



**GCEDC Board Meeting
Thursday, August 4, 2022
Location: 99 MedTech Drive, Innovation Room
3:00 PM**

GCEDC MINUTES

Attendance

Board Members: C. Yunker, P. Battaglia, C. Kemp, P. Zeliff
Staff: L. Farrell, M. Masse, S. Hyde, L. Casey, J. Krencik, P. Kennett, C. Suozzi
Guests: G. Torrey (GGLDC Board Member), R. Gaenzle (Harris Beach/Conference Call),
D. Cunningham (GGLDC Board Member), J. Tretter (GGLDC Board Member), S.
Noble-Moag (GGLDC Board Member), T. Felton (GGLDC Board Member), S.
Northman (NEXgistics), C. Potter (NEXgistics) B. Quinn (The Daily News), M.
Fitzgerald (Phillips Lytle/Conference Call), R. Crossen (Town of Alabama
Supervisor)
Absent: M. Gray, M. Clattenburg, T. Bender

1.0 Call to Order

P. Zeliff called the meeting to order at 3:03 p.m. in the Innovation Zone.

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

S. Northman provided an overview of NEXgistics' \$17.6 million project. They plan to build a 140,000 square-foot facility on 30 acres of vacant land in the Town of Pembroke. The company currently leases buildings at two separate western New York locations, and desires to construct a centrally located distribution center and national headquarters at a site suitable for future growth. The company plans to retain the 21 full-time equivalent positions currently employed in NY and add 3 FTEs.

B. Quinn, S. Northman, and C. Potter left the meeting at 3:09 p.m.

M. Fitzgerald joined the meeting at 3:10 p.m.

1.1 Enter Executive Session

C. Yunker made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 3:10 p.m. for the following reasons:

1. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
2. Discussions regarding proposed, pending, or current litigation.

The motion was seconded by P. Battaglia and approved by all members present.

R. Gaenzle joined the meeting at 3:15 p.m. via conference call.

R. Crossen left the meeting at 3:16 p.m.

M. Fitzgerald left the meeting at 3:42 p.m.

1.2 Enter Public Session

P. Battaglia made a motion to enter back into public session at 3:42 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, September 1st at 4:00 p.m.

Audit & Finance Committee Meeting: Tuesday, August 30th at 8:30 a.m.

STAMP Committee Meeting: Wednesday, August 31st at 8:00 a.m.

C. Yunker briefly left the meeting at 3:42 p.m. With his departure there was no quorum temporarily. Therefore, the Board began to discuss agenda item 3.3 – "Workforce Development Update", which did not require a vote.

3.3 Workforce Development Update – Included with Board materials was a workforce development update PowerPoint that C. Suozzi developed. He stated that John Jakubowski's contract ends August 14, 2022 and he plans to retire when it terminates. C. Suozzi also provided an overview of Genesee F.A.S.T. The acronym stands for **F**ood Processing, **A**dvanced Manufacturing, **S**killed Trades and **T**echnicians. Genesee F.A.S.T aims to *unite* groups that have historically worked independently to advance and promote workforce development. The Genesee F.A.S.T. team, championed by C. Suozzi, has representation from GCC/Best Center, the GLOW Workforce Development Board, Genesee Valley BOCES, Rochester Technology & Manufacturing Association, and other partners. They meet monthly and their efforts are seen in the metrics shown on page 34 of the Workforce Development Update PowerPoint.

C. Yunker returned to the meeting at 3:45 p.m.

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

2.3 Minutes: July 7, 2022.

C. Yunker made a motion to accept the minutes from July 7, 2022; the motion was seconded by P. Battaglia. Roll call resulted as follows:

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

The item was approved as presented.

3.0 Report of Management

3.1 Ivy Village Corp. – Final Resolution – Ivy Village Corp is planning to construct a market-rate adult patio home development on 16 acres in the Village of Le Roy.

The proposed \$3.72 million project is for the construction of the initial 10 duplex residences (20 units total) of a planned three-phase development (60 units total). The first phase buildings will total 35,312 sq. ft.

Ivy Village Corp's proposed project meets the recommendations of recent studies by LaBella Associates and The Rockefeller Institute of Government, which identified housing availability as a critical element to fully realize the benefits of Genesee County's economic development strategy. LaBella Associates reported that 4,800 new units are needed in the next 20 years across multiple sectors, including rental units and single-family homes.

Ivy Village Corp is requesting assistance from the GCEDC in the form of a property tax abatement (\$603,169) using our Market Rate Housing PILOT (20 + Units) schedule which averages 61.5% savings over 20 years, a sales tax abatement (\$172,800), and a mortgage tax exemption (\$29,760).

A public hearing was held on July 26, 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. 08/2022 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON JULY 26, 2022, WITH RESPECT TO THE IVY VILLAGE CORP. (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, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

P. Battaglia made a motion to accept Final Resolution #08/2022-01, accepting the incentives as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

3.2 NEXgistics – Initial Resolution – NEXgistics is seeking to develop a 140,000 square-foot facility on Vision Parkway in the Town of Pembroke.

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

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

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

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

M. Masse stated that this resolution is different from other initial resolutions in that the Board is finding that that based on NEXgistics' application, the project will result in the removal of a facility or a commercial, industrial, or manufacturing plant of the Company from one area of the State. However, it is necessary to discourage them from moving their project outside New York state.

Resolution No. 08/2022 - 02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF NEXGISTICS LLC WITH RESPECT TO A CERTAIN 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 #08/2022-02, authorizing the acceptance of the application and scheduling of a public hearing; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

4.0 Audit & Finance Committee

P. Battaglia stated that the Audit and Finance Committee met on Tuesday, August 2, 2022. They began the meeting and entered executive session. However, the Committee adjourned the meeting at the conclusion of the executive session because a member of the Committee had left and there was no

longer a quorum. The agenda items were discussed and reviewed in detail, but no formal recommendations or votes were made by the Committee because there was no quorum.

4.1 May 2022 Revised Financial Statements - L. Farrell stated that there was a month end journal entry which needed to be fixed in May. The entry adjusted cash and an income item by about \$2,000. Since the entry adjusted cash, L. Farrell brought the change forward for review and approval.

The revised financial statements for May were reviewed by the Committee, but no formal recommendation was made because there was no quorum.

P. Battaglia made a motion to approve the May 2022 Revised Financial Statements as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

4.2 June 2022 Financial Statements – L. Farrell reviewed the June 2022 financial statements with the Board. The following was noted:

- There is normal monthly activity for June.
- Two GURFs, which are requests to ESD to expend grant funds that are held in imprest cash accounts, were submitted, and approved. Therefore, restricted cash decreased and there is grant income of about \$219,000 in June.

The June financial statements were reviewed by the Committee, but no formal recommendation was made because there was no quorum.

P. Battaglia made a motion to approve the June 2022 Financial Statements as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

4.3 2023 Budget Timeline – L. Farrell stated that the budget does not have to be submitted into PARIS until November 1, but the County requires the GCEDC to submit the 2023 budget by September 9, 2022. L. Farrell reviewed the budget worksheets and first draft of the budget in detail with the Committee. The Audit and Finance Committee will do a final review of the budget at its next meeting. P. Battaglia stated that any Board members that are not on the Audit & Finance Committee, but that would like to take a deeper look at the budget, are welcome to contact L. Farrell to set up a meeting to do so.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Local Labor Policy – Any project that builds a facility with a capital investment greater than \$5 million and any solar project more than 5 MW is required to comply with the Local Labor Policy. At the July 7th Governance and Nominating Meeting, the committee members agreed that requiring companies to pay for an outside consultant to perform the inspections, monitoring and waiver processing for the duration of the construction of the project is the appropriate and cost-effective way to manage this process. An upfront estimate will be provided to the customer as part of the application and the fee will be held in escrow to pay for these monitoring expenditures. Any funds that are not expended will be refunded to the customer.

A redlined version of the policy did not go through the Governance and Nominating Committee, but the Committee previously stated that the changes could come directly to the Board for review and approval.

C. Yunker made a motion to approve the changes to the Local labor Policy; the motion was seconded by P. Battaglia. Roll call resulted as follows:

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

The item was approved as presented.

6.0 STAMP Committee – P. Zelif

6.1 Easement Approvals – In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, there are several easements needed. The following payment is needed for three easements:

1. Permanent Easement 14 - \$500
2. Permanent Easement 11 - \$1,000
3. Permanent Easement 12 - \$1,500

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

This item was recommended for approval by the Committee.

P. Zelif made a motion to approve the easements as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

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

The item was approved as presented.

6.2 SEQR Update Approval – An updated resolution was included with the Board meeting materials that addresses the most recent comments received by the Nation related to the SEQR update. The GCEDC has taken a hard look at all potential impacts posed by the project infrastructure.

Fund commitment: None.

This item was recommended for approval by the Committee.

P. Zelif made a motion to approve the SEQR update that results in the issuance of a negative declaration pursuant to 6 6 N.Y.C.R.R. § 617.10(d)(3) for the Project Infrastructure as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

6.3 Keeler Change Order – In conjunction with the construction of the lay down area to be utilized by National Grid for the power line reroute, Keeler Construction is seeking a change order to cover the increase in costs of the project that have occurred. This project was originally scheduled to be completed in February but had to be postponed due to issues with the NYSDEC. The Keeler contract was for the construction and installation of the hold and haul tank as well as the lay down area. These two bids were issued as one contract. At this point in time CPL feels that the hold and haul contract will come in under the construction amount but the laydown area will be over. The change order will only be on the net overage of the total contract after combining the two.

Fund Commitment: \$15,000 from the agency operating funds.

This item was recommended for approval by the Committee.

P. Zelif made a motion to approve the Keeler Construction change order in the amount of \$15,000.00 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

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

The item was approved as presented.

6.4 Saratoga Associates Invoices – The GCEDC Board previously approved proposals from Saratoga Associates to prepare visual assessments for various projects at STAMP. We received invoicing that exceeds what was approved for these proposals. Work for a proposal that did not come before the Board was completed by Saratoga Associates. They completed visual renderings for the request to the Town of Alabama to increase the height requirement from 110 to 150. Therefore, M. Masse is seeking an increase of \$1,839.75 in the approval amounts for the Saratoga Associates contracts.

Fund Commitment: An increase of \$1,839.75 for the Saratoga Associates Contracts.

The Committee did not make a recommendation because the agenda item was tabled.

C. Yunker made a motion to approve an increase of \$1,839.75 for the Saratoga Associates contracts; the motion was seconded by P. Battaglia. Roll call resulted as follows:

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

The item was approved as presented.

6.5 UB Proposal for Site Work Observation – The GCEDC has requested a quote from UB for site work observation services related to earth work for the power line reroute and the substation construction. This quote is on a per day basis with an estimated time frame of 10 weeks to complete the earth work for the power line reroute and the substation area.

Fund Commitment: Not to exceed \$31,870 to be included in the \$33 million.

This item was recommended for approval by the Committee.

C. Kemp made a motion to approve the UB contract not to exceed \$31,870.00 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Absent	M. Gray -	Absent
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 4:06 p.m., which was seconded by C. Yunker and passed unanimously.



Project Name: Ivy Village Corp (Leroy)

Board Meeting Date: July 7, 2022

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

PROJECT DESCRIPTION:

Ivy Village Corp is planning to construct a market-rate adult patio home development on 16 acres in the Village of Le Roy.

The proposed \$3.72 million project is for the construction of the initial 10 duplex residences (20 units total) of a planned three-phase development (60 units total). The first phase buildings will total 35,312 sq. ft.

Ivy Village Corp’s proposed project meets the recommendations of recent studies by LaBella Associates and The Rockefeller Institute of Government, which identified housing availability as a critical element to fully realize the benefits of Genesee County’s economic development strategy. LaBella Associates reported that 4,800 new units are needed in the next 20 years across multiple sectors, including rental units and single-family homes.

Ivy Village Corp is requesting assistance from the GCEDC in the form of a property tax abatement (\$603,169) using our Market Rate Housing PILOT (20 + Units) schedule which averages 61.5% savings over 20 years, a sales tax abatement (\$172,800), and a mortgage tax exemption (\$29,760).

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

Project details: The project is planning on creating 2 direct jobs between \$20-\$30 per hour.

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. Zeliff -	Yes
M. Clattenburg -	Absent	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 \$3,720,000 and building 20 market-rate residential units totaling 35,312 sq. ft.

Board Discussion: None.

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Absent	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: The project will contribute towards a “livable community” as increasing the capacity of market-rate housing is outlined in Labella’s housing study of Genesee County 2018 report.

Board Discussion: None.

C. Yunker made a motion to concur with Criteria #3; the motion was seconded by P. Battaglia. Roll call resulted as follows:

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

The item was approved as presented.

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 \$3,548,409 (\$3,246,278 indirect payroll and \$338,131 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

Project details: For every \$1 of public benefit the company is investing \$6 into the local economy

Board Discussion: None.

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

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Absent	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 Fall of 2022 and be operational within 18 months

Board Discussion: None.

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

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

The item was approved as presented.

Board Concurrence: YES NO If no, state justification: