



Thursday, May 3, 2018
Upstate MedTech Centre – Innovation Zone
4:00 PM

GCEDC MINUTES

Attendance

Board Members: P. Battaglia, P. Zeliff, T. Bender, M. Gray, J. Rizzo, C. Yunker

Staff: L. Farrell, M. Masse, E. Richardson, R. Tabelski, P. Kennett, C. Suozzi, S. Hyde

Guests: T. Felton (GGLDC Board Member), D. Cunningham (GGLDC Board Member), M. Wiater (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), G. Torrey (GGLDC Board Member), J. Krencik (The Daily News), R. Gaenzle (Harris Beach), Ed Flynn (LaBella Associates), F. Oltramari (Genesee County Planning Department)

Absent: A. Young

1.0 Call to Order

P. Battaglia called the meeting to order at 4:10 p.m. in the Upstate MedTech Centre Innovation Zone conference room.

Presentation: Genesee County Housing Study – Ed Flynn, Labella Associates – The GCEDC has seen an increased interest in potential housing projects inquiring about seeking incentives for their projects over the last year. Staff has had discussions with the Board about these projects, and Home Leasing has made a presentation to the Board about their proposed project. Around the same time, Genesee County contracted with LaBella Associates to complete a comprehensive Housing Needs and Market Assessment for the County. The Board decided to hold off on any discussions regarding housing projects, or consideration of applications, until the study was completed, and the results could be analyzed.

S. Hyde gave a brief overview of the GCEDC’s Economic Development Strategy.

Felipe Oltramari (Genesee County Planning Department) and Ed Flynn (LaBella Associates) presented the housing study results to the Board.

F. Oltramari, E. Flynn and J. Krencik left the meeting at approx. 4:50 p.m.

2.0 Chairman’s Report & Activities

2.1 Upcoming Meetings – P. Battaglia reviewed the upcoming meeting dates with the Board.

Next Scheduled Board Meeting: Thursday, June 7th at 4:00 p.m.

Audit & Finance Committee Meeting: Tuesday, June 5th at 8:30 a.m.

STAMP Committee Meeting: Tuesday, June 5th at 10:30 a.m. – **Rescheduled to 11:30am**

Governance & Nominating Committee Meeting: Thursday, June 7th at 3:00 p.m.

2.2 Agenda Additions / Deletions / Other Business –

J. Rizzo made a motion to add items 5.1 Officer Appointments, 5.2 Authorized to Obtain Bank Account Information and 5.3 Authorized Signers of Contracts, Agreements, etc.; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
A. Young -	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

2.3 Minutes: March 29, 2018

C. Yunker made a motion to approve the March 29, 2018 minutes; the motion was seconded by P. Zeff. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
A. Young -	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

Enter Executive Session

P. Zeff made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:54 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 M. Gray and approved by all members present.

Enter Public Session

J. Rizzo made a motion to enter back into public session at 5:13 p.m., seconded by M. Gray and approved by all members present.

3.0 Report of Management

3.1 Xylem Dewatering Solutions, Inc. – Final Resolution – C. Suozzi shared that Xylem expanded approx. 10 years ago and is now ready for phase II of their expansion. They are in the Town of Batavia just south of Saile Drive along Route 98. The existing facility is 18,282 sq. ft. and will increase to 26,382 sq. ft. The company is planning to consolidate their Rochester operations to the Batavia location as well.

The company is planning to invest approx. \$820,196 and create 6 new jobs and retain 14 jobs. They are seeking assistance from the GCEDC with a sales tax exemption valued at approx. \$46,971, and a property tax abatement of approx. \$54,067. As benefits exceed \$100,000, a public hearing was held. No public comments were made.

The Board reviewed the Statement of Compliance of Project Criteria. See 'Attachment A'.

Resolution No. 05/2018-01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON APRIL 17, 2018, WITH RESPECT TO THE XYLEM DEWATERING SOLUTIONS, INC. (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT AND (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF AN AGENT, FINANCIAL ASSISTANCE AND PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

P. Zeliff made a motion to approve the Xylem Dewatering Solutions Inc., Final Resolution No. 05/2018-01 as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
A. Young -	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

3.2 Local Labor Waiver Request – Resolution – Haskell Engineering and O’Neal, Inc. are currently overseeing the HP Hood building refit project and automated retrieval warehouse construction at the HP Hood plant in the Ag Park. Since the project is in excess of \$5 million in facility construction costs, it is subject to our Local Labor Policy. In connection with the Local Labor Policy there is a waiver request that can be made for certain contractors that do not have to be local. The situations that would allow a company to request a waiver are as follows:

“it is understood that at certain times, Workers residing within the Local Labor Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Labor Requirement (the “Local Labor Waiver Request”) based on the following circumstances: (i) warranty issues related to installation of specialized equipment of materials whereby the manufacturer requires installation by only approved installers; (ii) specialized construction for which qualified Local Labor Area Workers are not available; (iii) documented lack of Workers meeting the Local Labor Area requirement ; or (iv) cost differentials in bids whereby use of local labor significantly increases the construction cost of the project. Prior to the granting of said waiver, the lowest bidding contractor which bid said construction project using local labor would have the right of first refusal to bid and match the lowest bid as a remedy to ensure compliance with the policy. Comprehensive documentation and justification will be required including documented evidence and verification by GCEDC staff or agents that the “right of first refusal” remedy has been affected unsuccessfully.

The Agency shall evaluate the Local Labor Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request.”

O’Neal, Inc. has submitted one waiver request related to a specialized construction in training and knowledge in the safety procedures and methods of implementing 100% tie off to heights up to and in excess of 100’, along with prior experience in prefabricating and installing an ASRS rack sprinkler piping system for correct spool lengths, placement, and installation within the rack as not to interfere with stacker crane placement and retrieval of stored product.

Resolution No. 05/2018-02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A
GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER GRANTING HP HOOD LLC's
REQUEST FOR ONE WAIVER FROM THE LOCAL LABOR REQUIREMENT

M. Gray made a motion to approve the Local Labor Waiver Request, Resolution No. 05/2018-02; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
A. Young -	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

4.0 Audit & Finance Committee – M. Gray

4.1 1st Quarter 2018 Financial Statements- The 1st Quarter 2018 financial statements were reviewed with the Committee. A brief overview was given; it was noted that restricted cash increased due to Empire State Development funds deposited into the STAMP imprest account. Grants receivable decreased due to receiving a STAMP related grant draw. The STAMP Line of Credit balance is zero. All expenditures are in line with the budget, except as noted. This is recommended for approval by the Committee.

M. Gray made a motion to approve the 1st Quarter 2018 Financial Statements; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
A. Young -	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

4.2 Food Processing Training Agreement with Cornell – GCEDC obtained a \$100K National Fuel Gas grant to assist training for food processing workforce in Genesee County from the Mueller Quaker Dairy Project, of which \$50K has been utilized. We are seeking to use the remaining \$50K from the National Fuel Gas grant to assist in workforce training with three dairy plants to include HP Hood (Batavia), OATKA Milk Products (Batavia), and Yancey's Fancy (Corfu). Cornell will provide the training needed by the companies. These courses will teach participants technical and product-specific information, ultimately contributing to the production of safe, high quality dairy products in Genesee County.

The three dairy processing plants will receive Dairy Foods Extension trainings from the certificate program on-site at their facility for up to 30 employees per session. A total of up to 150 employees will be trained using the remainder of these funds.

The Committee recommends to the full board approval of \$50,000 from the National Fuel Gas grant to be disbursed to Cornell for workforce training for up to 150 employees of HP Hood, OATKA and Yancey's Fancy.

M. Gray made a motion to approve \$50,000 from the National Fuel Gas Grant to be disbursed to Cornell for workforce training up to 150 employees of HP Hood, OATKA and Yancy's Fancy as presented; the motion was seconded by P. Zeliff. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
A. Young -	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

4.3 LeRoy Inter-Municipal Agreement (IMA) – In connection with the potential tenant at the Leroy Food & Technology Park, the GCEDC is seeking assistance from the Town of LeRoy in the amount of \$50,000. The Inter-Municipal Agreement defines the use of those funds. The Town of LeRoy has already approved the IMA.

The Committee recommends to the full board approval of the IMA.

M. Gray made a motion to approve the Inter-Municipal Agreement as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
A. Young -	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

5.0 Governance & Nominating Committee – J. Rizzo

5.1 Officer Appointments – The current slate of officers is set to expire on June 30th. It is suggested to reappoint the current slate of officers, with the notion that vacancies may occur and will be dealt with as they arise. The current slate of officers are as follows:

Chair -	P. Battaglia
Vice-Chair -	P. Zeliff
President/CEO -	S. Hyde
Treasurer -	L. Farrell
Secretary -	P. Kennett

The appointed officers shall hold office for one year or until their successors are appointed.

This is being recommended by the Committee.

J. Rizzo made a motion to approve Officer Appointments as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
A. Young -	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

5.2 Authorization to Request Bank Account Information – L. Farrell and P. Kennett are not authorized bank account signers but need authorization to request information regarding the bank accounts.

This is being recommended by the Committee.

J. Rizzo made a motion to approve those Authorized to Request Bank Account Information as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
A. Young -	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

5.3 Authorized Signers of Contracts, Agreements, etc. – L. Farrell shared that currently the authorized signers of agreements, contracts, etc. are the Chair (per Bylaws), Vice Chair (per Bylaws), President & CEO (Per Bylaws), Sr. VP of Operations and VP of Business Development. No changes are being suggested at this time.

This is being recommended by the Committee.

J. Rizzo made a motion to approve the Authorized Signers of Contracts, Agreements, etc. as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
A. Young -	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

J. Rizzo also shared that the Governance & Nominating Committee performed their annual review of projects and gave appropriate direction to the Staff.

6.0 STAMP Committee – P. Zeff

6.1 Ratification of NYSDOT Land Donation Agreement – On February 28, 2017 the GCEDC Board approved donating land it owns along Route 63/77 to NYSDOT to expand their existing right of way (ROW). The GCEDC has had all the work completed and submitted to NYSDOT for their review. NYSDOT has sent out letters that request the Following:

1. Execution of an Affidavit of the Title Document for the land being donated.
2. Obtaining an Assignment of Claim and Release to be executed by NYS Urban Development Corp.
3. A resolution will be required from the Board of Directors for the GCIDA. The resolution shall ratify the Agreement and designate an officer or proper party to execute the closing paper on behalf of the GCIDA.

This is being recommended by the Committee.

P. Zeliff made a motion to approve a resolution to state the ratification of the Land Donation Agreement with the NYSDOT and designate the Sr. VP of Operations to execute the closing documents on behalf of the GCIDA, as presented; the motion was seconded by J. Rizzo. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
A. Young -	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

6.2 Programmatic Agreement – The GCEDC has been working on a Programmatic Agreement between the United States Army Corps. of Engineers (USACE), the New York State Office of Parks, Recreation and State Historic Preservation Office (SHPO) regarding the STAMP project. This agreement will outline the steps necessary to complete the archeological investigations on the STAMP site as well as how any artifacts should be treated, and what steps to take for any archeological areas that would be avoided. This agreement also outlines the procedures of how the work is to be completed as well as what parties need to be notified. This agreement also states that there will be a Traditional Cultural Properties (TCP) investigation completed in conjunction with the development of the STAMP site.

This is being recommended by the Committee.

P. Zeliff made a motion to approve the signing of the Programmatic Agreement, as presented; the motion was seconded by J. Rizzo. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
A. Young -	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

6.3 CC Environment & Planning – USFW Environment Assessment Additional Work - The GCEDC submitted a right of way request through Federal lands owned and managed by US Fish & Wildlife Services (USFWS). After receiving the request, USFWS determined that the GCEDC must complete an Environmental Assessment (EA) for their use in determining the compatibility of the proposed project with the mission of USFWS and the refuge. The EA was completed and submitted in accordance with a previously awarded contract with CC Environment. USFW has reviewed the EA and has sent back a list of questions and comments that need to be addressed in order to continue the permitting process.

The contract with CC Environment & Planning is not to exceed \$14,500 to be included in the \$33 million under the construction budget line item for environmental permitting.

This is being recommended by the Committee.

P. Zeliff made a motion to approve the CC Environment & Planning contract not to exceed \$14,500 for additional work related to the USFW Environmental Assessment, as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
A. Young -	Yes	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

6.4 LeChase Construction – Change Order No.1 – Phase I Town of Alabama Water - LeChase Construction Services, LLC has submitted Change Order No. 1 that is requesting to extend the substantial completion date of the project from January 28th to June 29th, as well as a deduct charge estimated at \$86,150 for additional construction administration and inspection costs.

This is being recommended by the Committee.

P. Zeliff made a motion to approve the Change Order No. 1 – Phase 1 Town of Alabama water project as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
A. Young -	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

6.5 Clark Patterson Lee – Additional Construction and Inspection Contract Administration Costs - The Phase I water project has taken longer than anticipated to complete and this has caused the budget for contract administration and construction inspection that was previously approved to be almost exhausted. See attached proposal.

The Clark Patterson Lee contract is not to exceed an additional \$42,000 in construction administration and an additional \$115,000 in construction inspection to be covered under the \$33 million, in the contingency line item for the Phase I water budget. This is an extension of an existing contract.

This is being recommended by the Committee.

P. Zeliff made a motion to approve the increase in contract administration and construction inspection costs to Clark Patterson Lee not to exceed \$42,000 in construction administration and \$115,000 in construction inspection for the Phase I water budget, as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
A. Young -	Absent	M. Gray -	Yes

J. Rizzo - Yes

The item was approved as presented.

6.6 Sponsorship of SEMICON West Booth with NY Loves Nano – The GCEDC, on behalf of WNY STAMP, would like to participate as a member of the NY Loves Nano team for the 2018 SEMICON West trade show. The buy-in fee for the booth is shared among partners across the state. We anticipate the cost will not exceed \$6,000 and may be lower. Following the GCEDC procurement policy, any expenditure over \$5,000 requires board approval. Half of the cost will be reimbursed through a National Grid STAMP Marketing Grant.

As requested by the Committee, the Board was provided with all expenditures related to the SEMICON West tradeshow trip prior to final approval.

This is being recommended by the Committee.

P. Zelif made a motion to approve an amount not to exceed \$6,000 in expense for the NY Loves Nano 2018 trade show booth at SEMICON West, as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
A. Young -	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

7.0 Employment & Compensation Committee

7.1 Nothing at this time.

8.0 Other Business

9.0 Adjournment

As there was no further business, M. Gray made a motion to adjourn at 5:36 p.m., which was seconded by T. Bender and passed unanimously.



Project Name: Xylem Dewatering Solutions, Inc (Godwin Pump)

Board Meeting Date: May 3, 2018

STATEMENT OF COMPLIANCE OF PROJECT CRITERIA LISTED IN UNIFORM TAX EXEMPTION POLICY (UTEP)

PROJECT DESCRIPTION:

Xylem (Godwin Pumps) expanded approximately 10 years ago and is now ready for phase II expansion to their facility. They are located in the Town of Batavia just south of Saile Drive along Route 98. The existing facility is 18,282 sq.ft. and will increase to 26,382 sq.ft. The company is planning to consolidate Rochester operations into Batavia as well. The 8,100 sq.ft. expansion will have a capital investment of \$820,196

Criteria #1 – The Project pledges to create and/or retain quality, good paying jobs in Genesee County.

Project details: The project will create 6 FTE’s at an average salary range of \$40,000-\$49,000 per job and retain 14 FTE’s.

Board Discussion: None.

P. Zelif made a motion to approve the Criteria #1 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
A. Young	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

Board Concurrence: YES NO **If no, state justification:**

Criteria #2- Completion of the Project will enhance the long -term tax base and/or make a significant capital investment.

Project details: The project will enhance long term tax base with additional 8,100 sf and \$820,196 in capital investment. We are proposing a standard 60% average abatement PILOT on the incremental increase in assessed value.

Board Discussion: None.

M. Gray made a motion to approve the Criteria #2 as presented; the motion was seconded by J. Rizzo. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
A. Young	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

Board Concurrence: **YES** NO If no, state justification:

Criteria #3- The Project will contribute towards creating a “liveable community” by providing a valuable product or service that is underserved in Genesee County.

Project details: n/a

Board Discussion: n/a

Board Concurrence: YES NO If no, state justification:

Criteria #4: The Board will review the Agency’s Fiscal and Economic Impact analysis of the Project to determine if the Project will have a meaningful and positive impact on Genesee County. This calculation will include the estimated value of any tax exemptions to be provided along with the estimated additional sources of revenue for municipalities and school districts that the proposed project may provide.

Project details: For every \$1 of public benefit the company is investing \$63.8 into the local and regional economy. See economic impact report for further details.

Board Discussion: None.

M. Gray made a motion to approve the Criteria #4 as presented; the motion was seconded by J. Rizzo. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes

A. Young	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

Board Concurrence: **YES** NO If no, state justification:

Criteria #5: The Project is included in one of the Agency’s strategic industries: Agri-Business and Food Processing, Manufacturing, Advanced Manufacturing and Nano-Enabled Manufacturing, Life Sciences and Medical Device.

Project details: n/a

Board Discussion: n/a

Board Concurrence: YES NO If no, state justification:

Criteria #6: The Project will give a reasonable estimated timeline for the completion of the proposed project.

Project details: The project is planning to begin construction in June of 2018 and be operational Sept 2018.

Board Discussion: None.

T. Bender made a motion to approve the Criteria #6 as presented; the motion was seconded by P. Zelif. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
A. Young	Absent	M. Gray -	Yes
J. Rizzo -	Yes		

The item was approved as presented.

Board Concurrence: **YES** NO If no, state justification: