



**Thursday, March 8, 2018**  
**Upstate MedTech Centre – Innovation Zone**  
**4:00 PM**

**GCEDC MINUTES**

**Attendance**

Board Members: P. Zelif, T. Bender, A. Young, P. Battaglia

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

Guests: D. Cunningham (GGLDC Board Member), M. Wiater (GGLDC Board Member), G. Torrey (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), J. Krencik (The Daily News), Ron Long (Town Center Plaza), J. Gsell (Genesee County), Megan Osika (Park Strategies), Fred Hiffa (Park Strategies)

Absent: C. Yunker, J. Rizzo, M. Gray

**1.0 Call to Order**

P. Battaglia called the meeting to order at 4:01 p.m. in the Upstate MedTech Centre Innovation Zone conference room.

**Presentation: Town Center Plaza, LLC (Corfu)**

Ron Long shared a brief overview of his project in the Village of Corfu. Ron is a retired builder that saw the desperate need for a grocery store in the Corfu area. He learned of an opportunity to purchase the old grocery store strategically located in the center of Corfu. He needs the help of the GCEDC to remodel the approx. 20,000 sq. ft. facility.

Ron Long left the meeting at 4:09 p.m.

**Park Strategies**

Fred Hiffa and Megan Osika gave an overview of their work with the GCEDC over the last year. Park Strategies has helped the GCEDC to advance the mission of the WNY STAMP site, they monitor legislation and the New York State budget bills, research and report on bill status and activity and have weekly update calls with the GCEDC. They look forward to working with the GCEDC in the future.

J. Gsell joined the meeting at 4:12 p.m.  
M. Osika and F. Hiffa left the meeting at 4:19 p.m.

**1.1 Enter Executive Session**

A. Young made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:19 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 T. Bender and approved by all members present.

The staff was excused from the meeting at 5:05 p.m. and rejoined at 5:20 p.m.

### **1.2 Enter Public Session**

T. Bender made a motion to enter back into public session at 5:20 p.m., seconded by A. Young and approved by all members present.

## **2.0 Chairman's Report & Activities**

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

**GCEDC Annual Meeting: Friday, March 9<sup>th</sup> at 12:00 p.m.**

**Next Scheduled Board Meeting: Thursday, March 29<sup>th</sup> at 4:00 p.m.**

STAMP Committee Meeting: Tuesday, March 27<sup>th</sup> at 10:30 a.m.

Audit & Finance Committee Meeting: Thursday, March 29<sup>th</sup> at 3:00 p.m.

## **2.2 Agenda Additions / Deletions / Other Business –**

**P. Zelif made a motion to approve removing items 4.1 Apple Tree Acres Land Swap and 6.5 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  
T. Bender - Yes  
A. Young - Yes  
J. Rizzo - Absent

C. Yunker - Absent  
P. Zelif - Yes  
M. Gray - Absent

**The items were approved as presented.**

**T. Bender made a motion to approve adding item 7.1 CEO Performance Evaluation and Salary Adjustment to the agenda; the motion was seconded by A. Young. Roll call resulted as follows:**

P. Battaglia - Yes  
T. Bender - Yes  
A. Young - Yes  
J. Rizzo - Absent

C. Yunker - Absent  
P. Zelif - Yes  
M. Gray - Absent

**The items were approved as presented.**

## **2.3 Minutes: January 11, 2018 & February 1, 2018**

**P. Zelif made a motion to approve the January 11, 2018 & February 1, 2018 minutes as presented; the motion was seconded by A. Young. Roll call resulted as follows:**

P. Battaglia - Yes  
T. Bender - Yes  
A. Young - Yes  
J. Rizzo - Absent

C. Yunker - Absent  
P. Zelif - Yes  
M. Gray - Absent

**The items were approved as presented.**

## **3.0 Report of Management**

**3.1 Solar Tax Policy / PILOT Analysis / GCEDC Recommendation to County Legislature –** S. Hyde reviewed a presentation that he had given to the Genesee County Legislature in February. He reviewed market opportunities, property tax implications, considerations for Genesee County, and a GCEDC Solar PILOT recommended practice. The presentation can be found in the GCEDC meeting materials.

S. Noble-Moag left the meeting at 5:37pm.

**3.2 Town Center Plaza, LLC – Initial Resolution –** C. Suozzi reminded the Board that 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 approx. 20,000 sq. ft. facility. The company is seeking assistance from the GCEDC under 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 this provision, 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. At the Board’s discretion, a public hearing will be held.

Resolution No. 03/2018-01

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 Town Center Plaza, LLC Initial Resolution No. 03/2018-01 as presented; the motion was seconded by T. Bender. Roll call resulted as follows:**

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

**The items were approved as presented.**

#### **4.0 Audit & Finance Committee – M. Gray**

**4.1 Apple Tree Acres Land Swap – Removed from the agenda.**

**4.2 Investment Report (PARIS Reporting)** – L. Farrell shared that this report summarizes the Agency's bank balances and interest income at 12/31/17. This is being recommended by the Audit & Finance Committee for approval.

**T. Bender made a motion to approve the Investment Report as presented; the motion was seconded by P. Zeliff. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Yes	P. Zeliff -	Yes
A. Young	Yes	M. Gray -	Absent
J. Rizzo -	Absent		

**The items were approved as presented.**

**4.3 Procurement Report (PARIS Reporting)** – L. Farrell shared that this report summarizes a list of contracts and payments that the Board has approved throughout the year. It's a summary of all expenditures to any one vendor aggregating more than \$5,000 during the 2017 calendar year. This is being recommended by the Audit & Finance Committee for approval.

**T. Bender made a motion to approve the Procurement Report as presented; the motion was seconded by A. Young. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Yes	P. Zeliff -	Yes
A. Young	Yes	M. Gray -	Absent
J. Rizzo -	Absent		

**The items were approved as presented.**

**4.4 Park Strategies Lobbying Contract** – S. Hyde shared that the GCEDC government relations contract with Park Strategies provides lobbying services to the Agency on a variety of issues. Park Strategies has been effective in helping to advance the mission of the WNY STAMP site, as well as assisting the Agency with access to funding opportunities for site infrastructure. Park Strategies works directly with the GCEDC to formulate strategies that maximize our efforts to build-out WNY STAMP, and to attract major investment to the site. Park Strategies also ensures that the WNY STAMP project remains top of mind with New York State Legislators, as well as with our Federal representatives in the US Congress and the US Senate. Other services provided by Park Strategies include monitoring of legislation and the New York State budget bills, research and reporting on bill status and activity, advocacy and weekly update calls with the GCEDC.

The proposed contract is for \$18,000 annually (\$1,500/month) and is contained in the 2018 budget.

**T. Bender made a motion to approve a contract with Park Strategies for Government Relations services not to exceed \$18,000 for April 1, 2018 – March 31, 2019; the motion was seconded by P. Zeliff. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Yes	P. Zeliff -	Yes
A. Young	Yes	M. Gray -	Absent
J. Rizzo -	Absent		

**The items were approved as presented.**

## **5.0 Governance & Nominating Committee – J. Rizzo**

**5.1 Nothing at this time.**

**6.0 STAMP Committee – P. Zelif**

**6.1 National Grid Cost Reimbursement Agreement** – The GCEDC is looking to re-route the existing 115 kV line that bisects the STAMP site.

The cost reimbursement agreement provided by National Grid will enable them to complete the design and engineering work. Their cost estimate is \$265,000. This expenditure will be covered under the \$33M ESD grant.

**P. Zelif made a motion to approve the Cost Reimbursement Agreement with National Grid not to exceed \$265,000 as presented; the motion was seconded by T. Bender. Roll call resulted as follows:**

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

**The items were approved as presented.**

**6.2 Intermunicipal Agreement with Town of Alabama** – As part of the funding for the Phase II Town of Alabama water project, there are some grants in the Town's name and some funding sources in the GCEDC's name. The grants in the Town's name would require the Town to spend the money first, then be reimbursed. The Town and the GCEDC have spelled out terms of an Intermunicipal Agreement that defines which party is responsible for components of the project. The Town will also be cosignatory to the construction contract related to this task.

Any expenses incurred by the Town in connection with the grants, including interest, legal or administration fees shall be paid by the GCEDC not to exceed \$8,750.

**P. Zelif made a motion to approve an Intermunicipal Agreement with the Town of Alabama, with related expenses not to exceed \$8,750 as presented; the motion was seconded by T. Bender. Roll call resulted as follows:**

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

**The items were approved as presented.**

**6.3 Phase II Water Construction Contract Award Recommendation** – A total of five bids were received for Phase II of the water project construction. The low bidder was Morsch Pipeline, Inc. of Avon, with a Base Bid plus Alternate 1 and Alternate 2 amount of \$3,141,242.80. Clark Patterson Lee has reviewed their qualifications and has discussed their bid in detail. They feel the bid received is a

true representation of the costs to complete this project and that the contractor is qualified to complete the contract.

Clark Patterson Lee recommends that the GCEDC accept the bid received from Morsch Pipeline, Inc. for a combined Base Bid of \$3,004,550.00 plus Alternate 1 \$76,192.80 (construction of approx. 1,200 linear feet of 8, and 12-inch PVC and HDPE water mains, valves, hydrants, and associated appurtenances along portions of Route 77 and Marble Road in the Town of Alabama) and Alternate 2 \$60,500.00 (installation of a meter and pressure reducing valve vault at the Town and Village of Oakfield Municipal Boundary along Route 63) for a total amount of \$3,141,242.80. This contract will be covered under the \$33M ESD grant.

**P. Zeliff made a motion to approve acceptance of accept the bid received from Morsch Pipeline, Inc. for a combined Base Bid of \$3,004,550.00 plus Alternate 1 \$76,192.80 and Alternate 2 \$60,500.00 for a total amount of \$3,141,242.80; the motion was seconded by T. Bender. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Yes	P. Zeliff -	Yes
A. Young	Yes	M. Gray -	Absent
J. Rizzo -	Absent		

**The items were approved as presented.**

**6.4 Traditional Cultural Properties (TCP) Preparation Assistance** – As part of the STAMP development and the neighboring Tonawanda Seneca Nation, in accordance with Section 106 of the wetland permits, the GCEDC is working with the Tonawanda Seneca Nation on an assessment of the TCP potentials as it relates to the criteria for eligibility of listing on the National Historic Register. The consultants involved are Phillips Lytle, CC Environment & Planning, and KTA Preservation Specialists. This work would be to assist the GCEDC in the development of an approved proposal to conduct a TCP study and report including the development of a Programmatic Agreement for the remaining archeological work on the STAMP site. A breakdown of the contract amounts are as follows:

KTA Preservation – Not to exceed \$2,500  
Phillips Lytle – Not to exceed \$45,000  
CC Environment & Planning – Not to exceed \$4,500

All three contracts, totaling \$52,000 will be covered under the \$33M ESD grant.

**P. Zeliff made a motion to approve a contract with KTA Preservation (\$2,500), Phillips Lytle (\$45,000), and CC Environment & Planning (\$4,500) for TCP Preparation Assistance; the motion was seconded by A. Young. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Yes	P. Zeliff -	Yes
A. Young	Yes	M. Gray -	Absent
J. Rizzo -	Absent		

The items were approved as presented.

**6.5 ~~Additional Construction and Inspection Contract Administration Costs—Clark Patterson Lee~~— Removed from the agenda.**

**6.6 Onsite Geotech and Seismic Wave Study** – SJB Services, Inc. performed some Geotech work at the STAMP site on the main manufacturing campus, and the proposed electrical substation area. The scope of work was to complete a preliminary subsurface exploration program, and geotechnical engineering evaluation to assist with the site characterization and the planning of the site preparation and building structure foundation support, along with the associated site work for facility development. There were 25 test borings completed, and five monitoring wells were installed. The borings were sent to a laboratory for analysis as to building conditions, and the ability for any on site material to be utilized as fill. A seismic shear wave study was also completed and gave the site an overall grade of “C”, which is conducive to good construction facilities without additional costs for seismic protection. This information will be used for any company looking to locate at the STAMP site and will help to answer any potential engineering design questions and concerns that they may have about constructing at the STAMP site.

The cost of this study was \$70,760 and will be covered under the \$33M ESD grant.

**P. Zeliff made a motion to approve payment of \$70,760 to SJB Services, Inc. for the Geotech work and Seismic Shear Wave Study; the motion was seconded by A. Young. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Yes	P. Zeliff -	Yes
A. Young	Yes	M. Gray -	Absent
J. Rizzo -	Absent		

The items were approved as presented.

**6.7 STAMP Wastewater Alternative Discharge Options** – The GCEDC is looking at alternative options for potential discharge of pre-treated affluent and process water. This contract with CC Environment & Planning would handle review of surface water discharge on current right of way permit reviews with U.S. Fish & Wildlife service staff.

CC Environment & Planning has provided a proposal to assist with this work for an amount not to exceed \$3,750 to be covered under the \$33M ESD grant.

**P. Zeliff made a motion to approve a contract with CC Environment & Planning for assistance with STAMP Wastewater Alternative Discharge Locations not to exceed \$3,750; the motion was seconded by A. Young. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Absent
T. Bender -	Yes	P. Zeliff -	Yes
A. Young	Yes	M. Gray -	Absent
J. Rizzo -	Absent		

The items were approved as presented.

## **7.0 Employment & Compensation Committee**

### **7.1 CEO Performance Evaluation and Salary Adjustment –**

**T. Bender made a motion to approve a 2% salary increase for the GCEDC President & CEO to be retroactively effective January 1, 2018; the motion was seconded by A. Young. Roll call resulted as follows:**

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

The items were approved as presented.

## **8.0 Other Business**

### **9.0 Adjournment**

As there was no further business, T. Bender made a motion to adjourn at 5:51 p.m., which was seconded by A. Young and passed unanimously.