



**GCEDC Board Meeting**  
**Thursday, February 6, 2025**  
**Location: 99 MedTech Drive, Innovation Room**  
**4:00 PM**

**GCEDC MINUTES**

**Attendance**

Board Members: C. Yunker, M. Gray, C. Kemp, P. Zeliff, K. Manne  
Staff: M. Masse, L. Farrell, E. Finch, J. Krencik, C. Suozzi, L. Casey, P. Kennett  
Guests: M. Brooks (GGLDC Board Member), D. Cunningham (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), J. Tretter (GGLDC Board Member), R. Gaenzle (Harris Beach), M. Fitzgerald (Phillips Lytle/ Video Conference), S. Ott (Lawley Insurance / Video Conference), C. Farszmill (Lawley Insurance / Video Conference), C. Celis (Lawley Insurance / Video Conference), H. Owens (The Batavian)  
Absent: M. Clattenburg, P. Battaglia

**1.0 Call to Order**

P. Zeliff called the meeting to order at 4:06 p.m. in the Innovation Zone.

**Presentation – Lawley Insurance** – C. Farszmill stated that they will address the open items from the Audit and Finance meeting that was held on Tuesday, 2/4/25.

- 1) For Cyber Insurance, there is an option for a sublimit for Social Engineering coverage. This would include phishing scams, wire fraud, etc., which originally quoted had a \$100,000 limit. The carrier was able to increase the limit to \$250,000 for a small increase to the premium.
- 2) The D&O policy with Nexus included Third Party Employment Practices Coverage, which would include anyone who is *not* an employee of the Agency that makes a claim against the Agency that he/she has been, for example, sexually harassed or discriminated against due to their race/gender/protected class etc. The Agency has only ever had First Party Coverage which covers employees that initiate a claim. C. Farszmill confirmed that there would be a 20% credit on the premium for Employment Practices coverage, not the overall D&O policy. This would be a savings of \$1,260.

S. Ott stated there were some recommendations sent to L. Farrell about increasing coverage for the Crime Policy.

S. Ott, C. Farszmill, and C. Celis left the meeting via video conference at 4:13 p.m.

**1.1 Enter Executive Session**

M. Gray made a motion to enter executive session under the Public Officers Law Article 7, Open Meetings Law Section 105, at 4:13 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 K. Manne and approved by all members present.

**1.2 Enter Public Session**

K. Manne made a motion to enter back into public session at 5:00 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, March 6<sup>th</sup> at 4:00 p.m.**
- Audit & Finance Committee Meeting: Tuesday, March 4<sup>th</sup> at 8:30 a.m.
- STAMP Committee Meeting: Wednesday, March 5<sup>th</sup> at 8:00 a.m.
- Addition: Governance & Nominating Committee Meeting: Thursday, March 6<sup>th</sup> at 3:00 p.m.*

The Committee would also like to schedule an Employment & Compensation Meeting.

H. Owens joined the meeting at 5:01 p.m.

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

**M. Gray made a motion to add agenda item 7.3 Changes to the Administrative Guidelines and Procedures; the motion was seconded by C. Kemp. Roll call resulted as follows:**

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

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

**2.3 Minutes: January 14, 2025 –**

**K. Manne made a motion to accept the January 14, 2025 minutes as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

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

**The item was approved as presented.**

### **3.0 Report of Management**

**3.1 Graham Corporation – Final Resolution** – Graham is constructing a new Radiographic Testing building, which will be an addition to an existing manufacturing building (#9) at their site in the city of Batavia for a total capital investment of \$3,300,000.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$120,000 and a property tax abatement estimated at \$20,934 based on the incremental increase in assessed value via a new traditional 10-year PILOT.

A public hearing was held on January 30, 2024. No written or oral comments were received.

**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. 02/2025 - 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 JANUARY 30, 2025, WITH RESPECT TO THE GRAHAM CORPORATION (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, AND EQUIPPING OF THE PROJECT AND (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

**C. Yunker made a motion to accept Final Resolution #2/2025-01, authorizing the incentives as presented; the motion was seconded by K. Manne. Roll call resulted as follows:**

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

**The item was approved as presented.**

**3.2 202 Oak Street (Super 8 Hotel) – Final Resolution** – 202 Oak St, LCC is renovating the former Super 8 Hotel which has be idle for a few years since the Covid pandemic. The company will be renovating 54 units in the city of Batavia for a total capital investment of \$2,502,036.

This project proposes creating 11.5 new full-time equivalent (FTE) positions.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$104,163, a mortgage tax exemption estimated at \$19,000 and a property tax abatement estimated at \$257,823 based on the incremental increase in assessed value via a new traditional 10-year PILOT.

Once ramped up, the project is projecting to assist over \$40,000 annually in Bed Tax revenue to the county.

A public hearing was held on January 30, 2024. B. Bialkowski expressed the council's enthusiasm about seeing someone take charge of the property, revitalize it, and restore it to its full potential. There were no other comments

**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. 02/2025 - 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 JANUARY 30, 2025, WITH RESPECT TO THE 202 OAK ST 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, 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; (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 AND (vi) AUTHORIZING AN ASSIGNMENT REQUEST RECEIVED FROM THE COMPANY IN CONNECTION WITH THE PROJECT.

**M. Gray made a motion to accept Final Resolution #2/2025-02, authorizing the incentives as presented; the motion was seconded by K. Manne. Roll call resulted as follows:**

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

**The item was approved as presented.**

**3c. Referral Fee: BDC -**

**M. Gray made a motion to approve the Economic Development Partner Fee to the Batavia Development Corp. in the amount of \$7,818.75 for the 202 Oak Street Project / Former Super 8; the motion was seconded by K. Manne. Roll call resulted as follows:**

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

**The item was approved as presented.**

**3.3 Local Labor Request – Atlas Copco / Edwards Vacuum - Local Labor Waiver Request - Atlas Copco.** (Edwards) currently has their facility under construction and is subject to the Local Labor Policy as the total building construction is in excess of \$5 million. In connection with the Local Labor Policy there is a waiver request process that can be made for certain contractors that do not have to be local. The situations that would allow a company to request a waiver are as follows:

"It is understood that at certain times, Workers residing within the Local Labor Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Labor Requirement (the "Local Labor Waiver Request") based on the following circumstances: (i) warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers; (ii) specialized construction for which qualified Local Labor Area Workers are not available; (iii) documented lack of Workers meeting the Local Labor Area requirement; or (iv) cost differentials in bids whereby use of local labor significantly increases the construction cost of the project. Prior to the granting of said waiver, the lowest bidding contractor which bid said construction project using local labor would have the right of first refusal to bid and match the lowest bid as a remedy to ensure compliance with this policy. Comprehensive documentation and justification will be required including documented evidence and verification by GCEDC staff or agents that the "right of first refusal" remedy has been affected unsuccessfully.

The Agency shall evaluate the Local Labor Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request."

Loewke Brill Consulting Group reviewed the request in detail and provided us with a recommendation to approve the waiver request.

**Fund Commitment - None.**

**Board Action Request - Recommendation to approve local labor waiver request related to the installation of the fire protection system.**

**C. Yunker made a motion to approve the Local Labor Request for Atlas Copco / Edwards Vacuum as presented; the motion was seconded by K. Manne. Roll call resulted as follows:**

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

**The item was approved as presented.**

**3.4 Annual Meeting** – J. Krencik stated that the annual meeting will be Friday, April 25<sup>th</sup> at Batavia Downs.

**4.0 Audit & Finance Committee**

**4.1 December 2024 Unaudited Financial Statements** – L. Farrell reviewed the December 2024 unaudited financial statements with the Board. The following was noted:

- Restricted cash related to all STAMP grants decreased. GURFs were submitted to ESD for STAMP expenditures.
- Grants receivable decreased by about \$200,000. GCEDC operating funds were used to make timely payments to vendors until ESD approved the release of funds for those expenditures. We reimbursed ourselves out of the ESD grant funds in December.
- We paid the NYS Retirement invoice in December. Pre-paid expenses increased because the invoice covers 3 months in 2025, through 3/31/25. Accrued expenses decreased for the months that we accrued in 2024 for NYS Retirement.
- On the P&L we recognized grant revenue of \$4.4M. Revenue is recognized as qualifying expenditures are made.
- For expenditures, we are where we would anticipate being at this time of year.
- Anticipated adjustments to the financial statements include additional payables, the GASB 68 audit adjustment related to NYS Retirement and GASB 87 related to leases.

The December Unaudited Financial Statements were recommended for approval by the committee.

**K. Manne made a motion to approve the December Unaudited Financial Statements as presented; the motion was seconded by M. Gray. Roll call resulted as follows:**

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

**The item was approved as presented.**

*The Board voted on agenda items 4.2 and 4.3 collectively. The approval for these items follows agenda item 4.3.*

**4.2 D&O Insurance** – K. Manne stated that this agenda item was tabled at the Audit and Finance Committee meeting. Based on the additional information provided by Lawley at the beginning of the meeting, it is advisable to keep the coverage for Third-Party Employment Practices in the policy. The premium this year is very similar to the premium for last year.

In December, Lawley Insurance received notice that Travelers would be non-renewing the D&O and Employment Practices coverage due to loss history and exposure/nature of operations.

Lawley Insurance has provided us with a proposal from Fireman’s Fund Indemnity Corp. The proposal reflects a price of \$29,177.57 which would be split 50/50 between the GCEDC and

GGLDC. This is an overall price increase of \$1,023.57 (\$511.78/entity) compared to the current policy. The current policy expires on 2/23/2025.

Lawley sent our information to market, but no other quotes were offered. The marketing results are included in the proposal.

The cost of this policy (2/23/25-2/23/26) would be split between GCEDC and GGLDC (\$14,588.79/entity). The annual D&O insurance expense per entity would be \$14,503.46. Each entity included \$14,300 in their 2025 budget for this expense.

**4.3 Cyber Insurance** – Based on the discussion at the Audit and Finance Committee and the additional information provided by Lawley at the beginning of the meeting, it is recommended to increase the crime sublimit from \$100,000 to \$250,000. This will add \$111 to the premium that was included in the original proposal.

Travelers is willing to renew the Cyber insurance coverage.

The proposal reflects a total price of \$7,817 which would be split 50/50 between the GCEDC and GGLDC. This is an overall price increase of \$512 (\$256.00/entity) compared to the current policy. The current policy expires on 2/23/2025.

The cost of this policy (2/23/25-2/23/26) would be split between the GCEDC and GGLDC (\$3,908.50/entity). The annual Cyber insurance expense per entity would be \$3,865.83. Each entity included \$5,000 in their 2025 budget for this expense.

**K. Manne made a motion to approve the D&O Insurance as presented and the Cyber Insurance with an increase in the crime sublimit from \$100K to \$250K; the motion was seconded by C. Yunker. Roll call resulted as follows:**

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

**The item was approved as presented.**

**4.4 Economic Blueprint / Competitiveness Report** – The New York State Economic Development Council, The Business Council of New York State, and the Public Policy Institute of New York State have requested support for an Economic Blueprint/Competitiveness Report.

The project will collect data and input from a variety of plans, stakeholders, and best practices provide to generate policy recommendations that address New York’s competitiveness with the goal of making New York more affordable, reversing outmigration, and supporting economic growth and opportunity.

The committee previously considered a \$5,000 contribution to the project, which would be covered through available funding in the 2025 Marketing Operations budget.

J. Krencik confirmed that the results of this study will be available by the Spring.

**Committee action request:** Recommend approval of not to exceed \$5,000 contribution to the Economic Blueprint/Competitiveness Report.

This item was recommended for approval by the Committee.

**K. Manne made a motion to approve the Economic Blueprint / Competitiveness Report not to exceed \$5,000 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

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

**The item was approved as presented.**

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

**5.1 Nothing at this time.**

## **6.0 STAMP Committee – P. Zelif**

*The Board voted on agenda items 6.1 through 6.3 collectively. The approval for these items follows agenda item 6.3.*

**6.1 Approval of CRA with National Grid - \$205,814 –** Included with the meeting materials is a Cost Reimbursement Agreement (CRA) with National Grid for the construction costs associated with the tap to provide the Edwards project with power until the completion of the substation.

**Fund commitment:** \$205,814 included in the \$56 million or \$8 million.

**Committee action request:** Recommend approval to sign CRA for \$205,814.

**6.2 Approval of CRA with National Grid - \$719,778 –** Included with the meeting materials is a Cost Reimbursement Agreement (CRA) with National Grid for the construction costs associated with adding a second set of davit arms on the pole structures to enable a second circuit to provide power to future tenants at STAMP.

**Fund commitment:** \$719,778 included in the \$56 million.

**Committee action request:** Recommend approval to sign CRA for \$719,778.

**6.3 Approval of CRA with National Grid - \$500,000 –** Included with the meeting materials is a Cost Reimbursement Agreement (CRA) with National Grid for the construction costs associated with the increase in costs for the foundations and poles on the Edwards line that will enable us to carry a second circuit on that line for future tenants at STAMP.

**Fund commitment:** \$500,000 to be paid by the GCEDC and reimbursed through a National Grid Shovel Ready grant.



**Committee action request:** Recommend approval to sign CRA not to exceed \$500,000.

At the STAMP Committee meeting, M. Masse provided additional information related to the funding commitments of these CRAs with National Grid based on a \$1,219,778 project cost (combination of 6.2 and 6.3 CRAs). M. Masse stated that the GCEDC would qualify for a \$500K shovel ready grant with National Grid. GCEDC will fund the \$500K payment to National Grid because it is complicated when state funds are utilized but ultimately returned. The rest of the payments for the CRAs would be covered under the \$56M grant or \$8M grant.

These items were recommended for approval by the Committee.

**C. Yunker made a motion to approve agenda items 6.1 - 6.3 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

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

**The item was approved as presented.**

**6.4 Part 182 Mitigation Invoice – Norm Giess -** The GCEDC hired a local farmer to seed the mitigation area with a winter cover crop and then with a grass mix to create new grassland habitat in accordance with the terms and conditions of the Part 182 permit.

**Fund Commitment:** \$1,260 from the mitigation escrow funds.

**Committee Action request:** Recommend approval of the invoice from Norm Giess for the cover crop and grass mix for the mitigation field.

This item was recommended for approval by the Committee.

**C. Yunker made a motion to recommend to the full Board the approval of the Part 182 Mitigation Invoice from Norm Giess not to exceed \$1,260 as presented; the motion was seconded by K. Manne. Roll call resulted as follows:**

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

**The item was approved as presented.**

## **7.0 Employment & Compensation – M. Gray**

*The Committee voted on agenda items 7.1 and 7.2 collectively. The approval for these items follows agenda item 7.2.*

**7.1 Organizational Chart** – The updated organizational chart was included in the Board Meeting materials.

Some changes are noted as follows:

- The Building Maintenance position now reports to P. Kennett instead of M. Masse.
- J. Krencik joined L. Farrell's team.
- There is a new position included for a second Finance Assistant.
- There are title changes for M. Masse, C. Suozzi and L. Farrell.

**7.2 Standard Workday Resolution** – Entities that are members of the New York State and Local Retirement System are required to establish a standard workday, which is used to determine service credit. Titles and positions have changed since the last time this was approved, so we are bringing forward an updated Standard Workday Resolution for Employees. This form is not submitted but must be kept on file and made available to the Retirement System upon request.

GCEDC's standard workday is listed as 7 hours in the Personnel Administrative Guidelines.

**M. Gray made a motion to approve the Organizational Chart and Standard Workday Resolution as presented; the motion was seconded by K. Manne. Roll call resulted as follows:**

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

**The item was approved as presented.**

**7.3 Changes to the Administrative Guidelines and Procedures** – M. Gray stated that the Administrative Guidelines and Procedures have been updated per the following:

Section 1A:

Part-Time Employees defined as those employees who are hired to work on a regular basis for less than 30 hours a week. (Previously 35 hours per week.)

Section 4A (related to health, dental and vision benefits):

The Center currently pays 100% of the subscriber-only premium for permanent full-time employees or 80% of the premium costs for higher levels of coverage. (Previously 100% of the subscriber-only premium only.)

**M. Gray made a motion to approve the Changes to the Administrative Guidelines and Procedures as presented; the motion was seconded by P. Zelif. Roll call resulted as follows:**

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

P. Battaglia - Absent

The item was approved as presented.

**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 5:19 p.m., which was seconded by M. Gray and passed unanimously.