



Thursday, July 14, 2016
Upstate MedTech Centre – Suite 107
3:30 PM

GCEDC MINUTES

Attendance

Board Members:

P. Battaglia, M. Wiater, M. Gray, C. Yunker, P. Zeliff, M. Davis, J. Rizzo

Staff:

S. Hyde, L. Farrell, M. Masse, E. Richardson, P. Kennett

Guests:

T. Felton (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), W. Hinchey (GGLDC Board Member), H. Upson (GGLDC Board Member), R. Gaenzle (Harris Beach), J. Gsell (Genesee County), J. Krencik (Daily News), Bill Schreiber (OATKA), David Cronkhite (Plumbers LU22), Sean Redden (Building Trades), Debbie Gawron (Fleet Maintenance), Paul Toretta (CH4 Biogas), Diana Cihak (CH4 Biogas), Melissa Franklin (CH4 Biogas), Brian Sampson (ABC), Joshua Steele (Harris Beach), Earl Wells (e3communications), Kelly Mountain, Tanner Mountain (Boy Scouts), John Bernas (Roofers Local 74), Greg Inglut, Tracy Grover, Nicholas Grover (Boy Scouts), Tom Kelly (Carpenters Local #276), Gerald Dee (Carpenters Local \$276), Brian Scranton (MW Local 1163), Tim Seeler (Seeler Engineering), Frank Piefrowski (Brick layers Local #3), Rick Williamson (BAC 3NY), Tom Halligan (Ironworker #6), Gary Swain (IUOE 17), Tom Mairs (Carpenters Local #276), Wes Schlossin (IUPAT DC4)

Absent:

1.0 Call to Order / Enter Public Session

P. Battaglia called the meeting to order at 3:30 pm in the Upstate MedTech Centre Innovation Zone conference room.

P. Battaglia shared that at this time the Board will be accepting public comments. This is not a public hearing and time will be limited to approx. 3 minutes per person. The Board will not be accepting questions or making any comments at this time.

1.1 Presentations: Freightliner & Western Star of Batavia, LLC – Debbie Gawron, President of Fleet Maintenance (the mother company), shared a little about their upcoming project. She shared that the company is seeking a new build located in Batavia because of its proximity to the NYS Thruway and the Genesee Valley Educational Partnership (GVEP). This gives the company access to the thruway as well as an opportunity for an educational development program, partnering with GVEP. The intention is to have 10-12 students a year trained in the diesel technician field. There is a severe shortage of technicians across the country. The hope is to bring approx. 30 good paying jobs to the area.

M. Masse asked if the company would be able to move forward with this project without the assistance of the GCEDC.

Debbie Gawron stated that the project would not be able to move forward without the assistance of the GCEDC.

P. Zeliff asked if the company was expanding its operations in Batavia or moving jobs out of another area.

Debbie Gawron shared that this project will consist of all new employees. Approx. 3-4 employees will be brought over for training purposes at first.

S. Noble-Moag asked how many the company employs currently.

Debbie Gawron shared that the company currently employs 46.

1.2 Public Comment Period -

Sean Redden spoke on behalf of the Buffalo Building Trades Unions, the Rochester Building Trades Unions and the Niagara County Building Trades Union. He shared that the proximity of STAMP allows 4 major Western New York communities, the City of Buffalo, the City of Rochester, the City of Niagara Falls and the City of Batavia, some excellent job opportunities. The STAMP PLA will ensure a minimum of 50% of the men and woman construction workers on this project will reside within the

15 counties of Western New York but we anticipate local worker participation to be better than 95%. This agreement also prevents the hiring of undocumented workers, misclassification of workers and ensures workers are paid the correct New York State Prevailing Wage Rate. The PLA will ensure Western New York apprentices registered in a New York State Apprenticeship Program the opportunity to work and learn his or her craft on this project. The PLA will demonstrate a cost savings of approx. 8.4%. Any business would welcome and embrace a savings of this magnitude. The PLA cost savings is a factual and scientific based reflection of local area construction costs. When utilizing taxpayer dollars to fund a project, the STAMP PLA is the prudent approach. I think it is important to note that Merit Shop Contractors, as per the PLA, are invited and encouraged to bid on the STAMP project, if successful, do not have to sign a Union Agreement and will have the opportunity to employ their current employees on this project. On behalf of the men, woman and New York State Apprentices residing in the 15 counties of Western New York, I humbly and respectfully encourage your approval of the STAMP PLA. Thank you for listening.

Paul Toretta spoke on behalf of CH4 Biogas. The company is looking to build a biogas facility at the Agri-Business Park. They have been at this over a year and done a lot of work on trying to get this project off the ground. They are ready to start the project and have a package before the Board for their consideration today. There has been a lot of back and forth with the Board thus far but would be willing to answer any further questions as they may arise.

C. Yunker asked if the whey coming out of the yogurt plants would require additional carbon sources in order to digest the product.

Paul Toretta shared that yes, there would be additional carbon sources required. However, with that being said, they would have to do an analysis on each product coming in to see how much if any would be required.

C. Yunker added that if carbon sources were needed to be added to the product for digesting, it would need to be trucked in to the Agri-Business Park.

P. Toretta shared that there has always been a small trucking component of this project.

Bill Schreiber, Chief Executive Officer, spoke on behalf of OATKA Milk Products. OATKA is a growing company. They divide their business up into 3 buckets; commodity, specialty and concentrated bulk proteins and evaporated milk. There is concentrated waste that needs to be disposed of. This waste is more than the City of Batavia can handle and inevitably the company ends up disposing the waste through a digester or land application. As a manufacturing plant in Batavia with concentrated sources of waste and waste byproducts, having a biodigester in proximity adds value to the business.

Brian Sampson provided the Board a copy of a letter from Associated Builders and Contracts, Inc. and asked that it be part of the official minutes. See attached.

1.1 Presentations (Continued): Seeler Engineering – Project Labor Agreement - T. Seeler of Seeler Engineering gave a brief presentation regarding the Project Labor Agreement for the STAMP Infrastructure Project. He discussed the steps taken in development of the PLA, the preliminary findings of the report, a summary of negotiations, the proposed agreement and his recommendations. A copy of his presentation can be found attached.

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.
- 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 P. Zeliff and approved by all members present.

1.2 Re-Enter Public Session

C. Yunker made a motion to enter back into public session at 5:05 p.m., seconded by M. Wiater and approved by all members present.

2.0 Chairman's Report & Activities

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

Next Scheduled Board Meeting: Thursday, August 4th at 4:00pm – **Discussed possibly moving time to 3:00pm**
STAMP Committee Meeting: Thursday, July 28th at 8:00am
Audit & Finance Committee Meeting: Tuesday, August 2nd at 3:00pm – **Discussed moving time to 9:00am**

2.2 Agenda Additions / Deletions / Other Business – P. Battaglia asked the Board to remove item 4.2 CH4 Biogas from the agenda.

M. Wiater made a motion to approve removing item 4.2 CH4 Biogas from the agenda; the motion was seconded by P. Zelif. Roll call resulted as follows:

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

The item was approved as presented.

2.3 June 2, 2016 Minutes

C. Yunker made a motion to approve the June 2, 2016 Minutes; the motion was seconded by M. Davis. Roll call resulted as follows:

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

The item was approved as presented.

3.0 STAMP Committee

P. Zelif shared that the STAMP Committee met on Thursday, June 30th. They discussed and recommended the following items:

3.1 Amended Findings Statement- SEQR – Resolution No. 07/2016-01 – M. Masse shared that on March 1, 2012, as Lead Agency under SEQR, the GCEDC Board approved the Findings Statement that concluded the GEIS process for the STAMP project. Since that time, there have been a number of changes to STAMP that weren't anticipated at the time SEQR was completed. In addition, the first tenant has committed to construction at the STAMP site (1366 Technologies) and their proposed project must be reviewed for consistency with the GEIS. Since reaffirming its status as Lead Agency in March 2016, the GCEDC has worked with the STAMP Tech Team to complete a comprehensive analysis of the project changes and the proposed 1366 Technologies project to determine whether there are any significant adverse environmental impacts that were not addressed in the GEIS. Following is a list of the changes to STAMP that were analyzed:

- a. Inclusion of residential properties acquired by the GCEDC and subsequent rezoning to TD-1
- b. Realignment and acceleration of construction of the main access road
- c. Realignment of the bypass road
- d. Changes to the utility runs
- e. Adjustments to the zoning districts and regulations
- f. Demolition of houses along Crosby Road
- g. Town's water project and water service for STAMP
- h. Sewer service for STAMP and utilization of Village of Medina Waste Water Treatment Facility
- i. 1366 Technologies full build out

The analysis concludes that there are no significant adverse environmental impacts that were not addressed in the GEIS. Accordingly, an Amended Findings Statement has been prepared which summarizes the analysis and its conclusions.

Resolution No. 07/2016-01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") AUTHORIZING THE ADOPTION OF AN AMENDED FINDINGS STATEMENT PURSUANT TO AND IN COMPLIANCE WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS

P. Zelif made a motion to approve Amended Findings Statement – Resolution No. 07/2016-01; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

3.2 Final Report – Project Labor Agreement Analysis – M. Masse shared that Seeler Engineering has prepared a Project Labor Agreement Analysis. The Committee has reviewed this and are recommending it for approval.

P. Zelif made a motion to approve the Final Report – Project Labor Agreement Analysis; the motion was seconded by M. Wiater. Roll call resulted as follows:

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

The item was approved as presented.

3.3 Project Labor Agreement for STAMP Infrastructure Project – Resolution No. 07/2016-02 – M. Masse shared that the Committee has reviewed this and are recommending it for approval.

P. Battaglia added that as a Board it's their job to represent all taxpayers of Genesee County. The Board feels that the cost savings provided by this agreement are in the best interest of the County.

Resolution No. 07/2016-02

GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AUTHORIZATION TO USE A PROJECT LABOR AGREEMENT FOR STAMP INFRASTRUCTURE PROJECT

P. Zelif made a motion to approve the Project Labor Agreement for the STAMP Infrastructure Project – Resolution No. 07/2016-02; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

4.0 Report of Management

4.1 Freightliner & Western Star – Resolution No. 07/2016-03 – M. Masse shared that the company is expanding from its current location in West Seneca, NY to a second location on State St. Rd. in the Town of Batavia. The facility includes new construction of a 30,000 sq. ft. parts warehouse and services center. The company is planning on hiring 30 FTE's in Batavia with a capital investment of \$4,350,000. The project will be located along the NY State Thruway and next door to Genesee Valley Educational Partnership (GVEP). The GVEP graduates are seen as "ideal" workforce for the new facility.

The company is seeking assistance from the GCEDC with a mortgage tax exemption valued at approx. \$43,750, sales tax exemption valued at approx. \$208,000 and a property tax exemption, based on the incremental increase in assessed value, valued at approx. \$185,902. A public hearing will be held as benefits exceed \$100,000.

M. Masse stated that the Board will defer a review of project criteria until after the public hearing.

Resolution No. 07/2016-03

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING THE APPLICATION OF FREIGHTLINER & WESTERN STAR OF BATAVIA LLC WITH RESPECT TO A CERTAIN PROJECT (DESCRIBED BELOW), (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT, AND (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT

J. Rizzo made a motion to approve Resolution No. 07/2016-03 authorizing a public hearing with respect to Freightliner & Western Star; the motion was seconded by M. Wiater. Roll call resulted as follows:

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

The item was approved as presented.

4.2 – CH4 Biogas – Resolution – Removed from the Agenda.

4.3 Post-Closing Occupancy Agreement – M. Masse shared that Post-Closing Occupancy agreement with Christopher and Sarah Brush has expired on June 30, 2016. They are requesting an extension to September 30, 2016 as they had some delays with the construction of their new home.

M. Wiater asked if “time is of the essence” language could be included so that they are not allowed to come back again for an extension.

P. Zelif made a motion to approve extension of the Post-Occupancy Agreement to expire on September 30, 2016 with the additional language suggested by M. Wiater; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

4.4 Downtown Revitalization Initiative – S. Hyde shared that unfortunately the City of Batavia was not successful in winning the \$10M award from the Downtown Revitalization Initiative. There was a lot of collaboration across multiple businesses and government. It’s one of the most collaborative environments that he’s seen in years among the parties. There are still opportunities out there and right now we are submitting Consolidated Funding Applications (CFA) to the State in order to try and secure some different funding.

4.5 STAMP – REDC / Upstate Revitalization Initiative Structure – S. Hyde shared that the Regional Economic Development Council has reformatted its work teams to align with better implementation of the Upstate Revitalization Initiative. There has been an official STAMP Team associated with the new Nanotechnology work group. They just had their first meeting yesterday. There were approx. 15 people in attendance. They focused on site infrastructure, and business development and marketing and building a worker pipeline.

4.6 Joint InBN / GRE Regional Economic Outlook Luncheon – S. Hyde shared that there were approx. 8 of our larger business come together for a luncheon on what’s going on in Regional Economic Development. Greater Rochester Enterprise and Invest Buffalo Niagara were in attendance. With STAMP being a high tech site that will draw from the universities and supply chain from Buffalo and Rochester, there is a belief that we can start to market our region in compete with some of these bigger regions across the country.

5.0 Audit & Finance Committee

M. Gray shared that the Audit & Finance Committee met on Tuesday, July 12th. They discussed and recommended the following items:

5.1 May 2016 Financial Statements – M. Gray informed the Board that all expenditures are in line with the budget except as noted.

M. Gray made a motion to approve the May 2016 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
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

5.2 LeRoy Land Purchase – Resolution No. 07/2016-04 – M. Masse shared that on June 5, 2013 the GCEDC Board approved entering into a Purchase and Sale Agreement for property located in LeRoy consisting of approx. 73.3 acres of land for \$4,000 per acre for development of the LeRoy Food & Tech Park for a total purchase price of \$293,200. Two amendments to the Purchase and Sale Agreement were approved on December 27, 2014 and January 10, 2016, that extended the time to purchase until June 30, 2016. When the original deal was negotiated, the seller wanted to retain a 2.5 acre parcel that was on the corner of Route 19 and West Bergen Road. Two weeks before the scheduled closing, the seller’s attorney notified the GCEDC that they no longer wish to retain that parcel, and want to include it with the 73.3 acres at the \$4,000 per acre price. The GCEDC notified the seller that additional Board approval was required, and the Third Amendment to Purchase and Sale Contract was drafted, extending the closing date to July 29, 2016. The Resolution appoints Phillips Lytle as legal counsel for this transaction and authorizes the expenditure of up to \$325,000 for acquisition of the property and closing costs, including legal.

It is anticipated that the funds will be reimbursed under a CFA award with Empire State Development (ESD). It was noted that the \$307,200 equals 76.8 acres, which is different than the total discussed earlier of 75.8 acres. According to the Genesee County Real Property System the parcel is listed as 76.8 acres, so we will seek approval for that with the final purchase price to be determined on the +/- acreage based upon the survey.

Resolution No. 07/2016-04

RESOLUTION (i) TAKING OFFICIAL ACTION TOWARD AND APPROVING THE ACQUISITION FOR ECONOMIC DEVELOPMENT PURPOSES OF APPROXIMATELY 76.6 ACRES OF REAL PROPERTY WITH THE TAX MAP PARCEL NO. 25-1-53.113, AND ANY IMPROVEMENTS THEREON LOCATED IN THE TOWN OF LEROY, GENESEE COUNTY, NEW YORK (THE “PROPERTY”), (ii) AUTHORIZING AND RATIFYING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE CONTRACT, FOR LOTS, VACANT LAND AND FARMS DATED JUNE 5, 2013, A FIRST AMENDMENT TO SUCH CONTRACT DATED DECEMBER 27, 2014, A SECOND AMENDMENT TO SUCH CONTRACT DATED JANUARY 10, 2016, AND A THIRD AMENDMENT TO SUCH CONTRACT (COLLECTIVELY, 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.

M. Gray made a motion to approve Resolution No. 07/2016-04 – Purchase of approx. 76.8 acres at \$4,000 per acre plus legal fees; the motion was seconded by J. Rizzo. Roll call resulted as follows:

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

The item was approved as presented.

5.3 Budget Timeline – M. Gray shared that L. Farrell provided a timeline for the GCEDC budget process.

6.0 Governance & Nominating Committee

J. Rizzo shared that the Governance & Nominating Committee met on Thursday, June 30th. They discussed and recommended the following items:

6.1 Procurement Policy – J. Rizzo shared that this policy is required to be reviewed and approved annually. There are no changes to this policy being recommended at this time.

6.2 Investment Policy - J. Rizzo shared that this policy is required to be reviewed and approved annually. There are no changes to this policy being recommended at this time.

6.3 Disposition of Real Property Guidelines - J. Rizzo shared that this policy is required to be reviewed and approved annually. There are no changes to this policy being recommended at this time.

6.4 Authorized Signers of Agreements, Contract, Etc. – J. Rizzo shared that the Committee recommends approval of the Board Chair, Vice-Chair, President & CEO, Mark Masse, and Chris Suozzi to be authorized signers of agreements, contracts, etc. for the Agency.

6.5 UTEP Policy Revision – M. Masse shared that while reviewing the most recently approved UTEP, it appears as if there is an inconsistency that the staff could like clarification on. Under Section B, there is a statement that says “The period of the abatement will not exceed the period of the respective financing of lease and under no circumstances will the period of the abatement exceed twenty (20) years.” Later in the UTEP there are two other statements that read as follows: “Any deviations from the basic policy will be made only with the specific approval of the Agency’s Board and those described in the New York State General Municipal Law Section 874 (4)(a)” and “ In addition to or in lieu of the foregoing the Agency may determine, on a case by case basis, to deviate from the guidelines described above or provide enhanced benefits for a Project expected to have significant impact in the locality where the project will be located”. These two sentences seem to potentially contradict the first statement. M. Masse questioned whether the phrase “under no circumstances” should be removed from the policy. This would leave the abatement period at twenty (20) years, but allow special case projects to be heard as they may arise.

The Committee recommends removing the phrase “under no circumstances” from section B of the UTEP. This would leave abatement period at twenty (20) years, but allow special case projects to be heard as they may arise.

J. Rizzo made a motion to approve items 6.1 - 6.5; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

7.0 Employment & Compensation Committee – M. Wiater

7.1 Nothing at this time.

8.0 Adjournment

As there was no further business, M. Davis made a motion to adjourn at 5:32 p.m., which was seconded by M. Wiater and passed unanimously.