



**Thursday, December 3, 2015**  
**Upstate MedTech Centre – Suite 107**  
**4:00 PM**

**GCEDC MINUTES**

**Attendance**

Board Members: P. Battaglia, M. Wiater, J. Rizzo, C. Yunker, M. Gray, R. Cianfrini, P. Zeliff

Staff: L. Farrell, M. Masse, C. Suozzi, E. Richardson, P. Kennett

Guests: T. Felton (GGLDC Board Member), W. Hinchey (GGLDC Board Member), H. Upson (GGLDC Board Member), Earl Wells (e3communications), Virginia Kropf (The Daily News), Mike Pettinella (Buffalo News), Janet Sage (Town of Alabama), Don Sage (Town of Alabama Resident)

Absent:

**1.0 Call to Order / Enter Public Session**

P. Battaglia called the meeting to order at 4:00 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 4:00 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.
- 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.

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

**1.2 Re-Enter Public Session**

C. Yunker made a motion to enter back into public session at 4:32 p.m., seconded by P. Zeliff and approved by all members present.

**E. Wells, V. Kropf, M. Pettinella, J. Sage and D. Sage joined the meeting at 4:32pm.**

**2.0 Chairman's Report & Activities**

**2.1 Upcoming Meetings** – P. Battaglia reviewed the upcoming meetings with the Board.

Next Scheduled Board Meeting: Thursday, December 17<sup>th</sup> at 4:00pm  
Employment & Comp. Committee Meeting: Tuesday, December 3<sup>rd</sup> at 3:00pm

**2.2 Draft 2016 Meeting Calendar** – P. Battaglia shared with the Board a draft meeting calendar for 2016. He asked that the Board members review the calendar and submit and potential conflicts to L. Farrell so that we may finalize the calendar at the next meeting.

**2.3 Agenda Additions / Deletions / Other Business**

**C. Yunker made a motion to add item 6.4 PLA Study to the agenda; the motion was seconded by J. Rizzo. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zeliff -	Yes
R. Cianfrini -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

#### 2.4 October 29, 2015 Minutes

C. Yunker made a motion to approve the October 29, 2015 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
R. Cianfrini -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

### 3.0 Report of Management

3.1 2015 Year End Results – M. Masse shared with the Board the 2015 results as compared to the agency goals are as follows:

1. Capital / business investment goal of \$35 million.
  - a. **2015 actual amount was \$54 million.**
2. Job creation goal of 205 pledged jobs.
  - a. **2015 actual amount was 179 jobs pledged to be created.**
3. Achieve the GCEDC 2015 budget from a bottom line financial operation performance (EBITDA) standpoint.
  - a. **It is projected that the GCEDC will exceed the 2015 budget from a bottom line standpoint. Detailed financial statements focusing on budget vs. actual comparisons and variations are reviewed with the Audit & Finance Committee on a monthly basis. Explanations are provided for any line items that are significantly over budget.**
4. Advance STAMP's development:
  - a. Funding:
    - i. Ensure "Track 1 Infrastructure funding (\$33M)" is readopted in the 2015-2016 NYS budget
      1. **Amount was readopted.**
    - ii. Secure funding, including access to some or all of the \$33M, to advance critical development activities thereby improving timelines and site readiness.
      1. **\$5 million dollars approved at 11/19/15 ESD Board meeting.**
  - b. Shovel ready status:
    - i. Land acquisition/site control: make progress in acquiring the remaining real estate at the site.
      1. **Have acquired 198 acres in 2015 bringing total acreage to 1,071 acres owned.**
    - ii. Advance the planning activities for infrastructure deployment: water/sewer engineering activities, permitting and approvals; electric infrastructure engineering studies; demolition and site prep of select land parcels; make progress advancing the environmental permitting processes (wetlands permitting), working with US Army Corp of Engineers (USACE) and NYS Department of Environmental Conservation (NYSDEC), with the goal of proceeding in the permitting process to Public Notice.
      1. **Started the design and engineering for the route analysis for the offsite sewer project, authorized the completion of the SIS study with National Grid, have completed a pre demolition asbestos survey on one parcel, have completed the Public Notice period of the permitting process.**
    - iii. Evaluate and apply as appropriate for NYS "Shovel Ready Site Certification".
      1. **In process as we complete the necessary design and engineering for the necessary on site and off site infrastructure to service potential tenants needs.**
  - c. Business Development: Continue active sales and marketing activities to attract companies to the campus.
    1. **Were successful in attracting the first tenant to STAMP in 1366 Technologies.**
5. Advance Ag Park Phase II development via infrastructure enhancements:

- a. Extension of water line along new access road. **Did not complete in 2015, however applied for a Consolidated Funding Award to help cover the cost of this utility extension, expect to hear on awarding of his in December 2015.**
  - b. Extension of sewer line along new access road. **Did not complete in 2015, however applied for a Consolidated Funding Award to help cover the cost of this utility extension, expect to hear on awarding of his in December 2015.**
  - c. Extension of electric, including utility poles, along new access road. **National Grid completed the extension of the utility poles along the new access road.**
  - d. Seek a budget modification from existing EDA grant to enable some of the infrastructure extensions reflected above. **EDA denied the budget modification.**
6. Bring LeRoy shovel ready “greenfield” development project to a “GO”/“NO GO” decision.
    - a. Gas supply availability to support site development. **Received base information on upgrade necessary, more work is needed to determine what the potential upgrades will need to be along with the amount of gas that can be provided.**
    - b. Economics (development cost of infrastructure and funding availability). **Worked with the Town’s of LeRoy and Bergen on the America’s Best Communities grant application that could award monies to help cover the cost of the engineering for the gas line and supply issues but could also potentially help cover the cost of the upgrades.**
  7. Enhance GCEDC’s municipal outreach program. Develop presentation and messaging for county and regional stakeholders with a particular focus on engagement of (visits with) municipalities and school districts.
    - a. **The GCEDC continued to enhance the agencies municipal outreach strategy in 2015. Multiple meetings with key municipal and school officials took place throughout the year. Continued strategy integration with Genesee County was realized in 2015 including continued collaboration with the County Legislature, County Manager and Assistant Manager, County Water Resources Board, the Office for the Aging, County Department of Transportation, Planning Department, and County Parks and Recreation Department. Public presentations included the GCEDC’s Annual Meeting, annual update to the Legislature, County Comprehensive Plan Economic Development Focus Group presentation, and the annual tax base analysis that was enhanced through a built-out analysis outlining the additional new square feet GCEDC projects added to the tax base over the past decade. Major achievements and strategy implementation with local municipalities included the Batavia Pathway to Prosperity strategic PILOT Increment Financing (PIF) strategy formulation aimed at redeveloping the Batavia Opportunity Area; America’s Best Communities grant competition that brought Bergen and LeRoy together to formulate a common pro-business/ pro-growth strategy; Town of Pembroke and Village of Corfu engagement to further infrastructure and business attraction at the Buffalo East Tech Park; continued engagement with the Town of Batavia on the Genesee Valley Agri-Business Park, Med and Tech Park/ MedTech Centre/ Innovation Zone; and the Town of Alabama with regard to the first tenant of the STAMP site, 1366 Technologies. Local college and primary/secondary school engagement has yielded many new opportunities for residents of all ages including a new Associate Degree in Nanotechnology jointly offered from Genesee Community College and Erie Community College; a new college pathway in nanotechnology offered at the WNY Tech Academy; new STEM career awareness programming at Oakfield-Alabama; a new multi-regional Mechatronics Training Course to assist local companies; as well as a new CNC Machining course that will be offered at the Genesee Valley Educational Partnership this coming year.**

**3.2 Procurement Lobbying Law** – L. Farrell gave an overview of the NYS Procurement Lobbying Law with the Board considering the Agency is moving closer to releasing RFP’s (Request For Proposal) for STAMP. The Procurement Lobbying Law regulates attempts to influence state and local Governmental Entity procurement contracts. It is helpful to know your responsibilities as a Board if you are contacted by someone who is trying to submit a procurement contract.

#### **4.0 Audit & Finance Committee**

C. Yunker shared that the Audit & Finance Committee met on December 1, 2015 and discussed the following items.

**4.1 October 2015 Financial Statements** – C. Yunker shared the Agency collected a \$169K project participation fee from OATKA in October. In addition, reserved cash decreased due to a \$125K loan disbursement to PW Minor in October. L. Farrell noted all expenditures are in line with the budget, except as noted.

C. Yunker shared that the Audit & Finance Committee recommends approval of the October 2015 Financial Statements.

**C. Yunker made a motion to approve the October 2015 Financial Statements; the motion was seconded by P. Zelif. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
R. Cianfrini -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

**The item was approved as presented.**

**4.2 2016 Insurance Renewal** – C. Yunker shared that the property, general liability and umbrella proposal was an increase of approx. 5% from last year. This increase remains within the budget for 2016. The worker’s compensation proposal was a decrease from last year.

C. Yunker shared that the Audit & Finance Committee recommends approval of the 2016 Insurance Renewal.

M. Wiater asked why the terrorism premium was asterisked in the meeting materials.

C. Yunker explained that the Committee had a discussion about what the terrorism premium actually covered. The premium does not pertain to any events that the Committee could foresee in the County. The Committee decided to strike it from the policy.

P. Battaglia added that the insurance broker advised the Committee that it probably would not serve us well to continue that coverage. There are specific requirements in order for something to qualify under that coverage and any potential damages could be covered under other sections of the policy.

**C. Yunker made a motion to approve the 2016 Insurance Renewal; the motion was seconded by P. Zelif. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
R. Cianfrini -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

**The item was approved as presented.**

**4.3 GCEDC 2015 Audit Services Agreement** – C. Yunker shared that the proposal was a less than 2% increase to \$10,600. This includes a \$9,000 fee for the GCEDC audit and a \$1,600 fee for a single audit if applicable.

C. Yunker shared that the Audit & Finance Committee recommends approval of the 2015 Audit Services Agreement with Mostert, Manzanero & Scott, LLC for \$10,600.

**C. Yunker made a motion to approve the 2015 Audit Services Agreement with Mostert, Manzanero & Scott, LLC for \$10,600; the motion was seconded by M. Gray. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
R. Cianfrini -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

**The item was approved as presented.**

**4.4 Land Dedication to Town of Bergen** – C. Yunker shared that land dedication is an extension of Apple Tree Avenue and squares up the parcel.

C. Yunker shared that the Audit & Finance Committee recommends approval of the land dedication to the Town of Bergen at Apple Tree Acres.

**C. Yunker made a motion to approve the Land Dedication to the Town of Bergen at Apple Tree Acres; the motion was seconded by M. Wiater. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
R. Cianfrini -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

**5.0 Governance & Nominating Committee**

5.1 Nothing at this time.

**6.0 STAMP Committee**

P. Zelif shared that the STAMP Committee met on November 24, 2015 and discussed the following items.

**6.1 ESD \$5M Award Update** – P. Zelif shared that Empire State Development (ESD) approved the \$5M budget on November 19,2015 to enable Project Eagle to break ground in April or May 2016. The next step is to hold a public hearing, which is currently scheduled for December 15, 2015. That would be the final approval necessary to release the funds. Once the Agency has final approval, it can begin to draw down on the line of credit and start moving forward with preparation for Project Eagle.

**6.2 Reimbursement Agreement with Town of Alabama** – P. Zelif shared that the reimbursement agreement addresses the Town of Alabama’s costs in furthering the STAMP project. The agreement states that the GCEDC agrees to reimburse the Town of reasonable and appropriate expenses for professional services provided by Wendel Company, Mark Boylan, Esq. and the Town Planning Board, relating to processing the development of the STAMP site. This agreement was drafted by Phillips Lytle.

P. Zelif shared that the STAMP Committee recommends approval of the Reimbursement Agreement with the Town of Alabama for an amount not to exceed \$247,000.

M. Wiater asked if this was a new agreement, separate from the agreement the Agency had in place with the Town to pay past legal services expenses.

P. Zelif shared that this is a new agreement.

M. Wiater pointed out that in this agreement it states under Section 3 Reimbursement Process, that each request for payment shall contain a certification that the Town has carefully reviewed the accompanying invoices and that the invoices are accurate as to the hours and work performed. Will the invoices we will be receiving in the future contain more detail than in the past?

P. Zelif explained that we may not be receiving more detailed invoices going forward given the fact that there may be confidential information contained in the invoices that Mark Boylan will be submitting to the Town. However, the Town will be certifying that the Town has reviewed the invoices prior to the request for payment.

**P. Zelif made a motion to approve the Reimbursement Agreement with the Town of Alabama for an amount not to exceed \$247,000; the motion was seconded by R. Cianfrini. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
R. Cianfrini -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

**6.3 STAMP Construction Legal Services Agreement** – P. Zelif shared that this agreement is to provide the Agency with legal services during the construction period related to the STAMP project. The Agency issued in RFP for these legal services and received proposal from three different firms. These proposals were reviewed at the STAMP Committee meeting. The Committee requested further information related to their proposed budget estimates. Two of the firms were asked for clarification of their budget estimates. Phillips Lytle proposed a not to exceed \$37,375 for the defined scope of work through December 31, 2016. Harris Beach came in significantly higher.

P. Battaglia shared that there is such a disparity between the \$37,375 that Phillips Lytle proposed and the approx. \$135,000 that Harris Beach proposed. He hopes that both parties were proposing on the same engagement and that they both understood it.

M. Masse shared that Phillips Lytle did address all questions listed in the RFP and gave both firms an opportunity to take a second review of the RFP.

**P. Zelif made a motion to approve the STAMP Construction Legal Services Agreement with Phillips Lytle not to exceed \$37,375; the motion was seconded by J. Rizzo. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
R. Cianfrini -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

**The item was approved as presented.**

**6.4 PLA Study – Seeler Engineering - \$15,000** – P. Zelif shared the proposal from Seeler Engineering to prepare a benefits analysis study on the merits of a PLA for offsite infrastructure at STAMP not to exceed \$15,000. The proposal also included a cost for negotiations that, if necessary, will be brought forward at a later date. Authorization to sign this proposal is contingent upon approval of the \$5M ESD funding.

**P. Zelif made a motion to approve the PLA Study performed by Seeler Engineering for \$15,000 for offsite infrastructure contingent upon approval of the \$5M ESD funding; the motion was seconded by R. Cianfrini. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
R. Cianfrini -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

**The item was approved as presented.**

## **7.0 Other Business**

**7.1 Nothing at this time.**

## **8.0 Adjournment**

As there was no further business, J. Rizzo made a motion to adjourn at 5:07 p.m., which was seconded by C. Yunker and passed unanimously