



Thursday, March 29, 2018
Upstate MedTech Centre – Innovation Zone
4:00 PM

GCEDC MINUTES

Attendance

Board Members: P. Zelif, T. Bender, A. Young, P. Battaglia (via video conference), M. Gray

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

Guests: T. Felton (GGLDC Board Member), D. Cunningham (GGLDC Board Member), M. Wiater (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), J. Krencik (The Daily News), J. Gsell (Genesee County), R. Gaenzle (Harris Beach)

Absent: C. Yunker, J. Rizzo

1.0 Call to Order

P. Zelif called the meeting to order at 4:00 p.m. in the Upstate MedTech Centre Innovation Zone conference room.

Presentation: Mostert, Manzanero & Scott, LLP – 12/31/17 Audit – Their presentation was given to the Audit & Finance Committee who felt it was not necessary for them to also present to the full Board.

1.1 Enter Executive Session

T. Bender made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:00 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.

M. Wiater joined the meeting at 4:10 p.m.

1.2 Enter Public Session

T. Bender made a motion to enter back into public session at 4:42 p.m., seconded by A. Young and approved by all members present.

2.0 Chairman's Report & Activities

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

Next Scheduled Board Meeting: Thursday, May 3rd at 4:00 p.m.

Audit & Finance Committee Meeting: Tuesday, May 1st at 8:30 a.m.

STAMP Committee Meeting: Tuesday, May 1st at 10:30 a.m.

Governance & Nominating Committee Meeting: Thursday, May 3rd at 3:00 p.m.

2.2 Agenda Additions / Deletions / Other Business –

P. Zelifff made a motion to approve removing item 6.1 Additional Construction and Inspection Contract Administration Costs – Clark Patterson Lee from the agenda; the motion was seconded by A. Young. Roll call resulted as follows:

P. Battaglia -	Yes (video conference)	C. Yunker -	Absent
T. Bender -	Yes	P. Zelifff -	Yes
A. Young	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

2.3 Minutes: March 8, 2018

P. Battaglia shared that he attended the March 8th meeting, but was not video conferencing as the minutes suggest. He requested that the “(via video conference)” be removed from the minutes.

A. Young made a motion to approve the March 8, 2018 minutes with changes made as requested; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes (video conference)	C. Yunker -	Absent
T. Bender -	Yes	P. Zelifff -	Yes
A. Young	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The items were approved as presented.

3.0 Report of Management

3.1 Town Center Plaza, LLC – Final Resolution – C. Suozzi reminded the Board that Town Center Plaza, LLC is seeking to bring back a grocery store in the Village of Corfu community that has been closed for several years. The developer is planning a reconstruction project on the approx. 20,000 sq. ft. facility. The company is seeking assistance from the GCEDC under Section 862-a of General Municipal Law (GML), which states that an IDA is limited in its ability to provide financial assistance to projects where facilities “that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost.”

The retail restriction may be overcome where, based upon an application, an IDA finds that: (i) the predominant purpose of the project is to make available goods or services which would not be, but for the project, reasonably accessible to residents of the municipality where the project is located; or (ii) the project is located within or adjacent to a “highly distressed area” as defined in 854(18) GML. Under these provisions, the IDA is qualified to assist this project.

Both the Village of Corfu and Town of Pembroke have passed resolutions stating that the project will make available goods or services which are not reasonably accessible to the residents. The IDA has also received a letter of support from Darien Lake Theme Park.

The company is planning to invest approx. \$1,000,000 and create 7 new jobs. They are seeking assistance from the GCEDC with a sales tax exemption valued at approx. \$40,000, a mortgage tax exemption valued at approx. \$10,000 and a property tax abatement of approx. \$27,527.

A public hearing was held on Wednesday, March 28th. M. Masse shared that there was one resident that thought the project, like Tim Hortons and Dollar General, should stand on its own, without incentives from the GCEDC. Others were in favor of the project.

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

Resolution No. 03/2018-02

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, (ii) APPOINTING TOWN CENTER PLAZA LLC AS AGENT OF THE AGENCY, (iii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA, (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, (b) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (c) AN EXEMPTION FROM MORTGAGE RECORDING TAXES AS AUTHORIZED BY NEW YORK LAW, AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF AN AGENT, FINANCIAL ASSISTANCE AND PROJECT AGREEMENT, A LEASE AGREEMENT, A LEASEBACK AGREEMENT, A TAX AGREEMENT, A MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

M. Gray made a motion to approve the Town Center Plaza, LLC Final Resolution No. 03/2018-02 as presented; the motion was seconded by A. Young. Roll call resulted as follows:

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

The item was approved as presented.

3.2 Genesee Lumber Co., Inc. – Final Resolution – C. Suozzi shared that Genesee Lumber Company is demolishing an existing structure and building a 7,158 sq. ft. warehouse for their operation in the City of Batavia. The warehouse will be used to store lumber and other building products to better serve customers in Genesee County and the surrounding area. This project will contribute to the City of Batavia's Pathway to Prosperity (BP2) program.

The company is planning to invest approx. \$300,000 and create 3 new jobs and retain 29 jobs. They are seeking assistance from the GCEDC with a sales tax exemption valued at approx. \$16,320, and a property tax abatement of approx. \$41,157. As benefits do not exceed \$100,000, a public hearing does not need to be held.

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

Resolution No. 03/2018-03

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, (ii) APPOINTING GENESEE LUMBER CO., INC. AS AGENT OF THE AGENCY, (iii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA, (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, A LEASE AGREEMENT, A LEASEBACK AGREEMENT, A TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

T. Bender made a motion to approve the Genesee Lumber Co., Inc. Final Resolution No. 03/2018-03 as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Abstain (video conference)	C. Yunker -	Absent
T. Bender -	Yes	P. Zeff -	Yes
A. Young	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

3.3 Xylem Dewatering Solutions, Inc. – Initial 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 will need to be held.

Resolution No. 03/2018-04

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, (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.

A. Young made a motion to approve the Xylem Dewatering Solutions, Inc. initial Resolution No. 03/2018-04 as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The items were approved as presented.

3.4 Local Labor Waiver Request – Resolution - M. Masse shared that Haskell Engineering and O'Neal, Inc. are currently overseeing the HP Hood building refit project and automated retrieval warehouse construction at the plant in Batavia. Since the project is more than \$5 million in 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 effected 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."

Haskell Engineering has submitted one waiver request related to specialty construction and warranty requirements.

O'Neal Inc., has submitted two waiver requests related to specialized construction for which Local Labor Workers are not available.

Resolution No. 03/2018-05

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

A. Young made a motion to approve Local Labor Waiver Request Resolution No. 03/2018-05 as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

4.0 Audit & Finance Committee – M. Gray

4.1 12/31/17 Audit - L. Farrell shared that the Audit & Finance Committee reviewed the Management Letter and Audit Report for the GCEDC. David Brownell of Mostert, Manzanero & Scott, LLP, attended the meeting to review the audit and to answer any questions the Committee had. The management letter states that no material deficiencies in internal controls were identified during the audit. In their opinion, the audited financial statements present fairly, in all material respects, the financial position of the GCEDC as of December 31, 2017 in accordance with accounting principles generally accepted in the United States of America. This is being recommended by the Audit & Finance Committee for approval.

M. Gray made a motion to approve the 12/31/17 Audit as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

4.2 Apple Tree Acres Land Swap – Resolution – M. Masse shared that the GCEDC has sold property in past years at Apple Tree Acres park that was part of a proposed roadway out to Route 19, if necessary. The GCEDC has had to look at alternative ways for that road to potentially connect out. One way is along

the southern end of property owned by RJ Properties, LLC. The GCEDC also owns property that is to the east of RJ Properties, LLC that would square off their parcel. RJ Properties, LLC has proposed a land swap of 1.22 acres they would give to the GCEDC in exchange for 2.98 acres. One of the factors to consider is the location of the electric lines that were installed a few years ago. For RJ Properties, LLC to utilize the parcel that they would receive, they would need to have those poles relocated at their expense (which could be \$100,000 per acre additional cost).

M. Masse asked the Board to consider the land swap with RJ Properties, LLC or any affiliated entities. Expected costs related to this transaction, which are not included in the 2018 budget, would be not to exceed \$5,000 in legal fees, \$1,000 in survey and boundary descriptions, plus third-party costs (title search) and filing fees.

Resolution No. 03/2018-06

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") AUTHORIZING (i) A "LAND SWAP" OF CERTAIN AGENCY OWNED REAL PROPERTY WITH R.J. PROPERTIES, LLC AND (ii) THE EXECUTION OF A LAND SWAP AGREEMENT, A DEED, AND RELATED DOCUMENTS IN CONNECTION THEREWITH.

M. Gray made a motion to approve a Resolution No. 03/2018-06, authorizing a Land Swap with RJ Properties, LLC or any affiliated entities, as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Abstain (video conference)	C. Yunker -	Absent
T. Bender -	Yes	P. Zeff -	Yes
A. Young	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

4.3 Apple Tree Acres Purchase & Sale Agreement – Resolution – M. Masse shared that the GCEDC has been in discussions with a company who is interested in purchasing approx. 19.5 acres for development of their warehousing/manufacturing facility at the Apple Tree Acres Corporate Park.

M. Masse asked the Board to consider the Purchase and Sale Agreement with Bert Berardi, on behalf of a to-be-formed entity for approx. 19.5 acres at Apple Tree Acres for a total purchase price of \$304,941, and payment of applicable closing costs.

Resolution No. 03/2018-07

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") AUTHORIZING (i) THE SALE OF CERTAIN AGENCY OWNED REAL PROPERTY TO BERT BERARDI, ON BEHALF OF A TO-BE-FORMED ENTITY, AND (ii) THE EXECUTION OF A PURCHASE AND SALE AGREEMENT, A DEED, AN EASEMENT AGREEMENT, AND RELATED DOCUMENTS IN CONNECTION THEREWITH.

M. Gray made a motion to approve Resolution No. 03/2018-07, authorizing the Purchase & Sale Agreement, including applicable closing costs, with Bert Berardi, or behalf of a to-be-formed entity, as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

4.4 LeRoy Food & Tech Park Purchase & Sale Agreement – Resolution – M. Masse shared that the GCEDC has been in discussions with a company who is interested in purchasing approx. 5 acres for development of their manufacturing facility at the LeRoy Food & Technology Park.

M. Masse asked the Board to consider the Purchase and Sale Agreement with McQuillen, Inc. or any affiliated entities, for approx. 5 acres at the LeRoy Food & Tech Park for a purchase price of \$10,000 per acre.

Resolution No. 03/2018-08

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") AUTHORIZING (i) THE SALE OF CERTAIN AGENCY OWNED REAL PROPERTY TO MCQUILLEN, INC., ON BEHALF OF A TO-BE-FORMED ENTITY, AND (ii) THE EXECUTION OF A PURCHASE AND SALE AGREEMENT, A DEED, AN EASEMENT AGREEMENT, AND RELATED DOCUMENTS IN CONNECTION THEREWITH.

M. Gray made a motion to approve Resolution No. 03/2018-08, authorizing the Purchase & Sale Agreement, including applicable closing costs, with McQuillen, Inc. or any affiliated entities, as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Abstain (video conference)	C. Yunker -	Absent
T. Bender -	Yes	P. Zelif -	Yes
A. Young	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The items were approved as presented.

4.5 LeRoy Consolidated Funding Application Grant Disbursement Agreement – M. Masse shared that the GCEDC has received an Empire State Development (ESD) Grant Disbursement Agreement for the \$420,000 (AA769) grant for the LeRoy Food & Tech Park. The proposed Financial Terms and Conditions of the grant is as follows:

- a. Reimburse ESD for all out-of-pocket expenses incurred with this project. Pay a commitment fee of 1% of the grant; \$4,200.
- b. Grant must be disbursed by April 1, 2020.
- c. GCEDC staff has requested that Exhibit C Recapture Terms be revised or removed.

These grant funds will be made in two disbursements. An initial disbursement of an amount equal to 74% of the grant (\$310,000) will be disbursed upon documentation of real estate, infrastructure, site work, architectural, engineering and soft project costs totaling \$310,000, provided we are in compliance with the terms and conditions of the agreement.

A second disbursement of an amount equal to 26% of the grant (\$110,000) will be disbursed upon documentation of real estate, infrastructure, site work, architectural, engineering and soft project costs totaling \$662,172 (\$972,142 cumulative project costs) and upon completion of the project substantially as described in Exhibit A, provided we are in compliance with the terms and conditions of the agreement.

The Audit & Finance Committee is recommending this for approval. Total expenditures related to the Grant Disbursement Agreement are not to exceed \$6,000; \$4,200 commitment fee plus any out of pocket expenses of ESD.

M. Gray made a motion to approve the LeRoy Consolidated Funding Application Grant Disbursement Agreement, contingent upon ESD's removal of Exhibit C; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

4.6 Mowing Contracts – M. Masse shared that the GCEDC asked companies for bids to mow the properties we have acquired at STAMP and the entrance signs to Gateway I and Apple Tree Acres. The results of the bids are as follows based on 13 mows in the season:

STAMP

1. \$5,479 – S&S Trucking
2. \$9,126 – Scalia’s Landscaping
3. \$6,500 McKenzie Landscaping

Gateway I and Apple Tree Acres

1. \$260 – McKenzie Landscaping
2. \$260 – Scalia’s Landscaping
3. \$557 – S&S Trucking

M. Masse noted that a requirement of the bid was to provide proof of insurance coverage and worker’s compensation. McKenzie did not provide that. The bid that Scalia’s provided was one bid for all properties, and they were not willing to split them up or segment them.

M. Masse asked the Board to consider a contract with S&S Trucking not to exceed \$7,000 for mowing services at STAMP, Gateway I and Apple Tree Acres. This is being recommended by the Audit & Finance Committee.

M. Gray made a motion to approve the mowing contract with S&S Trucking for STAMP, Gateway I and Apple Tree Acres not to exceed \$7,000; the motion was seconded by A. Young. Roll call resulted as follows:

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

The item was approved as presented.

4.7 LeRoy Main Entrance Road Engineering Services – Clark Patterson Lee – M. Masse shared that the GCEDC has been in discussions with a company who is interested in purchasing approx. 5 acres for development of their manufacturing facility at the LeRoy Food & Tech Park. As part of this project, the GCEDC will need to design, engineer, and permit 360 linear feet of main entrance roadway. Clark Patterson Lee has provided a proposal in the amount of \$38,700 to complete this work.

This expenditure will be covered 50% by a National Grid grant, with the remaining funds to come from project sources.

M. Gray made a motion to approve the contract with Clark Patterson Lee for the LeRoy Main Entrance Road Engineering Services, not to exceed \$38,700, contingent upon the project in

the park moving forward; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Abstain (video conference)	C. Yunker -	Absent
T. Bender -	Yes	P. Zelif -	Yes
A. Young	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The item was approved as presented.

5.0 Governance & Nominating Committee – J. Rizzo

5.1 Nothing at this time.

6.0 STAMP Committee – P. Zelif

~~6.1 Additional Construction and Inspection Contract Administration Costs – Clark Patterson Lee~~ – Removed from the agenda.

6.2 Formation of Waterworks Corporation – M. Masse shared that Phillips Lytle is in the process of setting up the water works corporation for on site water at STAMP. This corporation would be responsible for owning, operating and maintaining any water lines and services that are within the 1,250-acre STAMP campus that would provide water to tenants at STAMP. The water works corporation would also be responsible for billing water charges, collecting fees, and paying the associated municipalities for bulk water.

M. Masse reviewed some of the outstanding items related to the formation of the water works corporation with the Board.

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 5:11 p.m., which was seconded by T. Bender and passed unanimously.



Project Name: Town Center Plaza, LLC
Board Meeting Date: March 29, 2018

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

PROJECT DESCRIPTION:

Town Center Plaza, LLC is seeking to bring back a grocery store to the Village of Corfu community that has been closed for several years. The developer is planning a reconstruction project on the approximately 20,000 sq. ft. facility in the Village of Corfu.

GCEDC is seeking to assist the project under § 862-a of GML, an IDA is limited in its ability to provide financial assistance to projects where facilities “that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost”.

The retail restriction may be overcome where, based upon an application, an IDA finds that: (i) the predominant purpose of the project is to make available goods or services which would not be, but for the project, reasonably accessible to residents of the municipality where the project is located; or (ii) the project is located within a “highly distressed area” as defined in § 854(18) of GML.

Both the Village of Corfu and Town of Pembroke have passed resolutions stating the project will make available goods or services which are not reasonably accessible to the residents.

Also, the project is located adjacent to a “highly” distressed area which will qualify the IDA to assist as defined in § 854(18) of GML.

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

Project details: The project will create 7 FTE's at an average salary range of \$22,000-\$52,000 per job.

Board Discussion: None.

M. Gray made a motion to concur with Criteria #1; the motion was seconded by T. Bender.

Roll call resulted as follows:

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

The items were 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 the renovation of the facility and \$1,000,000 in capital investment. We are proposing a standard 60% average abatement PILOT on the incremental increase in assessed value.

Board Discussion: None.

A. Young made a motion to concur with Criteria #2; the motion was seconded by T. Bender.

Roll call resulted as follows:

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

The items were 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: The company will be providing job opportunities to local Genesee County residents plus needed goods and services that are underserved in the community (see support letters).

Board Discussion: None.

M. Gray made a motion to concur with Criteria #3; the motion was seconded by A. Young. Roll

call resulted as follows:

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

The items were approved as presented.

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 \$27.2 into the local and regional economy. See economic impact report for further details.

Board Discussion: None.

P. Battaglia made a motion to concur with Criteria #4; the motion was seconded by A. Young.

Roll call resulted as follows:

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

The items were 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:

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 planned to begin construction in April of 2018 and be operational by May 2018.

Board Discussion: None.

P. Battaglia made a motion to concur with Criteria #6; the motion was seconded by M. Gray.

Roll call resulted as follows:

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

The items were approved as presented.

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



Project Name: Genesee Lumber Company, LLC

Board Meeting Date: March 29, 2018

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

PROJECT DESCRIPTION:

Genesee Lumber Company will demolish an existing structure to make way to build a 7,158 sq. ft. warehouse addition to their operation in the City of Batavia. The new warehouse will store lumber and other building products to better serve customers in Genesee County and the surrounding region. This project will contribute to the City of Batavia’s BP2 program.

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

Project details: The project will create 3 FTE’s at an average salary range of \$30,000-\$50,000 per job and retain 29 FTE’s.

Board Discussion: None.

T. Bender made a motion to concur with Criteria #1; the motion was seconded by M. Gray.

Roll call resulted as follows:

P. Battaglia -	Abstain (video conference)	C. Yunker -	Absent
T. Bender -	Yes	P. Zelif -	Yes
A. Young	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The items were 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 warehouse and \$300,000 in capital investment. We are proposing a standard 60% average abatement PILOT on the incremental increase in assessed value.

Board Discussion: None.

A. Young made a motion to concur with Criteria #2; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Abstain (video conference)	C. Yunker -	Absent
T. Bender -	Yes	P. Zelif -	Yes
A. Young	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The items were 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:

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 \$21.2 into the local and regional economy. See economic impact report for further details.

Board Discussion: None.

M. Gray made a motion to concur with Criteria #4; the motion was seconded by T. Bender.

Roll call resulted as follows:

P. Battaglia -	Abstain (video conference)	C. Yunker -	Absent
T. Bender -	Yes	P. Zelif -	Yes
A. Young	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The items were 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:

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 Dec 2018.

Board Discussion: None.

A. Young made a motion to concur with Criteria #6; the motion was seconded by T. Bender.

Roll call resulted as follows:

P. Battaglia -	Abstain (video conference)	C. Yunker -	Absent
T. Bender -	Yes	P. Zelff -	Yes
A. Young	Yes	M. Gray -	Yes
J. Rizzo -	Absent		

The items were approved as presented.

Board Concurrence: YES NO If no, state justification: