



**GCEDC Board Meeting
Thursday, May 2, 2024
Location: 99 MedTech Drive, Innovation Room
4:00 PM**

GCEDC MINUTES

Attendance

Board Members: K. Manne, M. Clattenburg, P. Zelif, C. Yunker, C. Kemp
Staff: M. Masse, L. Farrell, J. Krencik, C. Suozzi, P. Kennett, L. Casey
Guests: M. Brooks (GGLDC Board Member), D. Cunningham (GGLDC Board Member),
S. Noble-Moag (GGLDC Board Member), J. Tretter (GGLDC Board Member), G.
Torrey (GGLDC Board Member), A. Walters (Phillips Lytle), R. Gaenzle (Harris
Beach), Paul Gister (National Grid), Ken Kujawa (National Grid), Dave Mertola
(National Grid)
Absent: P. Battaglia, M. Gray

1.0 Call to Order

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

Presentation – National Grid – K. Kujawa, the WNY Regional Director for National Grid provided an update on the Upstate Initiative. This is National Grids' plan to make significant investments (\$4B) in transmission infrastructure across upstate NY. This will be the largest investment that National Grid has made in its transmission system since it was built close to 100 years ago. By putting in robust and modern infrastructure it will improve reliability and add capacity to support economic growth. It will help the state advance their aggressive clean energy goals and give National Grid the ability to support solar projects, wind projects, etc. National Grid plans to rebuild over 1,000 miles of transmission circuits, which will include rebuilding 45 substations and implementing new technology which will help improve reliability for customers. The Lockport Station rebuild will affect Batavia lines 107, 108, 112. 112 is the line that runs directly through the STAMP site. This project is scheduled to start in 2026.

National Grid representatives left the meeting at 4:17 p.m.

R. Gaenzle entered the meeting at 4:18 p.m.

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 4:18 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.

All GCEDC staff members and A. Walters (Phillips Lytle) left the meeting at 4:45 p.m.

1.2 Enter Public Session

M. Clattenburg made a motion to enter back into public session at 4:58 p.m., seconded by C. Yunker and approved by all members present.

All GCEDC staff returned to the meeting at 4:58 p.m.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, June 6th at 4:00 p.m.

Audit & Finance Committee Meeting: Tuesday, June 4th at 8:30 a.m.

STAMP Committee Meeting: Wednesday, June 5th at 8:00 a.m.

Governance and Nominating Committee Meeting: Thursday, June 6th at 3:00 p.m.

2.2 Agenda Additions / Deletions / Other Business –

M. Clattenburg made a motion to add agenda item 7.1 Employment Contracts for Key Persons; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was added to the agenda as 7.1.

M. Clattenburg made a motion to add agenda item 3.2 Loewke Brill Local Labor Contract; the motion was seconded by K. Manne. Roll call resulted as follows:

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

The item was added to the agenda as 3.2.

2.3 Minutes: March 28, 2024 –

K. Manne made a motion to accept the March 28, 2024 minutes as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

C. Kemp - Yes

The item was approved as presented.

3.0 Report of Management

3.1 Countryside Apartments – Supplemental Authorizing Resolution – Countryside Apartments, LLC is proposing to develop four 24-unit market-rate apartment buildings in the town of Pembroke.

The \$15.65 million project would be built in phases, with one 24-unit building per phase, for a total of 96 units. Each building will have eight 1-bedroom and 16 2-bedroom units. Each building will be 21,096 sq. ft. for a total of 84,384 sq. ft. The project anticipates creating two part-time positions (1 FTE).

On October 26, 2023, the Board authorized incentives for Countryside Apartments, LLC. The GCEDC authorized incentives including a sales tax exemption estimated at \$739,200, a property tax abatement estimated at \$2,020,688 based on the incremental increase in assessed value via a fixed 60% 20-year PILOT (Housing PILOT for 20+ market-rate units), and a mortgage tax exemption estimated at \$130,000.

The Company has requested that the Agency amend schedule A to the tax agreement (below) and given the multi-phased structure of the Master Project, that the abatement schedule apply to all project phases.

Year of Exemption	% of Paid Taxes	Year of Exemption	% of Paid Taxes
1	10%	11	50%
2	10%	12	50%
3	10%	13	50%
4	10%	14	50%
5	15%	15	50%
6	15%	16	81%
7	15%	17	81%
8	20%	18	81%
9	20%	19	81%
10	20%	20	81%
		Total	60%

Resolution No. 05/2024 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) AUTHORIZING THE AMENDMENT TO THE TAX AGREEMENT AND (ii) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF SUCH OTHER DOCUMENTS AS IS NECESSARY TO UNDERTAKE THE AMENDMENT.

M. Clattenburg made a motion to accept Supplemental Authorizing Resolution #05/2024-01, authorizing the amendment to the PILOT schedule 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 -	Absent
C. Kemp -	Yes		

The item was approved as presented.

3.2 Loewke Brill Local Labor Contract – Loewke Brill Consulting Group, Inc. has been the GCEDC’s consultant who assists with the monitoring and reporting of company’s compliance with the local labor policy. The Board has determined that companies need to provide the GCEDC with a deposit that will cover the costs of these services. Any amount not utilized will be returned to the company. The following fee is based on the company’s project description and timeline as provided in the application for incentives.

Project: Med Tech Landing, LLC

Fund Commitment: \$21,960

Action Request: Recommend Board approval of the contract with Loewke Brill contingent upon receipt of the deposit from the project.

M. Clattenburg made a motion to accept the Loewke Brill Local Labor Contract as presented; the motion was seconded by K. Manne. Roll call resulted as follows:

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

The item was approved as presented.

4.0 Audit & Finance Committee

4.1 1st Quarter Financial Statements – L. Farrell reviewed the significant items of the first quarter financial statements for 2024.

- On the balance sheet, reserved cash increased. Matching funds of \$5.27M are required for the FAST NY Grant award. It is reserved on the balance sheet to show that it is not unrestricted and it is committed.
- There are prepaid expenses of approximately \$83,000, which is attributable to expenses that are paid upfront (i.e. General Liability Insurance & Umbrella coverage).
- On the income statement, there are origination fees of \$146K from closing on the Oak Orchard Solar project.

- The Empire PIF grant of \$448K was received and recorded as grant revenue. It was paid to the County as a debt service payment on the \$4M loan.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the 1st Quarter Financial Statements 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 -	Absent
C. Kemp -	Yes		

The item was approved as presented.

4.2 GAIN Loan Fund Application - LNK Holdings, Inc. (dba Craft Cannery) has applied for a \$100,000 loan from the GCEDC's GAIN Loan fund. The project description and outline of the proposed use of funds was included in the meeting materials.

Fund Commitment: \$100,000 from GCEDC GAIN Loan Fund.

Committee Action Request: Recommend approval of \$100,000 loan to LNK Holdings, Inc. (dba Craft Cannery) at an interest rate of 1% per the program guidelines (Board materials incorrectly reflected 2%). This loan will also require personal and corporate guarantees as well as a first position in the equipment.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the loan to LNK Holdings, Inc. in the amount of \$100,000 from the GAIN Loan Fund 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 -	Absent
C. Kemp -	Yes		

The item was approved as presented.

4.3 New York Loves Nano Semicon West Sponsorship - With the support of National Grid, the GCEDC is joining our partners in the New York Loves Nano delegation at the 2024 Semicon West semiconductor industry conference in San Francisco July 9-11.

The GCEDC has participated in this conference annually, enabling our sales and marketing team to advance business leads including Edwards in past years. Additionally, Vice President of Business & Workforce Development Chris Suozzi will be a featured speaker at this year's event.

The GCEDC previously sponsored the delegation's conference floor booth and reception in 2022 and 2023 in partnership with Greater Rochester Enterprise and Invest Buffalo Niagara. This enabled the GCEDC to receive the benefits of a Gold Sponsorship (\$10,000) at the cost of a Silver Sponsorship

(\$5,000). These include prominent booth imagery space, conference registration, and sponsorship of both a conference booth and the New York Loves Nano reception.

The New York Loves Nano delegation is coordinated by the New York State Economic Development Council.

This expenditure was anticipated in the 2024 Marketing budget and covered with our National Grid Grant. This expenditure is at the same level as in 2022 and 2023.

At the Committee meeting, P. Zelif asked if Invest Buffalo Niagara and Greater Rochester Enterprise contribute at the same level as the GCEDC. J. Krencik stated that they each pay \$2,500, which totals the contribution amount for the GCEDC, of which 50% of the expense paid by the GCEDC is reimbursed by the National Grid grant.

The Committee requested that, going forward, GCEDC, Greater Rochester Enterprise and Invest Buffalo Niagara contribute at the same level.

Board Action Request: Approval of \$5,000 paid to the New York State Economic Development Council for the New York Loves Nano Semicon West Sponsorship.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the New York Loves Nano Semicon West Sponsorship not to exceed \$5,000 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 -	Absent
C. Kemp -	Yes		

The item was approved as presented.

4.4 Mowing Contract for GCEDC Properties - At the last Board Meeting, the Board awarded a mowing contract for the GCEDC properties at STAMP and the entrance sign to STAMP to Craig's Mowing & Landscape. The contractor does not have the proper insurance requirements and the cost for the additional insurance was too significant to acquire. Staff requested that the Board rescind the previous award and approve the contract with the second lowest bidder that meets the insurance requirements.

The Audit and Finance Committee members asked if there is a way to make the insurance requirements different depending on the contract. L. Farrell clarified that the insurance requirements are set by us not the insurance company.

The Committee recommended an exception to policy for this contract only. The policy will be reviewed at a future date.

K. Manne made a motion to authorize an exception to the policy to reduce the insurance requirement for this mowing contract with Craig's Mowing & Landscaping only; 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 -	Absent
C. Kemp -	Yes		

The item was approved as presented.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Officer Appointments – The current slate of officers is set to expire on June 30th. Below is listed the current slate of officers:

Chair -	P. Zelif
Vice-Chair -	M. Gray
Secretary -	P. Kennett
Treasurer -	L. Farrell
President/CEO -	S. Hyde

The Governance and Nominating Committee meeting recommends that M. Masse replace S. Hyde as President/CEO as S. Hyde is retiring. M. Masse’s appointment will be effective as of August 1, 2024.

C. Yunker made a motion to approve the Officer Appointments with the above-mentioned change; the motion was seconded by K. Manne. Roll call resulted as follows:

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

The item was approved as presented.

5.2 Authorized to Request Information Regarding Bank Accounts – L. Farrell and P. Kennett need to be authorized to request information regarding the bank accounts and to transfer funds between accounts for the GCEDC.

This was recommended for approval by the committee.

C. Yunker made a motion to authorize L. Farrell and P. Kennett to request information regarding bank accounts and transfer funds between accounts 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 -	Absent
C. Kemp -	Yes		

The item was approved as presented.

5.3 Authorized Signers of Agreements, Contracts, etc. – Currently the authorized signers of agreements, contracts, etc. are the Chair (per Bylaws), Vice Chair (per Bylaws), S. Hyde (per Bylaws) M. Masse and C. Suozzi.

The Governance and Nominating Committee meeting recommends S. Hyde is removed as an authorized signer of agreements, contracts, etc.

C. Yunker made a motion to approve the Authorized Signers of Agreements, Contracts, etc. with the above-mentioned change; the motion was seconded by K. Manne. Roll call resulted as follows:

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

The item was approved as presented.

5.4 Authorized Bank Signers – Audit & Finance Committee members are authorized bank signers, along with S. Hyde and M. Masse. All GCEDC checks must be signed by two authorized signers. All checks must be signed by at least one board member.

Line of credit withdrawals must be signed by two authorized signers. All lines of credit withdrawals must be signed by at least one board member.

The Governance and Nominating Committee recommends S. Hyde to be removed as an authorized bank signer.

C. Yunker made a motion to approve the Authorized Bank Signers with the above mentioned change; the motion was seconded by K. Manne. Roll call resulted as follows:

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

The item was approved as presented.

6.0 STAMP Committee – P. Zelif

6.1 SEQR Lead Agency Resolution - SEQR Lead Agency Resolution – Included in the meeting materials is the SEQR Lead Agency Resolution. The GCEDC must send letters indicating intent to maintain lead agency status regarding Project Emporium to all interested and involved parties. This starts the 30-day time in which interested and involved agencies have an opportunity to respond. As lead agency the GCEDC is required to evaluate whether there are any potential adverse environmental impacts that could occur because of Project Emporium and the additional and/or modified infrastructure that have not been previously evaluated in the STAMP environmental record.

Resolution No. 05-2024-02

RESOLUTION DECLARING THE INTENT OF THE GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER TO ACT AS LEAD AGENCY PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

This was recommended for approval by the Committee.

P. Zeliff made a motion to approve the SEQR Lead Agency Resolution as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was approved as presented.

6.2 MOU with the Village of Oakfield- The GCEDC, STAMP Sewer Works Corp. and the Village of Oakfield are willing to work together on the possible design, construction, and operation of a new force main sewer line from the STAMP Site to the Village of Oakfield Wastewater Treatment Facility (“Oakfield WWTF”) to provide wastewater treatment services to STAMP.

Fund Commitment: None at this time. Any costs will be brought forward prior to approval for payment.

Committee Action request: Recommend approval of executing the MOU with Village of Oakfield.

This was recommended for approval by the Committee.

P. Zeliff made a motion to approve the MOU with the Village of Oakfield as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

6.3 LOR Termination Resolution - The GCEDC has a Letter of Resolution in place for projects looking to locate at the STAMP site. This agreement was signed by SHPO and NYSDEC. GCEDC finds that, despite good-faith efforts to resolve the dispute, NYSDEC has been unable to resolve the dispute as required by Section 4(a) of the LOR.

The DEC has requested that the GCEDC table this agenda item until the next Board meeting to give them an opportunity to work through a series of scheduled meetings.

Fund Commitment: None.

The Committee recommended tabling this issue until the next Board meeting.

P. Zeliff made a motion to table the LOR Termination Resolution until the next Board Meeting; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

C. Yunker - Yes
P. Zelif - Yes
M. Gray - Absent

The agenda item was tabled.

6.4 ESD GDA FAST NY Approval- The GCEDC has received the draft GDA that spells out the terms and conditions for the disbursement of the \$56 million FAST NY award for site infrastructure at STAMP. These terms and conditions are consistent with previous GDA's and discussions with NYS ESD.

There is a \$560,000 commitment fee that ESD is unwilling to remove. This fee will be paid out of the operating funds when the agreement is executed. ESD will also need to be reimbursed for out-of-pocket expenses.

Staff is seeking authorization to execute the agreement once it is finalized as nothing should change. However, if it does, it will be brought back to the committee for review and approval.

Committee Action Request: Recommend to full Board authorization to sign the final GDA upon receipt.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve 1) the authorization to execute the final GDA with ESD for the \$56M FAST NY grant 2) the authorization to pay the \$560,000 commitment fee from operating funds and 3) reimburse ESD for out of pocket-expenses; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

C. Yunker - Yes
P. Zelif - Yes
M. Gray - Absent

The item was approved as presented.

6.5 National Grid Engineering Fee - National Grid is working on the 115 kV feeder from the substation to serve the Edwards project. We have had discussions that to help eliminate multiple transmission lines that the Edwards feeder be installed as a double circuit feeder line from the substation to Crosby Road. There would be a “dead circuit” installed to balance the line as well as potentially hook into the substation for a future tenant that might need the 30-acre parcel to the north of the Edwards parcel. To provide this service, National Grid is requesting \$25,000 to cover the design fee to change the poles from single circuit to double circuit.

Fund commitment: \$25,000 covered under the existing \$33 million NYSESD grant.

Committee action request: Recommend approval to the full Board to pay \$25,000 for the design fee.

P. Zelif made a motion to approve the National Grid Engineering Fee not to exceed \$25,000 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 -	Absent
C. Kemp -	Yes		

The item was approved as presented.

7.0 Employment & Compensation – M. Gray

7.1 Employment Contracts for Key Persons – P. Zelif stated this agenda item was added for three key employees. This was discussed during the executive session and is recommended for approval by the Employment and Compensation Committee.

C. Yunker made a motion to approve the Employment Contracts for Key Persons as presented; the motion was seconded by **C. Kemp**. Roll call resulted as follows:

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

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 5:18 p.m., which was seconded by K. Manne and passed unanimously.