



**Thursday, July 9, 2015**  
**Upstate MedTech Centre – Suite 107**  
**4:00 PM**

**GCEDC MINUTES**

**Attendance**

Board Members: P. Battaglia, M. Wiater, J. Rizzo, C. Yunker, P. Zeliff  
Staff: S. Hyde, L. Farrell, M. Masse, C. Suozzi, E. Richardson, P. Kennett  
Guests: H. Upson (GGLDC Board Member), Paul Mrozek (The Daily News), Rochelle Stein, Jay Gsell (Genesee County), M. Pettinella (Buffalo News)  
Absent: M. Gray, R. Cianfrini

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

M. Wiater called the meeting to order at 4:00 pm in the Upstate MedTech Centre Innovation Zone conference room.

**1.1 Executive Session**

C. Yunker 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:

- Discussions regarding proposed, pending or current litigation.
- 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 motion was seconded by P. Battaglia and approved by all members present.

**1.2 Re-Enter Public Session**

P. Battaglia made a motion to enter back into public session at 4:47 p.m., seconded by C. Yunker and approved by all members present.

**2.0 Chairman's Report & Activities**

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

**2.2 Agenda Additions** – Nothing at this time.

**2.3 Governance Committee Recommendations** – M. Wiater brought forward the Governance Committee recommendations from yesterday's meeting. They are as follows:

**2.3.1 Recommendation of the appointment of M. Gray to the Genesee Gateway Local Development Corp (GGLDC) Board.**

**P. Zeliff made a motion to approve appointment of M. Gray to the GGLDC Board; 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 -	Absent	M. Gray -	Absent
J. Rizzo -	Yes		

**The item was approved as presented.**

**2.3.2 Recommendation of the appointment of W. Hinchey to the GGLDC Board as an independent member.**

**P. Zeliff made a motion to approve the appointment of W. Hinchey to the GGLDC Board as an independent member; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

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

The item was approved as presented.

**2.3.3 Recommendation to change the Bylaws to allow the Board Chairperson to appoint committee members without full Board approval.**

**J. Rizzo made a motion to approve the change to the Bylaws to allow the Board Chairperson to appoint committee members without full Board approval; the motion was seconded by C. Yunker. Roll call resulted as follows:**

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

The item was approved as presented.

**2.3.4 Recommendation for the Audit & Finance Committee members to be bank signers, along with two staff members – S. Hyde and M. Masse.**

**C. Yunker made a motion to approve the Audit & Finance Committee members to be bank signers, along with two staff members – S. Hyde and M. Masse; 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 -	Absent	M. Gray -	Absent
J. Rizzo -	Yes		

The item was approved as presented.

**2.3.5 Recommendation to allow L. Farrell and P. Kennett to request information regarding bank accounts.**

**C. Yunker made a motion to approve L. Farrell and P. Kennett to request information regarding bank accounts; 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 -	Absent	M. Gray -	Absent
J. Rizzo -	Yes		

The item was approved as presented.

**2.3.6 Recommendation to revise the Pricing Policy to include an annual administrative fee schedule as follows:**

- \$500 annual fee for PILOT projects with capital investment of less than \$5M
- \$500 annual fee for Sales Tax Exemption Only Projects
- \$1,000 annual fee for PILOT projects with capital investment of \$5M or greater

After a brief discussion it was determined that the annual administrative fee would only apply to PILOT projects, not sales tax exemption only projects, as sales tax exemption only projects typically expire after one year.

**P. Battaglia made a motion to approve the revision to the Pricing Policy to include an annual administrative fee schedule for PILOT projects only; 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 -	Absent	M. Gray -	Absent
J. Rizzo -	Yes		

The item was approved as presented.

**2.3.7 Recommendation of the 2015-2016 slate of officers, with all terms ending June 30, 2016, as follows:**

**Chair – Paul Battaglia  
Vice Chair – Mary Ann Wiater  
Secretary – Penny Kennett  
Treasurer & CFO – Lezlie Farrell  
President & CEO – Steven Hyde**

**J. Rizzo made a motion to approve the 2015-2016 slate of officers with all terms ending June 30, 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
R. Cianfrini -	Absent	M. Gray -	Absent
J. Rizzo -	Yes		

**The item was approved as presented.**

**2.4 June 4, 2015 Minutes**

**J. Rizzo made a motion to approve the June 4, 2015 Minutes; 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 -	Absent	M. Gray -	Absent
J. Rizzo -	Yes		

**The item was approved as presented.**

**3.0 C. Suozzi: VP of Business Development**

**3.1 Nothing at this time.**

**4.0 L. Farrell: Chief Financial Officer**

**4.1 May 2015 Financial Statements** – L. Farrell reviewed the May 2015 financial statements with the Board. The financial statements were reviewed by the Audit and Finance Committee on July 7, 2015 and are recommended for Board approval. She noted an operating loss of \$128,358 YTD. Expenditures are in line with the budget, except as noted.

L. Farrell asked the board to approve the May 2015 Financial Statements.

**C. Yunker made a motion to approve the May 2015 Financial Statements; 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 -	Absent	M. Gray -	Absent
J. Rizzo -	Yes		

**The item was approved as presented.**

**4.2 Standard Workday and Reporting Resolution for Elected and Appointed Officials** – L. Farrell shared that State regulations require employers to submit a Standard Workday and Reporting Resolution for all paid elected and appointed officials, who are members of the New York State and Local Retirement System, and are in a term of office of appointment that began on or after August 12, 2009.

It has been determined that she (CFO), Steve (President & CEO), and Mark (Sr. VP of Operations) fit the criteria of an elected or appointed official and should be listed on this Resolution. The GCEDC's standard workday is listed as 7 hours in the Personnel Administrative Guidelines last revised and updated in June 2013.

The Board approved a resolution in December 2014 that reflected term end dates of June 30, 2015 for the officials listed. All officials listed on the Resolution must have a specified term end date. If appointed by the Governing Board, the Chairman of the Board's term should be used.

L. Farrell asked the Board to approve the Standard Workday and Reporting Resolution for Elected and Appointed Officials.

**C. Yunker made a motion to approve the Standard Workday and Reporting Resolution for Elected and Appointed Officials; 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 -	Absent	M. Gray -	Absent
J. Rizzo -	Yes		

**The item was approved as presented.**

**4.3 Budget Timeline** – L. Farrell shared a budget timeline with the Board and shared that the 2016 budget process is underway.

### **5.0 M. Masse: Senior VP of Operations**

**5.1 Watts Engineering: Environmental Soil Investigation – Parcel 10.-1-32.12** – M. Masse shared that during the completion of a Phase I Environmental Site Assessment on parcel 10.-1-32.12 we became aware that the parcel was used as a Petroleum Contaminated Soil Bio-Treatment Area. The current owner had some contaminated soil at an unrelated location, that soil was dug up, treated and spread out on this parcel over 15 years ago. This process was monitored and reviewed by the NYS Department of Environmental Conservation (NYSDEC). Upon completion, the NYSDEC closed out the report on this project. As a result of this prior history, we are looking to have some limited confirmatory soil sampling be performed to ensure there was not residual contamination at the property.

M. Masse asked the Board to approve a contract with Watts Engineering to complete the additional soil sampling and testing for an amount not to exceed \$8,228, to be reimbursed under NYS award number Z874 and/or X544.

**J. Rizzo made a motion to approve a contract with Watts Engineering to complete the additional soil sampling and testing; 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 -	Absent	M. Gray -	Absent
J. Rizzo -	Yes		

**The item was approved as presented.**

**5.2 Extension of Term for Loan from GGLDC Related to STAMP** – M. Masse shared that the GCEDC is looking to request an extension on a \$230,000 loan from the GGLDC that was used to purchase land located within that STAMP site. The loan term would be interest only for an additional 24 months at an interest rate of 3.06%. This loan currently becomes due on August 12, 2015.

M. Masse asked the Board to approve requesting an extension of the term of the loan agreement with the GGLDC to August 12, 2017.

**C. Yunker made a motion to approve requesting an extension of the term of the loan agreement with the GGLDC to August 12, 2017; 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 -	Absent	M. Gray -	Absent
J. Rizzo -	Yes		

**The item was approved as presented.**

**5.3 Commission Agreement to Pyramid Brokerage** – M. Masse shared that the GCEDC is looking to approve a 10% land sale commission to Pyramid Brokerage in the amount of \$72,400, which is 10% of the purchase price of \$724,000.

M. Masse asked the Board to approve a payment of 10% land sale commission in the amount of \$72,400 on the sale of acreage at Apple Tree Acres to be paid at closing to Pyramid Brokerage Company.

**P. Zeliff made a motion to approve a payment of 10% land sale commission in the amount of \$72,400 on the sale of acreage at Apple Tree Acres to be paid at closing to Pyramid Brokerage Company; the motion was seconded by M. Wiater. Roll call resulted as follows:**

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

**The item was approved as presented.**

## **6.0 S. Hyde: President & CEO**

**6.1 LeRoy Food & Tech Park Short Form SEQRA – Resolution No. 07/2015-01** – S. Hyde shared that as was highlighted in his May monthly management letter, the community of LeRoy with participation and collaboration from Bergen, is rallying in a quest to drive economic revitalization in their community. They have been awarded a \$50K grant from Frontier Communications’ America’s Best Communities program focused on driving economic revitalizations in rural communities across their service area. The LeRoy/Bergen team has come together, with a \$15K match commitment from the Town of LeRoy, to secure a consultant to develop a community and economic revitalization strategy for their respective communities. We at GCEDC/GGLDC are facilitating and supporting their efforts given the nature of the activities. If successful, the top 3 community economic revitalization plans will receive grants, to be awarded at the conclusion of the process in 2016, to implement the plan with awards ranging from \$1 M to \$3 M each.

As a part of this effort, the Town of LeRoy’s goal to develop a shovel-ready industrial park to offset the generational decline in manufacturing in their community looks to be a cornerstone of their strategy to revitalize the economic and tax base in LeRoy. With that, we are looking towards to 2015 NYS Regional Economic Development Council process to secure funds to advance the park’s development. That would include funds for land acquisition, engineering to bring the 75 acres site to shovel-ready status, and hopefully funding to support infrastructure construction for Phase I of the project with is approximately 18 to 20 acres.

One of the criteria to be able to submit a Consolidated Funding Application (CFA) to the state is whether the State Environmental Quality Review Act (SEQRA) has been undertaken. That is what today’s action is regarding. He has worked with Adam Walters of Phillips Lytle to develop the SEQRA short form which will enable him to proceed completing the CFA as we seek \$1.4M in funding to help bring the “LeRoy Food and Technology Park” to life. The Short Environmental Assessment Form (SEAF) was provided to the Board for their review. A resolution for the board to act upon issuing a “negative declaration” of no significant impact to the environment for the action being undertaken as described in the SEAF was provided as well.

S. Hyde asked the Board to approve the resolution issuing a negative declaration thereby enabling him to proceed with the CFA application in hopes of securing as much as \$1.4M funding from NYS supporting the shovel-ready development of this 75 acre LeRoy Food and Technology Park. The total legal costs to support this SEQRA action are not to exceed \$1,000.

P. Zeliff shared his concern that the GCEDC fills out the form and names itself as lead agency. And he also added that he’s never seen a requirement for SEQRA for financing before.

S. Hyde shared that the GCEDC as lead agency is legally allowable and was done this same way for the STAMP project as well. He stated that the SEQRA is for financing, land acquisition, and shovel-ready planning.

J. Rizzo added that the requirement that there be SEQRA in order to submit the application is the cause for this request today. Segmentation is absolutely frowned upon by the NYSDEC but it can be done under certain circumstances. The reason the NYSDEC may not find segmentation offensive in this case is that there is nothing there. The agency is at square one with this process. If it were to get beyond an application for funding there would have to be additional SEQRA work and the Agency may or may not be the lead agency under those circumstances. He is supportive of this in an attempt to get this project off the ground.

**J. Rizzo made a motion to approve Resolution No. 07/2015-01, issuing a negative declaration, and legal costs not to exceed \$1,000; the motion was seconded by M. Wiater. Roll call resulted as follows:**

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

J. Rizzo - Yes

The item was approved as presented.

**7.0 R. Tabelski- Marketing & Communications Director**

7.1 Nothing at this time.

**8.0 Other Business**

8.1 Nothing at this time.

**9.0 Adjournment**

As there was no further business, M. Wiater made a motion to adjourn at 5:31 p.m., which was seconded by J. Rizzo and passed unanimously