



Thursday, December 3, 2009
4:00 p.m. – GCEDC Conference Room

MINUTES

ATTENDANCE

Agency Members: J. Andrews, J. Vincent, H. Upson, W. Hinchey, J. Fulmer
Staff: S. Hyde, S. Cook, P. Kennett, C. Suozzi, L. Farrell, C. Zambito
Guests: S. Lockwood, R. Gaenzle (Harris Beach), Josh (Harris Beach), J. Gsell (Genesee County Manager)
Absent: L. Benton

CALL TO ORDER / ENTER PUBLIC SESSION

J. Andrews called the meeting to order at 4:15 p.m. in the Conference Room of the Genesee County Economic Development Center

EXECUTIVE SESSION

J. Vincent made a motion to enter into executive session under the Public Officers Law, Article 7, Open Meeting Law Section 105, paragraph d, at 4:15 p.m., for the following reasons:

1. To discuss the financial history of particular corporations
2. To discuss proposed acquisition, sale or lease of real property.

The motion was seconded by H. Upson and approved by members.

W. Hinchey made a motion to leave the executive session at 7:05pm, seconded by H. Upson and approved by all.

RE-ENTER PUBLIC SESSION

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

OPERATIONS

4a. September and October 2009 Financial Statements – S. Cook distributed and reviewed the Financial Statements for the GCEDC. The following comments were made:

- Re-class of Workforce Development advance payment year #2 to balance sheet to record funds received in advance.
- Received \$50000 from payment the GVAB, LLC for GCEDC's project management in the development of the Genesee Valley Agri-Business Park on behalf of GVAB, LLC.
- Conference and meeting expense is over the budgeted expenses due to the workforce development teachers stipend paid and reimbursed by the workforce development grant.
- Grant from the Town of Pembroke and National Grid are helping fund Buffalo East North and South infrastructure and environmental planning.

4b. Nominating Committee – 2010 GCEDC Board Officers - Last Years Committee Consisted of J. Vincent, H. Upson, W. Hinchey, and L. Benton (Chair).

Current Board Officers are:

J. Andrews, Chairman
J. Vincent, Vice Chairman
H. Upson, Secretary
S. Cook, Treasurer

SALES MANAGEMENT (Projects Overview)

5a. BGW Construction (Wormley Construction) – Fastenall, a current lessee of BGW Properties, was out of space at its current location due to ceiling height constraints and began a search for a new location. BGW Properties, LLC is answering the demand of their lessee and building a 4,000 s/f facility in the town of Stafford. BGW is planning on leasing this new space to Fastenall, a wholesale distribution company. GCEDC is assisting the project with a PILOT, a sales tax exemption based on building materials and a mortgage tax exemption.

The company is making a capital investment of \$110,000 and can expect to receive a sales tax exemption of approximately \$5,600, a mortgage tax exemption of approximately \$1,375 and a partial property tax abatement of approximately \$29,862, over 10 years, for total estimated benefits of \$36,837 over 10 years. Three jobs will be retained and one will be created by the project. The PILOT will be based upon the increased assessed value of the property. A public hearing is not required because benefits received are under \$100,000.

The Project involves an “unlisted action” under SEQR thereby constituting a negative declaration.

EMPIRE ZONE / FINANCING GRANTS

7a. Termination of Sub-recipient Agreements with the Legislature – S. Lockwood presented to the Genesee County Ways and Means Committee asking the Legislature to pass a resolution that would: 1) terminate two existing sub-recipient agreements relating to HUD-originated Community Development Block Grant projects dating back to the 1980’s, and 2) acknowledge and agree to the GCIDA retaining ownership of the assets related to those funds. The legislature will be considering the request at the next meeting. This process needs to be followed in an initiative to de-federalize CDBG funds.

MARKETING / WORKFORCE / COMMUNITY DEVELOPMENT

8a. Specialty Crops Conference – C. Zambito set up a table highlighting the Genesee County Agri-Business Park at the third annual Specialty Crops Conference today in Rochester.

8b. Dairy Tourism Feasibility Study – As you know, the GCEDC/GGLDC in collaboration with O-AT-KA Milk and Shelley Stein received a \$50,000 Grant for a Feasibility Study for a Dairy Tourism Center in April of 2008 from NYS Ag & Markets. That study has now been completed and the highlights are as follows:

- The study projects a high degree of probability for success for a Dairy Tourism Center located in Batavia, NY.
- The primary target would be families with school age children living within 150 miles.
- The Center should include hands-on activities, a theater, café and gift shop (featuring local products)
- The Center should be located at the Genesee Valley Agri-Business Park
- \$4.3M would buy six acres and construct and equip a 12K sq ft facility.

Our vision is a facility would act as the center of a “Hub and Spoke” model that could include a family friendly food trail that would resemble NY’s Wine Trail and could be broadened to incorporate other regional products such as Jello, Yancey’s Fancy, Apples and Maple Syrup. Businesses located in the Ag Park could sell their products and offer tours as well. The full report is available for your review upon request.

POLICY ISSUES / HUMAN RESOURCES / OTHER BUSINESS

9a. Intrastate America – Intrastate America put a deposit on the purchase of land that the Center has for sale in Leroy back in 2004. The company never followed through with the purchase and we were unable to get in touch with them. Some time after that a lien was put on our property because Intrastate did not pay their preliminary engineering fees pertaining to the possible land purchase. After some careful thought, discussions with council and several attempts at contacting Intrastate, it was decided that we would use much of the deposit to pay off the lien and to pay related legal costs involved in removing the lien. In 2009, Intrastate sent us a letter canceling the land purchase contract and asking for their deposit back, when we would not return the deposit the company took legal action against GCEDC. The issue has finally been resolved, as the judge has dismissed the case in favor of the GCEDC.

9b. Availability for a Special Meeting – A special meeting of the GCEDC & the GGLDC will be held on Friday December 18th at 1:00 to discuss WNY STAMP.

9c. Holiday Reception - The Holiday Reception will be held on December 10th at Terry Hills from 5:00 – 7:00.

CONSENT ITEMS

10a. September and October 2009 Financial Statements (discussed 5a)

10b. Nominating Committee (discussed 5c) – J. Fulmer nominated J. Vincent, H. Upson, W. Hinchey, and L. Benton (Chair) to the nominating committee.

10c. BGW Construction / Wormley (discussed above 6a) – The company is making a capital investment of \$110,000 and can expect to receive a sales tax exemption of approximately \$5,600, a mortgage tax exemption of approximately \$1,375 and a property tax abatement of approximately \$29,862, over 10 years, for total estimated benefits of \$36,837 over 10 years. Three jobs will be retained and one will be created by the project. The PILOT will be based upon the increased assessed value. A public hearing is not required as benefits are under \$100,000. The Project involves an “unlisted action” under SEQR thereby constituting a negative declaration.

Resolution No. 12/2009 - 1

RESOLUTION AUTHORIZING THE GENESSEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESSEE COUNTY ECONOMIC DEVELOPMENT CENTER TO (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF B.G.W. PROPERTIES, L.L.C. (THE "COMPANY"); (ii) NEGOTIATE, EXECUTE AND DELIVER A LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX AGREEMENT AND RELATED DOCUMENTS; (iii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AND (C) IF NECESSARY, A MORTGAGE RECORDING TAX EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT; AND (iv) EXECUTE RELATED DOCUMENTS.

10d. Approval of Board Meeting minutes for 11/5/09

Genesee County Economic Development Center

One Mill Street, Batavia, New York 14020

585-343-4866 Fax: 585-343-0848 Toll Free: 1-877-343-4866

Email: gcedc@gcedc.com Web: www.gcedc.com

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

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

The Consent Items were approved as presented.

ADJOURNMENT

As there was no further business, J. Vincent made a motion to adjourn at 7:30 p.m., seconded by W. Hinchey and passed unanimously.

Future Meetings:

Thursday, December 10^h

**- Holiday Reception
5:00 pm, Terry Hills**

Thursday, December 18th

- 1:00 pm, GCEDC Conference
Room