



GCEDC Board Meeting
Thursday, March 7, 2024
Location: 99 MedTech Drive, Innovation Room
4:00 PM

GCEDC MINUTES

Attendance

Board Members: C. Kemp, K. Manne, M. Clattenburg, P. Zelif, M. Gray, P. Battaglia, C. Yunker (Video Conference*)

Staff: M. Masse, S. Hyde, L. Farrell, L. Casey, J. Krencik, C. Suozzi, P. Kennett, E. Finch

Guests: M. Brooks (GGLDC Board Member), G. Torrey (GGLDC Board Member), D. Cunningham (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), J. Tretter (GGLDC Board Member), M. Fitzgerald (Phillips Lytle/ Video Conference), R. Gaenzle (Harris Beach/Video Conference), R. Crossen (Town of Alabama Supervisor), Matt Landers (Genesee County Manager), Tim Hens (Genesee County Highway Department Supervisor), Asher Syed (HP Hood), Bryan Beckwith (HP Hood), David Watkins (HP Hood), Joseph Blair (HP Hood), Tom Iomzzo (Neighbor to HP Hood)

Absent:

*Attending from a physical location identified in the meeting notice as open to the public.

1.0 Call to Order

P. Zelif called the meeting to order at 4:00 p.m. in the Innovation Zone.

Presentation HP Hood - Bryan Beckwith (Director of Project Management), Asher Syed (Quality Engineer), David Watkins (Director of Operations for Batavia Plant), and Joseph Blair (Director of Technical Services for Batavia Plant) attended the meeting to present the HP Hood Warehouse Expansion Project. HP Hood is looking to expand its fully automated cold storage warehouse to be able to accommodate an additional 7,500 pallets. The building would be constructed with a concrete foundation, structural steel, and a rubber roofing system, like the construction on sight today. The expanded space is going to be fully integrated with HP Hood's processing and warehouse operation automation system to allow HP Hood to better serve their customers and position themselves for upcoming projected volumes.

The Batavia plant recently celebrated its 5th year of production and employs about 450 individuals. HP Hood appreciates the support that they have been given from the Genesee County Economic Development Center and looks forward to continuing the partnership to allow growth and contribute to the community in a positive way. HP Hood has approximately 13 facilities in total, the Batavia facility being its largest.

All representatives from HP Hood and Tom Iomzzo (Neighbor to HP Hood) left the meeting at 4:07 p.m.

1.1 Enter Executive Session

P. Battaglia made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:07 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.

M. Fitzgerald (Video Conference), M. Landers, T. Hens, R. Crossen and all staff, excluding M. Masse left the meeting at 4:40 p.m.

M. Masse left the meeting at 4:55 p.m.

1.2 Enter Public Session

M. Clattenburg made a motion to enter back into public session at 5:16 p.m., seconded by C. Kemp and approved by all members present.

Asher Syed (HP Hood), Bryan Beckwith (HP Hood), David Watkins (HP Hood), Joseph Blair (HP Hood), and all staff, excluding E. Finch, returned to the meeting at 5:16 p.m.

S. Noble-Moag left the meeting at 5:16 p.m.

2.0 Chairman’s Report & Activities

2.1 Upcoming Meetings:

- Next Scheduled Board Meeting: Thursday, March 28th at 4:00 p.m.**
- Audit & Finance Committee Meeting: Thursday, March 28th at 3:00 p.m.
- STAMP Committee Meeting: Wednesday, March 27th at 8:00 a.m.
- Employment & Compensation Committee Meeting will be added at the request of the Board.*

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

2.3 Minutes: February 1, 2024 –

K. Manne made a motion to accept the February 1, 2024 minutes as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes (Video Conference*)
K. Manne -	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 MedTech Landing – Final Resolution – MedTech Landing, LLC is proposing to develop 80 units of market-rate housing at 53 MedTech Drive in the Town of Batavia. The \$15 million project would construct seven apartment buildings totaling 100,000 sq. ft. and includes 6 six-car garages. The project anticipates creating two positions (2 FTE).

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$720,000, a property tax abatement estimated at \$3,031,048 via a fixed 10% 20-year PILOT (Housing PILOT for 20+ market-rate units), and a mortgage tax exemption estimated at \$120,000.

The project will also contribute \$50,000 per year for 20 years to the new Batavia Home Fund (BHF). The Town of Batavia, the City of Batavia and GCEDC have established this fund to enable housing development support in the City of Batavia. This will result in net savings to the project of \$2,871,480.

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.

A public hearing was held on February 8, 2023. No written or oral comments were received.

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. 03/2024 - 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 8, 2024, WITH RESPECT TO THE MEDTECH LANDING, 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.

M. Clattenburg made a motion to accept Final Resolution #3/2024-01, authorizing the incentives as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes (Video Conference*)
K. Manne -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

3.2 HP Hood – Final Resolution – HP Hood is planning to expand at the Ag Park in Batavia, NY. The \$120 million project consists of a 32,500 sq ft expansion to accommodate approximately 7,500 more pallet positions in its automatic storage and retrieval system (ASRS) refrigerated warehouse. The project will also include the addition of new batching and processing systems, along with other upgrades which will allow the company to increase capacity and production of additional extended-shelf-life (ESL) beverage products at the Batavia facility.

The project proposes creating 48 new full-time equivalent (FTE) positions and retaining 455 FTE's.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$4,528,000, a property tax abatement estimated at \$549,705 based on incremental increase in assessed value via new traditional PILOT, and a mortgage tax exemption estimated at \$536,000.

A public hearing was held on September 28, 2023. No written or oral comments were received.

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. 03/2024 - 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 SEPTEMBER 28, 2023, WITH RESPECT TO THE HP HOOD LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (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.

P. Battaglia made a motion to accept Final Resolution #3/2024-02, authorizing the incentives as presented; the motion was seconded by K. Manne. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes (Video Conference*)
K. Manne -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

Asher Syed (HP Hood), Bryan Beckwith (HP Hood), David Watkins (HP Hood), and Joseph Blair (HP Hood) left the meeting.

3.3 Countryside Apartments – Supplemental Final Resolution – The Board approved Countryside Apartments, LLC Project in Pembroke on October 26, 2023. The approval was for the complete four-phased project in total with a capital investment of \$15.65 million, 96 units, 4 buildings.

The developer has determined that the Project is to be undertaken in four phases, with each phase consisting of the planning, design, construction, and operation of a twenty-four-unit market rate apartment building. Due to the multi-phased structure of the project, the developer is requesting that the GCEDC treat each phase as a distinct “project” and to allocate the original incentives and project fees in accordance with Exhibit A of the Supplemental Final Resolution.

Action Requested: Approval of the Supplemental Final Resolution designating the original approval into four separate projects.

M. Clattenburg made a motion to accept Supplemental Final Resolution #3/2024-03, designating the original approval into four separate projects as outlined in Exhibit A; the motion was seconded by K. Manne. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes (Video Conference*)
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg –	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

3.4 Leatherleaf Solar – Initial Resolution - Leatherleaf Solar, LLC is proposing to construct a community solar farm project on 7501 Ivison Rd in the Town of Byron, NY. The project will utilize ground-mounted solar panels to convert the sun’s energy into 5 MW of AC power. The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project’s PILOT will contribute \$4,000/MWAC + a 2% annual escalator in payments to Genesee County and Byron-Bergen Central School District. The PILOT is estimated to generate \$345,868 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County; and a separate host benefit agreement with the Town of Byron.

The project is aligned with New York's aggressive goals for renewable energy, energy efficiency and greenhouse gas reductions, and will offer customers a 10% discount vs average market rates for the generated power.

M. Gray made a motion to accept Initial Resolution #03/2024-04, authorizing the acceptance of the application and scheduling of a public hearing as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes (Video Conference*)
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg –	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

3.5 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 M. Masse to the NY Green Board of Directors; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes (Video Conference*)
K. Manne -	Yes	P. Zeliff -	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 as of 12/31/23. As of 12/31/23, cash balances were fully collateralized. The GCEDC generated close to \$290,000 in interest income in 2023. The report is required by PARIS and will be posted on the website.

The Bank of Castile listed in the Investment Reports should be changed to Tompkins Community Bank.

This was recommended for approval by the Committee with the above-mentioned change.

K. Manne made a motion to approve the Investment Report with the above-mentioned change; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes (Video Conference*)
K. Manne -	Yes	P. Zeliff -	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 to the PARIS system and posted on the website. The board has already approved most expenses or contracts that exceed \$5,000. Therefore, the Committee has already seen and approved most of the information that is collectively stated in this report.

This was recommended for approval by the Committee.

K. Manne 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 (Video Conference*)
K. Manne -	Yes	P. Zeff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

4.3 Design and Engineering Contract for Roadway at Apple Tree Acres Park- The GCEDC received a proposal for design, engineering, bidding, and construction inspection for a new roadway at Apple Tree Acres to support a new manufacturing facility.

Fund Commitment: \$279,065 from land sale proceeds of sale to new manufacturing facility at Apple Tree Acres.

Board Action Request: Approval of design, engineering, bidding and construction inspection contract for \$279,065.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the Design and Engineering Contract for the Roadway at Apple Tree Acres Corporate Park with CPL not to exceed \$279,065 as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes (Video Conference*)
K. Manne -	Yes	P. Zeff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

4.4 Mowing for STAMP with Genesee County Highway Dept - The GCEDC received a proposal for the mowing of the mitigation areas at STAMP for 2024 in accordance with the terms of the Part 182 Permit.

Fund commitment: \$2,000 from mitigation funds escrow of STAMP Part 182 Permit. This amount was included in the escrow estimate when the account was established.

Board action request: Approval of mowing contract for \$2,000 with Genesee County Highway Department.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the Mowing Contract for STAMP with the Genesee County Highway Dept not to exceed \$2,000 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes (Video Conference*)
K. Manne -	Yes	P. Zeff -	Yes

M. Clattenburg – Yes
C. Kemp - Yes

M. Gray - Yes

The item was approved as presented.

4.5 Mowing for STAMP with Town of Alabama Highway Dept - The GCEDC received a proposal for mowing of the stormwater pond and the open area from the substation to Crosby Road at STAMP for 2024, twice a year.

Fund commitment: \$8,000 from operational funds of STAMP.

Board action request: Approval of mowing contract for \$8,000 with Town of Alabama Highway Department.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the Mowing Contract for STAMP with the Town of Alabama Highway Dept not to exceed \$8,000 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

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

C. Yunker - Yes (Video Conference*)
P. Zelif - Yes
M. Gray - 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 2023. This report will be posted to the website.

The Agency set a goal of capital investment commitment of \$47M for 2023. The actual result from projects was \$29M for 2023. If projects that exceed \$50M in capital investment were included (Nexgistics and Atlas Copco), the total for the year is \$257 million. The Agency also pledged to create 93 jobs from projects in 2023. These projects resulted in 2 jobs pledged in 2023. If projects that exceed \$50M in capital investment were included (Nexgistics and Atlas Copco), the total jobs pledged for the year is 348. The GCEDC collected \$1.6M in project origination fee revenue as compared to the \$450K budgeted for 2023.

This was recommended for approval by the Committee.

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

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

C. Yunker - Yes (Video Conference*)
P. Zelif - Yes
M. Gray - Yes

The item was approved as presented.

5.2 Mission Statement & Measurement Report – The agenda item was tabled. The Committee recommended that the goals should be analyzed to include an inflation factor. Staff will revise the 2024 goals and bring them forward at a subsequent Governance & Nominating Committee meeting.

6.0 STAMP Committee – P. Zelif

6.1 Design and Engineering Contract for Crosby Road Reconstruction and Extension of Hammerhead - 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, onsite water storage tank and wastewater lines.

At the STAMP Committee meeting, Andrew Kosa of Clark Patterson Lee reviewed the engineering contract, which was included with the meeting materials, in detail with the Committee.

Fund Commitment: \$1,810,060 from the \$56 million 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 the reconstruction of Crosby Road from STAMP Drive north to Lewiston and the extension of the hammerhead.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the Design and Engineering Contract for Crosby Road Reconstruction and Extension of Hammerhead not to exceed \$1,810,060 as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes (Video Conference*)
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

6.2 First Amendment to Lease Agreement with Plug Power- As part of their construction of their hydrogen facility, Plug Power would like to utilize the approximately 6.5-acre parcel directly to the south of their site as a construction parking area. Plug Power will be responsible for all DEC permits (except Part 182) and compliance. On April 10, 2023, Plug and the GCEDC signed this agreement. Plug is seeking an amendment to this agreement as the DEC has not issued the necessary permits through no fault of Plug's. The amendment would make the two-year lease agreement time frame start on the issuance of the DEC permits as well as making the payment due at that time.

Fund Commitment: None.

Action Request: Recommend approval of First Amendment to Access Agreement.

This was recommended for approval by the Committee.

P. Zeliff made a motion to approve the First Amendment to the Lease Agreement with Plug Power as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes (Video Conference*)
K. Manne -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

6.3 Additional Work Related to Survey for STAMP Business Park Association - The GCEDC previously went out to bid and was awarded survey work related to the formation of the business park association at STAMP. Once the survey work was completed, it was noted that there was some additional work that the legal firm is requiring for the formation that was not in the original bid.

Fund Commitment: \$3,000 from the \$33 million NYS award.

Committee Action request: Recommend approval of the proposal from Frandina for the additional survey work related to the business park association formation.

This was recommended for approval by the Committee.

P. Zeliff made a motion to approve the additional survey work with Frandina Engineering for the STAMP Business Park Association not to exceed \$3,000 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes (Video Conference*)
K. Manne -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

6.4 CC Environment & Planning Proposal for STAMP Hedgerow Removal Mulching – The GCEDC is required to add straw mulching to the area where the hedgerow was removed and will be seeded in accordance with the issuance of the Part 182 permit. CC Environment and Planning will complete this task under the review and approval of the DEC.

Fund Commitment: \$2,260 from the mitigation escrow funds.

Action request: Recommend approval of the proposal from CC Environment and Planning for the mulching of the area where the hedgerow was removed.

This was recommended for approval by the Committee.

P. Zeliff made a motion to approve the CC Environment & Planning proposal for the mulching of the area where the hedgerow was removed not to exceed \$2,260 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

C. Yunker - Yes (Video Conference*)
P. Zelif - Yes
M. Gray - Yes

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, P. Battaglia made a motion to adjourn at 5:34 p.m., which was seconded by M. Gray and passed unanimously.