



**GCEDC Board Meeting
Thursday, June 2, 2022
Location: Electronically
4:00 PM**

GCEDC MINUTES

Attendance

Board Members: M. Clattenburg, M. Gray, C. Yunker, P. Zeliff, T. Bender
Staff: L. Farrell, M. Masse, S. Hyde, L. Casey, J. Krencik, P. Kennett, C. Suozzi
Guests: G. Torrey (GGLDC Board Member), R. Gaenzle (Harris Beach), D. Cunningham
(GGLDC Board Member), J. Tretter (GGLDC Board Member)
Absent: P. Battaglia, C. Kemp

1.0 Call to Order

P. Zeliff called the meeting to order at 4:01 p.m via conference call / video conference.

Governor Kathy Hochul signed legislation (S.50001 / A.40001) on September 2, 2021 extending virtual access to public meetings under NYS's Open Meetings Law, which allows virtual participation in local government meetings during the COVID-19 pandemic. This meeting is being held electronically via conference call / video conference.

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 4:03 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.
2. Discussions regarding proposed, pending, or current litigation.
3. 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 Enter Public Session

T. Bender made a motion to enter back into public session at 4:23 p.m., seconded by C. Yunker and approved by all members present.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, July 7th at 4:00 p.m.
Audit & Finance Committee Meeting: Tuesday, July 5th at 8:30 a.m.
STAMP Committee Meeting: Wednesday, July 6th at 8:00 a.m.

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2.2 Agenda Additions / Deletions / Other Business –

M. Clattenburg made a motion to add the approvals of Temporary Easements 7, 8 and 9 to Agenda item 6.1 “Easement Approval”; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The agenda items were removed.

2.3 Minutes: May 5, 2022.

M. Clattenburg made a motion to accept the minutes from May 5, 2022; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

The Audit & Finance Committee agenda items were discussed prior to the Report of Management so that the Committee chair could report on the agenda items before leaving the meeting.

4.0 Audit & Finance Committee

4.1 April 2022 Financial Statements - L. Farrell reviewed the April 2022 financial statements with the Board. The following was noted:

- On the balance sheet, restricted cash decreased by about \$2.6 million. Unearned revenue decreased by about the same amount. Significant STAMP expenditures were paid in April.
- In the operating fund, we received project origination fees from Gateway GS and Trousdale Solar I & Trousdale Solar II, totaling approximately \$194,000.

The financial statements were reviewed in detail by the Committee and are recommended for approval.

M. Gray made a motion to approve the April 2022 Financial Statements as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

4.2 Cyber Insurance - M. Gray stated that there was a presentation given by Lawley on Cyber Insurance at the Audit & Finance meeting. Coverage is through Atbay written with Trisura, Atbay's new supporting writing company. The change to Trisura is a result of the everchanging Cyber market. It's a common practice to use additional writing companies to provide competitive products.

Atbay/Trisura offered a renewal quote of \$10,289.17 for the 22-23 term. Limits and retention are per expiring; however, the carrier did add a Biometric Information Violation Exclusion. This has been a common exclusion that carriers have added to Cyber policies going forward. If you do not collect or house biometric data and that is not part of your services, this should not affect coverage. The agency's information was sent to market, but no additional quote options were received for the renewal.

Terms may change depending on if the STAMP entities are included. The STAMP information has been provided to the carrier. Lawley is waiting to hear as to whether the entities should be included now or when they become active. An update will be provided as soon as one is received from the carrier.

The cost of this policy is \$10,289.17 and will be split evenly between the GCEDC (\$5,144.59) and GGLDC (\$5,144.58). The budget for each entity included \$4,200 for cyber insurance. This is about \$900 over budget for each entity.

This was recommended for approval by the Committee.

M. Gray made a motion to approve the Cyber Insurance as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

4.3 Loewke Brill Agreement- La Fermiere- At the October 1, 2019 meeting, the GCEDC staff presented a sample proposal from Loewke Brill Consulting Group, Inc. on how they could assist companies that will have to report to the GCEDC under the local labor reporting requirements, including assistance with waiver requests and finding local contractors to bid their projects.

The GCEDC Staff had requested a quote for the costs related to a project in the Ag Park. A copy of the application for incentives was sent to Loewke Brill for them to calculate the fee. They submitted the following:

\$19,520 - 18 Inspections (\$325 per visit), 18 Monthly Reports (\$690 per month), 1 time set up fee (\$1,250)

The time was determined by what the project listed for the duration of construction in their application. GCEDC staff has the following recommendation which is consistent with prior approvals:

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1. The GCEDC will pay for the set-up fee, monthly inspections, and reporting, not to exceed the construction timeline in the application. If it runs over that the company should be responsible.
2. The company will pay for any waiver requests that get submitted and sent to the Board for consideration.

In addition to the above discussion, the Audit & Finance Committee requested that the Governance & Nominating Committee discuss the local labor monitoring fee and potential change to the local labor policy again. The Governance & Nominating Committee is tasked with deciding whether the company or the GCEDC should be responsible for these fees.

At the Governance & Nominating meeting, staff was asked to find out how Erie and Monroe County manage payment of these fees. No change in policy or management of how these fees are currently paid will take place until this information is provided to the Committee and additional discussion can take place.

The Loewke Brill Agreement for the La Fermiere project was recommended for approval by the Committee.

C. Yunker made a motion to approve the Loewke Brill Agreement for the La Fermiere project as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

3.0 Report of Management

3.1 OATKA Milk - Final Resolution- O-AT-KA Milk Products LLC plans to build a 3,200 square foot addition to its existing facility in the town of Batavia.

The \$3.1 million expansion will house 2 new 18,000-gallon tanks and a dilution tank to increase capacities for cream-based liquor beverages and allow for future expansion.

The project is anticipated to add 2 new jobs.

The project has requested \$208,109 in financial support, including \$148,800 in sales tax exemptions and approximately \$59,309 in property tax abatements using our standard PILOT schedule 60% over 10 years.

For every \$1 of public benefit the company is investing \$27 into the local economy.

A public hearing was held on May 23, 2022. No written or oral comments were received.

See the Statement of Compliance of Project Criteria listed in the Uniform Tax Exemption Policy (UTEP), attached to the minutes for additional Project details and Board approvals.

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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 MAY 23, 2022, WITH RESPECT TO THE O-AT-KA MILK PRODUCTS, LLC (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 A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

T. Bender made a motion to accept Final Resolution #06/2022-01, authorizing incentives as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

M. Gray left the meeting.

3.2 Post-Pandemic Employment – J. Krencik reviewed an infographic that illustrates the recovery of Genesee County's employment post-pandemic. As of March 2022, there has been 109% recovery of March 2020 total private employment. As of March 2022, there has been a 92% recovery of March 2020 total non-farm employment, which includes a reduction of 400 jobs in government employment.

3.3 Regional Economic Development Council Update – On May 13th there was a Finger Lakes Regional Economic Council meeting. S. Hyde provided an overview of the presentation that was used at the meeting. This presentation was included with the meeting materials. Below are a few of the topics highlighted by S. Hyde:

- Out of the 9-county region, two of the eleven projects highlighted at the council meeting were from Genesee County, including Plug Power and La Fermiere.
- Genesee County's unemployment recovery since February 2020 is outperforming the region.
- The RESTORE program, which provides financial assistance for the redevelopment of blighted structures, is funded in NYS FY23 budget.
- New York State FY23 Budget Highlights (Economic & Workforce Development Program):
 - \$1B Small Business Program
 - \$170M New Office of Strategic Workforce Development at ESD
 - \$250M Restore NY
 - \$200M Downtown Revitalization Initiative (DRI) Round 6 & New DRI Forward

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- \$1.4B Broadband Initiative
- \$800M Regional Economic & Community Assistance Program (Business Attraction)
- \$200M Shovel-Ready Sites Program (FAST NY)

3.4 Placemaking Update – J. Krencik and S. Hyde provided an update on recent placemaking projects in the Batavia Business Improvement District aided by the Downtown Revitalization Initiative (DRI), DRI Building Improvement Fund (BIF), the GCEDC and affiliates, as well as the Genesee CARES Business Recovery Fund Program. S. Hyde briefed the Board on the progress of three key projects, including the Healthy Living Campus, Ellicott Place and Ellicott Station that are changing the landscape of downtown.

3.5 Legislative Update – J. Krencik briefed the Board on the most recent Legislative session. No direct impacts to economic development are anticipated to come out of this session. J. Krencik first highlighted the positive legislative business, stating that the best initiative to come out of the Legislature this year is support for Governor Hochul's FAST NY program which has driven an increased interest in New York. J. Krencik also mentioned Senator Cooney's Green Chips Bill, which promotes New York State's tax credits for projects that are tapping into renewable energy. J. Krencik then cited potentially damaging legislation which included, 1) a proposal that prohibits elected officials from being on boards like IDAs and LDCs, 2) a proposal that limits the in-state movement of companies, and 3) a proposal to remove school taxes from PILOTs. These proposals are unlikely to move in the assembly. At this time, proposals that are relevant but remain in question are related to establishing gender balance on Boards and seating a prevailing wage oversight board.

3.6 Site Selectors Guild-The Future of Megaprojects - Included with the meeting materials was an infographic that illustrates the staying power of large projects. There are three non-negotiables for site selectors when it comes to large projects, including 1) availability of skilled workforce 2) sufficient acreage or facility and 3) utility infrastructure. S. Hyde stated that the Agency has done well with the first two requirements and will continue to work the issues that surround utility infrastructure.

5.0 Governance & Nominating Committee – C. Yunker

5.1 GGLDC Board Member Appointments- GGLDC Board Member Appointments – P. Zeliff's terms for the GCEDC and GGLDC Boards ends on 6/30/22. The Genesee County Legislature reappointed P. Zeliff to the GCEDC Board of Directors. The Governance and Nominating Committee recommends that P. Zeliff is reappointed to the GGLDC Board of Directors.

C. Yunker made a motion reappoint P. Zeliff to the GGLDC Board of Directors; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

5.2 Officer Appointments- The current slate of officers is set to expire on June 30th. It is suggested to approve the below listed slate of officers:

Chair - P. Zeliff

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Vice-Chair - M. Gray
Secretary - P. Kennett
Treasurer - L. Farrell
President/CEO - S. Hyde

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

This was recommended for approval by the Committee.

C. Yunker made a motion to reapprove the current slate of officers; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

5.3 Authorized to Request Information Regarding Bank Accounts – L. Farrell and P. Kennett need to be authorized to request information regarding the bank accounts. No changes to this authorization are being suggested at this time.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the authorized individuals to obtain bank account information as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

5.4 Authorized Signers of Agreements, Contracts, 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 & Workforce Development. No changes are being suggested at this time.

This was recommended for approval by the Committee.

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

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

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The item was approved as presented.

5.5 Authorized Bank Signers – Audit & Finance Committee members are authorized bank signers, along with two staff members, S. Hyde and M. Masse. All GCEDC checks must be signed by two authorized signers. All checks must be signed by at least one board member.

Line of credit withdrawals must be signed by two authorized signers. All line of credit withdrawals must be signed by at least one board member.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the Authorized Bank Signers as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

5.6 Procurement Policies & Procedures - This policy is required to be reviewed annually. There are no changes being recommended.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the Procurement Policies & Procedures as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

5.7 Investment Policy- This policy is required to be reviewed annually. There are no changes being recommended.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the Investment Policy as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

5.8 Disposition of Property Guidelines- This policy is required to be reviewed annually. There are no changes being recommended.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the Disposition of Property Guidelines as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

5.9 Pricing Policy Change - The GCEDC's current pricing policy allows an origination fee of 1.25% of the total capital investment/benefitted project amount. With STAMP seeing interest from projects that have significant capital investment/benefitted amounts, the GCEDC staff is recommending a revision to the policy to allow for an ability to negotiate the origination fee on these large projects.

Fund Commitment: None.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the Pricing Policy Change as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

6.0 STAMP Committee – P. Zelif

6.1 Easement Approval- In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, there are several easements needed. Based on a compensation model the following payments are being recommended:

1. Temporary Easement 21 - \$500
2. Temporary Easement 7 - \$500
3. Temporary Easement 8 - \$500
4. Temporary Easement 9 - \$500

Fund Commitment: \$500 per Temporary Easement from the \$33 million.

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Temporary Easement 21 was recommended for approval by the Committee. Temporary Easements 7, 8 and 9 were added to the full Board agenda.

P. Zelif made a motion to approve the ROW easement payments not to exceed \$500 per temporary easement as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

6.2 Draft Land Management Plan - A red-lined version of the Draft Land Management Plan, denoting the changes from 2017, was provided to the STAMP Committee members. A final draft will be provided at the next STAMP Committee meeting.

7.0 Employment & Compensation – T. Bender

7.1 Nothing at this time.

8.0 Housing Committee – P. Battaglia

8.1 Nothing at this time.

9.0 Other Business

9.1 Nothing at this time.

10.0 Adjournment

As there was no further business, T. Bender made a motion to adjourn at 5:05 p.m., which was seconded by C. Yunker and passed unanimously.



**Genesee
County
Economic
Development
Center**

Project Name: OATKA Milk Products

Board Meeting Date: May 5, 2022

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

PROJECT DESCRIPTION:

O-AT-KA Milk Products LLC plans to build a 3,200 square foot addition to its existing facility in the town of Batavia.

The \$3.1 million expansion will house 2 new 18,000 gallon tanks and a dilution tank to increase capacities for cream based liquor beverages, and allow for future expansion.

The project is anticipated to add 2 new jobs.

The project has requested \$208,109 in financial support, including \$148,800 in sales tax exemption and \$59,309 in property tax abatement using our standard PILOT schedule 60% over 10 years.

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

Project details: The project will create 2 FTE’s direct jobs with an average of salary of \$41,600+ benefits.

Board Discussion: None.

C. Yunker made a motion to concur with Criteria #1; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

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 an investment of \$3,100,000 and construct a 3,200 sq. ft. addition to their facility.

Board Discussion: None.

M. Clattenburg made a motion to concur with Criteria #2; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

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

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

Project details: N/A

Board Discussion: None.

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.

The Fiscal impacts (discounted value) on Local Benefits totals approximately \$3.5 million (\$3.4 million direct and indirect payroll and over \$65,203 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

Project details: For every \$1 of public benefit the company is investing \$27 into the local economy

Board Discussion: None.

T. Bender made a motion to concur with Criteria #4; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

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: The project is strategic in the Food Processing industry

Board Discussion: None.

M. Gray made a motion to concur with Criteria #5; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

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 2nd quarter of 2022 and be operational by the end of 2022.

Board Discussion: None.

M. Clattenburg made a motion to concur with Criteria #6; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

Board Concurrence: YES NO If no, state justification: