



**GCEDC Board Meeting
Thursday, February 4, 2021
Location: Electronically
4:00 PM**

GCEDC MINUTES

Attendance

Board Members: C. Yunker, T. Bender, C. Klotzbach, P. Battaglia, P. Zeliff, A. Vanderhoof, M. Gray
Staff: L. Farrell, M. Masse, L. Casey, J. Krencik, S. Hyde, C. Suozzi, P. Kennett
Guests: D. Cunningham (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), M. Wiater (GGLDC Board Member), G. Torrey (GGLDC Board Member), R. Gaenzle (Harris Beach), P. Williams (LandPro Equipment), D. Cierzynski (Cierzynski Consulting, LLC), M. Landers (County Manager)
Absent:

1.0 Call to Order

P. Zeliff called the meeting to order at 4:03 p.m. via conference call / video conference.

Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo’s Executive Order 202.1 issued on March 12, 2020 suspending the Open Meetings Law, this Meeting is being held electronically via conference call / video conference instead of a public meeting open for the public to attend in person.

Presentation – D. Cierzynski and P. Williams provided an overview of the LandPro Equipment, LLC project. LandPro Equipment, LLC will acquire and develop a 14-acre parcel in the Town of Batavia to construct a 50,000 square-foot facility for a full-service John Deere Agriculture and Turf Dealership. Ninety-five percent of the facility will be used for parts, service, and training, with 5% used for retail.

D. Cierzynski and P. Williams left the meeting at 4:13.

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.

The motion was seconded by T. Bender and approved by all members present.

1.2 Enter Public Session

C. Klotzbach made a motion to enter back into public session at 4:55 p.m., seconded by P. Battaglia and approved by all members present.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

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

Audit & Finance Committee Meeting: Tuesday, March 2nd at 8:30 a.m.

STAMP Committee Meeting: : Tuesday, March 2nd at 10:30 a.m.

Governance & Nominating Committee Meeting: Thursday, March 4th at 3:00 p.m.

CANCELLED: Annual Meeting: Friday, March 5th at 12:00 p.m.

2.2 Agenda Additions / Deletions / Other Business-

M. Gray made a motion to table agenda item 4.4 Cyber Insurance; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
C. Klotzbach -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

2.3 Minutes: January 7, 2021

M. Gray made a motion to approve the January 7, 2021 minutes as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
C. Klotzbach -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

3.0 Report of Management

3.1 LandPro Equipment, LLC – Initial Resolution - LandPro Equipment LLC will acquire and develop a 14-acre parcel in the town of Batavia, including the construction of a 50,000 square-foot facility for a full-service John Deere Agriculture and Turf Dealership. 95% of the facility will be used for parts, service, and training, with 5% used for retail.

The company pledges to create 5 new jobs and retain 62 existing jobs as part of the \$7 million project. The facility will service a customer base within a 50-mile radius of Batavia, NY and expand workforce training programs for the benefit of the company and Genesee County's workforce.

The project will produce an estimated \$5.3 million in regional and state benefits, including \$4.8 million in estimated temporary (construction) and ongoing payroll for the 5 new jobs, \$237,000 in property tax

revenue and \$121,000 in sales tax revenue during the incentives period. The company has requested property, sales and mortgage tax abatements totaling \$731,000.

A public hearing will be held as benefits are estimated to be over \$100,000

Resolution No. 02/2021 - 01

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 (AS DEFINED BELOW, THE "PROJECT") FOR THE BENEFIT OF LANDPRO EQUIPMENT 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.

P. Battaglia made a motion to accept initial resolution #02/2021-01, authorizing the scheduling of a public hearing; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
C. Klotzbach -	Yes	M. Gray -	Absent
A. Vanderhoof -	Absent		

The item was approved as presented.

S. Hyde outlined a report on employment metrics which the Economic Recovery Task Force has been tracking since the beginning of the pandemic. From the end of March 2020 to the end of April 2020, 2300 jobs were lost in Genesee County. This is a decrease of 10.4%. By the end of 2020, jobs were down by only 800. This is a recovery of 65% of jobs lost. The leisure and hospitality sector was impacted the most, down by 44%. It has experienced the least amount of recovery as it is still down by 35%.

4.0 Audit & Finance Committee

4.1 December 2020 Unaudited Financial Statements- L. Farrell noted the following:

- On the Balance sheet, restricted cash decreased. In December, we had a large draw on our ESD grants using our imprest cash funds. We are still waiting to receive approximately \$2M into the imprest account for the \$8M ESD grant, which the Comptroller's office approved on 1/4/2021.
- Pre-paid expenses increased. In December, the annual New York State Retirement invoice was paid. This payment covers through March 31, 2021
- Accounts payable increased which includes STAMP payables. The next round of GURFs are in process which included 2020 expenditures that will be paid in 2021.
- On the P&L, we closed on three solar projects, including Townline Batavia Solar and both Knapp solar projects. Fee revenue is almost double what we budgeted for 2020.
- Revenues are over budget, while most operating expenses are under budget.

This was recommended for approval by the Committee.

M. Gray made a motion to approve the December 2020 Unaudited Financial Statements as presented; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
C. Klotzbach -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

4.2 General Liability Insurance – The Board previously approved extending insurance coverage with Selective Insurance through the end of February 2021 while Tompkins worked on obtaining alternative insurance proposals. Tompkins went out to bid for the Agency’s 2021 insurance renewal. Other markets were explored as listed in the Board packet materials, but they were unable to find another carrier that was able to meet the GCEDC’s needs at an affordable rate. The total premium proposed by Selective is within the amounts included in the EDC and LDC budgets.

This was recommended for approval by the Committee.

M. Gray made a motion to approve general liability insurance with Selective as presented; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
C. Klotzbach -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

4.3 D & O Insurance – Lawley Insurance has provided us with a proposal for renewal of our current Directors & Officers/Employment Practices Liability Insurance with Travelers. The renewal price reflects an overall price increase of only \$528 (\$264/entity) compared to the current policy. The current policy expires on 2/23/2021.

The cost of this policy would be split between GCEDC and GGLDC (\$5,496/entity) and is within each entity’s budget for 2021.

Coverage for the new Water and Sewer Works Transportation Corporations has not been included in this proposal. These entities can be added when we have more information to provide.

This was recommended for approval by the Committee.

M. Gray made a motion to approve the renewal of D & O insurance with Travelers as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
C. Klotzbach -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

4.4. Cyber Insurance – This agenda item was tabled.

4.5 Change Order for Corfu WWTF Expansion – In December of 2019, the GGLDC accepted the bid received from STC Construction for a Base Bid amount of \$4,861,000 and authorizing Change Order No. 1 with a deduct amount of \$500,000.

The GGLDC also accepted the bid received from Concord Electric for a Base Bid amount of \$393,000.

The GGLDC committed the cash on hand in restricted BETP account as of 9/30/19 - \$556,001 (plus any interest earned in the account up to the date of disbursement) and future CBA payments (9 years at \$93,000 per year) unless the debt is paid off early).

The work on the WWTF is almost complete, and there are two additional change orders presented today. One change order from STC and one from Concord Electric.

The town of Pembroke has passed a bonding resolution that will cover the increase in cost as a result of the change orders and is not asking the GGLDC for any additional funds. No additional fund commitment is requested.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve of the change orders for STC Construction, Inc and Concord Electric as presented with no additional commitment of funds; the motion was seconded by P. Battaglia. Roll call resulted as follows:

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

The item was approved as presented.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Authority Self-Evaluation of Prior Year Performance - Public Authorities are required to perform a self-evaluation of prior year's goals/measurements annually. This report shows the results against the goals and measurements that were set for 2020. This report will be submitted into PARIS.

C. Yunker reviewed the highlights of the Authority self-evaluation that the Committee discussed in detail. The Agency set a goal of capital investment commitment of \$32M for 2020. The actual result from projects was \$83M for 2020. The Agency also pledged to create 90 jobs from projects in 2020. These projects resulted in 78 jobs pledged in 2020 but did not include jobs related to the Rochester Regional Health bond transaction because they failed to report.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the Authority Self-Evaluation of Prior Year Performance; the motion was seconded by P. Battaglia. Roll call resulted as follows:

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

The item was approved as presented.

5.2 Mission Statement & Measurement Report - The Authority's Board must annually review the authority's mission statement and performance goals to ensure that its mission has not changed and that the authority's performance goals continue to support its mission. This report will be posted to the website and submitted into PARIS.

C. Yunker reviewed the highlights of the Mission Statement and Measuremnt Report that the Committee discussed in detail. The Committee recommends that the Agency set a goal of capital investment commitment of \$35M for 2021, which does not include any Mega projects (over \$50M capital investment commitment). The Committee also recommends the Agency set a job creation goal of 90 jobs from projects in 2021. The other suggested goals are over-arching goals that the entire staff can work towards achieving and are still consistent with the Agency's mission.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the Mission Statement & Measurement Report with the amendment that the capital investment commitment excludes any Mega project(s); the motion was seconded by P. Battaglia. Roll call resulted as follows:

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

The item was approved as presented.

6.0 STAMP Committee – P. Zelif

6.1 Phillips Lytle Proposal – STAMP Main Substation – The proposal from Phillips Lytle is to provide legal, regulatory, and overall planning support from their energy law and consulting practice at Phillips Lytle. This is to foster completion of the design and engineering of the STAMP Main substation and related interconnection studies as well as to advance necessary ownership, operations and maintenance, regulatory and pricing models to enable the bidding, construction and operations of the 345V to 115V main substation at STAMP.

Fund commitment: Not to exceed \$40,000 from Empire State Development's GCEDC STAMP Capital (Project #132,367)

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the Phillips Lytle proposal not to exceed \$40,000; the motion was seconded by C. Klotzbach. Roll call resulted as follows:

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

The item was approved as presented.

6.2 Project Gateway SEQR – M. Masse provided an update on SEQR concerning Project Gateway. The GCEDC was lead agency when the original Environment Impact Study (EIS) was completed on the STAMP site in 2012. Since the original EIS, there have been additional updates and the GCEDC remained lead agency for these as well. On January 4, 2021, the GCEDC sent letters indicating intent to maintain lead agency status regarding Project Gateway to all interested and involved parties. The GCEDC received two affirmations consenting lead agency status and no other responses. As a result, after 30 days, the GCEDC is lead agency. As lead agency the GCEDC is required to evaluate whether there are adverse environmental impacts because of Project Gateway that have not been previously evaluated in the STAMP environmental record. After careful review, it was determined that there are no significant adverse environmental impacts that would be created by this project that had not previously been analyzed. No mitigation is necessary if Project Gateway commits to the best practices outlined in the EIS. The GCEDC is in a position to adopt the resolution included with Committee and Board materials.

This was recommended for approval by the Committee.

Resolution No. 02/2021 – 02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPEMNT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT CONCERNING PROJECT GATEWAY - PROPOSED FUTURE USE OF A PORTION OF THE WESTERN NEW YORK SCIENCE & TECHNOLOGY ADVANCED MANUFACTURING PARK

P. Zelif made a motion to approve Resolution #02/2021-02 as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

7.0 Employment & Compensation – T. Bender

7.1 CEO Merit / COLA – This was recommended for approval by the Committee.

T. Bender made a motion to approve a CEO Merit /COLA Adjustment of 1.5%; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

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

The item was approved as presented.

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, T. Bender made a motion to adjourn at 5:14 p.m., which was seconded by A. Vanderhoof and passed unanimously.