



GCEDC Board Meeting
Thursday, March 28, 2024
Location: 99 MedTech Drive, Innovation Room
4:00 PM

GCEDC MINUTES

Attendance

Board Members: K. Manne, M. Clattenburg, P. Zelif, M. Gray, C. Yunker
Staff: M. Masse, S. Hyde, L. Farrell, J. Krencik, C. Suozzi, P. Kennett, E. Finch
Guests: M. Brooks (GGLDC Board Member), D. Cunningham (GGLDC Board Member),
S. Noble-Moag (GGLDC Board Member), J. Tretter (GGLDC Board Member), M.
Fitzgerald (Phillips Lytle), R. Gaenzle (Harris Beach), S. Maier (Harris Beach), L.
Toretta (CH4 Biogas/Video Conference)
Absent: C. Kemp, P. Battaglia

1.0 Call to Order

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

1.1 Enter Executive Session

M. Clattenburg made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:00 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 C. Yunker and approved by all members present.

L. Toretta left the meeting during executive session.

1.2 Enter Public Session

M. Clattenburg made a motion to enter back into public session at 4:20 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, May 2nd at 4:00 p.m.

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

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

Governance and Nominating Committee Meeting: Thursday, May 2nd at 3:00 p.m.

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

2.3 Minutes: March 7, 2024 –

C. Yunker made a motion to accept the March 7, 2024 minutes as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

3.0 Report of Management

3.1 Leatherleaf Solar – Final Resolution – Leatherleaf Solar, LLC is proposing to construct a community solar farm project on 7501 Ivison Rd in the Town of Byron, NY. The project will utilize ground-mounted solar panels to convert the sun’s energy into 5 MW of AC power.

The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project’s PILOT will contribute \$4,000/MWAC + a 2% annual escalator in payments to Genesee County and Byron-Bergen Central School District. The PILOT is estimated to generate \$345,868 in PILOT payments over the 15-year term.

The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County, and a separate host benefit agreement with the Town of Byron.

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

A public hearing was held on March 26, 2024. See attachment for oral comments. P. Zelif stated that, from the minutes, he gleaned that there weren’t necessarily objections to the project, rather just statements by those in attendance at the public hearing.

3.1a UTEP - See the Statement of Compliance of Project Criteria listed in the Uniform Tax Exemption Policy (UTEP) attached to the minutes for additional Project details and Board approvals. The Board concurred with the UTEP.

3.1b Final Resolution -

Resolution No. 03/2024 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MARCH 26, 2024, WITH RESPECT TO THE LEATHERLEAF SOLAR, LLC (THE "PROJECT"); (ii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iii) 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 PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF THE STATE OF NEW YORK; (iv) 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.

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

P. Battaglia -	Absent	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

3.2 LNK Holdings – Final Resolution – LNK Holdings, Inc. is acquiring 7100 Apple Tree Ave 5000 sq. ft. facility at Apple Tree Acres in Bergen. The company is planning to expand the facility by constructing another 4000 sq. ft. Thus, the facility will total 9,000 sq. ft. after the addition is completed.

In 2022, Craft Cannery won \$500,000 at Grow-NY Global Food and Agriculture Business Competition.

The total capital investment is \$1,465,000 and the company plans to create 4 FTE's and Retain 6 FTE's.

LNK Holdings, Inc is first requesting to transfer the existing PILOT with 6 years remaining on the existing 5,000 sq. ft. facility.

In addition, LNK Holdings, Inc. is requesting assistance from the GCEDC with a sales tax exemption estimated at \$36,000, mortgage recording tax \$4,000, and a property tax abatement estimated at \$30,413 over 10 years with New Traditional PILOT format on the expansion only.

A public hearing was held on May 23, 2023. No written or oral comments were received.

3.2a UTEP - See the Statement of Compliance of Project Criteria listed in the Uniform Tax Exemption Policy (UTEP) attached to the minutes for additional Project details and Board approvals. The Board concurred with the UTEP.

3.2b Final Resolution -

Resolution No. 03/2024 - 02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MAY 23, 2023, WITH RESPECT TO THE LNK HOLDINGS, INC. (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 PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A PARTIAL 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.

M. Clattenburg made a motion to accept Final Resolution #3/2024-02, authorizing the incentives as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

3.3 Public Authorities Annual Report – The Annual Report was included with the Board materials as a separate attachment for review. The Annual Report is being brought forward for approval to be submitted into the PARIS reporting system. There are 77 projects in our portfolio that are reporting for 2023. The net change in employment is found by comparing the FTEs before the project with what is reported for the current year. For 2023, there was a net employment change of 1,552 jobs.

M. Clattenburg made a motion to approve the submission of the Annual Report into the PARIS reporting system; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

3.4 Recep March Workforce Madness Month – Included with the Board Meeting materials was an update on Workforce Development initiatives, specifically March Workforce Madness. Over 1,800 students attended three major events that the GCEDC lead, organized, sponsored, or participated. C. Suozzi highlighted the success of the events.

- 1) The Genesee County Youth Conference – Sharing career paths with over 300 7th and 8th graders
- 2) Tech Wars – Turning STEM learning into mechatronics careers for over 900 students.
- 3) GLOW With Your Hands: Healthcare – 600 students discover career paths that serve our community
- 4) STEAM Jam - Students showcased their skills and knowledge in technology and engineering

These events are a strong effort to educate kids about career opportunities that are available to them in their community.

S. Noble Moag was curious to know if the parents are hearing about these opportunities, in addition to the students, because the kids are so young. C. Suozzi stated that we are trying to get more involved with the

parents of our community. Sixty-eight percent of kids in Albany say that they ask their parents for career advice. There is an issue with communication between schools and parents. This is an obstacle which needs to be improved upon, so that parents can be informed more readily.

3.5 GCEDC Annual Meeting – J. Krencik reminded Board members that the annual meeting is April 26th. P. Zelififf clarified that the Board members do not have to pay the fee to register.

4.0 Audit & Finance Committee

4.1 12/31/2023 Audit – K. Manne stated that Jason Waite of Mostert, Manzanero & Scott attended the GCEDC Audit and Finance Committee meeting to review the 2023 audit. No material weaknesses in internal controls were identified during the audit. It is their opinion that the audited financial statements present fairly, in all material respects, the financial position of the GCEDC as of December 31, 2023.

L. Farell stated that when the December 2023 Unaudited Financial Statements were presented, she noted that there would be some adjustments, which included GASB 68 related to NYS retirement, GASB 87 related to leases, additional payables and accrued interest related to the CDs. These adjustments have been made.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the 12/31/2023 Audit as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
K. Manne -	Yes	P. Zelififf -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

4.2 Mowing Bids - The GCEDC asked five companies for bids to mow the properties we acquired at STAMP and the entrance sign to STAMP. The results of the bids are as follows based on 16 mows in the season:

1. Declined to bid – Bubba’s Landscaping.
2. \$6,160 – Craig’s Mowing and Landscaping
3. \$10,400 – S&S Excavating & Blacktop
4. \$11,200 – Fava Brothers Lawn Care
5. \$7,120 – Scalia’s Landscape

Fund Commitment: \$6,160. This expense will exceed the budget. There are properties that will need to be mowed that were not mowed in previous years.

Board Action Request: Approval of mowing contract for STAMP properties to Craig’s Mowing & Landscaping for \$6,160.

The company is in the process of confirming that their insurance will meet the Agency’s requirements.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the mowing contract to Craig's Mowing & Landscaping not to exceed \$6,160 as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

4.3 Brush Hog and Mowing Contract for STAMP- The GCEDC received proposals for brush hogging and mowing an open area at the STAMP site for 2024. This property had been rented out for farming in previous years, however, the farmer did not farm it. This information was not communicated to the Agency. When we tried to rent this area to a different farm in 2023, he could not get his plow through it as it had overgrown so much. Once the brush hogging is complete, the farmer can plow and farm the area to keep it in order.

Following are the bids received:

1. Alleghany Construction - \$12,000
2. Spurline Construction - \$17,000
3. Craig's Mowing and Landscape - \$4,800
4. S&S Excavating & Blacktop - \$4,850
5. Scalia's Landscape - \$4,100
6. Fava Brothers - \$5,800

Fund commitment: \$4,100 from operational funds of STAMP. This expense, while unbudgeted, is anticipated for this year only.

Board action request: Approval of brush hogging and mowing contract for \$4,100 with Scalia's Landscape.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the Brush Hog and Mowing Contract for STAMP with Scalia's Landscape not to exceed \$4,100 as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Mission Statement & Measurement Report – This agenda item was tabled at the March 7th Governance & Nominating Committee meeting. The Committee recommended that the goals should be analyzed and revised to include an inflation factor.

Included with the meeting materials are the proposed goals for 2024 and a spreadsheet that tracks data from 2007 to current for job creation, pledges by year, capital investment by year, and number of projects by year. In the past, the capital investment and job creation goals were based on an average of actual pledged capital investment and job creation. Mega projects are removed from this average. The 8-year rolling average is 66 jobs and \$39.5M capital investment. The 4-year rolling average is 50 jobs and \$51M capital investment.

M. Masse recommends that the Agency set a goal of capital investment commitment of \$48.4M for 2024, which does not include any Mega projects (over \$50M capital investment commitment) and accounts for 3% cost inflation for 2024. M. Masse also recommends the Agency set a job creation goal of 93 jobs from projects in 2024, which doesn't include any mega projects. The other suggested goals are overarching goals that the entire staff can work towards achieving and are still consistent with the Agency's mission.

The Authority's Board must annually review the authority's mission statement and performance goals to ensure that its mission has not changed and that the authority's performance goals continue to support its mission. This report will be posted to the website and submitted to PARIS.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the Mission Statement and Measurement Report as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

6.0 STAMP Committee – P. Zelif

6.1 Access Agreement - Access Agreement Discussion: Phillips Lytle has reviewed for the GCEDC an Access License Agreement to allow Project Emporium/Octon, LLC and their agents to enable their due diligence on GCEDC owned property for their proposed facility until that work is complete or a Purchase and Sale Agreement is executed. 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.

Committee Action Request: Recommend approval of Access License Agreement.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the Access Agreement as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Absent	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Absent		

The item was approved as presented.

7.0 Employment & Compensation – M. Gray

7.1 Nothing at this time.

8.0 Housing Committee – P. Battaglia

8.1 Nothing at this time

9.0 Other Business

9.1 Nothing at this time.

10.0 Adjournment

As there was no further business, K. Manne made a motion to adjourn at 4:36 p.m., which was seconded by M. Gray and passed unanimously.