



**Monday, March 23, 2009**  
**4:30 pm – GCEDC Offices**

## MINUTES

### ATTENDANCE

Agency Members: J. Vincent, L. Benton, W. Hinchey, H. Upson, J. Fulmer  
Staff: S. Hyde, S. Lockwood, S. Cook, P. Kennett, C. Suozzi, C. Zambito  
Guests: R. Gaenzle (Harris Beach), Anders Elmik, Murray Good, Richmond Chandler (Project Dogleg representatives)  
Absent: M. Gerber, J. Andrews

### CALL TO ORDER / ENTER PUBLIC SESSION

J. Vincent called the meeting to order at 4:30 p.m. in the Conference Room of the Genesee County Economic Development Center.

### EXECUTIVE SESSION

H. Upson made a motion to enter into executive session under the Public Officers Law, Article 7, Open Meeting Law Section 105, paragraph d, at 4:30 p.m., for the following reasons:

1. To discuss the financial history of particular corporations.
2. The proposed sale / acquisition of property that would otherwise affect the value of the property.

The motion was seconded by J. Fulmer and approved by members.

5:45 - Representatives from Project Dogleg, Anders Elmik, Murray Good and Richmond Chandler arrived for the meeting and made a presentation to the board. They left the board meeting at approximately 7:00 p.m.

### RE-ENTER PUBLIC SESSION

L. Benton made a motion to enter back into public session at 7:05p.m., seconded by H. Upson and approved by all.

### OPERATIONS

**4a. Year End Closing and Financial Reporting Process** – S. Cook described the process that she goes through for the GCEDC/GGLDC year end closing and financial reporting process. PAAA requires that the annual report, audited financial statements, schedule of bonds, compensation schedule, project list, real property list (held & sold), personal property list, code of ethics, and the internal control structure and procedures are to be completed and submitted by March 31<sup>st</sup> to the State Budget Authority, Genesee County Legislature Chairperson, the Genesee County Chief Executive Officer and the County Chief Fiscal Officer. Submission of an Annual Report for fiscal year is required to be completed and submitted to the Public Authorities Reporting Information System (PARIS), the State Comptroller's Office, by March 31<sup>st</sup> as well. S. Cook is still waiting for the auditors to complete the financial statements, the statements will need to be approved by the board prior to S. Cook submitting them. S. Cook informed the board that a special meeting may be needed to approve the financial statements in order to submit them by the deadline.

S. Hyde asked S. Cook to contact the State Comptroller's Office, let them know that we have a board meeting scheduled for April 2<sup>nd</sup> (2 days after the deadline) and see if we could submit the information requested after that meeting. Trying to reschedule the board meeting can be a very difficult process.

Every year IDA's are required to collect certain information from all companies with active projects, and to report that information to the Office of the State Comptroller (OSC). The information that must be reported is fairly basic, including: project amount, employment information, sales tax exemptions taken for that year and mortgage tax exemption taken. All of the mentioned information is requested from the companies in a formal letter / questionnaire that S. Cook mails out directly to the companies with a deadline of January 31<sup>st</sup>. Additionally, IDA's are required to report PILOT payments made, but we request that information directly from the taxing jurisdiction.

After many calls and faxes, S. Cook has still not received five or six of the requests for information back.

The GCEDC's completed Annual Financial Report must be sent to the OSC through the PARIS system by March 31<sup>st</sup>.

The GCEDC also requests a copy of the NYS-45 Quarterly Combined Withholding Wage Reporting & Unemployment Insurance Report as employment verification is important given the scrutiny of IDA's, however, many companies do not comply with the request.

Given this information and the fact that NY State has taken an increasingly critical look at IDA's that send in the Annual Financial Report with incomplete information, we believe that it is necessary to take a firm stand in the collection process of this required information.

The board asked S. Cook to send a letter registered mail letting the unresponsive companies know that if they do not respond by March 31<sup>st</sup> the board will be forced to discontinue their benefits.

S. Cook noted that she has collected data from 108 companies and that there are 83 active PILOTs as of today.

**4b. 2007 Annual Jobs Performance Report Review: Review of the Office of State Comptroller (OSC) Annual Report** – Will discuss at the

next meeting

## **SALES MANAGEMENT**

**5a. Skinny Maples, LLC Resolution** – This item was tabled.

## **REAL ESTATE DEVELOPMENT / MANAGEMENT / INDUSTRY SOLUTIONS**

**6a. Buffalo East / Pembroke Commerce Park: Town of Pembroke Grant / Pembroke Local Law** – C. Zambito asked the board to approve a resolution within Consent Items to authorize the acceptance of a \$400,000 grant from the Town of Pembroke per the 2009 Pembroke Local Law No. 1. The funds will be used for planning, design, engineering, installation of roadways, utilities or other infrastructure or related improvements to Buffalo East Technology Park and Pembroke Commerce Park.

**6b. STAMP Grant: National Grid** - S. Lockwood announced a \$175,000 grant from National Grid for the WNY STAMP project. The grant will help support Phase II development including land use actions and site benchmarking, engineering, environmental review, electric transmission level infrastructure study, economic analysis, and financial benchmarking, sales, marketing plan, project strategy, integration and oversight.

**6c. Genesee Valley Agri-Business Park** – Will discuss at the next meeting.

## **MARKETING / WORKFORCE / COMMUNITY DEVELOPMENT**

**8a. IDA Public Education Campaign: Launch, Website, Commercial** – C. Zambito informed the board that the IDA Public Education Campaign has launched.

An “IDA Day” was held in Albany that resulted in some great exposure for the initiative.

A website has been established, [yourlocalida.org](http://yourlocalida.org) and a commercial has been running providing people with information about IDA job creation initiatives and directing people to the website for additional information.

C. Zambito presented the commercial to the board.

## **POLICY ISSUES / HUMAN RESOURCES / OTHER BUSINESS**

**9a. Health and Dental Buy Out Policy** – S. Cook asked the board to approve the Medical and Dental Spousal Buy Back Policy within the consent items. The Policy allows eligible employees to receive an annual cash settlement of \$2,500 if they have dual medical / hospitalization coverage through a spouse’s non-GCEDC plan. This policy mirrors the Genesee County’s Policy.

**9b. Board Member Training** - S. Cook received an email from the Authority Budget Office that stated that incumbent board members appointed prior to January 1, 2009 must participate in a state approved training covering their legal, fiduciary financial and ethical responsibilities by December 31, 2009. The purpose of the training is to prepare individuals to understand and properly execute their role as board members and to be well-versed in the principles of corporate governance and the requirements of the law.

S. Cook presented two upcoming training sessions that are being held, the first one is offered free through the City University of New York in Rochester on May 8<sup>th</sup> the other is a webinar offered through Harris Beach on March 6, 13, 20, 27, or April 3, 2009.

S. Cooked that any interested board members contact her if interested in either training.

S. Hyde commented that it is his understanding that incumbent board members are encouraged to attend the trainings, but are not required to per the Public Authorities Accountability Act.

**9c. Reminder: The next meeting is scheduled for Thursday, April 2<sup>nd</sup> at 4:00 in the GCEDC Conference room (following our new board meeting schedule, the first Thursday of the month)**

## **CONSENT ITEMS**

**10a. Resolution: Skinny Maples – This item was tabled.**

**10b. Town of Pembroke Grant Acceptance** – Authorization to accept a \$400,000 grant from the Town of Pembroke per the 2009 Pembroke Local Law No. 1. The funds will be used for planning, design, engineering, installation of roadways, utilities or other infrastructure or related improvements to Buffalo East Technology Park and Pembroke Commerce Park.

### **Resolution #03/2009-01**

AUTHORIZATION TO ACCEPT \$400,000 GRANT FROM THE TOWN OF PEMBROKE PURSUANT TO TOWN OF PEMBROKE LOCAL LAW NO 1 OF THE YEAR 2009

**10c. Health and Dental Buy Out Policy** – Authorization to approve the Medical and Dental Spousal Buy Back Policy. The Policy allows eligible employees to receive an annual cash settlement if they have dual medical / hospitalization coverage through a spouse’s non-GCEDC plan.

**10d. Upstate Med Tech Centre Financing Authorization: Lease signing Authorization; Engineering Contract Acceptance; Contractor Authorization; Building Construction Budget; Financial Plan** – GCEDC approval to authorize the President/CEO to sign and accept lease documents, select the General Contractor and sign necessary contracts for the project, negotiate needed changes and sign related financing contracts with USDA Rural Development and Five Star Bank in regards to the MedTech Centre.

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### **Genesee County Economic Development Center**

One Mill Street, Batavia, New York 14020

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Authorization to construct the building not to exceed \$7,000,000, the engineering contract not to exceed \$700,000 and approval of the multi-year financial plan, budget and related capital and operating expenditures for the MedTech Project. The GCEDC is asked to make these authorizations as financial Guarantor of the MedTech Centre Project, the GGLDC will be the facility owner.

**10e. Approval of the February 12<sup>th</sup> and February 24<sup>th</sup> meeting minutes**

**10f. Re-adoption of the Disposition of Real Property Guidelines** - PAAA requires that the board approve the Disposition of Real Property Guidelines annually, no changes are recommended.

**10g. Re-adoption of the Procurement Policy** – PAAA requires that the board approve the Procurement Policy annually, no changes are recommended.

**10h. Re-adoption of the Investment Guidelines** – PAAA requires that the board approve the Investment Guidelines annually, no changes are recommended.

**10i. Final Resolution for Harris Mill Street Properties, LLC** – GCEDC has sold the One Mill Street building to Harris Mill Street Properties, LLC /

Millwork Solutions. The property has been exempt from property taxes since it was owned and managed by the local IDA, thus current leases reflect no taxes. The traditional PILOT will enable the new owner to gradually raise leases over time to cover the property taxes (PILOT payments). It also funds, on average approximately \$12,000 per year of new taxes (via PILOT payments) to local municipalities over the term of the 10 year PILOT agreement. The sale of the building enables GCEDC to re-invest proceeds to further economic development projects. In addition, the new owner will be in a better position to add more value to the building as compared to what the agency would be able to do.

The company has committed to creating 2.5 jobs and retaining 9.5 jobs and making a \$675,000 capital investment. The company can expect to receive a mortgage tax exemption of \$6,750 and a property tax exemption of \$180,995 for total estimated benefits of \$187,745.

Based on a consolidated view of the company, for every \$1 of public benefit, the company is investing \$28.80 into the local economy from a direct economic impact perspective.

A public hearing was held on February 18, 2009.

**Resolution #03/2009-02**

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER ACKNOWLEDGING THE PUBLIC HEARING AND AUTHORIZING FINANCIAL ASSISTANCE IN EXCESS OF \$100,000 WITH RESPECT TO THE HARRIS MILL STREET PROPERTIES LLC PROJECT

**J. Fulmer made a motion to approve the Consent Items, the motion was seconded by H. Upson. Roll call resulted as follows:**

J. Andrews -	Absent	M. Gerber -	Absent
L. Benton -	Yes	H. Upson -	Yes
W. Hinchey -	Yes	J. Vincent -	Yes
J. Fulmer -	Yes		

**The Consent Items were approved as presented.**

**ADJOURNMENT**

As there was no further business, H. Upson made a motion to adjourn at 7:30 p.m., seconded by L. Benton and passed unanimously.

**Future Meetings:**

Thursday, April 2<sup>nd</sup> - 4:00 pm, GCEDC Conference Room

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