



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

GCEDC MINUTES

Attendance

Board Members: P. Battaglia, M. Wiater, J. Rizzo, P. Zeliff, M. Davis

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

Guests: T. Felton (GGLDC Board Member), H. Upson (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), Russ Gaenzle (Harris Beach), Jay Gsell (Genesee County), Jason Molino (City of Batavia), Julie Pacatte (BDC), Mary Valle (BDC), Pierluigi Cipollone (BDC), Chris Thorpe (Darien Lake), Dave Hagelberger (Town of Darien), James Krencik (Batavia Daily News)

Absent: C. Yunker, M. Gray

1.0 Call to Order / Enter Public Session

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

1.1 Executive Session

P. Zeliff made a motion to enter into the executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:03 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 motion was seconded by M. Wiater and approved by all members present.

1.2 Re-Enter Public Session

M. Wiater made a motion to enter back into public session at 4:26 p.m., seconded by P. Zeliff and approved by all members present.

Jason Molino, Julie Pacatte, Mary Valle, Pierluigi Cipollone, Chris Thorpe, Dave Hagelberger and James Krencik joined the meeting at 4:26pm.

2.0 Chairman's Report & Activities

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

Next Scheduled Board Meeting: Thursday, March 3rd at 4:00pm
STAMP Committee Meeting: Thursday, February 25th at 8:00am
Audit & Finance Committee Meeting: Tuesday, March 1st at 3:00pm
Governance & Nominating Committee Meeting: Thursday, March 3rd at 3:00pm

2.2 Agenda Additions / Deletions / Other Business

J. Rizzo made a motion to add item 5.2 Revised Application for Financial Assistance to the agenda; the motion was seconded by M. Wiater. Roll call resulted as follows:

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

The item was approved as presented.

J. Rizzo made a motion to add item 5.3 Termination of PILOT to the agenda; the motion was seconded by P. Zelif. Roll call resulted as follows:

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

The item was approved as presented.

P. Zelif made a motion to delete item 4.2 Extend GGLDC Revolving Loan from the agenda; the motion was seconded by M. Davis. Roll call resulted as follows:

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

The item was approved as presented.

2.3 January 14, 2016 Minutes

M. Davis made a motion to approve the January 14, 2016 Minutes; the motion was seconded by M. Wiater. Roll call resulted as follows:

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

The item was approved as presented.

3.0 Report of Management

3.1 Batavia Pathway to Prosperity – Presentation – S. Hyde introduced Jason Molino (City of Batavia), Julie Pacatte (Batavia Development Corp. (BDC)), Mary Valle (BDC Board Member) and Pierluigi Cipollone (BDC Board Member). Jason Molino gave an overview of the Batavia Pathway to Prosperity to the Board (a copy of the presentation can be found with the meeting materials).

J. Rizzo shared that his only criticism is that the intermunicipal agreement does not give much detail as to the process of issuing the Certificate of Consistency. He does not feel that the Agency should be involved in issuing those certificates.

J. Pacatte shared it is the sole discretion of the BDC for issuing a Certificate of Consistency.

P. Battaglia thanked the City and BDC for coming to share with the Board. He thinks that the taxing jurisdictions all coming together in a unified matter is really exciting.

Intermunicipal Agreement – S. Hyde shared that the intermunicipal agreement is an agreement between Genesee County, City of Batavia, Batavia City School, Batavia Development Corp. and GCEDC. This agreement is unlike any other in the State.

P. Battaglia made a motion to authorize the Chairman to execute the Intermunicipal Agreement for the Batavia Pathway to Prosperity; the motion was seconded by J. Rizzo. Roll call resulted as follows:

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

The item was approved as presented.

Jason Molino, Julie Pacatte, Mary Valle and Pierluigi Cipollone left the meeting at 4:55pm.

3.2 CLP Darien Lake, LLC – Initial Resolution – C. Suozzi introduced Chris Thorpe who gave a brief overview of the project. He shared that this project consists of two investments that will enhance the park’s tourism destination. First, the six flume water slide complex features a slide tower and six slides meandering roughly 294 feet in length from an elevation of 42 feet. Unique to the experience, riders position themselves on a head-first facing mat in racing format. Riders then begin the race via instructions from an attendant supported with a unique light and timing system. Upon the green light, guests will plunge through dark and translucent in-braided twisting tunnels and shoot into the open multi-bump racing lanes hoping to be crowned victorious. The ride will be positioned near the entrance of the park adjacent to the Lazy River and Hooks Lagoon giving them the opportunity to improve the arrival presentation and also create more patio space for the guests.

Second, the new roller coaster train is a replacement and upgrade for the Ride of Steel roller coaster train initially installed in 1999. The new train can accommodate up to 36 riders per cycle. With improvements in technologies, this new train will deliver a smooth and comfortable experience for the rider while reducing the frequency of minor or nuisance mechanical downtime. This means the ride will run more efficiently and service more guests per hour ensuring a better experience for all the park guests.

C. Suozzi added that the company will seek assistance from the GCEDC with a sales tax exemption valued at approx. \$189,200. An Economic Impact Analysis was done and for every \$1 of public benefit, the company will invest \$1,137 into the local economy. A public hearing will need to be held as benefits exceed \$100,000.

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

M. Waiter shared that she had a hard time looking at the Statement of Compliance and applying it to just this specific project. It seemed that the criteria was applied to Darien Lake as a whole.

M. Masse shared with this type of project, any one enhancement enhances the entire park as a whole.

D. Hagelberger added that it is important to show our continued support to Darien Lake. These improvements will help boost attendance and overall success to the park.

C. Suozzi asked the Board to accept the application and authorize a public hearing.

Resolution No. 02/2016-01

RESOLUTION AUTHORIZING THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") TO (i) ACCEPT THE APPLICATION OF CLP DARIEN LAKE LLC (THE "COMPANY"); (ii) AUTHORIZE A PUBLIC HEARING WITH RESEPECT TO THE PROJECT; AND (iii) DESCRIBE THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT

J. Rizzo made a motion to approve Resolution No. 02/2016-01; the motion was seconded by P. Zelif. Roll call resulted as follows:

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

The item was approved as presented.

Chris Thorpe and David Hagelberger left the meeting at 5:13pm.

3.3 1366 Technologies, Inc. Public Hearing Transcript – M. Masse shared with the Board the transcript from the 1366 Technologies, Inc. public hearing. The project will come back to the Board for final approval after the SEQR process has been completed.

4.0 Audit & Finance Committee

P. Battaglia shared that the Audit & Finance Committee met on Tuesday, February 2nd and discussed the following items.

4.1 D&O Insurance Renewal – P. Battaglia shared that the committee reviewed several options for the D&O insurance renewal. The Audit & Finance Committee recommends approval of the Travelers D&O Policy with the \$10,000 deductible. This would

be an increase from our current \$1,000 deductible. The cost of the insurance policy will be split 50/50 between the GCEDC and GGLDC and remains within budget.

P. Zelif made a motion to approve the Travelers D&O Insurance Policy with a \$10,000 deductible; the motion was seconded by M. Wiater. Roll call resulted as follows:

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

The item was approved as presented.

4.2 Extend GGLDC Revolving Loan – Removed from Agenda.

4.3 First Niagara Line of Credit Agreement – P. Battaglia shared that the Committee reviewed and recommended approval of Resolution No. 02/2016-02 authorizing execution of documents related to a \$16M Line of Credit with First Niagara Bank. The line of credit will be used to cover infrastructure improvements at the STAMP location and will be repaid with the \$33M grant from NYS. Harris Beach has reviewed these documents.

J. Rizzo made a motion to approve the First Niagara \$16M Line of Credit for STAMP; the motion was seconded by P. Zelif. Roll call resulted as follows:

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

The item was approved as presented.

4.4 Municipal Deposit Agreement – P. Battaglia shared that in connection with the Line of Credit with First Niagara, they are requesting that the GCEDC set up a new bank account that will be used for ESD grant receipts and payments to the Line of Credit. The Committee recommends approval of a Municipal Deposit agreement as presented in the board packet, authorizing M. Masse to move forward with establishing a new bank account with First Niagara for these purposes.

P. Zelif made a motion to approve the Municipal Deposit Agreement; the motion was seconded by J. Rizzo. Roll call resulted as follows:

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

The item was approved as presented.

4.5 Unaudited December 2015 Financial Statements –L. Farrell noted all expenditures are in line with the budget, except as noted.

The Committee recommends approval of the Unaudited December 2015 Financial Statements.

M. Davis made a motion to approve the Unaudited December 2015 Financial Statements; the motion was seconded by M. Wiater. Roll call resulted as follows:

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

The item was approved as presented.

5.0 Governance & Nominating Committee

5.1 Extension of Purchase & Sale Agreement – Gateway I – J. Rizzo shared that the Committee reviewed and recommends a 90 day extension of a Purchase & Sale Agreement at Gateway I with Oakfield Hospitality. The contingency period is expiring on February 7, 2016. The purchaser is working through some zoning issues and has requested the extension.

J. Rizzo made a motion to approve a 90 day extension of the Purchase & Sale agreement to Oakfield Hospitality; the motion was seconded by M. Wiater. Roll call resulted as follows:

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

The item was approved as presented.

5.2 Revised Application for Financial Assistance – J. Rizzo shared that the Committee reviewed and recommends for approval a revised application for financial assistance. The revised application includes all recommended changes that have been included in the most recently signed New York State legislation, and we have had our general counsel, Harris Beach, review to ensure completeness.

J. Rizzo made a motion to approve the Revised Application for Financial Assistance; the motion was seconded by M. Wiater. Roll call resulted as follows:

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

The item was approved as presented.

5.2 Termination of PILOT – J. Rizzo shared that the Committee reviewed and approved termination of a PILOT in Corfu.

M. Masse shared that in 2011 the Agency approved a PILOT for The Market, a convenience store located in Corfu. The company ended its operation a few years ago and the property is now vacant. The current PILOT is set to end in 2022. By cancelling the PILOT the property will go back on the tax rolls at 100%.

J. Rizzo made a motion to approve the Termination of the PILOT for The Market; the motion was seconded by M. Wiater. Roll call resulted as follows:

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

The item was approved as presented.

6.0 STAMP Committee

6.1 Nothing at this time.

7.0 Employment & Compensation Committee – M. Wiater

7.1 Nothing at this time.

8.0 Adjournment

As there was no further business, J. Rizzo made a motion to adjourn at 5:38 p.m., which was seconded by P. Zelif and passed unanimously



Project Name: Darien Lake 2016 Project

Board Meeting Date: February 4, 2016

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

PROJECT DESCRIPTION:

Darien Lake 2016 consists of two projects that will enhance their tourism destination and enhance guest experience:

1. Six Flume Water slide - manufactured by Proslide, this six flume water slide complex features a slide tower and six slides meandering roughly 294 feet in length from an elevation of 42 feet. Unique to the experience, riders position themselves on a head-first facing mat in racing format. Riders then begin the race via instructions from an attendant supported with a unique light and timing system. Upon the green light go, guests will plunge through dark and translucent in-braided twisting tunnels and shoot into the open multi-bump racing lanes hoping to be crowned victorious. The ride will be positioned near the entrance of our park adjacent to the Lazy River and Hooks Lagoon giving us the opportunity to improve the arrival presentation and also create more patio space for our guests.

2. New roller coaster train - manufactured by Intamin Ltd., this new roller coaster train is a replacement and upgrade for the Ride of Steel roller coaster train initially installed in 1999. The new train can accommodate up to 36 riders per cycle. With improvements in technologies, this new train will deliver a smooth and comfortable experience for the rider while reducing the frequency or minor or nuisance mechanical downtime. This means the ride will run more efficiently and service more guests per hour ensuring a better experience to all our park guests.

The company is requesting GCEDC board approval on a sales tax (only) incentive value at \$189,200.

Darien Lake is a tourism destination location and vital economic driver in Genesee County.

Board Action: The staff request the board accept the application and hold a public hearing as the incentives exceed \$100,000.

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

Project details: The project pledges to retain 409 jobs at an average salary of \$21,404 per job.

Board Discussion: M. Wiater shared that she has a hard time justifying that this narrow project will retain 409 jobs.

M. Davis made a motion to concur with project criteria #1 of the Statement of Compliance; the motion was seconded by P. Zelif. Roll call resulted as follows:

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

The item was approved as presented.

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

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 new construction of 4,500 sq. ft. facilities and over \$2.88 million in capital investment.

Board Discussion: None.

M. Davis made a motion to concur with project criteria #2 of the Statement of Compliance; the motion was seconded by P. Zelif. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
M. Wiater -	Yes	P. Zelif -	Yes
M. Davis -	Yes	M. Gray -	Absent
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: This is a tourism destination project that assists in making Genesee County a liveable community for residents. In addition, Darien Lake is a regional asset attracting customers from outside the economic development region, the state and the county.

Board Discussion: None.

P. Zelif made a motion to concur with project criteria #3 of the Statement of Compliance; the motion was seconded by M. Davis. Roll call resulted as follows:

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

The item was approved as presented.

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

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 \$1,137 into the local economy.

Board Discussion: M. Wiater shared that this could be better stated if narrowed to this project only.

M. Davis made a motion to concur with project criteria #4 of the Statement of Compliance; the motion was seconded by M. Wiater. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
M. Wiater -	Yes	P. Zeff -	Yes
M. Davis -	Yes	M. Gray -	Absent
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: This is a tourism destination project.

Board Discussion: None.

M. Davis made a motion to concur with project criteria #4 of the Statement of Compliance; the motion was seconded by M. Wiater. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
M. Wiater -	Yes	P. Zeff -	Yes
M. Davis -	Yes	M. Gray -	Absent
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 March 2016 and operation in May 2016.

Board Discussion: None.

P. Zeff made a motion to concur with project criteria #6 of the Statement of Compliance; the motion was seconded by M. Wiater. Roll call resulted as follows:

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

The item was approved as presented.

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