



Genesee County Economic Development Center

Meeting Agenda

Thursday, June 2, 2022

Location: Electronically

PAGE #

1.0	Call to Order	4:00 pm
	Governor Kathy Hochul signed legislation (S.50001 / A.40001) on September 2, 2021 extending virtual access to public meetings under NYS's Open Meetings Law, which allows virtual participation in local government meetings during the COVID-19 pandemic. This meeting is being held electronically via conference call / video conference instead of a public meeting open for the public to attend in person.	
	1.1 Enter Executive Session	4:00 pm
	Motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 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.	
	3. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.	
	1.2 Enter Public Session	4:45pm
2.0	Chairperson's Report & Activities	4:45pm
	2.1 Upcoming Meetings:	
	Next Scheduled Board Meeting: Thursday, July 7th at 4 p.m.	
	Audit & Finance Committee Meeting: Tuesday, July 5 th at 8:30 a.m.	
	STAMP Committee Meeting: Wednesday, July 6 th at 8 a.m.	
	2.2 Agenda Additions / Deletions / Other Business **Vote	
	2.3 Minutes: May 5, 2022 **Vote	
3.0	Report of Management –	4:50pm
	3.1 OATKA Milk – Final Resolution **Vote – C. Suozzi	
	3.2 Post-Pandemic Employment – J. Krencik / S. Hyde	
	3.3 Regional Economic Development Council Update – J. Krencik / S. Hyde	
	3.4 Placemaking Update – J. Krencik / S. Hyde	
	3.5 Legislative Update – J. Krencik / S. Hyde	
	3.6 Site Selectors Guild – The Future of Megaprojects – S. Hyde	
4.0	Audit & Finance Committee – M. Gray	5:25pm
	4.1 April 2022 Financial Statements **Vote	
	4.2 Cyber Insurance **Vote	
	4.3 Loewke Brill Agreement – La Fermiere **Vote	
5.0	Governance & Nominating Committee – C. Yunker	5:35pm
	5.1 GGLDC Board Member Appointments **Vote	
	5.2 Officer Appointments **Vote	
	5.3 Authorized to Request Information Regarding Bank Accounts **Vote	
	5.4 Authorized Signers of Agreements, Contracts, etc. **Vote	
	5.5 Authorized Bank Signers **Vote	
	5.6 Procurement Policies & Procedures **Vote	
	5.7 Investment Policy **Vote	
	5.8 Disposition of Property Guidelines **Vote	
	5.9 Pricing Policy Change **Vote	
6.0	STAMP Committee – P. Zeliff	5:50pm
	6.1 Easement Approval **Vote	
	6.2 Draft Land Management Plan	
7.0	Employment & Compensation Committee – T. Bender	5:55pm
	7.1 Nothing at this time.	
8.0	Housing Committee – P. Battaglia	5:55pm
	8.1 Nothing at this time.	
9.0	Other Business	5:55pm
	9.1 Nothing at this time.	
10.0	Adjournment	5:55pm

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**GCEDC Board Meeting
Thursday, May 5, 2022
Location: Electronically
4:00 PM**

GCEDC MINUTES

Attendance

Board Members: M. Clattenburg, M. Gray, P. Battaglia, C. Yunker, C. Kemp
Staff: L. Farrell, M. Masse, S. Hyde, L. Casey, J. Krencik, P. Kennett, C. Suozzi
Guests: T. Felton (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), G. Torrey (GGLDC Board Member), R. Gaenzle (Harris Beach), Lucas Praticci (La Fermiere)
Absent: P. Zeliff, T. Bender

1.0 Call to Order

M. Gray called the meeting to order at 4:01 p.m via conference call / video conference.

Governor Kathy Hochul signed legislation (S.50001 / A.40001) on September 2, 2021 extending virtual access to public meetings under NYS's Open Meetings Law, which allows virtual participation in local government meetings during the COVID-19 pandemic. This meeting is being held electronically via conference call / video conference.

Presentation: La Fermiere

La Fermiere provided an overview of their project to construct a 50,000 square foot food processing facility to produce premium yogurt at the Genesee Valley Agri Business Park in the Town of Batavia.

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 4:22 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.

The motion was seconded by C. Yunker and approved by all members present.

C. Kemp joined at 4:29 p.m.

1.2 Enter Public Session

P. Battaglia made a motion to enter back into public session at 4:49 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, June 2nd at 4:00 p.m.

Audit & Finance Committee Meeting: Tuesday, May 31st at 8:30 a.m.

STAMP Committee Meeting: Wednesday, June 1st at 8:00 a.m.

Governance & Nominating Committee Meeting: Thursday, June 2nd at 3:00 p.m.

2.2 Agenda Additions / Deletions / Other Business –

C. Yunker made a motion to remove the Governance committee agenda items, 5.1 through 5.6, from the agenda; the motion was seconded by P. Battaglia. Roll call resulted as follows:

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

The agenda items were removed.

2.3 Minutes: March 29, 2022.

M. Clattenburg made a motion to accept the minutes from March 29, 2022; the motion was seconded by T. Bender. Roll call resulted as follows:

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

The item was approved as presented.

3.0 Report of Management

3.1 La Fermiere - Initial Resolution- La Fermiere was founded in Marseille, France in 1952. In 2017, they began a USA market study. In 2018, they launched their product on the east coast while using a NY based co-packer. Their USA market success with major retailers has led the company to purchase 20 acres at the Genesee Valley Agri Business Park in the Town of Batavia and construct a 50,000 square foot food processing facility.

The project is planning on investing \$25 million and planning to create 68 FTEs in the first 3 years (and plan to create a total of 135 FTEs by year 5).

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$926,700) using our standard PILOT schedule 60% savings over 10 years, a sales tax abatement (\$912,000), and a mortgage tax exemption (\$40,000).

For every \$1 of public benefit the company is investing \$43 into the local economy.

A public hearing will be held as benefits are estimated to be over \$100,000.

Resolution No. 05/2022 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF LA FERMIERE INC. WITH RESPECT TO A CERTAIN PROJECT (THE "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 accept Initial Resolution #03/2022-01, accepting the application and authorizing the scheduling of a public hearing; the motion was seconded by M. Gray. Roll call resulted as follows:

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

The item was approved as presented.

3.2 OATKA Milk – Initial Resolution- O-AT-KA Milk Products LLC plans to build a 3,200 square foot addition to its existing facility in the town of Batavia.

The \$3.1 million expansion will house 2 new 18,000-gallon tanks and a dilution tank to increase capacities for cream based liquor beverages, and allow for future expansion.

The project is anticipated to add 2 new jobs.

The project has requested \$208,109 in financial support, including \$148,800 in sales tax exemptions and \$59,309 in property tax abatements using our standard PILOT schedule 60% over 10 years.

For every \$1 of public benefit the company is investing \$27 into the local economy.

A public hearing will be held as benefits are estimated to be over \$100,000.

Resolution No. 05/2022 - 02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF O-AT-KA MILK PRODUCTS, LLC WITH RESPECT TO A CERTAIN PROJECT (THE "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.

M. Clattenburg made a motion to accept Initial Resolution #03/2022-02, accepting the application and authorizing the scheduling of a public hearing; the motion was seconded by P. Battaglia. Roll call resulted as follows:

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

The item was approved as presented.

3.3 Apple Tree Acres, LLC (J-Rental)- Final Resolution- Apple Tree Acres, LLC is building a 50,000 sq. ft. stand-alone facility on its property at Apple Tree Acres, in town of Bergen.

The project is investing \$3.15 million and is pledging to create 3 FTEs with an average salary range of \$30,000-\$35,000 annually plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$355,425) using our standard PILOT schedule 60% savings over 10 years, a sales tax abatement (\$109,600), and a mortgage tax exemption (\$25,200).

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

A public hearing was held on February 2, 2022. No written or oral comments were received.

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.

Resolution No. 05/2022 - 03

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 2, 2022, WITH RESPECT TO THE APPLE TREE ACRES 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 REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A 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 AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

P. Battaglia made a motion to accept Final Resolution #03/2022-03, authorizing incentives 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 -	Absent

M. Clattenburg - Yes
C. Kemp - Yes

M. Gray - Yes

The item was approved as presented.

3.4 Local Labor Waiver Request for Ellicott Station Project –

Ellicott Station is currently constructing its housing project in the City of Batavia. Since the project is more than \$5 million in construction costs, it is subject to our Local Labor Policy. In connection with the Local Labor Policy there is a waiver request process that can be made for certain contractors that do not have to be local. The situations that would allow a company to request a waiver are as follows:

“It is understood that at certain times, Workers residing within the Local Labor Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Labor Requirement (the “Local Labor Waiver Request”) based on the following circumstances: (i) warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers; (ii) specialized construction for which qualified Local Labor Area Workers are not available; (iii) documented lack of Workers meeting the Local Labor Area requirement; or (iv) cost differentials in bids whereby use of local labor significantly increases the construction cost of the project. Prior to the granting of said waiver, the lowest bidding contractor which bid said construction project using local labor would have the right of first refusal to bid and match the lowest bid as a remedy to ensure compliance with this policy. Comprehensive documentation and justification will be required including documented evidence and verification by GCEDC staff or agents that the “right of first refusal” remedy has been affected unsuccessfully.

The Agency shall evaluate the Local Labor Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request.”

The consultant hired by the GCEDC to oversee the compliance with the Local Labor Policy, Loewke Brill Consulting Group, has reviewed the waiver request and recommended approval. Loewke Brill’s recommendation and back-up documentation was included in the Board packet for review.

Fund Commitment – None.

C. Yunker made a motion to accept the Local Labor Waiver Request for Ellicott Station Project 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 -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

3.5 State Policy – Authorization to Submit Comment on CLCPA – New York State is currently in a 120-day public comment period for the Climate Leadership and Community Protection Act’s (CLCPA) *Draft Scoping Plan*. The public comment period closes on Wednesday, June 10, 2022.

Given the experience and role of the GCEDC and the GGLDC in growing our local and state economy, it is our request that the GCEDC and GGLDC Board of Directors authorize the submission of public comments on the CLCPA's Draft Scoping Plan.

A draft letter was provided with Board materials.

M. Clattenburg made a motion to authorize the submission of public comment on the CLCPA Draft Scoping Plan 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 -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

4.0 Audit & Finance Committee

4.1 1st Quarter Financial Statements- L. Farrell reviewed the 1st quarter financial statements with the Board. The following was noted:

- Restricted Cash in the \$8 Million and \$33 Million STAMP Imprest Accounts decreased from year end. Accounts payable decreased by about \$500,000, which was mostly related to STAMP expenditures paid in the first quarter.
- We received project origination fees from Mega Properties and Just Chez.
- Expenditures are as expected for this time of year.
- We received a payment from Empire Pipeline for approximately \$448,000, which is under a CBA. We were able to make a timely payment in the first quarter to the County on the \$4M loan provided for the STAMP project as these funds are the dedicated source for repayment.

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

M. Gray made a motion to approve the 1st Quarter Financial Statements 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 -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

4.2 Mowing Bids- The GCEDC asked five companies for bids to mow the properties we have acquired at STAMP and the entrance sign to STAMP. The results of the bids are as follows based on 7 mows in the season:

1. Declined to bid – S&S Excavating & Blacktop, Inc.
2. Declined to bid – Scalia's Landscaping

- 3. \$5,110 – Versa Scape
- 4. \$9,950 – Fava Brothers Lawn Care
- 5. Declined to bid – Bubba's Landscaping

Fund Commitment: Not to exceed \$5,110.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the mowing bid to Versa Scape not to exceed \$5,110 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 -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

5.0 Governance & Nominating Committee – C. Yunker

5.1 GGLDC Board Member Appointments- Removed from the agenda.

5.2 Officer Appointments- Removed from the agenda.

5.3 Authorized to Request Information Regarding Bank Accounts - Removed from the agenda.

5.4 Authorized Signers of Agreements, Contracts, etc.- Removed from the agenda.

5.5 Authorized Bank Signers – Removed from the agenda.

5.6 Pricing Policy Change - Removed from the agenda.

6.0 STAMP Committee – P. Zelif

6.1 Easement Approval- 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. Based on a compensation model the following payment is needed for one easement:

- 1. Temporary Easement 21 - \$500

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

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the ROW easement payment not to exceed \$500 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 -	Absent

M. Clattenburg - Yes
C. Kemp - Yes

M. Gray - Yes

The item was approved as presented.

6.2 Revised Land Lease Agreement for STAMP Farming- The GCEDC has previously approved a standard lease agreement for any farming activities on any of our corporate parks. While discussing some options with a farmer at STAMP to assist with our land management plans as well as the potential for a tenant to commit to STAMP and potentially impact the land prior to the crop being harvested, the farmer has made a request for the STAMP Committee to consider a revision in the lease agreement for 2022. Farming the land at the STAMP site helps with overall maintenance of the property as well as preventing any wetlands from expanding or other things which could cause issues for potential development. The farmer at STAMP is concerned that if he is only reimbursed for the cost of the crop, and not the fair market value, if the lease is cancelled early for a project to start construction, being reimbursed of cost for his crop would have a severe negative impact on his farming operations. His request is to change the reimbursement to be based on the fair market value of the crop that is impacted.

Fund commitment: None.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the Revised Land Lease Agreement with Norm Giess for STAMP Farming 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 -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

6.3 NYPA Facilities Study - Upon completion of the SIS study, NYPA required that a Facilities Study (FS) be completed on the proposed substation. NYPA completed the study and requested a deposit of \$100,000 for this work at the signing of the Facilities Study in 2020. This payment and agreement were approved in February of 2020. The original agreement had a scheduled FS completion date of May of 2020. The final Q580 FS Report Rev. 6 was issued on April 7, 2022. It took almost 2 years to finalize the FS due to the major change in the configuration of the Q580 STAMP Station and the associated additional studies needed to justify/confirm the reliability and operability of the revised configuration.

Fund commitment: An increase of \$53,000 covered under the existing \$8 million NYESD grant.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the payment of an additional \$53,000 for the Facilities Study Agreement 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 -	Absent

M. Clattenburg - Yes
C. Kemp - Yes

M. Gray - Yes

The item was approved as presented.

6.4 Access License Agreement for Plug Power and/or Affiliates for Substation Construction -

Phillips Lytle has prepared for the GCEDC an Access License Agreement to allow Plug Power, O'Connell Electric, and their agents to enable construction of the substation on GCEDC owned property until the transfer of the property to National Grid and NYPA can be completed. Any contractors would be required to sign indemnity agreements, provide proof of insurance, and list the GCEDC as an additional insured on their policy with the applicable coverage limits as set forth by the GCEDC.

Fund Commitment: None.

The Committee recommended that under section 3, the automatic termination date should be extended to 365 days from the effective date.

C. Yunker made a motion to approve the Access License Agreement with the above-mentioned amendment; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Absent
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, P. Battaglia made a motion to adjourn at 5:06 p.m., which was seconded by M. Clattenburg and passed unanimously.



Project Name: Apple Tree Acres, LLC – Phase II (J Rentals)

Board Meeting Date: January 13, 2022

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

PROJECT DESCRIPTION:

Apple Tree Acres, LLC is building a 50,000 sq. ft. stand-alone facility on its property at Apple Tree Acres, in town of Bergen.

The project is investing \$3.15 million and is pledging to create 3 FTEs with an average salary range of \$30,000-\$35,000 annually plus benefits.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$355,425) using our standard PILOT schedule 60% savings over 10 years, a sales tax abatement (\$109,600), and a mortgage tax exemption (\$25,200).

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

Project details: The project will create 3 FTEs with an average salary range \$30,000-\$35,000 annually + benefits

Board Discussion: None.

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

Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Absent
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 \$3,150,000 and build a 50,000-sf facility.

Board Discussion: None.

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Absent
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 \$2.8 million (\$2.52 million in total direct & indirect payroll and \$244,203 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.

C. Yunker made a motion to concur with Criteria #4; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Absent
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 Spring of 2022 and be operational in 2023.

Board Discussion: None.

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

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

The item was approved as presented.

Board Concurrence: YES NO If no, state justification:

man
4/20/22

Customer Information

Potential Customer:	OATKA Milk Products LLC	Opportunity Type:	Expansion
Proj. St. Address:	4815 Ellicott Street	Opportunity Product:	Property & Sales Taxes Only
City/Town/Village:	Town of Batavia//Batavia	Type of Project:	Expansion ✓
Proj. Description:	2022 OATKA Project MaCC 3200 sf	New Jobs:	2 ✓
Total Capital Investment:	\$3,100,000	Retained Jobs:	
Incentive Amount:	\$208,109	School District:	Batavia
Benefited Amount:	\$3,100,000	PILOT Applicable:	Increase in assessed value of land and/or other buildings (pre-project value of land and or buildings excluded)

Project Information

Organization:	GCEDC
Opportunity Source:	Direct/Personal Contact Date of Public Hearing: TBD
Initial Acceptance Date:	5/5/2022 Inducement Date:

Opportunity Summary: O-AT-KA Milk Products LLC plans to build a 3,200 square foot addition to its existing facility in the town of Batavia.

The \$3.1 million expansion will house 2 new 18,000 gallon tanks and a dilution tank to increase capacities for cream based liquor beverages, and allow for future expansion.

The project is anticipated to add 2 new jobs.

The project has requested \$208,109 in financial support, including \$148,800 in sales tax exemptions and \$59,309 in property tax abatements in property tax abatements using our standard PILOT schedule 60% over 10 years.

Economic Impact: The fiscal impacts on the local benefits are estimated at approximately \$3.5 million (\$3.4 million direct and indirect payroll, and over \$65,203 to the public in tax revenues). For every \$1 of public benefits requested, this project is generating \$27 into the local economy.

Project Detail (Total Capital Investment)

Building Cost (Construction):	\$3,100,000 ✓	Capital Improvements:	\$0
Equipment (non-taxable):	\$0	Equipment (Taxable) / Other Proj Investment:	\$0
Land Cost (Real Estate):	\$0		
Total Capital Investment:	\$3,100,000		

Estimated Benefits Provided

Sales Tax Exempt:	\$148,800 ✓	Tax Exempt Bond:	\$0
Mortgage Tax Exempt:	\$0	Land Sale Subsidy:	\$0
Property Tax Exempt:	\$59,309 ✓		
Total Estimated Tax Incentives Provided:	\$208,109		



Client Company Investment Project Financial Assistance PROPOSAL

Figures on this Worksheet are estimates only and are subject to change

4/15/22
4/15/22

Project Profile:

Company: Oatka 2022

Project Description: non-mfg equipment

Project Cost: building cost \$ 3,100,000 non-mfg equipment \$ 3,100,000

Project Cost subject to Sales Tax: \$ 1,850,000

Project Cost to be Financed via Mortgage: 60% bldg cost + non mfg equip

Estimated Assessed value of Real Property/Building upon completion*: \$ 320,000

Jobs Created: next 3 years

Jobs Retained: next 3 years

Date: 4/15/22
Start Date:

	3,200	\$	100.00	*
	sq ft	Assessed	\$/sqft	

	1 Year View	3 Year View	Project Lifetime
Applicable GCEDC Products:			
Financial Assistance: Cost Reduction Through Tax Savings:			
Safe/Leaseback (SLB):			
Sales Tax Exemption (Savings):	8.00%	\$ 148,800	\$ 148,800
Mortgage Tax Exemption (Savings):	1.00%	\$ -	\$ -
Real Property Tax Abatement (PILOT):	40%		40%
Average Abatement (savings %) over project life	10		
PILOT Term in years	\$50.89	\$ 9,885	\$ 29,654
Gross Property Tax Costs			\$ -
Payment Schedule (% Real Property Taxes Paid)			60%
Net Required Property Tax payments per PILOT		\$ 9,885	\$ 29,654
PILOT Real Property Tax Savings (Next taxable year)			\$ 59,309
Total Tax Savings via Safe/Leaseback (SLB):	\$ 158,685	\$ 178,454	\$ 208,109
Financing: Cost Reduction via low cost financing (below prime rate):			
Revolving Loan Fund (RLF):			
Loan Factors:	\$ Financed	RLF APR	Prime + 1%
Interest Rate Savings:	\$ -	\$ -	\$ -
Gross Cost Savings via GCEDC programs:	\$ 158,685	\$ 178,454	\$ 208,109
Participation Fees (Costs):			
GCEDC Application Fee (non-refundable):	\$ 250		
GCEDC Project Fee (% Total Project Cost):	1.25%	\$ 38,750	
Legal Fees: SLB (Contract Development, Documentation, Filing fees)	\$ 30,500		
Legal Fees: RLF (Contract Development, Documentation, Filing fees):			
Total Participation Fees:	\$ 69,500		
Summary:			
Total Costs Savings / Benefits via GCEDC programs (after participation f	\$ 89,185	\$ 108,954	\$ 138,609
Total Benefits as % Total Project Cost:	3%	4%	4%
Return on Investment (ROI) = Net Savings / Participation Fees:	128%	157%	199%
		National Grid	Total Savings
		\$ 100,000	\$ 238,609

NOTE: PILOT REAL PROPERTY TAX ABATEMENT EFFECTIVE DATE DEPENDS UPON DATE OF SALE LEASE BACK (SLB) CLOSING COMPARED TO MUNICIPALITIES TAXABLE STATUS DATE.

1) IF SLB CLOSING PRIOR TO TAXABLE STATUS DATE - PILOT WILL BE EFFECTED IN FOLLOWING TAXABLE YEAR AND CURRENT YEAR TAX BILLS WILL BE ADJUSTED ACCORDINGLY.

2) IF SLB CLOSING IS SUBSEQUENT TO MUNICIPALITIES TAXABLE STATUS DATE - THERE WILL BE A 12 MONTH DELAY IN PILOT IMPLEMENTATION.

PLEASE PLAN CASH FLOW NEEDS ACCORDINGLY!

Gross Property Tax Per Year		\$ 9,885		\$2.34	
Year of Exemption	% of Paid Taxes	Net Savings	Municipalities Tax to be Paid	Total	Fire District fee
1	20%	\$7,908	\$ 1,977	\$9,885	\$ 749
2	20%	\$7,908	\$ 1,977	\$9,885	\$ 749
3	20%	\$7,908	\$ 1,977	\$9,885	\$ 749
4	30%	\$6,919	\$ 2,965	\$9,885	\$ 749
5	30%	\$6,919	\$ 2,965	\$9,885	\$ 749
6	30%	\$6,919	\$ 2,965	\$9,885	\$ 749
7	50%	\$4,942	\$ 4,942	\$9,885	\$ 749
8	50%	\$4,942	\$ 4,942	\$9,885	\$ 749
9	70%	\$2,965	\$ 6,919	\$9,885	\$ 749
10	80%	\$1,977	\$ 7,908	\$9,885	\$ 749
Total	40%	\$59,309	\$39,539	\$98,848	7,488

may 7/2022

Genesee County Industrial Development Agency

MRB Cost Benefit Calculator

Date: May 5, 2022
 Project Title: OATKA Milk Products, LLC
 Project Location: Batavia, NY



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

Project Total Investment

\$3,100,000

Temporary (Construction)

	Direct	Indirect	Total
Jobs	15	4	20
Earnings	\$1,281,964	\$215,113	\$1,497,077
Local Spend	\$3,100,000	\$771,953	\$3,871,953

Ongoing (Operations)
Aggregate over life of the PILOT

	Direct	Indirect	Total
Jobs	2	5	7
Earnings	\$832,000	\$1,305,359	\$2,137,359

Figure 1

Net Benefits

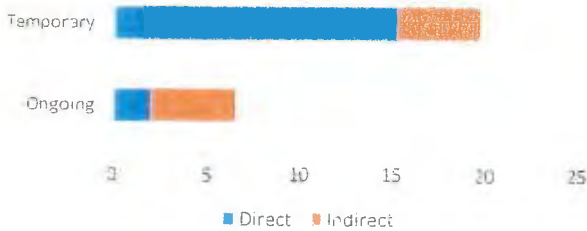


Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT

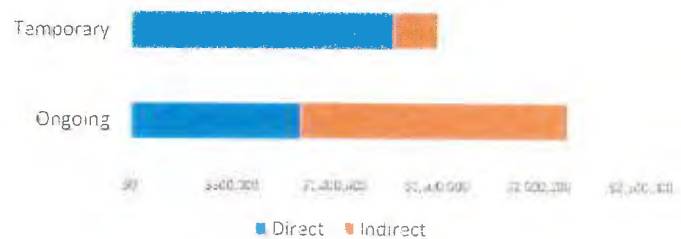
Figure 2

Figure 3

Total Jobs



Total Earnings



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$59,309 ✓	\$54,233
Sales Tax Exemption	\$148,800 ✓	\$148,800
Local Sales Tax Exemption	\$74,400	\$74,400
State Sales Tax Exemption	\$74,400	\$74,400
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$208,109	\$203,033

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$3,706,904	\$3,482,181
To Private Individuals	\$3,634,436	\$3,416,978
Temporary Payroll	\$1,497,077	\$1,497,077
Ongoing Payroll	\$2,137,359	\$1,919,901
Other Payments to Private Individuals	\$0	\$0
To the Public	\$72,468	\$65,203
Increase in Property Tax Revenue	\$39,539	\$34,558
Temporary Jobs - Sales Tax Revenue	\$10,480	\$10,480
Ongoing Jobs - Sales Tax Revenue	\$14,962	\$13,439
Other Local Municipal Revenue	\$7,488	\$6,726
State Benefits	\$188,991	\$177,683
To the Public	\$188,991	\$177,683
Temporary Income Tax Revenue	\$67,368	\$67,368
Ongoing Income Tax Revenue	\$96,181	\$86,396
Temporary Jobs - Sales Tax Revenue	\$10,480	\$10,480
Ongoing Jobs - Sales Tax Revenue	\$14,962	\$13,439
Total Benefits to State & Region	\$3,895,895	\$3,659,863

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$3,482,181	\$128,633	27:1
State	\$177,683	\$74,400	2:1
Grand Total	\$3,659,863	\$203,033	18:1

*Discounted at 2%

Additional Comments from IDA

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

man
4/2/22

MRB Cost Benefit Calculator

Genesee County Industrial Development Agency

Date
 Project Title
 Project Location

Construction Phase - Project Assumptions

Project Costs
 Enter total project costs:
 Local Construction Spending*
 % of locally sourced materials and labor
 In-region construction spending

Construction Economic Impacts

Industry	NAICS	% of Total Investment	Investment by Type
Industrial Building Construction	236210	100%	\$3,100,000
[Not Applicable]	0		\$0
[Not Applicable]	0		\$0
		100%	\$3,100,000

Most projects will only have one line related to construction type.

Operation Phase - Project Assumptions

Jobs and Earnings from Operations

Year 1 - Enter NAICS [NAICS Lookup](#)

NAICS	Count	Per Job Annual Earnings	Total Earnings
Dry, Condensed, and Evaporated Dairy Prod 311514	2	\$41,600	\$83,200
0			\$0
0			\$0
0			\$0
0			\$0
0			\$0
Total	2		\$83,200

Year 2

NAICS	Count	Per Job Annual Earnings	Total Earnings
Dry, Condensed, and Evaporated Dairy Prod 311514	2	\$41,600	\$83,200
0			\$0
0			\$0
0			\$0
0			\$0
0			\$0
Total	2		\$83,200

Year 3+ (Full Employment)

NAICS	Count	Per Job Annual Earnings	Total Earnings
Dry, Condensed, and Evaporated Dairy Prod 311514	2	\$41,600	\$83,200
0			\$0
0			\$0
0			\$0
0			\$0
0			\$0
Total	2		\$83,200

Fiscal Impact Assumptions

Estimated Costs of Incentives

Sales Tax Exemption	<input type="text" value="4.00%"/>	Value <input type="text" value="\$148,800"/>	PILOT Term (Years)	<input type="text" value="10"/>
Local Sales Tax Rate	<input type="text" value="4.00%"/>	<input type="text" value="\$74,400"/>	Escalation Factor	<input type="text" value="0%"/>
State Sales Tax Rate	<input type="text" value="4.00%"/>	<input type="text" value="\$74,400"/>	Discount Factor	<input type="text" value="2%"/>
Mortgage Recording Tax Exemption	<input type="text" value="0.50%"/>	<input type="text" value="\$0"/>		
Local	<input type="text" value="0.50%"/>	<input type="text" value="\$0"/>		
State	<input type="text" value="0.50%"/>	<input type="text" value="\$0"/>		
Total Costs		<input type="text" value="\$208,109"/>	<small>(Includes PILOT assumption, calculated below)</small>	

3.1

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MM
4/2/22

Project Name: OATKA Milk Products

Board Meeting Date: May 5, 2022

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

PROJECT DESCRIPTION:

O-AT-KA Milk Products LLC plans to build a 3,200 square foot addition to its existing facility in the town of Batavia.

The \$3.1 million expansion will house 2 new 18,000 gallon tanks and a dilution tank to increase capacities for cream based liquor beverages, and allow for future expansion.

The project is anticipated to add 2 new jobs.

The project has requested \$208,109 in financial support, including \$148,800 in sales tax exemptions and \$59,309 in property tax abatements using our standard PILOT schedule 60% over 10 years.

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

Project details: The project will create 2 FTE’s direct jobs with an average of salary of \$41,600+ benefits.

Board Discussion:

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 \$3,100,000 and construct a 3,200 sq. ft. addition to their facility.

Board Discussion:

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:

Board Concurrence: YES NO If no, state justification:

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 approximately \$3.5 million (\$3.4 million direct and indirect payroll and over \$65,203 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

Project details: For every \$1 of public benefit the company is investing \$27 into the local economy

Board Discussion

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: The project is strategic in the Food Processing industry

Board Discussion:

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 2nd quarter of 2022 and be operational by the end of 2022.

Board Discussion

Board Concurrence: YES NO If no, state justification:

MM
5/24/22

FINAL RESOLUTION
(O-At-Ka Milk Products, LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, June 2, 2022.

The following resolution was duly offered and seconded, to wit:

Resolution No. 06/2022 - _____

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 MAY 23, 2022, WITH RESPECT TO THE O-AT-KA MILK PRODUCTS, 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, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT AND (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended, and Chapter 565 of the Laws of 1970 of the State of New York, as amended (hereinafter collectively called the "Act"), the **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **O-AT-KA MILK PRODUCTS, LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in certain property located at Ellicott Street Road, Town of Batavia, Genesee County, New York (the "Land", being more particularly identified as tax parcel No. 13.-1-96.1) and the existing improvements located thereon consisting of an approximately 731,502 square foot beverage manufacturing and distribution facility; (ii) the addition of an approximately 3,200 square foot addition to the Existing Improvements to

3.1

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house two (2) 18,000 gallon tanks and dilution tank (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as agent of the Agency for the purpose of undertaking the Project pursuant to a project agreement (the "Project Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents with the Company, (iii) take or title to or a leasehold interest in the Land, the Improvements, the Equipment and personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (iv) provide 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 the Tax Agreement (collectively, the "Financial Assistance"); and

WHEREAS, on May 5, 2022, the Agency adopted a resolution (the "Initial Resolution") pursuant to which the Agency (i) accepted the Application of the Company, (ii) directed that a public hearing be held, and (iii) described the forms of financial assistance being contemplated by the Agency with respect to the Project; and

WHEREAS, pursuant to Section 859-a of the Act, on Monday, May 23, 2022, at 3:00 p.m., the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views. (A copy of the Notice of Public Hearing published and forwarded to the affected taxing jurisdictions at least ten (10) days prior to said Public Hearing are attached hereto as Exhibit A); and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project; and

WHEREAS, pursuant to Article 18-A of the Act the Agency desires to adopt a resolution approving the Project and the Financial Assistance (as defined below) that the Agency is contemplating with respect to the Project; and

WHEREAS, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement and related documents will be negotiated and presented to the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency for approval and execution subject to adoption of the resolutions contained herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Genesee County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a facility or commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(F) The Town of Batavia Planning Board (the "Board") has conducted a review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"). The Board issued a Negative Declaration on April 19, 2022 (the "Negative Declaration"), determining that the Project does not pose a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, including, but not limited to, the Short Environmental Assessment Form and the Negative Declaration, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Board pursuant to 6 N.Y.C.R.R. Part 617.7. A copy of the Negative Declaration issued by the Board is attached hereto as **Exhibit B**.

Section 2. The Public Hearing held by the Agency on Monday, May 23, 2022, at 3:00 p.m., concerning the Project and the Financial Assistance was duly held in accordance with the Act, including but not limited to the giving of at least ten (10) days published notice of the Public Hearing (such notice also provided to the Chief Executive Officer of each affected tax jurisdiction), affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

Section 3. The Agency is hereby authorized to provide to the Company the Financial Assistance 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 and (b) a partial real property tax abatement structured through the Tax Agreement.

Section 4. Based upon representations and warranties made by the Company in the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project, that would otherwise be subject to State and local sales and use tax in an amount up to **\$1,860,000**, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$148,800**. The Agency agrees to consider any requests by the Company for an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 5. Pursuant to Section 875(3) of the Act, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any Sales and Use Tax Exemption Benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the Sales and Use Tax Exemption Benefits; (ii) the Sales and Use Tax Exemption Benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the Sales and Use Tax Exemption Benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the Sales and Use Tax Exemption Benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving Sales and Use Tax Exemption Benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any Sales and Use Tax Exemption Benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 6. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, reconstruct, renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; *provided, however*, the Project

Agreement shall expire on **July 1, 2023** (unless extended for good cause by the President/CEO of the Agency) if the Lease Agreement, the Leaseback Agreement and the Tax Agreement contemplated have not been executed and delivered.

Section 7. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to negotiate and enter into (A) the Project Agreement, (B) the Lease Agreement, pursuant to which the Company leases the Project to the Agency, (C) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, and (D) the Tax Agreement; *provided, however,* (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project and (ii) the terms of the Tax Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

Section 8. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record the Mortgage securing an aggregate principal amount necessary to complete the Project, and any security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") to assist with the undertaking of the Project, the acquisition of the Facility and/or the finance or re-finance the Facility or equipment and other personal property and related transactional costs (hereinafter, with the Project Agreement, Lease Agreement, Leaseback Agreement, Tax Agreement and the Mortgage, collectively called the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency shall approve, the execution thereof by the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 9. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 10. These Resolutions shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>		<i>Nay</i>		<i>Absent</i>		<i>Abstain</i>	
Peter Zelif	[]	[]	[]	[]
Matthew Gray	[]	[]	[]	[]
Paul Battaglia	[]	[]	[]	[]
Craig Yunker	[]	[]	[]	[]
Todd Bender	[]	[]	[]	[]
Chandy Kemp	[]	[]	[]	[]
Marianne Clattenburg	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION
(O-At-Ka Milk Products, LLC Project)

STATE OF NEW YORK)
COUNTY OF GENESEE) SS.:

I, the undersigned Secretary of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on June 2, 2022, with the original thereof on file in the offices of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this ___ day of _____, 2022.

Secretary

Exhibit A

Notice Letter, Notice of Public Hearing,
Affidavit of Publication of *The Batavia Daily News*
and Minutes of Public Hearing

[Attached Hereto]



**NOTICE LETTER
LA FERMIERE INC.**

May 12, 2022

VIA CERTIFIED MAIL

To: Chief Executive Officers of
Affected Taxing Jurisdiction Listed on Attached Schedule A

Re: Genesee County Industrial Development Agency d/b/a Genesee County
Economic Development Center and La Ferriere Inc.:
Public Hearing

Ladies and Gentlemen:

On Monday, May 23, 2022, at 3:30 p.m., local time, at the Town of Batavia Town Clerk's Office, Conference Room, 3833 West Main Street Road, Batavia, New York 14020, the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") will conduct a public hearing regarding the above-referenced project. Enclosed is a copy of the Notice of Public Hearing describing the project and the financial assistance being contemplated by the Agency. The Notice has been submitted to *The Batavia Daily News* for publication.

You are welcome to attend such hearing at which time you will have an opportunity to review the project application and present your views, both orally and in writing, with respect to the project. We are providing this notice to you, pursuant to the New York General Municipal Law Section 859-(a), as the chief executive officer of an affected tax jurisdiction within which the project is located.

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The Agency will provide additional access to the public hearing by broadcasting the public hearing in real time online at <https://vimeo.com/704609833>.

Very truly yours,

GENESEE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY d/b/a
GENESEE COUNTY ECONOMIC
DEVELOPMENT CENTER

Enclosure

Schedule A

Chief Executive Officers
of Affected Tax Jurisdictions

Via Certified Mail

Tracking #7019 1640 0000 1184 3326

Genesee County Manager
Genesee County Courthouse
Old Courthouse
7 Main Street
Batavia, New York 14020

Via Certified Mail

Tracking #7019 1640 0000 1184 3333

Genesee County Legislature
Attn: Chairman
Old Courthouse
7 Main Street
Batavia, New York 14020

Via Certified Mail

Tracking #7019 1640 0000 1184 3302

Town of Batavia
Attn: Town Supervisor
3833 West Main Street Road
Batavia, New York 14020

Via Certified Mail

Tracking #7019 1640 0000 1184 3340

Batavia City School District
Attn: Superintendent
260 State Street
Batavia, New York 14020

Via Certified Mail

Tracking #7019 1640 0000 1184 3357

Batavia City School District
Attn: Board of Education President
260 State Street
Batavia, New York 14020

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Monday, May 23, 2022, at 3:00 p.m., local time, at the Town of Batavia Town Clerk's Office, Conference Room, 3833 West Main Street Road, Batavia, New York 14020, in connection with the following matter:

O-AT-KA MILK PRODUCTS, LLC, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in certain property located at Ellicott Street Road, Town of Batavia, Genesee County, New York (the "Land", being more particularly identified as tax parcel No. 13.-1-96.1) and the existing improvements located thereon consisting of an approximately 731,502 square foot beverage manufacturing and distribution facility; (ii) the addition of an approximately 3,200 square foot addition to the Existing Improvements to house two (2) 18,000 gallon tanks and dilution tank (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility").

The Agency will acquire (or retain) title to, or a leasehold interest in, the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance to the Company in the form of sales and use tax exemptions consistent with the policies of the Agency, a mortgage recording tax exemption as authorized pursuant to the laws of the State of New York, and a partial real property tax abatement (collectively, the "Financial Assistance").

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

The Agency will provide additional access to the public hearing by broadcasting the public hearing in real time online at <https://vimeo.com/703355153>.

Dated: May 13, 2022

GENESEE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY D/B/A
GENESEE COUNTY ECONOMIC
DEVELOPMENT CENTER

AFFIDAVIT OF PUBLICATION

Batavia Daily News

State of New York,

County of, Jefferson,

The undersigned is the authorized designee of **Batavia Daily News**, a **Daily** Newspaper published in **Genesee County, New York**. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates:

May 12, 2022

This newspaper has been designated by the County Clerk of **Genesee** County, as a newspaper of record in this county, and as such, is eligible to publish such notices.



Signature

Eliot T. Putnam

Printed Name

Subscribed and sworn to before me,

This 16 day of May 2022



Notary Signature

Notary Public Stamp



AFFIDAVIT OF PUBLICATION

Batavia Daily News

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Dated: May 12, 2022

GENESEE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY D/B/A
GENESEE COUNTY ECONOMIC
DEVELOPMENT CENTER



REPORT OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S PUBLIC HEARING OF OATKA MILK PRODUCTS, LLC., HELD ON MONDAY, MAY 23, 2022 3:00 P.M. AT THE TOWN OF BATAVIA TOWN CLERK'S OFFICE, CONFERENCE ROOM, 3833 WEST MAIN STREET, BATAVIA, NEW YORK, GENESEE COUNTY, NEW YORK

I. ATTENDANCE

Jim Krencik, Director of Marketing and Communications – GCEDC
Krista Galdun, Operations Assistant – GCEDC

II. CALL TO ORDER

The public hearing of OATKA Milk Products, LLC was opened at 3:00 p.m. at Town of Batavia Town Clerk's Office, 3833 West Main Street, in Batavia, New York, Genesee County, New York.

A notice of this public hearing describing the project was published in the Batavia Daily News, a copy of which is attached and is an official part of this transcript.

III. PROJECT SUMMARY

O-AT-KA Milk Products LLC plans to build a 3,200 square foot addition to its existing facility in the town of Batavia.

The \$3.1 million expansion will house 2 new 18,000 gallon tanks and a dilution tank to increase capacities for cream based liquor beverages, and allow for future expansion.

The project is anticipated to add 2 new jobs.

The project has requested \$208,109 in financial support, including \$148,800 in sales tax exemptions and \$59,309 in property tax abatements using our standard PILOT schedule 60% over 10 years.

IV. COMMENTS

J. Krencik began the public hearing by providing a summary of the above-outlined project. He then stated the purpose and guidelines for the public hearing. The purpose of the public hearing is to solicit comments and feedback from the public regarding the proposed incentives on the above outlined project. There were no written comments received ahead of time to be included with the written record.

There was no public comment.

V. ADJOURNMENT

As there were no other comments, the public hearing was closed at 3:10 p.m.

Genesee County Industrial Development Agency
d/b/a Genesee County Economic Development Center

OATKA Milk Products, LLC

Public Hearing – Monday, May 23, 2022

3:00 PM

Town of Batavia Conference Room

3833 West Main Street, Batavia, NY

Print First & Last Name	Representing <small>Leave blank if you prefer</small>	Email <small>Will be used to contact you with additional info - leave blank if preferred</small>	Please check if you would like to speak
Krista Garden	GCEDC		
Jim Krencik	GCEDC		

Exhibit B

Negative Declaration of Town of Batavia Planning Board

[Attached Hereto]

TOWN OF BATAVIA PLANNING BOARD ACTION

①

Date of Meeting 4/19/2022

Applicant

Oat Ka 4815 Elliott St. Rd. Batavia Ny 14020

Action Request

3200 ~~5200~~ sq ft addition - Neg declaration Seg R

- Not subject to review
- Additional requirements or information needed for review
- Request a 30-day extension
- Table

Contingent upon
board approval
in English

Reasons:

Recommendation

- Approval
- Approval with modifications
modifications are:

- Disapproval
- Other

Reasons:

Roll Call

Yes	No	Board Member
✓		Kathy Jasinski
		Paul Marchese
✓		Paul McCullough
✓		Don Partridge ②
✓		Jonathan Long ①
		Steve Tanner
✓		Brooks Hawley
✓		Brittany Witkop (alternate member)
✓		Jennifer Zambito (alternate member)

K. Jasinski
Chairman

_____ Date

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

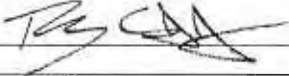
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: MaCC Room Expansion at O-AT-KA Milk Products			
Project Location (describe, and attach a location map): 4815 Elicott Street Road, Town of Batavia; Tax Parcel 13.-1-96.1			
Brief Description of Proposed Action: Construction of a 3,246 square building addition onto an existing 301,264 dairy products plant. Addition will be located on the south side of the plant within an existing paved area (no increase in impervious area).			
Name of Applicant or Sponsor: O-AT-KA Milk Products Coop (Kelly Finch, contact)		Telephone: (716) 892-3156	
Address: 368 Pleasant View Drive		E-Mail: kfinch@oatmilk.com	
City/PO: Lancaster		State: NY	Zip Code: 14086
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 23.12 acres			
b. Total acreage to be physically disturbed? _____ 0.17 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 92.38 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

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	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
Runoff will flow towards an existing onsite stormwater infiltration basin.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>O-AT-KA MILK PRODUCTS COOP</u> Date: <u>03/04/2022</u>		
Signature: <u></u> Title: <u>PROJECT MANAGER</u>		

RODNEY CIVES JR PE
 NAPIERALA CONSULTING,
 AUTHORIZED AGENT

Project: O-AT-KA Milk Products Expansion

Date: 4/19/2022

*Short Environmental Assessment Form
Part 2 - Impact Assessment*

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

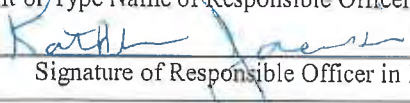
PRINT FORM

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Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

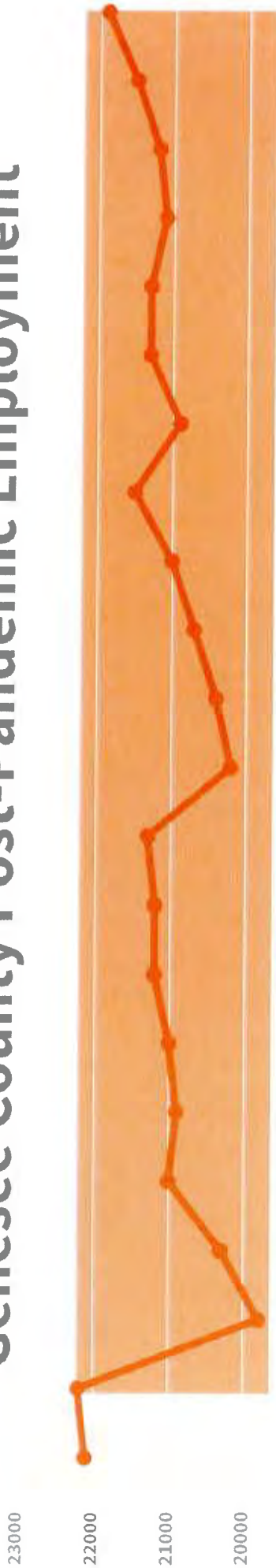
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Town of Batavia Planning Board	April 19, 2022
Name of Lead Agency	Date
Kathleen Jasinski	Planning Board Chairman
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

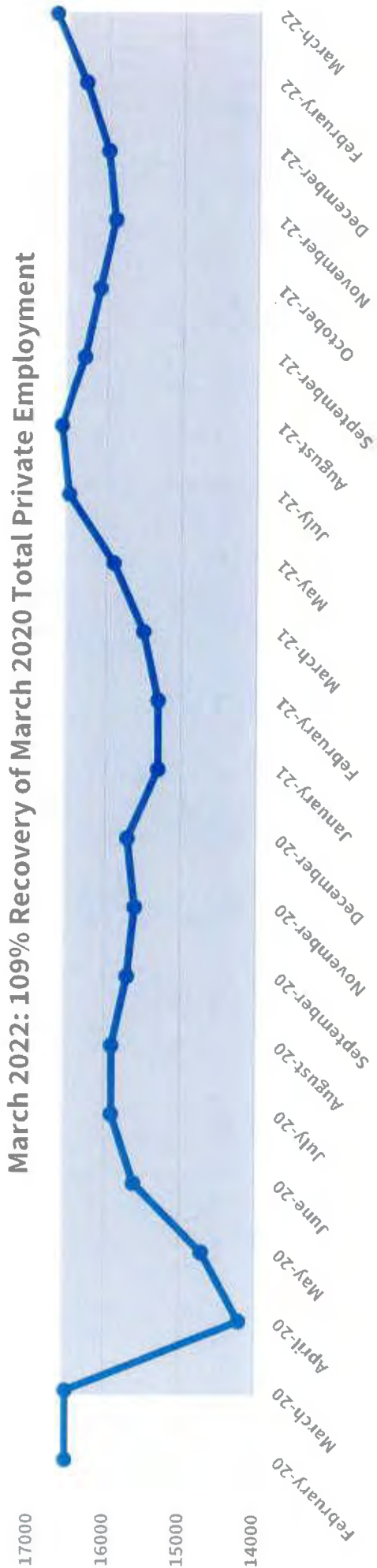
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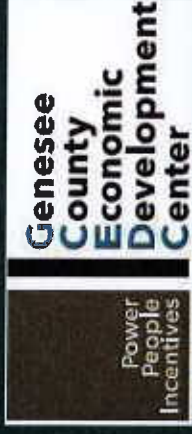
Genesee County Post-Pandemic Employment



March 2022: 92% Recovery (-200 Jobs) of March 2020 Total Non-Farm Employment
Includes Reduction in Government Employment (-400 Jobs)



March 2022: 109% Recovery of March 2020 Total Private Employment



FINGER LAKES REGIONAL COUNCIL MEETING UPDATE

MAY 13, 2022





Finger Lakes Regional Economic Development Council

FLREDC Public Meeting
Virtual Videoconference
May 13, 2022



Executive Director Update (Last Meeting: 9/9/2021) - Continued

Project Announcements:

- 09/22/21 Constellation Brands relocating HQ to Aqueduct Building in Downtown Rochester
- 10/20/21 Plug Power begins construction at STAMP in Genesee County
- 11/12/21 Plug Power opens new innovation center in Monroe County
- 12/09/21 KORE facility expansion in Monroe County
- 12/14/21 Delta-X commits to a new research and manufacturing HQ in Monroe County
- 02/08/22 Precision Optical Transceivers expansion in Monroe County
- 02/10/22 Baldwin Richardson Foods expansion in Wayne County
- 02/16/22 Ionomr Innovations will establish R&D center in Monroe County
- 03/16/22 La Fermière will construct a new production facility in Genesee County
- 03/31/22 Optimax System Inc. expansion in Wayne County
- 04/27/22 CooperVision expansion in Monroe County
- Over 7 affordable housing projects in multiple counties in the Finger Lake region
- Multiple projects announced and completed as part of NYS REDI

ROC 2025 REPORT ON ROC MSA EMPLOYMENT RECOVERY

Pandemic Recovery Rate

More than half of benchmark metros remain below their pre-pandemic job levels, including **our region**, which is down 14,800 (2.8%) since March 2020. But the region's post-COVID recovery rate ranks 17th in the benchmark group.

Unemployment

The regional rate improved to 3.8% in March, in line with the peer group average and outperforming Buffalo, Syracuse and the statewide benchmark.

Genesee's Recovery since February of 2020 is outperforming the region and NYS



RESTORE New York Communities Initiative

Municipal Grant Program

Round 6



5/16/2022

RESTORE NY – 2022/2023

Overview

Financial assistance for revitalization of communities through the elimination and redevelopment of blighted structures

Attract residents and businesses by redeveloping residential, commercial, and mixed-use properties.

The "Project" Application can be submitted by a County, Town, Village, or City

• Cities with populations over 1M can only apply in distressed areas.

Municipalities can sub-grant the funds to a private entity.



Eligibility

Buildings that are:

- Vacant
- Abandoned
- Condemned
- Surplus

Can be:

- Demolished
- Deconstructed
- Rehabilitated
- Reconstructed

Funds can be used for site development and infrastructure needs related to the project



RESTORE NY – 2022/2023

Projected Schedule

- Round one RFP July 1, \$100 million
- Round two RFP October 1, \$150 million

Funding Limits

Round 6 Funding Limits

- We anticipate increasing these limits for round 6 due to additional funding.
- Projects must have at least **10%** in matching funds of total project cost
- Cash and in-kind contributions are allowed

Applicant Funding and Project Limits	# Project	Funding Per Project
Cities over 100,000 population based on the last census	1 Project	\$5 million
Cities and villages between 40,000 and 99,999 population based on the last census	1 Project	\$3 million
All other municipalities	1 Project	\$2 million
Empire State Development may grant up to three special awards. Cities with populations less than 100,000 and all towns and villages that are classified as highly distressed may apply for an additional \$5 million to put toward a second separate project OR toward part of a larger project in addition to the funding limits listed above. The project must meet the definition of a "special project," as defined in Section 7 of the Restore NY Guidelines.	1 Project	\$10 million

\$220B NYS FY23 BUDGET HIGHLIGHTS – ECONOMIC & WORKFORCE DEVELOPMENT PROGRAM HIGHLIGHTS



Executive Budget: \$4B+ New Econ Dev Programs

- ➔ **\$1B Small Business Program**
 \$200M Seed Funding for Small Businesses Grant Program
 \$250M Small Business COVID Capital Costs Tax Credit
 \$500M Small Business Initiative (SSBCI Funding)
- ➔ **\$170M New Office of Strategic Workforce Development at ESD**
- ➔ **\$250M Restore NY**
 +\$200M Downtown Revitalization Initiative (DRI) Round 6 & new DRI *Forward*
- ➔ **\$1.4B ConnectALL Initiative**
- ➔ **\$800M Regional Economic & Community Assistance Program**
- ➔ **\$75M Venture Competitions – 5-year extensions (including Luminate-NY & Grow-NY)**
- ➔ **\$11M MWBE Division**
- ➔ **\$200M Shovel-Ready Sites Program (FAST NY)**
- ➔ **\$25M Digital Game Development Tax Credit**
 +Major Project Investments (Infrastructure, Green Economy, Community Dev, Public Facilities)

2022 REGIONAL COUNCIL PROCESS (REDC) & TIMELINE

The Consolidated Funding Application (CFA)

- Streamlined approach to funding requests
- A single portal allowing access to funding from various agencies and programs
- Currently over 20 programs from 10 state agencies

10 years Regional Economic Development Councils

CFA Timeline

Deadline Programs

MAY 2, 2022
CFA OPENS

JULY 29, 2022
CFA closes at 4PM sharp
No late submissions!

LATE FALL 2022
Award announcements

Open Enrollment Programs

MAY 2, 2022
CFA OPENS

CFA remains open until funds are exhausted.
Projects are reviewed on quarterly basis or more frequently if needed.

10 years Regional Economic Development Councils

REDC'S & WORKFORCE DEVELOPMENT



New Office of Strategic Workforce Development @ ESD

New office with focus on employer workforce needs and strategies

Includes \$150M in new program funding:

- Pay for Performance Grant Program (\$115M)
 - Up to \$50M toward Green jobs – energy efficiency, renewable energy, advanced tech, etc
 - \$10M sub-allocation for YouthBuild program
 - \$5M for SUNY/CUNY mental health training initiatives
- Capital Grant Program for capacity building (\$35M)
- Program application/timing details TBD
- Workforce Development Initiative (WDI) funding remains open via CFA (at least until Sept)

***REDC will inform new office and funding programs with Regional Workforce Strategy...**



Workforce Development – REDC Role

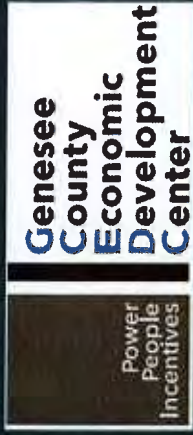
Primary REDC Task for 2022: Regional Workforce Strategy

Two Phase Process:

- Phase 1: Regional Workforce Inventory
 - Review of current/future regional workforce market needs, challenges, etc
 - DOL will help inform with labor market analysis & employer survey (due today)
 - Inventory due as part of 2022 REDC Annual Report by end of July
- Phase 2: Regional Workforce Strategy
 - REDC will use inventory to produce an updated regional strategy document
 - Strategy will focus on targeted industries (in addition statewide industry priorities)
 - ESD will hire workforce consultants to assist each REDC
 - Strategy will be completed by early fall

FLREDC will reconstitute and activate a new Workforce & Talent Workgroup

- Goal is to build-upon work for recent regional workforce efforts (i.e. Good Jobs Challenge)
- Coordinate with other work dev funding partners (federal, local, philanthropy, private)



THANK YOU!



Street View



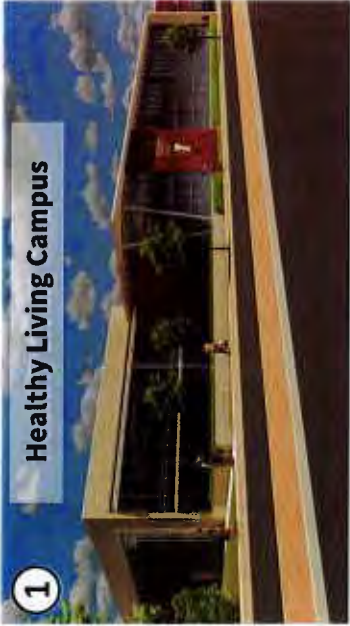
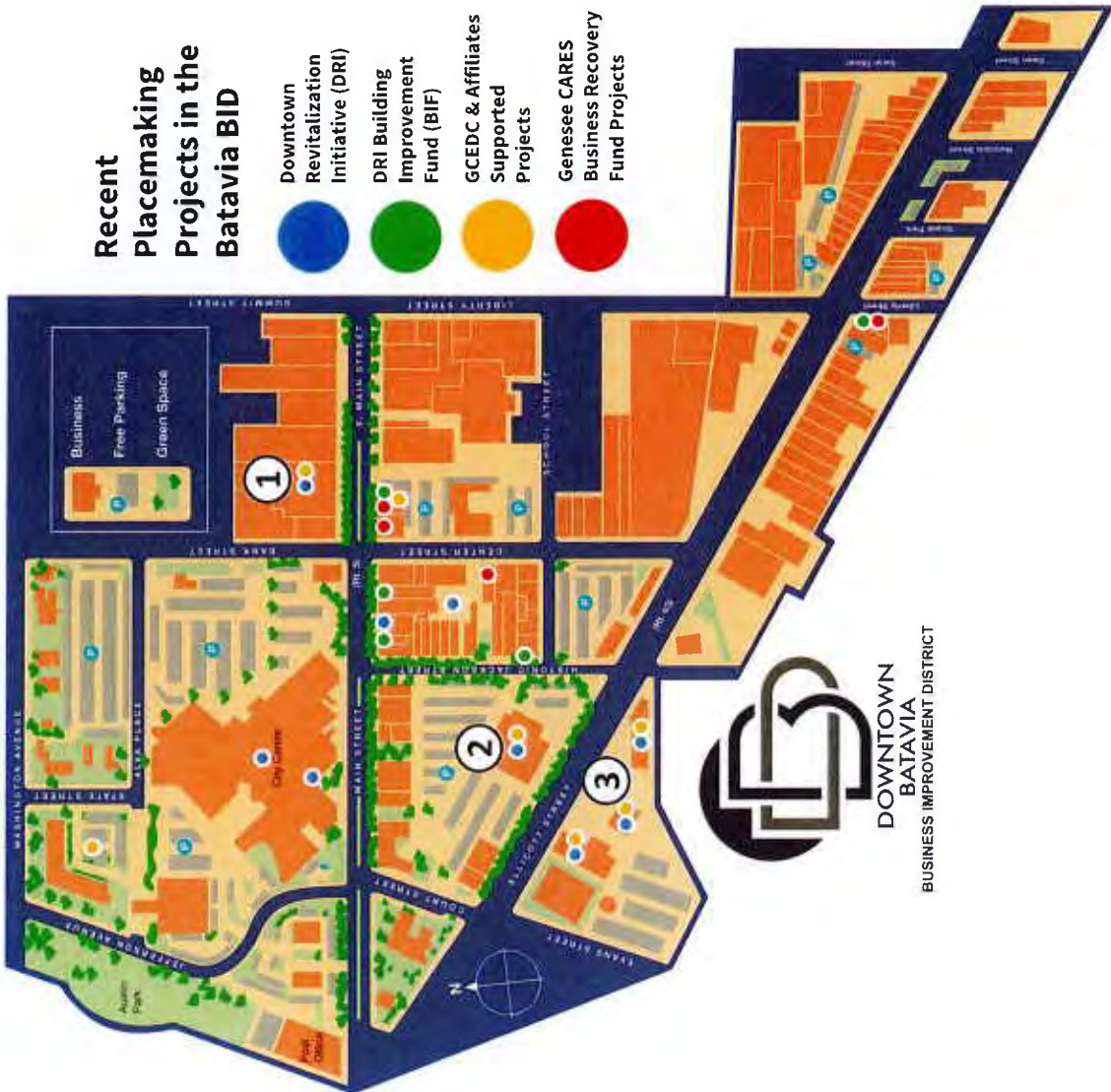
SHYDE@GCEDC.COM



WWW.GCEDC.COM

Recent Placemaking Projects in the Batavia BID

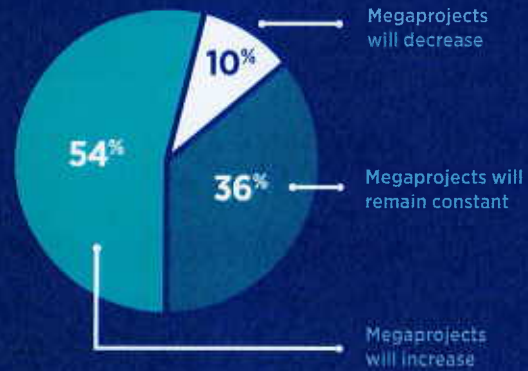
- Downtown Revitalization Initiative (DRI)
- DRI Building Improvement Fund (BIF)
- GCEDC & Affiliates Supported Projects
- Genesee CARES Business Recovery Fund Projects



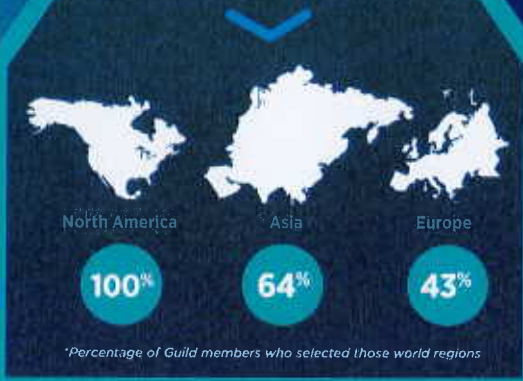
In cities around the world, major companies have announced megaprojects with growing regularity. Hear Guild member perspective on these big deals.

**Information based on survey of Site Selectors Guild members, April 2022*

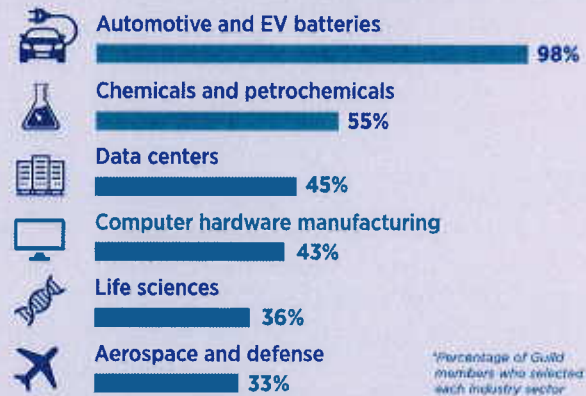
Site Selectors' Five-Year Outlook on the Frequency of Megaprojects



World Regions Likely to See the Highest Future Growth of Megaprojects



Industry Sectors Likely to See Megaprojects



Top 3 "Non-Negotiables" for Consultants Siting a Megaproject

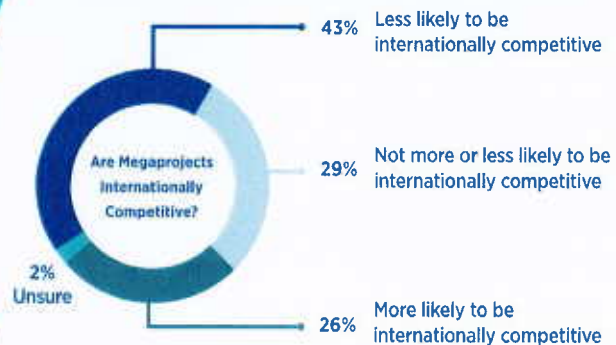


For projects of this magnitude and strategic importance, decision-making rises to the highest corporate levels.

Nearly **80%** of site selectors say the Board of Directors or Chairman/CEO/President is the ultimate corporate decision maker.

Megaproject Planning

It can take 3-10 years for states/provinces/regions to lay the groundwork to successfully attract a megaproject



**Genesee County Economic Development Center
April 2022 Dashboard
Balance Sheet - Accrual Basis**

	<u>4/30/22</u>	<u>3/31/22</u>	<u>[Per Audit] 12/31/21</u>
ASSETS:			
Cash - Unrestricted	\$ 7,106,356	\$ 7,008,969	\$ 7,339,508
Cash - Restricted (A)(1)	8,598,188	11,178,926	11,674,315
Cash - Reserved (B)	793,195	793,095	792,739
Cash - Subtotal	16,497,739	18,980,990	19,806,562
Grants Receivable (2)	54,700	52,350	65,327
Accts Receivable- Current (3)	312,129	280,030	337,456
Deposits	2,832	2,832	2,832
Prepaid Expense(s) (4)	33,624	38,295	42,651
Loans Receivable - Current	55,554	55,507	52,489
Total Current Assets	16,956,578	19,410,004	20,307,317
Land Held for Dev. & Resale (5)	20,090,992	19,718,390	19,467,282
Furniture, Fixtures & Equipment	71,257	71,257	71,257
Total Property, Plant & Equip.	20,162,249	19,789,647	19,538,539
Less Accumulated Depreciation	(68,747)	(68,692)	(68,528)
Net Property, Plant & Equip.	20,093,502	19,720,955	19,470,011
Loans Receivable- Non-current (Net of \$47,429 Allow. for Bad Debt)	176,679	181,486	195,885
Other Assets	176,679	181,486	195,885
TOTAL ASSETS	37,226,759	39,312,445	39,973,213
DEFERRED OUTFLOWS OF RESOURCES			
Deferred Pension Outflows (11)	597,836	597,836	597,836
Deferred Outflows of Resources	597,836	597,836	597,836
LIABILITIES:			
Accounts Payable (6)	3,913	10,203	548,813
Loan Payable - Genesee County - Current (7)	305,000	305,000	295,000
Accrued Expenses (8)	10,289	180	29,545
Unearned Revenue (9)	8,409,637	10,991,506	10,993,355
Total Current Liabilities	8,728,839	11,306,889	11,866,713
Loans Payable - ESD (10)	5,196,487	5,196,487	5,196,487
Loan Payable - Genesee County - Noncurrent (7)	2,825,000	2,825,000	3,130,000
Aggregate Net Pension Liability (11)	2,612	2,612	2,612
Total Noncurrent Liabilities	8,024,099	8,024,099	8,329,099
TOTAL LIABILITIES	16,752,938	19,330,988	20,195,812
DEFERRED INFLOWS OF RESOURCES			
Deferred Pension Inflows (11)	791,742	791,742	791,742
Deferred Inflows of Resources	791,742	791,742	791,742
NET ASSETS	\$ 20,279,915	\$ 19,787,551	\$ 19,583,495

Significant Events:

1. Restricted Cash - Includes cash deposited by ESD into imprest accounts related to the \$8M and \$33M STAMP grants. Expenditures out of these accounts are pre-authorized by ESD. Also included are funds received from the County per a Water Supply Agreement, to be put towards water improvements located in the Town of Alabama and the Town of Pembroke and other Phase II improvements as identified by the County. These funds are being used to pay for qualifying expenditures.

4.1

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2. Grants Receivable - National Grid grants support marketing and development activities for STAMP and the LeRoy Food & Tech Park.
3. Accounts Receivable (Current) - Econ. Dev. Program Support Grant; MedTech Centre Property Management; termed out Project Origination Fees from HP Hood to be collected in the next 12 months.
4. Prepaid Expense(s) - May lease payment, cyber, D&O, life, long-term and short-term disability, health insurance, property insurance, etc.
5. Land Held for Dev. & Resale - Additions are related to STAMP development costs.
6. Accounts Payable - e3communications and interest earned on imprest accounts that will be remitted to ESD.
7. Loan Payable - Genesee County (Current & Noncurrent) - Per a Water Supply Agreement with Genesee County, the County remitted \$4M to the GCEDC to put towards water improvements located in the Town of Alabama and the Town of Pembroke and other Phase II improvements as identified by the County. GCEDC started making annual payments to the County of \$448,500 beginning in January 2020.
8. Accrued Expenses - NYS retirement contributions.
9. Unearned Revenue - Interest received in advance; Genesee County contribution received in advance; Funds received from municipalities to support park development; ESD Grant funds to support STAMP development, not actually earned until eligible expenditures are incurred.
10. Loans Payable - ESD - Loans from ESD to support STAMP land acquisition and related soft costs.
11. Deferred Pension Outflows / Aggregate Net Pension Liability / Deferred Pension Inflows - Accounts related to implementation of GASB 68.

(A) Restricted Cash = Municipal Funds, RLF #2 Funds, Grant Funds Received in Advance.

(B) Reserved Cash = RLF #1 Funds (defederalized).

**Genesee County Economic Development Center
April 2022 Dashboard
Profit & Loss - Accrual Basis**

	Month to Date		YTD		2022	2022
	4/30/22	4/30/21	2022	2021	Board Approved Budget	YTD % of Budget
Operating Revenues:						
Genesee County	\$ 19,459	\$ 19,459	\$ 77,837	\$ 77,837	\$ 233,513	33%
Genesee County - WFD	2,083	-	8,333	-	-	N/A
Fees - Projects	195,718	250	280,468	21,500	411,500	68%
Fees - Services	7,099	6,961	28,397	27,845	85,192	33%
Interest Income on Loans	239	286	979	1,167	2,744	36%
Rent	-	200	-	3,440	21,071	0%
Common Area Fees - Parks	-	-	373	355	360	104%
Grants (1)	2,584,217	164,113	3,081,286	822,530	8,891,710	35%
GGLDC Grant- Econ. Dev. Program Support	25,000	25,000	100,000	100,000	300,000	33%
BP ² Revenue	3,532	-	3,532	701	27,454	13%
Other Revenue	-	989	324	1,078	5,000	6%
Total Operating Revenues	2,837,347	217,258	3,581,529	1,056,453	9,978,544	36%
Operating Expenses						
General & Admin	121,180	96,432	449,840	388,120	1,506,112	30%
Professional Services	15,113	12,095	27,997	18,502	108,500	26%
Site Maintenance/Repairs	447	-	1,789	1,403	39,500	5%
Property Taxes/Special District Fees (2)	-	-	3,518	4,597	2,690	131%
PIF Expense	-	-	43,296	35,042	143,157	30%
Site Development Expense	2,209,265	60,877	2,362,765	319,377	153,500	1539%
Real Estate Development (3)	372,602	224,235	623,710	291,834	8,300,000	8%
Balance Sheet Absorption	(372,602)	(224,235)	(623,710)	(291,834)	-	N/A
Total Operating Expenses	2,346,005	169,404	2,889,205	767,041	10,253,459	28%
Operating Revenue (Expense)	491,342	47,854	692,324	289,412	(274,915)	
Non-Operating Revenue (Expense)						
Other Interest Income	1,022	682	4,096	3,228	5,500	74%
Total Non-Operating Revenue (Expense)	1,022	682	4,096	3,228	5,500	74%
Change in Net Assets	492,364	48,536	696,420	292,640	\$ (269,415)	
Net Assets - Beginning	19,787,551	12,119,859	19,583,495	11,875,755		
Net Assets - Ending	\$ 20,279,915	\$ 12,168,395	\$ 20,279,915	\$ 12,168,395		

Significant Events:

1. Grants - \$448K Community Benefit Agreement payment dedicated to STAMP by sourcing debt service payments to the County; PIF from RJ Properties (Liberty Pumps) supports Apple Tree Acres Infrastructure improvements; PIF from Yancey's Fancy supports Infrastructure Fund Agreement with the Town of Pembroke; ESD \$33M & \$8M Grants support STAMP engineering, environmental, legal, infrastructure, etc.
2. Property Taxes/Special District Fees - Full taxes were paid on a property purchased after the taxable status date in 2021; tax rates were higher than budgeted for property located in Leroy.
3. Real Estate Development Costs - Includes STAMP development costs.

Genesee County Economic Development Center
April 2022 Dashboard
Statement of Cash Flows

	April 2022	YTD
CASH FLOWS USED BY OPERATING ACTIVITIES:		
Genesee County	\$ 21,542	\$ 107,713
Fees - Projects	195,718	317,218
Fees - Services	-	21,298
Interest Income on Loans	237	805
Rent	-	829
Common Area Fees - Parks	-	373
Grants	-	506,326
BP ² Revenue	3,532	3,532
GGLDC Grant - Economic Development Program Support	-	75,000
Other Revenue	-	324
Repayment of Loans	4,760	16,141
General & Admin Expense	(106,641)	(477,718)
Professional Services	(15,113)	(38,814)
Site Maintenance/Repairs	(447)	(1,789)
Site Development	(2,213,151)	(2,501,690)
Property Taxes/Special District Fees	-	(3,518)
PIF Expense	-	(43,296)
Improv/Additions/Adj to Land Held for Development & Resale	(374,416)	(1,000,350)
Net Cash Used By Operating Activities	(2,483,979)	(3,017,616)
CASH FLOWS USED BY NONCAPITAL FINANCING ACTIVITIES:		
Principal Payments on Loan	-	(295,000)
Net Cash Used By Noncapital Financing Activities	-	(295,000)
CASH FLOWS PROVIDED BY INVESTING ACTIVITIES:		
Interest Income (Net of Remittance to ESD)	728	3,793
Net Change in Cash	(2,483,251)	(3,308,823)
Cash - Beginning of Period	18,980,990	19,806,562
Cash - End of Period	\$ 16,497,739	\$ 16,497,739
RECONCILIATION OF NET OPERATING REVENUE TO NET CASH USED BY OPERATING ACTIVITIES:		
Operating Revenue	\$ 491,342	\$ 692,324
Depreciation Expense	55	219
(Increase) Decrease in Operating Accounts/Grants Receivable	(34,449)	35,954
Decrease in Prepaid Expenses	4,671	9,027
Decrease in Loans Receivable	4,760	16,141
Increase in Land Held for Development & Resale	(372,602)	(623,710)
Decrease in Operating Accounts Payable	(5,996)	(544,597)
Increase (Decrease) in Accrued Expenses	10,109	(19,256)
Decrease in Unearned Revenue	(2,581,869)	(2,583,718)
Total Adjustments	(2,975,321)	(3,709,940)
Net Cash Used By Operating Activities	\$ (2,483,979)	\$ (3,017,616)

GCEDC
Audit & Finance Committee Report
May 31, 2022

Cyber Liability

Information received from Lawley:

Please see the attached proposal for your 22-23 Cyber renewal. Coverage is through Atbay written with Trisura, Atbay's new supporting writing company. The change to Trisura is a result of the everchanging Cyber market. It's a common practice to use additional writing companies in order to provide competitive products.

Atbay/Trisura offered a renewal quote of \$10,289.17 for the 22-23 term. Limits and retention are per expiring; however, the carrier did add a Biometric Information Violation Exclusion. This has been a common exclusion that carriers have added to Cyber policies going forward. As long as you do not collect or house biometric data and that this is not part of your services, this should not affect coverage.

Please be advised that terms may change depending on if the STAMP entities are included. I've passed the STAMP information to the carrier and am waiting for their thoughts as to whether the entities should be included now, or, when they become active. I'll be sure to provide an update as soon as one is received from the carrier.

In order to bind, the carrier has requested a signed & dated Total Cost form. I will send this to you DocuSign should you want to bind coverage. I do want to note that your information was sent to market, but we have not yet received additional quote options for the renewal. Should an alternate option become available, I'll be sure to provide a revised proposal and from there we can discuss coverage comparison and updated binding requirements.

Fund Commitment: \$10,289.17 (\$5,144.59 EDC / \$5,144.58 LDC)

INSURANCE PROPOSAL



Genesee County Industrial
Development Agency
July 1, 2022

Lawley

lawleyinsurance.com | 1.844.4LAWLEY

Business Insurance

lawleyinsurance.com/business

Property & Casualty

- General Liability
- Property
- Workers' Compensation Coverage
- Automobile/Commercial Vehicle Fleet Insurance
- Umbrella/Excess Liability Insurance
- Inland Marine/Equipment Coverage
- Business Income/Extra Expense
- Employee Dishonesty
- International Coverages
- Boiler & Machinery/Equipment Breakdown
- Transportation/Ocean Marine
- Owner's and Contractor's Protective Liability
- Builder's Risk
- Surety/Bonding
- Captive Programs
- Alternative Risk Financing
- Flood
- Earthquake

Specialty Products

- Pollution Liability/Environmental
- Professional Liability/Errors & Omissions
- Crime (Fidelity) Insurance
- Cyber Liability
- Director's and Officer's/Management Liability (D&O)
- Employment Practices Liability
- Fiduciary Liability
- Business Travel Accident/Kidnap & Ransom Insurance
- Identity Theft

Employee Benefits

lawleyinsurance.com/benefits

- Medical Insurance
- Prescription Drug Plans
- Private Benefits Exchange - Lawley Marketplace
- Medical Captive Programs
- Consortiums/Trusts
- Dental & Vision Benefits
- Group Life Insurance
- NYS Disability (DBL)
- Short-Term Disability Insurance
- Long-Term Disability Insurance
- Voluntary Insurance
- Executive Benefits
- Retirement Planning and 401k Administration
- Underwriting & Reporting
- Compliance
- Wellness Programs & Health Management Programs
- Lawley Simplifi

Industry Specialties/Practice Groups

lawleyinsurance.com/specialties

- Affordable Housing
- Construction
- Car Dealers
- Healthcare Facilities
- Manufacturing
- Not-for-Profits
- Farms
- Municipalities and Schools

Products/services are subject to state eligibility

Risk Management

lawleyinsurance.com/riskmanagement

Loss Control & Safety Services

- Safety Training & Safety Program Evaluations
- General Liability Loss Control
- Loss Source and Trending Analysis
- Code Rule 59 Consultation
- OSHA Assistance
- Defensive Driving Courses & Vehicle Fleet Loss Control
- Ergonomics Evaluation, Training, & Development
- Captive Loss Control
- Life Safety & Evacuation Plans
- Fire & Protection Systems Assistance
- Site Hazard Analysis
- Return to Work Programs
- Industrial Hygiene - Air, Noise Sampling
- Business Interruption - Contingency & Continuity Planning
- Contractual Liability & Risk Transfer
- Grant Submission & Training
- Accident Investigation

Claims Management

- Claim Trend Analysis
- Claims Reviews (Workers' Compensation and General Liability)
- Claims Consulting Services
- Coverage Analysis Consulting and Monitoring
- Experience Modification Review and Recalculation
- First Aid Claim Program (Workers' Compensation)
- Litigation Management
- Reserve Analysis (Loss Forecaster Software)

Personal Insurance

lawleyinsurance.com/personal

- Automobile Insurance
- Homeowners Insurance
- Vacation or Secondary Home Insurance
- Jewelry, Fine Arts, and Collectibles Insurance
- Renters Insurance
- Condominium Insurance
- Landlord (Rental Properties) Insurance
- Excess/Personal Umbrella Liability
- Flood Coverage, Primary & Excess
- Life Insurance
- Motorcycle Insurance
- Recreational Vehicle Insurance
- Watercraft Insurance
- Co-Ops Insurance
- Identity Theft Insurance
- Trip/Travel/International Medical & Evacuation Coverage
- Workers' Compensation (Domestic Help)
- Earthquake

MyWave

lawleyinsurance.com/mywave

MyWave – A customized portal for your HR needs: thousands of valuable resources, OSHA forms and peer-based forums to keep you informed and in-the-know

Lawley Benefits University

lawleyinsurance.com/lbu

Lawley Benefits University – Resources and events to help keep you informed about changes to healthcare legislation, healthcare reform, compliance issues and more. These tools help you successfully control insurance costs while staying educated on changes to the insurance environment

Products/services are subject to state eligibility

At Lawley we are committed to providing our clients with the best possible service. We have assembled an experienced team dedicated to your account.

The Insurance Advisor evaluates your exposures and designs a cost-effective program.

Insurance Advisor	William Fritts, Jr.	Phone:	(585) 344-9500
		Fax:	(716) 849-8291
		Email:	bfritts@lawleyinsurance.com

The Account Executive supports your Producer and commercial lines team in the servicing of your account.

Account Executive	Susie E. Ott	Phone:	(585) 344-9501
		Fax:	(716) 849-8291
		Email:	sott@lawleyinsurance.com

The Specialty Account Manager supports your Producer and commercial lines team in the servicing of your specialty policy needs.

Specialty Account Manager	Caitlin Celis	Phone:	(716) 849-4375
		Fax:	(716) 849-8291
		Email:	ccelis@lawleyinsurance.com

The Account Technician quality controls policy documents and manages all invoicing.

Account Technician	Cheryl Pena	Phone:	(716) 849-8687
		Fax:	(716) 849-8291
		Email:	cpena@lawleyinsurance.com

The Assistant Account Manager supports your Account Manager in fulfillment of service requests.

Assistant Account Manager	Diane Evans	Phone:	(716) 849-1524
		Fax:	(716) 849-8291
		Email:	devans@lawleyinsurance.com

The Claim Consultant is responsible for reporting all loss information to the insurance company and then following up to make certain the claim is resolved.

Claim Consultant	Krista Voigt	Phone:	(716) 849-8651
		Fax:	(716) 849-8291
		Email:	kvoigt@lawleyinsurance.com

Please review the contact information we have on file. Over the course of a year, we may need to reach out to you for updates, notices or important information. If there is a specific person we should contact directly for billing, claims, inspections, service requests, please note that next to their name and the preferred method of contact.

Changes or Corrections

Contact Name	Penny Kennett
Contact Address	Genesee County Industrial Development Agency 99 MedTech Dr STE 106 Batavia NY 14020
Contact Phone #	(585) 343-4866
Contact Email	pkennett@gcedc.com
Description	

Named Insured

Genesee County Industrial Development Agency dba
DBA Genesee County Economic Development Center

Policy Term:	7/1/2022 - 7/1/2023
Retroactive Date:	Full Prior Acts
Policy Type:	Cyber Liability – Claims Made
Policy Number:	661099501
Carrier:	Trisura Specialty Insurance Company (Non-admitted, "A-" A.M. Best Rating)

Coverage	Limit	Retention
Information & Privacy Liability	\$1,000,000	\$10,000
Regulatory Liability	\$1,000,000	\$10,000
PCI-DSS Liability	\$1,000,000	\$10,000
Network Security Liability	\$1,000,000	\$10,000
Event Response & Recovery	\$1,000,000	\$10,000
Direct Business Interruption & System Failure	\$1,000,000	10 Hours - \$10,000
Contingent Business Interruption & System Failure	\$1,000,000	10 Hours - \$10,000
Cyber Extortion	\$1,000,000	\$10,000
Media Liability	\$1,000,000	\$10,000
Reputation Harm	\$1,000,000	\$10,000
Policy Aggregate	\$1,000,000	N/A

Additional Coverage Information

- Continuity Date – 7/1/2021
- Defense within the Limits
- Scheduled Insured Organization Endorsement
 - Genesee Gateway Local Development Corp
 - Genesee Agri-Business LLC
 - Genesee County Funding Corporation
- \$100,000 Cyber Crime Sublimit including Computer Fraud, Social Engineering, and Invoice Manipulation
- Biometric Information Violation Exclusion

Extended Reporting Period

- 1 Year at 75% Annual Premium

This coverage form is written on a Claims-made basis. You may have an option to purchase an Extended Reporting Period (ERP) endorsement should your policy be cancelled or non-renewed.

Coverage	7/1/2021-7/1/2023	7/1/2022-7/1/2023
Cyber Liability	\$7,553.00	\$10,289.17
Total Premium	\$7,553.00	\$10,289.17

Notes: Coverage is now through Trisura Specialty Insurance Company/Atbay vs. HSB/Atbay from the 21-22 term.

Binding Requirements

- Signed Total Cost Form
- Request to Bind

Genesee County Industrial Development Agency

Genesee County Industrial Development Agency
99 MedTech Dr STE 106
Batavia, NY 14020

Is the mailing address listed above correct? Yes: _____ No: _____

If you have answered No to the question shown above, please make corrections below:

Please respond in Section 1 **and** Section 2, then sign where indicated:

Section 1 - Select one of the following by placing an (X) in the appropriate box

By my signature below, I certify that I have requested Lawley Service, Inc. and/or Lawley LLC. bind coverage as shown in this proposal. All changes from the original proposal are noted and initialed.

By my signature below, I certify that I have requested Lawley Service, Inc. and/or Lawley LLC. bind coverage as shown in this proposal, with no changes from the original proposal

Section 2 - Select one of the following by placing an (X) in the appropriate box

By my signature below, I certify that I have declined quotes for additional coverages

By my signature below, I certify that I have requested Lawley Service, Inc. and/or Lawley LLC. obtain Quotes for the following coverage: *(please list below)*

Signed: _____

Date: _____

Name: Genesee County Industrial Development Agency

Term: 7/1/2022-7/1/2023

We ask that you do not accept our brief description of the insurance coverages as a complete explanation of the policy terms. The actual policy language will govern the scope and limits of coverage involved.

GCEDC
Audit & Finance Committee Meeting Report
May 31, 2022

Consulting assistance on local labor policy reporting and conformity for projects

At the October 1, 2019 meeting, the GCEDC staff presented a sample proposal from Loewke Brill Consulting Group, Inc. on how they could assist companies that will have to report to the GCEDC under the local labor reporting requirements, including assistance with waiver requests and finding local contractors to bid their projects. Attached is an example fee structure that Loewke Brill Consulting provided to the GCEDC.

The GCEDC Staff had requested a quote for the costs related to a project in the Ag Park. A copy of the application for incentives were sent to Loewke Brill for them to calculate the fee. They submitted the following:

\$19,520 - 18 Inspections (\$325 per visit), 18 Monthly Reports (\$690 per month), 1 time set up fee (\$1,250)

The time period was determined by what the projects listed for the duration of construction in their applications. GCEDC staff has the following recommendation which is consistent with prior approvals:

1. The GCEDC will pay for the set up fee, monthly inspections and reporting, not to exceed the construction timeline in the application. If it runs over that the company should be responsible.
2. The company will pay for any waiver requests that get submitted and sent to the Board for consideration.

Fund Commitment: \$19,520.

Committee Action Request: Recommend to the full Board to move forward with a proposal from Loewke Brill Consulting a project at the Ag Park.

GCEDC											GGLDC						
Name	GCEDC Board Member	GCEDC STAMP Committee	GCEDC Employment & Comp Committee	GCEDC Governance & Nominating Committee	GCEDC Audit & Finance Committee (Bank Signers)	Housing Committee	GCEDC Officers	GCEDC Start Date	Term End Date	GCEDC Board Training	GGLDC Board Members	GGLDC Governance & Nominating Committee	GGLDC Audit & Finance Committee (Bank Signers)	GGLDC Officers	GGLDC Start Date	Term End Date	GGLDC Board Training
Chandy Kemp	1	1	1					11/10/2021	6/30/2024	1/12/2022							
Paul J. Battaglia	1		1		1	Chair		6/30/2013	6/30/2025	12/23/2014	1		1		3/6/2014	6/30/2025	12/23/2014
Todd Bender	1		Chair	1	1			8/9/2017	6/30/2023	9/22/2017	1		1		8/9/2017	6/30/2023	9/22/2017
Craig Yunker	1	1		Chair		1		7/1/2014	6/30/2026	11/7/2014	1	1			6/4/2015	6/30/2026	11/7/2014
Peter Zeliff	1	Chair	1	1	1	1	Chairman	2/28/2014	6/30/2022	2/6/2013	1				2/7/2019	6/30/2022	2/6/2013
Matthew Gray	1			1	Chair	1	Vice Chair	7/1/2015	6/30/2027	3/23/2016							
Marianne Clattenburg	1	1						3/17/2021	12/31/2021	4/9/2021							
Thomas Felton											1		1	Vice Chairman	8/4/2011	6/30/2025	6/22/2012
Jonathan Tretter															9/9/2021	6/30/2027	6/30/2027
Sarah Noble-Moag											1	Chair		Secretary	8/12/2014	6/30/2026	11/7/2014
Gregg Torrey											1	1		Treasurer	1/19/2017	6/30/2027	1/19/2017
Don Cunningham											1	1	Chair	President & CEO / Chairman	9/1/2017	6/30/2023	4/11/2018
	7	4	4	4	4	4					8	4	4				
NEED	7	4	4	4	4	4					9	4	4				
4 People are required for a quorum in the GCEDC											5 people are required for a quorum in the GGLDC						
GCEDC Board Members are appointed by the County Legislature.											6 people are required if it involves capital improvements, sale, purchase, mortgage, or lease of property (Majority plus 1)						
The Audit & Finance Committee members, the President & CEO and the VP of Operations are authorized bank signers. All checks (line of credit withdrawals) require two signatures and must be co-signed by at least one board member.											The Audit & Finance Committee members are authorized bank signers. Two Bank account signers are required to sign every check and line of credit withdrawals.						
** Chad Klotzbach is verbally assigned to the GCEDC Board by the Legislative Chair.											1/16/14 - GGLDC Board Member Term Limits (as recommended by the Governance Committee) - - Nine GGLDC board members are appointed via majority vote by the GCEDC board of directors, - Four of the nine board positions will be independent of the GCEDC board; 6 year terms, - Five of the nine board positions will be held by GCEDC board members; coterminous with GCEDC appointments, - These five board positions should be filled with the four most senior members of the GCEDC board and the Legislative Liaison OR the four most senior members of the GCEDC board and any member that is chosen based on current circumstances at the time of vacancy.						
Secretary: Penny Kennett Treasurer: Lezlie Farrell											GGLDC Board Members are appointed by the GCEDC						
Committees are made up of the Board Chair plus three board members.											Committees are made up of the Board Chair plus three board members.						

Genesee County Economic Development Center

Current Officers

Pete Zeliff, Chair
Matthew Gray, Vice Chair
P. Kennett, Secretary
L. Farrell, Treasurer
S. Hyde, President & CEO

Authorized to request information regarding all bank accounts for the GCEDC

L. Farrell
P. Kennett

The following are authorized signors of agreements, contracts, deeds and any other instruments as approved by the Board or operational items within the approved budget limits:

Chairman (per by-laws)
Vice Chairman (per by-laws)
S. Hyde (per by-laws)
M. Masse
C. Suozzi

Bank Account Authorized Signers

Audit & Finance Committee members are authorized bank signers, along with two staff members:

Staff: S. Hyde
M. Masse

All GCEDC checks must be signed by two authorized signors. All checks must be signed by at least one board member.

Line of Credit withdrawals must be signed by two authorized signors. All line of credit withdrawals must be signed by at least one board member.

Genesee County Economic Development Center

Procurement Policies and Procedures



Adopted: April 14, 1994
Amended: June 10, 2003, October 8, 2003
Readopted: June 14, 2006, March 25, 2008, March 23, 2009
Amended: June 5, 2014
Readopted: October 1, 2015
Readopted: July 14, 2016
Readopted: August 3, 2017
Readopted: October 4, 2018
Readopted: July 11, 2019
Readopted: June 4, 2020
Readopted: June 3, 2021
Readopted: **XXXXXXXX**

GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER

PROCUREMENT POLICIES AND PROCEDURES

1. INTRODUCTION
2. DECLARATION OF POLICY
3. DEFINITIONS
4. DETERMINATION OF PROCUREMENT
5. NO COMPETITIVE BIDDING
6. COMPETITIVE QUOTATIONS
 - 6.1. Written Descriptions Required
 - 6.2. Soliciting Competitive Quotations
 - 6.3. Exceptions
 - 6.4. Authorization
 - 6.5. Award of Contract
 - 6.6. Purchases (\$5,000 or less)
 - 6.7. Policies for Center's Benefit
7. MISCELLANEOUS
8. PROCUREMENT POLICY SUMMARY CHART

NOTE: THESE POLICIES AND PROCEDURES APPLY ONLY TO GOODS AND SERVICES PAID FOR BY THE CENTER FOR ITS OWN USE AND ACCOUNT. THEY DO NOT APPLY TO GOODS OR SERVICES (SUCH AS, BUT NOT LIMITED TO, BOND COUNSEL OR CENTER COUNSEL) PROCURED IN CONNECTION WITH SALE LEASEBACK OR A BOND ISSUANCE, FOR WHICH GOODS AND SERVICES A COMPANY PAYS.

1. INTRODUCTION

The policies and procedures set forth herein have been developed by the Genesee County Economic Development Center (the "Center") pursuant to New York State General Municipal Law Section 104-b regarding the procurement of Goods and Services not required by law to be procured pursuant to competitive bidding.

These policies and procedures apply only to Goods and Services paid for by the Center for its own use and account. They do not apply to Goods or Services (such as, but not limited to, Bond Counsel or construction services) for a project for which the Center will not be the project operator or occupant.

The Center adopted these policies and procedures at a meeting held April 14, 1994.

2. DECLARATION OF POLICY

Goods and Services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of Center moneys in the best interest of the Center, to facilitate the acquisition of Goods and Services of maximum quality at the lowest possible cost under the circumstances and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Board of the Genesee County Economic Development Center has adopted the policies and procedures set forth herein governing all procurement of Goods and Services which are not required to be procured pursuant to competitive bidding.

3. DEFINITIONS

The following terms shall have the following meanings:

1. "Center" shall mean the Genesee County Economic Development Center.
2. "Competitive Quotations" means the procurement of Goods and/or Services, in accordance with the provisions of Section "6" herein.
3. "Contract" shall mean a public work Contract, a purchase Contract, or, generally a Contract for Goods or Services in accordance with the provisions herein.
4. "County" shall mean the County of Genesee, New York.

5. "Goods" shall mean products, materials, supplies, equipment, apparatus and other like items, and the necessary Services related to these items.
6. "Board" shall mean the Board of Directors of the Center.
7. "Procurement" or "procure" shall mean the obtaining, through Contract or agreement of Goods and/or Services in accordance with these policies and procedures.
8. "Procurement Officer" shall mean the Chief Financial Officer of the Center or such other officer or employee of the Center designated by the Board to carry out the general and specific provisions of the policies and procedures set forth herein.
9. "Professional Services" means for those Services requiring special or technical skills, training, expertise, or licensing, or such Services which involve the use of professional judgment and/or a high degree of creativity, or which involve a relationship of personal trust or professional confidence including, but not limited to, engineering, architectural, medical, financial and legal services.
10. "Services" shall mean, generally, labor and/or construction to be performed.
11. "Sole Source Goods or Services" shall mean Goods or Services for which the Procurement Officer has determined that there is only one possible source from which to procure the desired Goods or Services, including, but not limited to, certain patented Goods or Services, or public utilities; provided, however, the Procurement Officer must certify that such Goods or Services are available from only one source so that no possibility of competition exists, including a showing that, at least (a) the unique benefits of the desired Goods or Services as compared to other such Goods or Services available in the marketplace, (b) no other Goods or Services provide substantially equivalent or similar benefits, and (c) considering the benefits received, the cost of the Goods or Services is reasonable, when compared to conventional methods;
12. "State" shall mean the State of New York.
13. "Vendor" shall mean a supplier or prospective supplier of Goods or Services.

4. DETERMINATION OF PROCUREMENT

The Procurement Officer is hereby designated to be responsible for determining whether a procurement of Goods or Services is subject to Competitive Quotations or is exempt from such procurement, and the Procurement Officer is authorized to determine that the nature of a particular project or class of projects is exempt from the procurement policies described herein. The Center hereby finds and determines that Professional Services are, in all cases, exempt from these procurement policies and procedures, as solicitation of alternate proposals and quotations is not in the best interest of the Center in situations in which special skills and expertise are required.

5. NO COMPETITIVE BIDDING

As of the date of adoption of these policies and procedures, the Center is not subject to the competitive bidding requirements of Section 103 of the General Municipal Law.

6. COMPETITIVE QUOTATIONS

6.1. Written Descriptions Required

Upon a determination by the Procurement Officer that Goods or Services are to be procured through competitive or verbal quotations, the Procurement Officer shall cause to be made a written description for each such Goods or Services to be procured. Such description need not necessarily include detailed specifications but may be generic or in outline form or describe the result sought by the Center. Such written description shall contain that information deemed necessary for the procurement of the desired Goods or Services in accordance with the policies of the Center, including a statement that the requested bid or quotation price shall include a statement whether cost of delivery is included, a statement that the Center reserves the right to reject all bids or quotations, waive minor deviations, consider alternative bids or quotations, negotiate price and terms with those making a bid or quotation (provided that negotiations with all those making a bid or quotation will be on substantially the same basis and regarding substantially the same matters), subject to the same terms and conditions of the written descriptions being sought by the Center and a statement regarding security and/or insurance, if required.

6.2. Soliciting Written Competitive Quotations

1. If the cost of the Goods or Services to be procured, based upon the written description prepared for the desired Goods or Services, will require an expenditure of more than \$5,000, but less than \$10,000, the desired Goods or Services shall be procured through Competitive Quotations solicited from not less than two Vendors.
2. If the cost of the Goods or Services to be procured, based upon the written description prepared for the desired Goods or Services, will involve an expenditure of more than \$10,000, the desired Goods or Services shall be procured through Competitive Quotations solicited from not less than three Vendors.
3. If, following reasonable efforts, insufficient numbers of Vendors exist for the solicitation of the requisite number of Competitive Quotations, then the Procurement Officer shall cause to be solicited Competitive Quotations from less than the requisite number of Vendors; provided, however, that the basis and other facts and circumstances or such efforts and/or findings relating to this provision shall be placed in writing.
4. The Procurement Officer shall cause to be made a record of the written description, the solicitation of the Competitive Quotations, the Competitive Quotations received and any other documents or materials prepared or received in connection with the procurement of Goods and Services of the Center.
5. Competitive Quotations need not be sealed and need not be opened and read at a stated time.
6. The Procurement Officer need not recommend the procurement of goods and services from the Vendor offering the lowest dollar quotation, but may recommend to the Board determinations of which quotations will fulfill or meet the best interests or needs of the Center, and each recommended determinations may be based on such factors as, without limitation, quality, features or options, reliability or reputation of the Vendor, availability of service, delivery time and location of the Vendor (local vis-a-vis non-local, in-state vis-a-vis out-of-state or country); and the Procurement Officer may negotiate terms and price with all Vendors submitting quotations (provided that all such negotiations will be on substantially the same basis and regarding substantially the same matters), and the determination of the Board pursuant to the Procurement Officer's recommendations made in good faith shall be final.

6.3. Exceptions

1. General Exceptions. The following Goods and Services may be procured by the Center without soliciting competitive quotations:

a. Services performed by inmates, or Goods manufactured, in correctional facilities operated by the New York State Department of Correctional Services or in local correctional facilities of this State; provided, however, that the procurement of such Goods and Services shall be in accordance with Section 186 of the Correction Law;

b. Goods and Services produced or assembled by the blind or other severely handicapped; provided, however, that the procurement of such Goods and Services shall be in accordance with Section 175-B of the State Finance Law;

c. Goods procured by the County in accordance with subdivision (2) of Section 408-a of the County Law; provided, however that no such procurement shall be made from the County when Competitive Quotations have already been received, unless such procurement may be made upon the same terms, conditions and specifications of a lower price through the County;

d. Goods in excess of \$500.00 procured by the State through the New York State Office of General Services, subject to rules established by such Office, in accordance with Section 163 of the State Finance Law; provided, however, that no such procurement shall be made from such Office when Competitive Quotations have already been received, unless such procurement may be made upon the same terms, conditions and specifications at a lower price through such Office;

e. Surplus and/or second hand Goods which are being offered for purchase from the Federal or State governments or any other political subdivision or public benefit corporation within the State of New York.

2. Special Exceptions. Upon a determination that Goods or Services are (i) Professional Services, (ii) Sole Source Goods or Services or (iii) Goods or Services deemed by the Procurement Officer, in his or her sole discretion, not in the best interest of the Center to be procured in accordance with the Competitive Quotation requirements set forth herein, the Procurement Officer may procure such Goods or Services in such manner as the Procurement Officer determines to be in the best interest of the Center and which otherwise is in accordance with the policies of the Center, as set forth in Section "2" herein.

6.4. Authorization

The procurement of goods and services which will involve an expenditure of less than \$5,000 may be approved by the Procurement Officer. Authorization for individual expenditures of \$5,000 and over shall require the formal review and approval of the Center's Board.

6.5. Entering Into the Contract

1. Except as provided in Section "6.5.2" herein, upon receipt of the requisite number of Competitive Quotations, the Procurement Officer shall recommend to the Board that the Center enter into a Contract, or enter into an agreement, for such Goods or Services to the Vendor that submitted the Competitive Quotation with the lowest dollar offer for such Goods or Services, but subject to the provisions of Section "6.2.6" hereof.
2. If the Procurement Officer shall recommend to the Board that the Center enter into a Contract for Goods or Services to a Vendor that did not submit the Competitive Quotation with the lowest dollar offer, the Procurement Officer shall state the reasons such an award furthers the policy set forth in Section "2" herein and in accordance with Section "6.2.6" hereof.
3. Upon the procurement of Goods or Services in accordance with the provisions of Section "6.3" herein, the Procurement Officer shall recommend to the Board that the Center award a Contract, or enter into an agreement, for such Goods or Services to the Vendor identified by the Procurement Officer.
4. Upon receipt of the recommendation by the Procurement Officer regarding the entering into a Contract, the Board shall authorize the Procurement Officer to cause to be procured such Goods or Services with the recommended Vendor; provided, however, that the Board reserve the right to reject all bids or quotations, waive minor deviations, consider alternative bids or quotations, subject to the same terms and conditions of the written descriptions being sought by the Center.

6.6. Purchases (\$5,000 or less)

1. Notwithstanding the provisions set forth herein, the procurement of Goods or Services involving an expenditure of up to five thousand dollars (\$5,000.00) may be made without seeking Competitive Quotations; provided, however, that any Center employee authorized to make such a procurement shall use his or her best efforts to obtain the lowest cost for such Goods or Services, but taking into consideration the terms of Section "6.2.6" hereof.

6.7. Policy for Center's Benefit

These policies and procedures are intended solely for the benefit of the Center and are not intended for the economic or other benefit of any particular Vendor making a quotation; and accordingly, no Vendor shall have the right to challenge the determination of the Center to enter into Contracts for Goods and Services in accordance with the policies and procedures herein set forth.

7. MISCELLANEOUS

1. Procurement of Insurance – Procurement of Insurance Brokerage/Agent is subject to this Policy as a professional service. Notwithstanding the foregoing actual insurance policies procured are not subject to requirements of this Policy. Insurance Policies shall be reviewed by the Board annually.
2. Genesee County Business Enterprises – It is the preference of the Center to provide opportunities for the purchase of goods and services from business enterprises located in Genesee County.
3. Minority & Women Owned Business Enterprises (M/WBE) – The Center shall comply with all applicable legal requirements relating to the hiring of such businesses. It is understood that granting agencies may enforce requirements regarding M/WBE participation and the Center may not be able to choose lowest responsible bidders in order to comply in these situations.
4. Effect of Other Procurement Requirements – Where the procurement of a specific good or service is to be accomplished using funds other than the funds of the Center and such funding sources specify different or more restrictive procurement requirements than are provided for in this Policy, the procurement requirements of the funding source will supersede the requirements of this Policy.
5. The Board shall review the policies and procedures herein not later than March 31, 1995, and each year thereafter. Amendments to these policies and procedures may be made at any time during the year.
6. The unintentional failure to fully comply with the provisions of the policies and procedures set forth herein shall not be grounds to void action taken or give rise to a cause of action against the Center, the Board, the Procurement Officer, or any officer or employee of the Center.

Investment Policy

I. Scope

This Investment Policy ("Policy") applies to all moneys and other financial resources available for deposit and investment by the Genesee County Economic Development Center ("Agency") for its own use and account. The Agency adopted this Policy at a meeting held XXXXXXXXXX.

II. Investment Objectives

The primary objectives of the Agency's investment program shall be, in order of priority, to: (1) comply with all applicable provisions of law; (2) safeguard the principal of all deposits and investments; (3) provide sufficient liquidity to ensure that monies invested are available to meet expenditures as they come due; and (4) obtain the maximum rate of return that is consistent with the preceding objectives.

III. Delegation Of Authority

The members of the Agency hereby delegate their responsibility for the implementation and administration of the Agency's deposit and investment programs, including the authority to execute any security and custody agreements required by this Policy, to the Treasurer or his designee who shall establish written procedures for the operation of the programs consistent with this Policy. Such procedures shall regulate subordinate employees and include an adequate internal control structure to provide a satisfactory level of accountability based on a database or record incorporating descriptions and amounts of deposits and investments, transaction dates, interest rates, market prices and other information necessary to manage the portfolio and to identify the sources of all funds being invested.

IV. Internal Controls

The Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized loss or disposition, that such transactions are executed in accordance with proper authorization and recorded properly and, that such transactions are managed in compliance with applicable laws and regulations.

V. Prudence

The Treasurer, his or her subordinates and any other Agency employee having responsibility for the deposit or investment of Agency moneys shall at all times act responsibly as custodian of the public trust. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their affairs not for speculation, but for investment, considering the safety of principal as well as the income to be derived. All Agency officers and employees involved in the execution of the investment program shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions.

VI. Authorized Investments

Except as otherwise may be provided in this Policy, monies not required for immediate expenditure may be otherwise invested in any of the following:

- (1) Special time deposits or certificates of deposits in a bank or trust company located and authorized to do business in the State of New York ("bank");
- (2) Obligations of the United States of America;
- (3) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest is guaranteed by the United States of America;
- (4) Obligations of the State of New York;
- (5) With the approval of the State Comptroller, obligations issued pursuant to Section 24.00 and Section 25.00 of the Local Finance Law by any municipality or district corporation;
- (6) Obligations of a public corporation which are made lawful investments by the Agency pursuant to another provision of law; and
- (7) Certificates of participation issued pursuant to General Municipal Law ("GML"), section 109-b.
- (8) Investments shall be payable or redeemable at the option of the Agency within such time as the proceeds shall be needed to meet expenditures for the purpose for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Agency within two years of the date of purchase.

VII. Deposits

All monies collected by any officer or employee of the Agency shall be deposited in such banks as have been authorized by a resolution of the governing board for that purpose in an amount not to exceed the amount specified in such authorizing resolution. It is the policy of the Agency that all moneys collected by any officer or employee of the Agency shall be deposited within two days of receipt and under no circumstance shall deposits occur later than the end of the month in which payment was received.

VIII. Diversification

Although it is the policy of the Agency to diversify its investment portfolio, the opportunity to diversify among types of investments is very limited because of legal constraints. Subject to these constraints, however, investments and deposits shall be diversified by financial institution, maturity and type of investment, a specific bank or trading partner or a specific maturity.

IX. Authorized Banks and Trading Partners

The Treasurer shall maintain a list of banks and other trading partners approved for investment purposes and if appropriate, establish limits on the amount of investments that may be outstanding with any bank or trading partner at any time. All banks and trading partners with which the Agency conducts business must be creditworthy as determined by criteria established by the treasurer. All banks with which the Agency does business shall provide their most recent Consolidated Report of Condition (Call Report) to the treasurer at his or her request. Trading partners not affiliated with a bank shall be recognized primary security dealers as designated by the Federal Reserve Bank of New York. The Treasurer is responsible for periodically evaluating the financial position of banks and trading partners with which the Agency does business and, based on such evaluations, for revising the list of eligible banks and trading partners as he or she deems appropriate.

X. Procedures for Securing Deposits, Special Time Deposits and Certificate Of Deposit

(A). Written Security Agreements

Monies of the Agency shall only be deposited, including certificates of deposit and special time deposits, in a bank with which the Agency has entered into a written security agreement. Such security agreement shall require the bank to secure all Agency deposits, in excess of the amount insured by the Federal Deposit Insurance Corporation, in the manner required by the New York State General Municipal Law ("GML"), section 10 and shall: (1) specify which types of eligible securities and other collateral authorized by Appendix "A" of this Policy and GML, section 10 are to be provided by the bank; (2) prescribe the maximum amount of collateral to be provided by the bank at any time; (3) prescribe the manner in which the market value of the collateral shall be determined and require any adjustments to market value as required by GML, section 10; (4) require the bank to provide additional collateral if the market value falls below the required amount; (5) provide that the collateral is being provided by the bank to secure all Agency deposits in the bank, together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default; (6) grant a security interest to the Agency in any securities pledged by the bank to secure deposits; (7) set forth the conditions under which the collateral may be sold, presented for payment, substituted or released; (8) define the events of default that will enable the Agency to exercise its rights against the pledged securities; (9) require that securities pledged to secure deposits and not registered in the name of the Agency be delivered in a form suitable for transfer or with an assignment in blank to a custodial bank with which the Agency has entered into a written custodial agreement; (10) provide for the frequency of valuation of collateral, which shall be no less frequently than monthly; (11) require that the agreement be properly authorized by the Board of Directors of the bank and that the bank maintain such agreement as an official record of the bank; and, (12) contain all such other provisions deemed necessary to enable the Agency to enforce its interest in the collateral in the event of default by the bank.

(B). Custody Agreement

All securities pledged by a bank pursuant to a written security agreement shall be delivered to a bank with which the Agency has entered into a written custody agreement ("Custodian"). The custody agreement shall: (1) specify the manner in which the custodian shall hold securities; (2) require the custodian to hold the securities as agent of, and custodian for, the Agency and to keep such securities separate and apart from the general assets of the custodian and not permit them to become backing for any other deposits or liabilities of the custodian; (3) require the custodian to confirm in writing the receipt, substitution or release of any securities from the Agency's custody account; (4) provide for the methodology and frequency of valuation of securities held by the custodian; (5) require the custodian to make appropriate entries o/n its books at all times showing the Agency's interest in the securities; (6) require physical securities be kept in the custodian's vault and physically segregated from the custodian's property and other property held by the custodian; (7) require the custodian to subordinate any claims it may have against the pledged securities to the Agency's interest therein; (8) permit the Agency access to books and records maintained by the custodian with respect to the Agency's account: and, (9) contain any other provisions deemed necessary and appropriate. A bank shall [not] be permitted to act as custodian of any securities pledged by such bank to secure Agency deposits.

XI. Purchase and Safekeeping of Investments

The Treasurer shall establish operation procedures for making investments with approved banks and trading partners. In the case of investments in certificates of deposit and special time deposits, the procedures shall require the solicitation of quotations from more than one approved bank and whenever practicable, from banks located within Genesee County. In the case of investments in obligations, the procedures shall; (1) require the solicitation of quotes from more than one approved trading partner, except in the purchase of governmental securities at their initial auction; (2) require all purchased obligations, unless registered or inscribed in the name of the Agency, to be purchased through, delivered to, and held in the custody of a bank with which the Agency has entered into a written custodial agreement which complies with the requirements contained in paragraph (b) of section X of this Policy; (3) ensure that obligations are purchased, sold or presented for redemption or payment by a custodian only accordance with prior written authorization from the officer or employee authorized to make the investment; and, (4) provide that payment of the Agency's funds shall only be made upon delivery of the purchased obligations to the custodian. The Treasurer is further authorized to purchase obligations; (1) subject to a repurchase agreement in accordance with the procedures enumerated in paragraph XII of this Policy; or (2) pursuant to an ongoing investment program which has been authorized by the members of the Agency and which provides investment advisory and custodial services to the Agency.

XII. Procedures for Repurchase Agreements

The Treasurer is authorized to purchase and sell obligations pursuant to repurchase agreements subject to the following restrictions:

- (1) No repurchase transaction shall be entered into with any trading partner until the Agency has entered into a written master repurchase agreement with the trading partner;
- (2) Repurchase agreements shall be entered into only with trading partners approved by the Treasurer pursuant to Section IX of this Policy and shall be subject to any trading limits established for each trading partner;
- (3) Only obligations of the United States of America and obligations guaranteed by agencies of the United States of America where the payment of principal and interest is guaranteed by the United States of America shall be purchased pursuant to a repurchase agreement;
- (4) Obligations purchased pursuant to a repurchase agreement shall be held by a custodian, other than the trading partner, pursuant to a written custodial agreement;
- (5) The price paid for the securities shall not be in excess of the market value of the securities being purchased plus any accrued interest not reflected in the market price.

Master repurchase agreements between the Agency and its trading partners shall: (1) contain procedures which ensure that the Agency obtains a perfected security interest in the purchased securities; (2) defined events of default; (3) prohibit the trading partner from substituting securities for the purchased securities during the term of the repurchase agreement; (4) limit the term of a specific repurchase transaction to a period of not more than thirty days; (5) contain appropriate margin requirements and procedures for timely correction of margin deficiencies or excesses; (6) provide that the Agency shall not make payment for purchased securities purchased until received by the custodian; (7) require that the terms of all specific repurchase transactions, including rate, price and a description of the specific securities being purchased, be confirmed in writing; (8) provide that all specific repurchase transactions shall be subject to the terms of the master repurchase agreement; and, (9) contain such other provisions as are deemed necessary and appropriate. The written custody agreement shall comply with the requirements of paragraph (b) of section X of the Policy.

XIII. Legal Review

All security agreements, custodial agreements, letters of credit, surety bonds and repurchase agreements shall be reviewed by the Agency Counsel or other attorney retained for this purpose to determine their compliance with the requirements of sections 10 and 11 of the GML and this Policy.

XIV. Reports

The Treasurer shall provide quarterly written investment reports to the governing board of the Agency. Such reports shall describe investments in the portfolio and contain any other information deemed necessary for management purposes.

XV. Annual Review

The governing board shall review this Policy at least annually and make any amendments thereto as are deemed necessary.

APPENDIX A

SCHEDULE OF ELIGIBLE COLLATERAL Eligible Securities

Authorized
Yes or No)

- | | | |
|-----|--------|--|
| Yes | (i) | Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation. |
| No | (ii) | Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank. |
| Yes | (iii) | Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty. |
| Yes | (iv) | Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of this State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys. |
| Yes | (v) | Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization. |
| No | (vi) | Obligations of Puerto Rico rated in one of the three highest rating categories by at least one of the three highest rating categories by at least one nationally recognized statistical rating organization. |
| Yes | (vii) | Obligations of counties, cities and other governmental entities of a state, other than the State of New York, having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization. |
| No | (viii) | Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization. |
| Yes | (ix) | Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by Federal banks under the limitations established by federal bank regulatory agencies. |
| No | (x) | Commercial paper and bankers' acceptances issued by a bank, other than the bank with which the money is being deposited or invested, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged. |
| Yes | (xi) | Zero coupon obligations of the United States government marketed as "Treasury STRIPS". |

Other Eligible Collateral

- | | | |
|----|------|---|
| No | (i) | A surety bond executed by an insurance company authorized to do business in the State of New York, the claims-paying ability of which is rated in the highest rating category by at least two nationally recognized statistical rating organizations. |
| No | (ii) | An irrevocable letter of credit issued in favor of the local government for a term not to exceed ninety days by a bank (other than the bank with which the money is being deposited or invested) whose commercial paper and other unsecured short-term debt obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company's commercial paper and other unsecured short-term debt obligations) are rated in one of the three highest rating categories (based on the credit of such bank or hold company) by at least one nationally recognized statistical rating organization or by a bank (other than the bank with which the money is being deposited or invested) that is in compliance with applicable federal minimum risk-based capital requirements. |

**GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER
DISPOSITION OF PROPERTY GUIDELINES
ADOPTED PURSUANT TO SECTION 2896 OF THE PUBLIC AUTHORITIES LAW**

SECTION 1. DEFINITIONS

- A. “Contracting officer” shall mean the officer or employee of the Genesee County Economic Development Center (hereinafter, the “Agency”) who shall be appointed by resolution to be responsible for the disposition of property.
- B. “Dispose” or “disposal” shall mean transfer of title or any other beneficial interest in personal or real property in accordance with section 2897 of the Public Authorities Law.
- C. “Property” shall mean personal property in excess of five thousand dollars (\$5,000) in value, and real property, and any inchoate or other interest in such property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party.

SECTION 2. DUTIES

- A. The Agency shall:
 - (i) maintain adequate inventory controls and accountability systems for all property owned by the Agency and under its control;
 - (ii) periodically inventory such property to determine which property shall be disposed of;
 - (iii) produce a written report of such property in accordance with subsection B herewith; and
 - (iv) transfer or dispose of such property as promptly and practicably as possible in accordance with Section 3 below.

- B. The Agency shall:
- (i) publish, not less frequently than annually, a report listing all real property owned in fee by the Agency. Such report shall consist of a list and full description of all real and personal property disposed of during such period. The report shall contain the price received by the Agency and the name of the purchaser for all such property sold by the Agency during such period; and
 - (ii) shall deliver copies of such report to the Comptroller of the State of New York, the Director of the Budget of State of New York, the Commissioner of the New York State Office of General Services, and the New York State Legislature (via distribution to the majority leader of the senate and the speaker of the assembly).

SECTION 3. TRANSFER OR DISPOSITION OF PROPERTY

- A. Supervision and Direction. Except as otherwise provided herein, the duly appointed contracting officer (the "Contracting Officer") shall have supervision and direction over the disposition and sale of property of the Agency. The Agency shall have the right to dispose of its property for any valid corporate purpose.
- B. Custody and Control. The custody and control of Agency property, pending its disposition, and the disposal of such property, shall be performed by the Agency or by the Commissioner of General Services when so authorized under this section.
- C. Method of Disposition. Unless otherwise permitted, the Agency shall dispose of property for not less than its fair market value by sale, exchange, or transfer, for cash, credit, or other property, with or without warranty, and upon such other terms and conditions as the Agency and/or contracting officer deems proper. The Agency may execute such documents for the transfer of title or other interest in property and take such other action as it deems necessary or proper to dispose of such property under the provisions of this section. Provided, however, no disposition of real property, any interest in real property, shall be made unless an appraisal of the value of such property has been made by an independent appraiser and included in the record of the transaction and provided further that no disposition of any other property which because of its unique nature or the unique circumstances of the proposed transaction is not readily valued by reference to an active market for similar property, shall be made without a similar appraisal.
- D. Sales by the Commissioner of General Services (the "Commissioner"). When the Agency shall have deemed that transfer of property by the Commissioner will be advantageous to the State of New York, the Agency may enter into an agreement with the Commissioner of pursuant to which Commissioner may dispose of property of the Agency under terms and conditions agreed to by the Agency and the Commissioner. In disposing of any such property, the Commissioner shall be bound by the terms hereof and references to the contracting officer shall be deemed to refer to such Commissioner.

- E. Validity of Deed, Bill of Sale, Lease, or Other Instrument. A deed, bill of sale, lease, or other instrument executed by or on behalf of the Agency, purporting to transfer title or any other interest in property of the Agency in accordance herewith shall be conclusive evidence of compliance with the provisions of these guidelines and all applicable law insofar as concerns title or other interest of any bona fide grantee or transferee who has given valuable consideration for such title or other interest and has not received actual or constructive notice of lack of such compliance prior to the closing.
- F. Bids for Disposal; Advertising; Procedure; Disposal by Negotiation; Explanatory Statement.
- (i) Except as permitted by all applicable law, all disposals or contracts for disposal of property made or authorized by the Agency shall be made after publicly advertising for bids except as provided in subsection (iii) of this Section F.
 - (ii) Whenever public advertising for bids is required under subsection (i) of this Section F:
 - (A) the advertisement for bids shall be made at such time prior to the disposal or contract, through such methods, and on such terms and conditions as shall permit full and free competition consistent with the value and nature of the property proposed for disposition;
 - (B) all bids shall be publicly disclosed at the time and place stated in the advertisement; and
 - (C) the award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Agency, price and other factors considered; provided, that all bids may be rejected at the Agency discretion.
 - (iii) Disposals and contracts for disposal of property may be negotiated or made by public auction without regard to subsections (i) and (ii) of this Section F but subject to obtaining such competition as is feasible under the circumstances, if:
 - (A) the personal property involved has qualities separate from the utilitarian purpose of such property, such as artistic quality, antiquity, historical significance, rarity, or other quality of similar effect, that would tend to increase its value, or if the personal property is to be sold in such quantity that, if it were disposed of under subsections (i) and (ii) of this Section F, would adversely affect the state or local market for such property, and the estimated fair market value of such property and other satisfactory terms of disposal can be obtained by negotiation;

- (B) the fair market value of the property does not exceed fifteen thousand dollars;
 - (C) bid prices after advertising therefore are not reasonable, either as to all or some part of the property, or have not been independently arrived at in open competition;
 - (D) the disposal will be to the state or any political subdivision or public benefit corporation, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation;
 - (E) under those circumstances permitted by subsection (v) below; or
 - (F) such action is otherwise authorized by law.
- (iv) (A) An explanatory statement shall be prepared of the circumstances of each disposal by negotiation of:
- (1) any personal property which has an estimated fair market value in excess of fifteen thousand dollars;
 - (2) any real property that has an estimated fair market value in excess of one hundred thousand dollars, except that any real property disposed of by lease or exchange shall only be subject to clauses (3) and (4) of this subparagraph;
 - (3) any real property disposed of by lease, if the estimated annual rent over the term of the lease is in excess of \$15,000; or
 - (4) any real property or real and related personal property disposed of by exchange, regardless of value, or any property any part of the consideration for which is real property.
- (B) Each such statement shall be transmitted to the persons entitled to receive copies of the report required under all applicable law not less than ninety (90) days in advance of such disposal, and a copy thereof shall be preserved in the files of the Agency making such disposal.
- (v) Disposal of Property for less than Fair Market Value ("FMV").
- (a) No assets owned, leased or otherwise in the control of the Agency may be sold, leased, or otherwise alienated for less than its FMV except if:
 - (1) Transferee is a government or public entity and terms of transfer require ownership and use to remain with the government or public entity; or

- (2) Purpose of transfer is within purpose, mission or statute of the Agency; or
 - (3) Written notification to Governor, Speaker, and Temporary President. Such notification is subject to denial. Denial by Governor is in the form of a certification. Denial by legislature is in the form of a resolution. Denial must be made within 60 days of receiving notification during January through June. Provided no denial then Agency may effectuate transfer. If legislature receives the notification in July through December, then legislature may take 60 days from January 1 of the following year. However, the Agency may obtain local approval from the chief executive and legislature of the political subdivision in lieu of the notification to the Governor, Speaker and Temporary President provided the Agency's enabling legislation provides for such approval and the property was obtained by the Agency from the political subdivision.
- (b) If below FMV transfer is proposed, the following information is required to be provided to the authority's board and the public:
- (1) Description of Asset;
 - (2) Appraisal of the FMV of the asset;
 - (3) Description of purpose of transfer, the kind and amount of the benefit to the public resulting from the transfer such as jobs and wages created or preserved;
 - (4) Value received compared to FMV;
 - (5) Names of private parties to the transaction and value received;
 - (6) Names of private parties that have made an offer, the value of offer, and purpose for which the asset would have been used.
- (c) Board must make a written determination that there is no reasonable alternative to the proposed below-market transfer that would achieve the same purpose of such transfer.

The Guidelines are subject to modification and amendment at the discretion of the Agency board and shall be filed annually with all local and state agencies as required under all applicable law.

The designated Contracting Officer for the Agency is Mark A. Masse.

This policy is hereby adopted and shall be effective immediately as approved and adopted
~~XXXXXXXX.~~

Pricing Policy Revision for origination fee on certain projects

Discussion: The GCEDC's current pricing policy allows an origination fee of 1.25% of the total capital investment/benefitted project amount. With STAMP seeing interest from projects that have significant capital investment/benefitted amounts the GCEDC staff is recommending a revision to the policy to allow for an ability to negotiate the origination fee on these large projects.

Fund Commitment: None.

Board Action Request: Recommend approval of revision to Pricing & Fee Policy as presented.



Genesee County Economic Development Center Pricing & Fee Policy

Effective Date: May , 2022

Financial Assistance - Tax Savings***

Offering / Activity	Fees	Comments
<p>Lease - Lease Back (SLB) or similar Including any / all of the following:</p> <ol style="list-style-type: none"> 1. PILOT 2. Sales Tax Exemption 3. Mortgage Tax Exemption <p>Minimum fee of \$2,000</p>	<p>\$250 Non-Refundable Application Fee</p> <p><u>GCEDC Fees:</u> Direct Sales Project: For projects up to \$450 million in capital investment the fee amount is 1.25% of total capital investment/ benefited project amount. For projects in excess of \$450 million in capital investment the fee can be within a range of .75% and 1.25% of total capital investment/ benefitted amount.</p> <p><u>Administration fee:</u> For projects with a capital investment of less than \$5 million, there will be a \$500 annual fee charged for each year of benefits provided. For projects with a capital investment of \$5 million or greater, there will be a \$1,000 annual fee charged.</p> <p><u>Legal Fees:</u> Legal transaction fees associated with a project will be estimated to each client on a case by case basis.</p>	<p>Eligible to businesses with Capital Investments of \$50,000 or greater which meet the criteria as set forth in the GCEDC's Uniform Tax Exemption Policy.</p>
<p>Sales Tax Exemption Only</p> <p>Minimum fee of \$1,000</p>	<p>\$250 Non-Refundable Application Fee</p> <p><u>GCEDC Fees:</u> Direct Sales Project: 1.25% of total capital investment/ benefited project amount</p> <p><u>Legal Fees:</u> Legal transaction fees associated with a project will be estimated to each client on a case by case basis.</p>	<p>Eligible to businesses with Capital Investments of \$50,000 or greater which meet the criteria as set forth in the GCEDC's Uniform Tax Exemption Policy.</p>
<p>Mortgage Tax Exemption Only</p> <p>Minimum fee of \$2,000</p>	<p>\$250 Non-Refundable Application Fee</p> <p><u>GCEDC Fees:</u> 0.4% of amount financed</p> <p><u>Legal Fees:</u></p>	<p>Eligible to businesses with Capital Investments of \$50,000 or greater which meet the criteria as set forth in the GCEDC's Uniform Tax Exemption Policy.</p>

	Legal transaction fees associated with a project will be estimated to each client on a case by case basis.	
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Financing***

Offering / Activity	Fees	Comments
Bond: Taxable or Tax Exempt 1. Financing transaction only 2. Financing included with SLB	\$250 Non-Refundable Application Fee <u>Financing Transaction Only:</u> Direct Sales Project: 1.25% of total bond amount Applicant must pay NYS Bond Issuance cost plus legal fees. <u>Legal Fees:</u> Legal transaction fees associated with a project will be estimated to each client on a case by case basis.	Range varies based on GCEDC involvement, term of bond (equip only vs. real property) and spread between taxable and tax exempt yield curves. The shorter the term and / or lower the spread between yield curves requires lower fees to remain competitive vs. commercial lending sources.

Transfer/Assignment of PILOT

Offering / Activity	Fees	Comments
PILOT 1. If a company sells their building, the GCEDC must approve the transfer/assignment of the PILOT to the purchaser.	No Application Fee GCEDC will calculate a fee based on the value of the remaining incentives as a percentage of the total original incentives awarded, multiplied by the sale price of the facility and a 1.25% origination fee. <u>Legal Fees:</u> Legal transaction fees associated with a project will be estimated to each client on a case by case basis.	

*** NOTE – If a company wants to have a lease-leaseback transaction with a tax-exempt financing component the total fee charged would be 1.75% of Capital investment.

Any deviation from the above listed fee schedule must be explained in writing to the Board by the CEO prior to (or simultaneously with) the approval of the Company's application and must be approved by the Board.

Financing/ Grants/ Consulting

Offering / Activity	Fees	Comments
Grants:	\$250 Non-Refundable Application Fee <u>Program Administration Fees:</u> Allowable program administration and delivery fees associated with the grant will be collected by the GCEDC. <u>Legal Fees:</u>	Generally established and parameters set by Grantor. Negotiations, based on EDC involvement, occur on occasion. Project fee negotiated between grantee and GCEDC will be

Revised May 2019

	Legal transaction fees associated with a project will be estimated to each client on a case by case basis.	agreed to in a memorandum of understanding.
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Mark Masse

STAMP Committee

June 2, 2022

STAMP Payment for easement

Discussion: In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, there are a number of easements needed. Based on a compensation model the following payment is needed for one easement:

1. Temporary Easement 25 - \$500

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

Board Action Request: Approval of payment of \$500 to the holder of the easement number identified above.

RECEIVED

MAY 09 2022



2440 Sheridan Drive, Suite 100
Tonawanda, NY 14150
Ph. 716.685.0500
Fax: 716.558.2825

Email: rowp@rightofwaypros.com
Website: www.rightofwaypros.com

May 5, 2022

Mark A. Masse, CPA
Senior Vice President of Operations
Genesee County Economic Development Center
99 MedTech Drive, Suite 106
Batavia, NY 14020

Re: Genesee County Economic Development Center
Science, Technology and Advanced Manufacturing Park (STAMP) in the Town of Alabama
Force Main Project
Genesee and Orleans Counties
TE-25

Dear Mark,

Enclosed you will find the executed paperwork from Myron and Lisa Cramer. The compensation negotiated for the TE is \$500.

Very Truly Yours,

RIGHT-OF-WAY PROFESSIONALS, LLC

A handwritten signature in black ink, appearing to read "Timothy J. Magyar".

Timothy J. Magyar, SR/WA, R/W-AC
President
Agent for Genesee County Economic Development Center

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