



**GCEDC Board Meeting
Thursday, September 3, 2020
Location: Electronically
4:00 PM**

GCEDC MINUTES

Attendance

Board Members: P. Battaglia, C. Yunker, A. Vanderhoof, T. Bender, P. Zeliff, M. Gray, A. Young
Staff: L. Farrell, M. Masse, L. Casey, P. Kennett, J. Krencik, S. Hyde, C. Suozzi
Guests: D. Cunningham (GGLDC Board Member), S. Noble-Moag
(GGLDC Board Member), M. Wiater (GGLDC Board Member), T. Felton
(GGLDC Board Member), G. Torrey (GGLDC Board Member), R. Gaenzle
(Harris Beach), A. Maguire (Batavia Development Corp), Dr. Kumar Neppalli (99
Main St.)
Absent:

1.0 Call to Order

P. Zeliff called the meeting to order at 4:00 p.m. via conference call / video conference.

Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo’s Executive Order 202.1 issued on March 12, 2020 suspending the Open Meetings Law, this Meeting is being held electronically via conference call / video conference instead of a public meeting open for the public to attend in person.

Presentation -

99 Main Street - Dr. Kumar Neppalli outlined the project at 99 Main Street located in downtown Batavia. The renovation will include improvements to the storefront, façade work and reconstruction of each floor: The 1st floor – Dentist Office; 2nd Floor – Professional Office Space; 3rd floor – (2) Two-bedroom market rate apartments.

A. Maguire (Batavia Development Corp) and Dr. Kumar Neppalli (99 Main St.) left the meeting.

1.1 Enter Executive Session

A. Young made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:10 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. Gray and approved by all members present.

1.2 Enter Public Session

C. Yunker made a motion to enter back into public session at 4:44 p.m., seconded by M. Gray and approved by all members present.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, October 1st at 4:00 p.m.

Audit & Finance Committee Meeting: Tuesday, September 29th at 8:30 a.m.

STAMP Committee Meeting: Tuesday, September 29th at 10:30 a.m.

2.2 Agenda Additions / Deletions / Other Business-

M. Gray made a motion to add Agenda item 4.4: Conflict Waiver Request for Apple Tree Acres Stormwater Pond; the motion was seconded by A. Young. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was added to the agenda.

2.3 Minutes: August 6, 2020

C. Yunker made a motion to approve the August 6, 2020 minutes as presented; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

3.0 Report of Management

3.1 99 Main St / Neppali Holdings LLC – Final Resolution – The project located at 99 Main Street in downtown Batavia is a 3-story building 7,500 sq. ft. built in 1865. Improvements will include a new storefront, façade work and reconstruction of each floor: 1st floor – Dentist Office 2nd Floor – Professional Office Space 3rd floor – (2) Two-bedroom market rate apartments. The \$1.165 million project will retain 3.5 FTE's. The project was awarded \$137,600 from the Business Improvement Fund (BIF). The BIF was part of the \$10 million Downtown Revitalization Initiative (DRI) award. Also, two recent studies – the Genesee County Housing Needs Assessment (LaBella Associates) 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 the next 20 years across multiple sectors, including rental units and single-family homes. The GCEDC is assisting

the project with Sales tax exemption (\$56,000), Mortgage Tax Exemption (\$7,500). The project will use the city of Batavia's approved property tax program: Real Property 485-A.

No public hearing was held as incentives are under \$100,000.

See the Statement of Compliance of Project Criteria Listed in the Uniform Tax Exemption Policy (UTEP), attached to the minutes for additional Project details.

Resolution No. 09/2020 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION WITH RESPECT TO A CERTAIN PROJECT; (ii) APPOINTING NEPPALLI HOLDINGS LLC AS AGENT OF THE AGENCY TO UNDERTAKE THE PROJECT; (iii) MAKING A DETERMINATION UNDER ARTICLE 8 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH THE PROJECT; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY WITH RESPECT TO THE PROJECT IN THE FORM OF (a) A SALES AND USE TAX EXEMPTION AND (b) A MORTGAGE RECORDING TAX EXEMPTION; (v) AUTHORIZING THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT AND LEASEBACK AGREEMENT WITH RESPECT TO THE PROJECT, AND (vi) AUTHORIZING THE EXECUTION AND DELIVERY OF A MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

P. Battaglia made a motion to accept Final resolution #09/2020-01; authorizing incentives as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

3.2 Economic Development Partner Fee (99 Main Street) -

M. Gray made a motion to approve the Economic Development Partner Fee to the Batavia Development Corp. in the amount of \$2,912.50 for the 99 Main Street Project / Neppalli Holdings LLC; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

4.0 Audit & Finance Committee

4.1 July 2020 Financial Statements- L. Farrell noted the following:

- On the balance sheet, unrestricted cash increased by \$279,000, which is about the same amount as accounts receivable non-current decreased. We received the second to last payment from HP Hood of their termed-out project origination fee. There is one more payment to collect in 2021.
- Grants receivable decreased. We collected \$15,000 from National Grid, which was applied towards the RIG Study contract. This accounted for 50% of that contract.
- On the P & L, there is normal monthly activity.
- Two GURFS were submitted, which accounted for about \$280,000 of ESD funds spent in July.

This was recommended for approval by the Committee.

P. Battaglia made a motion to approve the July 2020 Financial Statements 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
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

4.2 2021 GCEDC Budget - L. Farrell stated that the Board packet included a PowerPoint presentation that summarizes the assumptions that were made in the 2021 Budget. She also noted that the County funding request will remain at the same level.

The Audit & Finance Committee completed a detailed review of budget assumptions and 2020 projections.

This was recommended for approval by the Committee.

M. Gray made a motion to approve the 2021 GCEDC Budget; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

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

The item was approved as presented.

4.3 Apple Tree Acres Stormwater Pond – A company at the Apple Tree Acres Corporate Business Park (ATA) is considering expanding their parking lot which would require the filling in of an existing stormwater retention pond. They have requested that a pond be constructed on property owned by the GCEDC. This pond would be constructed to handle the flow of stormwater from within the ATA as well as any potential development on the parcel owned by the GCEDC. The concept plan for the pond will leave enough acreage for a small retail operation to be able to build on that site. The construction items involved with the pond have been split between the GCEDC and the company to have an equitable share of the costs of the project in proportion to the amount of water that each party would discharge into the pond.

Any construction contracts would be bid out and brought forward to the Board at a later date.

This was recommended for approval by the Committee.

M. Gray made a motion to approve the execution of the Memorandum of Understanding and the Indemnity Agreement for the stormwater pond at Apple Tree Acres; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Abstain
T. Bender -	Yes	P. Zelif -	Yes
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

C. Yunker abstained as he is a Board member of Liberty Pumps.

4.4 Conflict Waiver Request for Apple Tree Acres Stormwater Pond – M. Gray stated that once negotiations were completed, and the agreement was drafted between Liberty Pumps and the GCEDC it was sent to legal counsel for review. At that time, legal counsel stated that they do work for Liberty Pumps as well. Legal counsel has requested a conflict waiver approval to review the agreement.

This was recommended for approval by the Committee.

M. Gray made a motion to approve the conflict waiver request for Apple Tree Acres stormwater pond; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Abstain
T. Bender -	Yes	P. Zelif -	Yes
A. Young -	Yes	M. Gray -	Yes
A. Vanderhoof -	Yes		

The item was approved as presented.

C. Yunker abstained as he is a Board member of Liberty Pumps.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Nothing at this time.

6.0 STAMP Committee – P. Zelif

6.1 Nothing at this time.

7.0 Employment & Compensation – T. Bender

7.1 Nothing at this time.

8.0 Other Business

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 4:59 p.m., which was seconded by M. Gray and passed unanimously.