



GCEDC Board Meeting
Thursday, October 26, 2023
Location: 99 MedTech Drive, Innovation Room
4:00 PM

GCEDC MINUTES

Attendance

Board Members: M. Gray, C. Kemp, K. Manne, C. Yunker
Staff: M. Masse, S. Hyde, L. Farrell, L. Casey, J. Krencik, E. Finch, C. Suozzi
Guests: R. Gaenzle (Harris Beach / Video Conference), M. Brooks (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), G. Torrey (GGLDC Board Member), M. Fitzgerald (Phillips Lytle), R. Crossen (Town of Alabama Supervisor), Isaiah Jones (GCC Student), D. Cunningham (GGLDC Board Member)
Absent: M. Clattenburg, P. Battaglia, P. Zelif

1.0 Call to Order

M. Gray called the meeting to order at 4:02 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 4:02 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.

Isaiah Jones (GCC Student) left the meeting at 4:02 p.m.

G. Torrey joined the meeting during executive session.

M. Fitzgerald from Phillips Lytle left the meeting at 4:32 p.m.

1.2 Enter Public Session

C. Yunker made a motion to enter back into public session at 4:34 p.m., seconded by K. Manne and approved by all members present.

Isaiah Jones (GCC Student) returned to the meeting at 4:34 p.m.

2.0 Chairman’s Report & Activities

2.1 Upcoming Meetings:

- Next Scheduled Board Meeting: Thursday, December 7th at 4:00 p.m.**
- Audit & Finance Committee Meeting: Tuesday, December 5th at 8:30 a.m.
- STAMP Committee Meeting: Wednesday, December 6th at 8:00 a.m.
- Employment & Compensation Committee Meeting: Thursday, December 7th at 3:00 p.m.

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

2.3 Minutes: October 5, 2023 –

C. Yunker made a motion to accept the October 5, 2023 minutes as presented; the motion was seconded by K. Manne. Roll call resulted as follows:

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

The item was approved as presented.

The Board decided to address all other agenda items (4.0-9.0) before discussing and voting on agenda item 3.1. Staff and GCEDC Board members wanted to allow additional time for community members to arrive if they planned to attend the meeting regarding the Countryside Apartments project.

4.0 Audit & Finance Committee

4.1 September 2023 Financial Statements – L. Farrell reviewed the September 2023 financial statements with the Board. The following was noted:

- Unrestricted cash decreased. About \$765K of STAMP land sale funds were used to pay a STAMP expense for a construction contract that was previously authorized.
- Accounts receivable increased by about \$70K for the project origination fee installment due from Nexgistics. Their origination fee was to be paid in three installments with the final installment coming due in the early part of 2024.
- On the P&L, fee revenue includes \$70K from Nexgistics and we also closed on Churchville Fire.
- For expenditures on the P&L, there is normal monthly activity.

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

K. Manne made a motion to approve the September 2023 Financial Statements as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

C. Kemp - Yes

The item was approved as presented.

4.2 2024 General Cleaning Services – During 2022, staff reached out to four cleaning companies to obtain quotes for 2023 cleaning services. Commercial Cleaning Services of Western New York, Inc. was awarded the contract.

Commercial Cleaning Services of Western New York Inc., the current company being used, has been offering a competitive price and we are satisfied with the services. New quotes were not obtained for 2024 services. We anticipate getting quotes for cleaning services every three years.

Fund Commitment: Up to \$7,500; included in the 2024 GCEDC Budget.

Action Requested: Staff is requesting a recommendation from the Committee to continue this contract for 2024 cleaning services at a cost not exceeding \$7,500 for the year, plus reimbursement for supplies.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the 2024 General Cleaning Services contract with Commercial Cleaning Services not to exceed \$7,500 plus reimbursement for supplies as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

4.3 12/31/23 Audit Services – Last year the GCEDC and its affiliated corporations issued a joint Request for Proposals (RFP) for Professional Auditing Services. The RFP requested services for three audit years from January 1, 2022 to December 31, 2024, with an option of contracting for an additional two years (2025-2026). The Board approved a 3-year engagement with Mostert, Manzanero & Scott, LLP. L. Farrell noted that the fee for 2023 audit services will increase from \$10,300 to \$10,700. The engagement letter includes an option to add on a Single Audit if necessary for an additional fee.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the engagement letter with Mostert, Manzanero & Scott, LLP for 12/31/23 audit services not to exceed \$10,700 as presented with Single Audit services added if necessary; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The agenda item was approved as presented.

4.4 Government Relations Contract - Ostroff Associates - During this season of active infrastructure construction at STAMP, necessary to enable \$1B in project commitments and some 700 high paying jobs (avg. \$80k/year), we are experiencing considerable external challenges. Considering this, we could use assistance with a strong government relations firm that can provide GCEDC strong counsel, access, and advocacy to the Executive and Legislative branches of state government as well as state administrative/regulatory agencies. One of the very well-placed firms, used by NYSEDC, and many others is Ostroff Associates. They are a growing firm with strong relationships across the board. We have executed a short-term contract, half a month, through the end of October given pressing near term needs which is within budget and Steve Hyde's signature authority totaling \$2,500. Included with the meeting materials for consideration is Ostroff Associate's engagement letter to establish a more formal on-going relationship. Pricing is \$5,000 monthly which is consistent with their normal charge rate for active non-profit organizations. This is a month-to-month engagement and can be cancelled if needed on 30 days' notice. Our 2023 and 2024 budget assumptions plan this expense at \$4,250/month. While we are significantly under budget for 2023, we will likely exceed our 2024 budget for this line item by \$9,000 if our engagement lasts the entire year. We will work to offset this cost exposure in other expense line items.

CEO Recommendation: Given the strength of Ostroff's team and ability to provide strong counsel and advocacy during this season of active infrastructure permitting and construction at STAMP as well as active project selling and implementation – S. Hyde recommends approval of this Government Relations Contract.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the Government Relations Contract with Ostroff Associates as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

4.5 Batavia Home Fund Committee Recommendation of Award – The Batavia Home Fund (BHF) funds will be used for infrastructure improvements, future economic and brownfield development interests targeted within the City for new housing projects and the conversion of residential rental to single family homes. The program is administered by the GCEDC with grant funding decisions made by a grant-selection committee with a representative from the GCEDC, Town and City of Batavia.

Eligible Activities (Maximum Award)

- i. Extraordinary development costs related to hazardous material abatement, remediation, flood hazard areas, etc. (\$50,000)
- ii. Demolition / rehabilitation of vacant residential structures that cause community and

- neighborhood blight. (\$50,000)
- iii. Infrastructure modernization and improvements including costs to plan, design and construct streets, multi-modal, water, sewer, gas, electric, telecommunication enhancements, storm water management facilities and related infrastructure including landscaping and streetscape improvements related to redevelopment projects and new housing construction. (\$50,000)
- iv. Matching funds to secure other grant resources to further capitalize redevelopment projects in the Brownfield Opportunity Area (BOA) and flood zone areas. (\$20,000)
- v. Land assemblage, property acquisition and due diligence for new market rate housing projects. (\$50,000)
- vi. Grants to support owner occupied single family exterior rehabilitation. (\$10,000)
- vii. Grants to support multi-family conversion into single family owner occupied (\$20,000)

Project Applicant: Stephen Montfort

The homeowner recently purchased this residence for their own use and is looking to make improvements to the exterior (new roof) which qualifies under Eligible Activities item #6 (vi.): Grants to support owner occupied single family exterior rehabilitation (maximum award of \$10,000). They are seeking a grant of \$2,750 which is 40% of the total construction cost (maximum percentage allowed under the program) of \$6,875. Montclair Avenue, along with Holland and Allen, are areas that the City of Batavia is looking for neighborhood revitalization. The City has applied for a Community Development Block grant that, if awarded, would be utilized to complete a targeted neighborhood improvement program in this residential area. This grant and homeowner improvement to the residence would fit in with that overall program and neighborhood revitalization initiative.

Total Project Cost: \$6,875.00

Total Grant Amount Requested: \$2,750 (40% max allowed)

Eligible Activity criteria from above: 6 (vi.)

Action request: The Housing Oversight Committee of the Batavia Home Fund met on October 19, 2023 and approved this application. Staff is seeking authorization to release the funds in accordance with the terms and conditions of the Batavia Home Fund.

M. Masse stated that going forward there will be “before” and “after” pictures that will be added to the file.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the release funds in accordance with the terms and conditions of the Batavia Home Fund not to exceed \$2,750 to the project applicant as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

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 – 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.

After the Board addressed all agenda items, excluding the Report of Management, they returned to agenda item 3.1.

3.0 Report of Management

3.1 Countryside Apartments, LLC- Final Resolution - Countryside Apartments, LLC is proposing to develop four 24-unit market-rate apartment buildings in the town of Pembroke.

The \$15.65 million project would be built in phases, with one 24-unit building per phase, for a total of 96 units. Each building will have eight 1-bedroom and 16 2-bedroom units. Each building will be 21,096 sq. ft. for a total of 84,384 sq. ft. The project anticipates creating two part-time positions (1 FTE).

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$739,200, a property tax abatement estimated at \$2,020,688 based on the incremental increase in assessed value via a fixed 60% 20-year PILOT (Housing PILOT for 20+ market-rate units), and a mortgage tax exemption estimated at \$130,000.

The project aligns with the Genesee County Economic Development Center's Housing Policy #1 and a recognized need for housing availability. The Genesee County Housing Needs Assessment identified that 4,800 units are needed in the next 20 years across single-family homes and rental units.

The public hearing was held on October 25, 2023 at 6 p.m. at the Pembroke Town Hall. The minutes and the video link from the public hearing were provided to the GCEDC Board of Directors on October 26, 2023. C. Suozzi asked if there were any comments related to the public hearing. M. Gray stated that the minutes appeared to be a word for word transcription. There were no comments or questions from the Board about the public hearing.

3.1a UTEP - The Board acknowledged that the UTEP was provided with meeting materials and concurs with each criterion, excluding criterion #5, which is not applicable. See the Statement of Compliance of Project Criteria listed in the Uniform Tax Exemption Policy (UTEPE), attached to the minutes for additional Project details and Board approvals.

3.1b Final Resolution -

Resolution No. 10/2023 - 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 OCTOBER 25, 2023, WITH RESPECT TO THE COUNTRYSIDE APARTMENTS, 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 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 #10/2023-01, authorizing incentives as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was approved as presented.

10.0 Adjournment

As there was no further business, C. Kemp made a motion to adjourn at 5:31 p.m., which was seconded by C. Yunker and passed unanimously.