



**Thursday, October 27, 2016**  
**Upstate MedTech Centre – Suite 107**  
**4:00 PM**

**GCEDC MINUTES**

**Attendance**

Board Members: P. Battaglia, M. Gray, M. Davis, J. Rizzo

Staff: L. Farrell, M. Masse, E. Richardson, C. Suozzi, R. Tabela, P. Kennett

Guests: T. Felton (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), H. Upson (GGLDC Board Member), J. Krencik (The Daily News), Jack Davis (TJ Sheehan Distributing), Matthew Grimes (Village of Alexander Board Member)

Absent: M. Wiater, C. Yunker, 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:**

**TJ Sheehan Distributing** – C. Suozzi introduced Jack Davis of TJ Sheehan Distributing to give a brief overview of their project. Mr. Davis shared that TJ Sheehan Distributing is a beer wholesaler headquartered in Liverpool who is looking to expand their operations in Alexander, NY. The company is looking to purchase the old Cargill building in Alexander, NY. There is a planned capital investment of approx. \$1.6M to retrofit the facility and start operations. This new facility will allow for the company to grow and be close to its customer base.

P. Battaglia asked how many people they project to hire.

Jack Davis shared that the company plans to hire 9 new employees with the hopes to hire more in the future as the company grows.

M. Gray asked what regions the company will be servicing out of the Alexander location.

Jack Davis shared that the company will be serving areas west of Waterloo, NY.

**J. Krencik and Jack Davis left the meeting at 4:06pm.**

**1.1 Executive Session**

J. Rizzo made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:06 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 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 4:38 p.m., seconded by M. Davis and approved by all members present.

**J. Krencik joined the meeting at 4:38pm.**

**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, December 1<sup>st</sup> at 4:00pm  
Employment & Compensation Committee Meeting: Thursday, December 1<sup>st</sup> at 3:00pm  
STAMP Committee Meeting: Tuesday, November 22<sup>nd</sup> at 8:00am  
Audit & Finance Committee Meeting: Tuesday, November 29<sup>th</sup> at 3:00pm

**2.2 Agenda Additions / Deletions / Other Business** – P. Battaglia asked the Board to remove items 3.1 Empire Pipeline, Inc., 3.2 Mega Properties Inc., and 4.4 GAIN! Loan Fund Request from the agenda. He also asked to add item 7.2 Conversion of Salaried Employees to Hourly Employees to the agenda.

**M. Gray made a motion to approve the changes to the agenda as requested; the motion was seconded by J. Rizzo. Roll call resulted as follows:**

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

**The item was approved as presented.**

### **2.3 October 6, 2016 Minutes**

**J. Rizzo made a motion to approve the October 6, 2016 Minutes; the motion was seconded by M. Gray. Roll call resulted as follows:**

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

**The item was approved as presented.**

## **3.0 Report of Management**

**3.1 Empire Pipeline, Inc. – Final Resolution** – Removed from the agenda.

**3.2 Mega Properties, Inc. – Final Resolution** – Removed from the agenda.

**3.3 TJ Sheehan Distributing – Initial Resolution** – C. Suozzi reminded the Board that the company is planning on converting the former Cargill 37,491 sq. ft. facility in Alexander, NY to a refrigerated beverage distribution center. The Massachusetts based wholesaler is seeking to expand their operation from an existing facility in Syracuse. The company plans to invest approx. \$1.6M and pledges to create 9 FTEs. The company is seeking assistance from the GCEDC in the form of a sales tax exemption valued at approx. \$69,118 and a property tax exemption valued at approx. \$161,760. A public hearing will be held as benefits exceed \$100,000.

Resolution No. 10/2016-02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING THE APPLICATION OF T.J. SHEEHAN DISTRIBUTING, INC. WITH RESPECT TO A CERTAIN PROJECT, (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

**J. Rizzo made a motion to approve Resolution No. 10/2016-02, to accept the application and set a public hearing; the motion was seconded by M. Davis. Roll call resulted as follows:**

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

**The item was approved as presented.**

#### **4.0 Audit & Finance Committee**

M. Gray shared that the Audit & Finance Committee met on Tuesday, October 25<sup>th</sup>. They discussed and recommended the following items:

**4.1 September 2016 Financial Statements** – M. Gray informed the Board that all expenditures are in line with the budget except as noted. Grant revenue increased due to receipt of \$200K GAIN! Loan Funds designated for a loan to L&M Specialty Fabrication.

**M. Gray made a motion to approve the September 2016 Financial Statements; the motion was seconded by M. Davis. Roll call resulted as follows:**

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

**The item was approved as presented.**

**4.2 Audit & Finance Committee Charter** – M. Gray shared that the Audit & Finance Committee Charter was brought to the committee a couple of months ago, much of the discussion then was regarding page 10 where it discusses independent members. The Committee recommends that the verbiage should include “Section 2825 of New York Public Authorities Law”. Referencing this section of the law will ensure that the policy will be up to date as any changes to the law are made.

**M. Gray made a motion to approve the Audit & Finance Committee Charter; the motion was seconded by M. Davis. Roll call resulted as follows:**

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

**The item was approved as presented.**

**4.3 e3communications Public Relations Contract Renewal** – M. Gray shared that Mr. Wells, with e3communications, has been providing strategic public relations, message development, and media relations assistance since 2012. His firm assists the CEO and the Director of Marketing and Communications with writing, editing, and disseminating press releases, opinion pieces, etc. e3communications also assists in coordinating press events, special events, and public appearances, supplying programs, agendas and talking points. Lastly the company serves as a strategy advisor to our agency in government communications.

The contract has not increased since he started with the GCEDC in 2012. It is \$1,500 per month / \$18,000 for 2017. This contract was budgeted for within the 2017 GCEDC budget under Operations / Marketing.

**M. Gray made a motion to approve the e3communications Public Relations Contract for \$18,000 for 2017 services; the motion was seconded by M. Davis. Roll call resulted as follows:**

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

**The item was approved as presented.**

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

#### **5.0 Governance & Nominating Committee**

**5.1 Governance & Nominating Committee Charter** – J. Rizzo shared that there were no changes made to the charter. The Committee recommends this for approval.

**J. Rizzo made a motion to approve the Governance & Nominating Committee Charter; the motion was seconded by M. Davis. Roll call resulted as follows:**

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

**The item was approved as presented.**

## **6.0 STAMP Committee**

**6.1 Reimbursement to Town of Alabama for Roadway Site Plan Review** – M. Masse shared that the GCEDC has applied for site plan approval of design and engineering of the roadway, including storm water maintenance, at the STAMP site. The Town of Alabama has hired Wendel Engineering, along with the Town attorney, to review the plans and recommend any actions to the Planning Board. The GCEDC has received the first invoice in connection with this review in the amount of \$19,840.56.

The Committee recommends approval of payment in the amount of \$19,840.56 to the Town of Alabama to be covered under the \$5M ESD Grant.

**M. Gray made a motion to approve the payment in the amount of \$19,840.56 to the Town of Alabama for Roadway Site Plan Review; the motion was seconded by J. Rizzo. Roll call resulted as follows:**

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

**The item was approved as presented.**

**6.2 CC Environment & Planning Contract – Phase IIB Archeological Studies** – M. Masse shared that the GCEDC has completed Phase IB investigations on all parcels that it owns. Based on the Phase IB studies, there are 18 additional sites that were required to have Phase II investigations completed to determine if a Phase III would be necessary or not. This contract will cover all necessary field work, artifact analysis, reports and recommendations in a subcontract with the University at Buffalo (UB) as well as site prep, coordination with a monitor from the Tonawanda Seneca Nation, coordination with STAMP Tech Team members to review the report along with submissions to SHPO and coordination of agency review. The cost is estimated not to exceed \$172,175.

The Committee recommends approval of a contract with CC Environmental & Planning, not to exceed \$172,175, for Phase IIB Archeological Studies at the STAMP site. The costs will be covered under the \$5M ESD Grant.

**J. Rizzo made a motion to approve a contract with CC Environment & Planning, not to exceed \$172,175, for Phase II Archeological Studies at the STAMP site; the motion was seconded by M. Gray. Roll call resulted as follows:**

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

**The item was approved as presented.**

**6.3 Archeological Monitor – Seneca Nation** – M. Masse shared as part of the archeological work that is performed at the STAMP site, the Tonawanda Seneca Nation has a monitor on site to help identify any of the artifacts that are found. They charge a flat rate per hour.

The Committee recommends approval to reimburse the Tonawanda Seneca Nation for an onsite monitor, not to exceed \$7,500. These costs will be covered under the \$5M ESD Grant.

**J. Rizzo made a motion to approve reimbursement to the Tonawanda Seneca Nation for an onsite monitor, not to exceed \$7,500; the motion was seconded by M. Davis. Roll call resulted as follows:**

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

**The item was approved as presented.**

**6.4 CC Environment & Planning Contract – Jurisdictional Determination Update** – M. Masse shared that the GCEDC had a delineation of wetlands and streams completed on July 14, 2010 that was revised on September 24, 2010 and again on November 11, 2010. The U.S. Army Corps of Engineers (USACE) reviewed this report and issued a jurisdictional determination (JD) on February 1, 2012. The JD identified regulatory status of wetlands and streams mapped at the STAMP site and determined whether they would fall under the jurisdiction of the NYS Department of Environmental Conservation or the U.S. Army Corps of Engineers. This report is required to be updated every five years, with a current expiration date of February 2017. If this JD is not updated and left to expire, the USACE will not issue any potential permits for infrastructure construction or building construction until it is completed. Based on the summer we have had this year; this would be a good time to go out and verify the lines of the wetlands and streams to ensure that they have not changed in size since the last delineation. The season to do field work and to complete this report is rapidly coming to an end. Field work should be completed during November or delayed until next spring. The potential for wetlands to change/expand is another reason it is crucial that we continue to have our local ag producers farm the properties as they have in the past until development occurs.

The Committee recommends approval of a contract with CC Environment & Planning, not to exceed \$16,264, for a Jurisdictional Determination Update for the STAMP Site. These costs will be covered by the ESD \$5M Grant.

**M. Davis made a motion to approve a contract with CC Environment & Planning, not to exceed \$16,264, for a Jurisdictional Determination Update at the STAMP site; the motion was seconded by J. Rizzo. Roll call resulted as follows:**

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

**The item was approved as presented.**

**6.5 \$28M Grant Disbursement Agreement** - M. Masse shared that the GCEDC received the amendment to the Grant Disbursement Agreement (GDA) for Project #Z337. The previous GDA was a \$5M grant. This amendment increases the grant amount from \$5M to \$33M.

The Committee recommends approval of signing the \$28M Grand Disbursement Agreement with Empire State Development.

**M. Davis made a motion to approve signing the \$28M Grant Disbursement Agreement amendment with Empire State Development for Project #Z337; the motion was seconded by M. Gray. Roll call resulted as follows:**

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

**The item was approved as presented.**

## **7.0 Employment & Compensation Committee**

**7.1 Standard Workday Resolution for Employees** – L. Farrell shared that one title has changed since this was last approved and the Standard Workday Resolution for Employees needs to be updated. All GCEDC employees are now included on this form. In the past, elected or appointed officials were listed on a separate form. This does not get submitted, but must be kept on file and made available to the Retirement System upon request.

The Committee recommends approval of the updated Standard Workday Resolution for Employees.

**M. Davis made a motion to approve the updated Standard Workday Resolution for Employees; the motion was seconded by M. Gray. Roll call resulted as follows:**

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

**The item was approved as presented.**

**7.2 Conversion of Salaried Employees to Hourly Employees** – L. Farrell shared that the GCEDC has two employees/positions that will be affected by the Department of Labor’s Final Rule law change. Hourly rates of pay will need to be established for these employees. It is proposed that the employee’s current annual salary be divided by 37.5 hours per week to come up with their hourly rate.

The Committee recommends approval of the hourly wages for newly classified non-exempt employees starting December 1, 2016.

**M. Davis made a motion to approve the hourly wages for newly classified non-exempt employees starting December 1, 2016; the motion was seconded by M. Gray. Roll call resulted as follows:**

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

**The item was approved as presented.**

### **8.0 Adjournment**

As there was no further business, M. Davis made a motion to adjourn at 5:08 p.m., which was seconded by M. Gray and passed unanimously.