



**Thursday, March 30, 2017**  
**Upstate MedTech Centre – Suite 107**  
**4:00 PM**

## **GCEDC MINUTES**

### **Attendance**

**Board Members:** M. Wiater, M. Gray, C. Yunker, J. Rizzo, M. Davis, P. Battaglia (via video conference)

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

**Guests:** H. Upson (GGLDC Board Member), G. Torrey (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), J. Krencik (The Daily News), R. Gaenzle (Harris Beach), Jay Gsell (Genesee County), Jenifer Higgins (Home Leasing, LLC), Megan Houppent (Home Leasing, LLC), Zach Fuller (Eagle Star Housing), Julie Pacatte (Batavia Development Corp), Felipe Oltramari (Genesee County), Matt Landers (Genesee County), Ed Flynn (Labella), Tony Perry (Coach Tony's), Jay Perry (Coach Tony's)

**Absent:** P. Zeliff

### **1.0 Call to Order**

M. Wiater called the meeting to order at 4:15 p.m. in the Upstate MedTech Centre Innovation Zone conference room.

**Presentations:**        **ADVJ Realty, LLC (Coach Tony's) – Project Overview** – Coach Tony's, a specialty food processor of sauces, has been a long-time business operating out of a leased building in the Town of Bergen. The company is expanding, relocating and planning on constructing a 5,000-sq. ft. building on 3 acres at Apple Tree Acres. The GCEDC has previously approved a purchase and sale agreement. The company is seeking financial assistance from the GCEDC for this project. The company has a planned capital investment of \$380,000 and is committing to create 3 new jobs and retain 3 jobs as part of this project. At this time SEQR has not yet been completed.

**Matt Landers, Felipe Oltramari and Ed Flynn– Genesee County Housing Study** – Ed Flynn shared the County's plan for a Housing Needs Assessment and Market Analysis. The plan is to come up with the County's vision by doing data analysis and case study snapshots, figuring out what the market is by reviewing available properties and shovel ready analysis and coming up with a plan and strategy. This study will be about a 9-month process and will be completed by the end of the year.

**Mostert, Manzanero & Scott, LLP – 12/31/16 Audit** – The presentation was given at the Audit & Finance Committee meeting.

F. Oltramari, M. Landers, E. Flynn, T. Perry and J. Perry left the meeting at 4:30pm.

### **1.1 Enter Executive Session**

J. Rizzo made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:30pm 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 C. Yunker and approved by all members present.

J. Pacatte, J. Higgins, M. Houppent and Z. Fuller left the meeting at 4:50pm.

### **1.2 Enter Public Session**

C. Yunker made a motion to enter back into public session at 5:10pm, seconded by J. Rizzo and approved by all members present.

## 2.0 Chairman's Report & Activities

**2.1 Upcoming Meetings** – M. Wiater reviewed the upcoming meeting dates with the Board.

**Next Scheduled Board Meeting: Thursday, May 4<sup>th</sup> at 4:00pm**

STAMP Committee Meeting: Thursday, April 27<sup>th</sup> at 8:00am

Audit & Finance Committee Meeting: Tuesday, May 2<sup>nd</sup> at 3:00pm

Governance & Nominating Committee Meeting: Thursday, May 4<sup>th</sup> at 3:00pm

**2.2 Agenda Additions / Deletions / Other Business** – M. Wiater asked the Board to remove item 3.1 ADVJ Realty, LLC (Coach Tony's) from the agenda as SEQR has not yet been completed.

**C. Yunker made a motion to approve removing item 3.1 from the agenda; the motion was seconded by M. Wiater. Roll call resulted as follows:**

P. Battaglia -	Yes (via video conference)	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

**2.3 Minutes: March 2, 2017 –**

**M. Gray made a motion to approve the March 2, 2017 meeting minutes as presented; the motion was seconded by J. Rizzo. Roll call resulted as follows:**

P. Battaglia -	Yes (via video conference)	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

## 3.0 Report of Management

**3.1 ~~ADVJ Realty, LLC (Coach Tony's) - Resolution~~** – Removed from the Agenda

**3.2 OATKA – Sales Tax Exemption Increase - Resolution No. 03/2017-04** – M. Masse shared that OATKA Milk Products Cooperative, Inc. has requested a sales tax exemption extension and increase of the sales tax benefit that was granted in 2015. In 2016, OATKA's capital investment plan for the 200,000-sq.ft. warehouse expansion was \$20,990,000 and the GCEDC board approved a sales tax exemption for \$718,561. The company has increased the capital expenditure on their 2016 project by an additional \$850,000. The company is asking the Board to increase the sales tax exemption an additional \$68,000 with an extension to expire on June 30, 2017.

Resolution No. 03/2017-04

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) AUTHORIZING ADDITIONAL FINANCIAL ASSISTANCE TO O-AT-KA MILK PRODUCTS COOPERATIVE, INCORPORATED (THE "COMPANY") IN AN AMOUNT EXCEEDING THE AMOUNT APPROVED BY THE AGENCY IN ITS RESOLUTION ADOPTED ON SEPTEMBER 3, 2015, (ii) AUTHORIZING AN EXTENSION OF THE AGENT STATUS OF THE COMPANY FROM DECEMBER 31, 2016, TO JUNE 30, 2017, AND (iii) AUTHORIZING THE EXECUTION AND DELIVERY OF AN EXTENDED SALES TAX EXEMPTION PACKAGE AND EXTENDED NYS FORM ST-60 AND RELATED DOCUMENTS

**C. Yunker made a motion to approve the OATKA – Sales Tax Exemption Increase – Resolution No. 03/2017-04; the motion was seconded by M. Davis. Roll call resulted as follows:**

P. Battaglia -	Yes (via video conference)	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes

J. Rizzo - Yes

**The item was approved as presented.**

#### **4.0 Audit & Finance Committee – M. Gray**

**4.1 12/31/16 Audit** – L. Farrell shared that the Audit & Finance Committee reviewed the Management Letter and Audit Report for the GCEDC. David Brownell and Dennis Scott, of Mostert, Manzanero & Scott, LLP, attended the meeting to review the audit and to answer any questions the Committee might have. The management letter states that no material deficiencies in internal controls were identified during the audit. In their opinion, the audited financial statements present fairly, in all material respects, the financial position of the GCEDC as of December 31, 2016 in accordance with accounting principles generally accepted in the United States of America. This is being recommended by the Audit & Finance Committee for approval.

**M. Gray made a motion to approve the 12/31/16 Audit; the motion was seconded by M. Davis. Roll call resulted as follows:**

P. Battaglia -	Yes (via video conference)	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

**The item was approved as presented.**

L. Farrell shared that there are three reports that are submitted into the Public Authority Reporting Information System (PARIS). The first report is the Annual Report. This report is an accumulation of all the reporting we collected from companies in our current active project portfolio for 2016. This report reflects actions and decisions made by the Board during the year. This report is not required to be approved by the Board.

**4.2 Investment Report (PARIS Report)** – L. Farrell shared that this report summarizes the Agency's bank balances and interest income at 12/31/16. This is being recommended by the Audit & Finance Committee for approval.

**M. Gray made a motion to approve the Investment Report (PARIS Report); the motion was seconded by M. Davis. Roll call resulted as follows:**

P. Battaglia -	Yes (via video conference)	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

**The item was approved as presented.**

**4.3 Procurement Report (PARIS Reporting)** – L. Farrell shared that this report summarizes a list of contracts and payments that the Board has approved throughout the year. It's a summary of all expenditures to any one vendor more than \$5,000 during the 2016 calendar year. This is being recommended by the Audit & Finance Committee for approval.

**M. Gray made a motion to approve the Procurement Report (PARIS Reporting); the motion was seconded by M. Davis. Roll call resulted as follows:**

P. Battaglia -	Yes (via video conference)	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

**The item was approved as presented.**

**4.4 Junior's Maple – GAIN! Loan Fund Request** – M. Masse shared that Junior's Maple is a sole proprietorship that owns and operates a maple syrup production farm in Batavia, New York. The business has grown rapidly in the last three years. The farm started with 800 taps and has grown to 4,800 taps in that three-year period. Junior's Maple currently utilizes a wood fired evaporator, which is not energy efficient nor consistent

in boiling. The loan funds will be used to purchase and install a Master oil evaporator system and fuel oil storage tank. The oil-fired system will use less energy, and produce a higher grade of syrup. The system will also help the Company to expand and take on more taps to produce more syrup. The company is requesting a \$30,000 loan from the GAIN! Loan Fund. This is being recommended by the Audit & Finance Committee for approval.

**M. Gray made a motion to approve Junior’s Maple – GAIN! Loan Fund Request; the motion was seconded by M. Davis. Roll call resulted as follows:**

P. Battaglia -	Yes (via video conference)	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

**The item was approved as presented.**

**5.0 Governance & Nominating Committee – J. Rizzo**

**5.1 Board Self-Evaluation Results –** J. Rizzo shared that the Board reviewed the summary results of the Board Self-Evaluations. This evaluation will be used as a tool to make positive changes in the future. These results will be submitted to the ABO.

J. Rizzo shared that there was more of a variance of opinions in years past; the opinions have narrowed in recent years. This reflects the efforts of the Board to work together and the staff to get the Board more information in a timely manner.

M. Wiater shared that she has seen an improvement in the communication between the Board and staff.

P. Battaglia shared that the results are more consistent and are an improvement from past years. He wished to recognize the staff and their willingness to accommodate the requests of the Board. The Agency as a whole is performing better.

**6.0 STAMP Committee – P. Zelif**

**6.1 Genesee County Water Supply Agreement –** M. Masse shared that the GCEDC needs to enter into a water supply agreement with Genesee County to provide water to the STAMP site. The GCEDC has worked with County officials, the County attorney and the Water Resources Agency Board to create the supply agreement presented here. The Genesee County Public Service Committee, and the full Legislature have approved this agreement. This is being recommended by the STAMP Committee for approval.

**C. Yunker made a motion to approve the Genesee County Water Supply Agreement as presented; the motion was seconded by J. Rizzo. Roll call resulted as follows:**

P. Battaglia -	Yes (via video conference)	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

**The item was approved as presented.**

**6.2 Additional Survey Work – Frandina Engineering & Land Surveying – Parcels 10.-1-39.11 & 10.-1-39.12 –** M. Masse shared that in May of 2016, the GCEDC approved survey work for two parcels at STAMP. The original quote was for \$2,860. After completion of the survey, the actual amount totaled \$4,012.50. The increase was due to the fact the Frandina had to send out a crew for field work a second time to confirm parcel lines. This expense will be covered under the \$33M ESD grant. This is being recommended by the STAMP Committee for approval.

**C. Yunker made a motion to approve Additional Survey Work – Frandina Engineering & Land Surveying – Parcels 10.-1-39.11 & 10.-1-39.12 as presented; the motion was seconded by M. Davis. Roll call resulted as follows:**

P. Battaglia -	Yes (via video conference)	C. Yunker -	Yes
M. Wiater -	Yes	P. Zeliff -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	No		

**The item was approved as presented.**

**6.3 Emergency Management Services – Training Proposal –** M. Masse shared that Genesee County Emergency Management Services (EMS) has submitted a proposal to the GCEDC to allow them to complete some training and potential live fire exercise on one structure at the STAMP site prior to demolition. They will be inspecting the property to see if they would be allowed to do a burn demolition on it when their training is complete. This is being recommended by the STAMP Committee for approval, contingent upon receiving a certificate of insurance from the County naming the GCEDC additional insured.

**C. Yunker made a motion to approve the Emergency Management Services – Training Proposal as presented; the motion was seconded by J. Rizzo. Roll call resulted as follows:**

P. Battaglia -	Yes (via video conference)	C. Yunker -	Yes
M. Wiater -	Yes	P. Zeliff -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

**The item was approved as presented.**

**6.4 Support Letter for NY Green’s Submission of NYSDOS Grant –** M. Masse shared that Genesee County has consented to allow NY Green to apply for a grant from the NYS Department of State (NYSDOS) to prepare a Countywide Resiliency Plan as it relates to the impact that water has on our community, and the protection of that natural resource. M. Masse shared that any time spent by GCEDC personnel will be counted as an in-kind services match. M. Masse asked the Committee to recommend approval of signing the letter of support for NY Green’s submission of NYSDOS Grant. This is being recommended by the STAMP Committee for approval.

**J. Rizzo made a motion to approve the Support Letter for NY Green’s Submission of NYSDOS Grant as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

P. Battaglia -	Yes (via video conference)	C. Yunker -	Yes
M. Wiater -	Yes	P. Zeliff -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

**The item was approved as presented.**

**6.5 CC Environment & Planning – Preparation of Data Recovery Plan (DRP) –** M. Masse shared that the GCEDC has completed the necessary Phase IIB site investigations regarding archeological work at the STAMP site. The next step is preparing a Data Recovery Plan (DRP) that will be used as a guide for any necessary Phase III data recovery and mitigation of unavoidable impacts to those sites. M. Masse asked the Committee to recommend approval of the proposal with CC Environmental & Planning to prepare the DRP, not to exceed \$6,500. This is budgeted for under the \$33M ESD Grant. This is being recommended by the STAMP Committee for approval.

**C. Yunker made a motion to approve CC Environment & Planning – Preparation of Data Recovery Plan (DRP) as presented; the motion was seconded by J. Rizzo. Roll call resulted as follows:**

P. Battaglia -	Yes (via video conference)	C. Yunker -	Yes
M. Wiater -	Yes	P. Zeliff -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

**6.6 Phase I Water Project – Permissible Contacts** – M. Masse shared that the bid packages for Phase I of the water project for STAMP were released in construction trade magazines on March 17<sup>th</sup>, and an ad was published in the Daily News on Monday, March 20<sup>th</sup>. There will also be a press release issued. Please note that contractors are not supposed to contact Board members regarding this matter while the bid process is open. If they do, please contact me and let me know the name and company. We would have to report them to NYS.

## **7.0 Employment & Compensation Committee**

**7.1 Nothing at this time.**

## **8.0 Other Business**

## **9.0 Adjournment**

As there was no further business, J. Rizzo made a motion to adjourn at 5:28p.m., which was seconded by M. Davis and passed unanimously.