



Thursday, June 2, 2016
Upstate MedTech Centre – Suite 107
4:00 PM

GCEDC MINUTES

Attendance

Board Members: P. Battaglia, M. Wiater, M. Gray, C. Yunker, P. Zelif, M. Davis

Staff: S. Hyde, L. Farrell, M. Masse, C. Suozzi, R. Tabelski, E. Richardson, P. Kennett

Guests: T. Felton (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), W. Hinchey (GGLDC Board Member), J. Gsell (Genesee County), M. Pettinella (Buffalo News), J. Krencik (Daily News)

Absent: J. Rizzo

1.0 Call to Order / Enter Public Session

P. Battaglia called the meeting to order at 4:01 pm in the Upstate MedTech Centre Innovation Zone conference room.

1.1 Executive Session

M. Wiater made a motion to enter into the executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:01 pm, for the following reasons:

- To discuss 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 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.

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

1.2 Re-Enter Public Session

M. Wiater made a motion to enter back into public session at 4:46 p.m., seconded by C. Yunker and approved by all members present.

M. Pettinella and J. Krencik joined the meeting at 4:46pm.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings – P. Battaglia reviewed the upcoming meeting dates with the Board and discussed rescheduling some of the meetings. After checking availability, the following dates were agreed upon:

Next Scheduled Board Meeting: Thursday, July 14th at 4:00pm
STAMP Committee Meeting: Thursday, June 30th at 8:00am
Governance & Nominating Committee Meeting: Thursday, June 30th at 10:00am
Audit & Finance Committee Meeting: Tuesday, July 12th at 10:00am

2.2 Agenda Additions / Deletions / Other Business – Nothing at this time.

2.3 May 5, 2016 Minutes

C. Yunker made a motion to approve the May 5, 2016 Minutes; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia - Yes C. Yunker - Yes

M. Wiater -	Yes	P. Zelif -	Yes
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

3.0 Report of Management

3.1 Downtown Revitalization Initiative – R. Tabelski shared that the City of Batavia has applied for a \$10M award from Governor Cuomo’s Downtown Revitalization Initiative. There are 10 other communities in the region that are competing for this award and there will be one \$10M award granted. The decision will be made June 23rd.

3.2 Pathway to Prosperity – S. Hyde shared that there are a lot of opportunities developing (no less than ten) in the City of Batavia. These projects would be eligible to apply for IDA benefits under the Batavia Pathway to Prosperity (BP2) Initiative. Half of the PILOT payments would be invested into the BP2 fund which will be available for brownfield remediation and infrastructure upgrades.

4.0 Audit & Finance Committee

M. Gray shared that the Audit & Finance Committee met on Tuesday, May 31st. They discussed and recommended the following items:

4.1 April 2016 Financial Statements – M. Gray informed the Board that all expenditures are in line with the budget except as noted. He also added that the Audit & Finance Committee did a check signing walkthrough with L. Farrell and P. Kennett and reviewed the accounts payable process from beginning to end. This was very informative and gave the committee added confidence in the Agency’s internal controls.

M. Gray made a motion to approve the April 2016 Financial Statements; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

4.2 Call Farm Lease - M. Masse presented a lease agreement with Call Farms for approximately 187 acres within the STAMP Park. Leasing out the land not only provides a source of income, but it also helps the GCEDC save money in bush hogging / mowing and farming the land helps to eliminate the progression of wetlands. The lease agreement is the one that the Governance Committee has approved in the past.

M. Wiater shared that she had some suggested language changes to the agreement, however the language does not change the substance of the agreement.

M. Gray made a motion to approve a Farm Lease with Call Farms for 2016; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

5.0 Governance & Nominating Committee

L. Farrell shared that the Governance & Nominating Committee met on Thursday, May 5th. They discussed and recommended the following items:

5.1 Officer Appointments – The committee recommends keeping the slate of officers for the July 1, 2016 – June 30, 2017 term the same.

C. Yunker made a motion to approve the 2016-2017 slate of officers as follows: P. Battaglia, Chair, M. Wiater, Vice-Chair, L. Farrell, Treasurer, P. Kennett, Secretary, S. Hyde, President & CEO; the motion was seconded by M. Davis. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

5.2 Authorized Individuals to Request Information Regarding Bank Accounts – L. Farrell shared that she and P. Kennett are not authorized bank account signers but need authorization to request information regarding the bank accounts and to transfer funds between accounts.

C. Yunker suggested changing the approval to state job titles and not specific people.

C. Yunker made a motion to approve the CFO and Operations Manager to be authorized to request information regarding bank accounts and to transfer funds between accounts; the motion was seconded by M. Wiater. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

5.3 Authorized Bank Account Signers – L. Farrell reminded the Board that the Authorized Bank Signers are the Audit & Finance Committee members, plus the President & CEO and Sr. VP of Operations.

C. Yunker made a motion to approve authorized bank account signers; the motion was seconded by M. Wiater. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

5.4 Dissolution of Genesee Gateway Development, LLC – L. Farrell shared that this entity was put into place in 2004. It was formed in order to allow charitable contributions for individuals wishing to donate land to be developed as business parks. The individuals that donated land to the LLC then qualified for Empire Zone tax credits. There is no reason to keep this entity open as there is no activity.

M. Wiater made a motion to approve the Dissolution of Genesee Gateway Development, LLC; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

5.5 Dissolution of Pembroke Park Development, LLC – L. Farrell shared that this entity was put into place in 2005. It was formed in order to allow charitable contributions for individuals wishing to donate land to be developed as business parks. The

individuals that donated land to the LLC then qualified for Empire Zone tax credits. There is no reason to keep this entity open as there is no activity.

C. Yunker made a motion to approve the Dissolution of Pembroke Park Development, LLC; the motion was seconded by M. Wiater. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

5.6 Dissolution of Genesee Business Fund, LLC – L. Farrell shared that this entity was put into place in 2003. The entity was formed as a tool related to new market tax credits (federal tax credits for redevelopment). This LLC has never had any activity, therefore there is no reason to keep this entity open.

C. Yunker made a motion to approve the Dissolution of Genesee Business Fund, LLC; the motion was seconded by M. Wiater. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

5.7 Annual Project Performance Review - M. Masse shared that on an annual basis, all projects that receive financial assistance, are required to report certain information about their project's performance, including total jobs. This information is reported into the Public Authorities Reporting Information System (PARIS). M. Masse shared a spreadsheet with the Board that shows all projects that were reported into the 2015 PARIS system and their original job creation goals, and how many jobs they have reported since the inception of their project. He also shared a spreadsheet listing all projects that have reported less than 100% achievement of their job creation goals, along with any explanations as to why those goals have not been achieved as of 12/31/15.

M. Wiater made a motion to approve that the Board has performed its Annual Project Performance Review with no action to be taken on these projects at this time; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

6.0 STAMP Committee

P. Zelif shared that the STAMP Committee met on Thursday, May 26th. They discussed and recommended the following items.

6.1 Survey Contract for Parcels 10.-1-39.11 & 10.-1-39.12 – P. Zelif shared that the Committee reviewed four quotes for survey work on two parcels at the STAMP site. The Committee recommends approval of a contract with Frandina Engineering & Land Surveying not to exceed \$2,860 as they are the lowest responsive and responsible bidder. This contract will be covered under the ESD \$5M funding.

P. Zelif made a motion to approve the survey contract with Frandina not to exceed \$2,680; the motion was seconded by M. Wiater. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
M. Davis -	Yes	M. Gray -	Yes

J. Rizzo - Absent

The item was approved as presented.

6.2 Phase I Contract for Parcels 10.-1-39.11 & 10.-1-39.12 - P. Zeliff shared that the Committee reviewed three quotes to perform a Phase I Environmental Site Assessment on two parcels to be acquired. The Committee recommends approval of a contract with Ravi Engineering & Land Surveying not to exceed \$1,400 as they are the lowest responsive and responsible bidder. This contract will be covered under the ESD \$5M funding.

P. Zeliff made a motion to approve the Phase I contract with Ravi Engineering not to exceed \$1,400; the motion was seconded by M. Wiater. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zeliff -	Yes
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

6.3 Pre-Demolition Asbestos Survey Contracts – P. Zeliff shared that the Committee has reviewed three quotes to perform pre-demolition asbestos surveys of eight single family homes, five barns, one Morton building and one mobile home at the STAMP site in the Town of Alabama. These buildings are scheduled for demolition. The Committee recommends approval of a contract with Envoy Engineering not to exceed \$28,050 as they are the lowest responsive and responsible bidder. This contract will be covered under the ESD \$5M funding.

P. Zeliff made a motion to approve the Pre-Demolition Asbestos contract with Envoy Engineering not to exceed \$28,050; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zeliff -	Yes
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

6.4 System Impact Study Payment - \$70,000 – P. Zeliff shared that the GCEDC has paid \$125,000 to National Grid to complete a Systems Impact Study on the 115 kV lines at the STAMP site as part of the process to tap those lines and construct a substation to support the first tenant at STAMP. National Grid has notified the GCEDC that they have incurred additional costs and sent an invoice for \$70,000. The \$70,000 is comprised of \$37,000 in overages to date, plus an additional \$33,000 to complete the remaining work under the study. This expense will be covered under the ESD \$5M funding.

The Committee requested that M. Masse go back to National Grid and request a detailed account of their time and billing spent to date and their estimate going forward prior to approving this expense.

M. Masse shared with the Board the accounting provided by National Grid.

P. Zeliff shared that the information provided by National Grid gives little to no detail of their time and billing for this project. At this point there is no basis for pushing back until we have more detail. He suggested approving the expenditure now. The bill is not due for several months. We should see if we can go back to them and request further backup and request time and billing detail as they proceed to finish up this project.

P. Zeliff made a motion to approve payment of \$70,000 to National Grid for the System Impact Study; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zeliff -	Yes
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

7.0 Employment & Compensation Committee – M. Wiater

7.1 Nothing at this time.

8.0 Adjournment

As there was no further business, C. Yunker made a motion to adjourn at 5:35 p.m., which was seconded by M. Wiater and passed unanimously.