



**Thursday, September 5, 2019
Upstate MedTech Centre – Innovation Zone
4:00 PM**

GCEDC MINUTES

Attendance

Board Members: P. Battaglia, P. Zelif, M. Gray, A. Young, A. Vanderhoof

Staff: L. Farrell, M. Masse, E. Richardson, P. Kennett, S. Hyde, J. Krencik

Guests: D. Cunningham (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), Brian Quinn (Batavia Daily News), R. Gaenzle (Harris Beach), G. Torrey

Absent: T. Bender, C. Yunker

1.0 Call to Order

P. Battaglia called the meeting to order at 4:00 p.m. in the Upstate MedTech Centre Innovation Zone conference room.

1.1 Enter Executive Session –

P. Zelif made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:00 p.m. 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 A. Young and approved by all members present.

1.2 Enter Public Session –

A. Young made a motion to enter back into public session at 4:16 p.m., seconded by P. Zelif and approved by all members present.

2.0 Chairman’s Report & Activities –

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, October 3rd at 4:00 p.m.

Audit & Finance Committee Meeting: Tuesday, October 1st at 8:30 a.m.

STAMP Committee Meeting: Tuesday, October 1st at 10:30 a.m.

2.2 Agenda Additions / Deletions / Other Business – Nothing at this time.

2.3 Minutes: August 1, 2019

P. Zelif made a motion to approve the August 1, 2019 minutes as presented; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Absent	P. Zelif -	Yes
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

3.0 Report of Management

3.1 Legislative Updates – Gov. Andrew Cuomo has signed two pieces of legislation passed this year that relate directly to the board and staff of economic development agencies.

- Senate Bill S1872 / Assembly Bill S220

IMPACT: Authorize the Authorities Budget Office to suspend economic development agency board members and executive staff from their right, responsibilities, powers and duties for 90 days if an economic development agency fails to submit any report required by public authorities' law within three years of when reports are due.

- Senate Bill S88 / Assembly Bill 3002

IMPACT: Beginning on January 1, 2020, economic development agencies are required to provide online video of open meeting and public hearings on our websites. The legislation specifies this shall be done "to the extent practicable."

This includes real-time video streaming during open meetings and public hearings, as well as on-demand video recordings of open meetings and public hearings within five days of the meeting or hearing. Economic development agencies are required to maintain these recordings for no less than five years.

3.2 GLOW With Your Hands Event – The first annual GLOW With Your Hands career development event will be held on Tuesday, September 24th at the Genesee County Fairgrounds in Batavia.

GLOW With Your Hands will provide high school students with a full day of hands-on demonstrations of careers in advanced and traditional manufacturing, construction, and agriculture from companies located in Genesee County and surrounding areas. This exposure is intended to build direct connections between youth and companies that are looking to hire and train new workers, and careers that will grow through further business development.

Students will also learn about the development of WNY STAMP through a booth designed to show the types of companies, the scale of projects, and the large number of professionals that will be employed in the construction and operation of facilities at STAMP.

As of August 2019, GLOW with Your Hands has received outstanding support and participation from schools - 28 districts and 1000+ students are participating; businesses - 45+ exhibitors are participating; sponsors - \$40,000+ has been raised; and GLOW community leaders and residents – 85+ volunteers have registered.

Senior Vice President of Operations Mark Masse, Vice President of Business and Workforce Development Chris Suozzi, Chief Financial Officer Lezlie Farrell, Director of Marketing & Communications Jim Krencik, and Workforce Development Consultant John Jakubowski have actively participated in the preparations for the event.

3.3 IDA Academy – A reminder that there is still time for the Board to register for the IDA Academy being held on September 10, 2019 at GCC. The IDA Academy will provide regular training by NYSEDC IDA members, the Office of the State Comptroller (OSC), the Authorities Budget Office (ABO) and other industry experts for IDA staff and executives on a variety of issues to help operate an IDA office more efficiently and effectively. Each one-day seminar will offer sessions to provide training, understanding and best practices around the functions, powers and tools available to IDAs. The first seminar will focus on new legislation, introductions to the OSC and ABO, local labor policies, website/technology compliance and public finance.

3.4 Graham Manufacturing – Supplemental Final Resolution – The company provided a supplemental application, increasing the capital investment by an estimated \$361,850. Harris Beach recommended a supplemental public hearing to be held for the increased amounts of the project. The public hearing was held on August 26, 2019 and there were no members of the public in attendance.

The company has increased the size of the plans for the new warehouse from 5,000 sq. ft. to approx. 8,875 sq. ft. This approval is for the incentives related to the additional 3,875 sq. ft. The company is asking to increase benefits related to this addition as follows: sales tax exemption will increase from \$51,056 to \$84,924, mortgage tax exemption will increase from \$10,750 to \$20,349 and property tax exemption will increase from \$69,346 to \$100,976. The estimated incentives will increase from \$131,152 to \$206,248 (a difference of \$75,096).

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

Resolution No. 09/2019-01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON AUGUST 26, 2019, WITH RESPECT TO THE GRAHAM CORPORATION PROJECT (AS DESCRIBED BELOW); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE GRAHAM CORPORATION AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE GRAHAM CORPORATION IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT, AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS PERMITTED BY LAW; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

P. Zeliff made a motion to approve Resolution No. 09/2019-01, authorizing incentives as presented; the motion was seconded by A. Young. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Absent	P. Zeliff -	Yes
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

3.5 Provident Batavia (SCP Pools) – Final Resolution – Provident Batavia, LLC is seeking to construct a 13,000 square-foot addition to an existing office, warehouse, and distribution facility leased to SCP Pools in the Town of Batavia. This project enables the growth of SCP Pools, which currently has 15 full-time equivalent positions. Provident Batavia, LLC estimates a \$1.194 million capital investment, of which \$1.048 million is building cost, \$50,000 in land/building engineering/architecture, \$40,000 of taxable equipment, and \$55,750 in other expenses. If approved, this project would start in September 2019 and is estimated to be completed in four months.

The company is seeking assistance from the GCEDC with a sales tax exemption valued at approx. \$57,988, a mortgage tax exemption valued at approx. \$11,550, and a property tax exemption, based on the incremental increase in assessed value, valued at approx. \$86,774.

A public hearing was held on July 30, 2019 as incentives exceed \$100,000. There was no public in attendance at the meeting.

The Board reviewed a revised Statement of Compliance of Project Criteria. See 'Attachment B'.

Resolution No. 09/2019-02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON JULY 30, 2019, WITH RESPECT TO THE PROVIDENT BATAVIA LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT, AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS PERMITTED BY LAW; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE, AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

P. Zeliff made a motion to approve Resolution No. 09/2019-02, authorizing the incentives as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Absent	P. Zeliff -	Yes
A. Young -	Yes	M. Gray -	Yes

A. Vanderhoof - Yes

The item was approved as presented.

3.6 Six Flags Darien, LLC – Initial Resolution – Project 2020 is a \$1.575 million investment for a new attraction project. The GCEDC is looking to assist the project with a sales tax exemption only, valued at approx. \$126,000. For every \$1 of public benefit the company is investing \$4.70 into the local economy (for this specific project only). As benefits exceed \$100,000, a public hearing will need to be held.

Resolution No. 09/2019-03

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING THE APPLICATION OF SIX FLAGS DARIEN, LLC WITH RESPECT TO A CERTAIN PROJECT; (ii) AUTHORIZING A PUBLIC HEARING WITH RESEPECT TO THE PROJECT; AND (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT

A. Young made a motion to approve Resolution No. 09/2019-03, accepting the application and authorizing a public hearing; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia - Yes

T. Bender - Absent

A. Young - Yes

A. Vanderhoof - Yes

C. Yunker - Absent

P. Zelif - Yes

M. Gray - Yes

The item was approved as presented.

4.0 Audit & Finance Committee – M. Gray

4.1 July 2019 Financial Statements – L. Farrell reviewed the July 2019 financial statements with the Board. The following was noted:

- Restricted Cash decreased by approx. \$82K as the NY Craft Malt loan was disbursed.
- Restricted Cash and Unearned Revenue decreased by approx. \$182K as STAMP expenditures were made.
- Unrestricted Cash increased as the HP Hood termed out project origination fee was received in July.
- Custom Vehicle Outfitters origination fee and Ken Wendt's Propane application fee was received in July.
- All expenditures are in line with the budget except as noted.

This was recommended for approval by the Committee.

M. Gray made a motion to approve the July 2019 Financial Statements as presented; the motion was seconded by A. Young. Roll call resulted as follows:

P. Battaglia - Yes

C. Yunker - Absent

T. Bender -	Absent	P. Zelif -	Yes
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

4.2 2020 GCEDC Budget – M. Gray shared that the Committee reviewed the 2020 budget in detail during 2 budget workshops over the last month. The budget was approached conservatively and was recommended for approval by the Committee.

M. Gray made a motion to approve the 2020 GCEDC Budget as presented; the motion was seconded by P. Zelif. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Absent	P. Zelif -	Yes
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

4.3 John Jakubowski Workforce Development Consulting Contract – John Jakubowski has provided a consulting agreement for the period of August 15, 2019 through August 14, 2020 to perform the following:

1. Perform consulting services to assist in the development and implementation of workforce development programs and training initiatives relative to the goals of the Company and its affiliates.
2. Consult with the VP of Business Development of the GCEDC and staff relative to the application, development and deployment of its workforce programs.
3. Consult with educational institutions who may serve as partners in the development, implementation and delivery of training programs. Specifically, interface with Genesee Community College and the BEST Center, other institutions of higher learning, the Genesee Valley Educational Partnership and local secondary schools as appropriate.
4. Provide consulting services as requested by the GCEDC.

This contract was approved by the GGLDC. It is intended that it be funded by the GGLDC's Strategic Investments Funds, but approval by the GCEDC is requested for flexibility if additional funds become available in the GCEDC.

This was recommended for approval by the Committee.

M. Gray made a motion to approve the consulting contract with John Jakubowski for Workforce Development Services not to exceed \$29,800; the motion was seconded by P. Zelif. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Absent	P. Zelif -	Yes
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Nothing at this time.

6.0 STAMP Committee – P. Zelif

6.1 Phase IA/IB Archeological Contract – The GCEDC needs to complete the Phase IA/IB archeological work on the additional 20 acres it is looking to purchase to determine if any additional archeological work would be required. The amount is less than \$5,000 which does not require additional quotes or Board approval; however, the staff believes that the Board should review and approve this as it is funded by the \$33 million NYS grant.

The proposal is from Deuel Archeology to complete Phase IA/IB Cultural Resource Investigation, not to exceed \$4,695.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the contract with Deuel Archeology for a Phase IA/IB Cultural Resource Investigation, not to exceed \$4,695; the motion was seconded by A. Young. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Absent	P. Zelif -	Yes
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

6.2 Design & Engineering Contract – 6 MGD / “Big Water” System – Clark Patterson Lee (CPL) has submitted a proposal for engineering services related to the design and permitting of the Genesee County portion of STAMP Niagara County supplied 6 MFD “Big Water” System. The proposal includes the following:

1. A 6 MGD Lewiston road (NYS route 77) transmission main from the Niagara County Line into the STAMP site.
2. Onsite STAMP water storage tanks and pumping facilities. These facilities will be designed to be expandable for various daily use capacities from up to 6 MGD. We currently anticipate two 3-million-gallon ground storage tanks.
3. Onsite STAMP NCWD supplied “Big Water” distribution system layout and Genesee County supplied distribution system layout. Please note that there may be benefits to having a dual NCWD and Genesee county supplied distribution system on the STAMP site.

This contract is covered by the ESD \$8M grant.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the STAMP 6 MGD “Big Water” System contract with Clark Patterson Lee, for an amount not to exceed \$900,000; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Absent	P. Zelif -	Yes
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

6.3 Amended Survey Contract – At the last meeting the GCEDC awarded a contract to Frandina Engineering and Land Surveying in the amount of \$2,230 to survey the additional 20 acres the GCEDC is looking to purchase to the north of STAMP site. Our electrical engineering firm notified us after the bid was awarded that they will require a topographical study to be performed on that acreage, and it would be economical to have the survey company complete that work as they do the boundary survey. The GCEDC staff reached out to the three original bidders asking for a revised quote to include a topographical survey as part of the boundary survey. The revised quotes are as follows:

1. \$10,250 – Frandina Engineering and Land Surveying
2. Declined to Bid – Welch & O’Donoghue
3. Declined to Bid – Townsend & Lamendola

This contract is covered by the ESD \$33M grant.

This was recommended for approval by the Committee.

M. Gray made a motion to approve increasing the contract with Frandina Engineering and Land Surveying for survey work, including a topographical survey, with a total cost not to exceed \$10,250; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Absent	P. Zelif -	Yes
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

7.0 Employment & Compensation Committee – T. Bender

7. Nothing at this time.

8.0 Other Business

8.1 Nothing at this time.

9.0 Adjournment

As there was no further business, A. Vanderhoof made a motion to adjourn at 4:45 p.m., which was seconded by A. Young and passed unanimously.