



**Genesee  
County  
Economic  
Development  
Center**

**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. Zelif  
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. Zelif 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 3<sup>rd</sup> at 4:00 p.m.**

Audit & Finance Committee Meeting: Tuesday, February 1<sup>st</sup> at 8:30 a.m.

STAMP Committee Meeting: Wednesday, February 2<sup>nd</sup> at 8:00 a.m.

Governance & Nominating Committee Meeting: Thursday, February 3<sup>rd</sup> 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. Zelif -	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 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 APPLETREE 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 \$20,000 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  
T. Bender - Absent  
M. Clattenburg - Yes  
C. Kemp - Absent

C. Yunker - Abstain  
P. Zelif - Yes  
M. Gray - Yes

C. Yunker abstained because he is a managing member of CY Farms and while there is no direct financial gain, he will abstain from voting to avoid any appearance of conflict.

**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  
T. Bender - Absent  
M. Clattenburg - Yes  
C. Kemp - Absent

C. Yunker - Yes  
P. Zelif - Yes  
M. Gray - Yes

**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  
M. Clattenburg - Yes  
C. Kemp - Absent

P. Zelif - Yes  
M. Gray - Yes

**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  
T. Bender - Absent  
M. Clattenburg - Yes  
C. Kemp - Absent

C. Yunker - Yes  
P. Zelif - Yes  
M. Gray - Yes

**The item was approved as presented.**

#### **5.0 Governance & Nominating Committee – C. Yunker**

**5.1 Nothing at this time.**

#### **6.0 STAMP Committee – P. Zelif**

**6.1 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 – KLW 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 supplement to their original engagement letter extending services through December 31, 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 supplement to their original engagement letter extending services through December 31, 2022 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 (~~\$257,974~~ \$ 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. Zeliff - 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. 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 #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: