



**GCEDC Board Meeting  
Thursday, June 29, 2023  
Location: 99 MedTech Drive, Innovation Room  
4:00 PM**

**GCEDC MINUTES**

**Attendance**

Board Members: M. Gray, C. Kemp, C. Yunker, P. Battaglia, P. Zeliff, M. Clattenburg, T. Bender  
Staff: M. Masse, S. Hyde, L. Farrell, P. Kennett, C. Suozzi, L. Casey, J. Krencik  
Guests: S. Noble-Moag (GGLDC Board Member), R. Gaenzle (Harris Beach), J. Tretter (GGLDC Board Member), D. Cunningham (GGLDC Board Member), M. Brooks (GGLDC Board Member), R. Tabelski (City Manager), M. Fitzgerald (Phillips Lytle / Video Conference)

Absent:

**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.

M. Fitzgerald left the meeting at 4:17 p.m.

R. Tabelski left the meeting at 4:45 p.m.

**1.2 Enter Public Session**

P. Battaglia made a motion to enter back into public session at 4:46 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, August 3<sup>rd</sup> at 3:00 p.m.** *(Change in time due to GLOW Corporate Cup)*

Audit & Finance Committee Meeting: Tuesday, August 1<sup>st</sup> at 8:30 a.m.

STAMP Committee Meeting: Wednesday, August 2<sup>nd</sup> at 8:00 a.m.

L. Farrell mentioned that her team will be attempting to set up a Housing Committee Meeting and STAMP Sewer Works, Inc. Meeting during the week of the next round of meetings.

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

**C. Yunker made a motion to add agenda item 6.5 – Authorizing Resolution – Financial Assurance Relating to STAMP Part 182; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

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

**The item was approved as presented.**

**C. Yunker made a motion to add agenda item 3.3 – Ellicott Station; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

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

**The item was approved as presented.**

## **2.3 Minutes: June 1, 2023 –**

**M. Gray made a motion to accept the June 1, 2023 minutes as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

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

**The item was approved as presented.**

**T. Bender and T. Felton Acknowledgement** - S. Hyde thanked T. Bender and T. Felton for their years of dedicated service as leaders of economic development in Genesee County. Their perspective, knowledge and guidance will be missed because of their retirement from the GCEDC and GGLDC Board of Directors. The EDC and LDC Board of Directors applauded T. Bender and T. Felton for their service.

## **3.0 Report of Management**

**3.1 Churchville Fire Equipment - Assignment Authorization** - In accordance with the terms and conditions of the PILOT agreement, the company (Churchville Fire Equipment Corp) cannot

transfer the PILOT to Firematic Supply Co., Inc. without the approval of the Board of Directors of the GCEDC.

The Governance Committee previously had discussions related to Consent to Assignment. It had been determined that if a company acquires a facility there *would* be a fee charged for that acquisition. Therefore, this transfer triggers a fee. The fee for the transfer of the PILOT from Churchville Fire Equipment Co. to Firematic Supply Co. is \$2,421.22.

Resolution No. 06/2023 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AUTHORIZING (i) THE ASSIGNMENT OF CERTAIN DOCUMENTS IN CONNECTION WITH A CERTAIN PROJECT PREVIOUSLY UNDERTAKEN FOR THE BENEFIT OF CHURCHVILLE FIRE EQUIPMENT CORP. (THE “COMPANY”) TO FIREMATIC SUPPLY CO., INC. AND/OR AN ENTITY FORMED OR TO BE FORMED ON ITS BEHALF (THE “ASSIGNEE”); AND (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS AND AGREEMENTS RELATING THERETO

**P. Battaglia made a motion to accept Assignment Authorizing Resolution #06/2023-01, authorizing the transfer of the PILOT as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

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

**The item was approved as presented.**

**3.2 Legislative Session Overview** - J. Krencik briefed the Board on the most recent Legislative session. He stated that there was negative discussion regarding IDAs. Infographics that highlight the economic impact of IDAs and the positive impacts of economic development projects were included with the meeting materials.

**3.3 Ellicott Station** - There has been negative media attention surrounding the Ellicott Station project starting in the earlier part of the year. This project has come before the GCEDC Board of Directors three times over the course of seven years. Over this time, the project has morphed from a market rate housing project to a mixed-income housing project, which includes a combination of affordable and market-rate units, and lastly, to a workforce housing project. The GCEDC Board of Directors most recently authorized incentives for the workforce housing project under the auspice that the project would create affordable housing for those at 50-60% of area median income, essentially those working at our main street businesses and entry-level manufacturing positions. The project would create housing opportunities for low to modest income workers and improve their lives.

There was a housing lottery held on May 2, 2023 at the developer’s headquarters in Buffalo for these 55 new construction units. Following the lottery, S. Hyde requested “blind” demographic information to ascertain 1) where the lottery winners are from and 2) what percentage of the lottery winners are gainfully employed. Despite numerous efforts, there has only been partial information received back from the

developer. R. Gaenzle stated that his recommendation to the Board is to send a demand letter outlining the information that had been requested previously, reserving all rights and remedies, and giving the developer a specified amount of time to reply. If the developer does not respond within the given timeframe, the GCEDC will declare default on the incentives agreement.

**P. Battaglia made a motion that authorizes Harris Beach to 1) send a demand letter to the developer that outlines the information that had been previously requested, reserving all rights and remedies, and requires the developer to respond within a specified amount of time and 2) the GCEDC will declare default on the incentives agreement if the developer does not respond with the given timeframe; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

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

**The item was approved as presented.**

S. Hyde stated that Rachel Tabelski, City Manager, attended the meeting during executive session. City Council fully supports the GCEDC's decision to move forward in this manner as it relates to the Ellicott Station project.

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

**4.1 May 2023 Financial Statements** – L. Farrell reviewed the May 2023 financial statements with the Board. The following was noted:

- Restricted cash decreased by about \$400,000. GURFs were submitted to ESD and expenditures were paid in May. Unearned revenue decreased by about the same amount as revenue is recognized as qualifying expenditures are made.
- On the P&L, there is normal monthly activity for May.
- In the operating fund, operating expenses are within budget. The expenditures that were front loaded are leveling out (i.e. Unemployment Insurance, HSA contributions, Dues & Subscriptions).
- The project origination fee of \$18,750 was received from Valiant.

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

**M. Gray made a motion to approve the May 2023 Financial Statements as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

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

**The item was approved as presented.**

**4.2 Key Bank Line of Credit Renewal** – The GCEDC has a \$1M line of credit with Key Bank. In previous years we discussed changing this from a committed line to a demand line. This would eliminate the non-usage fee and ultimately afford GCEDC the comfort of having a line in place if needed, however there is no guarantee that the money is available during the negotiated term. Moving forward there will be only internal bank credit reviews/renewals, but no need to sign or update documentation annually unless the terms were to change. Any future modifications to the line are always less expensive and normally faster if there is an existing line. The one caveat to a demand line is the bank can call the line as opposed to the current committed line which has an agreed upon term and maturity date.

This was recommended for approval by the Committee.

**M. Gray made a motion to approve the Key Bank demand line of credit renewal at the same terms; the motion was seconded by C. Yunker. Roll call resulted as follows:**

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

**The item was approved as presented.**

**4.3 Cyber Insurance** - There was a presentation given by Lawley on Cyber Insurance at the Audit & Finance meeting held on Tuesday, June 27<sup>th</sup>. The Cyber Liability coverage option presented is through Travelers. Travelers offered a quote of \$6,365 for the 23-24 term, which is a significant decrease in premium total over last year. For the 22-23 term, the premium totaled \$10,289.17. Travelers maintained the \$1M limit, Cyber Crime sublimit, and \$10K retention that is included with our current policy, which expires 6/30.

The cost of this policy is \$6,365 and will be split evenly between the GCEDC (\$3,182.50) and the GGLDC (\$3,182.50).

This was recommended for approval by the Committee.

**M. Gray made a motion to approve the Cyber Insurance with Travelers not to exceed \$3,182.50 as presented; the motion was seconded by T. Bender. Roll call resulted as follows:**

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

**The item was approved as presented.**

**4.4 Audit & Finance Committee Charter** – At the Audit & Finance Committee meeting held on May 30, 2023, the Committee reviewed the Charter in executive session during a Committee self-evaluation discussion. On page 34 of the meeting materials, under *Composition of Committee and Selection of Members*, a change was recommended by the Committee, if allowable. In the sentence “The audit and finance committee shall have access to the services of at least one financial expert; whose name shall be

disclosed in the annual report of the GCEDC”, the Committee recommends striking/removing “whose name shall be disclosed in the annual report of the GCEDC.”

L. Farrell advised that this change is allowable and is being brought forward to the Board for approval. She has confirmed this with Harris Beach.

This was recommended for approval by the Committee.

**M. Gray made a motion to approve the Audit & Finance Committee Charter with the above-mentioned change; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

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

**The item was approved as presented.**

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

**5.1 Nothing at this time.**

#### **6.0 STAMP Committee – P. Zeff**

**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. We are seeking approval of the following easement:

1. Permanent Easement 7 - \$1,000

**Fund Commitment:** \$1,000 from the \$33 million.

**Board Action Request:** Approval of payment of \$1,000 to the holder of the easement number identified above.

This was recommended for approval by the Committee.

**C. Yunker made a motion to approve the ROW easement payment not to exceed \$1,000 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

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

**The item was approved as presented.**

**6.2 Sale of Topsoil** - The GCEDC has approximately 8,000 cubic yards of unscreened topsoil stockpiled on the site of the future WWTF. To construct the WWTF in the future, this topsoil will need to be moved or sold. Morsch Pipeline would like to purchase 8,000 cubic yards of the topsoil at \$3.00 per cubic yard. This appears to be within the market rate.

**Fund Commitment:** None.

**Board Action Request:** Approval of sale of topsoil to Morsch Pipeline at \$3.00 per cubic yard.

This was recommended for approval by the Committee.

**P. Zelif made a motion to approve the sale of topsoil to Morsch Pipeline at \$3.00 per cubic yard as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

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

**The item was approved as presented.**

**6.3 Phillips Lytle – 2023 Additional Contract** - Phillips Lytle has prepared a proposal to cover the scope of work for the last six months of 2023 as it relates to Tech Team support for the off-site sewer permitting and wetland permitting, the wastewater treatment facility permitting, and force main installation.

**Fund Commitment:** Not to exceed \$350,000 to be included in the \$8 million.

**Board Action Request:** Recommend approval to the full Board of Phillips Lytle contract not to exceed \$350,000.

This was recommended for approval by the Committee.

**P. Zelif made a motion to approve the Phillips Lytle Contract to cover the last six months of 2023 not to exceed \$350,000 as presented; the motion was seconded by M. Gray. Roll call resulted as follows:**

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

**The item was approved as presented.**

**6.4 Keeler Change Order** - In conjunction with the construction of the lay down area to be utilized by National Grid for the power line reroute and the installation of the hold and haul tank, 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 of 2022 but had to be postponed due to issues with

the NYSDEC. These two bids were issued as one contract. The board previously approved a change order increase of \$13,930 which would have been a \$25,000 reduction. Keeler stated that the payment amount should be \$25,000 resulting in an increase of \$20,000 to the change order. The change order will only be on the net overage of the total contract after combining the two.

**Fund Commitment:** An additional \$6,070 from the agency operating funds.

**Board Action Request:** Approval of increase in change order of \$6,070 to Keeler Construction Inc.

This was recommended for approval by the Committee.

**P. Zelif made a motion to approve the Keeler change order not to exceed \$6,070 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

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

**The item was approved as presented.**

**6.5 Authorizing Resolution – Financial Assurance Relating to STAMP Part 182 –** The NYSDEC has requested that the Agency provide additional financial assurance with respect to the funds necessary to accomplish mitigation activities that are required as part of the issuance of an Incidental Take Permit (Part 182). The resolution authorizes the Agency to establish a restricted bank account and to deposit \$564,000, which will be used for mitigation costs. The resolution gives the flexibility to take back the money unrestricted if the funds are not used or the permit is not issued. The resolution also authorizes the Agency to secure alternative measures of financial assurance including 1) a surety bond 2) a letter of credit and 3) a designation of the County as the guarantor of the mitigation if anything ever happened to the GCEDC.

The Authorizing Resolution was presented and distributed to the Board for review at the meeting.

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER TO AUTHORIZE  
FINANCIAL ASSURANCE RELATING TO PERMITTING FOR THE WESTERN NEW YORK  
SCIENCE & TECHNOLOGY ADVANCED MANUFACTURING PARK

**P. Zelif made a motion to accept Authorizing Resolution – Financial Assurance Relating to STAMP Part 182 as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

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



**The item was approved as presented.**

M. Masse stated that at the May 4<sup>th</sup> Board meeting, Temporary Easement 16 was approved in conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek. There needs to be a correction to the minutes from this meeting because the easement approval should have been for Temporary Easement 26. This was a scrivener's error.

**P. Battaglia made a motion to approve the correction of the May 4, 2023 meeting minutes to reflect the approval of Temporary Easement 26 as opposed to Temporary Easement 16; the motion was seconded by M. Gray. Roll call resulted as follows:**

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

**The item was approved as presented.**

#### **7.0 Employment & Compensation – T. Bender**

**7.1 Nothing at this time.**

#### **8.0 Housing Committee – P. Battaglia**

**8.1 Nothing at this time.**

#### **9.0 Other Business**

**9.1 Nothing at this time.**

#### **10.0 Adjournment**

As there was no further business, P. Battaglia made a motion to adjourn at 5:15 p.m., which was seconded by M. Clattenburg and passed unanimously.