



Thursday, May 5, 2016
Upstate MedTech Centre – Suite 107
4:00 PM

GCEDC MINUTES

Attendance

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

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

Guests: T. Felton (GGLDC Board Member), H. Upton (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), W. Hinchey (GGLDC Board Member), R. Gaenzle (Harris Beach), Marcus Scott (Alpina Foods), Ginny Kropf (The Daily News)

Absent: M. Davis

1.0 Call to Order / Enter Public Session

M. Wiater called the meeting to order at 4:03 pm in the Upstate MedTech Centre Innovation Zone conference room.

1.1 Alpina Foods, Inc. – Presentation – C. Suozzi introduced Marcus Scott from Alpina Foods who gave a brief overview of their project. He shared that Alpina Foods is planning to construct a 3,200 sq. ft. addition to their existing facility so they have space to add a new bottle filling machine and packaging equipment for a new drinkable yogurt product. Alpina will be investing over \$1M on the drinkable yogurt line, and this will help the company retain the 23 current full time employees.

C. Suozzi shared a little history of the company. Alpina is committed to success here in Batavia and continues to find ways to reinvest and grow their operations. In 2011, the company invested over \$20M to build a 40,000 sq. ft. yogurt plant at the Genesee Valley Agri-Business Park. By 2013, Alpina was so successful they employed 58 full time equivalent (FTE) workers at the facility. This success lead Alpina to purchase 10 additional acres (2014) at the Ag Park. In 2014, Alpina lost a key customer and immediately downsized their workforce. In 2015, the company invested over \$5M in new equipment to produce a 32 oz. yogurt product and this helped stabilize the existing workforce.

M. Scott added that the company is looking to have 35 employees by the end of this year.

M. Scott left the meeting at 4:12pm.

1.2 Executive Session

P. Zelifff made a motion to enter into the executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:12 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 C. Yunker and approved by all members present.

1.3 Re-Enter Public Session

P. Zelifff made a motion to enter back into public session at 5:03 p.m., seconded by C. Yunker and approved by all members present.

V. Kropf joined the meeting at 5:03pm.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings – M. Wiater reviewed the upcoming meetings with the Board.

Next Scheduled Board Meeting: Thursday, June 2nd at 4:00pm

STAMP Committee Meeting: Thursday, May 26th at 8:00am
Audit & Finance Committee Meeting: Tuesday, May 31st at 3:00pm
Governance & Nominating Committee Meeting: Thursday, June 2nd at 3:00pm

2.2 Agenda Additions / Deletions / Other Business – M. Wiater asked the Board to add item 7.1 S. Hyde Contract Renewal to the agenda.

J. Rizzo made a motion to approve adding item 7.1 S. Hyde Contract Renewal to the agenda; the motion was seconded by M. Gray. Roll call resulted as follows:

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

The item was approved as presented.

2.3 March 24, 2016 Minutes

J. Rizzo made a motion to approve the March 24, 2016 Minutes; 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. Zelif -	Yes
M. Davis -	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

3.0 Report of Management

3.1 Workforce Development Update – C. Suozzi shared that our workforce development consultant, John Jakubowski, visited Hillsboro, Oregon this past week with a group of local educators and workforce professionals. The Hillsboro/Portland area is home to the largest semiconductor cluster in North America. Locally, as we move our workforce efforts forward with our K-12 population, our emphasis is on bringing teachers and career path leaders and influencers on board. This month we hosted a joint meeting of the WNY and Finger Lakes STEM Hub.

3.2 Tencar Update – C. Suozzi shared that Georgann Carrubba, and her company Tencar, won the \$25,000 grand prize in the Rochester Venture Challenge earlier this month. Carrubba took home the gold to begin clinical trials of the Choice Cap System. The ostomy product she invented could improve the quality of life for more than 1 million people who use ostomy pouches in the U.S.

3.3 Alpina Foods, Inc.: Resolution – C. Suozzi shared that the total capital investment for this project is approx. \$1M and the company plans to retain 23 FTE's. The company is seeking assistance from the GCEDC with a sales tax exemption valued at approx. \$15,408 and a property tax exemption (based on the incremental increase in assessed value) valued at approx. \$62,903. An economic impact analysis was done and for every \$1.00 of public benefit, the company is investing approx. \$3.00 into the local economy. A public hearing will not be held as benefits do not exceed \$100,000.

The Board reviewed the Statement of Compliance of Project Criteria. See 'Attachment A'.

C. Suozzi asked the Board to approve Resolution No. 05/2016-01.

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) APPOINTING ALPINA FOODS, INC. AS AGENT OF THE AGENCY TO UNDERTAKE A CERTAIN PROJECT (ii) MAKING A DETERMINATION UNDER ARTICLE 8 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH THE PROJECT, (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED WITH RESPECT TO THE PROJECT, (iv) AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGENT AGREEMENT, LEASE

AGREEMENT, LEASEBACK AGREEMENT AND TAX AGREEMENT WITH RESPECT TO THE PROJECT, AND (v) AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS

P. Zelif made a motion to approve the Resolution No. 05/2016-01; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

P. Battaglia abstained due to a possible conflict of interest, as Alpina is a client of his firm.

4.0 Audit & Finance Committee

M. Gray shared that the Audit & Finance Committee met this afternoon. They discussed and recommended the following items:

4.1 1st Quarter Financial Statements – M. Gray added that all expenditures are in line with the budget except as noted.

P. Zelif made a motion to approve the 1st Quarter Financial Statements; the motion was seconded by P. Battaglia. Roll call resulted as follows:

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

The item was approved as presented.

4.2 Clark Patterson Lee Contract – LeRoy SEQR - \$63,000 – M. Gray shared that Clark Patterson Lee (CPL) has prepared a proposal to complete the environmental assessment, re-zoning and site plan/subdivision for the proposed LeRoy Food and Tech Park. This will include the preparation of a State Environmental Quality Review (SEQR) Generic Environmental Impact Statement (GEIS).

J. Rizzo asked if this was the first of the site work that has been done at the new LeRoy Park and asked if the staff sought out other bids for this work.

M. Masse shared that yes, this is the first of the site work that will be done in LeRoy in regards to the new business park. No other bids were sought for this contract as CPL has been a partner in this project since the beginning.

C. Yunker made a motion to approve a contract with Clark Patterson Lee for \$63,000; the motion was seconded by M. Gray. Roll call resulted as follows:

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

The item was approved as presented.

4.3 Mowing Contracts – Parks – M. Gray shared that the Committee reviewed several bids for mowing of the business parks that the Agency owns. These parks include Gateway I, Apple Tree Acres and STAMP. It is expected that this contract will not exceed \$10,000. On a consolidated basis, this contract is within budget.

M. Gray made a motion to approve a contract with Scalia’s Landscaping for mowing not to exceed \$10,000; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

4.4 AppleTree Acres Lease: Charles Auguello – M. Gray shared that the GCEDC is looking to lease out vacant acreage at AppleTree Acres to a local farm for them to plant crops. This will help keep the property maintained. The lease agreement being used is one that the Governance Committee has approved, and the lease rate is in agreement with what was set by the Audit & Finance Committee for similar acreage.

M. Gray made a motion to approve the AppleTree Acres Lease with Charles Auguello for \$60 per acre; the motion was seconded by P. Zelif. Roll call resulted as follows:

P. Battaglia -	Yes (via video conference)	C. Yunker -	Yes
M. Wiater -	Yes	P. Zelif -	Yes
M. Davis -	Absent	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 April 20th. They discussed and recommended the following items.

6.1 Purchase & Sale Agreement: Parcels 10.-1-39.11 & 10.-1-39.12 – Resolution No. 05/2016-02 – P. Zelif shared that the GCEDC is looking to purchase approx. 61 acres (parcel 10.-1-39.11) and approx. 10 acres of parcel 10.-1-39.12 located at the STAMP site. After some discussion with the full Board the Purchase & Sale Agreement will include some modifications to section 9 of the agreement (Seller Representations and Warranties). It has also been requested by the purchaser to lease some of the property being sold to the Agency at the cost to maintain the property.

Resolution No. 05/2016-02

RESOLUTION (i) TAKING OFFICIAL ACTION TOWARD AND APPROVING THE ACQUISITION FOR ECONOMIC DEVELOPMENT PURPOSES OF APPROXIMATELY 69.2 ACRES OF REAL PROPERTY WITH THE TAX MAP PARCEL NOS. 10.-1-39.12 AND 10.-1-39.11, AND ANY IMPROVEMENTS THEREON LOCATED IN GENESEE COUNTY, NEW YORK AND LOCATED ON CROSBY ROAD, ALABAMA, NEW YORK (THE “PROPERTY”), (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE CONTRACT AND RELATED DOCUMENTS WITH RESPECT TO THE ACQUISITION OF THE PROPERTY (“CONTRACT”), (iii) AUTHORIZING THE EXPENDITURE OF THE NECESSARY FUNDS OF THE AGENCY WITH RESPECT TO THE ACQUISITION OF THE PROPERTY, AND (iv) AUTHORIZING THE TAKING OF OTHER ACTION IN CONNECTION THEREWITH.

C. Yunker made a motion to approve the Purchase & Sale Agreement for Parcels 10.-1-39.11 & 10.-1-39.12 with modifications to Section 9 and a lease agreement with the purchaser; the motion was seconded by P. Zelif. Roll call resulted as follows:

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

The item was approved as presented.

6.2 Village of Oakfield – Upsizing Water Tank - \$200,000 – P. Zelif shared that as part of the Incentive Zoning Agreement with the Town of Alabama, the GCEDC agreed to install the Town’s water project. This requires payment to the Village of Oakfield for the upsizing of their water tank to service the Town of Alabama and the STAMP project. The Village constructed the tower in 2013. This will provide 200,000 gallons per day potable water for the STAMP site.

P. Zelif made a motion to approve the payment of \$200,000 to the Village of Oakfield for the cost of upsizing their water town for the STAMP site; 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 -	Yes
M. Davis -	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

6.3 Preconstruction Agent Agreement with 1366 Technologies Inc. – Resolution No. 05/2016-03 – P. Zelif shared that the GCEDC has been provided a Pre-Construction Agent Agreement with 1366 Technologies, Inc. that was drafted by our legal counsel, Phillips Lytle. This document will appoint 1366 Technologies, Inc. as an agent of the GCEDC to undertake certain pre-construction activities.

Resolution No. 05/2016-03

RESOLUTION (i) AUTHORIZING THE EXECUTION AND DELIVERY OF A PRE-CONSTRUCTION AGENT AGREEMENT AND RELATED DOCUMENTS WITH 1366 TECHNOLOGIES INC., AND (ii) AUTHORIZING THE TAKING OF OTHER ACTION IN CONNECTION THEREWITH.

J. Rizzo made a motion to approve the Preconstruction Agent Agreement with 1366 Technologies, Inc.; the motion was seconded by P. Zelif. Roll call resulted as follows:

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

The item was approved as presented.

7.0 Employment & Compensation Committee – M. Wiater

7.1 S. Hyde Contract Renewal – M. Wiater shared that the Employment & Compensation Committee met and reviewed S. Hyde’s employment contract. Pursuant to Section 3 of the contract the Committee wishes to give notice of their intent to renew the contract.

P. Battaglia made a motion to approve giving notice of the intent to renew S. Hyde’s employment contract; 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. Zelif -	Yes
M. Davis -	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

8.0 Adjournment

As there was no further business, J. Rizzo made a motion to adjourn at 5:33 p.m., which was seconded by P. Battaglia and passed unanimously.

Attachment A

Project Name: Alpina Foods, Inc.

Board Meeting Date: May 5, 2016

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

PROJECT DESCRIPTION:

Alpina is planning to construct a 3,200 sq. ft. addition to their existing facility so they have space to add a new bottle filling machine and packaging equipment for a new drinkable yogurt product. Alpina will be investing over \$1 million on the drinkable yogurt line, and this will help the company retain the 23 current full time employees.

Company History: Alpina is committed to success here in Batavia and continues to find ways to reinvest and grow their operations. In 2011, the company invested over \$20 million to build a 40,000 sq. ft. yogurt plant at the Genesee Valley Agri-Business Park (Ag-Park). By 2013, Alpina was so successful they employed 58 full time equivalents (FTE's) workers at the facility. This success lead Alpina to purchase 10 additional acres (2014) at the Ag Park. In 2014, Alpina lost a key customer and immediately downsized their workforce. In 2015 the company invested over \$5 million in new equipment to produce 32 oz. yogurt product and this helped stabilize the existing workforce.

With these recent investments and improvements, we believe that Alpina is working hard to ensure that their brand becomes known across North America and that their leadership team is committed to running a successful dairy foods business here in Genesee County.

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

Project details: The project will retain 23 FTE's at an average salary range of \$23,000-\$58,000 per job.

Board Discussion: None.

J. Rizzo made a motion to approve criteria #1; the motion was seconded by P. Zelif. Roll call resulted as follows:

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

The item was approved as presented.

Board Concurrence: YES NO If no, state justification:

Attachment A

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 the facility expansion of 3,200 sq. ft. (8% increase in footprint) and \$1,090,383 in capital investment. We are proposing a standard 60% PILOT.

Currently, the Alpina plant is assessed at \$2.5 million and has a PILOT schedule that began in 2012 at 100% abatement for first 5 years and 50% in the last 5 years. Thus, school taxes will begin at 50% in 2018 and county and town taxes at 50% in 2019.

Board Discussion: None.

J. Rizzo made a motion to approve criteria #2; the motion was seconded by P. Zelif. Roll call resulted as follows:

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

The item was approved as presented.

Board Concurrence: YES NO If no, state justification:

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

Project details: N/A

Board Discussion: None.

J. Rizzo made a motion to approve criteria #3; the motion was seconded by P. Zelif. Roll call resulted as follows:

P. Battaglia -	Abstain	C. Yunker -	No
M. Wiater -	No	P. Zelif -	No
M. Davis -	Absent	M. Gray -	No
J. Rizzo -	No		

The item was approved as presented.

Board Concurrence: YES **(NO)** If no, state justification: This criteria does not apply to this project.

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.

Project details: For every \$1 of public benefit the company is investing \$3 (no retained jobs were used in calculation) into the local and regional economy. See economic impact report for further details.

Attachment A

In 2011, original project economic impact, 40:1 ratio.

Board Discussion: None.

J. Rizzo made a motion to approve criteria #4; the motion was seconded by P. Zelif. Roll call resulted as follows:

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

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: Yes, this is a Food and Beverage project which is an Agri-Business and Food Processing strategic industry.

Board Discussion: None.

J. Rizzo made a motion to approve criteria #5; the motion was seconded by P. Zelif. Roll call resulted as follows:

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

The item was approved as presented.

Board Concurrence: **(YES)** NO If no, state justification:

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

Project details: The project is planned to begin construction in June of 2016 and operation in fourth quarter of 2016.

Board Discussion: None.

J. Rizzo made a motion to approve criteria #6; the motion was seconded by P. Zelif. Roll call resulted as follows:

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

The item was approved as presented.

Board Concurrence: YES NO **If no, state justification:**