



**GCEDC Board Meeting
Thursday, August 3, 2023
Location: 99 MedTech Drive, Innovation Room
3:00 PM**

GCEDC MINUTES

Attendance

Board Members: M. Gray, C. Kemp, P. Battaglia, P. Zeliff, K. Manne
Staff: M. Masse, S. Hyde, L. Farrell, P. Kennett, C. Suozzi, J. Krencik
Guests: R. Gaenzle (Harris Beach/Video Conference), D. Cunningham (GGLDC Board Member), M. Brooks (GGLDC Board Member), M. Fitzgerald (Phillips Lytle), S. Maier (Harris Beach), G. Torrey (GGLDC Board Member)
Absent: M. Clattenburg, C. Yunker

1.0 Call to Order

P. Zeliff called the meeting to order at 3:02 p.m. in the Innovation Zone.

S. Hyde welcomed Kati Manne to the GCEDC Board of Directors.

1.1 Enter Executive Session

P. Battaglia made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 3:03 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.
2. Discussions regarding proposed, pending, or current litigation.

The motion was seconded by M. Gray and approved by all members present.

1.2 Enter Public Session

M. Gray made a motion to enter back into public session at 3:52 p.m., seconded by P. Battaglia and approved by all members present.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, September 7th at 4:00 p.m.

Audit & Finance Committee Meeting: Tuesday, September 5th at 8:30 a.m.

STAMP Committee Meeting: Wednesday, September 6th at 8:00 a.m.

2.2 Agenda Additions / Deletions / Other Business –

M. Gray made a motion to add agenda item 3.2 – Ellicott Station Discussion; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zeff -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The agenda item was added.

2.3 Minutes: June 29, 2023 –

M. Gray made a motion to accept the June 29, 2023 minutes as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zeff -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

2.4 Committee Member Appointments – This discussion will take place at the September Board Meeting.

3.0 Report of Management

3.1 Oak Orchard Solar 3 – Initial Resolution - Oak Orchard Solar 3 LLC is proposing to construct a community solar farm project on Route 98 in the Town of Batavia. The project will utilize ground-mounted solar panels to convert the sun's energy into 5 MW of AC power. The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project's PILOT will contribute \$4,000/MWAC + a 2% annual escalator in payments to Genesee County and Elba Central School District. The PILOT is estimated to generate \$319,088 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

The project is aligned with New York's aggressive goals for renewable energy, energy efficiency and greenhouse gas reductions, and will offer customers a 10% discount vs average market rates for the generated power.

Resolution No. 08/2023 – 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF OAK ORCHARD SOLAR 3, LLC WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW, THE "PROJECT"), (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT, AND (iii) DESCRIBING THE

FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT.

P. Battaglia made a motion to accept Initial Resolution #08/2023-01, authorizing the acceptance of the application and scheduling of a public hearing as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

3.2 Ellicott Station Discussion – At the GCEDC Board meeting held on June 29th, the Board declared the Ellicott Station project in default for failing to provide sufficient information from the housing lottery. S. Hyde previously requested “blind” demographic information to ascertain 1) where the lottery winners are from and 2) what percentage of the lottery winners are gainfully employed. Despite numerous efforts, there has only been partial information received back from the developer. On July 13th a demand letter was issued to provide the information requested to assess if the project meets the requirements of Workforce Housing. The developer provided the response on July 31st. After careful analysis, it has been determined that they remain in default for performance reasons. There is an insufficient number of lottery winners that meet the GCEDC definition of workforce housing, which is aligned with the industry definition as well.

P. Battaglia made a motion that authorizes 1) staff and counsel to continue discussions with the developer and gives 30 days’ notice of default and 2) tables the developer’s request for an increase in sales tax exemption; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

4.0 Audit & Finance Committee

4.1 June 2023 Financial Statements – L. Farrell reviewed the June 2023 financial statements with the Board. The following was noted:

- On the balance sheet, accounts receivable increased for the monthly accrual amounts for the MedTech Centre Property Management Fee and Economic Development Support Grant that is paid by the GGLDC to the EDC quarterly.
- On the P&L, we received an origination fee of \$16,250 from LandPro for the sales tax exemption increase.
- There is normal monthly activity.

The financial statements were reviewed in detail by the Committee and are recommended for approval.

M. Gray made a motion to approve the June 2023 Financial Statements as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

4.2 2023 Budget Timeline – The 2024 Budget is due to the County Manager on September 8th. The next Board meeting is on September 7th. If any Board members foresee any issues with attending the next Board meeting, they were asked to notify staff as soon as possible so that arrangements can be made to have the Budget approved timely.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Nothing at this time.

6.0 STAMP Committee – P. Zelif

6.1 CC Environment & Planning Part 182 Mitigation Oversight Contract - With the issuance of the site wide Part 182 for the STAMP site, there are obligations the GCEDC has under the permit conditions as it relates to the mitigation. CC Environment & Planning has proposed a contract that they will implement and oversee all aspects of the required monitoring and management of the grassland mitigation at STAMP per the DEC approved mitigation plan and permit conditions.

This scope of this contract will cover the first 15 years of the permit requirements.

Fund Commitment: \$213,112 to be covered under the escrow account established for the Part 182 permit.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the CC Environment & Planning Part 182 Mitigation Oversight Contract not to exceed \$213,112 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

6.2 Survey Quotes for Business Park Association - The GCEDC requested bids from three companies for a subdivision boundary survey map which includes the following:

- a. A metes and bounds legal description for all developable property at the STAMP site as highlighted on the attached map.
- b. Separate highlighting or identification of each parcel located the STAMP Site (Plug Power Site, Edwards Vacuum Site, GCEDC Site and NY Green Site) as identified on the attached map including the acreage of each tax lot located within each Site and the record or anticipated owner of each Site. Separate surveys and legal descriptions for the Plug Power Site and the Edwards Vacuum Site are complete and can be provided.
- c. A metes and bounds legal description for the portion of the STAMP Site that will be transferred to NY Green, Inc. as can be discussed on a call.
- d. A metes and bounds legal description for the portion of the STAMP Site that will be retained by GCEDC as highlighted on the attached map as "STAMP Utility area".
- e. A metes and bounds legal description and subdivision map for approximately 33 acres of a mitigation area to be transferred to NYS.

The survey will be used to identify property that will be used in a business park association model, to be able to bill companies based on the acreage they own, for any common charges at the STAMP site.

The results of the bids are as follows:

- 1. Bid of \$15,000 – Frandina Engineering and Land Surveying
- 2. Bid of \$17,000 - Welch & O'Donoghue
- 3. Townsend & Lamendola declined to bid

Fund Commitment: Not to exceed \$15,000 to Frandina Engineering and Land Surveying for STAMP survey work from \$33 million.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the Frandina Engineering & Land Surveying contract not to exceed \$15,000 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

6.3 Access Agreement for Plug Power – As part of their construction of their hydrogen facility, Plug Power would like to utilize the previously constructed marshalling yard directly to the north of their site as an additional construction parking area.

Fund Commitment: None.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the Access Agreement for Plug Power as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

7.0 Employment & Compensation – T. Bender

7.1 Nothing at this time.

8.0 Housing Committee – P. Battaglia

The Housing Committee met on Tuesday, August 1st. There was a presentation by Housing Developer, Michael Schmitt. He is proposing a project that includes six buildings on 8.5 acres, with 24 units (8 single bedroom units and 16 two-bedroom units) in each building. Each building will be built in phases. There will be 144 market rate units when complete. The GCEDC plans to receive an application from the developer for the Board's review and consideration at the September 2023 meeting.

8.1 Batavia Home Fund Policy – The Town and City of Batavia and the GCEDC approved the Batavia Home Fund Agreement in November of 2022. The agreement is that the GCEDC can utilize Host Benefit Agreements on housing projects to put money into the fund. The GCEDC would be the custodian of the funds, and any project would complete an application to request the money. There would be a three-person committee (GCEDC, Town and City) that would review the applications and make approvals/disapprovals. The allowable uses of the funds are as follows:

- i. Extraordinary development costs related to hazardous material abatement, remediation, flood hazard areas, etc.
- ii. Demolition / rehabilitation of vacant residential structures that cause community and neighborhood blight.
- iii. Provide incentives to the conversion of rental properties to single family homes.
- iv. Infrastructure modernization and improvements including all costs related to planning, design and constructing roadways, multi-modal, water, sewer, gas, electric, telecommunication enhancements, storm water management facilities and related green infrastructure including landscaping and streetscape improvements related to redevelopment projects.
- v. Expansion of sewer capacity at Wastewater Treatment Plant for Studies, Engineering, Construction and Expansion.
- vi. Matching funds to secure other grant resources to further capitalize redevelopment projects in the BOA area.

- vii. Land assemblage, property acquisition and due diligence for Agency Projects consistent with Section 2 of this Agreement.
- viii. Marketing expenses for existing programs such as 421-F, 485-R and Core Housing Owner Incentive Exemption (CHOICE).
- ix. Grants to support CHOICE program.

The City and Town of Batavia, along with the GCEDC, have drafted a policy that governs the application process, eligible applicants, and eligible uses.

Fund Commitment: None.

The Committee recommended the following changes to the policy:

- 1) The policy should include the definition of market rate as it relates to the *Eligible Activities* criterion.
- 2) The *Policy Exception for City Use* may not be used until funds from Host Agreements have flown through to the fund, as opposed to using initial seed money.

P. Battaglia made a motion to recommend the approval of the Batavia Home Fund Policy with the above-mentioned changes; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

9.0 Other Business

9.1 Nothing at this time.

10.0 Adjournment

As there was no further business, P. Battaglia made a motion to adjourn at 4:02 p.m., which was seconded by C. Yunker and passed unanimously.