



## **GGLDC Audit & Finance Committee Meeting**

**Tuesday, May 31, 2022**

**Location – Electronically**

**8:30 a.m.**

### **MINUTES**

#### **ATTENDANCE**

Committee Members: D. Cunningham, T. Bender, P. Battaglia  
Staff: L. Farrell, M. Masse, L. Casey, J. Krencik, P. Kennett, C. Suozzi, S. Hyde  
Guests: M. Gray  
Absent: T. Felton

#### **1. CALL TO ORDER / ENTER PUBLIC SESSION**

D. Cunningham called the meeting to order at 9:25 a.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.

#### **2. CHAIRMAN'S REPORT & ACTIVITIES**

**2a. Agenda Additions / Other Business** – Nothing at this time.

**2b. Minutes: March 29, 2022 & April 5, 2022**

**P. Battaglia made a motion to recommend approval of March 29, 2022 and April 5, 2022 minutes; the motion was seconded by T. Bender. Roll call resulted as follows:**

T. Felton - Absent  
P. Battaglia - Yes  
T. Bender - Yes  
D. Cunningham – Yes

**The item was approved as presented.**

#### **3. DISCUSSIONS / OFFICIAL RECOMMENDATIONS TO THE BOARD:**

**3a. 1<sup>st</sup> Quarter Financial Statements-** L. Farrell reviewed the 1<sup>st</sup> quarter financial statements with the Committee. The following was noted:

- On the balance sheet, there were not many significant changes.
- At 12/31/21 there was about \$46,000 in accounts payable. Payments to H. Sicherman for 2021 grant consulting services and Victor Excavating for 2021 expenditures were made in the first quarter, which decreased accounts payable from year end.
- In the Operating Fund, there is \$734,000 in CDBG grant income for the HP Hood project, which was 50% grant and 50% loan to the company. There is grant expense of \$367,000 recorded on the income statement. On the balance sheet there is also \$367,000 in loans receivable.
- Regular monthly activity for MedTech Centre, which is on budget as expected.

**P. Battaglia made a motion to recommend to the full Board the approval of the 1<sup>st</sup> Quarter Financial Statements as presented; the motion was seconded by T. Bender. Roll call resulted as follows:**

T. Felton - Absent  
 P. Battaglia - Yes  
 T. Bender - Yes  
 D. Cunningham - Yes

**The item was approved as presented.**

**3b. April 2022 Financial Statements-** L. Farrell reviewed with the Committee the significant items of the April 2022 long form financial statements.

- In the Operating Fund, there is \$50,000 of grant income. Two \$25,000 payments from solar projects (Trousdale Solar I & II) were received. The grant payments from these solar projects support workforce development initiatives and the overall economic development program.
- Regular monthly activity for MedTech Centre, which is on budget as expected.

**T. Bender made a motion to recommend to the full Board the approval of the April 2022 Financial Statements as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

T. Felton - Absent  
 P. Battaglia - Yes  
 T. Bender - Yes  
 D. Cunningham - Yes

**The item was approved as presented.**

**3c. Strategic Investment Funds Analysis –** L. Farrell reviewed the Strategic Investments Analysis with the Committee. It is only an analysis of the cash on hand as well as the cash that is anticipated with certainty within a reasonable period. She noted the following:

- The report has been updated for actual cash activity starting out the year in 2022.
- The second line item, "NYS Homes & Community Loan Repayments" includes repayments from the new HP Hood loan of \$73,400 for the next five years.
- To be conservative, the Genesee County Chamber Loan repayments have been updated for actual cash received only.
- For internal borrowings and repayments, we show \$137,382, which is the net cash available from the Fancher land sale. Years ago, we borrowed from strategic investment funds to pay back a loan

to the EDC. The Fancher land sale at Buffalo East Tech Park will be used to pay back strategic investments.

- The Batavia Micropolitan Area Community Redevelopment Fund reserved amount of \$134,000 has been included for 2022. This reserved amount is the balance of the original \$500,000 commitment for the Revolving Loan Fund. This amount could be released if needed.
- For Ag Park Improvements, there is about \$23,000 left on the contracts committed for the drainage solution at Ag Park.
- For the Water Works and Sewer Works, \$50,000 per entity has been reserved for start-up costs. These costs have not been approved by the Board yet. This is just a placeholder
- There is the economic development program grant of \$300,000/year from the GGLDC to the GCEDC. This has been approved for 2022; years 2023-2026 are only placeholders and approvals would be required.
- The Workforce Development Reserve and Workforce Development Consultant has not changed.
- Opportunities are listed at the end of the report. La Fermiere has been added and data gathering for the draw request for Upstate Niagara is underway.
- Per the Plug Power Community Investment Agreement, \$900,000 per year for 20 years will be collected. These funds will be tracked in a separate strategic investment funds analysis intended for infrastructure improvements.

**3d. Audit & Finance Committee Charter-** The Committee discussed the Charter in executive session during a Committee self-evaluation discussion. There are no recommended changes at this time.

As there were no changes, a vote of approval was not necessary.

**3e. Committee Self-Evaluation-** A new memo will be drafted for the Governance Committee as the Committee Self-Evaluation comes out of the Committee Charter Review.

**3f. Cyber Insurance-** There was a presentation given by Lawley on Cyber Insurance at the beginning of the meeting. Coverage is through Atbay written with Trisura, Atbay's new supporting writing company. The change to Trisura is a result of the everchanging Cyber market. It's a common practice to use additional writing companies to provide competitive products.

Atbay/Trisura offered a renewal quote of \$10,289.17 for the 22-23 term. Limits and retention are per expiring; however, the carrier did add a Biometric Information Violation Exclusion. This has been a common exclusion that carriers have added to Cyber policies going forward. If you do not collect or house biometric data and that is not part of your services, this should not affect coverage. The agency's information was sent to market, but no additional quote options were received for the renewal.

Terms may change depending on if the STAMP entities are included. The STAMP information has been provided to the carrier. Lawley is waiting to hear as to whether the entities should be included now or when they become active. An update will be provided as soon as one is received from the carrier.

The cost of this policy is \$10,289.17 and will be split evenly between the GCEDC (\$5,144.59) and GGLDC (\$5,144.58). The budget for each entity included \$4,200 for cyber insurance. This is about \$900 over budget for each entity.

**P. Battaglia made a motion to recommend to the full Board the approval of the Cyber Insurance as presented; the motion was seconded by T. Bender. Roll call resulted as follows:**

T. Felton - Absent  
P. Battaglia - Yes  
T. Bender - Yes  
D. Cunningham - Yes

**The item was approved as presented.**

**3g. Purchase & Sale Agreement for Ag Park Property** - The GGLDC has received a Purchase and Sale Agreement from a potential project to acquire approximately 20 acres out of tax parcel 13.-1-170.11 for \$1,000,000.

**Fund Commitment:** Legal fees to Harris Beach for the transaction as listed in the resolution.

Resolution No. #06/2022 - 01

RESOLUTION OF THE GENESEE GATEWAY LOCAL DEVELOPMENT CORPORATION, AS THE MANAGING MEMBER OF GENESEE AGRI-BUSINESS LLC AUTHORIZING (I) THE SALE OF CERTAIN LANDS OWNED BY GENESEE AGRI-BUSINESS LLC TO LA FERMIERE INC. (THE "COMPANY") COMPRISING APPROXIMATELY 20 +/- ACRES LOCATED IN THE TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK, AND KNOWN AS TAX PARCEL 13.-1-170.11 (THE "LAND"), (II) THE PROVISION OF CERTAIN FINANCIAL INCENTIVES TO THE COMPANY, (III) THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT FOR THE CONVEYANCE OF THE LAND AND (IV) THE EXECUTION AND DELIVERY OF DOCUMENTS NECESSARY AND INCIDENTAL TO THE FOREGOING.

**T. Bender made a motion to approve Resolution No. #06/2022-01 and PSA for the Ag Park Property and payment of legal fees not to exceed \$20,000 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

T. Felton - Absent  
P. Battaglia - Yes  
T. Bender - Yes  
D. Cunningham - Yes

**The item was approved as presented.**

**3h. Genesee CARES Update** - J. Krencik provided an update on the progress of the projects. Of the 22 projects, 21 have submitted documents per their grant agreements. By the next Genesee CARES update, two projects will be fully reimbursed and potentially 3-4 more that will be partially reimbursed.

M. Masse stated that Oakgrove Construction is now subleasing the Adecco space. At the next meeting, M. Masse will be bringing forward a 6-month extension to the Adecco lease that expires in 2023.

#### **4. ADJOURNMENT**

T. Bender made a motion to adjourn at 9:40 a.m., seconded by P. Battaglia and passed unanimously.