



**GCEDC Board Meeting
Thursday, August 1, 2024
Location: 99 MedTech Drive, Innovation Room
3:00 PM**

GCEDC MINUTES

Attendance

Board Members: K. Manne, C. Kemp, P. Battaglia, C. Yunker, P. Zelif
Staff: M. Masse, L. Farrell, E. Finch, P. Kennett, L. Casey, J. Krencik, C. Suozzi
Guests: M. Brooks (GGLDC Board Member), G. Torrey (GGLDC Board Member), J. Tretter (GGLDC Board Member), D. Cunningham (GGLDC Board Member), S. Maier (Harris Beach), R. Gaenzle (Harris Beach/Video Conference), M. Fitzgerald (Phillips Lytle/Video Conference)
Absent: M. Clattenburg, M. Gray

1.0 Call to Order

P. Zelif called the meeting to order at 3:00 p.m. in the Innovation Zone.

1.1 Enter Executive Session

C. Yunker made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 3:01 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.
2. Discussions regarding proposed, pending, or current litigation.

The motion was seconded by K. Manne and approved by all members present.

1.2 Enter Public Session

P. Battaglia made a motion to enter back into public session at 3:31 p.m., seconded by C. Kemp and approved by all members present.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, September 5th at 4:00 p.m.

Audit & Finance Committee Meeting: Tuesday, September 3rd at 8:30 a.m.

STAMP Committee Meeting: Wednesday, September 4th at 8:00 a.m.

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

2.3 Minutes: July 11, 2024 –

C. Yunker made a motion to accept the July 11, 2024 minutes as presented; the motion was seconded by K. Manne. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg –	Absent	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

3.0 Report of Management

3.1 Graham Corporation – Final Resolution – Graham Corporation is planning to expand its location in the City of Batavia. The \$17.6 million project consists of a 28,867 sq. ft. expansion for a new commercial production facility intended to reduce design and manufacturing costs and improve ship capabilities for their US defense sector. This was an amended application from what the Board previously approved.

The project will include a new building as well as new manufacturing equipment to grow Graham Corporation's workforce and production capabilities. The project proposes creating 24 new full-time equivalent (FTE) positions and retaining 340 FTEs.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$383,546 and a property tax abatement estimated at \$298,427 based on the incremental increase in assessed value via a new traditional 10-year PILOT.

A public hearing was held on July 17, 2024. There was no public comment at this time.

3.1a UTEP - 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. The Board concurred with the UTEP.

3.1b Final Resolution -

Resolution No. 08/2024 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE SUPPLEMENTAL PUBLIC HEARING HELD BY THE AGENCY ON JULY 17, 2024, WITH RESPECT TO THE GRAHAM CORPORATION (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, AND EQUIPPING OF THE PROJECT AND (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, AMENDED AND RESTATED

LEASE AGREEMENT, AMENDED AND RESTATED LEASEBACK AGREEMENT, TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

P. Battaglia made a motion to accept Final Resolution #8/2024-01, authorizing the incentives as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zeff -	Yes
M. Clattenburg -	Absent	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

3.2 GE Bergen Owner, LLC – Final Resolution - GE Bergen Owner, LLC is building a 196,000-sf facility at Apple Tree Acres in Bergen.

The \$43.6 million project proposes creating 60 new full-time equivalent (FTE) positions and retaining 140 FTE's.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$1,752,000, a property tax abatement estimated at \$2,151,294 via new traditional PILOT, and a mortgage tax exemption estimated at \$366,000.

The project is pending subject to receiving Empire State Development incentives.

A public hearing was held on June 25, 2024. The minutes from this public hearing were included with the Board meeting materials.

3.2a UTEP - 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. The Board concurred with the UTEP.

3.2b Final Resolution –

Resolution No. 08/2024 - 02

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 JUNE 25, 2024, WITH RESPECT TO THE GE BERGEN OWNER, 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, AND EQUIPPING OF THE PROJECT, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF NEW YORK STATE; 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 accept Final Resolution #8/2024-02, authorizing the incentives as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

The Board voted on agenda items 3.3 and 3.4 collectively. The approval for these items follows agenda item 3.4.

3.3 FFP NY Leroy Project 1 – Initial Resolution – FFP NY Leroy Project1 is proposing to construct a solar farm project on 8518 Lake St Rd in the Town of Leroy, NY. The project proposes to utilize ground-mounted solar panels to generate 5 megawatts of AC power (MWAC).

A PILOT on these improvements will contribute \$4,000/MWAC + a 2% annual escalator in payments to Town of Leroy, Genesee County and Leroy School District for a total of \$345,868 over 15 years. This new revenue is significantly greater than the current agricultural-vacant land value of the project site.

FFP NY Leroy Project1 will also generate \$2000/MWAC + a 2% escalator in host benefit agreement payments to the Town of Leroy. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

Resolution No. 08/2024 - 03

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF FFP NY LEROY PROJECT 1, LLC 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.

3.4 FFP NY Leroy Project 2 – Initial Resolution – FFP NY Leroy Project2 is proposing to construct a solar farm project on 8600 Lake St Rd in the Town of Leroy, NY. The project proposes to utilize ground-mounted solar panels to generate 2 megawatts of AC power (MWAC).

A PILOT on these improvements will contribute \$4,000/MWAC + a 2% annual escalator in payments to Town of Leroy, Genesee County and Leroy School District for a total of \$138,347 over 15 years. This new revenue is significantly greater than the current agricultural-vacant land value of the project site.

FFP NY Leroy Project2 will also generate \$2000/MWAC + a 2% escalator in host benefit agreement payments to the Town of Leroy. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

Resolution No. 08/2024 - 04

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF FFP NY LEROY PROJECT 2, LLC 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.

P. Battaglia made a motion to approve Initial Resolution #08/2024-03 and Initial Resolution #08/2024-04, authorizing the acceptance of the project applications and scheduling of the public hearings as presented; the motion was seconded by K. Manne. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

3.5 Batavia Solar – Assignment Authorization – In accordance with the terms and conditions of the PILOT agreement the company cannot transfer the PILOT without the approval of the Board of Directors of the GCEDC. The Original Company Parent assigned 100% of its membership interest in the Company to the Purchaser. Therefore, no fee is triggered.

Resolution No. 08/2024 - 05

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) AUTHORIZING AN ASSIGNMENT REQUEST RECEIVED FROM BATAVIA SOLAR, LLC AND AFFILIATES (THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT TO BE UNDERTAKEN BY THE AGNECY AND THE COMPANY; AND (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS WITH RESPECT TO SAME.

C. Yunker made a motion to accept Assignment Authorizing Resolution #08/2024-05, authorizing the transfer of the PILOT as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

4.0 Audit & Finance Committee

4.1 June 2024 Financial Statements – L. Farrell reviewed the significant items of the June 2024 financial statements.

- Accounts Receivable increased for the monthly accrual amounts for the MedTech Centre Property Management Fee and Economic Development Support Grant that is due from the GGLDC quarterly.
- Interest Receivable increased. We are recording interest receivable for those CDs that give interest at the end of the three-month CD as opposed to monthly.
- Unearned revenue decreased. GURFs were submitted in June for the \$33M and \$8M ESD grants. Grant income and the corresponding expenditures were recognized accordingly.
- On the P&L, we received an origination fee of about \$18,000 from LNK Holdings Inc, which closed in June.
- General and Admin includes the \$560K commitment fee for the FAST NY award that was paid in June when the GDA was signed.
- We anticipate receiving the initial deposit of \$39.2M into the \$56M FAST NY imprest account soon. This is the amount that we anticipate spending in the next 12 months based on cash projections that were provided to ESD.

The June 2024 financial statements were recommended for approval by the Committee.

K. Manne made a motion to approve the June 2024 Financial Statements as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg –	Absent	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

4.2 2025 Budget Timeline – The 2025 Budget is due to the County Manager on September 6th. The next Board meeting is on September 5th. If any Board members foresee any issues with attending the next Board meeting, they were asked to notify staff as soon as possible so that arrangements can be made to have the budget approved timely.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Nothing at this time.

6.0 STAMP Committee – P. Zelif

6.1 SEQR Approval Resolution – M. Masse presented the SEQR Resolution that includes updates that were not originally contemplated under the original Environment Impact Study (EIS). These updates include the remainder of the Crosby Road rebuild, the potential roundabout of the intersection of Lewiston and Crosby, a water tank that will help serve fire suppression needs for Edwards, and a force main to handle sanitary sewer to Oakfield.

The GCEDC sent letters indicating their intent to maintain lead agency status to all interested and involved parties about a month ago. A letter was received from the Tonawanda Seneca Nation

in response. No other agencies have replied to that letter, but the Nation indicated that they did not want the GCEDC to serve as lead agency for the review. M. Fitzgerald stated that the GCEDC would be the most able entity to implement any mitigation, control development and is the best agency to serve as lead agency. While we appreciate the correspondence, the recommendation would be that the GCEDC proceed as the lead agency. The Resolution goes through all the relevant areas of environmental concern, and it concludes that there are no new significant adverse impacts from the proposed developments.

The resolution included with the meeting materials includes the timeline and record of previous action taken on SEQR by the GCEDC as Lead Agency. The resolution also describes the scope of the items analyzed under this SEQR review and outlined by M. Masse above.

Having considered the Environmental Information, STAMP Environmental Record, and having considered the relevant environmental impacts, associated with the Current Proposed STAMP Development, and having weighed and balanced the relevant impacts with social, economic and other considerations, the Agency recertifies that:

- (i) The requirements of 6 N.Y.C.R.R. Part 617 have been met; and
- (ii) Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the Project remains one which avoids or minimizes adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Fund commitment: None.

Committee action request: Recommend to the full Board that the Agency adopt by a majority vote the Negative Declaration (as defined in 6 N.Y.C.R.R. 617.2(y)), and is issued by the Agency pursuant to and in accordance with SEQRA, shall take effect immediately.

Resolution No. 08/2024 - 06

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER TO ISSUE A NEGATIVE DECLARATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT CONCERNING CERTAIN INFRASTRUCTURE MODIFICATION AT THE WESTERN NEW YORK SCIENCE & TECHNOLOGY ADVANCED MANUFACTURING PARK

This was recommended for approval by the Committee.

C. Yunker made a motion to authorize SEQR Approval Resolution #08/2024-06 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

6.2 CPL Contract Force Main to Oakfield – The Edwards Genesee project needs the design, engineering and construction of certain onsite utilities to support their new facility at STAMP. These improvements will include roadways, water lines, an onsite water storage tank and wastewater lines.

Fund Commitment: \$1,961,925 from the \$56M NYS award or GCEDC matching funds.

Committee Action Request: Recommend approval of the proposal from Clark Patterson Lee to prepare the design, engineering and permitting for a force main to the Oakfield WWTF.

A. Kosa from CPL reviewed the contract in detail at the STAMP Committee meeting.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the CPL Contract Force Main to Oakfield not to exceed \$1,961,925 as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg –	Absent	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

6.3 CPL Contract for Onsite Water Tank – The Edwards Genesee project needs the design, engineering and construction of certain onsite utilities to support their new facility at STAMP. These improvements will include roadways, water lines, an onsite water storage tank and wastewater lines.

Fund Commitment: \$316,470 from the \$56M NYS award or GCEDC matching funds.

Committee Action Request: Recommend approval of the proposal from Clark Patterson Lee to prepare the design, engineering, bid packages and construction inspection for a 500,000-gallon water storage tank to support Edwards, Plug and other tenants at the STAMP site.

A. Kosa from CPL reviewed the contract in detail at the STAMP Committee meeting.

Also at the Committee meeting, P. Zelif asked if it would be advantageous to the County's water problems to have a flow through tank in the system. P. Zelif requested that CPL meet with the Town of Batavia and the County to review and investigate the way that the tank is constructed to potentially alleviate some of the County's water issues. Essentially, requesting that the Town of Batavia approves the method that is ultimately chosen.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the CPL Contract for the Onsite Water Tank not exceed \$316,470, contingent upon Town of Batavia approval as outlined above; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia - Yes
K. Manne - Yes
M. Clattenburg – Absent
C. Kemp - Yes

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

The item was approved as presented.

6.4 Cost Reimbursement Agreement with NYPA - Included in the meeting materials is a Cost Reimbursement Agreement (CRA) with NYPA for the review of the design and engineering for the control house on the NYPA side of the substation at the STAMP site. Operating Funds will be used to reimburse the GCEDC as NYPA will not start any work until they receive funds.

Fund commitment: \$250,000 included in the \$56 million; however, operating funds will be used to pay NYPA now. The GCEDC will be reimbursed from the \$56M FAST NY grant when funds are available.

Committee action request: Recommend approval to sign CRA not to exceed \$ 250,000.

This was recommended for approval by the Committee.

P. Zeliff made a motion to approve 1) the Cost Reimbursement Agreement and 2) payment to NYPA not to exceed \$250,000 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia - Yes
K. Manne - Yes
M. Clattenburg – Absent
C. Kemp - Yes

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

The item was approved as presented.

7.0 Employment & Compensation – M. Gray

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, C. Yunker made a motion to adjourn at 3:47 p.m., which was seconded by K. Manne and passed unanimously.