



**GCEDC Board Meeting
Thursday, March 2, 2023
Location: 99 MedTech Drive, Innovation Room
4:00 PM**

GCEDC MINUTES

Attendance

Board Members: M. Gray, C. Kemp, M. Clattenburg, C. Yunker, P. Battaglia, P. Zeliff
Staff: M. Masse, S. Hyde, L. Casey, J. Krencik, L. Farrell (Video Conference), P. Kennett
Guests: D. Cunningham (GGLDC Board Member), J. Tretter (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), T. Felton (GGLDC Board Member), R. Gaenzle (Video Conference), G. Torrey (GGLDC Board Member)
Absent: T. Bender

1.0 Call to Order

P. Zeliff called the meeting to order at 4:01 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 4:01 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 M. Clattenburg and approved by all members present.

1.2 Enter Public Session

P. Battaglia made a motion to enter back into public session at 4:54 p.m., seconded by C. Yunker and approved by all members present.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, March 30th at 4:00 p.m.
Audit & Finance Committee Meeting: Thursday, March 30th at 3:00 p.m.
STAMP Committee Meeting: Wednesday, March 29th at 8:00 a.m.

2.2 Agenda Additions / Deletions / Other Business –

C. Yunker made a motion to add Project Origination Fee – Nexgistics as agenda item 3.3; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

2.3 Minutes: February 2, 2023 – M. Clattenburg stated that the motion for agenda item 2.3 on the February 2, 2023 minutes was seconded by M. Gray, not M. Clattenburg.

M. Clattenburg made a motion to accept the February 2, 2023 minutes with the above mentioned change; the motion was seconded by M. Gray. Roll call resulted as follows:

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

The item was approved as presented.

3.0 Report of Management

3.1 Horizon Acres Associates - Horizon Acres Associates, Inc. is seeking to develop six flex commercial/industrial facilities that will total 1,500,000 square feet in the Town of Pembroke on 115 buildable acres near the NYS Thruway exit.

Horizon Acres Associates, Inc. is a developer that will offer the buildings for sale or lease to tenants fitting the current Pembroke Interchange zoning.

The \$142 million total project will be completed in phases, and projects to create 400 FTE's at full build-out.

Horizon Acres Associates, Inc. is requesting assistance from the GCEDC with a sales tax exemption estimated at \$6,240,000, a property tax abatement estimated at \$11,961,000 based on incremental increase in assessed value via new traditional PILOT, and a mortgage tax exemption estimated at \$1,136,000 for a total of approximately \$19,337,000 in estimated tax incentives.

A public hearing was held on January 30, 2023. A summary of the comments and discussion that took place during the public hearing was included with the meeting materials.

3.1a UTEP - The Board acknowledged that the UTEP was provided with meeting materials and concurs with each criterion. See the Statement of Compliance of Project Criteria listed in the Uniform Tax Exemption Policy (UTEPP), attached to the minutes for additional Project details and Board approvals.

3.1b Final Resolution -

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 JANUARY 30, 2023, WITH RESPECT TO THE HORIZON ACRES ASSOCIATES INC. (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 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.

M. Clattenburg made a motion to accept Final Resolution #03/2023-01, authorizing incentives as presented; the motion was seconded by C. Kemp. 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 -	Yes		

The item was approved as presented.

3.2 Appointment of Member to NY Green - The GCEDC Board is required to pass a resolution that designates an individual from the GCEDC to serve as a standing member to the NY Green Board of Directors as stated in the NY Green By-Laws.

The NY Green Board has requested that the GCEDC pass another resolution designating the representative from the GCEDC to serve on their Board of Directors.

P. Battaglia made a motion to accept the resolution appointing the GCEDC's Senior VP of Operations to the NY Green Board of Directors; the motion was seconded by C. Yunker. 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 -	Yes		

The item was approved as presented.

3.3 Project Origination Fee – Nexgistics – Nexgistics requested that their project origination fee is split into three payments. Seventy-five thousand dollars is required at closing, another \$75,000 will be required at 6 months from closing and a final payment of \$70,000 will be required at 12 months from closing.

P. Battaglia made a motion to approve the split payment of the Nexgistic's project origination fee as outlined above; the motion was seconded by C. Yunker. 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 -	Yes		

The item was approved as presented.

4.0 Audit & Finance Committee

4.1 Investment Report - The Investment Report summarizes the GCEDC's bank balances, general ledger balances and interest income at 12/31/22. As of 12/31/22, cash balances were fully collateralized. The report will be submitted into PARIS and posted on the website.

This item was recommended for approval by the Committee.

M. Gray made a motion to approve the Investment Report as presented; 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 -	Yes		

The item was approved as presented.

4.2 Procurement Report - Public Authorities are required to report all procurement transactions active during the reporting period that have an actual or estimated value of \$5,000 or more. This report will be submitted into the PARIS system and posted on the website.

This item was recommended for approval by the Committee.

M. Gray made a motion to approve the Procurement Report as presented; the motion was seconded by M. Clattenburg. 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 -	Yes		

The item was approved as presented.

4.3 County Mowing Contract - The GCEDC Received a proposal for mowing of the stormwater pond at STAMP for 2023. This is included in the 2023 GCEDC budget as presented to the Committee at a previous meeting.

Fund commitment: \$2,800 from operational funds of STAMP. This amount was included in the 2023 GCEDC budget that was reviewed by the Board previously.

Board action request: Approval of mowing contract for \$2,800 with Genesee County Highway Department.

This was recommended for approval by the Committee.

M. Gray made a motion to approve the Genesee County Highway Mowing Contract not to exceed \$2,800 as presented; the motion was seconded by C. Yunker. 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 -	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 2022. This report will be posted to the website.

M. Masse stated that the Agency set a goal of capital investment commitment of \$35M for 2022. The actual result from projects was \$33M for 2022. If projects that exceed \$50M in capital investment were included (Rochester Regional Health and YMCA Healthy Living Campus), the total for the year is \$97 million. The Agency also pledged to create 90 jobs from projects in 2022. These projects resulted in 16 jobs pledged in 2022. If projects that exceed \$50M in capital investment were included (Rochester Regional Health and YMCA Healthy Living Campus), the total jobs pledged for the year is 117. M. Masse reviewed, in detail, all agency performance results relative to 2022 goals.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the Authority Self-Evaluation of Prior Year Performance as presented; 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 -	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.

Upon careful consideration, an amended mission statement is being brought forward for consideration and is as follows:

The GCEDC is the primary economic development agency in Genesee County, NY. The GCEDC's mission is to facilitate local economic growth and development which fosters investment and job creation for the benefit of our residents and children. We do this by offering financial assistance, real estate solutions, workforce development programming and placemaking options in order to build back local and regional manufacturing and by supporting the continued growth and success of our local businesses all across Genesee County.

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 \$47M for 2023, which does not include any Mega projects (over \$50M capital investment commitment). M. Masse also recommends the Agency set a job creation goal of 93 jobs from projects in 2023, 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.

C. Yunker read the Governance Certification to the Board:

1. **Have the board members acknowledged that they have read and understood the mission of the public authority?**

Board of Directors Response: Yes

2. **Who has the power to appoint management of the public authority?**

Board of Directors Response: The Board of Directors

3. **If the Board appoints management, do you have a policy you follow when appointing the management of the public authority.**

Board of Directors Response: The Board has not adopted a final, written policy; however, the Board follows the prudent and reasonable past practice of appointing responsible individuals.

4. **Briefly describe the role of the Board and the role of management in the implementation of the mission.**

Board of Directors Response: The role of the Board regarding the implementation of the public authority's mission is to provide strategic input, guidance, oversight, mission authorization, policy setting and validation of the authority's mission, measurements and results. The role of management is to collaborate with the Board in strategy development / strategy authorization and to implement established programs, processes, activities and policies to achieve the public authority's mission.

5. **Has the Board acknowledged that they have read and understood the response to each of these questions?**

Board of Directors Response: Yes

C. Yunker asked Board members to acknowledge any disagreement with the Governance Certification at this time. There was none.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the Mission Statement & Measurement Report as presented; the motion was seconded by M. Clattenburg. 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 -	Yes		

The item was approved as presented.

6.0 STAMP Committee – P. Zelif

6.1 Tree Purchases for Planting – In conjunction with the Town of Alabama Planning Board approval of the substation, they requested that trees be planted in the open space area to the north of the substation entrance road to provide more screening to the residents. These 7 acres are in the 300-foot buffer area that is zoned Ag/Res and cannot be developed. Through the tree purchase program at Genesee Soil & Water Conservation District we can purchase these trees at a discounted rate. We will work with local organizations to get them planted at no cost. This will also reduce the amount of open space that would require annual maintenance such as mowing.

Fund Commitment: \$4,473 from operational funds.

Board Action Request: Approval of payment of \$4,473 to Genesee Soil & Water Conservation District.

At the STAMP Committee meeting held on February 28, the Committee recommended that staff and CC Environment and Planning find measures that will protect the investment in trees. The Committee stated that the deer population is prevalent in the area that the trees would be planted. R. Crossen estimated that 50 – 60% of the trees would be lost due to consumption by the deer.

Working with CC Environment and Planning, M. Masse found four potential remedies to prevent the deer from eating the seedlings. He believes that the most cost-effective remedy is to purchase rigid mesh tree tubing with bamboo stakes. This will cost an additional \$5,100, plus freight.

C. Yunker made a motion to approve the purchase of trees from Genesee Soil & Water Conservation District not to exceed \$4,473, as well as the deer prevention mechanisms estimated at \$5,100 plus freight; 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 -	Yes		

The item was approved as presented.

6.2 Easement Approvals – In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, there are several easements needed. We are seeking approval of the following easements:

1. Permanent Easement 6 - \$5,000
2. Permanent Easement 13 - \$500

Fund Commitment: \$5,500 from the \$33 million.

Board Action Request: Approval of payment of \$5,500 to the holders of the easement numbers identified above.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the ROW easement payments not to exceed \$5,500 as presented; the motion was seconded by C. Yunker. 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 -	Yes		

The item was approved as presented.

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, C. Yunker made a motion to adjourn at 5:12 p.m., which was seconded by M. Clattenburg and passed unanimously.



Project Name: NEXgistics

Board Meeting Date: August 4, 2022

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

PROJECT DESCRIPTION:

Nexgistics is seeking to develop a 140,000 square-foot facility on Vision Parkway in the Town of Pembroke.

Nexgistics is a fast-growing third-party logistics provider specializing in consumer electronics, sporting and outdoor goods, e-bikes and related productions with operations in New York and Nevada.

The company currently leases buildings at two separate western New York locations, and desires to construct a centrally located distribution center and national headquarters at a site suitable for future growth. Following a multi-state site search, Nexgistics is seeking to build their facility on 30 acres of vacant land currently under contract for the project.

The \$17.6 million project in Pembroke will enable the company to retain the 21 full-time equivalent positions currently employed in NY and add 3 FTE.

Nexgistics is requesting assistance from the GCEDC with a sales tax exemption estimated at \$812,000, a property tax abatement estimated at \$1,116,360 based on incremental increase in assessed value via new traditional PILOT, and a mortgage tax exemption estimated at \$154,650.

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

Project details: The project is planning on creating 3 direct jobs between \$31,200-40,000 annual plus benefits.

Board Discussion: None.

C. Yunker made a motion to concur with Criteria #1; the motion was seconded by M. Clattenburg.

Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
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:

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 \$17,600,000 and 140,000 sq. ft.

Board Discussion: None.

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

P. Battaglia -	Yes	C. Yunker -	Yes
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:

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: N/A

Board Discussion: None.

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 \$10,629,026 (\$9,835,384 in payroll and \$793,641 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

Project details: For every \$1 of public benefit the company is investing \$7 into the local economy

Board Discussion: None.

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

P. Battaglia -	Yes	C. Yunker -	Yes
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:

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 early 2023 and be operational within 12 months

Board Discussion: None.

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

P. Battaglia -	Yes	C. Yunker -	Yes
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: