



**GCEDC Board Meeting**  
**Thursday, March 30, 2023**  
**Location: 99 MedTech Drive, Innovation Room**  
**4:00 PM**

**GCEDC MINUTES**

**Attendance**

Board Members: M. Gray, C. Kemp, M. Clattenburg, C. Yunker, P. Battaglia (Video Conference\*), P. Zeff (Video Conference\*), T. Bender (Video Conference\*)

Staff: M. Masse, S. Hyde, J. Krencik, L. Farrell, P. Kennett, C. Suozzi

Guests: S. Noble-Moag (GGLDC Board Member), T. Felton (GGLDC Board Member), R. Gaenzle (Harris Beach / Video Conference), G. Torrey (GGLDC Board Member), Reagan Kemp

Absent:

\* Attending from physical location identified in meeting notice as open to the public.

**1.0 Call to Order**

M. Gray 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 4:00 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 M. Clattenburg and approved by all members present.

**1.2 Enter Public Session**

M. Clattenburg made a motion to enter back into public session at 4:38 p.m., seconded by C. Kemp and approved by all members present.

**2.0 Chairman's Report & Activities**

**2.1 Upcoming Meetings:**

**Next Scheduled Board Meeting: Thursday, May 4<sup>th</sup> at 4:00 p.m.**

Audit & Finance Committee Meeting: Tuesday, May 2<sup>nd</sup> at 8:30 a.m.

STAMP Committee Meeting: Wednesday, May 3<sup>rd</sup> at 8:00 a.m.

Governance & Nominating Committee Meeting: Thursday, May 4<sup>th</sup> at 3:00 p.m.

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

**2.3 Minutes: March 2, 2023 –**

**C. Yunker made a motion to accept the March 2, 2023 minutes as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference*)	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes (Video Conference*)
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**3.0 Report of Management**

**3.1 Valiant Real Estate/NY Bus Sales – Authorizing Resolution (STE Increase) –** The project costs for Valiant Real Estate USA, Inc. (NY Bus Sales) increased by \$1,500,000. The company asked to increase the sales tax exemption from \$224,800 to \$360,000. The GCEDC fee will increase an additional \$18,750.

**Recommendation:** Staff recommends the Board to approve this request to increase the sales tax exemption amount to \$360,000.

Resolution No. 03/2023 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) AUTHORIZING AN INCREASE IN THE FINANCIAL ASSISTANCE TO BE PROVIDED BY THE AGENCY TO THE COMPANY, AND (iii) IF NECESSARY, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS

**M. Clattenburg made a motion to accept Authorizing Resolution #03/2023-01, authorizing an increase of incentives as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference*)	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes (Video Conference*)
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**3.2 Land Pro – Authorizing Resolution (STE Increase) -** Land Pro project costs have increased by \$1.3 million. The company has asked to increase the sales tax exemption from \$420,000 to \$570,000. The GCEDC fee will increase an additional \$16,250.

**Recommendation:** Staff recommends the Board to approve this request to increase the sales tax exemption amount to \$570,000.

Resolution No. 03/2023 - 02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) AUTHORIZING AN INCREASE IN THE FINANCIAL ASSISTANCE TO BE PROVIDED BY THE AGENCY TO THE COMPANY, AND (iii) IF NECESSARY, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS

**C. Yunker made a motion to accept the Authorizing Resolution #03/2023-02, authorizing an increase of incentives as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference*)	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes (Video Conference*)
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**3.3 Apple Tree Acres / J. Rental – Authorizing Resolution (STE Increase) –** Apple Tree Acres, LLC (JRental) project costs have increased by \$600,000. The company has asked to increase the sales tax exemption from \$109,600 to \$157,600. The GCEDC fee will increase an additional \$7,500.

**Recommendation:** Staff recommends the Board to approve this request to increase the sales tax exemption amount to \$157,600.

Resolution No. 03/2023 - 03

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) AUTHORIZING AN INCREASE IN THE FINANCIAL ASSISTANCE TO BE PROVIDED BY THE AGENCY TO THE COMPANY, AND (iii) IF NECESSARY, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS

**C. Yunker made a motion to accept the Authorizing Resolution #03/2023-03, authorizing an increase of incentives as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference*)	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes (Video Conference*)
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**3.4 GSPP Route 262, LLC – Initial Resolution –** GSPP Route 262, LLC is proposing to construct a community solar farm project on Route 262 in the Town of Byron. 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, Town of Byron, 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.

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.

GSPP Route 262, LLC is requesting assistance from the GCEDC with a sales tax exemption estimated at \$1,056,102, a property tax abatement estimated at \$778,344, and a mortgage tax exemption estimated at \$70,993 for a total of approximately \$1,905,439 in estimated tax incentives.

Resolution No. 03/2023 - 04

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF GSPP ROUTE 262, 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.

**P. Zelif made a motion to accept Initial Resolution #3/2023-04, authorizing the acceptance of the application and scheduling of a public hearing as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference*)	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes (Video Conference*)
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**3.5 Workforce Development Update** – Included with the Board Meeting materials was an update on Workforce Development initiatives. C. Suozzi highlighted the success of the events that have taken place this year and discussed those events that are scheduled for the remainder of the year.

**3.6 Revisions to Applications for Financial Assistance** - The GCEDC had previously determined that any projects that are subject to the provisions of the Local Labor Policy as it relates to incentives, is required to make a deposit to the GCEDC to cover the costs of our monitoring and compliance company. We are presenting a revised page from the Application for Incentives to ensure that applicants are aware of the fee and committing to paying it.

We are also adding a line item for any solar projects that would require payment into the workforce development fund of the GGLDC.

**Fund commitment:** None.

**Board action request:** Approval of Fees Paid by Applicant page in the Application for Financial Assistance.

**M. Clattenburg made a motion to accept the revisions to the Application for Financial Assistance, specifically the Approval of Fees Paid by Applicant page, as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference*)	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeff -	Yes (Video Conference*)
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**3.7 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 submit into the PARIS reporting system. There are 78 projects in our portfolio that are reporting for 2022. The net change in employment is found by comparing the FTEs before the project with what is reported for the year. For 2022, there was a net increase in employment of 1,551 jobs. P. Kennett is actively working to collect sales tax exemption information for some companies. Therefore, there may be changes related to sales tax exemption for some projects.

**P. Battaglia made a motion to approve the submission of the Annual Report in the PARIS reporting system with the expectation of the above-mentioned changes; the motion was seconded by P. Zeff. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference*)	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeff -	Yes (Video Conference*)
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

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

**4.1 12/31/22 Audit** – M. Gray stated that Jason Waite of Mostert, Manzanero & Scott, LLP attended the Audit and Finance Committee Meeting to review the 12/31/22 Audit. The Report to the Board of Directors states that 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, 2022 in accordance with accounting principles generally accepted in the United States of America. There were a couple of adjustments between the unaudited and audited financial statements. For this year's audit GASB 87 Leases was implemented. M. Gray also stated that this was Jason Waite's first year as the engagement partner. Every five years the engagement partner must change.

This item was recommended for approval by the Committee.

**M. Gray made a motion to recommend to approve the 12/31/2022 Audit as presented; the motion was seconded by P. Zelif. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference*)	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes (Video Conference*)
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**4.2 PSA for Apple Tree Acres (Oxbo)** - The GCEDC has a PSA for approximately 50 acres from Oxbo International for AppleTree Acres (30 acres buildable, 20 acres unbuildable). The company is looking to acquire this to construct a manufacturing facility.

**Fund Commitment:** Legal fees to Harris Beach not to exceed \$10,000 for the transaction.

This item was recommended for approval by the Committee.

**M. Gray made a motion to approve the PSA for Apple Tree Acres with Oxbo and payment of legal fees not to exceed \$10,000 in connection with the closing as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference*)	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zelif -	Yes (Video Conference*)
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**4.3 Loewke Brill Contract for Pembroke Project** - 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.

The GCEDC staff requested a quote for the costs related to the Horizon Acres project in Pembroke. A copy of the application for incentives was sent to Loewke Brill for them to calculate the fee. They submitted the following:

\$20,210 - 18 Inspections (\$325 per visit), 18 Monthly Reports (\$690 per month), 1 time set up fee (\$1,250), assume 3 waiver requests (\$230 per waiver)

The time was determined by what the projects listed for the duration of construction in their applications. GCEDC staff has the following recommendation:

**Fund Commitment:** \$20,210 to be paid out of deposit from company. This project will be making a deposit to cover all the costs associated with the local labor inspection process.

This was recommended for approval by the Committee.

**M. Gray made a motion to approve the Loewke Brill Contract for Horizon Acres as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference*)	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes (Video Conference*)
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. Zeliff**

**6.1 Phillips Lytle for Business Park Association Formation** – Phillips Lytle has prepared a proposal to cover the scope of work for the formation of the Business Park Association for STAMP. This amount can be included in with the common area charges that companies at STAMP would pay their portion of based on acreage owned versus total developable acreage at the site.

M. Masse stated that there is language included in the Purchase and Sale Agreements with Plug Power and Edwards Vacuum that states they may be responsible for Common Area Maintenance charges for the Association.

**Fund Commitment:** Not to exceed \$35,000 to be paid out of operational funds.

This was recommended for approval by the Committee.

**C. Yunker made a motion to approve the Phillips Lytle contract for the Business Park Association Formation not to exceed \$35,000 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference*)	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeliff -	Yes (Video Conference*)
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**6.2 Survey for Edwards Genesee Real Estate Transactions** – The GCEDC asked three companies for bids to survey the two parcels that are covered under the PSA and the Ground Lease agreement with Edwards. The Instrument Survey Map shall show acreage inclusive of the rights of way, if any, show all recorded encumbrances, meet all the Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys and be certified as an ALTA/NSPS survey. The Instrument Survey Map shall be certified to meet the standard requirements of the Genesee County Bar Association and, if applicable, meet the filing

standards for subdivision as set forth by the responsible agency of the county in which the Property is located.

The PSA calls for Edwards to reimburse us for the survey up to \$2,500.

The results of the bids are as follows:

1. Bid of \$7,760 – Frandina Engineering and Land Surveying
2. Bid of \$6,500 - Welch & O'Donoghue
3. Townsend & Lamendola declined to bid

**Fund Commitment:** Not to exceed \$6,500 to Welch & O'Donoghue for STAMP survey work from operating funds.

This was recommended for approval by the Committee.

**C. Yunker made a motion to approve the survey work by Welch & O'Donoghue not to exceed \$6,500 as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference*)	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeff -	Yes (Video Conference*)
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**6.3 General Services Agreement with CC Environment & Planning –** As the GCEDC continues to work on permitting the STAMP site there are issues that arise in dealing with the DEC. This contract will allow the GCEDC to utilize CC Environment and Planning's historical knowledge of STAMP as well as their environmental knowledge to move through and respond to any issues/concerns that the DEC may bring up. This will also cover their oversight of the tree planting for north of the substation access road.

**Fund Commitment:** \$30,000 to be covered under the \$8 million.

This was recommended for approval by the Committee.

**C. Yunker made a motion to approve the CC Environment & Planning contract not to exceed \$30,000 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference*)	C. Yunker -	Yes
T. Bender -	Yes (Video Conference*)	P. Zeff -	Yes (Video Conference*)
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**6.4 Access Agreement for Construction Parking Area for Plug Power -** As part of their construction of their hydrogen facility, Plug Power would like to utilize the approximate 6.5 acre parcel directly to the south of their site as a construction parking area. Plug Power will be responsible for all DEC permits (except the Part 182) and compliance.



Plug Power will make a one-time payment to the GCEDC in the amount of \$10,000 for the access agreement.

**Fund Commitment:** None.

This was recommended for approval by the Committee.

**C. Yunker made a motion to approve the access agreement for Plug Power as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

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