



GGLDC Audit & Finance Committee Meeting

Tuesday, December 1, 2020

Location - Electronically

8:30 a.m.

MINUTES

ATTENDANCE

Committee Members: T. Bender, P. Battaglia, D. Cunningham
Staff: L. Farrell, M. Masse, L. Casey, P. Kennett, J. Krencik, S. Hyde
Guests: M. Gray (GCEDC Board Member), C. Klotzbach (GCEDC Board Member)
Absent: T. Felton

1. CALL TO ORDER / ENTER PUBLIC SESSION

D. Cunningham called the meeting to order at 9:59 a.m. via conference call / video conference.

Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 202.1 issued on March 12, 2020 suspending the Open Meetings Law, this Meeting is being held electronically via conference call / video conference instead of a public meeting open for the public to attend in person.

2. CHAIRMAN'S REPORT & ACTIVITIES

2a. Agenda Additions / Other Business – Nothing at this time.

2b. Minutes: October 27, 2020

T. Bender made a motion to recommend approval of the October 27, 2020 minutes; the motion was seconded by P. Battaglia. Roll call resulted as follows:

T. Felton - Absent
P. Battaglia - Yes
T. Bender - Yes
D. Cunningham - Yes

The item was approved as presented.

3. DISCUSSIONS / OFFICIAL RECOMMENDATIONS TO THE BOARD:

3a. October 2020 Financial Statements- L. Farrell reviewed with the Committee the significant items of the October 2020 long form financial statements and noted the following:

- On the balance sheet in the Buffalo East Tech Park fund, restricted cash increased. We received the \$93,000 Community Benefit Agreement payment from Darien Lake. All funds are dedicated to the Corfu Wastewater Treatment Facility Construction Expansion. On the income statement in Buffalo East Tech Park, grant revenue increased by this payment amount.

- In MedTech Centre, accounts receivable increased by about \$53,000. This is related to the MedTech Centre insurance claim against Finger Lakes Service Group. We will receive \$57,000 from Finger Lakes Service Group's insurance, but the receivable is picked up as expenses are incurred.
- Normal monthly activity for all funds except for the above-mentioned items.

P. Battaglia made a motion to recommend to the full Board the approval of the October 2020 Financial Statements; the motion was seconded by T. Bender. Roll call resulted as follows:

T. Felton - Absent
 P. Battaglia - Yes
 T. Bender - Yes
 D. Cunningham - Yes

The item was approved as presented.

3b. Insurance Renewal / Extension – Renewal information from Selective Insurance was included with Committee and Board Packet Materials. Tompkins also provided a summary and comparison of 2021 versus 2020 costs.

We had previously discussed having Tompkins obtain alternative insurance proposals for 2021. It is recommended that 60-90 days are allowed for that process, giving insurance companies enough time to understand who we are and what we do so that they can give us the best prices possible.

Staff requested that the Board discuss and consider two options:

1. To accept the proposal from Selective Insurance and keep them as the carrier for 2021 or
2. Extend coverage with Selective Insurance through the end of February while Tompkins works on obtaining alternative insurance proposals allowing companies more time to provide thoughtful quotes.

T. Bender made a motion to recommend to the full Board the extension of coverage at 100% Coinsurance with Selective through the end of February 2021; the motion was seconded by P. Battaglia. Roll call resulted as follows:

T. Felton - Absent
 P. Battaglia - Yes
 T. Bender - Yes
 D. Cunningham - Yes

The item was approved as presented.

3c. Cyber Insurance Coverage – Staff has requested that Lawley go out for pricing for cyber insurance coverage for 2021. The Committee also requested an explanation/determination of the value that is added, specific to the GCEDC's operations, with this coverage.

3d. 2021 Grant Consulting Services Contract – The GGLDC issued a Request for Proposal on 11/8/18 for technical consulting services in the areas of community and economic development. One proposal was received from H. Sicherman & Company, Inc. The board approved a contract with H. Sicherman & Company, Inc. for 2019 services and later approved a one-year extension of that contract for 2020 services.

Staff requested approval of another one-year extension to this contract with H. Sicherman & Company, Inc. for 2021 grant consulting services. The Office of Community Renewal (OCR) requires bidding for these services every three years.

Harry Sicherman and his team provide technical services in the areas of economic development, community development, management and administrative services related to the Community Development Block Grant (CDBG) Program.

Total contract charges for 2021 under the proposed agreement shall not exceed \$25,000.

Total contract charges for 2021 that are not reimbursable to the GGLDC from third-party sources shall not exceed \$15,000.

P. Battaglia made a motion to recommend to the full Board the approval of a one-year extension to the H. Sicherman & Company, Inc contract for 2021 grant consulting services, not to exceed \$25,000 of which non-reimbursable expenses will not exceed \$15,000; the motion was seconded by T. Bender. Roll call resulted as follows:

T. Felton - Absent
P. Battaglia - Yes
T. Bender - Yes
D. Cunningham - Yes

The item was approved as presented.

3e. MedTech Centre Cleaning Services - During 2019, staff reached out to four cleaning companies to obtain quotes for 2020 cleaning services. Commercial Cleaning, the company that was currently being used, continued to offer a competitive price and we continue to be satisfied with the services. New quotes were not obtained for 2021 services.

Fund Commitment: Up to \$13,000, plus reimbursement for supplies.

T. Bender made a motion to recommend to the full Board the approval of 2021 cleaning services not to exceed \$13,000, plus reimbursement for supplies; the motion was seconded by P. Battaglia. Roll call resulted as follows:

T. Felton - Absent
P. Battaglia - Yes
T. Bender - Yes
D. Cunningham - Yes

The item was approved as presented.

3f. By-laws for Water Works Corp – The STAMP onsite water system and on-site sanitary sewer system with off-site discharge will be owned, operated and maintained by two entities that are to be formed under NYS Transportation Corporation Law. The GGLDC will be the sole shareholder of these corporations. The GGLDC has petitioned and received consent from Genesee County Department of Health, Genesee County Highway Department, the Town of Alabama Highway Department, and the Town of Alabama regarding the formation of the Water Works Corporation, and has petitioned and

received consent from Genesee County Department of Health, Orleans County Department of Health, the Genesee County Highway Department, the Town of Shelby Highway Department, and the Town of Shelby.

At the previous meeting all of the consent forms were shared with the Committee. At this time the only item being included are the proposed by-laws for the water and sewer transportation corporations.

The committee requested that M. Masse review the by-laws of the Development Authority of the North Country for comparison.

P. Battaglia made a motion to table agenda item 3f until the Board meeting on 12/3/20; the motion was seconded by T. Bender. Roll call resulted as follows:

T. Felton - Absent
P. Battaglia - Yes
T. Bender - Yes
D. Cunningham - Yes

The item was tabled until 12/3/20.

3g. By-laws for Sewer Works Corp – The STAMP onsite water system and on-site sanitary sewer system with off-site discharge will be owned, operated and maintained by two entities that are to be formed under NYS Transportation Corporation Law. The GGLDC will be the sole shareholder of these corporations. The GGLDC has petitioned and received consent from Genesee County Department of Health, Genesee County Highway Department, the Town of Alabama Highway Department, and the Town of Alabama regarding the formation of the Sewer Works Corporation, and has petitioned and received consent from Genesee County Department of Health, Orleans County Department of Health, the Genesee County Highway Department, the Town of Shelby Highway Department, and the Town of Shelby.

At the previous meeting all of the consent forms were shared with the Committee. At this time the only item being included are the proposed by-laws for the water and sewer transportation corporations.

The committee requested that M. Masse review the by-laws of the Development Authority of the North Country for comparison.

P. Battaglia made a motion to table agenda item 3g until the Board meeting on 12/3/20; the motion was seconded by T. Bender. Roll call resulted as follows:

T. Felton - Absent
P. Battaglia - Yes
T. Bender - Yes
D. Cunningham - Yes

The item was tabled until 12/3/20.

3h. Grant Agreement with Town of Batavia (OCR – HP Hood) – The Town of Batavia has completed, and submitted an application that has been approved to receive Federal grant assistance in the amount

of \$750,000 from NYS Housing Trust Fund Corporation represented by the NYS Office of Community Renewal through the Community Development Block Grant (CDBG) Fund for the purpose of providing financing to assist HP Hood, LLC for the installation of an additional filler line at its existing production facility in the Genesee Valley Agri-Business Park. This agreement lays out the terms and conditions of that funding being received by the Town and then disbursed and administered by the GGLDC.

T. Bender made a motion to recommend to the full Board approval of the grant agreement with the Town of Batavia for the CDBG funding in connection with HP Hood, LLC project; the motion was seconded by P. Battaglia. Roll call resulted as follows:

T. Felton - Absent
P. Battaglia - Yes
T. Bender - Yes
D. Cunningham - Yes

The item was approved as presented.

3i. Grant Agreement with Town of Batavia (OCR – Upstate Niagara) – The Town of Batavia has completed and submitted an application that has been approved to receive Federal grant assistance in the amount of \$750,000 from NYS Housing Trust Fund Corporation represented by the NYS Office of Community Renewal through the Community Development Block Grant (CDBG) Fund for the purpose of providing financing to assist Upstate Niagara Cooperative, Inc for the reactivation of a dormant yogurt production facility in the Genesee Valley Agri-Business Park. This agreement lays out the terms and conditions of that funding being received by the Town and then disbursed and administered by the GGLDC.

T. Bender made a motion to recommend to the full Board approval of the grant agreement with the Town of Batavia for the CDBG funding in connection with the Upstate Niagara Cooperative project; the motion was seconded by P. Battaglia. Roll call resulted as follows:

T. Felton - Absent
P. Battaglia - Yes
T. Bender - Yes
D. Cunningham - Yes

The item was approved as presented.

3j. Increase in Harris Beach Legal Fees on Land Sale – The GGLDC had received a Purchase and Sale Agreement from a company to acquire tax parcels 13.-1-174 and 13.1-1-158.12 (comprising approximately 22.57 acres) in their entirety. The authorizing resolution had approved legal fees not to exceed \$14,000. This was an estimate from our legal firm. The land sale closed on November 16 and the total legal fees amounted to \$17,827.

Fund commitment: Legal fees to Harris Beach of \$3,827 that were in excess of the previously approved amount for this transaction.

The Committee requested that M. Masse ask Harris Beach to make a concession of time and hours related to this transaction.

T. Bender made a motion to approve additional legal fees up to \$3,827 if Harris Beach is not willing to make a concession related to this land sale; the motion was seconded by P. Battaglia. Roll call resulted as follows:

T. Felton - Absent
P. Battaglia - Yes
T. Bender - Yes
D. Cunningham - Yes

The item was approved as presented.

4. ADJOURNMENT

P. Battaglia made a motion to adjourn at approximately 10:21 a.m., seconded by T. Bender and passed unanimously.