



GCEDC Board Meeting
Thursday, December 7, 2023
Location: 99 MedTech Drive, Innovation Room
4:00 PM

GCEDC MINUTES

Attendance

Board Members: M. Gray, C. Kemp, K. Manne, C. Yunker, M. Clattenburg, P. Battaglia, P. Zelif (Video Conference during Executive Session)

Staff: M. Masse, S. Hyde, L. Farrell, L. Casey, J. Krencik, E. Finch, C. Suozzi

Guests: R. Gaenzle (Harris Beach), Stephen Maier (Harris Beach), M. Brooks (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), G. Torrey (GGLDC Board Member), M. Fitzgerald (Phillips Lytle), R. Crossen (Town of Alabama Supervisor), D. Cunningham (GGLDC Board Member), J. Tretter (GGLDC Board Member), David Ciurzynski (Ciurzynski Consulting, LLC)

Absent:

1.0 Call to Order

M. Gray called the meeting to order at 4:00 p.m. in the Innovation Zone.

Presentation – Graham Corporation – David Ciurzynski attended the meeting to discuss the expansion project for Graham Corporation. The \$13.9 million project consists of a 18,900 sq. ft. expansion for a new commercial production facility intended to reduce design and manufacturing costs and improve ship capabilities for their US defense sector. The project will include a new building as well as new manufacturing equipment to grow Graham Corporation's workforce and production capabilities. The project proposes creating 24 new full-time equivalent (FTE) positions and retain 340 FTEs.

David Ciurzynski left the meeting at 4:05 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 4:05 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 K. Manne and approved by all members present.

G. Torrey and M. Fitzgerald joined the meeting at 4:11 p.m. during executive session.

M. Fitzgerald and R. Crossen left the meeting at 4:40 p.m.

P. Zelif left the meeting at 5:11 p.m.

1.2 Enter Public Session

C. Yunker made a motion to enter back into public session at 5:11 p.m., seconded by K. Manne and approved by all members present.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, December 21st at 4:00 p.m.

Employment & Compensation Committee Meeting: Thursday, December 21st at 3 p.m.

Audit & Finance Committee Meeting: Tuesday, January 9th at 8:30 a.m.

STAMP Committee Meeting: Wednesday, January 10th at 8:00 a.m.

Board Meeting: Thursday, January 11th at 4:00 p.m.

2024 Meeting Calendar

2.2 Agenda Additions / Deletions / Other Business –

C. Yunker made a motion to add agenda item “6.5 - Appointment of Phillips Lytle as Special Counsel”; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia - Yes

K. Manne - Yes

M. Clattenburg – Yes

C. Kemp - Yes

C. Yunker - Yes

P. Zelif - Absent

M. Gray - Yes

Item 6.5 was added to the agenda.

2.3 Minutes: October 26, 2023 –

C. Yunker made a motion to accept the October 26, 2023 minutes as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia - Yes

K. Manne - Yes

M. Clattenburg – Yes

C. Kemp - Yes

C. Yunker - Yes

P. Zelif - Absent

M. Gray - Yes

The item was approved as presented.

3.0 Report of Management

3.1 Graham Corporation- Initial Resolution - Graham Corporation is planning to expand its location in the City of Batavia, NY.

The \$13.9 million project consists of a 18,900 sq. ft. expansion for a new commercial production facility intended to reduce design and manufacturing costs and improving ship capabilities for their US defense sector. The project will include a new building as well as new manufacturing equipment to grow Graham Corporation's workforce and production capabilities.

The project proposes creating 24 new full-time equivalent (FTE) positions and retain 340 FTEs.

The project is requesting assistance from the GCEDC with a sale tax exemption estimated at \$206,400 and a property tax abatement estimated at \$197,826 based on the incremental increase in assessed value via a 10-year PILOT.

Resolution No. 12/2023 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF GRAHAM CORPORATION WITH RESPECT TO A CERTAIN PROJECT (THE "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 Initial Resolution #12/2023-01, authorizing the acceptance of the application and scheduling of a public hearing as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zeff -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

This item was approved as presented.

3.2 Oak Orchard Solar 3 – Assignment Authorization - In accordance with the terms and conditions of the PILOT agreement the company cannot transfer the PILOT without the approval of the Board of Directors of the GCEDC. The Original Company Parent assigned 100% of its membership interest in the Company to the Purchaser. Therefore, no fee is triggered.

Resolution No. 12/2023 - 02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) AUTHORIZING AN ASSIGNMENT REQUEST RECEIVED FROM OAK ORCHARD SOLAR 3, LLC AND AFFILIATES (THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT TO BE UNDERTAKEN BY THE AGENCY AND THE COMPANY; AND (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS WITH RESPECT TO SAME.

P. Battaglia made a motion to accept Assignment Authorizing Resolution #12/2023-02, authorizing the transfer of the PILOT as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zeff -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

This item was approved as presented.

4.0 Audit & Finance Committee

4.1 October 2023 Financial Statements – L. Farrell reviewed the October 2023 financial statements with the Board. The following was noted:

- On the balance sheet unrestricted cash increased. We received the Edwards project origination fee. We also closed on the J. Rental land sale and the Edwards land sale.
- Accounts receivable decreased. The quarterly payment for the MedTech Centre Property Management Fee and Economic Development Support Grant from the GGLDC was received.
- Accounts payable increased. Interest earned on funds in the \$33M and \$8M imprest accounts must be remitted to ESD quarterly.
- We received a customer deposit from Edwards related to the Loewke Brill Labor Reporting contract.
- On the P&L, there is the project origination fee from Edwards as well as the land sale proceeds of about \$4.6M and cost of sales related to the above-mentioned land sales.
- Other than the above-mentioned items, there is normal monthly activity.

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

K. Manne made a motion to approve the October 2023 Financial Statements as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zeff -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

4.2 Insurance Renewal - A comparison of last year's insurance premiums against the renewal costs for 2024 was included with the meeting materials. The total package is about \$72,000 as compared to \$69,000 last year.

Pricing for the umbrella coverage was unknown when the Audit and Finance Committee met. Last year the Agency had \$5M of primary umbrella coverage as well as \$5M of secondary coverage. Since the Committee met, quotes were received. The cost of \$5M of primary umbrella coverage is \$32,719 and \$5M of secondary coverage is \$9,265. The Committee did not want to make a recommendation regarding

umbrella coverage without pricing. Therefore, the Committee only recommended the approval of the 2024 insurance renewal with Selective.

K. Manne made a motion to approve the 2024 insurance renewal with Selective and \$5M of Primary Umbrella Coverage with Merchants and \$5M of Excess Umbrella Coverage with Cincinnati; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zeff -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

4.3 Bids for survey work for Apple Tree Acres – The GCEDC asked four companies for bids to survey the following:

1. Subdivision boundary survey map which includes the following:
 - a. A metes and bounds legal description for parcel 13.-1-63.1 as highlighted on the attached map to exclude portion listed in item b below.
 - b. A metes and bounds legal description for a proposed future roadway of approximately 68 feet in width extending from the end of parcel 13.-1-61.12 out to Route 19.

The survey will be used to identify property that will be purchased by a company to construct a new manufacturing facility.

The results of the bids are as follows:

1. Bid of \$8,420 – Frandina Engineering and Land Surveying
2. Bid of \$3,500 - Welch & O'Donoghue
3. Townsend & Lamendola declined to bid
4. Sideki Engineering declined to bid

Fund Commitment: Not to exceed \$3,500 to Welch & O'Donoghue for Apple Tree Acres Corporate Park survey work.

Board Action Request: Approval of survey contract for Apple Tree Acres.

M. Masse stated that \$2,500 will be reimbursed by the company for the survey per the terms of the Purchase and Sale Agreement.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the survey contract to Welch & O'Donoghue not to exceed \$3,500 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
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K. Manne - Yes
M. Clattenburg – Yes
C. Kemp - Yes

P. Zelif - Absent
M. Gray - Yes

The item was approved as presented.

4.4 GCEDC e3communications Contract – e3communications, a professional media and public relations firm/consultant, has submitted a proposal for 2024 services related to public relations and social media marketing for the Genesee County Economic Development Center (GCEDC).

In 2023, e3communications supported GCEDC staff with GCEDC planning, sales and marketing, and government/stakeholder relations. e3communications also maintains an expanded social media presence to audiences in project development and the greater public.

Fund Commitment: \$24,000 fund commitment. Funding is available and budgeted in the 2024 GCEDC Marketing – Operations budget for the full contract.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the 2024 GCEDC e3Communications contract not to exceed \$24,000 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia - Yes
K. Manne - Yes
M. Clattenburg – Yes
C. Kemp - Yes

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

The item was approved as presented.

4.5 Greater Rochester Enterprise Contract –Greater Rochester Enterprise is our non-profit regional economic development organization supported by a team of private and public-sector leaders in the Finger Lakes region to grow the economy in Genesee County and our eastern neighbors.

This funding request supports GRE staff partnerships with the GCEDC’s business development, sales and marketing efforts, site development, and talent attraction efforts. The GCEDC also receives an active role on Greater Rochester Enterprise’s board of directors.

GRE staff directly enhance the GCEDC’s active sales funnel at STAMP and our shovel-ready sites. Notably, GRE has provided critical regional connections that further project due diligence and project implementation, as with Edwards Genesee. GRE’s support also enabled the FAST NY program’s legislative approval, STAMP’s successful FAST NY application, and the designation of our region as a Federal Tech Hub.

Board Request: An investment renewal of \$52,000 to Greater Rochester Enterprise for the 2024 calendar year. This expenditure is covered by available funds in the 2024 GCEDC budget and is at the same cost as in 2023.

The Committee requested additional information regarding the \$52,000 commitment. The agenda item was tabled by the Committee.

Per the Committee's request, J. Krencik confirmed that the fund commitment to Greater Rochester Enterprise for the 2025 calendar year will return to \$50,000.

K. Manne made a motion to approve the 2024 Greater Rochester Enterprise contract not to exceed \$52,000 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

4.6 Invest Buffalo Niagara – Invest Buffalo Niagara (InBN) is our non-profit regional economic development organization supported by a team of private and public-sector leaders in the Western New York region to grow the economy in Genesee County and our western neighbors.

This funding request supports InBN staff partnerships with the GCEDC's business development, sales and marketing efforts, site development, and talent attraction efforts. The GCEDC also receives an active role on Invest Buffalo Niagara's board of directors.

InBN staff directly enhance the GCEDC's active sales funnel at STAMP and our shovel-ready sites. Notably, InBN has provided critical regional connections that further project due diligence and project implementation, as with Edwards Genesee. InBN's support also enabled the FAST NY program's legislative approval, STAMP's successful FAST NY application, and the designation of our region as a Federal Tech Hub.

Board Request: An investment renewal of \$25,000 to Invest Buffalo Niagara for the 2024 calendar year. This expenditure is covered by available funds in the 2024 GCEDC budget and is at the same cost as in 2023.

This was recommended for approval by the Committee.

K. Manne made a motion to approve an investment renewal of \$25,000 to Invest Buffalo Niagara as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

4.7 360 PSG Contract – The GCEDC is requesting additional services related to the development and launch of a new GCEDC website. A contract with 360 PSG was previously approved by the board at a cost of \$8,050.

In addition to anticipated design task, quality assurance checks, launching, project management time, domain transfer and accessibility started packages for the final implementation of the project, it is

necessary to include a pair of one-time costs related to additional pages for the website and content management system.

Additional Pages: \$110/hour at an estimated 9 hours (\$990 increase in budget)

Content Management System Training: \$110/hour at an estimated time of 1.5 hours (\$165 increase in budget)

Funding Commitment: This expenditure would be covered by unexpended funds in the 2023 marketing budget.

Board Action Request: Approval of a contract not to exceed \$1,500 to 360 PSG.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the 360 PSG Contract not to exceed \$1,500 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

4.8 Workforce Development Consultant – Included with the meeting materials was a consulting agreement for the period of January 1, 2024 through December 31, 2024. This agreement is between Sheila Eigenbrod and the GCEDC. Services to be provided by Sheila Eigenbrod include the following:

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

This contract is not to exceed \$29,800 and was included in the 2024 GCEDC budget. The County increased their funding amount beginning in 2022 by \$25,000 annually to support administration of a workforce development program. These funds will be used for this contract.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the Workforce Development Agreement with Sheila Eigenbrod not to exceed \$29,800 as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	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 NCWD Reimbursement for Easements - In conjunction with the installation of the force main within Niagara County to the Genesee County line, the NCWD may need to secure easements and is looking to pay up to \$500 per easement. This would be outside the scope of the current contract for engineering services and needs Board approval.

Fund Commitment: Up to \$500 per easement from the \$33 million.

Board Action Request: Approval of payment of up to \$500 per easement (number of easements to be determined).

This was recommended for approval by the Committee.

C. Yunker made a motion to approve payment not to exceed \$500 per easement for NCWD Easements as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

6.2 Bids for Hedgerow Removal in Accordance with Part 182 Permit - Contractor will remove approximately 325 feet of hedgerow separating the STAMP site from New York State Department of Environmental Conservation's (NYSDEC) John White Wildlife Management Area. The hedgerow is approximately 35 feet wide and is comprised mainly of small trees and shrubs, with some larger trees scattered throughout. All trees and shrubs must be removed, including their stumps, and all material must be disposed of off-site. After removal is completed, the ground must be graded and de-compacted, as needed, to ensure it is level in preparation for seeding (the contractor is not responsible for seeding).

Bids received from the following:

1. Alleghany Farm Services, LLC \$5,500
2. Spurline Construction \$19,000
3. Wheatville Blacksmith & Tree Declined to bid, cannot meet the insurance requirements

Fund Commitment: \$5,500, from the Part 182 mitigation account.

Board Action Request: Approval of awarding of contract for hedgerow removal in accordance with the NYSDEC issued Part 182 permit to Alleghany Farm Services, LLC not to exceed \$5,500 to be paid out of the Part 182 mitigation account.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the contract with Alleghany Farm Services, LLC for hedgerow removal in accordance with Part 182 Permit not to exceed \$5,500 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

6.3 General Services Agreement with CC Environment & Planning - As the GCEDC continues to work on permitting the STAMP site there are issues that arise in dealing with the DEC. This contract will allow the GCEDC to utilize CC Environment and Planning’s historical knowledge of STAMP as well as their environmental knowledge to move through and respond to any issues/concerns that the DEC may bring up. The scope of work is as follows:

1. General Environmental Services: Includes assistance with on- and off-site design review, permitting, and SEQR; other environmental services, as necessary; and participation in STAMP Technical Team meetings.
2. Force Main Frac-out Monitoring: Conduct required monitoring within the 2024 force main frac out areas in accordance with the monitoring plan approved by USFW.

Fund Commitment: \$49,300 to be covered under the \$33 million.

Committee Action request: Recommend approval to the full Board the proposal for CC Environment and Planning.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the General Services Agreement with CC Environment & Planning not to exceed \$49,300 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia - Yes
K. Manne - Yes
M. Clattenburg – Yes
C. Kemp - Yes

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

The item was approved as presented.

6.4 GCEDC STAMP e3communications Contract - e3communications, a professional media and public relations firm/consultant, has submitted a proposal for 2024 services related to public relations, sales and marketing content, and social media marketing for the Western New York Science & Technology Advanced Manufacturing Park (STAMP).

In 2023, e3communications supported GCEDC staff with STAMP planning, sales and marketing, and government/stakeholder relations. e3communications also maintains an expanded social media presence to audiences in project development and the greater public.

Fund Commitment: \$24,000 fund commitment. Funding is available and budgeted in the 2024 GCEDC Marketing - Operations budget for the full contract.

Board Action Request: Approval of a contract for services for the Jan. 1, 2024 to Dec. 31, 2024 period at \$24,000 per year.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the GCEDC STAMP e3communications contract not to exceed \$24,000 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia - Yes
K. Manne - Yes
M. Clattenburg – Yes
C. Kemp - Yes

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

The item was approved as presented.

6.5 Appointment of Phillips Lytle as Special Counsel – C. Yunker stated that the Committee recommends that the Board 1) appoints Phillips Lytle as special counsel for the current litigation and 2) approves funds to be expended up to \$10,000 to cover the insurance deductible.

This was recommended for approval by the Committee.

C. Yunker made a motion to appoint Phillips Lytle as special counsel for the current litigation and approve funds to be expended up to \$10,000 to cover the insurance deductible; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia - Yes

C. Yunker - Yes

K. Manne - Yes
M. Clattenburg – Yes
C. Kemp - Yes

P. Zelif - Absent
M. Gray - Yes

The item was approved as presented.

7.0 Employment & Compensation – M. Gray

7.1 CEO Merit / COLA - M. Gray stated that a thorough evaluation was completed.

This was recommended for approval by the Committee.

M. Gray made a motion to approve a 3.7% CEO COLA Adjustment and a \$2,000 CEO merit increase; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia - Yes
K. Manne - Yes
M. Clattenburg – Yes
C. Kemp - Yes

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

The item was approved as presented

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 5:35 p.m., which was seconded by C. Kemp and passed unanimously.