



**Genesee
County
Economic
Development
Center**

**GCEDC Board Meeting
Thursday, February 3, 2022
Location: Electronically
4:00 PM**

GCEDC MINUTES

Attendance

Board Members: M. Clattenburg, M. Gray, P. Battaglia, P. Zelif, T. Bender, C. Kemp
Staff: L. Farrell, M. Masse, S. Hyde, L. Casey, J. Krencik, P. Kennett, C. Suozzi
Guests: R. Gaenzle (Harris Beach), R. Crossen (Town of Alabama Supervisor), D. Cunningham (GGLDC Board Member), T. Felton (GGLDC Board Member), G. Torrey (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), J. Tretter (GGLDC Board Member)
Absent: C. Yunker

1.0 Call to Order

P. Zelif called the meeting to order at 4:03 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

T. Bender 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.

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 4:31 p.m., seconded by P. Battaglia and approved by all members present.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, March 3rd at 4:00 p.m.
Audit & Finance Committee Meeting: Tuesday, March 1st at 8:30 a.m.
STAMP Committee Meeting: Wednesday, March 2nd at 8:00 a.m.
Governance & Nominating Committee Meeting: Thursday, March 3rd at 3:00 p.m.

2.2 Agenda Additions / Deletions / Other Business – Nothing at this time.

2.3 Minutes: January 13, 2022.

Amended language to agenda item 6.5 from the January 13, 2022 minutes is as follows:

Phillips Lytle 2022 Services Agreement- Phillips Lytle has prepared a supplement to their original engagement letter extending services through December 31, 2022 as it relates to Tech Team support for the off-site sewer permitting and wetland permitting, the wastewater treatment facility permitting, and force main installation as well as the new water main from Niagara County.

Fund Commitment: Not to exceed \$238,000 to be included in the \$8 million.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the Phillips Lytle supplement to their original engagement letter extending services through December 31, 2022 as presented, not to exceed \$238,000; the motion was seconded by P. Battaglia. Roll call resulted as follows:

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

The item was approved as presented.

T. Bender made a motion to accept the minutes from January 13, 2022 with the above outlined amendment; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

3.0 Report of Management

3.1 Franklin Real Estate & Development – Final Resolution- Franklin Real Estate & Development is planning on building two 8-unit market rate apartment buildings in the town of Pembroke. Each 2-story building consists of 7 two-bedroom units and 1 one-bedroom unit and 7,725 sq. ft. Both buildings will total 15,460 sq. ft.

Two recent studies by LaBella Associates - the Genesee County Housing Needs Assessment - and The Rockefeller Institute of Government (SUNY's Think Tank) - Generating Growth in Genesee County - identify housing availability as Genesee County's biggest challenge to fully realize the value of the economic development strategy that is in-place and being implemented. LaBella Associates reported that 4,800 units are needed in the next 20 years across multiple sectors, including rental units and single-family homes.

The project is investing \$1.74 million.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$147,838) (standard 60% abatement over 10 years), a sales tax abatement (\$81,608), and a mortgage tax exemption (\$13,956).

A public hearing was held on February 1, 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.

Resolution No. 02/2022 – 01

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 FEBRUARY 1, 2022, WITH RESPECT TO THE FRANKLIN REAL ESTATE AND DEVELOPMENT 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 AUTHORIZED BY THE LAWS OF THE STATE OF NEW YORK; 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.

P. Battaglia made a motion to accept the Final Resolution #02/2022-01 as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

4.0 Audit & Finance Committee

4.1 D & O Insurance Renewal – Lawley Insurance has provided us with a proposal for renewal of our current Directors & Officers/Employment Practices Liability Insurance with Travelers. The renewal price reflects an overall price increase of \$7,194 (\$3,597/entity) compared to the current policy. The current policy expires on 2/23/2022. The increase in premium is due to the recent claim, claim activity in the marketplace, and addition of the Water and Sewer Works Transportation Corporations. The cost of this policy would be split between GCEDC and GGLDC (\$9,093/entity). Each entity has included \$5,850 in their 2022 budget for this expense.

This was recommended for approval by the Committee.

M. Gray made a motion to approve the D & O Insurance Renewal with Travelers as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

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

The item was approved as presented.

4.2 December 2021 Unaudited Financial Statements- L. Farrell reviewed the unaudited December 2021 financial statements and noted the following:

- Accounts payable is almost \$400,000 mostly related to STAMP activity. There will most likely be additional payables recorded for work completed through December 2021.
- Accrued expenses decreased significantly related to the NYS retirement payment remitted in December.
- Unrestricted cash has increased by about \$5 million since last year due to fee revenue and the land sale to Plug Power. We will be looking at strategic investments analysis for the GCEDC, just as we do for the GGLDC.
- The P&L shows a very solid financial position. Fee revenue is about \$3.5 million year to date. The budgeted amount was \$375,000.
- Other potential anticipated adjustments to the financial statements include increased accounts payable, grant reconciling and the GASB 68 audit adjustment related to deferred pension inflows and outflows.

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

M. Gray made a motion to accept the December 2021 Unaudited Financial Statements as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

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

The item was approved as presented.

4.3 Gas Feasibility study to support LeRoy Food & Technology Park- The GCEDC currently owns the LeRoy Food & Technology Park in LeRoy. The GCEDC has inquired to RG&E several times regarding their ability to provide gas service to the potential tenants at the park. Their time estimate to provide that gas is currently five years at a significant capital cost. The GCEDC has had discussions with Alliance Energy who stated that they would be interested in installing a

private line to help support the park. The first step would be to complete a feasibility study. Attached is the proposal that DDS Companies provided to Alliance Energy to perform this work.

Fund commitment: \$6,500 to perform the scope of work as listed in the attached proposal from GCEDC operating funds.

This was recommended for approval by the Committee.

M. Gray made a motion to approve the Gas Feasibility Study to DDS Engineering and Surveying, LLC not to exceed \$6,500 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

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

The item was approved as presented.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Authority Self-Evaluation of Prior Year Performance – Public Authorities are required to perform a self-evaluation of prior year's goals/measurements annually. This report shows the results against the goals and measurements that were set for 2021. This report will be posted to the website.

M. Masse stated that the Agency set a goal of capital investment commitment of \$35M for 2021. The actual result from projects was \$58M for 2021. If projects that exceed \$50M in capital investment were included (Plug Power), the total for the year is \$343 million. The Agency also pledged to create 90 jobs from projects in 2021. These projects resulted in 103 jobs pledged in 2021. If projects that exceed \$50M in capital investment were included (Plug Power), the total jobs pledged for the year is 171. M. Masse reviewed, in detail, all agency performance results relative to 2021 goals.

This was recommended for approval by the Committee.

P. Zeliff made a motion to approve the Authority Self-Evaluation of Prior Year Performance as presented; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

5.2 Mission Statement & Measurement Report – The Authority's Board must annually review the authority's mission statement and performance goals to ensure that its mission has not changed and that

the authority's performance goals continue to support its mission. This report will be posted to the website and submitted into PARIS.

M. Masse stated that the capital investment and job creation goals are based on an average of the last four years of actual pledged capital investment and job creation. Mega projects are removed from this average. M. Masse recommends that the Agency set a goal of capital investment commitment of \$45M for 2022, which does not include any Mega projects (over \$50M capital investment commitment). M. Masse also recommends the Agency set a job creation goal of 90 jobs from projects in 2022, which doesn't include any mega projects. The other suggested goals are over-arching goals that the entire staff can work towards achieving and are still consistent with the Agency's mission.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the Mission Statement & Measurement Report 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
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

6.0 STAMP Committee – P. Zelif

6.1 Nothing at this time.

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 4:46 p.m., which was seconded by M. Clattenburg and passed unanimously.



Project Name: Franklin Real Estate & Development

Board Meeting Date: January 13, 2022

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

PROJECT DESCRIPTION:

Franklin Real Estate & Development is planning on building two 8-unit market rate apartment buildings in the town of Pembroke. Each 2-story building consists of 7 two-bedroom units and 1 one-bedroom unit and 7,725 sq. ft. Both buildings will total 15,460 sq. ft.

Two recent studies by LaBella Associates - the Genesee County Housing Needs Assessment - and The Rockefeller Institute of Government (SUNY's Think Tank) - Generating Growth in Genesee County - identify housing availability as Genesee County's biggest challenge in order to fully realize the value of the economic development strategy that is in-place and being implemented. LaBella Associates reported that 4,800 units are needed in the next 20 years across multiple sectors, including rental units and single-family homes.

The project is investing \$1.74 million.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$147,838), a sales tax abatement (\$81,608), and a mortgage tax exemption (\$13,956).

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

Project details: The project will not create any direct jobs.

Project details: N/A

Board Discussion: None.

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 \$1,744,539 and build two apartment buildings totaling 15,460 sq. ft.

Board Discussion: None.

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

P. Battaglia - Yes
T. Bender - Yes
M. Clattenburg - Yes
C. Kemp - Yes

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

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: The project will contribute towards a “livable community” as the housing shortage is outlined in Labella’s housing study of Genesee County 2018 report.

Board Discussion: None.

T. Bender made a motion to concur with Criteria #3; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia - Yes
T. Bender - Yes
M. Clattenburg - Yes
C. Kemp - Yes

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

The item was 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.

The Fiscal impacts (discounted value) on Local Benefits totals \$935,062 (\$852,137 indirect payroll and \$82,925 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

Project details: For every \$1 of public benefit the company is investing \$5 into the local economy

Board Discussion: None.

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

P. Battaglia - Yes
T. Bender - Yes

C. Yunker - Absent
P. Zelif - Yes

M. Clattenburg - Yes

M. Gray - Yes

C. Kemp - Yes

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: N/A

Board Discussion: None.

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 Spring of 2022 and be operational by Winter 2022.

Board Discussion: None.

M. Gray made a motion to concur with Criteria #6; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia - Yes

C. Yunker - Absent

T. Bender - Yes

P. Zelif - Yes

M. Clattenburg - Yes

M. Gray - Yes

C. Kemp - Yes

The item was approved as presented.

Board Concurrence: YES NO If no, state justification: