



Thursday, October 6, 2016
Upstate MedTech Centre – Suite 107
4:00 PM

GCEDC MINUTES

Attendance

Board Members: P. Battaglia, M. Gray, C. Yunker, M. Davis

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

Guests: S. Noble-Moag (GGLDC Board Member), H. Upson (GGLDC Board Member), J. Krencik (The Daily News)

Absent: M. Wiater, J. Rizzo, P. Zeliff

1.0 Call to Order / Enter Public Session

P. Battaglia called the meeting to order at 4:00 pm in the Upstate MedTech Centre Innovation Zone conference room.

Presentations:

Annual Tax Base – Presented to County Legislature – S. Hyde and M. Masse reviewed the 2015 GCEDC Tax Base Analysis with the Board. This is the same presentation that they gave to the Genesee County Legislature the week prior. A copy of the presentation can be found in the meeting materials.

J. Krencik left the meeting at 4:21pm.

1.1 Executive Session

C. Yunker made a motion to enter into the executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:21 pm, for the following reasons:

- To discuss 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 proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

The motion was seconded by M. Gray and approved by all members present.

1.2 Re-Enter Public Session

M. Gray made a motion to enter back into public session at 5:38 p.m., seconded by M. Davis and approved by all members present.

J. Krencik joined the meeting at 5:38pm.

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, October 27th at 4:00pm
STAMP Committee Meeting: Thursday, October 20th at 8:00am
Employment & Compensation Committee Meeting: Thursday, October 20th at 9:30am - **Tentative**
Audit & Finance Committee Meeting: Tuesday, October 25th at 9:00am
Governance & Nominating Committee Meeting: Thursday, October 27th at 3pm - **Tentative**

2.2 Agenda Additions / Deletions / Other Business – P. Battaglia asked the Board to add item 3.6 Post Closing Occupancy Agreement to the agenda.

M. Gray made a motion to approve adding item 3.6 Post-Closing Occupancy Agreement to the agenda; the motion was seconded by M. Davis. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Absent	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

2.3 September 1, 2016 Minutes

C. Yunker made a motion to approve the September 1, 2016 Minutes; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Absent	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

3.0 Report of Management

3.1 PILOT Transfer Request – Steval, LLC – M. Masse shared that on August 1, 2012, the GCEDC signed a PILOT agreement with Steval, LLC on property located at 7000 W. Main Rd. in LeRoy. On September 12, 2016, the GCEDC received a letter from Steval, LLC that they are negotiating a sale of their building to the current tenant, Bob Johnson GM, aka ZCJ Automotive and is requesting that the PILOT be transferred to the new owner upon sale. There are seven years remaining on this PILOT.

M. Davis made a motion to approve the PILOT Transfer Request for Steval, LLC; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Absent	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

3.2 Mutual Release with Insurance Provider Regarding Calamar Litigation – M. Masse shared that Harris Beach has provided us with a Settlement Agreement and Claim Release related to the Agency’s litigation with Calamar. Since the Agency has now been dismissed from the lawsuit with Calamar, Philadelphia Insurance wishes to settle fully the Agency’s claims under their policy. Harris Beach recommends approval to sign this agreement between the Agency and Philadelphia Insurance.

C. Yunker made a motion to approve signing the Settlement Agreement and Claim Release with Philadelphia Insurance; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Absent	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

3.3 Reimbursement of Appraisal Costs for U.S. Fish & Wild Life (STAMP) – M. Masse shared that as part of the application process for the US Fish and Wildlife (USFW) for our request for right-of-way along Route 63 through the Iroquois National Wildlife Refuge for the STAMP off-site sewer project, the USFW will determine what costs will be required for application and monitoring. The use of the property for this permit will be based upon a reviewed and approved appraisal. This appraisal will reflect the issues within a 3.28-acre footprint and proposed temporary areas. The GCEDC is required to send a letter stating that they will pay for the appraisal to be prepared by the Office of Valuation Services (OVS). The standards and scope of the appraisal as well as the selection of the appraiser will be completed by OVS.

M. Masse asked the Board to approve sending a letter to USFW to pay for the appraisal costs as required with our right-of-way request, not to exceed \$8,000 that will be covered under the \$5M ESD Grant.

C. Yunker made a motion to approve sending a letter to USFW to pay for the appraisal costs as required with the Agency's right-of-way request, not to exceed \$8,000; the motion was seconded by M. Davis. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Absent	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

3.4 Empire Pipeline, Inc. – Resolution No. 10/2016-01 – M. Masse shared that Empire Pipeline owns and operates a compressor station and pipeline in Oakfield. This project received a ten-year Payment in Lieu of Taxes (PILOT) back in 2007 that started in 2009. Empire Pipeline has requested a new PILOT for that facility. The original PILOT will be cancelled and a new 15-year fixed PILOT has been requested. The previous fixed ten-year PILOT included payments being made to the Town of Oakfield and the Oakfield-Alabama School District. The County had previously agreed to divert its funds through a PILOT Increment Financing (PIF) arrangement that allowed the GGLDC to install infrastructure at the Ag Park. The GCEDC has requested that the County continue this type of structure to pay off the remaining balance of the Ag-Park Bond, with the remaining payments to be utilized for infrastructure at the STAMP site. The project will enable infrastructure installation and upgrades, and possible grant matching fund opportunities for the STAMP site.

The company is seeking assistance from the GCEDC for a property tax exemption, based on the incremental increase in assessed value. A public hearing will need to be held as benefits exceed \$100,000.

Resolution No. 10/2016-01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (i) ACCEPTING THE APPLICATION OF EMPIRE STATE PIPELINE/EMPIRE PIPELINE, INC. WITH RESPECT TO A CERTAIN PROJECT LOCATED THROUGHOUT GENESEE COUNTY, NEW YORK; (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

C. Yunker made a motion to approve Resolution No. 10/2016-01; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Absent	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

3.5 Participation in START-UP NY (STAMP) – M. Masse shared that START-UP NY is a State program that allows for tax benefits for qualifying companies. The general idea of the program would allow these benefits to be provided to companies within proximity to Genesee Community College (GCC) or any SUNY college campus. An agreement with GCC would allow the SUNY presence on those parcels listed in the agreement. In working with GCC, we have identified STAMP is an area that might participate in this program. Specific parcels within the park will be eligible to provide benefits through the START-UP NY program to qualified participants. Harris Beach has reviewed the agreement, the agreement is standard and does not need to be approved.

3.6 Post-Closing Occupancy Agreement – M. Masse shared that Post-Closing Occupancy agreement with Christopher and Sarah Brush has expired on September 30, 2016. They are requesting an extension to November 30, 2016 as they had some delays with the construction of their new home.

C. Yunker asked if the Board has already extended this agreement before.

M. Masse shared that the agreement has been extended before.

P. Battaglia added that this agreement covers the Agency liability-wise, and having them in the house is not holding us up in anyway.

C. Yunker suggested that if they come back to us for another extension that we should consider increasing the rental rate.

C. Yunker made a motion to approve Post-Closing Occupancy Agreement with Christopher and Sarah Brush for the property located at the STAMP site; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Absent	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

4.0 Audit & Finance Committee

M. Gray shared that the Audit & Finance Committee met on Tuesday, October 4th. They discussed and recommended the following items:

4.1 August 2016 Financial Statements – M. Gray informed the Board that all expenditures are in line with the budget except as noted. ESD Grant funds were collected in August which repaid a portion of the internal borrowings in September.

M. Gray made a motion to approve the August 2016 Financial Statements; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Absent	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

4.2 GCEDC 1+3 Budget – M. Gray shared that a 3% increase was applied for most line items for 2018-2020, unless otherwise noted. This is simply a forecast and not a formal approval of the budgets for years 2018-2020. This information is required to be entered into PARIS (Public Authorities Reporting Information System).

M. Gray made a motion to approve the GCEDC 1+3 Budget; the motion was seconded by M. Davis. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Absent	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

4.3 GAIN! Loan Fund Application – Cottonwood Farms, LLC – M. Gray shared that the GCEDC is proposing to use GAIN! Loan funding in the amount of \$65,000 to provide a loan to the Company for the acquisition of a piece of equipment. The term loan will have an interest rate of 1% per annum and will be amortized over a 10-year period (this repayment term should match the depreciable life of the piece of equipment being purchased). The loan will be secured by a first position lien filing against the piece(s) of equipment being purchased as well as corporate and personal guarantees of the members/owners.

M. Gray made a motion to approve a GAIN! Loan in the amount of \$65K to Cottonwood Farms, LLC; the motion was seconded by M. Davis. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Absent	P. Zelif -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

4.4 GAIN! Loan Fund Application – Sandvoss Farms, LLC – Removed from the Agenda.

4.5 2017 Land Lease Rates – M. Gray shared that the Audit & Finance Committee recommends approval of a lease rate of \$60.00 per acre for Charles Augello, Stein Farms, Norm Geiss and Del Mar Farms, a lease rate of \$3.18 per acre for Lamb Farms as set forth in the option agreement, and a lease rate of \$6.43 per acre for Call Farms as set forth in the option agreement.

M. Gray made a motion to approve the 2017 Land Lease Rates as presented; the motion was seconded by M. Davis. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
M. Wiater -	Absent	P. Zeliff -	Absent
M. Davis -	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

5.0 Governance & Nominating Committee

5.1 Nothing at this time.

6.0 STAMP Committee

6.1 Nothing at this time.

7.0 Employment & Compensation Committee

7.1 Nothing at this time.

8.0 Adjournment

As there was no further business, C. Yunker made a motion to adjourn at 6:02 p.m., which was seconded by M. Gray and passed unanimously.