 19 Railroad Place, as you can remember from last month, I know it was February, Quad Graphics we did vote to terminate their lease so that has gone through as well. The other one was Health Care Partners of Saratoga. On May 1st, the tentative rolls will come out so we will double-check and make sure that those have come off the tax rolls and then ones that are supposed to go on such as Munter and Soleno and another one she can't think of. The ones that are going on we will work with the assessors. Saratoga County Planning Services quarterly invoice, she did give that to Mr. Many for \$12,500 and then the invoice for secretarial services for \$577.00 have been paid. That is the end of her report. Chairman Sutton thanked Ms. Lambert.

Agency Counsel Report:

Chairman Sutton asked Mr. Carminucci to discuss the Agency Counsel Report. Mr. Carminucci stated he has two matters coming from him. One relates to authorization for Chairman Sutton to sign a Declaration of Covenants, Restrictions and Environmental Easement. This relates to the approximately 222-acre

parcel that the IDA owns fee title to and leases to Global Foundries. It is Pod 1 in the Park. It is adjacent to the property which the IDA owns and is a rocket test site which is the subject of restrictions based upon prior contamination. There is also a 200-foot buffer that extends away from the main rocket test site area and the property we own, the buffer kind of leaks into part of it. The EPA and ENCON want to restate that the restrictions that are in place, in effect, the rocket test site as well as that 200 foot buffer, to make it clear that neither excavation or occupancy can occur either on the test site or within the buffer unless certain conditions are met. Global asked the IDA, since the IDA has fee title to the 222 acres, to sign that document with Global. He negotiated it with a few protections in there in favor of the IDA and he just needs authorization for Chairman Sutton to execute that document.

Chairman Sutton asked if there were any questions regarding the authorization to sign this document. Mr. Klein questioned if there was a timeframe involved in that? Mr. Carminucci replied it doesn't indicate that it ever goes away at least according to what he has seen. Mr. Klein questioned this basically happened in the '50's and '60's? Mr. Carminucci replied yes. Post World War II he thinks. Mr. Klein questioned what is the total amount of property involved? Mr. Carminucci replied he doesn't know the entirety of that site, he knows that our portion is that we have 222 acres and the 200-foot buffer extends on to our property, but he doesn't know what the entirety of that rocket test site is. It doesn't indicate in here. Mr. Connors replied if he may, the rocket test site specifically is about 11 acres. Mr. Carminucci replied okay, thank you.

Chairman Sutton then asked for a motion to authorize the signing of the Declaration of Covenants, Restrictions and Environmental Easement document as presented and discussed. Mr. Tollisen made a motion to approve authorization to sign the document as presented and discussed. The motion was seconded by Ms. Kolligian. Chairman Sutton asked if there was any further discussion. There was no further discussion.

RESOLUTION #1574

RESOLVED, THAT the Saratoga County IDA does approve Chairman Sutton to sign the Declaration of Covenants, Restrictions and Environmental Easement document as presented and discussed. All were in favor and the motion was unanimously approved.

Mr. Carminucci stated the second matter he has for discussion is the Senate Bill that was introduced this year in the Senate as well as the Assembly which would take the IDA's across the State and essentially consolidate those in to 10 Regional IDA's which would include New York City, he thinks Long Island and then parts of the rest of the State. Saratoga County would be included in an 8 County Regional Economic Development Agency which is consistent with the eight County Economic Development Region that we are part of and all underlying IDA's, including this IDA, would be consolidated up in to that Regional IDA. He believes there are 15 members and he is not even clear how those appointments would occur. Mr. Lewis replied it is proportional by population. Mr. Carminucci continued to say that the 8-county region is Albany, Columbia, Green, Rensselaer, Saratoga, Schenectady, Warren and Washington. There is very little support provided for this legislation. The only issue that was raised in connection with this introduction is something called IDA Shopping which apparently means that companies would go to whatever IDA they can obtain the most benefits from in the jurisdiction where the project is occurring. That obviously is not an issue in Saratoga County because as you know, this IDA has a policy that will undertake a project in the County if there is a local IDA that has jurisdiction unless that IDA requests that we become involved. There has been some scant discussion around the State that this happens from time to time down in Rensselaer County with the Rensselaer County IDA and the City

of Troy IDA, but he doesn't think it is a big problem statewide and that seems to be the only justification that they have offered to support this legislation. We drafted a letter addressed to Phil Barrett indicating our opposition to this bill and why we think it would be a bad thing since obviously local decision making would be removed in terms of any IDA benefits being granted to a project and pointing out that accountability should be on the local level when benefits are being extended and that there is just such a variation of interest among those 8 different counties in terms of what their needs and priorities are that we did not think it would be a good thing for that to see the light of day.

County Administrator Steve Bulger spoke regarding this issue. Mr. Bulger thanked the IDA. What we see going on with this is its not quite clear down in Albany and how much support this has. What we are afraid of is that very similar to last year, if you recall, the even year election bill, that was slipped in at the very end by the same sponsor Senator Scoufis, and there were no committee meetings, no public hearings, no nothing, it just went right to the floor and for a vote at the end of the year in early June. We are concerned that the same thing could happen this year. They keep it under wraps and at the very end it gets included at the end. In working with Mr. Carminucci, Chairman Sutton and Mr. Duffy they drafted this letter that you saw which formed a basis for a Resolution that the Board of Supervisors is, we believe, going to pass today, in opposition to this. What our plan is, and we believe this would be the first action taken by a legislative body, opposing this in the State. What we plan on doing is getting this out throughout the State through our networks of County Managers, County Administrators, etc. He doesn't know of anyone upstate who supports this to be quite honest because it takes away your local control completely. That is something he thinks is very prized and valued in most upstate counties. Assuming it is passed today, we will get this out. What we would ask is if you could take the lead somehow in pushing this out through to all the other 109 IDA's across the State so they are aware of this and then maybe they can start taking action as well because we just don't want to get torpedoed with this in the last week because nobody knew about it. We want to be out there opposing it. He appreciates the support you have provided and we want to be the State leaders in opposing this.

Mr. Lewis questioned if this is something we could do? Chairman Sutton replied yes, he thinks so. We talked about this when the request came in from the State to write the letter in support of opposing this whole project. It is coming from left field and it takes away all of what like Mr. Bulger alluded to, it is going to take away any advancement of businesses into our County and we really want to control that. He thinks what we would like to do, first of all his question was, local legislators have been apprised of the situation, like Carey Woerner, Assemblywoman Walsh and have they chimed in on any of this at all. Mr. Bulger replied yes, we have had discussions with them. They are saying it is not being discussed in Albany right now. Chairman Sutton replied that is the problem. Mr. Bulger replied and they said the same thing last year about the other bill that ended up going through at the very end. They are supportive of our position 100%. Mr. Duffy stated it sounds like they need to discuss it just to get it out in the open otherwise this thing could slide through in the middle of the night. Chairman Sutton stated once the County Board approves of the letter that we have written and we get their opinion on what is going on so that kind of justifies what we can do and the support that we have and we will reach out to all of the other Counties. Mr. Lewis questioned can we have the list of who all the other Counties are? Mr. Carminucci replied we can obtain this. Chairman Sutton questioned Ms. Lambert if that is something she could get? Mr. Lewis stated that is a good idea to send it to every one of the Counties because all of the big Counties will love this idea, all of the little Counties, which is a vast majority, will hate this idea. He would love to see Saratoga County send it out to everybody. Chairman Sutton replied he thinks we would like to do that and really kind of hammer the western part of the State because the Governor might not sign this if there is a lot of support in the western part of the State on the IDA's. That is something that we had

talked about in our discussions before writing this letter. He thinks once we get what the County wants to say and how they want to present themselves then we can dovetail on to that and support your motion, the Counties motion and we will then go to the other 107 IDA's. Mr. Duffy replied this is their Resolution and hopefully that will pass today. We can have this letter plus our letter here and then maybe some kind of a cover letter. Mr. Tollisen questioned should we pass a Resolution today from our IDA opposing it. Mr. Duffy replied yes I think we should. Mr. Lewis replied yes, good idea. Ms. Kolligian stated it seems pretty counter-productive if they are concerned about businesses shopping around IDA's that you would consolidate. Counties are competing for those businesses. It is just going to cause more infighting. Discussion continued roundtable regarding this.

Chairman Sutton then asked for a motion to approve the Resolution regarding drafting a letter in opposition to the pending legislation proposed by Senator Scoufis. Mr. Lewis made a motion to approve the drafting of the letter as presented and discussed. The motion was seconded by Mr. Tollisen. Chairman Sutton asked if there was any further discussion. There was no further discussion.

RESOLUTION #1575

RESOLVED, THAT the Saratoga County IDA does approve the motion drafting a letter in opposition to the pending legislation Senate Bill S4545 proposed by Senator Scoufis. All were in favor and the motion was unanimously approved.

Chairman Sutton questioned Mr. Bulger would we be sending a letter to the Governor's Office. Mr. Bulger stated we will be sending the Resolution with a copy of the letter that you prepared as backup to the Governor and the leadership down in Albany. This is going through the local government committees and both the Assembly and the Senate so we will send it to those Chairs and of course our delegation. What we are going to do and he will work with Ms. Lambert on this, is get it out to all of the Counties as well. Not the County IDA's, the actual County leadership to say hey, just so you are aware of this. Chairman Sutton asked if it was 62 Counties, is it? Mr. Bulger replied yes. That is the plan. If we could get a copy of that Resolution that you just passed that would help us that it is on the record that the Saratoga County IDA has formally opposed this as well.

Other Business: SEDC – pending applications:

Chairman Sutton asked Mr. Connors to discuss the next agenda item for SEDC pending applications. Mr. Connors stated we are busy at SEDC. He appreciates the CEO's permission to consider a sub-committee meeting at the conclusion of this meeting today. We anticipate a request for another sub-committee meeting with the County IDA for your May meeting on two very ambitious projects that not only create economic opportunity and capital investment here in the County but the creations of full-time jobs. We are excited about that opportunity. We also have several applications before the Clifton Park IDA. It is a very busy Spring at SEDC and we appreciate all of your support and your encouragement and your consideration. Also, beyond the application, his thanks and the thanks of our Board of Directors and staff for your support for our Annual Meeting and Reception which is coming up this Thursday. At last count, we have about 175 registered guests who will be attending and many sponsors for the event. We expect it to be a very nice evening. Thank you again Chairman Sutton and Board for your support. That concludes his report. Chairman Sutton thanked Mr. Connors.

Chairman Sutton stated to Mr. Bulger we have been talking a little bit about green energy and he read that article you sent over to us last night. This is becoming very critical in the State of New York. Again, is there anything that we can do as a Board to help, maybe it is a little premature to get involved in this, but what he is alluding to is Mr. Bulger sent us a note last night about the green energy problems that we are having in the State of New York. We had a meeting back in February where it was really critical where businesses are really going to have a very difficult time meeting the needs with energy costs and things of that nature, just the cost of doing business in the State of New York. The green energy people have really kind of taken over the dialogue so to speak in the Assembly and Senate. That article you sent, he read that last night and it is compelling as to where we are going from in economic development, for the entire State, not just Saratoga County, but it affects everybody here. Chairman Sutton asked Mr. Bulger if he had any comments. Mr. Bulger replied he knows that meeting we had with the Assembly, Assemblywoman Woerner, Assemblyman McDonald, and several of us were here. That is really where the change probably has to happen and, in his opinion, they were not optimistic that at least in the current environment, a lot of changes that he thinks that the business and manufacturing community would like to see could get through in Albany. But there is always hope. He'll be honest, he doesn't want to speak for the Supervisors either, but, we certainly, in County Government, are very concerned about what this is going to mean. We've already seen the impacts, quiet impacts, but they are real on this. So, he doesn't know what to do because if we can't get it through our legislators, if Albany won't listen, they are the ones who are setting these rules. I guess we just have to keep banging on that drum.

Mr. Connors stated to Chairman Sutton if he may, to follow up briefly on the Administrator's comments, we talk about this all the time in the economic development community and it is a very serious issue. For those who may be familiar, Empire State Development, on a very regular basis, sends out these solicitations of companies that are interested in locating in New York. There is a laundry list of criteria that is on each solicitation and every one of them require an energy intensive use. Megawatts of power, natural gas, and the uncertainty that we have as the Administrator has mentioned, with how we combat this, there is just no champion. Our local legislative body, they are very supportive of it, but nobody is yet willing to stand up and be that champion as the environmental lobby is very well funded, they are very loud, they carry a lot of torches and pitchforks and they are in the minority as it has been described to me. But it is a very serious issue and there is no bright light ahead to a resolution. The CLCPA, which we've talked about before, those regulations are being written by DEC today. They are going to be published in the third quarter of this year. NYSERDA is going to expect compliance with those regulations starting next year and we go back to Quad and Essity, energy wasn't the straw that broke either of their backs, but it was a straw on their backs and it is a very serious issue. There is no solution, no resolution. He is like the Administrator; he is not optimistic that we will have a champion in the near term to help solve it. The back side of that issue, and he uses Quad as an example. They were very environmentally responsible. They reclaimed their water, they reclaimed their energy use, they did a great job at being good environmental stewards and yet, in a couple of weeks they will be gone. Chairman Sutton questioned if their scheduled date is May 4th? Mr. Connors replied they have not moved that date at all. Mr. Duffy presented the article that we received and if you look at the slide on the left, the orange is natural gas and as you see as you get into 2030 and 2035 it gets to chip down and then by 2040 that purple area, you see natural gas is completely gone, it does not exist anymore. That purple area is called DFERT, it is dispatchable emissions free resource, it doesn't exist in society today anywhere in the world, there is not a beta site, nobody knows what it is or where it's going to come from but you can see by that model that they are going to rely on DFERT to supply that much electricity to the State of New York and the graph on the right is just a slightly lower forecast of decarbonization efforts and stuff, but you can see again,

DFERT completely takes over natural gas. You will not see natural gas in New York State by 2040. That is not too long from now. Mr. Duffy stated he will send this report to everyone.

Other Business:

Chairman Sutton stated the next agenda item is other business and asked if anyone had anything else to come before the Board for today's meeting? Mr. Duffy stated the next meeting date is May 14th and asked how that looked for everybody's calendar. Chairman Sutton stated let's keep the meeting for May 14th. Mr. Connors stated to accommodate the schedule of the committee, the potential applicants are willing to meet electronically if that is convenient for this group. If you want to move the dates around, just let him know enough in advance and we could schedule something virtual. Mr. Duffy replied let's stay with the May 14th date.

As there was no further business, Chairman Sutton asked for a motion to adjourn the meeting. The meeting was adjourned on a motion made by Ms. Kolligian, seconded by Mr. Mooney, with all voting in favor.

Respectfully submitted,

Lori A. Eddy