



**GCEDC Board Meeting
Thursday, September 9, 2021
Location: Innovation Zone
4:00 PM**

GCEDC MINUTES

Attendance

Board Members: C. Yunker, M. Clattenburg, P. Zeliff, M. Gray
Staff: L. Farrell, M. Masse, J. Krencik, S. Hyde, C. Suozzi, P. Kennett, L. Casey
Guests: S. Noble-Moag (GGLDC Board Member), G. Torrey (GGLDC Board Member), D. Cunningham (GGLDC Board Member), M. Landers (County Manager)
R. Crossen (Town of Alabama Supervisor), B. Quinn (Daily News), M. Pettinella (The Batavian) John Johnston & Jeff Purdy (NY Bus Sales), C. Cook (Liberty Pumps)
Via Video Conference - A. Walters (Phillips Lytle)
Absent: A. Vanderhoof, P. Battaglia, T. Bender

1.0 Call to Order

P. Zeliff called the meeting to order at 4:02 p.m. in the Innovation Zone.

Presentation – Valiant Real Estate - Valiant Real Estate USA, Inc. is proposing to build a new 20,000 sq. ft. facility on the corner of Saile Drive and Call Parkway in the Town of Batavia.

The project is investing \$4.5 million and is pledging to create 24 FTEs with an average salary range of \$30,000-\$75,000 annually plus benefits.

The company currently has a location in Rochester that they lease but is small and does not have the ability to expand. Constructing a new building in Genesee County will allow them to be centrally located between Buffalo and Rochester.

G.Torrey entered the meeting at 4:12 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 4:14 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.
2. Discussions regarding proposed, pending or current litigation

The motion was seconded by M. Clattenburg and approved by all members present.

B. Quinn (Daily News), M. Pettinella (The Batavian), John Johnston and Jeff Purdy (NY Bus Sales) left the meeting at 4:14 p.m.

A. Walters with Phillips Lytle video conferenced into the meeting and spoke with the Board during executive session. A. Walters left the meeting at 4:22 p.m.

1.2 Enter Public Session

M. Clattenburg made a motion to enter back into public session at 4:52 p.m., seconded by M. Gray and approved by all members present.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, October 7th at 4:00 p.m.

Audit & Finance Committee Meeting: Tuesday, October 5th at 8:30 a.m.

STAMP Committee Meeting: Tuesday, October 5th at 10:30 a.m.

Charlie Cook (Liberty Pumps) joined the meeting at 4:52 p.m.

2.2 Agenda Additions / Deletions / Other Business -

C. Yunker made a motion to remove agenda item 5.3, Pricing Policy – PILOT Assignment; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

2.3 Minutes: August 5, 2021

C. Yunker made a motion to approve the August 5, 2021 minutes as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

3.0 Report of Management

P. Zeliff asked staff to begin the Report of Management portion of the agenda with a *discussion only* item as M. Gray briefly left the meeting.

3.4 GLOW With Your Hands – September 28, 2021 - J. Krencik provided an overview of the career exploration event that will be held on September 28, 2021, at the Genesee County Fairgrounds in Batavia. The event will host about 700 students and introduce them to local manufacturers, agricultural

businesses, skilled trades organizations, and the food and beverage industry to learn about career paths and do hands-on demonstrations.

M. Gray returned to the meeting at 4:54 p.m.

3.1 Liberty Pumps - Final Resolution - Liberty Pumps is expanding their operation in the Town of Bergen at Apple Tree Acres industrial park.

The company is planning on constructing a warehouse and manufacturing space of 107,138 sf to support continuing growth of Liberty Pumps.

The project is investing \$13.7 million and is pledging to create 30 FTEs with an average salary of \$52,000 annually plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$911,273), and a sales tax abatement (\$578,160).

A public hearing was held on August 26, 2021. No written or oral comments were received.

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

Resolution No. 09/2021 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON AUGUST 26, 2021, WITH RESPECT TO THE LIBERTY PUMPS, INC. (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, AND (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

C. Yunker made a motion to accept final resolution #09/2021-01, authorizing incentives as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

3.2 Valiant Real Estate – Initial Resolution - Valiant Real Estate USA, Inc. is proposing to build a new 20,000 sq. ft. facility on the corner of Saile Drive and Call Parkway in the Town of Batavia.

The project is investing \$4.5 million and is pledging to create 24 FTEs with an average salary range of \$30,000-\$75,000 annually plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$160,320), a sales tax abatement (\$224,800), and a mortgage tax exemption (\$45,000).

Resolution No. 09/2021 - 02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION WITH RESPECT TO A CERTAIN PROJECT FOR THE BENEFIT OF VALIANT REAL ESTATE USA INC., (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.

M. Masse stated that in accordance with general municipal law, a notice of abandonment was sent to the Town Supervisor of the Town of Henrietta because Valiant Real Estate (NY Bus Sales) is vacating a facility there.

C. Yunker made a motion to accept initial resolution #09/2021-02, authorizing the acceptance of the application and scheduling of a public hearing; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

3.3 J&R Fancher Property Holdings – Initial Resolution - J&R Fancher Property Holdings, LLC is proposing to construct a two-story mixed-used building on 2.6 buildable acres at Buffalo East Technology Park in Pembroke, NY.

The \$1.7 million project includes the following:

1. Create 6 market rate 1-bedroom and 2-bedroom apartments on the second floor plus a detached 6 bay garage.
2. Create a "vanilla" box interior space on the first floor (7,000 sq. ft.) to attract commercial tenants that will comprise less than 1/3 of total project cost*.

Total planned square footage of new construction is 14,000 sq. ft.

Two recent studies, one by LaBella Associates, the Genesee County Housing Needs Assessment, and one by 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 reported that 4,800 units are needed in next 20 years across multiple sectors, including rental units and single-family homes.

The GCEDC is assisting the project with Sales tax exemption (\$72,000), Mortgage Tax Exemption (\$14,000) and Property Tax abatement (\$168,336).

*Note: The project is allowable Under § 862-a of GML. An IDA is limited in its ability to provide financial assistance to projects where facilities "that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost". The housing portion of this project will be greater than two-thirds of the total project cost.

Resolution No. 09/2021 - 03

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION WITH RESPECT TO A CERTAIN PROJECT (THE "PROJECT") FOR THE BENEFIT OF J & R FANCHER PROPERTY HOLDINGS, LLC, (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.

M. Gray made a motion to accept initial resolution #09/2021-03, authorizing the acceptance of the application and the scheduling of a public hearing; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

4.0 Audit & Finance Committee

4.1 July 2021 Financial Statements - L. Farrell reviewed the July 2021 financial statements with the Board. The following was noted:

- The Ellicott Station Project closed in July. Unrestricted cash increased because we collected \$285,000 in origination fees.
- There were no GURFs submitted in July.
- Other than the above-mentioned items, there is normal monthly activity on the income statements for all funds.

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

M. Gray made a motion to approve the July 2021 Financial Statements as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Yes

M. Clattenburg - Yes
A. Vanderhoof – Absent

M. Gray - Yes

The item was approved as presented.

4.2 2022 GCEDC Budget – L. Farrell stated that the Board packet included a PowerPoint presentation that summarizes the assumptions that were made in the 2022 Budget. She also noted that the County funding request will remain at the same level.

The Audit & Finance Committee completed a detailed review of 2022 budget assumptions and 2021 projections.

This was recommended for approval by the Committee.

M. Gray made a motion to approve the 2022 GCEDC Budget; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

4.3 Loewke Brill Consulting Contract for LandPro Project – At the October 1, 2019 meeting, the GCEDC staff presented a sample proposal from Loewke Brill Consulting Group, Inc. on how they could assist companies that will have to report to the GCEDC under the local labor reporting requirements, including assistance with waiver requests and finding local contractors to bid their projects.

The GCEDC Staff had requested a quote for the costs related to the LandPro project. A copy of the application for incentives was sent to Loewke Brill for them to calculate the fee. They submitted a proposal that totaled \$13,060 which included 16 site inspections, monthly reporting, one-time set up fee and estimated waiver processing fees.

These prices are based on estimated schedules. The period was determined by what the projects listed for the duration of construction in their applications. After reviewing these numbers, staff has the following recommendation:

1. The GCEDC can pay for the set-up fee, monthly inspections, and reporting, not to exceed the construction timeline in the application. If construction runs over the designated time, the company should be responsible.
2. Additionally, the company should pay for any waiver requests that get submitted and sent to the Board for consideration.

Fund Commitment: \$11,910.

This was recommended for approval by the Committee contingent upon receiving clarification that 1) LandPro will be responsible for paying their portion of the costs directly to Loewke Brill or 2) those costs will run through the GCEDC.

M. Masse determined that LandPro will pay the costs that they will be responsible for directly to Loewke Brill. Those costs will not run through the GCEDC.

M. Gray made a motion to approve the proposal from Loewke Brill Consulting for the LandPro Project; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

4.4 Loewke Brill Consulting Contract for Liberty Pumps Project – At the October 1, 2019 meeting, the GCEDC staff presented a sample proposal from Loewke Brill Consulting Group, Inc. on how they could assist companies that will have to report to the GCEDC under the local labor reporting requirements, including assistance with waiver requests and finding local contractors to bid their projects.

The GCEDC Staff had requested a quote for the costs related to the Liberty Pumps project. A copy of the application for incentives was sent to Loewke Brill for them to calculate the fee. They submitted a proposal that totaled \$8,925, which included 15 site inspections, monthly reporting, one-time set up fee and estimated waiver processing fees.

These prices are based on estimated schedules. The period was determined by what the projects listed for the duration of construction in their applications. After reviewing these numbers, staff has the following recommendation:

1. The GCEDC can pay for the set-up fee, monthly inspections, and reporting, not to exceed the construction timeline in the application. If construction runs over the designated time, the company should be responsible.
2. Additionally, the company should pay for any waiver requests that get submitted and sent to the Board for consideration.

Fund Commitment: \$7,775.

This was recommended for approval by the Committee contingent upon receiving clarification that 1) Liberty Pumps will be responsible for paying their portion of the costs directly to Loewke Brill or 2) those costs will run through the GCEDC.

M. Masse determined that Liberty Pumps will pay the costs that they will be responsible for directly to Loewke Brill. Those costs will not run through the GCEDC.

M. Gray made a motion to approve the proposal from Loewke Brill Consulting for the Liberty Pumps Project; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

A. Vanderhoof – Absent

The item was approved as presented.

5.0 Governance & Nominating Committee – C. Yunker

5.1 GGLDC Board Member Appointment – C. Yunker stated that there is a vacancy on the GGLDC Board due to Phil Call's resignation. C. Yunker stated that the Committee recommends that Jonathan Tretter, Director and CPA at Freed Maxick, is appointed to the GGLDC Board to replace Phil Call.

C. Yunker made a motion to appoint Jonathan Tretter to the GGLDC Board to replace P. Call as an independent member; the motion was seconded by M. Gray. Roll call resulted as follows:

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

The item was approved as presented.

5.2 Travel & Discretionary Funds Policy – The policy has been redlined to denote the recommended changes. Section 4C - Appropriate Expenditure Guidance as it relates to Food and Beverage and Special Events / Employee Recognition has been amended. Currently, per policy, the Agency's food and beverage purchases are limited to business travel and during the conduct of Agency Board and Committee meetings. The recommended changes will allow the Agency to provide food & beverages to board members, officers, employees, guests, or visitors to support the mission of the Agency in addition to travel and meetings. Authorized officials must continue to exercise prudent business judgement when reviewing and approving expenditures for food and beverages.

C. Yunker made a motion to approve the amended Travel & Discretionary Funds Policy as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

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

The item was approved as presented.

5.3 Pricing Policy – PILOT Assignment – This agenda item was removed.

6.0 STAMP Committee – P. Zeliff

6.1 Nothing at this time.

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

10.0 Adjournment

As there was no further business, M. Gray made a motion to adjourn at 5:06 p.m., which was seconded by C. Yunker and passed unanimously.



Project Name: Liberty Pumps/RJ Properties

Board Meeting Date: August 5, 2021

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

PROJECT DESCRIPTION:

Liberty Pumps is expanding their operation in the Town of Bergen at Apple Tree Acres industrial park.

The company is planning on constructing a warehouse and manufacturing space of 107,138 sf to support continuing growth of Liberty Pumps.

The project is investing \$13.7 million and is pledging to create 30 FTEs with an average salary of \$52,000 annually plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$911,273), and a sales tax abatement (\$578,160).

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

Project details: The project will create 30 FTEs with an average salary of \$52,000 annually + benefits

Board Discussion: None.

C. Yunker made a motion to concur with Criteria #1; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia - Absent	C. Yunker - Yes
T. Bender - Absent	P. Zelif - Yes
M. Clattenburg - Yes	M. Gray - Yes
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 \$13.7 million and build an additional 107,000 sf facility.

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

Project details: For every \$1 of public benefit the company is investing \$ 29 into the local economy

Board Discussion: None.

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

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

T. Bender - Absent

M. Clattenburg - Yes

A. Vanderhoof - Absent

C. Yunker - Yes

P. Zelff - Yes

M. Gray - Yes

The item was approved as presented.

Board Concurrence: YES NO If no, state justification: