



**Genesee  
County  
Economic  
Development  
Center**

**GCEDC Board Meeting  
Thursday, October 7, 2021  
Location: Innovation Zone  
4:00 PM**

**GCEDC MINUTES**

**Attendance**

Board Members: C. Yunker, M. Clattenburg, P. Zeliff, M. Gray, P. Battaglia  
Staff: L. Farrell, M. Masse, J. Krencik, S. Hyde, C. Suozzi, P. Kennett, L. Casey  
Guests: S. Noble-Moag (GGLDC Board Member), G. Torrey (GGLDC Board Member), D. Cunningham (GGLDC Board Member), T. Felton (GGLDC Board Member), J. Tretter (GGLDC Board Member), M. Landers (County Manager), R. Gaenzle (Harris Beach)  
Via Video Conference - A. Walters (Phillips Lytle)  
Absent: A. Vanderhoof, T. Bender

**1.0 Call to Order**

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

**1.1 Enter Executive Session**

C. Yunker made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:01 p.m. for the following reasons:

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

The motion was seconded by M. Clattenburg and approved by all members present.

A. Walters with Phillips Lytle video conferenced into the meeting and spoke with the Board during executive session. A. Walters left the meeting at 4:46 p.m.

**1.2 Enter Public Session**

C. Yunker made a motion to enter back into public session at 4:58 p.m., seconded by P. Battaglia and approved by all members present.

**2.0 Chairman's Report & Activities**

**2.1 Upcoming Meetings:**

**Next Scheduled Board Meeting: Thursday, October 28<sup>th</sup> at 4:00 p.m.**  
Audit & Finance Committee Meeting: Tuesday, October 26<sup>th</sup> at 8:30 a.m.  
STAMP Committee Meeting: Tuesday, October 26<sup>th</sup> at 10:30 a.m.

## **2.2 Agenda Additions / Deletions / Other Business -**

**P. Zelif made a motion to add agenda item 6.4, Settlement with the Nation; the motion was seconded by C. Yunker. Roll call resulted as follows:**

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

**The item was added to the agenda.**

**P. Battaglia made a motion to remove agenda item 6.3, STAMP Substation Letter of Intent; the motion was seconded by C. Yunker. Roll call resulted as follows:**

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

**The item was removed from the agenda.**

## **2.3 Minutes: September 9, 2021**

**C. Yunker made a motion to approve the September 9, 2021 minutes as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

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

**The item was approved as presented.**

## **3.0 Report of Management**

**3.1 J & R Fancher Property Holdings - Final Resolution** - J&R Fancher Property Holdings, LLC is proposing to construct a two-story mixed-used building on 2.6 buildable acres at Buffalo East Technology Park in Pembroke, NY.

The \$1.7 million project includes the following:

1. Create 6 market rate 1-bedroom and 2-bedroom apartments on the second floor plus a detached 6 bay garage.

2. Create a "vanilla" box interior space on the first floor (7,000 sq. ft.) to attract commercial tenants that will comprise less than 1/3 of total project cost\*.

Total planned square footage of new construction is 14,000 sq. ft.

Two recent studies by LaBella Associates – the Genesee County Housing Needs Assessment - and The Rockefeller Institute of Government (SUNY's Think Tank) – Generating Growth in Genesee County – identify housing availability as Genesee County's biggest challenge to fully realize the value of the economic development strategy that is in-place and being implemented. LaBella reported that 4,800 units are needed in next 20 years across multiple sectors, including rental units and single-family homes.

The GCEDC is assisting the project with Sales tax exemption (\$72,000), Mortgage Tax Exemption (\$14,000) and Property Tax abatement (\$168,336).

The PILOT follows the Traditional PILOT schedule over 10 years with a 60% average abatement.

\*Note: The project is allowable Under § 862-a of GML. An IDA is limited in its ability to provide financial assistance to projects where facilities "that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost". The housing portion of this project will be greater than two-thirds of the total project cost.

A public hearing was held on October 5, 2021. No written or oral comments were received.

The economic impact calculation *compares* payroll and payroll taxes for temporary labor as well as sales tax generated from retail services and property taxes that are being paid *against* the proposed incentives. For this project it was determined that for every \$1 of public benefit offered, the company is investing and helping generate an economic contribution/economic impact of \$4 into the local/regional/state economy.

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. 10/2021 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON OCTOBER 5, 2021, WITH RESPECT TO THE J & R FANCHER PROPERTY HOLDINGS, 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 THE STATE OF NEW YORK; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

**P. Battaglia made a motion to accept final resolution #10/2021-01, 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 -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Absent		

**The item was approved as presented.**

**3.2 Gateway GS, LLC – Scrivner’s Error** – On August 5, 2021, the Board approved the final resolution for the Gateway GS, LLC Project, which omitted language about the mortgage tax exemption even though it was clearly discussed as part of Board approvals. The corrected resolution, included with Board materials, was brought forward to show that the appropriate language is now reflected in the resolution. Per R. Gaenzle, a vote is not required.

**3.3 GLOW With Your Hands –Recap- September 28, 2021** - J. Krencik provided an overview of the successful career exploration event that was held on September 28, 2021, at the Genesee County Fairgrounds in Batavia. The event hosted about 700 students and introduced them to local manufacturers, agricultural businesses, skilled trades organizations, and the food and beverage industry to learn about career paths and do hands-on demonstrations.

#### **4.0 Audit & Finance Committee**

**4.1 August 2021 Financial Statements** - L. Farrell reviewed the August 2021 financial statements with the Board. The following was noted:

- Restricted cash decreased. There were large expenditures for STAMP in August as we continue to pay on STAMP contracts. GURFs were submitted for these expenditures.
- The LandPro Project closed in August; we collected \$115,000 in origination fees.
- Other than the above-mentioned items, there is normal monthly activity on the income statements for all funds.

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

**M. Gray made a motion to approve the August 2021 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 -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Absent		

**The item was approved as presented.**

**4.2 Land Lease Rates** – M. Masse presented the proposed schedule for the land lease rates that were included with the meeting materials. M. Masse stated that C. Yunker confirmed that market conditions justify an increase in rates. Acreage that was charged \$60/acre for 2021 will increase to \$70/acre for 2022. Acreage that was charged \$65/acre for 2021 will increase to \$75/acre for 2022. Lamb Farms and

Call Farms leased acreage that is approximately \$3/acre was set in the purchase option agreements when the land was acquired. These rates are essentially the carrying costs of the properties. If Lamb Farms or Call Farms did not want to farm the land that is set at approximately \$3/acre, the lease rate would increase to market rate for the new lessee.

This was recommended for approval by the Committee.

**M. Gray made a motion to approve the Land Lease Rates as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

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

**The item was approved as presented.**

**5.0 Governance & Nominating Committee – C. Yunker**

**5.1 Pricing Policy – PILOT Assignment** – The GCEDC’s current pricing policy allows an origination fee to be charged on any request to transfer a PILOT from one entity to another. The policy was included with meeting materials and the pertinent section is highlighted. The transfer will usually occur when a company would sell their building to another company. Under the terms of the PILOT agreement any transfer of a PILOT must be approved by the GCEDC Board. The pricing policy is very open ended as far as how to charge a fee. The Governance Committee met to discuss this and decided on charging a fee based on the prorated amount of benefits remaining on the original incentives. The Committee feels like this will give the staff the necessary direction when discussing this with companies. Based on this discussion the Committee decided that a sample project could be calculated and taken directly to the full Board for discussion and consideration. There was a sample project included with meeting materials to see how it will be calculated. The sample assumes that the PILOT was based on a 100,000 square foot building that is assessed at \$3.5 million. It received a standard 10-year PILOT and they are selling the facility after five years on the PILOT have expired, for \$8 million. The calculation was reviewed and included with meeting materials.

**C. Yunker made a motion to approve the Pricing Policy – PILOT Assignment as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

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

**The item was approved as presented.**

**6.0 STAMP Committee – P. Zelif**

**6.1 Survey Bids for Work at STAMP-** The GCEDC asked four companies for bids to survey the following at STAMP.

Base Bid:

1. Boundary survey with legal description, metes and bounds for new substation at north end of site. That boundary survey will then be split into two parcels with National Grid and NYPA being the two parties who will take ownership of the parcels upon subdivision. The survey work will need to be completed according to NYPA and National Grid specifications. See attachment A.
2. Boundary survey with legal description, metes and bounds for new 100 foot easement for National Grid for new 115 kV transmission line. The survey work will need to be completed according to National Grid specifications. See attachment B-1 and B-2.
3. Boundary survey with legal description, metes and bounds to be used to subdivide out the "Utility area" on the STAMP site. See attachment C.

Bid Alternate A:

4. Boundary survey with legal description, metes and bounds for an approximate 178 acres adjacent to the Tonawanda Seneca Nation Territory to be used for the filing of a conservation easement on four separate land parcels. All work needs to be coordinated with a representative from the Tonawanda Seneca Nation. See attachment C.

The results of the bids are as follows:

1. Base bid of \$10,450 and bid alternate of \$4,810 (total of \$15,260) – Frandina Engineering and Land Surveying
2. Welch & O'Donoghue no bid submitted
3. Townsend & Lamendola no bid submitted
4. Ravi Engineering and Land Surveying declined to bid

Fund Commitment: Not to exceed \$15,260 to Frandina Engineering and Land Surveying for STAMP survey work to be covered under the \$8 million ESD grant.

This was recommended for approval by the Committee.

**P. Zeliff made a motion to approve the survey contract for STAMP to Frandina Engineering and Land Surveying as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

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

**The item was approved as presented.**

**6.2 Proposal to Update the Land Management Plan** - In July of 2017, as part of the Incentive Zoning Agreement and to satisfy mitigation action proposed during SEQR review and identified in Findings Statements, the GCEDC agreed to put together a Long-Term Management Plan (LTP) to guide management of natural resources and land use on the STAMP site before, during and after development. This document was required to be updated every five years. As the first

project is locating at STAMP there are several things that should be revisited and revised in the LTP before the next tenant commits. The Town of Alabama Planning Board is utilizing this document as part of their review process.

Fund Commitment: \$22,600 to be covered under the \$8 million ESD grant.

This was recommended for approval by the Committee.

**P. Zelifff made a motion to approve the CC Environment and Planning proposal to update and revise the Land Management Plan not to exceed \$22,600; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelifff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Absent		

**The item was approved as presented.**

**6.3 STAMP Substation Letter of Intent-** This item was removed from the agenda.

**6.4 Settlement with Nation** – A copy of the settlement agreement with the Nation was provided to Board members in executive session. The Nation will complete a final review on Tuesday, October 12<sup>th</sup>.

This was not recommended for approval by the STAMP Committee. The discussion went directly to the Board.

**C. Yunker made a motion to approve the settlement with the Nation subject to the Nation's approval and to approve any minor adjustments to the settlement that might result from the Nation's final review that do not change the terms and conditions of the settlement; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Absent	P. Zelifff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Absent		

**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**

## **10.0 Adjournment**

As there was no further business, P. Battaglia made a motion to adjourn at 5:17 p.m., which was seconded by C. Yunker and passed unanimously.





**Project Name: J&R Fancher Property Holdings, LLC**

**Board Meeting Date: September 9, 2021**

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

### **PROJECT DESCRIPTION:**

J&R Fancher Property Holdings, LLC is proposing the to construct a two-story mixed-used building on 2.6 buildable acres at Buffalo East Technology Park in Pembroke, NY.

The \$1.7 million project includes the following:

1. Create 6 market rate 1-bedroom and 2-bedroom apartments on the second floor plus a detached 6 bay garage.
2. Create a "vanilla" box interior space on the first floor (7,000 sq. ft.) to attract commercial tenants that will comprise less than 1/3 of total project cost\*.

Total planned square footage of new construction is 14,000 sq. ft.

Two recent studies by LaBella Associates – the Genesee County Housing Needs Assessment - and The Rockefeller Institute of Government (SUNY’s Think Tank) – Generating Growth in Genesee County – identify housing availability as Genesee County’s biggest challenge in order to fully realize the value of the economic development strategy that is in-place and being implemented. LaBella reported that 4,800 units are needed in next 20 years across multiple sectors, including rental units and single-family homes.

The GCEDC is assisting the project with Sales tax exemption (\$72,000), Mortgage Tax Exemption (\$14,000) and Property Tax abatement (\$168,336).

\*Note: The project is allowable Under § 862-a of GML, an IDA is limited in its ability to provide financial assistance to projects where facilities “that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost”.

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

**Project details: N/A**

**Board Discussion: None.**

**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 make a \$1.7 million investment and enhance the long-term tax base when completed.

**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 -	Absent	C. Yunker -	Yes
T. Bender -	Absent	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
A. Vanderhoof -	Absent		

**The item was approved as presented.**

**Board Concurrence:**  YES  NO **If no, state justification:**

**Criteria #3-** The Project will contribute towards creating a “liveable community” by providing a valuable product or service that is underserved in Genesee County.

**Project details:** The Project is part of a county wide housing deficit (see Genesee County 2018 Housing Study by LaBella Associates) and is providing market rate housing and other services to Pembroke and Genesee County.

**Board Discussion: None.**

**M. Clattenburg made a motion to concur with Criteria #3; the motion was seconded by C. Yunker.**

**Roll call resulted as follows:**

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

**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.

**Project details:** For every \$1 of public benefit offered, the company is investing and helping generate an economic contribution/economic impact of \$4 into the local/regional/state economy. See economic impact report for further details.

**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 - Absent  
T. Bender - Absent  
M. Clattenburg - Yes  
A. Vanderhoof - Absent

C. Yunker - Yes  
P. Zelif - Yes  
M. Gray - 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:** While the project is not defined within the Agency's strategic industries, this project is a strategic project within GCEDC's placemaking initiative and important to Genesee County's broader objectives. Recent studies by LaBella Associates and an economic strategy study by The Rockefeller Institute of Government (SUNY's Thinktank) suggest this is Genesee County's biggest challenge in order to fully realize the value of the economic development strategy that is in-place and being implemented. Some 4,800 units needed in next 20 years across multiple sectors including rental units and single-family homes.

**Board Discussion:** None.

**M. Gray made a motion to concur with Criteria #5; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia - Absent  
T. Bender - Absent  
M. Clattenburg - Yes  
A. Vanderhoof - Absent

C. Yunker - Yes  
P. Zelif - Yes  
M. Gray - Yes

**The item was approved as presented.**

**Board Concurrence:**  YES  NO **If no, state justification:**

**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 Winter of 2021 and be operational in 2021.

**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 - Absent  
T. Bender - Absent

C. Yunker - Yes  
P. Zelif - Yes

M. Clattenburg - Yes  
A. Vanderhoof - Absent

M. Gray - Yes

**The item was approved as presented.**

Board Concurrence:  YES  NO If no, state justification: