



**Thursday, October 31, 2019  
Upstate MedTech Centre – Innovation Zone  
4:00 PM**

**GCEDC MINUTES**

**Attendance**

Board Members: P. Battaglia, M. Gray, A. Young, C. Yunker

Staff: L. Farrell, M. Masse, L. Casey, P. Kennett, J. Krencik, S. Hyde, C. Suozzi

Guests: D. Cunningham (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), G. Torrey (GGLDC Board Member), T. Felton (GGLDC Board Member), M. Wiater (GGLDC Board Member). R. Gaenzle (Harris Beach), J. Gsell (Genesee County), Kevin McCulliffe (Wright Associates, LLC), Kathy Groskopf (Wright Associates, LLC), Emily Fraser-Branche (Fraser-Branche Property, LLC), Gregory Branche (Fraser-Branche Property, LLC), Millie Tomidy-Pepper (YWCA Executive Director)

Absent: P. Zelif, T. Bender, A. Vanderhoof

**1.0 Call to Order**

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

**Presentations** – See project approval section.

**Wright Associates, LLC**

Kevin McCulliffe and Kathy Groskopf of Wright Associates presented their plans to acquire and renovate additional property at 1 Wright Avenue in the Village of Leroy.

**Fraser-Branche Property, LLC**

Emily Fraser-Branche and Gregory Branche of Fraser-Branche Property, LLC presented their plans for purchasing and renovating the YWCA building on North St. in the City of Batavia.

**1.1 Enter Executive Session –**

M. Gray made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:16 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 C. Yunker and approved by all members present.

## **1.2 Enter Public Session –**

C. Yunker made a motion to enter back into public session at 4:37 p.m., seconded by A. Young and approved by all members present.

## **2.0 Chairman’s Report & Activities –**

### **2.1 Upcoming Meetings:**

**Next Scheduled Board Meeting: Thursday, December 5<sup>th</sup> at 4:00 p.m.**

Audit & Finance Committee Meeting: Tuesday, December 3<sup>rd</sup> at 8:30 a.m.

STAMP Committee Meeting: Tuesday, December 3<sup>rd</sup> at 10:30 a.m.

**2.2 Agenda Additions / Deletions / Other Business -** A. Young made a motion to add Freightliner mortgage tax exemption increase to the agenda under the Report of Management; the motion was seconded by C. Yunker and approved by all Board members.

### **2.3 Minutes: October 3, 2019**

**A. Young made a motion to approve the October 3, 2019 minutes as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Absent
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Absent		

**The item was approved as presented.**

**2.4 2020 Draft Meeting Schedule-** The 2020 Draft Meeting Schedule has been provided to all members. Calendar invites to all meetings will follow.

## **3.0 Report of Management**

**3.1 Wright Associates, LLC – Final Resolution –** Wright Associates is seeking to acquire property at 1 Wright Ave, including an existing 139,000 sf facility, in LeRoy, NY. The company currently operates a 207,000 sf facility at 3 Wright Ave in LeRoy, NY. The company plans to expand its product lines and distribution markets in Western NY and the Finger Lakes region. The 1 Wright Ave project will undertake substantial renovations to the property, including the installation of a new roof, update the electrical system, improvements to drainage system, repair and repaving the driveway and parking lot, installation of fiber optic cable, updates to HVAC systems, installation of a fire and security system, installation of spray foam in exterior walls and steel siding, and other necessary improvements. These planned improvements are estimated at \$2M. The total project capital investment is \$8.9M.

The company currently employs 360 full-time equivalents across multiple locations in NY and is pledging to create an additional 150 full-time equivalents that would be new to Genesee County. The GCEDC is seeking to assist the project with a sales tax exemption valued at \$254,210, mortgage tax exemption valued at \$70,000 and property tax abatement for the incremental increase in assessed value using a traditional 60% PILOT schedule valued at \$499,452.

Resolution No. 10/2019-04

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 OCTOBER 29, 2019, WITH RESPECT TO THE WRIGHT ASSOCIATES 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, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT, AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS PERMITTED BY NEW YORK STATE LAW; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

**M. Gray made a motion to approve resolution #10/2019-04, authorizing incentives as presented; the motion was seconded by A. Young. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes
T. Bender -	Absent	P. Zeff -	Absent
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Absent		

**The item was approved as presented.**

**3.2 Yancey's Fancy – Final Resolution**– In an effort to assist in funding the increase in costs based upon bid openings for the Corfu WWTF expansion project, Yancey's Fancy has requested that their current PILOT on their facility at the Buffalo East Tech Park be extended for an additional 10 years with a corresponding extension of the existing Infrastructure Agreement between Genesee County, the Town of Pembroke and the Pembroke Central School District. The ten year PILOT extension schedule is valued at approximately \$1,890,000 and will be used to fund the wastewater treatment facility expansion through a PILOT Increment Financing Model with the consent of the three taxing jurisdictions (Genesee County, Pembroke Central School District, and Town of Pembroke).

Resolution No. 10/2019 - 05

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 OCTOBER 23, 2019, WITH RESPECT TO A CERTAIN PROJECT FOR THE BENEFIT OF YANCEY'S

FANCY, INC. (THE "COMPANY"); (ii) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A REAL PROPERTY TAX ABATEMENT FOR AN ADDITIONAL PERIOD OF TEN (10) YEARS; AND (iii) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF AMENDMENTS OR RESTATEMENTS TO THE EXISTING 2014 LEASE AGREEMENT, LEASEBACK AGREEMENT AND TAX AGREEMENT BY AND BETWEEN THE AGENCY AND THE COMPANY; AND (iv) THE EXECUTED OF RELATED DOCUMENTS

**C. Yunker made a motion to approve resolution #10/2019-05, authorizing incentives as presented; the motion was seconded by M. Gray. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Absent
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Absent		

**The item was approved as presented.**

**3.3 Fraser – Branche Property, LLC Initial Resolution–** Fraser-Branche Property, LLC is seeking to purchase and renovate the YWCA building on North St. in the City of Batavia. The company will renovate approximately 67% of the 13,000 sf facility, including new HVAC, plumbing and electrical improvements, and a complete remodel of the existing, underutilized space for an expansion of their medical practice's pediatric care. The company will lease back the remainder of the facility to the YWCA and two other existing tenants.

The company is currently leasing space on Ellicott St in the City of Batavia and will move once the North St. location is ready. The company currently employs 5 full-time equivalents and is pledging to create an additional 1.5 FTE's.

The total project capital investment is \$1.4M, including \$1.0M of related construction costs.

The project will be part of the Batavia Pathway to Prosperity (BP2) model.

GCEDC is seeking to assist the project with sales tax exemption valued at \$50,105, mortgage tax exemption valued at \$12,653 and property tax abatement for the incremental increase in assessed value using the BP2 Model 67% fixed PILOT schedule valued at \$42,761.

Note: The property is a tax-exempt property and will be placed on the taxable side of the tax rolls at its base valuation upon acquisition. The PILOT will be for only the incremental increase in assessed value based on the purchase amount and the proposed improvements.

Resolution No. 10/2019 - 06

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF FRASER-BRANCHE PROPERTY, LLC WITH RESPECT TO A CERTAIN PROJECT, THE "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.

**C. Yunker made a motion to approve an initial resolution #10/2019-06, authorizing the scheduling of a public hearing; the motion was seconded by A. Young. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes
T. Bender -	Absent	P. Zeff -	Absent
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Absent		

**The item was approved as presented.**

**3.4 Wendt Propane – Final Resolution** – Ken Wendt’s Propane is building a 9,600 sq. ft. facility at the corner of Route 19 and North Rd. in the Town of LeRoy. The company will be expanding its propane service to local residential, commercial, industrial and agricultural customers. The total capital investment is \$1.3M and pledges to create 4 full time equivalent jobs. GCEDC is seeking to assist with a sales tax exemption valued at \$51,200, a mortgage tax exemption valued at \$9,000 and a property tax abatement valued at \$65,767 (with a traditional 60% PILOT schedule).

Resolution No. 10/2019-07

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 AUGUST 27, 2019, WITH RESPECT TO THE KEN WENDT'S PROPANE GAS SERVICE, 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, (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT, AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS PERMITTED BY NEW YORK STATE LAW; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

**C. Yunker made a motion to approve resolution #10/2019-07, authorizing incentives as presented; the motion was seconded by M. Gray. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes
T. Bender -	Absent	P. Zeff -	Absent
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Absent		

**The item was approved as presented.**

**3.5 Freightliner** – M. Masse asked the Board to approve increasing the mortgage tax exemption for Freightliner based on the increase of their mortgage amount from \$3.5M to \$4M. R. Gaenzle noted that a resolution was not needed to increase the mortgage tax exemption amount.

**M. Gray made a motion to approve an increase of incentives as presented; the motion was seconded by A. Young. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes
T. Bender -	Absent	P. Zeff -	Absent
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Absent		

**The item was approved as presented.**

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

**4.1 September 2019 Financial Statements** – The following comments were made by L. Farrell:

- Normal operating activity.
- Funds in the Restricted Imprest Account decreased as STAMP expenditures were made in September.
- Accrued expenses increased due to the NYS retirement monthly allocation that will be paid at the end of the year.
- The Graham project closed in September.
- Expenses for operating: Most line items that have been consistently over budget are now coming in line with the annual budgeted figures.

This was recommended for approval by the Committee.

**M. Gray made a motion to approve the September 2019 Financial Statements as presented; the motion was seconded by A. Young. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes
T. Bender -	Absent	P. Zeff -	Absent
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Absent		

**The item was approved as presented.**

**4.2 Auditor Selection** – L. Farrell obtained an engagement letter from Mostert, Manzenaro & Scott, LLC per the Committee's recommendation at the October 1, 2019 meeting. David Brownell with Mostert, Manzenaro & Scott, LLC has been the engagement partner on the GCEDC's audit for the last two years.

The Committee had previously discussed that as long as there is not a significant increase in fees, the GCEDC will continue to use this firm for 2019 services. L. Farrell reported that 2017 and 2018 auditing fees were \$9,500. For 2019, fees will be \$10,000, which is a 5% increase from last year.

This was recommended for approval by the Committee.

**M. Gray made a motion to use Mostert, Manzenaro & Scott, LLC for 2019 auditing services; the motion was seconded by A. Young. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Absent
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Absent		

**The item was approved as presented.**

**4.3 Sewer Supply Agreement** – The GGLDC/GCEDC has been working with the Town of Pembroke for three years on an expansion of the Corfu WWTF that serves the Town of Pembroke sewer district #1 which includes the Buffalo East Tech Park (BETP). The GGLDC/GCEDC would like to enter into an agreement with the Town of Pembroke to commit funding to the project in exchange for reserved capacity at the expanded plant of 75,000 gpd for current and future tenants at the BETP. The GCEDC would like to commit the cash on hand in the restricted BETP account on 9/30/2019 of \$15,822 plus any interest earned through the date of the expenditures.

This was recommended for approval by the Committee.

**M. Gray made a motion to authorization the signing of the Sewer Supply Agreement and commit funds to the expansion project; the motion was seconded by A. Young. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Absent
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Absent		

**The item was approved as presented.**

**4.4 Corfu WWTF Expansion Construction Contract** - The GCEDC opened bids for the WWTF expansion on September 5, 2019. Clark Patterson Lee has prepared a bid tabulation summary and a recommendation letter that is included in the Board packet. Clark Patterson Lee recommends the GCEDC Board approve “Accepting the bid received from STC Construction for a Base Bid amount of \$4,861,000 and authorizing Change Order No. 1 with a deduct amount of \$500,000, contingent upon concurrence of award by the Genesee Gateway Local Development Corp (GGLDC) and the Town of Pembroke.” Clark Patterson Lee also recommends “Accepting the bid received from Concord Electric for a Base Bid amount of \$393,000, contingent upon concurrence of the award by the GGLDC and the Town of Pembroke.”

Fund commitment is limited to the balance of the funds on hand in the restricted BETP account on 9/30/2019 of \$15,822 plus any interest earned through the date of the expenditures.

This was recommended for approval by the Committee.

**M. Gray made a motion to approve the Corfu WWTF Expansion Construction Contracts as presented; the motion was seconded by A. Young. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Absent
A. Young -	Yes	M. Gray -	Yes

A. Vanderhoof – Absent

**The item was approved as presented.**

**4.5 Intermunicipal Agreement – Town of LeRoy** – In connection with infrastructure development at the LeRoy Food & Technology Park, the Town of LeRoy had approved supporting the GCEDC with \$50,000 per year, for a four-year period. The previous IMA that was signed only covered one year of that commitment. This revised IMA will cover the remaining years of the GCEDC receiving the commitment from the Town and the applicable use of those funds.

This was recommended for approval by the Committee.

**M. Gray made a motion to approve the Intermunicipal Agreement as presented; the motion was seconded by A. Young. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference)	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Absent
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Absent		

**The item was approved as presented.**

#### **5.0 Governance & Nominating Committee – C. Yunker**

**5.1 Nothing at this time.**

#### **6.0 STAMP Committee – P. Zelif**

**6.1 Nothing at this time.**

#### **7.0 Employment & Compensation Committee – T. Bender**

**7. Nothing at this time.**

#### **8.0 Other Business**

**8.1 Nothing at this time.**

#### **9.0 Adjournment**

As there was no further business, C. Yunker made a motion to adjourn at 5.04 p.m., which was seconded by M. Gray and passed unanimously.