



**GCEDC Board Meeting
Thursday, March 29, 2022
Location: Electronically
4:00 PM**

GCEDC MINUTES

Attendance

Board Members: M. Clattenburg, M. Gray, P. Battaglia, P. Zeliff, T. Bender, C. Yunker
Staff: L. Farrell, M. Masse, S. Hyde, L. Casey, J. Krencik, P. Kennett, C. Suozzi
Guests: D. Cunningham (GGLDC Board Member), T. Felton (GGLDC Board Member), J. Tretter (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), M. Landers (County Manager), R. Gaenzle (Harris Beach)
Absent: C. Kemp

1.0 Call to Order

P. Zeliff called the meeting to order at 4:12 p.m via conference call / video conference.

Governor Kathy Hochul signed legislation (S.50001 / A.40001) on September 2, 2021 extending virtual access to public meetings under NYS's Open Meetings Law, which allows virtual participation in local government meetings during the COVID-19 pandemic. This meeting is being held electronically via conference call / video conference.

1.1 Enter Executive Session

M. Gray made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:13 p.m. for the following reasons:

1. 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.

The motion was seconded by P. Battaglia and approved by all members present.

1.2 Enter Public Session

P. Battaglia made a motion to enter back into public session at 4:39 p.m., seconded by C. Yunker and approved by all members present.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, May 5th at 4:00 p.m.

Audit & Finance Committee Meeting: Tuesday, May 3rd at 8:30 a.m.

STAMP Committee Meeting: Wednesday, May 4th at 8:00 a.m.

Governance & Nominating Committee Meeting: Thursday, May 5th at 3:00 p.m.

2.2 Agenda Additions / Deletions / Other Business –

2.3 Minutes: March 3, 2022.

M. Clattenburg made a motion to accept the minutes from March 3, 2022; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

3.0 Report of Management

3.1 J & R Fancher Properties Holding, LLC – Final Resolution - J&R Fancher Property Holdings, LLC is planning on building a facility at the Buffalo East Technology Park in the town of Pembroke on 3 acres. The facility will total 52,332 sq. ft. of which 45,000 sq.ft. will be a pre-engineered steel warehouse building with 7,332 sq. ft. of office.

The project is investing \$3.25 million and planning on creating 4 FTE's.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$433,243) (standard 60% abatement over 10 years), a sales tax abatement (\$152,000), and a mortgage tax exemption (\$25,000).

A public hearing was held on March 21, 2022. No written or oral comments were received.

See the Statement of Compliance of Project Criteria listed in the Uniform Tax Exemption Policy (UTEP), attached to the minutes for additional Project details and Board approvals.

Resolution No. 03/2022 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MARCH 21, 2022, WITH RESPECT TO THE J&R FANCHER PROPERTY HOLDINGS, LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT, AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF NEW YORK STATE; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

P. Battaglia made a motion to accept Final Resolution #03/2022-01, authorizing incentives as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

3.2 Ken Wendt's Propane Gas Service, Inc. – Final Resolution – Ken Wendt's Propane has requested that the Board consider increasing the sales tax exemption portion of incentives that was previously approved for their project on October 31, 2019. The GCEDC previously authorized the following incentives: a sales tax exemption valued at \$51,200, a mortgage tax exemption valued at \$9,000 and a property tax abatement valued at \$65,767 with a traditional 60% PILOT schedule.

Due to current market conditions, the cost of materials to build their 9,600 sq. ft. facility depleted funds that would have been used towards a general contractor. The company did much of the work "in-house" to keep their capital expenditure amount as originally budgeted. This authorization would result in an increase in sales tax exemption of \$44,800 (from \$51,200 to \$96,000).

Resolution No. 03/2022 - 02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) AUTHORIZING AN INCREASE IN THE FINANCIAL ASSISTANCE TO BE PROVIDED BY THE AGENCY TO THE COMPANY, (ii) RATIFYING AND CONFIRMING THE FINDINGS OF THE AGENCY MADE IN THE RESOLUTION PREVIOUSLY ADOPTED BY THE AGENCY ON OCTOBER 31, 2019, AND (iii) IF NECESSARY, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS

C. Yunker made a motion to accept Final Resolution #03/2022-02, authorizing an increase in incentives as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

4.3 Public Authorities Annual Report – The Annual Report was included with the Board materials as a separate attachment for review. The Annual Report is being brought forward this year for approval to submit into the PARIS reporting system. L. Farrell learned that some IDAs are doing this. The GCEDC wishes to do the same. L. Farrell also noted that there was a change made since the report was distributed to the Board. There are 78 projects in our portfolio that are reporting for 2021. The net change in employment is found by comparing the FTEs before the project with what is reported for the year. For 2021, there was a net increase in employment of 1,524 jobs, not 1,405 as reported in the Board materials.

C. Yunker made a motion to approve the submission of the Annual Report in the PARIS reporting system with the above-mentioned change; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

4.0 Audit & Finance Committee

4.1 12/31/21 Audit – M. Gray stated that David Brownell of Mostert, Manzanero & Scott, LLP reviewed the audit process with the Audit & Finance Committee during Executive Session. The management letter states that no material weaknesses in internal controls were identified during the audit. It is their opinion that the audited financial statements present fairly, in all material respects, the financial position of the GCEDC as of December 31, 2021 in accordance with accounting principles generally accepted in the United States of America.

This was recommended for approval by the Committee.

M. Gray made a motion to approve the 12/31/2021 Audit as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

4.2 GCEDC Website Proposal – The GCEDC has requested proposals from website design and development vendors to develop and implement a new website for the GCEDC. This project would replace the existing GCEDC.com website to better position sales and marketing information, public-facing information about the GCEDC, GCEDC projects and reports, and information about the sites and resources available in Genesee County.

Based on recommendations from partner organizations, including the GCEDC's IT vendor (ECIDA), the GCEDC reached out to 2 vendors with experience in website design for economic development organizations as well as western New York clients with regulatory requirements.

Proposals were received from both vendors. Based on a review of the proposals received, interviews with the vendors, and recommendations from customers of the vendors, the proposal from 360 PSG of Amherst, NY is recommended for approval.

360 PSG has proposed a 1-time budget of \$8,050 for the design of the website, migration of content, creative support, and service time during the design process; and \$975 in annual costs in subsequent years for content management system licensing, website hosting, and related ongoing support. This is within the \$10,000 budgeted amount in the 2022 marketing budget for website design.

This was recommended for approval by the Committee.

M. Gray made a motion to approve the GCEDC Website Proposal with 360 PSG not to exceed \$8,050, plus up to \$975 in additional annual costs as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Nothing at this time.

6.0 STAMP Committee – P. Zelif

6.1 STAMP Payment for Easement - In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, there are several easements needed. Based on a compensation model the following payment is needed for Temporary Easement 22:

1. Temporary Easement 22 - \$800

Fund Commitment: \$800 from the \$33 million.

Board Action Request: Approval of payment of \$800 to the holder of the easement number identified above.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the ROW Easement Payments not to exceed \$800 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

7.0 Employment & Compensation – T. Bender

7.1 Nothing at this time.

8.0 Housing Committee – P. Battaglia

8.1 Nothing at this time.

9.0 Other Business

9.1 Nothing at this time.

10.0 Adjournment

As there was no further business, C. Yunker made a motion to adjourn at 4:53 p.m., which was seconded by M. Clattenburg and passed unanimously.



Project Name: J&R Fancher Property Holdings, LLC (Warehouse)

Board Meeting Date: February 3, 2022

STATEMENT OF COMPLIANCE OF PROJECT CRITERIA LISTED IN UNIFORM TAX EXEMPTION POLICY (UTEP)

PROJECT DESCRIPTION:

J&R Fancher Properties Holding is planning on building a facility at Buffalo East Technology in the town of Pembroke on 3 acres. The facility will total 52,332 sq. ft. of which 45,000 sq.ft. pre-engineered steel warehouse building with 7,332 sq. ft. office.

The project is investing \$3.25 million and planning on creating 4 FTE's.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$433,243), a sales tax abatement (\$152,000), and a mortgage tax exemption (\$25,000).

Criteria #1 – The Project pledges to create and/or retain quality, good paying jobs in Genesee County.

Project details: The project will create 4 FTE's direct jobs.

Board Discussion: None.

P. Battaglia made a motion to concur with Criteria #1; the motion was seconded by C. Yunker.

Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

Board Concurrence: YES NO If no, state justification:

Criteria #2- Completion of the Project will enhance the long -term tax base and/or make a significant capital investment.

Project details: The project will enhance long term tax base with an investment of \$3,250,000 and build a 52,332 sq. ft. facility.

Board Discussion: None.

C. Yunker made a motion to concur with Criteria #2; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

Board Concurrence: YES NO If no, state justification:

Criteria #3: The Project will contribute towards creating a "livable community" by providing a valuable product or service that is underserved in Genesee County.

Project details: N/A

Board Discussion: None.

Criteria #4: The Board will review the Agency's Fiscal and Economic Impact analysis of the Project to determine if the Project will have a meaningful and positive impact on Genesee County. This calculation will include the estimated value of any tax exemptions to be provided along with the estimated additional sources of revenue for municipalities and school districts that the proposed project may provide.

The Fiscal impacts (discounted value) on Local Benefits totals approximately \$4.5 million (\$4.1 million direct and indirect payroll and over \$300k to the public in tax revenues). See attached MRB Cost Benefit Calculator.

Project details: For every \$1 of public benefit the company is investing \$9 into the local economy

Board Discussion: None.

T. Bender made a motion to concur with Criteria #4; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

Board Concurrence: YES NO If no, state justification:

Criteria #5: The Project is included in one of the Agency's strategic industries: Agri-Business and Food Processing, Manufacturing, Advanced Manufacturing and Nano-Enabled Manufacturing, Life Sciences and Medical Device.

Project details: N/A

Board Discussion: None.

Criteria #6: The Project will give a reasonable estimated timeline for the completion of the proposed project.

Project details: The project is planning to begin construction in Spring of 2022 and be operational by Winter 2022.

Board Discussion: None.

C. Yunker made a motion to concur with Criteria #6; the motion was seconded by P. Battaglia.

Roll call resulted as follows:

P. Battaglia - Yes

T. Bender - Yes

M. Clattenburg - Yes

C. Kemp - Absent

C. Yunker - Yes

P. Zelif - Yes

M. Gray - Yes

The item was approved as presented.

Board Concurrence: YES NO If no, state justification: