

PAGE #

1.0 Call to Order 4:00 pm

Governor Kathy Hochul signed legislation (S.50001 / A.40001) on September 2, 2021 extending virtual access to public meetings under NYS's Open Meetings Law, which allows virtual participation in local government meetings during the COVID-19 pandemic. This meeting is being held electronically via conference call / video conference instead of a public meeting open for the public to attend in person.

1.1 Enter Executive Session 4:00 pm

Motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 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.

1.2 Enter Public Session 4:15pm

2.0 Chairperson's Report & Activities 4:15pm

2.1 Upcoming Meetings:

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

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

STAMP Committee Meeting: Wednesday, March 2nd at 8:00 a.m.

Governance & Nominating Committee Meeting: Thursday, March 3rd at 3 p.m.

2.2 Agenda Additions / Deletions / Other Business ****Vote**

2.3 Minutes: January 13, 2022 ****Vote**

2-19

3.0 Report of Management – 4:20pm

3.1 Franklin Real Estate & Development - Final Resolution ****Vote**- C. Suozzi

20-37

4.0 Audit & Finance Committee – M. Gray 4:30pm

4.1 D & O Insurance ****Vote**

4.2 December 2021 Unaudited Financial Statements ****Vote**

4.3 LeRoy Gas Feasibility Study ****Vote**

38-44

45-48

49-51

5.0 Governance & Nominating Committee – C. Yunker 4:45pm

5.1 Authority Self-Evaluation of Prior Year Performance ****Vote**

5.2 Mission Statement & Measurement Report ****Vote**

52-56

57-59

6.0 STAMP Committee – P. Zeliff 4:55pm

6.1 Nothing at this time.

7.0 Employment & Compensation Committee – T. Bender 4:55pm

7.1 Nothing at this time.

8.0 Housing Committee – P. Battaglia 4:55pm

8.1 Nothing at this time.

9.0 Other Business 4:55pm

9.1 Nothing at this time.

10.0 Adjournment 4:55pm



**GCEDC Board Meeting
Thursday, January 13, 2022
Location: Electronically
4:00 PM**

GCEDC MINUTES

Attendance

Board Members: C. Yunker, M. Clattenburg, M. Gray, P. Battaglia, P. Zeliff
Staff: L. Farrell, M. Masse, S. Hyde, L. Casey, K. Galdun, J. Krencik
Guests: R. Gaenzle (Harris Beach), M. Landers (County Manager), Timothy & Suzanne Cansdale (Franklin Real Estate), Kevin & Jim Loewke (Loewke Brill Consulting), J. Berardi (Apple Tree Acres)
Absent: T. Bender, C. Kemp

1.0 Call to Order

P. Zeliff called the meeting to order at 4:03 p.m via conference call / video conference.

Governor Kathy Hochul signed legislation (S.50001 / A.40001) on September 2, 2021 extending virtual access to public meetings under NYS's Open Meetings Law, which allows virtual participation in local government meetings during the COVID-19 pandemic. This meeting is being held electronically via conference call / video conference instead of a public meeting open for the public to attend in person.

Presentation – Franklin Real Estate Development - Franklin Real Estate & Development is planning on building two 8-unit market rate apartment buildings in the town of Pembroke. Each 2-story building consists of 7 two-bedroom units and 1 one-bedroom unit and 7,725 sq. ft. Both buildings will total 15,460 sq. ft.

Presentation – Apple Tree Acres - Apple Tree Acres, LLC is building a 50,000 sq. ft. stand-alone facility on its property at Apple Tree Acres, in town of Bergen.

The project is investing \$3.15 million and is pledging to create 3 FTEs with an average salary range of \$30,000-\$35,000 annually plus benefits.

Suzanne and Timothy Cansdale and Jacob Berardi left the meeting at 4:19 p.m.

Presentation – Loewke Brill – Kevin and Jim Loewke from Loewke Brill Consulting Group attended the meeting to answer any questions related to the Plug Power waiver request that was included with the meeting materials.

Kevin and Jim Loewke left the meeting at 4:22 p.m.

1.1 Enter Executive Session

C. Yunker made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:23 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 P. Battaglia and approved by all members present.

1.2 Enter Public Session

P. Battaglia made a motion to enter back into public session at 4:40 p.m., seconded by M. Clattenburg and approved by all members present.

2.0 Chairman’s Report & Activities

2.1 Upcoming Meetings:

- Next Scheduled Board Meeting: Thursday, February 3rd at 4:00 p.m.**
- Audit & Finance Committee Meeting: Tuesday, February 1st at 8:30 a.m.
- STAMP Committee Meeting: Wednesday, February 2nd at 8:00 a.m.
- Governance & Nominating Committee Meeting: Thursday, February 3rd at 3:00 p.m.

2.2 Agenda Additions / Deletions / Other Business –

M. Clattenburg made a motion to add “Amendment to STAMP Land Management Plan 5-Year Update Contract” as agenda item 6.7; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was added to the agenda.

2.3 Minutes: December 2, 2021 & December 16, 2021

M. Clattenburg made a motion to accept the minutes from December 2, 2021 & December 16, 2021 as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

3.0 Report of Management

3.1 Local Labor Waiver Request- Plug Power- Plug Power is currently constructing its hydrogen production facility at STAMP in the Town of Alabama. Since the project is more than \$5 million in construction of a facility, it is subject to our Local Labor Policy. In connection with the Local Labor Policy there is a waiver request process that can be made for certain contractors that do not have to be local.

The Agency shall evaluate the Local Labor Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request."

"It is understood that at certain times, Workers residing within the Local Labor Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Labor Requirement (the "Local Labor Waiver Request") based on the following circumstances: (i) warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers; (ii) specialized construction for which qualified Local Labor Area Workers are not available; (iii) documented lack of Workers meeting the Local Labor Area requirement; or (iv) cost differentials in bids whereby use of local labor significantly increases the construction cost of the project. Prior to the granting of said waiver, the lowest bidding contractor which bid said construction project using local labor would have the right of first refusal to bid and match the lowest bid as a remedy to ensure compliance with this policy. Comprehensive documentation and justification will be required including documented evidence and verification by GCEDC staff or agents that the "right of first refusal" remedy has been affected unsuccessfully."

The consultant hired by the GCEDC to oversee the compliance with the Local Labor Policy, Loewke Brill Consulting Group, has reviewed the local labor request from Plug Power and recommended approval.

Fund Commitment – None.

P. Battaglia made a motion to accept the Local Labor Waiver Request from Plug Power as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zeff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

3.2 Franklin Real Estate & Development – Initial Resolution- Franklin Real Estate & Development is planning on building two 8-unit market rate apartment buildings in the town of Pembroke. Each 2-story building consists of 7 two-bedroom units and 1 one-bedroom unit and 7,725 sq. ft. Both buildings will total 15,460 sq. ft.

Two recent studies by LaBella Associates - the Genesee County Housing Needs Assessment - and The Rockefeller Institute of Government (SUNY's Think Tank) - Generating Growth in Genesee County - identify housing availability as Genesee County's biggest challenge to fully realize the value of the economic development strategy that is in-place and being implemented. LaBella Associates reported that 4,800 units are needed in the next 20 years across multiple sectors, including rental units and single-family homes.

The project is investing \$1.74 million.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$147,838) (standard 60% abatement over 10 years), a sales tax abatement (\$81,608), and a mortgage tax exemption (\$13,956).

Resolution No. 01/2022 – 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF FRANKLIN REAL ESTATE AND DEVELOPMENT LLC WITH RESPECT TO A CERTAIN PROJECT, (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.

C. Yunker made a motion to accept the Initial Resolution #01/2022-01, authorizing the scheduling of a public hearing; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

3.3 Apple Tree Acres, LLC- Initial Resolution- Apple Tree Acres, LLC is building a 50,000 sq. ft. stand-alone facility on its property at Apple Tree Acres, in the town of Bergen.

The project is investing \$3.15 million and is pledging to create 3 FTEs with an average salary range of \$30,000-\$35,000 annually, plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$355,425) (standard 60% abatement over 10 years), a sales tax abatement (\$109,600), and a mortgage tax exemption (\$25,200).

Resolution No. 01/2022 – 02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF APPLTREE ACRES LLC WITH RESPECT TO A CERTAIN PROJECT, (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.

P. Battaglia made a motion to accept the Initial Resolution #01/2022-02, authorizing the scheduling of a public hearing; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

3.4 Mega Properties- Property & Sales Taxes- Final Resolution- Mega Properties, Inc. is proposing to purchase the former Aludyne (Chassix) building (147,000 sq ft) on Federal Drive in the town of Batavia.

The project is investing \$8.5 million and is pledging to create 11 FTEs with an average salary range of \$30,000-\$80,000 annually, plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$483,847) (standard 60% abatement over 10 years), a sales tax abatement (\$60,000), and a mortgage tax exemption (\$60,000). The mortgage tax exemption was previously approved on December 16, 2021.

A public hearing was held on December 21, 2021. No written or oral comments were received.

See the Statement of Compliance of Project Criteria listed in the Uniform Tax Exemption Policy (UTEP), attached to the minutes for additional Project details and Board approvals.

Resolution No. 01/2022 – 03

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 TUESDAY, DECEMBER 21, 2021 WITH RESPECT TO THE MEGA PROPERTIES, INC. (THE "COMPANY") PROJECT, (ii) AUTHORIZING THE PROVISION OF FINANCIAL ASSISTANCE IN EXCESS OF \$100,000.00, (iii) RATIFYING AND CONFIRMING THE FINDINGS OF THE AGENCY MADE IN THE RESOLUTIONS PREVIOUSLY ADOPTED BY THE AGENCY ON DECEMBER 2, 2021, AND DECEMBER 16, 2021, AND (iv) IF NECESSARY, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS

P. Battaglia made a motion to accept the Final Resolution #01/2022-03 authorizing incentives as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

3.5 Gateway GS- Project Scope Expansion- Final Resolution- Gateway GS LLC (Gallina Development) is building a third building at the GCEDC's Gateway II Corporate Park in the town of Batavia. The facility size will increase from 27,000 SF to 33,600 SF and will be completed in 2022 for a single logistics-distribution tenant.

The project capital investment is increased from \$2.31 million to \$ 2.97 million and is pledging to create 21 FTE's with an average salary of \$42,000 annually plus benefits.

The project is seeking assistance from the GCEDC in the form of an increased property tax abatement (from \$257,971 to \$ 311,178) (standard 60% abatement over 10 years), an increased sales tax abatement (from \$108,960 to \$140,640), and a mortgage tax exemption (from \$26,000 to \$ 26,600).

See the Statement of Compliance of Project Criteria listed in the Uniform Tax Exemption Policy (UTEP), attached to the minutes for additional Project details and Board approvals, which was voted on previously at the August 5, 2021 GCEDC Board Meeting. For the project scope expansion, only "Criteria 2" changed. As such, the Board only voted on this criterion at this time.

Resolution No. 01/2022 – 04

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (i) AUTHORIZING AN INCREASE IN THE FINANCIAL ASSISTANCE TO BE PROVIDED BY THE AGENCY TO THE COMPANY, (ii) RATIFYING AND CONFIRMING THE FINDINGS OF THE AGENCY MADE IN THE RESOLUTIONS PREVIOUSLY ADOPTED BY THE AGENCY ON JULY 1, 2021, AND AUGUST 5, 2021, AND (iii) IF NECESSARY, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS

M. Gray made a motion to accept the Final Resolution #01/2022-04 authorizing incentives as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

3.6 Conflict Waiver- NY CDG Genesee 1, LLC (BW Solar)- NY CDG Genesee 1 is the legal entity formed by developer BW Solar to construct and own a 5MW community solar project in the town of Elba. As we move towards closing, BW Solar has requested Robert Ryan of Harris Beach to be their transaction counsel supporting the closing. This creates a legal conflict of interest via Harris Beach's representation of both the IDA and the developer.

Two options exist to mitigate this conflict. 1) have Harris Beach decline representing BW Solar on the closing of the IDA transaction or 2) request both parties to "waive" the conflict which is legally allowable for public authorities to approve "if" the appearance of the conflict is "di minimus" and there is a low probability for this situation to manifest into an unresolvable dispute.

S. Hyde, as outlined in the meeting materials, summarized the following: The GCEDC negotiated the structure of this project's financial assistance consistent with other community solar projects and this was approved by the GCEDC board of directors on 8/5/21 which is in advance of Harris Beach being requested to represent BW Solar in this transaction (matter). Given this and the fact that Harris Beach is merely verifying and interpreting the tax agreements / transaction documents for BW Solar and providing a legal opinion that supports the closing of the transaction, I do not envision any significant possibility for an unresolvable dispute to develop among the parties either as a part of the closing process or in the future while the tax agreements (aka PILOT et. al.) are in force and effect. With that, it is my recommendation to

the GCEDC board to consider approval of this waiver request to facilitate moving to a legal closing of this transaction.

P. Battaglia made a motion to accept the Conflict Waiver for NY CDG Genesee 1, LLC (BW Solar) as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Abstain
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

4.0 Audit & Finance Committee

4.1 November 2021 Financial Statements- L. Farrell reviewed with the Committee the significant items of the November 2021 long form financial statements and noted the following:

- On the balance sheet, grants receivable decreased. We received \$27,000 from National Grid, which was a reimbursement for 50% of the GLS contract.
- On the operating fund, we collected \$129,000 in project origination fees. We closed on the Gateway GS project.
- For expenditures we should be at 92% of budget, which we are at or under budget for most line items.

The financial statements were reviewed in detail by the Committee and recommended for approval.

M. Gray made a motion to accept the November 2021 Financial Statements as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

4.2 2022 County Funding Contract- L. Farrell noted that the 2022 County Funding Contract was included with Board materials. The funding will remain the same as the previous year's amount of \$233,513 plus an additional \$25,000 to be used only for administration of a workforce development program.

This was recommended for approval by the Committee.

M. Gray made a motion to accept the 2022 County Funding Contract as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

4.3 ECIDA Shared Services Agreement- The GCEDC has a shared services agreement with Erie County Industrial Development Agency (ECIDA) for on call IT support services. The GCEDC had this agreement since 2016 and has been very pleased with the service and response time to our issues. We would like to continue this agreement in 2022. The agreement is at an hourly rate of \$95. They also provide website hosting services for the GCEDC (\$600 annually), anti-virus software (\$720 annually), CRM Hosting (\$2,200 annually) and any version upgrade would be \$500 each occurrence as required. There has been no increase in the hourly rate since 2016, so there was a \$10 per hour increase from 2021 to 2022. All other amounts have remained the same as last year.

The following amounts were included in the 2022 budget:

- Professional Services - \$6,000 for ECIDA IT consultant (web hosting, anti-virus, hourly IT support)
- Dues & Subscriptions - \$2,200 for ECIDA CRM Hosting

Fund commitment: Not to exceed \$6,000 as included in the Professional Services, and \$2,200 as included in Dues & Subscriptions line items of the 2022 budget.

This was recommended for approval by the Committee.

M. Gray made a motion to accept the ECIDA Shared Services Agreement not to exceed \$8,200 as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

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 Appraisal for Electric Right of Way- Appraisal for Electric Right of Way- The GCEDC asked five companies for bids to prepare the appraisal for the Right of Way (ROW) for the on-site power line re-route

and the removal of the old ROW for the existing power line that will be taken down. The results of the bids are as follows:

1. No bid submitted – K LW Appraisal Group, Inc.
2. \$12,500 – Thurston, Casale & Ryan, LLC
3. No bid submitted – Emminger, Newton, Pigeon & Maygar, Inc.
4. No bid submitted - Edmunds Enterprises
5. \$7,000 - CNY Pomeroy Appraisers, Inc.

The appraisers who were solicited had been preapproved by the US Department of the Interior as qualified to complete the previous ROW through the USFWS refuge and discussed with National Grid as well.

Fund Commitment: Not to exceed \$7,000 to CNY Pomeroy Appraisers, Inc. for the appraisal work of the ROW for the on-site power line re-route to be covered under the \$33 million.

This was recommended for approval by the Committee.

P. Zeliff made a motion to approve the Appraisal for the Electric Right of Way for the on-site power line re-route to CNY Pomeroy Appraisers not to exceed \$7,000; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

6.2 Town of Alabama Interest Reimbursement- In January 2019 the GCEDC entered an amended Intermunicipal Agreement with the Town of Alabama to reimburse them for certain legal fees not to exceed \$8,750 and \$73,000 in interest expense in connection with the Town's borrowing on a BAN to pay for parts of the water project that were to be reimbursed with a CFA award grant of \$1.5 million and a SAM grant of \$250,000. The GCEDC has been billed and paid a total of \$60,186.56 in interest expense to date. The Town hired a consultant at the start of the water project to manage the income and expenses. The Town contacted their consultant last June stating that they were concerned that there were not sufficient funds in the Town's account to cover the expenditures. The consultant went back and reviewed all the project transactions and found several bills that were not submitted for payment which included a \$26,775.42 bill to the GCEDC for interest expense. This bill results in an amount of \$13,961.99 over the previous approval amount of \$73,000.

Fund commitment: \$13,961.99 increase to the \$73,000 previously approved interest expense to be covered under the \$33 million.

This was recommended for approval by the Committee.

P. Zeliff made a motion to authorize payment of an additional \$13,961.99 over the previously approved \$73,000 to the Town of Alabama for interest expense on their BAN for the water project

portion that was covered by the GCEDC; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

6.3 National Grid Amended Cost Reimbursement Agreement- In October of 2020 the GCEDC approved a Cost Reimbursement Agreement (CRA) with National Grid for the reroute of the existing power line that bisects the STAMP site. That CRA was for \$5,129,000. Since that time there have been some revisions to the scope of work covered under the CRA as well as the costs to complete the work. A project at STAMP is entering into a CRA with National Grid to remove some of the costs associated with the original project that they will now cover. However, there has been a 26% increase in the foundation costs as well as a 36% increase in the structure costs as the original cost estimates were done pre-Covid.

Fund commitment: An additional \$172,825 over the originally approved \$5,129,000 included in the \$33 million.

This was recommended for approval by the Committee.

P. Zeliff made a motion to authorize the First Amendment to the Cost Reimbursement Agreement with National Grid not to exceed \$5,301,825 in total; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

6.4 Onsite Water Main, Crosby Road Reconstruction, Lay Down Area, and Hold & Haul Contract Awards- The GCEDC went out to bid for the infrastructure to support Plug Power's facility as well as what is needed for the lay down area for the power line reroute. The bid was put out as one project but with four base bids as follows:

- A. Full depth reconstruction of approximately 1,800 LF of Crosby Road.
- B. Installation of approximately 5,500 LF of water main from Route 77/STAMP Drive to the Plug Power site.
- C. Installation of approximately 150 LF of sanitary sewer, manholes, premanufactured pump station, sanitary sewer holding tank and appurtenances to provide Plug Power with sanitary sewer facilities.
- D. Construction of a temporary access road and temporary 5-acre gravel laydown yard for National Grid.

The bid documents stated that the Owner reserves the right to award the Base Bids individually or the combination of the Base Bids to the lowest, responsive, responsible bidder based on which Bid combination best fits the project budget and priorities.

Fund commitment: \$2,273,225. These contracts will be covered by the following sources: Plug Power net land sale proceeds (\$1,953,073) and borrowing from the RLF #1 Fund (\$320,152).

This was recommended for approval by the Committee.

P. Zeliff made a motion to award Base bid A & B to 716 Site Contracting and Base bid C & D to Keeler Construction, Inc as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

6.5 Phillips Lytle 2022 Services Agreement- Phillips Lytle has prepared a proposal to cover the scope of work for 2022 as it relates to Tech Team support for the off-site sewer permitting and wetland permitting, the wastewater treatment facility permitting, and force main installation as well as the new water main from Niagara County.

Fund Commitment: Not to exceed \$238,000 to be included in the \$8 million.

This was recommended for approval by the Committee.

P. Zeliff made a motion to approve the Phillips Lytle 2022 Services Agreement as presented, not to exceed \$238,000; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

6.6. UB Site Work Monitor - The GCEDC requested a quote from UB for site work observation services related to earth work for the lay down area. This quote is on a per day basis with an estimated time frame of 15 days to complete the earth work. The quote is for 18 days so there is some room if the project goes a little longer (the contractor estimated 18 days to complete the entire project).

Fund Commitment: Not to exceed \$11,700 to be included in the \$33 million.

This was recommended for approval by the Committee.

P. Zeliff made a motion to approve the UB Site Work Monitor Contract, not to exceed \$11,700; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

6.7. Amendment to STAMP Land Management Plan 5-Year Update Contract - On October 7, 2021, the Board approved the CC Environment and Planning proposal to update and revise the Land Management Plan not to exceed \$22,600 with a completion date of March 31, 2022. The amendment request in the amount of \$17,517 reflects additional work to cover wildlife surveys requested by the NYS Department of Environmental Conservation for listed species including short-eared owl, northern harrier and sedge wren. This amendment request also reflects a proposal to extend the contract through August 31, 2022 for completion of the full update including NYSDEC review.

This was recommended for approval by the Committee.

P. Zeliff made a motion to recommend to the full Board the approval of the amendment to the STAMP Land Management Plan 5-Year Update Contract, not to exceed \$17,517; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

7.0 Employment & Compensation – T. Bender

7.1 Nothing at this time.

8.0 Housing Committee – P. Battaglia

8.1 Nothing at this time.

9.0 Other Business

9.1 Nothing at this time.

10.0 Adjournment

As there was no further business, C. Yunker made a motion to adjourn at 5:17 p.m., which was seconded by P. Battaglia and passed unanimously.



Project Name: Gateway GS, LLC (#3)

Board Meeting Date: January 13, 2022

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

PROJECT DESCRIPTION:

Gateway GS LLC (Gallina Development) is proposing to build out a third building at the GCEDC's Gateway II Corporate Park in the town of Batavia. Facility will be ~~27,000 SF~~ 33,600 SF and will be completed in 2022 for a single logistics-distribution tenant.

The project is investing ~~\$2.31~~ \$ 2.97 million and is pledging to create 21 FTE's with an average salary of \$42,000 annually plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (~~\$257,971~~ \$ 311,178), a sales tax abatement (~~\$108,960~~ 140,640), and a mortgage tax exemption (~~\$20,000~~ \$26,600).

The Uniform Tax Exemption Policy (UTEP) was voted on previously at the August 5, 2021 GCEDC Board Meeting. For the project scope expansion, only "Criteria 2" changed. As such, the Board only voted on this criterion at this time.

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

Project details: The project will create 21 FTE's with an average salary of \$42,000 annually + benefits

Board Discussion: None.

P. Battaglia made a motion to concur with Criteria #1; the motion was seconded by T. Bender.

Roll call resulted as follows:

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

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 an investment of ~~\$2,306,000~~ \$2,966,000 and build a ~~27,000 SF~~ 33,600 SF facility.

Board Discussion: None.

P. Battaglia made a motion to concur with Criteria #2; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Abstain
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

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

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

Project details: N/A

Board Discussion: None.

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.

Board Discussion: None.

T. Bender made a motion to concur with Criteria #4; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

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: N/A

Board Discussion: None.

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

Project details: The project is planning to begin construction in Fall of 2021 and be operational by end of 2022.

Board Discussion: None.

C. Yunker made a motion to concur with Criteria #6; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia - Yes

T. Bender - Yes

M. Clattenburg - Yes

A. Vanderhoof - Absent

C. Yunker - Yes

P. Zelif - Yes

M. Gray - Absent

The item was approved as presented.

Board Concurrence: YES NO If no, state justification:



Project Name: Mega Properties, Inc

Board Meeting Date: January 13, 2022

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

PROJECT DESCRIPTION:

Mega Properties, Inc. is proposing to purchase the former Aludyne (Chassix) building (147,000 sq ft) on Federal Drive in the town of Batavia.

The project is investing \$8.5 million and is pledging to create 11 FTEs with an average salary range of \$30,000-\$80,000 annually plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$483,847), a sales tax abatement (\$60,000), and a mortgage tax exemption (\$60,000).

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

Project details: The project will retain 9 FTEs and create 11 FTEs with an average salary range \$30,000-\$80,000 annually + benefits.

Board Discussion: None.

P. Battaglia made a motion to concur with Criteria #1; the motion was seconded by C. Yunker.

Roll call resulted as follows:

P. Battaglia - Yes C. Yunker - Yes
T. Bender - Yes P. Zeliff - Absent
M. Clattenburg - Yes M. Gray - Yes
C. Kemp - 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 is purchasing a recently vacated building and will enhance long term tax base with an investment of \$8,500,000.

Board Discussion: None.

M. Clattenburg made a motion to concur with Criteria #2; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

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

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

Project details: N/A

Board Discussion: None.

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 \$ 7 into the local economy

Board Discussion: None.

C. Yunker made a motion to concur with Criteria #4; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	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: N/A

Board Discussion: None.

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

Project details: The project is planning to purchase the facility the first quarter of 2022.

Board Discussion: None.

C. Yunker made a motion to concur with Criteria #6; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia - Yes

T. Bender - Yes

M. Clattenburg - Yes

C. Kemp - Yes

C. Yunker - Yes

P. Zelif - Absent

M. Gray - Yes

The item was approved as presented.

Board Concurrence: YES NO If no, state justification:

*max
Hester*

Customer Information

Potential Customer: Franklin Real Estate & Development Opportunity Type: Attraction
 Proj. St. Address: 8940 Alleghany Road Opportunity Product: Property Sales & Mortgage Recording Taxes Only
 City/Town/Village: Town of Pembroke//Pembroke Type of Project: Attraction
 Proj. Description: 2022 Pembroke Apartments New Jobs: -
 Total Capital Investment: \$1,744,539 Retained Jobs: -
 Incentive Amount: \$243,402 School District: Pembroke
 Benefited Amount: \$1,744,539 PILOT Applicable: Increase in assessed value of land and/or other buildings (pre-project value of land and or buildings excluded)

Project Information

Organization: GCEDC
 Opportunity Source: Date of Public Hearing:
 Initial Acceptance Date: 1/13/2021 Inducement Date:

Opportunity Summary: Franklin Real Estate & Development is planning on building two 7,725 square-foot, 8-unit market rate apartment buildings in the town of Pembroke. Each 2-story building consists of 7 two-bedroom units and 1 one-bedroom unit. The \$1.74 million project's buildings will total 15,460 square feet combined.

Two recent studies by LaBella Associates - the Genesee County Housing Needs Assessment - and The Rockefeller Institute of Government (SUNY's Think Tank) - Generating Growth in Genesee County - identify housing availability as Genesee County's biggest challenge in order to fully realize the value of the economic development strategy that is in-place and being implemented. LaBella Associates reported that 4,800 units are needed in the next 20 years across multiple sectors, including rental units and single-family homes.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$147,838), a sales tax abatement (\$81,608), and a mortgage tax exemption (\$13,956).

Economic Impact: For every \$1 of public benefit the project is estimated to generate \$5 of economic activity in the local economy.

Project Detail (Total Capital Investment)

Building Cost (Construction): \$1,700,164 Capital Improvements: \$0
 Equipment (non-taxable): \$0 Equipment (Taxable) / Other Proj Investment: \$0
 Land Cost (Real Estate): \$44,375 ✓
 Total Capital Investment: \$1,744,539 ✓

Estimated Benefits Provided

Sales Tax Exempt: \$81,608 Tax Exempt Bond: \$0
 Mortgage Tax Exempt: \$13,956 Land Sale Subsidy: \$0
 Property Tax Exempt: \$147,838 ✓
 Total Estimated Tax Incentives Provided: \$243,402



Client Company Investment Project Financial Assistance PROPOSAL

Figures on this Worksheet are estimates only and are subject to change

Project Profile:

Company: Franklin Real Estate & Development (Pembroke) building cost non-mfg equipment

Project Description: building cost non-mfg equipment

Project Cost: \$ 1,744,539 \$ 1,700,164

Project Cost subject to Sales Tax: \$ 1,020,098 60% bldg cost + non mfg equipt

Project Cost to be Financed via Mortgage: \$ 1,395,631 80%

Estimated Assessed value of Real Property/Building upon completion*: \$ 927,000

Jobs Created: next 3 years

Jobs Retained: next 3 years

Date: 1/6/22

Start Date:

15,450 sq ft Assessed \$/sqft 60.00

Applicable GCEDC Products:

Financial Assistance: Cost Reduction Through Tax Savings:

Sale/Leaseback (SLB):

	1 Year View	3 Year View	Project Lifetime
Sales Tax Exemption (Savings):	\$ 81,608	\$ 81,608	\$ 81,608
Mortgage Tax Exemption (Savings):	\$ 13,956	\$ 13,956	\$ 13,956
Real Property Tax Abatement (PILOT):			\$ 40%
Average Abatement (savings %) over project life	40%		
PILOT Term in years	10		
Gross Property Tax Costs	\$ 24,640	\$ 73,919	\$ -
Payment Schedule (% Real Property Taxes Paid)			60%
Net Required Property Tax payments per PILOT	\$ 24,640	\$ 73,919	\$ 147,838
PILOT Real Property Tax Savings (Next taxable year)	\$ 120,204	\$ 169,483	\$ 243,402
Total Tax Savings via Sale/Leaseback (SLB):			

Financing: Cost Reduction via low cost financing (below prime rate):

Revolving Loan Fund (RLF):

	Term in mo	RLF APR	Prime + 1%
Financed			
Interest Rate Savings:	\$ -	\$ -	\$ -
Gross Cost Savings via GCEDC programs:	\$ 120,204	\$ 169,483	\$ 243,402

Participation Fees (Costs):

GCEDC Application Fee (non-refundable):	\$ 250
GCEDC Project Fee (% Total Project Cost):	\$ 21,807
Legal Fees: SLB (Contract Development, Documentation, Filing fees):	\$ 5,000
Legal Fees: RLF (Contract Development, Documentation, Filing fees):	\$ -
Total Participation Fees:	\$ 27,057

Summary:

	National Grid	Total Savings
Total Costs Savings / Benefits via GCEDC programs (after participation f	\$ 93,147	\$ 216,345
Total Benefits as % Total Project Cost:	5%	12%
Return on Investment (ROI) = Net Savings / Participation Fees:	344%	800%

NOTE: PILOT REAL PROPERTY TAX ABATEMENT EFFECTIVE DATE DEPENDS UPON DATE OF SALE LEASE BACK (SLB) CLOSING COMPARED TO MUNICIPALITIES TAXABLE STATUS DATE.

1) IF SLB CLOSING PRIOR TO TAXABLE STATUS DATE - PILOT WILL BE EFFECTED IN FOLLOWING TAXABLE YEAR AND CURRENT YEAR TAX BILLS WILL BE ADJUSTED ACCORDINGLY.

2) IF SLB CLOSING IS SUBSEQUENT TO MUNICIPALITIES TAXABLE STATUS DATE - THERE WILL BE A 12 MONTH DELAY IN PILOT IMPLEMENTATION.

PLEASE PLAN CASH FLOW NEEDS ACCORDINGLY!

Gross Property Tax Per Year \$ 24,640				Corfu	
Year of Exemption	% of Paid Taxes	Net Savings	Municipalities Tax to be Paid	Total	Fire District fee
1	20%	\$19,712	\$ 4,928	\$24,640	1,483
2	20%	\$19,712	\$ 4,928	\$24,640	1,483
3	20%	\$19,712	\$ 4,928	\$24,640	1,483
4	30%	\$17,248	\$ 7,392	\$24,640	1,483
5	30%	\$17,248	\$ 7,392	\$24,640	1,483
6	30%	\$17,248	\$ 7,392	\$24,640	1,483
7	50%	\$12,320	\$ 12,320	\$24,640	1,483
8	50%	\$12,320	\$ 12,320	\$24,640	1,483
9	70%	\$7,392	\$ 17,248	\$24,640	1,483
10	80%	\$4,928	\$ 19,712	\$24,640	1,483
Total	40%	\$147,838	\$98,559	\$246,397	14,832

MEM
1/24/22

Genesee County Industrial Development Agency MRB Cost Benefit Calculator



Date: January 3, 2022
Project Title: Franklin Real Estate & Development
Project Location: Pembroke, NY

Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

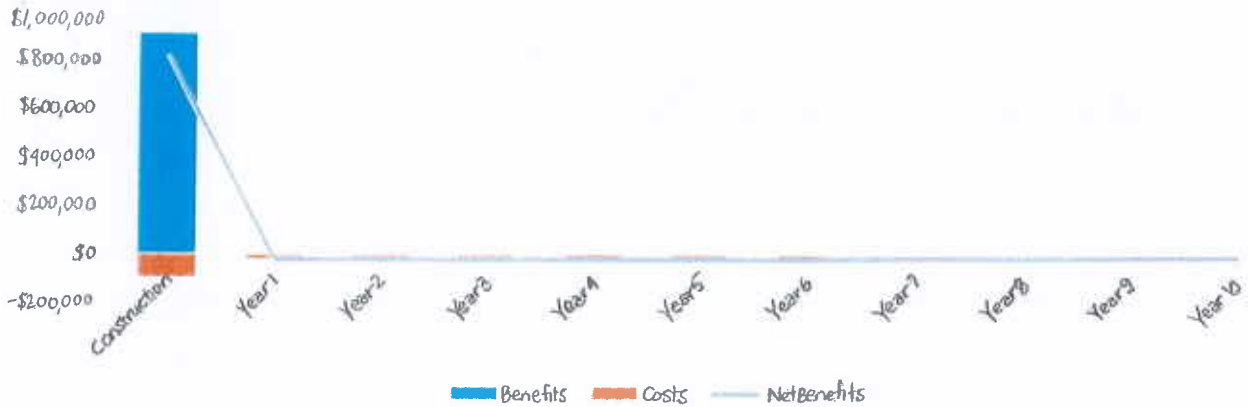
Project Total Investment

\$1,744,539

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	9	3	12
Earnings	\$731,170	\$120,967	\$852,137
Local Spend	\$1,744,539	\$432,381	\$2,176,920

	Ongoing (Operations)		
	Direct	Indirect	Total
Jobs	0	0	0
Earnings	\$0	\$0	\$0

Figure 1



Net Benefits chart will always display construction through year 10 irrespective of the length of the PILOT

Figure 2

Figure 3

Total Jobs

Total Earnings



Fiscal Impacts

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$147,841 ✓	\$135,189
Sales Tax Exemption	\$81,608 ✓	\$81,608
Local Sales Tax Exemption	\$40,804	\$40,804
State Sales Tax Exemption	\$40,804	\$40,804
Mortgage Recording Tax Exemption	\$13,956 ✓	\$13,956
Local Mortgage Recording Tax Exemption	\$6,978	\$6,978
State Mortgage Recording Tax Exemption	\$6,978	\$6,978
Total Costs	\$243,406	\$230,753

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$946,439	\$935,062
To Private Individuals	\$852,137	\$852,137
Temporary Payroll	\$852,137	\$852,137
Ongoing Payroll	\$0	\$0
Other Payments to Private Individuals	\$0	\$0
To the Public	\$94,302	\$82,925
Increase in Property Tax Revenue	\$38,237 ✓	\$76,960
Temporary Jobs - Sales Tax Revenue	\$5,965	\$5,965
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$44,311	\$44,311
To the Public	\$44,311	\$44,311
Temporary Income Tax Revenue	\$38,346	\$38,346
Ongoing Income Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$5,965	\$5,965
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
Total Benefits to State & Region	\$990,750	\$979,374

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$935,062	\$182,971	5:1
State	\$44,311	\$47,782	1:1
Grand Total	\$979,374	\$230,753	4:1

*Discounted at 2%

Additional Comments from IDA

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

MM
1/25/2022



Project Name: Franklin Real Estate & Development

Board Meeting Date: January 13, 2022

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

PROJECT DESCRIPTION:

Franklin Real Estate & Development is planning on building two 8-unit market rate apartment buildings in the town of Pembroke. Each 2-story building consists of 7 two-bedroom units and 1 one-bedroom unit and 7,725 sq. ft. Both buildings will total 15,460 sq. ft.

Two recent studies by LaBella Associates - the Genesee County Housing Needs Assessment - and The Rockefeller Institute of Government (SUNY's Think Tank) - Generating Growth in Genesee County - identify housing availability as Genesee County's biggest challenge in order to fully realize the value of the economic development strategy that is in-place and being implemented. LaBella Associates reported that 4,800 units are needed in the next 20 years across multiple sectors, including rental units and single-family homes.

The project is investing \$1.74 million.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$147,838), a sales tax abatement (\$81,608), and a mortgage tax exemption (\$13,956).

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

Project details: The project will not create any direct jobs.

Board Discussion: N/A

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 an investment of \$1,744,539 and build two apartment buildings totaling 15,460 sq. ft.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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

Project details: The project will contribute towards a “livable community” as the housing shortage is outlined in Labella’s housing study of Genesee County 2018 report.

Board Discussion:

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.

The Fiscal impacts (discounted value) on Local Benefits totals \$935,062 (\$852,137 indirect payroll and \$82,925 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

Project details: For every \$1 of public benefit the company is investing \$5 into the local economy

Board Discussion

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: N/A

Board Discussion:

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

Project details: The project is planning to begin construction in Spring of 2022 and be operational by Winter 2022.

Board Discussion

Board Concurrence: YES NO If no, state justification:

MAY 11/2022

FINAL RESOLUTION
(Franklin Real Estate and Development LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, February 3, 2022.

The following resolution was duly offered and seconded, to wit:

Resolution No. 02/2022 - _____

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 FEBRUARY 1, 2022, WITH RESPECT TO THE FRANKLIN REAL ESTATE AND DEVELOPMENT LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (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 AUTHORIZED BY THE LAWS OF THE STATE OF NEW YORK; 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.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended, and Chapter 565 of the Laws of 1970 of the State of New York, as amended (hereinafter collectively called the "Act"), the **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **FRANKLIN REAL ESTATE AND DEVELOPMENT LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in certain property located at 8940 Allegheny Road, Town of Pembroke, Genesee County, New York (the "Land", being more particularly identified as tax parcel No. 19.-1-46.112); (ii) the planning, design,

construction and operation of two (2) 8-unit residential apartment buildings consisting of seven (7) two-bedroom apartments and one (1) 1-bedroom apartment comprising approximately 15,450 square feet, along with utility and site improvements, parking lots, access and egress improvements, curbage, landscaping and other related improvements (the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as agent of the Agency for the purpose of undertaking the Project pursuant to a project agreement (the "Project Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents with the Company, (iii) take or title to or a leasehold interest in the Land, the Improvements, the Equipment and personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (iv) provide 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 and equipping of the Project, (b) a partial real property tax abatement structured through the Tax Agreement, and (c) a mortgage recording tax exemption as authorized by the laws of the State (collectively, the "Financial Assistance"); and

WHEREAS, on January 13, 2022, the Agency adopted a resolution (the "Initial Resolution") pursuant to which the Agency (i) accepted the Application of the Company, (ii) directed that a public hearing be held, and (iii) described the forms of financial assistance being contemplated by the Agency with respect to the Project; and

WHEREAS, pursuant to Section 859-a of the Act, on Tuesday, February 1, 2022, at 3:00 p.m., the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views. (A copy of the Notice of Public Hearing published and forwarded to the affected taxing jurisdictions at least ten (10) days prior to said Public Hearing are attached hereto as Exhibit A); and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project; and

WHEREAS, pursuant to Article 18-A of the Act the Agency desires to adopt a resolution approving the Project and the Financial Assistance (as defined below) that the Agency is contemplating with respect to the Project; and

WHEREAS, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement and related documents will be negotiated and presented to the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency for approval and execution subject to adoption of the resolutions contained herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Genesee County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a facility or commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Application and the Company's certifications therein, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(F) The Town of Pembroke Planning Board (the "Board") has conducted a review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"). The Board issued a Negative Declaration on November 25, 2020 (the "Negative Declaration"), determining that the Project does not pose a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, including, but not limited to, the Full Environmental Assessment Form and the Negative Declaration, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Board pursuant to 6 N.Y.C.R.R. Part 617.7. A copy of the Negative Declaration issued by the Board is attached hereto as Exhibit B.

Section 2. The Public Hearing held by the Agency on Tuesday, February 1, 2022, at 3:00 p.m., concerning the Project and the Financial Assistance was duly held in accordance with

the Act, including but not limited to the giving of at least ten (10) days published notice of the Public Hearing (such notice also provided to the Chief Executive Officer of each affected tax jurisdiction), affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

Section 3. The Agency is hereby authorized to provide to the Company the Financial Assistance 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 partial real property tax abatement structured through the Tax Agreement and (c) a mortgage recording tax exemption as authorized by the laws of the State.

Section 4. Based upon representations and warranties made by the Company in the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project, that would otherwise be subject to State and local sales and use tax in an amount up to **\$1,020,098**, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$81,608**. The Agency agrees to consider any requests by the Company for an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 5. Pursuant to Section 875(3) of the Act, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any Sales and Use Tax Exemption Benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the Sales and Use Tax Exemption Benefits; (ii) the Sales and Use Tax Exemption Benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the Sales and Use Tax Exemption Benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the Sales and Use Tax Exemption Benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving Sales and Use Tax Exemption Benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any Sales and Use Tax Exemption Benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 6. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, reconstruct, renovate and equip the

Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; *provided, however*, the Project Agreement shall expire on **December 31, 2022** (unless extended for good cause by the President/CEO of the Agency) if the Lease Agreement, the Leaseback Agreement and the Tax Agreement contemplated have not been executed and delivered.

Section 7. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to negotiate and enter into (A) the Project Agreement, (B) the Lease Agreement, pursuant to which the Company leases the Project to the Agency, (C) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, and (D) the Tax Agreement; *provided, however*, (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project and (ii) the terms of the Tax Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

Section 8. The President CEO, Chair, Vice Chair and or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record the Mortgage securing an aggregate principal amount not to exceed **\$1,395,631**, and any security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") to assist with the undertaking of the Project, the acquisition of the Facility and/or the finance or re-finance the Facility or equipment and other personal property and related transactional costs (hereinafter, with the Project Agreement, Lease Agreement, Leaseback Agreement, Tax Agreement and the Mortgage, collectively called the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency shall approve, the execution thereof by the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 9. The Agency is hereby authorized to provide the Company with an exemption from mortgage recording taxes as permitted by New York State law in an amount not to exceed Thirteen Thousand Nine Hundred Fifty-Six and 00/100 Dollars (**\$13,956.00**).

Section 10. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the

opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 11. These Resolutions shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Peter Zeliff	[]	[]	[]	[]
Matthew Gray	[]	[]	[]	[]
Paul Battaglia	[]	[]	[]	[]
Craig Yunker	[]	[]	[]	[]
Todd Bender	[]	[]	[]	[]
Chandy Kemp	[]	[]	[]	[]
Marianne Clattenburg	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION
(Franklin Real Estate and Development LLC Project)

STATE OF NEW YORK)
COUNTY OF GENESEE) SS.:

I, the undersigned Secretary of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on February 3, 2022, with the original thereof on file in the offices of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this ___ day of _____, 2022.

Secretary

Exhibit A

Notice Letter, Notice of Public Hearing,
Affidavit of Publication of *The Batavia Daily News*
and Minutes of Public Hearing

[Attached Hereto]

Exhibit B

Negative Declaration of Town of Pembroke Planning Board

[Attached Hereto]

Project:	Cansdale Apartment Complex
Date:	11-25-2020

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

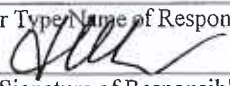
PRINT FORM

Project: Cansdale Apartments

Date: 11-25-2020

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>Town of Pembroke Planning Board</u>	<u>11-25-2020</u>
Name of Lead Agency	Date
<u>James B Uebelhoer</u>	<u>Planning Board Chairman</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

GCEDC
Audit & Finance Committee Report
February 1, 2022

D&O Insurance Renewal

Lawley Insurance has provided us with a proposal for renewal of our current Directors & Officers/Employment Practices Liability Insurance with Travelers. The renewal price reflects an overall price increase of only \$7,194 (\$3,597/entity) compared to the current policy. The current policy expires on 2/23/2022.

The increase in premium is due to the recent claim, claim activity in the marketplace, and addition of the Water and Sewer Works Transportation Corporations.

The cost of this policy would be split between GCEDC and GGLDC (\$9,093/entity). Each entity has included \$5,850 in their 2022 budget for this expense.

INSURANCE PROPOSAL



**Genesee County Industrial
Development Agency**
February 23, 2022

Lawley

lawleyinsurance.com | 1.844.4LAWLEY

Risk Management

lawleyinsurance.com/riskmanagement

Loss Control & Safety Services

- Safety Training & Safety Program Evaluations
- General Liability Loss Control
- Loss Source and Trending Analysis
- Code Rule 59 Consultation
- OSHA Assistance
- Defensive Driving Courses & Vehicle Fleet Loss Control
- Ergonomics Evaluation, Training, & Development
- Captive Loss Control
- Life Safety & Evacuation Plans
- Fire & Protection Systems Assistance
- Site Hazard Analysis
- Return to Work Programs
- Industrial Hygiene - Air, Noise Sampling
- Business Interruption - Contingency & Continuity Planning
- Contractual Liability & Risk Transfer
- Grant Submission & Training
- Accident Investigation

Claims Management

- Claim Trend Analysis
- Claims Reviews (Workers' Compensation and General Liability)
- Claims Consulting Services
- Coverage Analysis Consulting and Monitoring
- Experience Modification Review and Recalculation
- First Aid Claim Program (Workers' Compensation)
- Litigation Management
- Reserve Analysis (Loss Forecaster Software)

Personal Insurance

lawleyinsurance.com/personal

- Automobile Insurance
- Homeowners Insurance
- Vacation or Secondary Home Insurance
- Jewelry, Fine Arts, and Collectibles Insurance
- Renters Insurance
- Condominium Insurance
- Landlord (Rental Properties) Insurance
- Excess/Personal Umbrella Liability
- Flood Coverage, Primary & Excess
- Life Insurance
- Motorcycle Insurance
- Recreational Vehicle Insurance
- Watercraft Insurance
- Co-Ops Insurance
- Identity Theft Insurance
- Trip/Travel/International Medical & Evacuation Coverage
- Workers' Compensation (Domestic Help)
- Earthquake

MyWave

lawleyinsurance.com/mywave

MyWave – A customized portal for your HR needs: thousands of valuable resources, OSHA forms and peer-based forums to keep you informed and in-the-know

Lawley Benefits University

lawleyinsurance.com/lbu

Lawley Benefits University – Resources and events to help keep you informed about changes to healthcare legislation, healthcare reform, compliance issues and more. These tools help you successfully control insurance costs while staying educated on changes to the insurance environment

Products/services are subject to state eligibility

At Lawley we are committed to providing our clients with the best possible service. We have assembled an experienced team dedicated to your account.

The Insurance Advisor evaluates your exposures and designs a cost-effective program.

Insurance Advisor	William Fritts, Jr.	Phone:	(585) 344-9500
		Fax:	(716) 849-8291
		Email:	bfritts@lawleyinsurance.com

The Account Executive supports your Producer and commercial lines team in the servicing of your account.

Account Executive	Susie E. Ott	Phone:	(585) 344-9501
		Fax:	(716) 849-8291
		Email:	sott@lawleyinsurance.com

The Specialty Account Manager supports your Producer and commercial lines team in the servicing of your specialty policy needs.

Specialty Account Manager	Caitlin Celis	Phone:	(716) 849-4375
		Fax:	(716) 849-8291
		Email:	ccelis@lawleyinsurance.com

The Account Technician quality controls policy documents and manages all invoicing.

Account Technician	Cheryl Pena	Phone:	(716) 849-8687
		Fax:	(716) 849-8291
		Email:	cpena@lawleyinsurance.com

The Assistant Account Manager supports your Account Manager in fulfillment of service requests.

Assistant Account Manager	Diane Evans	Phone:	(716) 849-1524
		Fax:	(716) 849-8291
		Email:	devans@lawleyinsurance.com

The Claim Consultant is responsible for reporting all loss information to the insurance company and then following up to make certain the claim is resolved.

Claim Consultant	Krista Voigt	Phone:	(716) 849-8651
		Fax:	(716) 849-8291
		Email:	kvoigt@lawleyinsurance.com

Named Insured

Genesee County Industrial Development Agency dba Genesee County Economic Development Center

Policy Term:	2/23/2022 - 2/23/2023
Retroactive Date:	Full Prior Acts
Policy Type:	Directors & Officers/Employment Practices Liability – Claims Made
Policy Number:	106468425
Carrier:	Travelers Casualty & Surety of America (Admitted, "A++" A.M. Best Rating)

Coverage	Limit	Retention
Directors & Officers Liability	\$5,000,000	\$10,000
Employment Practices Liability	\$1,000,000	\$10,000

Additional Coverage Information

- Scheduled Entities
 - Genesee Gateway Local Development Corporation
 - Genesee Agri-Business LLC
 - Genesee County Funding Corporation
- Amend Subsidiary to Include Scheduled Entity(ies) Endorsement: STAMP Water Works & STAMP Sewer Works Corporation
- Duty to Defend
- Prior & Pending Litigation Date & Continuity Date
 - Directors & officers Liability – 2/23/1991.
 - Employment Practices Liability – 2/23/2016
- Wage & Hour Law Endorsement - \$100,000
- Workplace Violence Expenses Endorsement - \$250,000
- Defense within the Limits
- Employment Practices Liability: Volunteers, Temporary Workers, Interns, and Independent Contractors are considered employees per the policy wording
- Third Party Liability excluded
- Lender Liability Exclusion

Extended Reporting Period

- 12 Months at 75% of Annual Premium

This coverage form is written on a Claims-made basis. You may have an option to purchase an Extended Reporting Period (ERP) endorsement should your policy be cancelled or non-renewed.

Coverage	2/23/2021-2/23/2022	2/23/2022-2/23/2023
Directors & Officers/Employment Practices Liability	\$ 10,992.00	\$ 18,186.00
Total Premium	\$ 10,992.00	\$ 18,186.00

Notes: Increase in premium is due to recent claim and claim activity in the marketplace.

Travelers Binding Requirements

- Request to Bind
- Sign & date the submitted STAMP Application

Marketing Results

- Cincinnati – Decline due to loss history
- Philadelphia – Decline due to class of business, loss history, and could not match expiring limits or retention and could not offer any sublimits per expiring
- Chubb – Pending response

Genesee County Industrial Development Agency

Genesee County Industrial Development Agency
99 MedTech Dr STE 106
Batavia, NY 14020

Is the mailing address listed above correct? Yes: _____ No: _____

If you have answered No to the question shown above, please make corrections below:

Please respond in Section 1 **and** Section 2, then sign where indicated:

Section 1 - Select one of the following by placing an (X) in the appropriate box

<input type="checkbox"/>
<input type="checkbox"/>

By my signature below, I certify that I have requested Lawley Service, Inc. and/or Lawley LLC. bind coverage as shown in this proposal. All changes from the original proposal are noted and initialed.

By my signature below, I certify that I have requested Lawley Service, Inc. and/or Lawley LLC. bind coverage as shown in this proposal, with no changes from the original proposal

Section 2 - Select one of the following by placing an (X) in the appropriate box

<input type="checkbox"/>
<input type="checkbox"/>

By my signature below, I certify that I have declined quotes for additional coverages

By my signature below, I certify that I have requested Lawley Service, Inc. and/or Lawley LLC. obtain Quotes for the following coverage: *(please list below)*

Signed: _____

Date: _____

Name: Genesee County Industrial Development Agency

Term: 2/23/2022-2/23/2023

We ask that you do not accept our brief description of the insurance coverages as a complete explanation of the policy terms. The actual policy language will govern the scope and limits of coverage involved.

4.1

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Genesee County Economic Development Center
December 2021 UNAUDITED Dashboard
Balance Sheet - Accrual Basis

DRAFT

	<u>12/31/21</u>	<u>11/30/21</u>	[Per Audit] <u>12/31/20</u>
ASSETS:			
Cash - Unrestricted	\$ 7,339,489	\$ 7,275,887	\$ 2,257,813
Cash - Restricted ^{(A)(1)}	11,674,315	12,403,474	8,089,027
Cash - Reserved ^(B)	792,739	792,639	791,347
Cash - Subtotal	19,806,543	20,472,000	11,138,187
Grants Receivable ⁽²⁾	65,327	61,850	86,350
Accts Receivable- Current ⁽³⁾	280,797	344,791	280,042
Deposits	2,832	2,832	2,832
Prepaid Expense(s) ⁽⁴⁾	42,645	7,334	26,223
Loans Receivable - Current	52,488	56,829	52,923
Total Current Assets	20,250,632	20,945,636	11,586,557
Land Held for Dev. & Resale	18,918,431	17,934,288	15,930,796
Furniture, Fixtures & Equipment	67,982	67,982	67,982
Total Property, Plant & Equip.	18,986,413	18,002,270	15,998,778
Less Accumulated Depreciation	(67,982)	(67,982)	(67,982)
Net Property, Plant & Equip.	18,918,431	17,934,288	15,930,796
Accts Receivable- Non-current	-	-	279,650
Loans Receivable- Non-current ^(Net of \$47,429 Allow. for Bad Debt)	195,885	200,676	253,122
Other Assets	195,885	200,676	532,772
TOTAL ASSETS	39,364,948	39,080,600	28,050,125
DEFERRED OUTFLOWS OF RESOURCES			
Deferred Pension Outflows ⁽¹⁰⁾	492,700	492,700	492,700
Deferred Outflows of Resources	492,700	492,700	492,700
LIABILITIES:			
Accounts Payable ⁽⁵⁾	391,040	4,096	222,159
Loan Payable - Genesee County - Current ⁽⁶⁾	295,000	295,000	290,000
Accrued Expenses ⁽⁷⁾	15,133	79,129	22,736
Unearned Revenue ⁽⁸⁾	11,137,405	12,253,620	6,751,032
Total Current Liabilities	11,838,578	12,631,845	7,285,927
Loans Payable - ESD ⁽⁹⁾	5,196,487	5,196,487	5,196,487
Loan Payable - Genesee County - Noncurrent ⁽⁶⁾	3,130,000	3,130,000	3,425,000
Aggregate Net Pension Liability ⁽¹⁰⁾	704,674	704,674	704,674
Total Noncurrent Liabilities	9,031,161	9,031,161	9,326,161
TOTAL LIABILITIES	20,869,739	21,663,006	16,612,088
DEFERRED INFLOWS OF RESOURCES			
Deferred Pension Inflows ⁽¹⁰⁾	54,982	54,982	54,982
Deferred Inflows of Resources	54,982	54,982	54,982
NET ASSETS	\$ 18,932,927	\$ 17,855,312	\$ 11,875,755

Significant Events:

1. Restricted Cash - Includes cash deposited by ESD into imprest accounts related to the \$8M and \$33M STAMP grants. Additional \$9M deposit received in October. Expenditures out of these accounts are pre-authorized by ESD. Also included are funds received from the County per a Water Supply Agreement, to be put towards water improvements located in the Town of Alabama and the Town of Pembroke and other Phase II improvements as identified by the County. These funds are being used to pay for qualifying expenditures.
2. Grants Receivable - National Grid grants support marketing and development activities for STAMP and the LeRoy Food & Tech Park.
3. Accounts Receivable (Current) - Termed out Project Origination Fees from HP Hood to be collected in the next 12 months and misc.
4. Prepaid Expense(s) - NYS Retirement contributions, January rent payment, health, cyber, D&O, life, long-term and short-term disability insurance.
5. Accounts Payable - 2021 expenses that will be paid in 2022.
6. Loan Payable - Genesee County (Current & Noncurrent) - Per a Water Supply Agreement with Genesee County, the County remitted \$4M to the GCEDC to put towards water improvements located in the Town of Alabama and the Town of Pembroke and other Phase II improvements as identified by the County. GCEDC started making annual payments to the County of \$448,500 beginning in January 2020.
7. Accrued Expenses - Accrued payroll recorded at year end; Decrease due to annual NYS Retirement invoice paid in December.
8. Unearned Revenue - Rent and Interest received in advance; Funds received from municipalities to support park development; Funds received to support workforce development; ESD Grant funds to support STAMP development, not actually earned until eligible expenditures are incurred.
9. Loans Payable - ESD - Loans from ESD to support STAMP land acquisition and related soft costs.
10. Deferred Pension Outflows / Aggregate Net Pension Liability / Deferred Pension Inflows - Accounts related to implementation of GASB 68.

(A) Restricted Cash = Municipal Funds, R.I.F #2 Funds, Grant Funds Received in Advance.

(B) Reserved Cash = R.I.F #1 Funds (defederalized).

**Genesee County Economic Development Center
December 2021 UNAUDITED Dashboard
Profit & Loss - Accrual Basis**

	Month to Date		YTD		2021	2021
	12/31/21	12/31/20	2021	2020	Board Approved Budget	YTD % of Budget
<u>Operating Revenues:</u>						
Genesee County	\$ 19,463	\$ 19,463	\$ 233,513	\$ 233,513	\$ 233,513	100%
Fees - Projects (1)	158,588	169,532	3,567,412	758,192	399,500	893%
Fees - Services	6,814	6,707	83,386	80,484	83,387	100%
Interest Income on Loans	254	302	3,311	3,877	3,313	100%
Rent	5,070	5,600	24,962	28,158	24,790	101%
Common Area Fees - Parks	-	-	355	700	500	71%
Grants (2)	1,124,835	602,789	7,447,451	4,131,631	21,692,668	34%
GGLDC Grant- Econ. Dev. Program Support	25,000	25,000	300,000	300,000	300,000	100%
GCFC Grant - Econ. Dev. Program Support	-	-	-	50,000	-	N/A
Land Sale Proceeds	-	-	2,091,880	-	-	N/A
BP ² Revenue	7,817	1,127	9,159	1,871	8,634	106%
Other Revenue	95	-	2,254	7,133	5,000	45%
Total Operating Revenues	1,347,936	830,520	13,763,683	5,595,559	22,751,305	60%
<u>Operating Expenses</u>						
General & Admin	128,526	155,645	1,402,675	1,284,352	1,415,425	99%
Professional Services	5,203	8,728	58,147	43,367	108,000	54%
Site Maintenance/Repairs	426	811	5,759	7,776	17,200	33%
Property Taxes/Special District Fees	-	-	5,850	3,746	3,320	176%
PIF Expense	10,862	11,304	113,036	90,779	134,115	84%
Site Development Expense (3)	126,352	305,232	4,518,491	3,138,262	3,787,215	119%
Cost of Land Sales	-	-	611,303	-	-	N/A
Real Estate Development (4)	984,143	286,253	3,564,716	1,941,888	17,801,992	20%
Balance Sheet Absorption	(984,143)	(286,253)	(3,564,716)	(1,941,888)	-	N/A
Total Operating Expenses	271,369	481,720	6,715,261	4,568,282	23,267,267	29%
Operating Revenue (Expense)	1,076,567	348,800	7,048,422	1,027,277	(515,962)	
<u>Non-Operating Revenue</u>						
Other Interest Income	1,048	684	8,750	20,817	7,000	125%
Total Non-Operating Revenue	1,048	684	8,750	20,817	7,000	125%
Change in Net Assets	1,077,615	349,484	7,057,172	1,048,094	\$ (508,962)	
Net Assets - Beginning	17,855,312	11,571,138	11,875,755	10,872,528		
Net Assets - Ending	\$ 18,932,927	\$ 11,920,622	\$ 18,932,927	\$ 11,920,622		

Significant Events:

1. Fees - Projects - Closed on the Liberty Pumps project in December.
2. Grants - \$448K Community Benefit Agreement payment dedicated to STAMP by sourcing debt service payments to the County; PIF from RJ Properties (Liberty Pumps) supports Apple Tree Acres Infrastructure improvements; PIF from Yancey's Fancy supports Infrastructure Fund Agreement with the Town of Pembroke; ESD \$33M & \$8M Grants support STAMP engineering, environmental, legal, infrastructure, etc.
3. Site Development Expense YTD - Installation of, or improvements to, infrastructure that is not owned by the GCEDC, or will be dedicated to a municipality in the foreseeable future, is recorded as site development expense when costs are incurred.
4. Real Estate Development Costs YTD - Includes STAMP development costs; house at the STAMP site purchased in 1st Quarter of 2021.

Genesee County Economic Development Center
December 2021 UNAUDITED Dashboard
Statement of Cash Flows

DRAFT

	December 2021	YTD
CASH FLOWS PROVIDED (USED) BY OPERATING ACTIVITIES:		
Genesee County	\$ 4	\$ 233,513
Fees - Projects	172,088	3,851,557
Fees - Services	20,810	83,387
Interest Income on Loans	494	3,319
Rent	5,070	25,162
Common Area Fees - Parks	-	355
Grants	10,862	11,850,339
BP ² Revenue	7,817	9,159
GGLDC Grant - Economic Development Program Support	75,000	300,000
Other Revenue	95	2,254
Repayment of Loans	9,132	57,672
Net Land Sale Proceeds	-	2,057,657
General & Admin Expense	(212,560)	(1,414,599)
Professional Services	(5,203)	(79,358)
Site Maintenance/Repairs	(426)	(5,759)
Site Development	(21,018)	(4,482,805)
Property Taxes/Special District Fees	-	(5,850)
PIF Expense	(10,862)	(113,036)
Improv/Additions/Adj to Land Held for Development & Resale	(717,963)	(3,423,231)
Net Cash Provided (Used) By Operating Activities	(666,660)	8,949,736
CASH FLOWS USED BY NONCAPITAL FINANCING ACTIVITIES:		
Principal Payments on Loan	-	(290,000)
Net Cash Used By Noncapital Financing Activities	-	(290,000)
CASH FLOWS PROVIDED BY INVESTING ACTIVITIES:		
Interest Income (Net of Remittance to ESD)	1,203	8,620
Net Change in Cash	(665,457)	8,668,356
Cash - Beginning of Period	20,472,000	11,138,187
Cash - End of Period	\$ 19,806,543	\$ 19,806,543
RECONCILIATION OF NET OPERATING REVENUE TO NET CASH PROVIDED (USED) BY OPERATING ACTIVITIES:		
Operating Revenue	\$ 1,076,567	\$ 7,048,422
Decrease in Operating Accounts/Grants Receivable	60,517	299,918
Increase in Prepaid Expenses	(35,311)	(16,422)
Decrease in Loans Receivable	9,132	57,672
Increase in Land Held for Development & Resale	(984,143)	(2,987,635)
Increase in Operating Accounts Payable	386,789	169,011
Decrease in Accrued Expenses	(63,996)	(7,603)
Increase (Decrease) in Unearned Revenue	(1,116,215)	4,386,373
Total Adjustments	(1,743,227)	1,901,314
Net Cash Provided (Used) By Operating Activities	\$ (666,660)	\$ 8,949,736

4.2

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GCEDC
Audit & Finance Committee Meeting Report
February 1, 2022

3f. Gas Feasibility study to support LeRoy Food & Technology Park

Discussion: The GCEDC currently owns the LeRoy Food & Technology Park in LeRoy. The GCEDC has inquired to RG & E a number of times regarding their ability to provide gas service to the potential tenants at the park. Their time estimate to provide that gas is currently five years at a significant capital cost. The GCEDC has had discussion with Alliance Energy who stated that they would be interested in installing a private line to help support the park. The first step would be to complete a feasibility study. Attached is the proposal that DDS Companies provided to Alliance Energy to perform this work.

Fund commitment: \$6,500 to perform the scope of work as listed in the attached proposal from GCEDC operating funds.

Committee action request: Recommend approval of \$6,500 for the attached proposal.

December 10, 2021

Mr. Heinrich Kirschner
Alliance Energy

(Via email: hkirschner@aeny.us)

**Re: LeRoy Food and Tech Park Feasibility Study
LeRoy, NY**

Dear Mr. Kirschner,

Thank you for inviting DDS Engineering and Surveying, LLP (DDS) to assist Alliance Energy Transmissions (AET) with the Leroy Food and Tech Park (LFTP) feasibility study. We understand you've been in talks with Chris Suozzi Genesee County EDC and that they are in the early stage of developing the LFTP located on West Bergan RD in LeRoy, NY. They are looking for a feasibility study from AET to supply them natural gas. The estimated distance is 2 miles from the AET gas pipeline (an 8" steel pipeline operating at 350 psig) south of LeRoy and located on East Bethany Rd just south of where the railroad crosses Oatka Creek. We suggest placing a regular station at the south end of the project to bring the pressure below 125 psig thus avoiding an Article VII process. Since private utilities are generally not permitted within public ROW, we will assume private easements will be needed. The study would be contracted through AET.

Our proposal is to perform a "desktop" analysis and identify a possible route given environmental, permitting and practical considerations. This effort typically involves researching local and state databases, online resources, and requesting municipal utility records. Additionally, we will perform a "windshield survey" of the project route focusing on areas where the existing pipelines cross roads to try and ascertain as much information as possible from the roadside, without contacting landowners. The elements that are to be reviewed and analysed for the route are as follows:

- 1.0 Route Analysis
- 2.0 Environmental Impacts
- 3.0 Stream Crossings
- 4.0 Potential Bore Locations
- 5.0 Street Crossings

- 6.0 Railroad Crossings
- 7.0 3rd Party Pipelines
- 8.0 Potential Access Roads
- 9.0 Potential Staging Areas
- 10.0 Additional Permitting Requirements

Feasibility Study Deliverable

At the conclusion of the study DDS, will provide Alliance with a deliverable package consisting of the following materials:

Feasibility Study Report: This will include a summary of the resources evaluated and the findings, as indicated in Sections 1.0 to 10.0 above. A recommendation for an overall permitting strategy will also be provided. Our construction team will work with our engineers to evaluate the routing and assist in identifying constructability concerns. Factors to be considered include: terrain, accessibility, slip/erosion potential, tie-in location(s) and whether a seasonality component exists (ex. Seasonal clearing limitations to protect bat habitat). A high level cost estimate will be provided that compares plastic pipe versus steel. Assumptions will be provided with the cost estimate.

GIS Database/ Google Earth KMZ Database: Collected data will be organized into a GIS database system to provide a quick, user-friendly access to the data described in the written report. Attribute tables within the database will show details of each impact (routing, environmental, access, staging).

To complete this effort DDS proposes a lump sum fee of **\$6,500** to complete this work, with a deliverable date of 4 weeks or less from NTP.

On behalf of the DDS Engineering and Land Surveying, we thank you for the opportunity to propose on this project. Please review our proposal at your earliest convenience and if you have any questions, clarifications or need anything further please contact us. We look forward to working with you.

Sincerely,
DDS Engineering and Surveying, LLP



Mark E Petroski, P.E.

cc: Brian Sorochty, Vice President

Authority Self-Evaluation of Prior Year Performance

Local Public Authority Name: Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (GCEDC)

2021 Measurements and results:

1. Secure capital / business investment commitments of \$35 million (not including any project over \$50 million in capital investment).
 - A. **2021 result was \$58 million (the total for the year is \$343 million if the over \$50 million in capital investment, Plug Power, is included).**
2. Secure pledges to create 90 jobs.
 - A. **2021 result was 103 pledged jobs to be created (the total for the year was 171 if the over \$50 million in capital investment, Plug Power, is included).**
3. Achieve the GCEDC 2021 budget from a bottom-line financial operation performance (EBITDA) standpoint.
 - A. **The GCEDC will exceed the 2021 budget from a bottom-line standpoint. For the Operating Fund, Project Origination Fee Revenue collected far exceeded the budgeted amount. The GCEDC collected over \$3.5M in Project Participation Fee Revenue as compared to the \$375K budgeted for 2021. Several operating expenditure line items will come in significantly under budget as well. Reduced travel and conference activity led to significant reductions in those expenditure areas for the year.**
4. Continue an active outreach campaign. Continue engagements with state, federal, regional, local and educational partners focused on advancing the GCEDC's development strategy enabling local/regional economic growth and quality job opportunities for our residents and children.
 - A. **The GCEDC continued its efforts in 2021 to enhance communications and outreach with federal, state and local government officials and staff on various economic development issues. This has been accomplished through direct communications with these officials, but also through our activities with and appointments to various civic, government and private sector entities which allows for constant interaction with our federal, state and local government representatives and staff.**
 1. **Federal:**
 - **Worked directly with Sen. Schumer's regional and economic development policy staff, as well as Rep. Morelle's regional and economic development policy staff, during the development of legislation to support semiconductor and advanced manufacturing in the U.S. This added a critical focus on the supporting shovel-readiness for strategic sites, including STAMP, and connections with potential industry supporters.**
 - **Made requests to our congressional delegation to make outreach to key federal agencies regarding support at STAMP, including federal reviews and approvals of required site and infrastructure development.**
 - **Maintained an active conversation with congressional delegation regarding local business conditions and needs related to sustainability and continued business and municipal support during the COVID-19 pandemic.**
 2. **State/Regional:**
 - **Coordinated state and local support enabling Plug Power's investments into a green hydrogen project and construction of a campus-wide substation at STAMP.**

- Continued to explore funding opportunities at STAMP through discussions with the Governor's office, including Empire State Development, and members from the Rochester and Finger Lakes delegation to the New York State Legislature following the approval and deployment of an \$8 million grant for Phase II infrastructure design at STAMP.
- Continued to financially support the economic development initiatives of the Greater Rochester Enterprise (GRE) and Invest Buffalo Niagara (IBN). These investments include a seat on the board of directors of both organizations and active support for sales and marketing outreach.
- Steve Hyde was appointed to the Finger Lakes Regional Economic Development Council (FLREDC). Several members of the GCEDC staff also serve on workgroups for the FLREDC.
- Members of the GCEDC staff also serve on Invest Buffalo Niagara's Industrial Real Estate Strategy Taskforce, including site readiness and marketing workgroups.
- The GCEDC and participants of the Economic Recovery Task Force provided guidance on a regional economic recovery strategy and the needs of local businesses and communities. Incorporating business attraction, housing, and shovel-ready site development are regional strategies aligned with Genesee County's economic development model.

3. Local (County, City and Town):

- Continued to increase outreach and dialogue with local municipalities. In 2021, these conversations also included outreach on state and federal economic recovery programs and state guidance on safety practices for businesses and offices. Additionally, communications throughout the process of project approval have been enhanced.
- Engaged with Genesee County, the Genesee County Planning Department and other agencies in the development of a new comprehensive plan to support the next generation of community growth alongside increased manufacturing and agricultural industries.
- The GCEDC has engaged with towns, villages, and the city of Batavia to identify areas that have zoning, utilities and local support for housing developments in conjunction with the GCEDC's targeted housing development initiative.
- The GCEDC is constantly communicating with our local government officials, including providing notices about projects in advance of board meetings; attending local board meetings; economic development and long-term infrastructure planning; PILOT Increment Financing (PIF) models; advertising existing structures; hosting business outreach events; and serving on various committees.
- The GCEDC staff also participates on many community boards relevant to economic development, business, and community development across the County.

4. Educational Institutions:

- Our K-12 and collegiate educational institutions in the region are critical partners to our economic development initiatives, especially our efforts to bring new businesses to our shovel-ready parks and enable the growth of existing businesses.
- Superintendents, teachers, counselors and students across the Genesee Valley BOCES (GV BOCES) districts have been working with the GCEDC to increase STEM programming in the classroom and gaining awareness of skill-based career choices. Building on the launch of The GLOW With Your Hands program, the GCEDC and partners continued online GLOW With Your Hands Virtual website available to all Genesee County high school students in addition to an in-person GLOW With Your Hands program.
- The signing of the STEM 2 STAMP MOU to increase STEM training helps students understand the regional job prospects in STEM career fields.

- Regional community colleges and four-year universities have also signed on to the STEM 2 STAMP pledge to find ways to advance technical STEM training programs within their respective institutions. The GCEDC, Genesee Community College, and other partners staged a pilot program for a mechatronics pre-apprenticeship bootcamp that trained six students for placements at local companies. This program leveraged the \$800,000 of new equipment procured for the mechatronics lab at GV BOCES
 - This workforce development effort is intended to provide employers with a skilled workforce, as well as build a worker pipeline for the future companies attracted to our region, including businesses we are recruiting to bring to the STAMP Campus.
5. Continue site development activities at the tech and industrial parks which facilitates achievement of our jobs and investment goals.
 - A. **2021 results are that the Pembroke line of the water project was completed. Pursuant to the development of the STAMP site, the USFW has issued the approved ROW and NYSDEC has issued the draft SPDES permit. Design and engineering for the large-scale capacity water and electric have been completed. The power line reroute, and the 345 kV to 115 kV substation will begin construction in spring 2022. The STAMP site is now at a market ready status for the large-scale infrastructure needed for mega sized projects.**
 6. Continue active participation with the City of Batavia, Batavia Development Corp., County, School district, Finger Lakes REDC, New York State and related community partners with respect to revitalization activities and projects in the City of Batavia to include development and implementation of the Batavia DRI Strategic Investment Plan. This will include the importance of the development and support of Placemaking.
 - A. **The GCEDC built on placemaking initiatives including engagement with local stakeholders and project managers for strategic Downtown Revitalization Initiative projects at the Healthy Living Campus, Ellicott Station, Ellicott Place and others. The GCEDC provided active guidance in the redevelopment of BOA sites at the City Center/mall and Creek Park, as well as the deployment of the DRI's Building Improvement Fund**
 7. Continue active sales and marketing efforts focused on company attractions, expansions and retentions to achieve our investment and jobs goals and continued focus on economic expansion.
 - A. **In 2021, the GCEDC had 8 wins, 171 jobs committed, and \$344 million in capital investment committed. The results exceeded the GCEDC's goals. We had 5 company attraction projects which included the first tenant at the STAMP site, Plug Power as well as Ellicott Station in the City of Batavia. There were two expansion projects which were Liberty Pumps and DePaul Special Housing. The selling activity continued to be robust, and the sales funnel remains very active despite Covid-19. The GCEDC sales and business development team responded to 106 leads in 2021. Twenty-three of those leads converted to projects and were approved for incentives/funding support from either the boards of GCEDC/GGLDC/GCFC and/or New York State. STAMP sales activity was extremely active despite Covid-19 with more than 12 active projects in the sales funnel in 2021. One major sales highlight in 2021 to note, was selling and additional 30 developable acres of land to HP Hood (\$1.5 million).**
 8. Continue workforce development activities with our education partners focused on worker pipeline enhancement enabling growth by our existing base of businesses and supporting company attractions to the community/region.

The worker pipeline and workforce availability were impacted by Covid-19. GCEDC's approach was to stay the course on both the long-term and short-term opportunities. Throughout 2021 our efforts have focused on both Higher Education and especially K-12 with the goal to influence students' interest in STEM careers and career paths in the skilled trades.

Impactful leadership by Chris Suozzi and John Jakubowski on workforce development along with Jim Krencik's support to include:

Facilitate the "Genesee --> F.A.S.T." (Food Processing, Advanced Manufacturing, Skilled Trades & Technicians) Workforce Development team in the region.

GCEDC developed Coach's Corner column with the Batavia Daily News & The Batavian. Articles were published three times throughout 2021. Also, Coach Swazz appeared on the Batavia Daily News online streaming of High School Sectional Football game. The goal is to reach parents/students on careers in their backyard. Also, attended after hours events to include Batavia Police Night Out at St. Anthony's and Batavia's Warm the Night/Job Fair.

The GCEDC was instrumental in the coordination of the "GLOW With Your Hands" event to include 3 regional IDA's and workforce support teams, 25 school districts. As the sponsorship committee leader, he led the way to raise over \$100k privately in the first three years. In Year 1, over 800 students from 8th grade to 12th grade attended, 60 vendors/booths and 100 volunteers assisted on event day. In Year 2 we had a pivot strategy due to Covid-19. He led the team with the creation of a virtual event that comprised of several videos and website-based program on 4 industry clusters and 34 careers located in the GLOW region (www.glowwithyourhandsvirtual.com). Since the launch on November 2, 2020, the site has over 2,500 hits. This year (2021), we were successful with nearly 600 students and 45 vendors in attendance.

The GCEDC was named the 2021 GLOW Workforce Development Board Business of the Year!

GV BOCES Involvement:

Advisor of WNY Tech Academy, Computer Graphics, Mechatronics, Metal Trades, & Building Trades

Led the setup of a Pre-Apprenticeship bootcamp program for youth ages 18-24 with 5 companies planned to participate in 2021 with 5 students (4 out of 5 students continued with their sponsoring company and one student continued his education at MCC in mechatronics).

Youth Apprenticeship Program – Led the charge to coordinate the program along with Finger Lakes Youth Apprenticeship www.fingerlakesyouthapprenticeship.com team. The program established 11th grade CTE students to job shadow and in 12th grade a paid internship at local manufacturing companies. In 2021, the programs first year, 37 students (37% of students enrolled in Mechatronics and Metal Trades) signed to participate and 19 students were accepted in the program with 7 participating companies.

New Mechatronics Equipment – Our team was successful in securing \$734,000 via OCR grants from HP Hood and Upstate Niagara's 2020 project investments to assist GV BOCES in purchasing electro-mechanical equipment in 2021.

Chris is an active executive board member of the Business Education Alliance and led to establish the Genesee County Premier Workforce Membership Program in 2020 with roll out planned for 2021 with the BEA Director. The program is an up-selling technique to dramatically increase the membership dues to strategic organizations. The highlights of the program include an easy one payment sponsorship for all workforce related events including participating in a Senior Job Fair, Lunch N Learn, GLOW with Your Hands Gold Level Sponsorship and Video recording. Seven companies were secured raising \$35,000 in total.

We started planning for the "Cornell in High School". The beta test program is scheduled for June 2022 with 40 career focused senior students from a combination of GV BOCES Culinary program and

Batavia High School. We were successful in securing a \$10k grant from WDI to support the overall cost of the program.

9. Commence strategic planning and related advocacy/communications activities regarding the need for additional investment to implement STAMP Phase II site and infrastructure development helping to make the 1,250-acre site globally competitive by better aligning infrastructure readiness timelines with market needs (market ready/shovel-ready).

The GCEDC has utilized the additional \$8M for STAMP Track 2 infrastructure and has completed the design, engineering and permitting that was needed to bring the main manufacturing portion of the STAMP campus to a Market Ready state that has significantly reduced the timelines as it relates to large infrastructure deployment.

New York State Local Public Authority Mission Statement and Measurement Report

Local Public Authority Name: Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (GCEDC)

Fiscal Year: January 1, 2022 – December 31, 2022

Enabling Legislation (enables Local Public Authority Mission Statement): Industrial development agencies (“IDAs”) are formed under Article 18-A of New York State General Municipal Law, as public benefit corporations. IDAs were created to actively promote, encourage, attract and develop job and recreational opportunities and economically-sound commerce and industry in cities, towns, villages and counties throughout New York State (the “State”). IDAs are empowered to provide financial assistance to private entities through tax incentives in order to promote the economic welfare, prosperity and recreational opportunities for residents of a municipality (“Benefited Municipality”).

Mission Statement: GCEDC's mission is to be the driving force in fostering community economic success by providing comprehensive support, technical assistance and access to financial resources to businesses thereby enabling growth, expansion and retention of our existing business base and to market our community as "business friendly" facilitating new business attraction in order to build a sustainable long-term economy.

2022 Measurements:

1. Secure capital / business investment commitments of \$45 million (not including any project over \$50 million in capital investment).
2. Secure pledges to create 90 jobs.
3. Achieve the GCEDC 2022 budget from a bottom-line financial operation performance (EBITDA) standpoint.
4. Continue an active outreach campaign. Continue engagements with state, federal, regional, local, and educational partners focused on advancing the GCEDC’s development strategy enabling local/regional economic growth and quality job opportunities for our residents and children.
5. Continue site development activities at the tech and industrial parks which facilitates achievement of our jobs and investment goals.
6. Continue active participation with the City of Batavia, Batavia Development Corp., County, School district, Finger Lakes REDC, New York State and related community partners with respect to revitalization activities and projects in the City of Batavia to include development and implementation of the Batavia DRI Strategic Investment Plan. This will include the importance of the development and support of Placemaking activities.
7. Continue active sales and marketing efforts focused on company attractions, expansions, and retentions to achieve our investment and jobs goals and continued focus on economic expansion.
8. Continue workforce development activities with our education partners focused on worker pipeline enhancement enabling growth by our existing base of businesses and supporting company attractions to the community/region.

Authority Stakeholder(s): Genesee County Legislature

Authority Beneficiaries: The residents and taxing jurisdictions of Genesee County

Authority Customers: The Business Community of Genesee County

Authority self-evaluation of prior year performance (based upon established measurements): To Be provided by March 31, 2023 related to 2022 performance.

Governance Certification:

1. Have the board members acknowledged that they have read and understood the mission of the public authority?

Board of Directors Response: Yes

2. Who has the power to appoint management of the public authority?

Board of Directors Response: The Board of Directors

3. If the Board appoints management, do you have a policy you follow when appointing the management of the public authority.

Board of Directors Response: The Board has not adopted a final, written policy; however, the Board follows the prudent and reasonable past practice of appointing responsible individuals.

4. Briefly describe the role of the Board and the role of management in the implementation of the mission.

Board of Directors Response: The role of the Board regarding the implementation of the public authority's mission is to provide strategic input, guidance, oversight, mission authorization, policy setting and validation of the authority's mission, measurements and results. The role of management is to collaborate with the Board in strategy development / strategy authorization and to implement established programs, processes, activities and policies to achieve the public authority's mission.

5. Has the Board acknowledged that they have read and understood the response to each of these questions?

Board of Directors Response: Yes

Calculation using historic core project data. Source = GCEDC Activity Tracking Database (does not include major projects over \$10 m or mega projects over \$50 m)

Year	Pledged Job Creation	Number of projects	Jobs Retained	Capital Investment
2007	44	6	534	\$ 14,690,000
2008	150	18	545	\$ 60,000,000
2009	40	5	119	\$ 52,200,000
2010	36	23	475	\$ 21,600,000
2011	120	28	671	\$ 17,800,000
2012	241	37	526	\$ 18,400,000
2013	270	28	1,295	\$ 29,940,000
2014	91	17	594	\$ 37,401,000
2015	158	18	822	\$ 32,950,000
2016	28	16	553	\$ 21,500,000
2017	40	14	771	\$ 18,100,000
2018	99	16	620	\$ 33,800,000
2019	150	22	836	\$ 39,000,000
2020	78	18	7	\$ 83,000,000
2021	53	5	75	\$ 21,677,000

UMMC - \$16.71 m, Empire pipeline - \$29.1 m, Target - \$14.2 m, Darien Lake \$109 m not included
 No core projects in excess of \$10 m capex or \$50 m capex
 UMMC \$18m and Kreher \$12m not included
 No core projects in excess of \$10 m capex or \$50 m capex
 Alpina - \$17.5 m capex, Oatka - \$16 m capex not included
 Muller Quaker Dairy, I.J.C - \$206 m capex
 No major or mega projects
 Yancey's Fancy \$20.7 million capex
 Oatka \$20.99 million capex
 Bonduelle and HIP Flood removed

Calculation using historic major or mega project data. Source = GCEDC Activity Tracking Database (only includes major projects over \$10 m or mega projects over \$50 m)

Year	Pledged Job Creation	Number of projects	Jobs Retained	Capital Investment
2007	138	4	69	\$ 169,010,000
2008	-	-	-	-
2009	12	2	630	\$ 30,000,000
2010	-	-	-	-
2011	52	2	315	\$ 33,500,000
2012	186	1	0	\$ 206,250,000
2013	-	-	-	-
2014	50	1	108	\$ 20,671,000
2015	21	1	334	\$ 20,990,000
2016	41	2	0	\$ 63,360,000
2017	248	2	0	\$ 222,200,000
2018	0	0	0	-
2019	50	1	0	\$ 22,000,000
2020	0	0	0	-
2021	118	3	0	\$ 321,837,000

UMMC - \$16.71 m, Empire pipeline - \$29.1 m, Target - \$14.2 m, Darien Lake \$109 m
 No core projects in excess of \$10 m capex or \$50 m capex
 UMMC \$18m and Kreher \$12m
 No core projects in excess of \$10 m capex or \$50 m capex
 Alpina - \$17.5 m capex, Oatka - \$16 m capex
 Muller Quaker Dairy, I.J.C - \$206 m capex
 Yancey's Fancy
 Oatka
 Kreher's \$35.36m ESD STAMP grant \$28m
 Bonduelle and HIP Flood
 Upstate purchase of Alpina building
 Plug Power, Ellicott Station, and Liberty Pumps

\$ 1,124,362,000 Total capex
 2,065 Total job commite

Totals of core projects, major projects and mega projects by year

Year	Pledged Job Creation	Number of projects	Jobs Retained	Capital Investment
2007	182	10	603	\$ 183,700,000
2008	150	18	545	\$ 60,000,000
2009	52	7	749	\$ 82,200,000
2010	36	23	475	\$ 21,600,000
2011	172	30	986	\$ 51,300,000
2012	427	38	526	\$ 224,650,000
2013	270	28	1,295	\$ 29,940,000
2014	141	18	702	\$ 58,072,000
2015	179	19	1,156	\$ 53,940,000
2016	69	18	553	\$ 84,860,000
2017	288	16	771	\$ 240,300,000
2018	99	16	620	\$ 33,800,000
2019	200	23	836	\$ 61,000,000
2020	78	18	7	\$ 83,000,000
2021	171	8	75	\$ 343,514,000

Totals of all projects (adjusted to remove large attraction projects, or large non-recurring projects):

Year	Pledged Job Creation	Number of projects	Jobs Retained	Capital Investment
2007	26	7	208	\$ 31,400,000
2008	150	18	545	\$ 60,000,000
2009	52	7	749	\$ 82,200,000
2010	36	23	475	\$ 21,600,000
2011	137	29	475	\$ 33,800,000
2012	241	37	1,301	\$ 18,400,000
2013	150	27	1,295	\$ 22,940,000
2014	141	18	702	\$ 58,072,000
2015	179	19	1,156	\$ 53,940,000
2016	19	17	553	\$ 19,800,000
2017	58	13	463	\$ 20,000,000
2018	99	16	620	\$ 33,800,000
2019	150	22	836	\$ 39,000,000
2020	78	18	7	\$ 83,000,000
2021	103	7	75	\$ 57,804,000

(Removed Target, Empire Pipeline and Darien Lake)
 (Removed Alpina)
 (Removed Muller Quaker Dairy)
 (Removed Dieks Sporting Goods, 120 jobs, \$7 million capex, can
 (Removed Kreher's and ESD STAMP grant)
 (Removed HIP Flood)
 (Removed Upstate purchase of Alpina building)
 (Removed Plug Power)

	Jobs Created	Capital Investment
8 year average	103	\$ 45,677,000
4 year average	108	\$ 53,401,000

Prior approved Board Goals Budgets:

Year	Job Creation	Capital Investment
2011	100	\$ 13,800,000
2012	126	\$ 18,690,000
2013	132	\$ 19,250,000
2014	200	\$ 32,000,000
2015	205	\$ 35,000,000
2016	360	\$ 140,000,000
2017	122	\$ 39,000,000
2018	125	\$ 40,000,000
2019	90	\$ 32,000,000
2020	90	\$ 32,000,000
2021	90	\$ 35,000,000

Note: The Board chose to set a different goal than the calculated three year rolling average for 2011. This goal of 100 jobs created was higher than the calculated goal of 79 jobs. The Board feels that 100 jobs is a better goal because the 2009 and 2010 actual job creation numbers were very low due to the downturn in the economy.

2012 goals based on a 5% increase to 2011 actual core project job creation and capital investment numbers
 Core projects only. Board also set a goal of one major project with a \$10 m capx and job creation goal of 50

(210 from core projects and 150 from one mega project) (\$40m in core projects and \$100m from one mega pr